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AUGUST 22, 2006

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Ethics gurus more in demand than ever

By MATT KEMPNER
The Atlanta Journal-Constitution
Published on: 08/13/06

It's still a hot time to be a business ethics expert. No lie.

Nearly five years since the collapse of Enron and a surge of other corporate scandals, professional and academic ethicists continue to find themselves in demand.

Universities have ramped up programs. Students are showing more interest, professors say. Top leaders at corporations are calling for advice. Ethicists say their days of feeling like window dressing have passed, even if they continue to face questions about whether they can really train people to be ethical.

Full-time ethics consultants and trainers also are seeing more gravy these days, giving their cottage industry its headiest days yet, by some accounts.

Will it last? It will for the time being, say some of the 200 academics and others in Atlanta for the Society for Business Ethics' annual conference, which ends today.

Joe DesJardins, the society's executive director and a philosophy professor at the College of Saint Benedict in Minnesota, goes so far as to call the field "popular."

One sign: Conference organizers held their first-ever workshop for members on how to deal with the press. Other sessions included "Markets and Business Ethics," "The Corporation and Moral Agency" and one titled simply "Wal-Mart."

DesJardins has taught business ethics for more than a quarter-century. He says times have changed for the field's veterans, many of whom have philosophy backgrounds.

"We were the fringe players. It's fair to say the philosophers didn't trust us, [as if] those of us who did business ethics had gone over to the dark side." And other business faculty members often thought business ethics professors were "doing something soft and irrelevant to the real world," he said.

Many business schools have presented ethics courses for years. But the breadth of the offerings —and the push to include discussions of ethics in nearly every course — is new, DesJardins said. Revised accreditation standards require more ethics training at schools.

About 60 of the books were displayed on tables at the society's conference. Titles veered from "Corporate Crooks" to "Above the Bottom Line" and "Cyber Ethics."

String of scandals

Behind much of the latest push is continuing angst over a run of corporate controversies, fraud investigations and allegations of other wrongdoing. There was WorldCom, Tyco, Adelphia, HealthSouth, Rite Aid and others. But the most dramatic was the collapse of highflying Enron and the conspiracy and fraud convictions of former bosses Kenneth Lay and Jeffrey Skilling. The company imploded, taking with it the giant accounting firm of Arthur Andersen and the jobs and pension values of thousands of workers.

"Enron made business see how damaging a failure to pay attention to ethics can be," said Laura Hartman, a professor of business ethics at DePaul University in Chicago.

Before the latest wave of trouble, "big business did not pay a whole lot of attention to ethics in general, with a few notable exceptions," she said. Now, when companies want to hire her as an ethics consultant, Hartman said, "I get the call from a member of the board rather than the secretary of the assistant deputy HR person."

Companies have added ethics or compliance officers responsible for creating ethical guidelines and making sure the guidelines become part of the corporate culture.

New requirements

Business has been encouraged to act. In 1991, the U.S. Sentencing Commission determined that corporate leaders could be charged if underlings commit workplace crimes, but that companies could reduce potential fines and sentences if they had viable ethics programs. In addition to those guidelines, which have been upgraded recently, the Sarbanes-Oxley Act introduced new corporate disclosure requirements.

Membership in the Ethics & Compliance Officer Association has more than doubled since 2002, to more than 1,250 individuals, said Keith Darcy, executive director of the Waltham, Mass.-based organization.

The new positions are supposed to be more than public relations. Typically, chief ethics officers report to the chief executives, chief operating officers or general counsels. Pay for top ethics officials at the biggest companies averages nearly $750,000, Darcy said.

Business is booming, too, for firms that help train and consult on ethics issues. Annual revenue for LRN, a Los Angeles-based ethics services firm, has tripled since 2001, according to the company.

LRN, which was founded in 1994, reports that clients have completed more than 12 million of its business ethics courses, about 7 million of them just since June 2004.

A big company can spend hundreds of thousands or even millions of dollars annually with LRN, Seidman said. "They are not doing the minimal. They want to out-behave the competition," he said.

'Surveillance society'

Business ethics have been in the spotlight at times in the past, Darcy said.

U.S. business practices in the 1970s led to passage of the Foreign Corrupt Practices Act. In the 1980s, there were firestorms over insider trading scandals and defense contractor corruption. Attention to ethics wandered, however, some ethicists say.

That's less likely to occur now, though, Darcy and others say.

The stock market boom in the 1990s and the growth in public ownership of stocks made the fallout from recent scandals more broadly painful, he said. In addition, it's harder to hide ethical lapses because the media are watching more closely and prosecutors are more willing to investigate white-collar crimes, he said.

The rise of blogs and other outlets means "we are in a surveillance society," said Dov Seidman, chairman of ethics consultant LRN. In contrast, he said, "years ago we were a 'just-do-it' society. Bosses would tell employees 'Just do it. Just get it done.' "

Now, he said, companies have to be aware that what they do will face the light of day.

Effectiveness questioned

But even ethicists have questions about the limits of ethics classes for MBAs and workers.

"I don't think a business ethics course for three credits would have turned Jeff Skilling into an altar boy," said DesJardins. "I don't think an ethics class is going to change any single individual into a different person."

But if ethics are part of the corporate culture and if people are trained and expected to ask ethical questions, they may end up making different decisions, he said. "If Jeff Skilling had gone and worked for a different company, he wouldn't have ended up where he ended up."

Ethicists say that's the kind of change they'd like to see.

But Ian Maitland, a management professor who teaches business ethics at the University of Minnesota, says if frauds continue, he figures his salary will rise. "I am an indirect

beneficiary of all these scandals."

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Times-Mail

Print Page

Tuesday, August 22, 2006 Last modified: *Sunday, August 20, 2006 7:42 AM CDT*

Late-surfacing Canham paper blisters presidents, NCAA

By Bob Hammel, Hoosier Times columnist, hammel@heraldt.com

The New York Times' obituary on Jack Dempsey was written in advance, to be run when appropriate. Its author, Red Smith, died a year before Dempsey, but on Dempsey's death, Smith's piece ran, and a Times editor told the sports staff: "Red writes better dead than you guys do alive."

Something similar might some day be said of the NCAA and Don Canham, the long-time Michigan athletic director. A year after his death, a seven-page report Canham put together has surfaced. Titled "The NCAA on the Brink," it refers to the new NCAA, the Myles Brand NCAA, and not approvingly.

Probably Canham wasn't one of the people cheering when the NCAA's university presidents decided the "good ol' boys" had let operating standards slip below a tolerable level and took active charge of national intercollegiate athletics in 1990.

Since then, Canham said in his warm-up paragraphs, "there have been more serious problems and ridiculous decisions made than at any time in NCAA history. It is time to get them back on the hill and let the faculty and athletic directors manage the problems as they did from the 1920s to the 1990s."

Canham argued for:

* Restoring freshman ineligibility: "It is universally acknowledged by coaches, athletic directors and faculty that freshman eligibility has caused many of college athletics' problems. Phony transcripts, doctored grades and violations to use freshmen at some institutions, if only for a year, have cast a shadow over football and basketball. Testifying before the Knight Commission, former coaches Dean Smith and Terry Holland expressed the sentiment of the majority of coaches that freshmen should not be eligible. ŠThat has been on the presidents' agenda for 15 years."

* Restoring faculty representatives' control: "Since (the NCAA's founding) there have been 22 faculty representatives as president. Since 1990, none. Š The NCAA and other collegiate associations were built by faculty committees and qualified athletic directors. Š Presidents during that time were happy to delegate and not have to deal with losing coaches and ambitious alumni who pressured for championship teams."

And against:

* Piratical conference realignments: "Presidents fighting over football bowl money, expanding conferences, and holding press conferences to introduce 'their' coach is not the way solid university presidents Š behave."

* Runaway spending: "Without faculty control, the presidents are running up to $70 million budget programs (Michigan, Ohio State, Stanford, Texas, etc.) with no oversight. What $70-million business could conduct business without a board of control. Due to unbridled expansion, many have astronomical athletic debt ($250 million at Ohio State)."

* Unlimited TV: "NCAA schools have begun to telecast Friday night games, with the NCAA's approval - an awful precedent that no doubt will see some new pro league or the NFL move in on the colleges' Saturday domain, or even come up with Friday night 'games of the week.' The presidents have no clue about past precedent, tradition and history.

"Few faculties raised the issue when the presidents ousted them from control 15 years ago," he noted, then cited an article in the NCAA News in March 2004 by George Naples, president of the Faculty Athletic Representatives Association. Naples, from Marquette, said, "Presidents have clearly failed to restrain the excesses that have embarrassed intercollegiate athletics for far too long." Canham wrote, "he was referring to the lack of action taken by presidents on Š weekday football games, competition during exam time, disregard for the 20-hour rule on practice times, plus improper support practices. Š

"During 20 years of presidential control, sports spending has skyrocketed, not only in coaches' salaries but also in brick and mortar. $1 million salaries for football and basketball coaches has become the norm. Two presidents approved $2 million salaries for Bob Stoops (Oklahoma) Š and Nick Saban (at LSU). Obviously, there is no faculty control remaining."

And: Mr. Brand . . .

Brand was a direct target a couple of times, with IU-Bob Knight references in each:

"(In January 2005), Brand appointed yet another ethics committee to determine 'why we don't have more black football coaches.' He was reminded that presidents are in control: if the want a black coach, hire one. Stop the charade . . . If Brand can fire a legend like Bob Knight at Indiana, he certainly could hire a black football coach - but as president there, he never did, with two opportunities to do so."

And:

"When Myles Brand, the NCAA president, asserted in February of 2004 that 'college sports is not a business,' it became clearer than ever that he and some presidents who control and manage intercollegiate athletics have no idea what they are involved in or what they are doing." He called Brand's claim astounding, "when the billion-dollar NCAA Final Four contracts are recalled, and basketball and football coaches are fired when games are lost and gate receipts dwindle." He said, "Bob Knight responded best: 'If it isn't a business, then General Motors is a charity.'"

So who was Don Canham?

By Hoosier Times

Start with: the man who revised all the money-generating vistas for college athletic directors in his days at Michigan.

Canham died May 3, 2005, six days after his 87th birthday. He was active right up to that last day. An accident in Ann Arbor with his SUV severed his abdominal aorta, and he bled to death internally before surgeons could save him.

A half-century before that, the one-time NCAA high jump champion was five years into a 20-year tenure as Michigan's track coach when he took an AAU team to Europe. In Finland, he saw a 16-mm movie film formed into a loop, allowing students to watch an athlete's technique over and over.

Because of that day, track coach Canham became a millionaire. He got the 1936 Berlin Olympic films (the Jesse Owens Olympics), made a set of 16 different loops of the Berlin champions and others he had filmed in various countries. The company for which he still was CEO at the time of his death, School-Tech Inc., says in a statement: "In three months, this set of films sold to thousands of coaches in the United States and Europe." He had $250 invested originally. He went on to produce 20 different loop sets, from cheerleading to football. "Thus," the company's statement says, "Champions on Film, the first of five divisions of School-Tech, was born."

Two years later, the statement says Canham's company "began to import stopwatches from Switzerland and to manufacture weighted ankle bands, weighted jackets and training devices. Sales to coaches of all sports led him into manufacturing disposable side-line markers for football, hurdles for track, backstops for baseball, and today, over 200 items for sports and recreation." Originally, as "Wolverine Sports," the company dealt in retail only, directly to customers. Sporting goods stores and such wanted to get in. Today, "Olympia Sports" claims 5,000 sporting goods dealers, everything still headquartered in Ann Arbor.

The man who hired Bo

In his first few months as the ex-track coach who had become athletic director, he reacted to football coach Bump Elliott's resignation by reaching over other applicants from within Elliott's staff and outside to bring in the little-known Miami of Ohio coach, Bo Schembechler.

That was just after New Year's, 1969. Bo's first year, Michigan knocked off a veteran Ohio State team being boomed for all-time No. 1 stature. That quickly was born a rivalry within a rivalry: Bo and Woody, Schembechler ending every football season against his former coach and boss, Woody Hayes, always it seemed for the Big Ten championship and Rose Bowl berth, sometimes for No. 1 in the land.

And that quickly, Michigan football became the biggest of big-time, its 100,000-seat stadium that had been averaging about 67,000 suddenly filled regularly. It has been sold out every game since 1975, a 200-plus string of sellouts that continued after Schembechler's health-forced resignation and now, after Canham's death.

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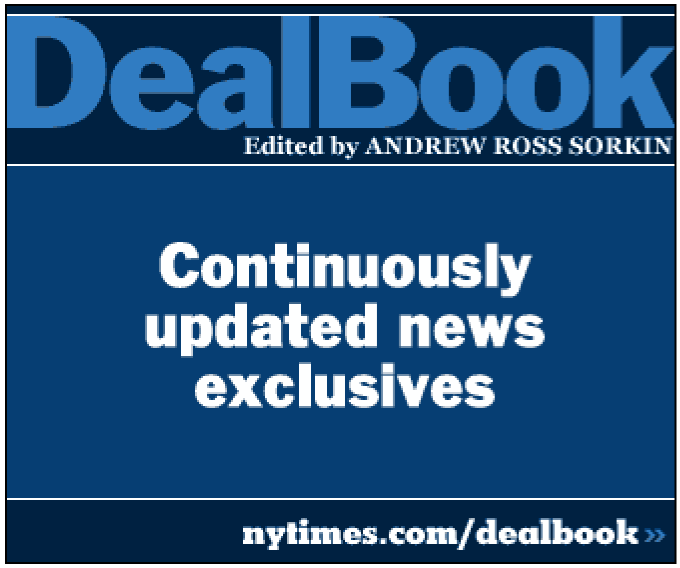
INTERNATIONAL
Herald Tribune

The Workplace: Botched a presentation? Stand up, learn, go on

Matt Villano The New York Times
TUESDAY, AUGUST 22, 2006

You've bungled a presentation in front of your boss and important clients. How can you salvage the situation?



Take responsibility. Roger Pearman, president of Leadership Performance Systems, a management consulting firm in Winston-Salem, North Carolina, said employees who owned up to mistakes stood a much better chance of surviving them. "Failure to acknowledge that you goofed gets translated into arrogance and insensitivity," he said. "At the very least, proactively initiating a response immediately shows that you care."

Which kinds of gaffes are major?

Perhaps the worst blunder an employee can commit during a presentation is displaying an egregious lack of preparation. Karla Robertson, president of Shifting Gears, a business coaching and consulting company in Howell, New Jersey, said this could show up as erroneous information in a PowerPoint presentation or as fumbling for answers to impromptu questions. Other symptoms include poor organization, failure to interact with the audience or nervous, inappropriate humor. Many people think they can wing it, but when it comes to a presentation, you have to do your homework," Robertson said.

In most cases, the magnitude of your lapse will be evident. If you're not sure how poorly you performed, ask your colleagues for feedback. Holly Slay, professor of business at the Rochester Institute of Technology in Rochester, New York, noted that a number of companies have debriefing sessions during which team members discuss both good and bad aspects of project performance.

Should you apologize?

Apologizing for poor performance isn't really necessary, but if colleagues were counting on you, it may be appropriate to pull them aside and express regret that the presentation didn't go as planned.

If you feel the need to apologize, do it once, sincerely, and move on. Larina Kase, a co-author of "Anxious 9 to 5: How to Beat Worry, Stop Second-Guessing Yourself and Work with Confidence," said the biggest mistake employees could make was to continue referring to the failure so that nobody forgot it. Another reason to avoid apologies is that you don't want to come off as groveling. "Your reaction can be worse than the blunder itself," said Kase, who is also president of Performance and Success Coaching, a career counseling firm in Philadelphia. "If you become flustered or if you gush with apologies, you will put your boss on the defensive and make him more likely to be irritated by your performance."

How can you make things right?

Request a meeting for pointers on what went wrong. Don't make excuses; just listen. Absorb the comments, then develop a plan with specific steps toward correcting your mistakes. "By taking the difficulty and transforming it into an opportunity to show your courage, you turn the boss into a teammate," said Laurie Puhn, president of Laurie Puhn Communications, a professional development training company in New York. In some cases, a solution could lead you back to the conference room. In 2003, Harish Rao, then director of information technology for Howard Dean's presidential campaign, was asked to investigate databases for a new Web site. Rao said he summarized his findings in a 15-minute presentation to the politician's top aides. The aides expected a much more elaborate briefing, and were flabbergasted. Rao asked for another opportunity to present the data. During this second take, he recalled, he wowed the crowd with enough data to make a purchase decision on the spot.

"The first time around, I don't think I understood the scope of the problem," said Rao, now chief strategy officer at EchoDitto, a software company in New York. "I was able to go back, focus on specifics and give everybody exactly what they wanted."

Can you be fired for botching a presentation?

Depending on the importance of the presentation and how badly you've performed, yes. Still, losing your job over one poor presentation is unlikely. Kevin Eikenberry, president of the Kevin Eikenberry Group, a consulting firm in Indianapolis, said that if a company trusted you enough to let you make an important sales pitch, it would probably give you more than one chance. "When a company invests in you, they're investing in your talent and your education over time," he said.

How can you improve your public speaking?

The best way is to practice. Ask the boss for low-stakes opportunities to present information to team members. Get training from Toastmasters International, a nonprofit organization that embraces the group approach to developing public-speaking skills. Another option is to foot the bill for a class in public speaking. Many companies reimburse employees for this expense. However you decide to deal with this weakness, be patient. Everyone has setbacks. Babe Ruth hit 714 home runs over his 22-year career but also struck out 1,330 times. John F. Kennedy Jr. failed the New York State bar exam twice before passing. Allison Schwartz, president of Allium Coaching, a career consulting firm in Los Angeles, said every misstep was an opportunity for growth. "Success consists of successful experiences and a fair share of failures, too," she said. "As you get more experience you will see that some of our greatest mistakes are our greatest lessons."

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Confusion mounts with football changes

Dave Fairbank

August 22 2006

In its never-ending quest to confuse, complicate and inspire people to say, "Huh?," the NCAA announced last week that it will change the labels attached to Division I football.

Starting Dec. 15, what we've referred to for years as Division I-A will be known as the "Football Bowl Subdivision," while Division I-AA will be called the "Football Championship Subdivision." No word yet on how the NCAA will classify Temple.

The name change is intended to differentiate more clearly between the Virginias and Virginia Techs of the football world, and the Hamptons, William and Marys and James Madisons, who play a rung below in terms of scholarship numbers, resources and, generally speaking, depth of talent.

But the primary administrative difference is that I-As play in postseason bowl games, while I-AAs have a national championship tournament.

Never mind that there remains a Bowl Championship Series within the Bowl Subdivision, which matches No. 1 vs. No. 2 and crowns a national champion.

Or, that some of the Championship Subdivision schools choose not to participate in the playoff tournament.

See how clear everything is now?

Imprecise as it is, the NCAA's approach does have some real-world applications.

Kevin Federline performances can fall under the "No-Talent Gold-Digging Hubby Subdivision." George Allen apologies can be "Backpedaling Lame-o Fanny-Covering Subdivision."

But we digress.

Division I-A folks don't much care what you call them. You could call them the "Fuzzy Duckling Subdivision" and they would still have the biggest stadia and the most resources and the TV contracts and the best players.

And most important, everyone knows it.

The NCAA's name change is a concession to the schools that play I-AA football, many of which believe that their entire athletic programs take public-relations and recruiting hits simply because they do not compete at the top level of college football.

There is no such thing as I-AA basketball or soccer or baseball. In all sports other than football, everyone competes in the same Division I pool.

Yet plenty of college coaches will tell you that they occasionally have to inform kids and parents that they have similar resources and compete against the big-time football schools in sports besides football.

JMU football coach Mickey Matthews has said for years that he thinks the term I-AA is condescending. He says he recruits Division I players and almost dismisses anyone who tells him that a kid is a I-AA player.

A lot of casual fans don't bother to differentiate between I-A and I-AA, either. The big schools are simply Division I, and the I-AAs are, well, are something else.

Matthews tells the story that when JMU played at West Virginia a couple years ago, the athletic department received a complimentary e-mail from a Mountaineers fan on the Dukes being a very good Division II program.

William and Mary coach Jimmye Laycock clearly didn't get the memo that perception matters, when he told the Richmond Times-Dispatch: "I don't see it as that big of a deal. We are who we are."

Of course, when you've been at it as long as Laycock and essentially built a program with duct tape and driftwood, you're happy anyone even bothers to label you.

The label issue is a little like Division I college basketball coaches griping about the term "mid-major" - a reference to schools and leagues competing below the marquee level, or "high-major."

The difference is that "mid-major" originated within the basketball culture. It's an unofficial term that simply stuck, and the NCAA cannot legislate against jargon. Not yet, anyway.

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The New York Times
nytimes.com

August 22, 2006

What Organizations Don’t Want to Know Can Hurt

By KAREN W. ARENSON

Call in Miss Marple, perhaps, or Sherlock Holmes.

Maybe they could solve the mystery of how some of the College Board’s SAT exams became wet last October, resulting in mistaken scores on more than 5,000 tests.

The College Board’s president, Gaston Caperton, a former insurance executive and governor of West Virginia, said that finding the specific cause “did not really matter.” What was important, he said, was to ensure that improved controls caught future problems.

But is that really enough? Should the College Board want to know whether someone merely spilled coffee on the answer sheets or whether they were exposed to rain? Was there negligence or a breakdown in security? The answer could help prevent similar incidents in the future.

The leaders of corporations and other institutions, it turns out, are not always hungry for more information. Investigations can be costly. They can assign blame. They can uncover things that might give ammunition for lawsuits. They may delve deep into assumptions made when a system was put together, which may be outdated or expensive to change.

Some technology watchers, like Robert N. Proctor, a Stanford professor who specializes in the history of science and technology, say they believe that there is increasing resistance to investigating, even as instances that warrant digging seem to be climbing.

“There is a lot more protectiveness than there used to be,” said Dr. Proctor, who is shaping a new field, the study of ignorance, which he calls agnotology. “It is often safer not to know.”

A desire not to learn too much may have guided Kenneth L. Lay, former chief executive of Enron, who died of a heart attack in July, six weeks after his conviction on fraud charges.

Sherron S. Watkins, an Enron vice president, warned him of numerous financial improprieties, including accounting problems, months before the company’s collapse in late 2001. Mr. Lay did commission a review of her charges. But instead of hiring people with no relation to the company and a reputation for tough investigations, he employed the company’s longtime law firm and requested a narrow inquiry.

“For one reason or another, whether it was sloppiness, or whether Enron signaled what it wished to happen, the problems were papered over,” said Stephen Gillers, a New York University law professor and ethics expert, who said that the result was a kind of “sweetheart investigation.”

There seems to be no shortage of other examples in the corporate world. Merck, the third-largest American drug maker, was faced in 2000 with clinical trial results showing that patients taking Vioxx, a painkiller, had five times the number of heart attacks as those taking an older drug.

But the company refused to accept the most obvious explanation — that Vioxx might be dangerous to the heart. Merck continued to sell Vioxx for four more years, until another trial confirmed Vioxx’s dangers, before withdrawing the drug.

Now, Merck faces 14,000 lawsuits, covering almost 30,000 plaintiffs, contending the drug caused heart attacks and strokes. The company says it did nothing wrong and plans to defend every lawsuit.

The desire to avoid blame and litigation can work as powerful incentives to keep details from surfacing.

“People managing those systems don’t want people peeking behind the curtain to look at the systems,” said John M. Staudenmaier, editor of the journal Technology and Culture.

“It’s not that all the men behind the screens are bad guys,” he added. “This is not about conspiracy. It is about the nature of very complex systems. You can’t watch everything.”

Fields like aviation and medicine have found ways to overcome this.

When a plane crashes, a specially designated agency, the National Transportation Safety Board, is there, with the mandate to investigate in detail. The emphasis is on finding cause, not fault. And the agency is not responsible for bringing enforcement actions for errors, which it says adds to its impartiality.

Surgery, too, has a standardized mechanism to learn from errors. In contrast to aviation, the analysis is not done by a large investigative body, but in individual hospitals, where surgical departments routinely hold “mortality and morbidity” conferences to analyze mistakes.

Atul Gawande, a surgeon at Brigham and Women’s Hospital in Boston, who described the process in his book “Complications: A Surgeon’s Notes on an Imperfect Science” (Metropolitan Books, 2002), said in an interview that surgery had moved from a field that lost many patients to one where problems arise less than 3 percent of the time “only by being willing to examine failures and to benefit from them.”

The model is a simple one, he said. But it depends on confidentiality and an internal culture that does not assign blame. "It is a culture," he said, "that accepts a sort of contradictory proposition that error is unacceptable, but that it is going to happen."

Of course, plane crashes and surgical errors involve the potential loss of life, which raises the pressure to avoid mistakes. But other types of organizations also have cultures and procedures to foster fact-finding and open discussion of mistakes.

David A. Garvin, a Harvard Business School professor who studies how organizations learn and improve, said one useful model was the Army's "after-action reviews," developed in the 1970's to learn more from combat training exercises.

The model has spread in the Army, and corporations like Microsoft have employed similar types of reviews, said Dr. Garvin, who wrote about the process in "Learning in Action: A Guide to Putting the Learning Organization to Work" (Harvard Business School Press, 2000).

In educational testing, which has become a big business, there are no health, safety or national security issues to compel an inquiry.

That is why Kenneth P. LaValle, a New York State senator who heads the Senate Higher Education Committee, has proposed creating an oversight agency for the College Board and other testing organizations. The College Board's failure to discover and disclose what really happened, he said, reinforced his belief that "at the core of their psyche is the feeling that they don't have to share information with anyone."

The College Board quickly asked Pearson Educational Measurement, the company that scores the tests for the board, to explain how it had misscored thousands of exams. Pearson found that answer sheets swollen by dampness had been misread by scanning machines. The College Board suggested that the dampness may have come from heavy rains in the Northeast on the day of the test.

The biggest numbers of mistaken scores were indeed in New York (1,215), New Jersey (996) and Massachusetts (591), according to a list from the board. But that explanation did not account for mistakes on exams taken in dozens of other locations, including Alaska, Hawaii, Nigeria and Bahrain. Nor did it explain why tests taken in the morning were affected, but not the subject tests taken in the afternoon.

David Hakensen, a spokesman for Pearson, said his company could not comment because of litigation over the scoring errors.

At Booz Allen Hamilton, the consulting firm the College Board hired to review its scoring practices after the problems occurred, executives said that dissecting past problems was not necessary either to ensure that the scoring system worked better in the future or that there was a good safety net to catch errors.

“You can do both without knowing whether it was rain that made the papers wet, or whether someone spilled a cup of coffee,” said Gil I. Irwin, who led the study, along with Patrick W. Houston.

Mr. Houston added that learning about problems in detail was not always worthwhile because the next problem might well be different.

“If we tried to brainstorm everything that could possibly go wrong,” he said, “we’d be here for years — for a lifetime. But if controls are in place to identify problems, and rescore tests that were misscored, that’s what you’re really looking for.”

Some testing experts disagree. “A common principle in troubleshooting in any realm is to isolate the source of the problem,” said Walter M. Haney, a testing expert at Boston College and its Center for the Study of Testing, Evaluation and Educational Policy.

(Dr. Haney, who called the decision not to investigate further “irresponsible,” submitted an affidavit in the lawsuit against the board in federal court in Minnesota, saying there should be an outside inquiry.)

He said in an interview that as educational testing has increased, there has been “a real upsurge in errors,” and that he saw little evidence that the College Board or other testing organizations were learning from their mistakes.

Mr. Caperton, the board’s president, said the perception that the board was not being forthcoming was wrong. “We were never hiding anything from the first,” he said. “We want to be honest and open.”

Commentary: One would-be NFL commissioner's master plan

Updated 8/22/2006 12:40 PM ET
By Nate Davis, USA TODAY

For seventeen years, Paul Tagliabue, with rare exception, displayed the Midas touch as the NFL's kingpin.

The outgoing commissioner lorded over a league that expanded by four franchises during his reign, witnessed the construction of 17 new gridiron palaces, saw its coffers overflow with annual financial influxes exceeding the GDPs of moderate European countries, etc., etc., etc.

The NFL is clearly America's sport. The Super Bowl has become a national holiday. Fantasy football continues to spread like the plague across all demographics. Video game junkies everywhere call in sick annually (i.e. today) when the new *Madden* game is released. In short, the NFL transcends sport in this nation and has become increasingly ingrained into the country's social fabric.

Sure, Tagliabue muffed Cleveland's loss of the original Browns in 1995 and he allows the Bengals to wear those hideous new uniforms, but, hey, nobody's perfect. And was that "wardrobe malfunction" really all that terrible?

All things considered, Tags' legacy of boundless growth and labor peace will probably land him in Canton one day.

Enter Roger Goodell.

At minimum, Goodell — whose impressive résumé as a league executive for the last quarter century allowed him to ascend to Tagliabue's throne — just has to keep this train on the tracks and ensure that the Dan Snyders of the world don't try to strangle the golden goose at the expense of Ralph Wilson and Co. Maintaining league (read: financial) parity is a must in maintaining league popularity.

Aside from that, staying two steps ahead of the illegal performance-enhancing drug industry is imperative, especially from a public relations standpoint. And putting a team in Los Angeles would be good for the NFL, though fans outside the (310) area code — and maybe a fair number within it — aren't as concerned about that as the league clearly is.

But massaging the balance sheet, policing HGH et al. and going Hollywood may not be enough to immortalize Goodell. So here are some suggestions for his long-term agenda:

YOUR THOUGHTS? Share your ideas on the future direction of the NFL

1. A little levity, please: We've heard enough about the NFL's "conservative fan base" and all know the "No Fun League" moniker has followed the league since the days it quashed Mark Gastineau's sack dance and the "Fun Bunch" touchdown celebration.

But come on — it's still a game. As much as I enjoyed all those fantasy points that Chad Johnson racked up for me last year, I was far more interested in what he'd do next to celebrate his latest touchdown. It doesn't get better than performing CPR on a football ... unless it does get better. Now that Chad's fun meter has drawn a yellow flag, I may never know.

I don't think a few good-natured shenanigans by Johnson, Steve Smith and the league's other creative souls are going to hurt anyone or anything. Sure, Terrell Owens showing up the Cowboys by stomping on their star was a bit much and Randy Moss "mooning" the Green Bay faithful crossed the line. But let the officials use their judgment on unsportsmanlike conduct penalties. We all know those guys never blow a call, right?

2. Reduce the exhibitionism: Preseason's too long. The players know it, the fans know it and you know it, Roger. Let's reduce it from four games per team to two. If nothing else, meaningless injuries should be cut by approximately 50% if my quick math is correct.

Yes, each owner will have to sacrifice one precious preseason home game and the cornucopia of cash that accompanies it, but how much money do you people really need? Just recoup your losses by adding 10% to the other nine home gates if you must. We'll gladly pay it to preserve our running backs for Week 1.

3. Crack down on the knuckleheads: Too many guys are ending up on the police blotter and many of them enter the league with lengthy rap sheets. It's bad for the players, and it's bad for the league's image.

The NFL has a substance abuse policy, why not a legal abuse policy? One offense gets you enrolled in the program and mandates a mechanism for helping to eliminate the respective problem, domestic violence, for example. Multiple offenses lead to a sliding scale of penalties, including suspensions and fines. We realize the Bengals may not be able to field a team during certain weeks, but those are the breaks.

Charles Barkley is entitled to his opinion, but NFL players are role models, like it or not.

4. Fix overtime: Yes, I've seen the numbers and know they say that a mere 53% of teams winning the coin toss actually win games in the NFL's sudden-death overtime format.

But this is America's game. There's something un-American about not getting at least one guaranteed chance to possess the ball in a game that, by definition, has been hard-fought and nip-and-tuck for more than three hours. I just ask, at minimum, at least one possession per team. We don't need some contrived version of overtime football like the template the NCAA offers. We just need something less arbitrary than a coin flip.

5. Global domination: This is the kicker, Roger — the one that makes you or breaks you as the game's next great overlord — but how about going international? Save the planetary masses from fútbol and give them football.

Olympic status in Beijing in 2008 probably isn't feasible, but a division in Europe by the end of the Goodell era doesn't seem *that* far-fetched. The game has had a solid beachhead in Germany for 15 years; why not eventually expand into a new market now that the U.S. is approaching NFL saturation?

The logistics are a little tricky — I'd recommend European teams play their first 11 games on their "home" continent, then return to the United States to play their final five non-divisional road games — but we can throw an extra bye week into the schedule to help all teams making the transatlantic flight now that we've eliminated two preseason games.

Growing the game abroad is ultimately good for the sport while tapping into the passionate European sports fan base is ultimately good for business. And what could be better than *Sunday Night Football* from Rome, even if Madden has to get on a plane to make the game?

NFL alignment circa 2020?

One would-be commish's vision of the future NFL

AFC East	AFC North	AFC South	AFC West	AFC Europe	NFC East	NFC North	NFC South	NFC Central	NFC West
Buffalo	Baltimore	Houston	Denver	Frankfurt	Dallas	Chicago	Atlanta	Las Vegas	Arizona
Miami	Cincinnati	Indianapolis	Kansas City	London	N.Y. Giants	Detroit	Carolina	Mexico City	Los Angeles
New England	Cleveland	Jacksonville	Oakland	Rome	Philadelphia	Green Bay	New Orleans	St. Louis	San Francisco

N.Y. Jets	Pittsburgh	Tennessee	San Diego	Spain	Washington	Minnesota	Tampa Bay	Toronto	Seattle
League would retain 16-game schedule. Playoffs would entail 5 divison winners and 3 wild-card teams per conference. Playoff bye weeks are eliminated and an 8-team playoff tournament in each conference determines Super Bowl participants.									

So there you have it, Roger, a to-do list that should keep you busy for the next 17 years or so. It's a little ambitious but I'll leave the small details to you. If you get in a pinch, have your people call my people.

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Have a comment on this agenda? Have a few ideas of your own that Roger Goodell should read? What would you do if you were commissioner for a day? Feel free to share them here.

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