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IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

DOMINIC SWAYNE, an individual,

Plaintiff,

v.

NORTH IDAHO COLLEGE, a community
college in the State of Idaho,

Defendant.

Case No.: CV28-22-7712

Hon. Cynthia K.C. Meyer

**DECLARATION OF DOCTOR JAMES
FORKUM IN SUPPORT OF
DEFENDANT’S MOTION FOR
RECONSIDERATION**

I, JAMES FORKUM, declare as follows:

1. I am a ten-time Hall of Fame member as a player, coach, athletics director, professor, administrator, and for lifetime achievement with 53 years’ experience in the field of education and athletics. I served North Idaho College as the Interim Dean of Student Life with oversight of the athletics department from Jan. 4, 2023 to March 9, 2023.

2. I have reviewed the transcript of Dr. Swayne’s testimony from the hearing on February 24, 2023.

3. There are some discrepancies between Dr. Swayne’s testimony and my personal experiences, outlined below.

DECLARATION OF JAMES FORKUM

4. Dr. Swayne testified that research had been conducted into the total cost of changing conferences. His testimony was specifically as follows:

Q: Okay. And based on the communications with the individuals from NIC, had they done research in regards to the cost of changing conferences?

A: Yes.

Q: Okay. And what is your understanding of what the cost to change conferences would be?

A: Yeah, likely to be, as I said, 1 to \$2 million.

See **Exhibit A** to McKenzie Declaration at pg. 63; *see also*, pg.'s 65-66.

5. However, I am not aware of any such study or research being conducted that would support the conclusion that a change of athletic conference would increase costs by \$1-\$2 million.

6. In fact, a 2018 100-page study was commissioned by the NIC booster club to reevaluate the cost associated with moving back to the NJCAA for the 2019-2020 sports season. Should NIC eventually decide to rejoin the SWAC, the total costs to NIC for its athletes to compete would actually be less due to the reduced spending by most SWAC colleges. It is highly possible moving back to the SWAC could actually save the department money over staying in the current NWAC.

7. Another factor to consider when evaluating a move back to the SWAC is the fact with NIC rejoining, the conference could split up into divisional play in several sports which would result in less travel and would cut down on long trips every other year. This would result in less travel costs and less missed class time over the current situation, again saving total costs to NIC.

8. Dr. Swayne also testified that he believed that the increased costs to NIC could occur if NIC decided to make athletic coaches full-time. But apart from the golf coach, all

current head athletics coaches and a high number of assistant coaches are already full-time. Accordingly, there would be no added costs to NIC.

9. In addressing the potential change of athletic conferences, NIC has involved various interested parties, including scheduling four separate meetings with the coaching staff and one an individual meeting with me and the athletics director. In addition, discussions were held with members of the college's booster club, booster club president and executive board, community members, and past and potential sponsors from the business community.

10. At all times, Dr. South maintained an environment at NIC designed to protect the goodwill and reputation of Dr. Swayne. During my time at NIC, the focus was on maintaining accreditation and acting in the best interests of NIC.

I declare under penalty of perjury that the foregoing is true and correct, and that I executed this document on this 16th day of March, 2023, in Coeur d'Alene, Idaho.

DocuSigned by:

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JAMES FORKUM

CERTIFICATE OF SERVICE

On _____ 2023, I caused the foregoing document to be filed via the Court's iCourt CM/ECF system which will send same to all counsel of record in this matter.

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