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Eliminate the Profit Motive

By C. Thomas McMillen

The real problem with major intercollegiate sports programs is that the NCAA is powerless to effect meaningful change in the finances of college athletics. If it tried to exercise its dwindling power to seek real transformation rather than short-term palliative measures, the most powerful conferences and colleges could simply leave the organization—and college sports would devolve into a Darwinian struggle in which only the richest programs would survive. But, in truth, there isn't much interest in change—there is just too much money involved in salaries for coaches and administrators.

So, despite the horrific events coming to light at Penn State (and apparently less egregious scandals on other campuses), I don't think the way the NCAA functions will change until one of these three catastrophic events occurs:

1. Multiple athletics programs go bankrupt because of escalating costs.

2. Student-athletes win court cases that give them full rights as employees, including the right to hire counsel.

3. A multicollage gambling scandal that involves players, coaches, and boosters is exposed.

I am convinced that one, maybe all, of those will eventually happen—and that the system will consequently implode. Then it will be a question not of what the NCAA will choose to do, but of what it will be forced to do.
Once it becomes clear that problems are systemic, and that the NCAA cannot institute fundamental change, Congress must force the issue. It has intervened in this way before, when, with the Amateur Sports Act of 1978, it granted the U.S. Olympic Committee a monopoly—so there is precedent. I would like to see legislation—with provisions for mandatory reforms—enacted to reinstate for five years the antitrust exemption the NCAA had before a Supreme Court decision overturned it, in 1984. This is the ruling that, in his dissent, Justice Byron White, a former college athlete himself, accurately recognized would lead to an escalating race for money: "No single institution could confidently enforce its own standards, since it could not trust its competitors to do the same."

Such legislation would require revenue sharing among all members of the NCAA in the collectivist model that has worked so well for the NFL, whereby a significant portion of the pooled revenue is shared among the 32 teams.

It would allow the NCAA to again become a benevolent dictator, by giving it the power to approve all TV and radio contracts for basketball and football. In return for this power, the NCAA must enact major reforms, such as a fairer distribution of revenue that would depend not on win-loss records, but on efforts to control costs, including coaches' salaries; the academic performance of student-athletes; and compliance with the provisions of the federal Title IX law.

If, within a year, the NCAA is unwilling to enact those reforms, then the Internal Revenue Service should treat and tax college sports as the big, cutthroat businesses they are.

What has happened at my alma mater, the University of Maryland, points directly at the dead end where college sports is headed. Recently the university cut eight sports teams because the cash-devouring giants of basketball and football could not keep up with the escalating costs of intercollegiate athletics.
Choices like that signal that the true purpose of college sports is to make money; such decisions will eventually destroy the grass-roots sports infrastructure in this country, and only the major sports will survive at the college level. Eventually, the United States will be unable to field a strong Olympic team. Maybe when, in a future Olympics, America wins no gold medals, we will have our "sputnik moment" and realize that college sports should not produce highly paid coaches and administrators in just one or two sports, but should provide opportunities for many. Sports for all, not sports for money, should be our national mission.

C. Thomas McMillen is a former college and professional basketball player and a former member of Congress. He served on the Knight athletics and is secretary of the board of regents.

College Sports? And What Should We Do About It?
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Don't Treat Players Like Gladiators

By Oscar Robertson

Today there is a tremendous disparity in how the NCAA treats its student athletes and the way it treats its member institutions. Student-athletes are treated like gladiators—revered by fans and coveted by member institutions for their ability to produce revenue, but ultimately viewed as disposable commodities. They are given no ability to negotiate the contents of their scholarships, often punished severely for even the smallest NCAA violations, and discarded in the event they suffer major injuries.

Meanwhile, member institutions are often given free passes amid NCAA violations so that they can protect their and the NCAA's financial interests (punishment of institutions generally comes after years of neglect). At the end of the day, both the NCAA and its member institutions are focused on the money they can make off student-athletes, not on the student-athletes' best interests.

There are a number of reforms that should be put in place to protect student-athletes. At the very least: 1. They should be able to hire a lawyer to represent them in analyzing and negotiating the contents of their scholarships, and the NCAA should permit its member institutions to compete more with one another relating to the contents of scholarships they offer; 2. Student-athletes should be given greater procedural safeguards in the disciplinary process, particularly so they are not scapegoated; and 3. Student-athletes should be given sufficient protections so that the ill effects of injuries suffered in service to
member institutions do not fall disproportionately on them.

Student-athletes are not permitted to have a lawyer give them advice about NCAA-sanctioned scholarships. That is a problem. As it stands, the NCAA and its member institutions hold all the bargaining power and preclude student-athletes from negotiating and understanding the entirety of scholarship obligations. That bargaining position leaves the student-athletes at a severe disadvantage.

Not that a scholarship system should be abolished, but student-athletes should be given more financial aid than they currently receive. Student-athletes are limited in the number of hours they can be employed because of the time they devote to playing college sports. The NCAA should take that into account and compensate student-athletes more fairly while they are playing sports for the member institution and the NCAA.

Additionally, student-athletes should be given more protection in the interpretation of NCAA rules and their enforcement. Scholarships should be revoked under only the direst circumstances, such as criminal convictions or failing to maintain a sufficient GPA—but in all cases, the student-athlete should be able to contest scholarship revocation. Often the punishment far exceeds the potential wrong. For example, a basketball player went on a trip with some friends over the summer. On that trip, someone gave the player a free meal and hotel room. That player was recently suspended for six games. The punishment does not seem proportionate to the alleged wrong. Further, the NCAA will use student-athletes for profit and then discard them after the financial gain has been made. The NCAA and its member institutions, for instance, will allow a top player to participate in a bowl game to maximize earning potential, and then punish the player severely after the NCAA and the institutions have cashed in on the event.

If student-athletes suffer injuries while playing an intercollegiate sport at an NCAA member institution, their scholarships should be
guaranteed all the way through their undergraduate studies there. In addition to having a lawyer or representative bargain for them, student-athletes should also be allowed to form the equivalent of what are players' unions in professional sports, so they can have a self-appointed group of representatives to speak on their behalf. The student-athletes, not the NCAA or its member institutions, should be the ones choosing which individuals represent them.

Furthermore, the student-athlete's rights to the use of their images or likenesses, both before and after their playing days, need to be acknowledged. Certainly an institution should be able to broadcast games, but reasonable limitations must apply. The student-athletes must have some control over the marketing of their images and likenesses during and after college. If, for example, an institution were making money off jersey sales with a particular player's number on it, the player should be given some control over how the jersey is sold and over the revenues. Moreover, if a player wins an individual trophy or is given some other object, with the mind-set that he or she will be able to keep that item, then why can't the player do what he or she wants with it?

Athletics may play an important part of a college student's life, whether as a student-athlete or a fan. There is nothing wrong with that. Athletic competition has many virtues, as I can attest. But the system must be fair, particularly for the relatively powerless student-athletes. The reforms discussed above are just a few ways in which the scales may be brought back toward a reasonable balance.

Oscar Robertson is a former college, Olympic, and professional president of the National Basketball College Sports?
And What Should We Do About It?
"The NCAA was founded in 1906 to protect young people from the dangerous and exploitive athletics practices of the time," so states the National Collegiate Athletic Association on its official website.

The NCAA often likes to harp on tradition and the sanctity of the term "student-athlete," but it fails to recognize its true roots. The association in fact got its start because, at the time of its creation, football was in danger of being abolished as a result of being deemed too dangerous a sport. During the 1905 season alone, 18 college and amateur players died during games. In response to public outcry, Theodore Roosevelt, an unabashed fan of the sport, gathered 13 football representatives at the White House for two meetings at which those in attendance agreed on reforms to improve safety. What would later become known as the NCAA was formed shortly after on the heels of this unifying safety agreement.

As this New York Times article, published January 3, 1909, indicates, the NCAA was hardly founded by a bunch of people who thought maintaining the arbitrary notion of amateurism was paramount.

Debating the topic of allowing athletes to play "Summer ball," referring to professional baseball leagues that competed during the summer, Professor Judson P. Welch of Penn State University, argued in favor.

"I believe that the man who needs money to go through college should be allowed to play Summer ball, in just the same manner as he would do anything else for a living."

W.C. Riddick of North Carolina Agricultural College agreed:

"He advised a strict enforcement of the scholarship rule and a time limit of work from five months to one year in the college. If any man could live up to this standard, let him be recognized as a student in good standing and play Summer ball for money if he desired."

Even before the NCAA became arguably one of the most controversial tax-exempt organizations in existence (the association accrued $814 million in revenue in 2011), people were able to see through the absurdity of insisting that athletes not be able earn their own money as they see fit.

And so the question arises, how did the NCAA go from being an agreement to promote safety standards so as to prevent death on the playing field, to a multi-million dollar enterprise that seems most concerned with ensuring that "student-athletes" do not receive any compensation (pardon me, "impermissible benefits") for their in-demand talents?

Why does an organization formed when the idea of paying money to attend a sporting event was in its infancy still operate under the same (now completely out-of-context) model?

In short, why does the NCAA still exist?

It can’t be to police college athletics to ensure nobody violates the arbitrary rules that they’ve dreamt up. After all, this is an organization that at once, denied the University of Iowa’s request to wear jersey’s honoring the death of a teammate, while at the same time, was unable to conduct a non-corrupt investigation into allegations that a rich booster had bought University of Miami...
football and basketball players jewelry, prostitutes and had even paid for an abortion.

It can't be because they've created a tremendous revenue stream for all of their members. Under NCAA supervision, the majority of athletic programs in fact lose money and are subsidized by funds from their respective university.

And it surely, surely can't be to encourage academic integrity in college sports. The latest in numerous examples of academic dishonesty and/or flat-out cheating involves the University of North Carolina, where a former reading specialist with the athletic department alleges the school offered athletes credit for "no show" classes that never actually convened.

This year the NCAA will rake in more than $702 million in TV revenue from the men's basketball tournament alone, which is three and a half times as much money as it would cost to implement a work-study program for student-athletes.

Admittedly, the association is a nice guise to help athletic programs maintain tax-exempt by "furthering the educational mission of universities." I mean, just look at how shiny and educational Oregon's brand new, state of the art $68 million football operations facility is:

College sports could most definitely continue to exist outside of the confines of the NCAA. There's no law stating that the governing body has to be in place for schools to compete against one another, and athletic departments are already in charge of scheduling many games.

The concern naturally is that, without the NCAA in place, schools would be welcome to pay players, which would be a disadvantage to schools that don't have profitable athletic programs. This could be solved in multiple manners, the most obvious one being: If a school can't afford to support a college sports team, they probably shouldn't have a college sports team.

The slope isn't as slippery as it's often made out to be: People will pay money to watch certain college sports, so why shouldn't the athletes who participate in these sports and drive the popularity of them get a cut?

Heisman trophy winner Johnny Manziel generated $37 million worth of exposure for Texas A&M last season, and NCAA officials are hard at work trying to hold him to the same outdated standards that existed when their main problem was "Summer baseball."

Many schools can afford to support a few teams, but being financially responsible for many unprofitable sports simply isn't sustainable.

The NCAA could perhaps remain as the governing body for these non-revenue generating sports such as gymnastics and lacrosse, but even if the organization ceased to exist, it wouldn't result in the end of these sports being played at the collegiate level. If there was enough interest, these sports could still have teams that compete intercollegiatically at the club level, at a fraction or even no-cost to the university. In addition, these club sports teams are arguably the most pure form of inter-collegiate competition as they're populated by regular students at the university, as opposed to recruited athletes.

BCS schools reportedly spend roughly $100,000 a year per scholarship athlete.

While there's certainly merit in offering a soccer player a partial college scholarship, there's a much more reasonable argument for that money going to a budding engineer.

If the NCAA truly wants to respect its roots, it will invest less time cracking down on sideshows like Johnny Manziel, and more time perhaps addressing the dangerous nature of football, which is the real reason the organization was created in the first place.

But that hardly seems to be a priority, as was detailed by The Big Lead:

In a survey done in 2010, almost half of the trainers surveyed said they would return an athlete to a game on the same day as suffering a concussion. The NCAA put in requirements that schools put in a concussion plan and have it on file, but this was not enforced or given any teeth. In an October 2010 email, director of enforcement Chris Strobel detailed how it would not be appropriate to suspend or penalize a coach who put an athlete back into a game, in violation of the concussion plan in place. The only punishment would be to have a secondary violation for schools that did not file the plan in the first place.

The NCAA, however, did not even enforce the filing of the concussion plans.

So, NCAA, to quote a certain cinematic classic, "What would you say, ya do here?"

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