

# Why the NCAA and the Knight Commission Miss the Seamy Side of College Sports

*College Athletics Clips Guest Commentary*

*Our guest author questions the credibility of the APR in light of the interests of conference commissioners, the NCAA and its member schools "to portray student-athletes as legitimate, degree-seeking students."*

*Frank G. Splitt, The Drake Group, 7-20-10*

**In his *Wall Street Journal* opinion piece**, "Why the SEC Missed Madoff," Richard Sauer, a former attorney and assistant director with the SEC's Division of Enforcement from 1990 to 2003, tells how SEC enforcers are rewarded for the number of cases brought and for following political fashion.(1) Sauer also tells how stats are used to impress congressional appropriators. The piece provides valuable insights for those who are serious about college sports reform.

Sauer's piece brought to mind many things—a previous essay,(2) the lack of enforcement measures in the Knight Commission's latest recommendations,(3) the recent hoopla about the NCAA's revised APR stats,(4) well as enforcement and related issues discussed by Walter Byers in his 1995 tell-all book.(5)

Since it is in the financial interest of conference commissioners, the NCAA and its member schools—presidents, trustees, ADs, coaches, and boosters—to portray athletes as legitimate, degree-seeking students, they are likely to be quite forceful in the use of their influence and powers of intimidation to get what they want. What they want is the very best athletes—no matter how educationally and socially disadvantaged they may be and no matter what related NCAA rules and Knight Commission recommendations. When speaking of NCAA rules, Byers, who served as NCAA executive director from 1951 to 1987, said "they are not meant for enforcing."

Besides the potential loss of big-money, there is a compelling need for some schools to report very high graduation rates to not only comply with federal requirements, but to also justify/rationalize their high-profile programs and their extraordinary investments in academic support center staffs and facilities. This combined with self assessment and reporting, as well as weak enforcement, and even weaker penalties for infractions, provide an enormous incentive for these and other less conflicted schools to scheme and cheat. When reporting on the necessary progress that has been made on the rehabilitation of at-risk high school graduates, Byers has said: "Believe me, there is a course, a grade, and a degree out there for everyone."

Walt Byers isn't the only author of book-length exposes on the seamy side of professionalized big-time college sports—there have been many others who have addressed the seamy side of college sports with its ocean of money, academic corruption, profligate spending, and the exploitation of college athletes by the NCAA and its member institutions under the sleeping eyes of the feds.(6-14) Their book titles tell stories that should command government attention—and there's more to come.

Recently, Ken Armstrong and Nick Perry, veteran newspaper reporters who shared in this year's Pulitzer Prize for breaking news, announced the forthcoming publication of their book that they say "is based on exhaustive investigative reporting that shows how a community's blind embrace of a football team compromised judges, prosecutors, police agencies, a proud university and the media."(13)

The authors also say the book "goes deep on what kind of education many football players received, using student transcripts and scholarship documents to show which classes athletes used to boost their

GPA and how the university managed to keep certain players on the team despite established patterns of criminal violence.

Weak enforcement of NCAA rules coupled with the absence of transparency, accountability, and independent oversight has been a key enabler for the professionalization and the sustainability of the seamy side of big-time college sports.

All of this has a decades-old ring to it. Again going back to Byers who said: "In fact, the rewards of success have become so huge, beneficiaries -- the colleges and their staffs -- will not deny themselves even part of current or future spoils. ... I believe the record now clearly shows the major hope for reform lies outside the collegiate structure. What the colleges will not do voluntarily should be done for them."

So The Drake Group continues with its effort to catalyze federal intervention to clean up the seamy side of big-time collegiate athletics.

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## AFTERWORD

*Unfortunately, too many college presidents speak of integrity and athletics reform in public and play a game of Tammany Hall politics in private.—Walter Byers*

The foregoing commentary summarized messages aimed at updating Education Secretary Arne Duncan as well as members of the U.S. Congress on the realities of college sports reform.

It seems that school presidents as well as NCAA and Knight Commission officials are beyond embarrassment about the role they play in what is an unheralded national scandal, see Whitlock(15), Splitt (16), and Sander(17). Also see James Joy's letter in Appendix 2.

Deep insights into the corruption that lies at the foundation of the college sports entertainment industry are provided by these the other cited authors.

The NCAA and the Knight Commission have no reason to change their modus operandi. Why change what works so well for them? Also, no one at the Knight Foundation seems to have heeded cautionary statements about presidential leadership as it would apply to its Commission on Intercollegiate Athletics.

It is difficult to imagine how government and Knight Foundation officials can continually ignore these insights. Perhaps it all comes down to an understanding related to the benefits of not investigating your employers---a painful lesson learned by former Big-Ten Commissioner Wayne Duke and others before him who tried to require their employers to live by the rules that these very same employers adopted and widely touted.

7-27-10

## **APPENDIX 1 – College sports reform goes beyond report**

***The Daily Herald***, Letter to the Editor, Submitted June 22, 2010, Published July 4, 2010

After several years of prodding and cajoling to get the Knight Commission to provide recommendations for college sports reform, it has finally done so ("Report: Colleges spend twice as much on student athletes," June 21, 2010). Not mentioned in the story was the fact that Education Secretary Arne Duncan supported the report with an official statement.

Also, the report says nothing about enforceable corrective measures and meaningful consequences for violations that are adequate to the task of cleaning up the seamy, secretive side of collegiate athletics with its profligate spending, tax-free revenues, academic corruption, and exploitation of college athletes.

The responsibility for reform is left to individual school administrations and governing boards with reliance on the same old voluntary toothless reform mechanisms that have proved to be utterly useless in terms of instituting meaningful reform measures, but quite useful for bamboozling government officials.

The report made no call for government help to bring transparency, accountability, and independent oversight to intercollegiate athletics since both the NCAA and the Knight Commission dread government intervention that appears to be the only mechanism that has a realistic chance of restoring academic primacy over athletics in higher education.

Unless and until there is direct government intervention via revised tax and privacy policies for athletics programs at educational institutions and federal court rulings against the NCAA, colleges and universities will continue to prostitute themselves while muddling on like drug addicts in a quest for fame and fortune with their professionalized football and men's basketball programs.

If the Knight Commission is truly serious about catalyzing reform, its co-chairs, William English Kirwan and R. Gerald Turner, would welcome a call from Secretary Duncan to lead by example—going beyond the noble rhetoric of their report and actually start working on a campaign to restore the balance between academics and athletics at their affiliated schools as well as show him what's actually being done and not done via quarterly progress reports.

Frank G. Splitt, Mount Prospect, IL

## **APPENDIX 2 – College Presidents Unlikely to Reform Athletics**

***The Chronicle of Higher Education***, Letter to the Editor, August 10, 2001

Like Louis's feigned shock in discovering that gambling was going on at Rick's (in Casablanca) as he receives his winnings from Rick's croupier, university presidents (on the Knight Foundation's Commission on Intercollegiate Athletics) decry the commercialization of college sports as they unabashedly peddle stadium-naming rights, concession rights, and clothing and shoe rights to the highest bidders ("College Presidents Urged to Take Control of College Sports," July 6). ... And we hardly need mention the efforts of their institutions to keep multimillion-dollar talents from the clutches of the National Football League or National Basketball Association, for the relative pittance of tuition and board.

No, if there is to be any reform in college sports, it will not be brought about by the presidents of our institutions. ... The Rev. Theodore M. Hesburgh's reference to those who "profess to be university presidents" suggests that many presidents are really not in charge of their institutions. The real decisions, which set priorities and establish institutional values, are made by unseen trustees and legislators who compose the lyrics for presidents to sing. The presidents are not looking so presidential in these times. ...

James E. Joy Professor of Biology Marshall University Huntington, W.Va.

## NOTES

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2. Splitt, Frank G., "Ongoing College Sports Scam Puts Madoff to Shame," [http://thedrakegroup.org/Splitt\\_Madoff.pdf](http://thedrakegroup.org/Splitt_Madoff.pdf).
3. Moltz, David, "Disarming Big-Time Sports Spending" and related comments, *Inside Higher Ed*, June 18, 2010, <http://www.insidehighered.com/news/2010/06/18/knight>. My comment, "Another Toothless Wonder," formed the basis for the appended letter titled "College sports reform goes beyond report" published in the July 4, 2010 edition of *The Daily Herald*.
4. \_\_\_\_\_, "A Moving Goalpost" and related comments, *Inside Higher Ed*, July 15, 2010, <<http://www.insidehighered.com/news/2010/07/15/apr>>. My comment, "Here We Go Again", calls attention to the inherent unreliability of the APR stat that is generated by schools that not only are nontransparent, lack accountability, and are without independent oversight, but have a vested interest in cooking the academic books as well.
5. Byers, Walter with Hammer, Charles, *Unsportsmanlike Conduct: Exploiting College Athletes*, University of Michigan Press, Ann Arbor, MI, 1995. Special attention is called to Chapter 11, "Rules are not for Enforcing."
6. Telander, Rick, *The Hundred Yard Lie: The Corruption of College Football and What We Can Do to Stop It*, University of Illinois Press, Chicago and Urbana, Illinois, 1989, Paperback Edition with Afterword, 1996.
7. Thelin, John, *Games Colleges Play: Scandal and Reform in Intercollegiate Athletics*, The Johns Hopkins University Press, Baltimore and London, 1994, paperback edition 1996.
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9. Zimbalist, Andrew, *Unpaid Professionals: Commercialism and Conflict in Big-Time College Sports*, Princeton University Press, 1999; Paperback Edition with Postscript, 2001.
10. Gerdy, John, *Sports: The All-American Addiction*, 2002, and *Air Ball: American Education's Failed Experiment with Elite Athletics*, 2006, University Press of Mississippi, Jackson, MS.
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13. Yost, Mark, *Varsity Green: A Behind the Scenes Look at Culture and Corruption in College Athletics*, Stanford University Press, Stanford, CA, 2010.
14. Armstrong, Ken and Perry, Nick, *Scoreboard, Baby: A Story of College Football, Crime and Complicity*, University of Nebraska Press, 2010. Publisher's website: <http://www.nebraskapress.unl.edu/product/Scoreboard-Baby.674647.aspx>. Frank Deford, Sports Illustrated senior contributing writer, says "The great fraud of 'student-athletes,' higher education and big-time football has never been detailed better."
15. Whitlock, Jason, "Expose the NCAA, not the athletes," *Fox Sports*, July 22, 2010, <http://msn.foxsports.com/collegefootball/story/jason-whitlock-expose-ncaa-not-reggie-bush-072210?GT1=39002>
16. Splitt, Frank G., "The Knight Commission on Intercollegiate Athletics: Why It Needs Fixing," [http://thedrakegroup.org/Splitt\\_Knight\\_Commission.pdf](http://thedrakegroup.org/Splitt_Knight_Commission.pdf)
17. Sander, Libby, "The Gospel According to Sonny," *The Chronicle of Higher Education*, July 25, 2010, <http://chronicle.com/article/Sonny-Vaccaro-Helped/123672/>. Sander tells how Sonny Vaccaro helped commercialize college sports and why he wants athletes to get their due.