

The Knight Commission on Intercollegiate Athletics: Why It Needs Fixing

A Collection of Related Commentaries

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<http://thedrakegroup.org/>

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Telling the truth about a given condition is absolutely requisite to any possibility of reforming it.

– Barbara Tuchman

The Knight Foundation's signature work is its Journalism Program that focuses on leading journalism excellence into the digital age—excellence meaning the fair, accurate, contextual pursuit of truth.

– The Knight Foundation Website, 2009

INTRODUCTION TO THE COMMENTARIES

SUMMARY – The Knight Commission on Intercollegiate Athletics was established in 1989 by the John S. and James L. Knight Foundation. Under the strong leadership of its founding co-chairs, the Rev. Theodore M. Hesburgh and Dr. William C. Friday, the Commission set forth to put pressure on the NCAA to clean up its own act before Congress stepped in to do it for them. Subsequent to their tenure the Commission strayed far off the course they set.

Can colleges control the NCAA? The answer, plain and simple, is no. Neither can the Foundation's Commission on Intercollegiate Athletics as it is presently structured—it needs to be fixed first. To this end, The Drake Group has urged the president and CEO of the Knight Foundation to take a hard look at the Commission, arguing that the Commission has not only moved off mission, but has morphed into an unofficial arm of the NCAA as well—it seems time for critical introspection.

This collection of commentaries tells how and why this situation developed and what might be done about it.¹

BACKGROUND – Prior to assuming the presidency of the Knight Foundation in 1988, Creed Black served as the publisher of the Lexington Herald-Leader when it won a Pulitzer Prize in 1986 for exposing corruption in the University of Kentucky basketball program. This scandal and a national poll—showing that most people believed college sports were out of control—apparently motivated him to form the Commission in 1989 with the mission of recommending reforms "that emphasized academic values in an arena where commercialization . . . often overshadowed the underlying goals of higher education." The first Commission was co-chaired by two former university presidents, Dr. Bill Friday from the University of North Carolina and Fr. Ted Hesburgh from the University of Notre Dame.

The Commission had an auspicious beginning—producing the first of two informative reports in 1991, "Keeping Faith with the Student-Athlete." Unfortunately, the recommendations in this well-intended report were based on a false assumption—that by strengthening the presidents' hands in control of the NCAA, college sports could be brought under control. So the report called for more presidential authority in the NCAA and in college sports—asking that this authority be directed toward academic integrity, fiscal integrity and a certification program for athletic departments.

The Commission was pleased to see presidential control put in place at the NCAA back in 1997, perhaps not realizing at the time that NCAA officials (read athletic directors) knew only too well that school presidents would be powerless to really control the growth of the NCAA's college sports entertainment businesses. There was too much money involved and presidents would have neither the time nor inclination to delve into the contentious issues surrounding intercollegiate athletics. Besides, the presidents would be subjected to enormous pressure from sports boosters on their governing boards, as well as from wealthy alumni donors and government officials.

The second report, "A Call to Action," was published in 2001. It applauded changes in the NCAA but reiterated the Commission's belief that sports threaten to overwhelm the university—saying: "We must report that the threat has grown rather than diminished." No doubt, the composition of the commission—consisting not only of sitting university presidents (who are reluctant to engage in controversy), but also past NCAA executives and athletes—served to block any strong recommendations.

All the above was done by the Commission while spending \$-millions in the process. Unfortunately, there has been little, if any impact on the expansion of commercialism in college sports and the changes touted by the Commission and the NCAA ring hollow—disappointing progress to say the least. But it is even more disappointing to see that the Commission continues to state the obvious, that the situation in college sports has got to be changed, while not facing up to the fact that it has become part of the problem.

The Commission restrains from criticism of NCAA activities no matter how appropriate criticism may be, does not endorse common sense reform proposals made by volunteer organizations such as The Drake Group (TDG), the Coalition on Intercollegiate Athletics (COIA), the National Institute for Sports Reform (NISR), and the National Coalition Against Violent Athletes (NCAVA). It has also been loathe to appeal to Congress for help with legislation to help control the NCAA—for example, by not endorsing TDG's 4-year effort to have Congress revise the federal tax code so as to make the NCAA cartel's tax exempt status contingent on meeting requirements for transparency, accountability, and oversight that would ensure that college athletes are legitimate, degree-seeking students.²

Nonetheless, over the years, the prestigious, well-funded, Commission remains the brand name associated with the 'go-to' organization for comments on college athletics and related reforms. Some writers continue to refer to the Commission as the watchdog Knight Commission. In the face of abundant evidence to the contrary, one has to wonder how this is possible.

THE COMMISSION FUNCTIONS AS AN ARM OF THE NCAA – When addressing complex, contentious socioeconomic issues, experience indicates that more can be accomplished through collaboration and seeking common ground than through confrontation. That said, the Knight Commission on Intercollegiate Athletics has taken collaboration with the NCAA and its member institutions (a.k.a. the NCAA cartel) to a whole new level—precluding collaboration with serious reform-minded organizations that are independent of the NCAA.

Given the present and past links of many Commission members to the NCAA, the Commission's strong bias toward the NCAA should come as no surprise. Neither should the Commission's lack of involvement with meaningful reform measures. On the other hand, it has been quick to lend its prestige and support to the NCAA—endorsing as well as touting its ineffective reform measures with a stifling impact on the reform efforts of others. Why so? The Foundation's lofty stature in the news business and its status as the 'go-to' organization permits it to serve as a megaphone for NCAA-favorable messages to the media via their well publicized press conferences.

For all intents and purposes, the Commission now serves as a surrogate for the NCAA as it maintains a gentleman's agreement with NCAA cartel officials—an informal, unspoken agreement not to address or make a fuss over key issues such as academic corruption and the number of NCAA rule changes that have emphasized athletics over academics so as to professionalize its Div.-1A football and men's basketball programs. The overall result has been the denial of meaningful opportunities for athletes to function as real college students while enormous amounts of money are spent to give the appearance that these athletes are indeed legitimate students.

All too familiar byproducts of these changes have been low academic admission requirements with lower academic performance, academic corruption, and the increased use of performance-enhancing drugs and related violent behavior by athletes. All the while, the Commission has refused to endorse and/or promulgate reform recommendations that have been made by COIA and TDG.... recommendations that would have gone a long way toward improving the educational opportunities for college athletes.

Like the NCAA, the Commission has resisted changes that would provide college athletes meaningful opportunities to function as real students. For example, it has not recommended:

1. Restoration of first-year ineligibility for freshmen with expansion to include transfer athletes;
2. Reduction in the number of athletic events that infringe on student class time, with class attendance made a priority over athletics participation—including game scheduling that won't force athletes to miss classes;
3. Restoration of multiyear athletic scholarships—five-year scholarships that can't be revoked because of injury or poor performance; or, replace athletic scholarships with need-based scholarships; and a
4. Requirement that athletes honor the terms of their multiyear athletic scholarship with appropriate penalties to the school and athlete for broken commitments such as 'one and out' to the NBA.

RECENT ACTION BY THE DRAKE GROUP – The Commission's silence re: the NCAA's resistance to these and other meaningful reform recommendations is part and parcel of its gentleman's agreement with the NCAA. Among other things, this silence provided additional impetus for TDG's October 2009, messages to the Commission's president and CEO.

The aim of these messages was to first of all urge the Foundation not to give up on college sports reform, and second, to take a hard look at its Commission on Intercollegiate Athletics and then to get it back on track. This would mean getting the Commission to act in a way that would affect positive change.... change as it pertains to placing academic interests ahead of athletic interests in college sports—reclaiming academic primacy and integrity in higher education—as well as determining what's really needed to accomplish the reintegration of college sports into the moral and institutional culture of the university, a goal set forth in the Commission's 2001 *Call to Action*. Also, to have the Commission seize an opportunity to join forces with TDG, COIA, and faculty groups in a nationwide effort to reclaim academic primacy in higher education.

WHAT ELSE MIGHT BE DONE? – Good business practice would have the Foundation Trustees calling for a cost-benefit analysis of the Commission's operations over the past 10-12 years. The Commission's "watchdog" activity related to college sports over this period has been focused on the defense of the status quo as it provided cover for the NCAA while withholding support for reforms recommended by COIA and TDG.

What about the Commission's latest report citing the admission of school presidents that they are unable to control athletic program costs that threaten the integrity and future of America's higher education system? That's a good question. Although the 'findings' in the Knight Commission's latest report were not really news, they were nevertheless of value. The admission by school presidents not only corroborates exactly what Jim Duderstadt, Emeritus President of the University of Michigan, was saying over six year's ago, but also corroborates the (seemingly unheard) messages that were reiterated over the ensuing years in several of the author's commentaries on college sports reform that were brought to the attention of the Commission.

Notwithstanding all of the above, the odds are against the Foundation conducting a thorough cost-benefit analysis. Any such proposal would likely be resisted by Foundation Trustees with strong ties to the NCAA as well as by Knight Commissioners who are staunch sports boosters with college and university as well as NCAA affiliations. This resistance can be overcome by truth.

The Commission related commentaries should give the reader a good sense of how the Commission came to be co-opted by the NCAA—undermining the college sports reform efforts of other organizations. The Knight Foundation's money and its good name are literally being wasted on its Commission on Intercollegiate Athletics. That's why the Commission needs fixing.

THE COMMENTARIES

There follows a list the commentary titles that are presented in chronological order—providing historical background, problem identification, and rationale for a return to the Commission’s original watchdog mission.

The reader’s attention is called to the last three commentaries that lead up to an opportunity for the Commission to join forces with TDG, COIA, and faculty groups in a nationwide effort to reclaim academic primacy in higher education.³

1. *Lines Between NCAA & Knight Commission Now Blurred – Time for Congress to Step In?*, June 2005, p.5
2. *College Sports Reform: Beyond the Knight Commission*, November 2005, p. 10
3. *Presidents Flex Their Muscles To Maintain The Status Quo In Big-Time College Sports*, May 2006, p. 15
4. *Cheating in College Athletics: Presidential Oversight Notwithstanding*, February 2008, p. 18
5. *Dancing Partners: The NCAA and the Knight Commission*, November 2008, p. 21
6. *Principles of Amateurism Undermined Long Ago*, December 2008, p. 24
7. *College Leaders Again Urged to Consider Solutions for Sports Mess*, May 2009, p. 25
8. *Don't Give Up on College Sports Reform*, September 2009, p. 31
9. *On Reforming College Sports and Curbing Profligate Spending*, October 2009, p. 34
10. *Faculty Action at UC-Berkeley Warrants Emulation*, November 2009, p. 38

NOTES

1. Portions of this Introduction were used for the author’s Nov. 28, comment on Gilbert Gaul’s Op-Ed, “The Department of Lucrative Athletics,” Nov. 27, 2009, *New York Times Online*, [http://www.nytimes.com/2009/11/28/opinion/28gaul.html?_r=1&ref=opinion], and on page A19 of the Nov. 28, print edition. My thanks go to Bob Gilbert and Jim Vaughan for calling my immediate attention to Gaul’s candid assessment, but pessimistic outlook re: cleaning up the college sports mess.

2. Splitt, Frank G., "The U.S. Congress: New Hope for Constructive Engagement with the NCAA and Intercollegiate Athletics," *The Montana Professor*, [mtprof.msun.edu/Spr2007/splitt.html], Spring 2007.

3. An electronic version of this document can be accessed at [http://www.thedrakegroup.org/Splitt_Knight_Commission.pdf].

1. Lines Between the NCAA and the Knight Commission Now Blurred – So Isn't It Time for Congress to Step In?

Posted June 16, 2005 on CollegeAthleticsClips.com

INTRODUCTION -- Thomas K. Hearn Jr., President, Wake Forest University and Chair of the Knight Foundation, Commission on Intercollegiate Athletics, Hodding Carter III, President and CEO, John S. and James L. Knight Foundation, and other members of the Knight Commission, met on May 23, 2005, in Washington, DC, to discuss, among other things, the future of intercollegiate athletics.

Included on the agenda were discussions with NCAA President Myles Brand, commissioners from the ACC, Big 10, SEC and other major conferences, experts on capital and operating expenditures in college athletics, and members of the NCAA Presidential Task Force on the Future of Intercollegiate Athletics. Peter Orszag, director of Competition Policy Associates and chief researcher for the recently released NCAA/Mellon Foundation study on capital costs provided the Knight Commission members with an update on operating and capital expenditures associated with collegiate athletics. There followed a meeting with officials from the Association of Governing Boards of Universities and Colleges (AGB) concerning the response to AGB's "Statement on Board Responsibilities for Intercollegiate Athletics."

Several reports on the meeting appeared in the media the next day. Inside Higher Ed Editor Doug Lederman's Views Column [1], was especially noteworthy. It prompted an immediate comment, "Co-opting the Knight Commission," that is appended to Lederman's column on InsideHigherEd.com. This essay expands on that comment.

BACKGROUND -- Some 15 years ago, when big-time college sports were veering out of control, the Knight Foundation Commission on Intercollegiate Athletics, led by the presidents of the University of North Carolina and Notre Dame, William C. Friday and the Reverend Theodore M. Hesburgh, CSC, had a clear mission -- putting pressure on the NCAA to clean up its own act before Congress stepped in to do it for them.

The Knight Commission's stated goal was "to study and report on reform efforts that recognize and emphasize academic values in a climate in which commercialization of college sports often overshadowed the underlying goals of higher education, and to continue to monitor and report on progress in increasing presidential control, academic integrity, financial integrity and independent certification of athletics programs." The Knight Commission had a significant impact -- helping to motivate a series of changes in the NCAA's academic and other rules over the ensuing years. However, the beat goes on.

When I reviewed the Knight Commission's media advisory for the May 23, meeting, I was puzzled by the selection of participants who, for all or the most part, are defenders of the status quo -- those who stand to profit the most from a Knight Commission and public buy-in of their present practices -- and an apparent absence of anyone who would be willing to speak out about what's really going on in the seemingly out-of-control world of big-time intercollegiate athletics.

Since Hearn, the Knight Commission's new leader, stood out among college presidents as one of the most vocal and passionate proponents for meaningful change in big-time college sports during the 1980s and early 1990s, there was no reason to expect any significant change in the Knight Commission's mission.

Based on press reports, it now seems that the Knight Commission lacks the power to put brakes on the expanding commercialization of the college sports business promoted by Brand who has argued to correct what he termed the mistaken belief of "cynics and radical reformers" that commercialism is ruining college sports -- saying more commercialism is needed, not less [2]. (See an opposing view at CollegeAthleticsClips.com, including Congresswoman Jan

Schakowsky's appended remarks for the Congressional Record [3]). Worse yet, the Knight Commission appears to be at risk of being co-opted by the multibillion dollar college sports entertainment colossus led by the NCAA. But we are getting way ahead of the story, so back to the meeting.

THE MEETING AND SOME SURPRISES -- The Wall Street Journal Op-Ed, "A Numbers Game," stated that the most surprising figures to come out of the meeting were not on graduation (rates), but on what some call an "arms race" [Review and Outlook, p W15, May 27, 2005]. The Op-Ed pointed out that spending on college athletics has been growing four times faster than overall university spending while not providing the universities much bang for their bucks.

Now here is what was initially surprising to me. As Lederman opined, the Knight Commission seems to be searching for its appropriate role at a time of transition. An "era" wherein Hearn believes there is a "marked change in the atmosphere" at the NCAA, now led by Myles Brand, a former college president himself. Apparently, this belief has been fortified by Brand's claims that the NCAA is making great progress on some issues central to the commission, particularly on the comparatively poor academic progress athletes in football and, especially, basketball. Hearn's belief is perplexing given the many strong contrarian views on Brand's claims that, for example, have been expressed by Murray Sperber [4, 5], John Lombardi [6] and the author [6, Comment].

Nevertheless, the Knight Commission members made clear that they see the commission collaborating with, rather than challenging, the NCAA. Hearn's statement, "We are seeking to put ourselves in a place where we could be maximally useful to the plans that the NCAA has," was worrisome to say the least. So too were Lederman's comments on the Knight Commission's relatively upbeat assessment of the current status of big-time college sports and the fact that several Knight Commission members joined Big-10 Commissioner, Jim Delaney in self-congratulations.

Delaney hinted at a co-option of the Knight Commission with his call for "incremental change" -- rather than "seismic, earthquake-like" reform -- and a collaborative role for the Knight Commission, "more like a think tank with ideas and concepts." Brand apparently took it upon himself to blur the lines by co-opting the Knight Commission when he said: "Because we have a robust reform movement, this (the Knight Commission) can become a group that supports and is actively engaged in supporting that movement, while still raising hard questions when necessary."

Brand went on to say the commission could play a useful role both in taking on those groups that actively oppose efforts to rein in the excesses of big-time sports and in providing a more realistic and balanced counterpoint to faculty critics like the Drake Group, which the NCAA president has termed "radical" with a goal of "dislodging intercollegiate athletics from higher education." Here it should be recognized that an important part of Brand's high-paying job is to exploit his academic credentials to neutralize opposition to NCAA actions and positions -- using co-option as a primary tactic.

WHO IS RUNNING THE SHOW? -- Sad to say it is becoming increasingly apparent that the Knight Commission is being used as a tool of the NCAA cartel. Perhaps the commission has already been co-opted by the NCAA as the above remarks suggest. The experience of the NCAA's well-intentioned tripartite alliance partners -- the Coalition for Intercollegiate Athletics (COIA) and the Association of Governing Boards (AGB) -- would be worth reviewing in this regard.

The commission meetings now seem to have devolved to the point where they are used as a platform for NCAA PR messages and a forum for their "top brass" -- with no "room" for critical review and comments. In the end, with the exception of commission member Carol Cartwright, president of Kent State University, who seemed to recognize danger, the Knight Commission has apparently bought into the NCAA's "robust reform" story -- abandoning its independent watchdog role that is so critical to serious reform.

All of this should not have been surprising when you consider the huge amount of money and high-paying jobs that would be at risk if the representatives of the NCAA cartel were not penultimate masters of the illusion of reform and progress. They are all highly talented professionals who are very good at their jobs -- managing quasi-professional sports programs that serve, in effect, as "minor league" franchises for the NFL and the NBA, while echoing the NCAA's oxymoronic storyline about "student athletes."

Still, it is difficult to believe that none of the Knight Commissioners questioned the NCAA's management plan for their highly touted "robust," but inherently weak, reform initiative. Not only is it characterized by weak penalties for infractions, but also, according to John Evans, a member of the NCAA Committee on Academic Performance, it is based on "the presumption that institutional data on academic progress of student-athletes are accurate and valid." (See his May 13, 2005, counterpoint, "Measuring Athlete's Academic Progress," to Sperber [5], in *The Chronicle Review*.) Put another way, the NCAA's strategy is to avoid accountability -- putting the burden on the institutions who want to field competitive (hopefully winning) teams, but have the most to lose by being honest -- forcing these institutions to stretch the "rules" of academic integrity to the limit, or, simply cheat and lie in a "catch-me-if-you-can" tactic.

The root question is this: Will the Knight Commission presume that institutional data on academic progress of student-athletes are accurate and valid? It is my view that it certainly will if Myles Brand has his way -- earning an "A" from his NCAA bosses to add to the A grade he already has from the Knight Commission. (See Steve Wieberg's Q&A, *Thomas Hearn Talks About the Future of College Sports*, [USA Today, May 19, 2005].)

On the other hand, there is little likelihood that the Senate Finance Committee, the House Subcommittee on Commerce, Trade, and Consumer Protection, the House Committee on Government Reform, or any other congressional committee would base a continuation of the NCAA's tax exempt status on the presumption that institutional data on academic progress of student-athletes are accurate and valid. The situation literally screams for disclosure and verification by independent organizations with 'Sarbanes-Oxley'- like academic audits of suspect schools and really severe penalties for infractions. The NCAA cartel has no one else to blame but itself for creating the need for such strong countermeasures.

WHERE ARE THE PRESIDENTS? -- More than ever I am convinced that many university presidents and their governing boards sacrificed academic integrity when, over the years, they made what amounts to a Faustian-like bargain with the entertainment industry to tap into a huge source of money. As Jim Duderstadt, President Emeritus of the University of Michigan, stated in his "Epilogue" [7], university presidents are caught between a rock and a hard place on collegiate athletics reform.

So don't expect a sitting president to take a strong leadership position on reform related issues that could have a potential negative impact on sports entertainment revenues. Nobody wants to be in the position of the sheriff -- played by Gary Cooper -- in the metaphoric 1952-movie classic, *High Noon*.

It would take a tremendous amount of courage for a university president sitting on the NCAA Division I Board of Directors, or its Presidential Task Force on the Future of Intercollegiate Athletics, or on the Knight Commission, to buck the "system." It's certainly a lot less stressful and much less career threatening to go along to get along in the "real world."

A sportswriter friend once told me that "the trouble with reforming big-time college sports is that the buck stops nowhere." But he wasn't quite right. All indications point to the fact that it is now time for government intervention -- for the Congress to step in to force the NCAA to really clean up its act [3, 8] and move collegiate athletics to where it ought to be [9]. And then there are faculty.

THE DRAKE GROUP OF "RADICALS" -- The Drake Group [10] is a grassroots faculty organization whose mission is to help faculty and staff defend academic integrity in the face of the burgeoning college sport industry. It wholeheartedly endorses the views of former university presidents James Duderstadt, Theodore Hesburgh, and Derek Bok -- believing the educational mission of higher education is at risk so long as its institutions are beholden to the huge amounts of money associated with big-time college sports. For an example of these views, see Duderstadt's "Epilogue" [7].

The Drake Group works on the (hardly radical) premise that college sports aren't themselves evil, but rather, it's the related academic corruption that should be exposed and eliminated -- believing that it is only by confronting the hypocrisy of the big-time college sports entertainment business that its stranglehold on our institutions of higher education can be overcome. It is a demanding challenge, an impossible one without help from others, particularly the media, and the government.

An independent Knight Commission, capable of serving as a credible watchdog over intercollegiate athletics, rather than a "working buddy" of the NCAA, could help beyond measure - asking the really hard questions and raising critical issues. The Knight Foundation deserves no less from its Commission on Intercollegiate Athletics. The future of intercollegiate athletics is at stake.

Since NCAA President Myles Brand continues to label the Drake Group as radicals, it is well to remind him, his NCAA colleagues, college and university administrations, boards, boosters, fans, the media, and government officials, that education and maintaining academic integrity, not sports, should be the university's number-one priority; and, athletic departments and the NCAA should not be setting the agenda for, or, imposing the values of the entertainment industry on our colleges and universities, and, for that matter, on the Knight Commission.

STEROIDS: BEGINNING TO GET CONGRESS TO STEP IN -- As was made clear in Diann Burns' May 19, 2005, Special Report [11], many young men and women continue to be exploited for their free labor then turned out with no degree and no meaningful improvement in their life skills -- a very real human tragedy and a national scandal. Academic disclosure is a way to stop this exploitation -- having the power to gain widespread support via a visceral connection with the public and Congress, especially if it is related to the use of performance enhancing drugs and stimulants in college and high school sports programs.

Congressional legislation pending in both the House and the Senate could trigger government oversight of drug testing in college sports. For example, H.R. 2565, sponsored by Rep. Tom Davis (R-VA) and Rep. Henry Waxman (D-CA.) of the House Committee on Government Reform, contains a provision that directs the Government Accountability Office to study the use of performance enhancing drugs by college athletes and the policies of college sports associations and individual athletics departments [12].

Most certainly, hearings on the applicability of H.R. 1862, the Drug Free Sports Act of 2005, to NCAA programs would gain public attention. Proposed by Chairman Rep. Cliff Stearn (R-FL) and Ranking Member Rep. Jan Schakowsky (D-IL) of the House Subcommittee on Commerce, Trade, and Consumer Protection, H.R. 1862 sets a minimum standard to which the (professional) leagues should adhere. "In order to clean up sports, level the playing field, and send a clear message to our young athletes -- the junior high, high school, and college students -- that performance enhancing drugs should not be an option," said Schakowsky at the May 25, markup. Even rabid fans come to care about their players -- fans that really don't understand just how many of their beloved players end up as overly bulked and used-up entertainers, to be discarded at the end of their eligibility -- this, while the administrators and coaches in the NCAA cartel's college sports entertainment business make much more than comfortable livings. If the Drake Group "radicals" and the media don't work to expose what's happening to these young people, and if the Congress doesn't work to stop it, who will? The Congress can put the NCAA cartel on

notice that with the huge revenues stemming from its not-for-profit college sports business, comes a commensurate level of responsibility and accountability.

CLOSING REMARKS -- The Drake Group remains steadfast in its resolve to continue working to catalyze serious reform in intercollegiate athletics. It will press on with its congressional initiative on disclosure while continuing its effort to have Congress enforce a quid pro quo -- making the continuation of the NCAA's nonprofit status contingent upon the implementation of specific reform measures that would assure that college athletes are verifiably legitimate, degree-seeking students [13].

I would encourage members of the Knight Commission and other parties concerned with the future of intercollegiate athletics to give thoughtful consideration to the information contained in the cited Web-based references -- hopefully before the next Knight Commission meeting in October 2005. Also, valuable insights can be obtained from Princeton Professor Harry Frankfurt's timely, best-selling book, *On Bull---*, [Princeton University Press, January 2005].

Finally, I have been reminded once again of Barbara Tuchman's wise words: "Telling the truth about a given condition is absolutely requisite to any possibility of reforming it." No truth, no reform -- no matter how high the rhetoric soars and how well publicized claims of progress may be.

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1. Lederman, Doug, "A Centrist Approach to Sports Reform" with comment, "Co-opting the Knight Commission" <<http://www.insidehighered.com/news/2005/05/24/knight>>
 2. Brand, Myles, "Show colleges the money" <<http://www.collegeathleticsclips.com/archives/000509.html>>
 3. Splitt, Frank, "Expanding Commercialism in College Sports: Where is the Outrage" <<http://www.collegeathleticsclips.com/archives/000547.html>>
 4. Sperber, Murray, "Myles to Go at the NCAA" with comment, "The Blatant Hypocrisy in Big-time College Sports" <<http://insidehighered.com/views/2005/01/20/sperber1>>
 5. _____, "When 'Academic Progress' Isn't" <<http://64.207.171.118/cgi-bin/m/mt-search.cgi?IncludeBlogs=2&search=sperber>>
 6. Lombardi, John, "Preserving the Audience: The NCAA and the APR" with comment, "Why the NCAA's latest reform measures won't work" <<http://insidehighered.com/views/2005/03/14/lombardi4>>
 7. Duderstadt, James, "An Epilogue to the Paperback Edition of Intercollegiate Athletics and the American University" <http://milproj.umm.umich.edu/publications/epilogue_athletics/>
 8. Splitt, Frank, "Why the US Should Intervene in College Sports" with comment, "Buckley Amendment" <<http://insidehighered.com/views/2005/02/16/splitt1>>
 9. Ridpath, David, The Way it Ought to Be in College Sports <<http://www.collegeathleticsclips.com/archives/000540.html>>
 10. The Drake Group <<http://www.thedrakegroup.org/>>
 11. Burns, Diann, "Players Left Behind?" <http://cbs2chicago.com/topstories/local_story_139223802.html>
 12. Lederman, Doug, "A Steroid Bill Snags Colleges" <<http://www.insidehighered.com/news/2005/05/27/steroids>>
 13. Splitt, Frank, "What Congress can do about the mess in college sports " <<http://www.collegeathleticsclips.com/archives/000574.htm>>.

2. College Sports Reform: Beyond the Knight Commission

INTRODUCTION – This essay is a follow up to a previous essay, “Lines Between NCAA & Knight Commission Now Blurred – Time for Congress to Step In?,” [1]. It was prompted by Skip Rozin’s Sept. 15, 2005, Wall Street Journal column, “The Brutal Truth About College Sports,” [2]. Rozin provided an excellent summary of the mess in big-time college sports – calling attention to the Drake Group’s Congressional Initiative [3] and to Rep. Jan Schakowsky’s March 17, 2005, remarks in the Congressional Record [4]. Another prompt came from the related Sept. 24, *Letters to the Editor* [5] – headlined, “Can Colleges Control the NCAA Beast?” – that, in turn, led to my letter of October 5, headlined, “Who Wants to Tackle Biggest Man on Campus?,” [6].

Can colleges control the NCAA beast? The answer, plain and simple, is no -- so too with the Knight Foundation Commission on Intercollegiate Athletics. Here’s why and what The Drake Group is doing about it.

BACKGROUND – Creed Black, who created the Knight Foundation Commission on Intercollegiate Athletics, served as president of the John S. and James L. Knight Foundation from 1988 to 1997. Before joining the Foundation, Black was publisher of the Lexington Herald-Leader when it won a Pulitzer Prize in 1986 for exposing corruption in the University of Kentucky basketball program. This scandal and a national poll -- showing that most people believed college sports were out of control – apparently motivated him to form the Commission in 1989 with the mission of recommending reforms “that emphasized academic values in an arena where commercialization . . . often overshadowed the underlying goals of higher education.” The first Commission was co-chaired by two former university presidents, Bill Friday from the University of North Carolina and Fr. Ted Hesburgh from the University of Notre Dame.

The Commission had an auspicious beginning – producing the first of two informative reports in 1991, “Keeping Faith with the Student-Athlete.” The recommendations in this well-intended report were based on the assumption that by strengthening the presidents’ hands in control of the NCAA, college sports could be brought under control. So the report called for more presidential authority in the NCAA and in college sports – asking that this authority be directed toward academic integrity, fiscal integrity and a certification program for athletic departments. Unfortunately, it is now apparent that the commercial pressures were simply too powerful for the presidents to resist.

The second report, “A Call to Action,” was published in 2001. It applauded changes in the NCAA but reiterated the Commission’s belief that sports threaten to overwhelm the university – saying: “We must report that the threat has grown rather than diminished.” Rick Telander, described the extent of the corruption in college sports and the weak nature of the second report in a scathing article in the Chicago Sun-Times [7]. No doubt, the composition of the commission – consisting not only of sitting university presidents (who are reluctant to engage in controversy), but also past NCAA executives and athletes – blocked any strong recommendations.

Nonetheless, over the years, the prestigious, well-funded, Commission has become the brand name associated with the ‘go-to’ organization for college sports reform. In 2004, Bill Friday, then the Commission chair, told the Congress that the Commission has done even more in the form of changes that have given college presidents control of the NCAA, and academic reforms – including new standards for initial eligibility and progress toward a degree with a system to penalize teams that do poorly in the classroom starting in 2005.

All the above was done by the Commission while spending \$5+ million in the process. Unfortunately, there has been little, if any impact on the expansion of commercialism in college sports and the changes touted by the Commission and the NCAA ring hollow, [8,9] – disappointing progress to say the least. But it is even more disappointing to see that the

Commission continues to state the obvious, that the situation in college sports has got to be changed, while not facing up to the fact that it has now become part of the problem.

The Commission does not provide harsh criticism of NCAA activities when appropriate, does not endorse common sense reform proposals made by others, such as The Drake Group and the National Coalition Against Violent Athletes, and does not appeal to Congress for help with legislation to control the NCAA. How can this be? This is precisely the question addressed in this essay.

THE SITUATION – The NCAA has exploited college athletes, provided weak rules enforcement, shown a lack of concern with regard to violence by college athletes (and the connection of this violence to the use of performance enhancing drugs), become expert at resisting true reform, and shrouded its nefarious practices in a veil of secrecy – exploiting the vaguely written Buckley Amendment to the Family Educational Rights and Privacy Act (FERPA) to undermine FERPA's intention. And in the midst of all this, the NCAA maintains a nonprofit IRS status as an institution of higher education. The situation might best be described as good for expanding commercialism in college sports, but a travesty of social responsibility re: higher education, college athletes, and victims of athlete-related violence.

Also, America's love affair with sports, its high tolerance for misbehavior by its heroes, inconsistent government policies, and the ocean of tax-free money, has helped bring us today's highly commercialized, college-sports, entertainment business. It's a horrific mess characterized by seemingly unrestrained growth in spending with a corresponding desperate, death-spiral-like, need for more revenues to finance the 'arms race' and 'stadium wars' between NCAA cartel members [10].

Unfortunately, with the NCAA's apparently successful co-option of the Commission, there is now nobody responsible for oversight, let alone the control, of what former Tufts University Provost, Sol Gittleman, has called the billion-dollar beast in Indianapolis, [5].

What about faculty? Most tenured faculty members seem too busy to work for reform – doing research and/or shunning involvement in controversial nonacademic affairs – while almost all untenured faculty members are too busy working to get tenure. Also to be noted is that the (faculty) Coalition on Intercollegiate Athletics and the Association of Governing Boards both work in cooperation with the NCAA as part of a tripartite alliance. The implication of working together with the NCAA will become more apparent as we discuss a similar situation with the Commission.

COMMISSION MISSION KILLERS – For the reform minded, it's a most discouraging story. It is discouraging because recent years have seen so much time and money wasted on window dressing while the Commission provides aid and comfort to the NCAA. This outcome is a consequence of a fundamental flaw in the Commission's organizational structure. One could not have come up with a structure better suited to helping to expand commercialism in college sports. The "battle" was really lost from the get-go. Here's why:

Not only was the Commission launched with no actual authority, but it had two built-in mission killers as well:

1. Exclusiveness – The Commission is not inclusive as it is composed mostly of college presidents, who along with the NCAA have the most to lose if the Commission's mission is accomplished and there appears to be no place on the Commission for other points of view, i.e., members who would advocate for true reform, asking hard questions along the way.
2. Susceptibility to co-option by the NCAA – The Commission made it clear that it did not seek to bring down the NCAA, but rather work with it – making it vulnerable to its eventual co-option.

CONSEQUENCES – The first mission killer reflects founder Black's initial guidance: that the commission needed to be built around people, who not only knew what the problems were, but

were in a position to deal with them as well. Little did he suspect that, as members of the NCAA cartel, the way the presidents would deal with real problems would be to stifle related reforms – treating true reform measures as unrealistic, bulldozer-and-ax solutions proposed by radicals. What real choice do they have?

Presidents cannot stand up to lead an effort to change the status quo in any meaningful way – by advocating true reform – without risking termination driven by a storm of protest about economic impact and assorted tradition-based arguments by trustees/regents, boosters, alumni, and rabid fans. Presidents are pressured by their boards and boosters to approve costly football and basketball palaces, athletic scholarships, exorbitant coaches' salaries, professional-class training facilities, eligibility centers, and more. They are then under pressure to approve extortion-like seat taxes, an extension of the football season by the addition of a 12th game, and other revenue-enhancing mechanisms to help service the incurred debt. So it is no wonder that presidents serve on the Commission as well as on NCAA boards and committees as 'foxes' guarding a money-filled henhouse.

They also serve as a part of the NCAA's spin team – recommended by the NCAA's Deloitte consultants – that works to mitigate reputational risk to the NCAA, such as that posed by the aforementioned Rozin column. See, for instance, the accentuate-the-positive-ignore-the-negative, letter to the editor by Mark Murray, president of Grand Valley State University, [5].

Re: the second mission killer, in recent years the NCAA under the leadership of its president, Myles Brand, has developed a very cozy relationship with the Commission. To my mind, the Commission has now become a PR instrument of the NCAA cartel – providing a forum for their executives and a platform for self-promotion. As an assembly of insider university officials and distinguished, as well as prominent outsiders, it now works to help protect the vast sums of nonprofit revenues for members of the cartel.

The Commission seems to have abandoned its "watchdog" mission as it works in cooperation with the NCAA. Also, the Commission seems to lack passion concerning its mission and appears to be satisfied with mediocre "results" and less – steadfast in its belief that working through presidents and with the NCAA is the best way to reform college sports. Simply put, it has become a well-orchestrated charade funded by the John S. and James L. Knight Foundation. The university related folks knowingly participate to protect their share of the pie, while the distinguished (but likely uninformed and perhaps easily misled) outsiders participate unknowingly.

One can't help but wonder what the Foundation's founding Knight brothers would think of all of this. An obvious question looms large: *Why is it that the Foundation's trustees do not see that their Commission is no longer furthering the Knight brother's ideals of service to the community and their uncommon devotion to the common welfare, and do something about it?*

THE DRAKE WAY – As noted in Rozin's column, The Drake Group has bypassed the NCAA. It has refused overtures "to work together." Considering the economic and political power of the NCAA cartel, it brings to mind a picture of The Drake Group as Sisyphus rolling the 'Reform stone' up the growing mountain of mess in college sports. The weight of the task underscores the Group's vital need for help from the media and the importance of clarity in its message if it is to engage the Congress in a grand challenge – reclaiming academic integrity in higher education.

With the help of informed members of the media, the structure and dynamics of Commission meetings should lay bare the reality of the Commission's co-option by the NCAA and that the Knight Commission's mission continues to be diluted by members who will strongly resist any effort to tame the commercialism of college sports. However, sharp questions by the press could lead to a real breakthrough – intervention by the Knight Foundation Trustees.

Although highly unlikely, one can hope that such an intervention would lead to a basic restructuring of the Commission so that it is not only independent of the NCAA, but is principle based – aiming to do the right thing for college sports AND the long-term welfare of higher

education. This would require the appointment of well-informed members who have no vested interest in the status quo or are susceptible to influence by others who benefit from the status quo. Also, they must be able to recognize and be willing to speak the truth about the significant issues associated with the overly commercialized college-sports business and be willing to serve. This too appears to be highly unlikely. So, what can be done?

The Drake Group is now working on a grassroots, quid-pro-quo based initiative [3], wherein specified requirements would need to be satisfied by the NCAA cartel in order to maintain the tax-exempt status of its programs. The initiative begins with disclosure. Without disclosure and external oversight there will be no serious reform, only a veil of secrecy shrouding a continuing national scandal. Without disclosure and external oversight, Congress can never know whether athletes are really students progressing on accredited-degree tracks, or pretend students – progressing via clever athletic department sponsored workarounds. Without unequivocal and verifiable knowledge to discern the difference, there appears to be no rational basis for the NCAA's IRS status as a nonprofit institution of higher education.

Once disclosure is achieved, the Congress, the Department of Education, the media, faculty, and other concerned parties can exercise oversight. Therefore, The Drake Group is asking Congress to make the continuation of the current nonprofit IRS status of the NCAA and its cartel of colleges and universities contingent on meeting requirements that will ensure that college athletes are indeed legitimate, degree-seeking students—a quid pro quo.

It is the considered opinion of The Drake Group that the NCAA is really not that concerned about sporadic press coverage that poses a risk to its reputation. They either shrug it off, or in the case of Skip Rozin's column, employ the quick-response tactics recommended by their Deloitte consultants. On the other hand, ongoing, intense coverage, especially coverage in areas that can pique the interest of Congress, would really strike great fear in Indianapolis. It is precisely this kind of press coverage that The Drake Group is working to stimulate with our congressional initiative. Our aim is to make members of Congress aware of the impact of not resolving the complex, interrelated problems surrounding the unrestrained expansion of commercialism in intercollegiate athletics.

Finally, over the past two years, we have been guided by key insights gained from the epilogue to the paperback edition of Jim Duderstadt's book, *Intercollegiate Athletics and the American University: A University President's Perspective* [11]. Members of The Drake Group have been working to get the Group's "story" on paper at *The Chronicle of Higher Education* and on the Web at *InsideHigherEd.com* and *CollegeAthleticsClips.Com*, [1, 3, 4, 12-19]. Our aim has been to provide The Drake Group's position and proposals on college-sports issues for easy availability to all concerned parties – including the media, the Knight Commission, and, of course, members of Congress.

“If we can't be goaded or reasoned into doing the right thing, maybe we can be shamed, into it. Embarrassment may be as good a prod as logic. I hope it is.” – Rick Telander

CONCLUDING REMARKS – The Drake Group remains steadfast in its belief that a multi-pronged congressional investigation of the NCAA is what is required to achieve a breakthrough in college-sports reform. The fact that the NCAA is still recognized as a nonprofit institution of higher education appears to be a form of IRS-approved tax fraud – involving billions of dollars – certainly should be of interest to Senator Grassley's Senate Finance Committee. Senators John McCain and Jim Bunning, as well as Reps. Cliff Stearns, Tom Davis, and Henry Waxman, should soon see that the Congress also needs to crackdown on the use of performance-enhancing drugs in intercollegiate, and high school athletics – the steroid problem and related violence goes well beyond MLB and other professional athletes serving as role models for America's children.

It is our hope that the quid pro quo strategy will begin to gain traction in various congressional committees to help get what Congress wants and what the higher education enterprise desperately needs—a cleanup of the mess in college sports.

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3. Presidents Flex Their Muscles to Maintain the Status Quo in Big-Time College Sports

COLLEGE ATHLETICS CLIPS GUEST COMMENTARY

by Frank G. Splitt

CLIPS EDITOR: In this commentary Frank Splitt – fast becoming the conscience of college athletics - eloquently frames the dilemma that college presidents across the country face every day: to maintain the status quo of the arms race (i.e.-feed the monster), or to enforce financial and academic restraint (i.e.-tame the monster).

May 11, 2006

Brad Wolverton's article, "Presidents Flex Their Muscles," [*The Chronicle of Higher Education*, <http://chronicle.com/free/v52/i34/34a04801.htm>, April 28, 2006], and the related piece, "Other Presidents Who Are Shaping College Sports," [<http://chronicle.com/free/v52/i34/34a04901.htm>], aim to tell a story of how "a wave of college leaders, led by the U. of Hartford's Walter Harrison, is exerting more influence over sports." One is led to expect to read of how these leaders are exerting their influence to bring about substantive reform in college sports.

With all due respect to these well-intentioned presidents, the reader is sadly left to wonder what these leaders have really accomplished beyond flexing their muscles to maintain the status quo and providing salient examples of the implementation of the NCAA's Deloitte-consultant-recommended, reputational-risk-mitigation strategy. Let me explain.

First off, presidents cannot stand up to lead an effort to change the status quo in any meaningful way without risking termination driven by a storm of protest about economic impact and assorted tradition-based arguments by trustees/regents, boosters, alumni, and rabid fans. Presidents are pressured by their boards and boosters to approve costly football and basketball palaces, athletic scholarships, exorbitant coaches' salaries, professional-class training facilities, eligibility centers, and more. They are then under pressure to approve extortion-like seat taxes, an extension of the football season by the addition of a 12th game, and other revenue-enhancing mechanisms to help service the incurred debt.

There should be little wonder that presidents serve on the NCAA's executive committee, presidential commissions and committees, as well as on the Knight Commission. Simply put, they serve as 'foxes' guarding a money-filled henhouse.

In accordance with the Deloitte strategy, presidents also serve as a part of the NCAA's communications (spin) team that works to mitigate unfavorable press. For example, see the Sept. 24, 2005, accentuate-the-positive-ignore-the-negative letter to the editor by Mark Murray, president of Grand Valley State University, in response to Skip Rozin's column, "The Brutal Truth About College Sports," [*The Wall Street Journal*, Sept. 15, 2005].

An outcomes assessment of the work of the college leaders would show work to enact rules limiting colleges' use of American Indian imagery, but little if any evidence of work to de-emphasize college sports via reform measures aimed at limiting its growth and restoring academic and financial integrity in our nation's colleges and universities. On the contrary, presidents have worked to:

1. Put an academic face on the NCAA's commercial college sports entertainment business, complementing the hiring of Myles Brand, the former president of Indiana University as its president;

2. Support the NCAA's effort to avoid congressional inquiries on 'hot' issues such as: the legitimacy of its tax-exempt status, the use of steroids and performance enhancing drugs, the violent behavior of some college athletes, and alleged antitrust violations;
3. Serve as forceful advocates of the NCAA party line -- parroting Brand on policies and reform measures;
4. Maintain the status quo and the illusion that college athletes are legitimate, degree-seeking students in good standing;
5. Develop and tout the NCAA's latest window-dressing reform measure, the Academic Progress Rate (APR), that is intrinsically susceptible to countermeasures since its implementation is based on self reporting (without external oversight), the availability of easy-to-get waivers and exceptions, weak enforcement, and even weaker penalties for infractions and cheating.
6. Co-opt the Knight Commission that has apparently abandoned its "watchdog" mission as it works in cooperation with the NCAA, satisfied with mediocre "results" and less – steadfast in its belief that working through presidents and with the NCAA is the best way to reform college sports -- becoming a well-orchestrated charade funded by the John S. and James L. Knight Foundation..

Something obvious is missing. Could it be the rest of the story? This would be a truth-telling story containing matching, equivalent-length profiles of current and past presidents, faculty and others that are really exerting influence to bring serious reform to college sports -- restoring academic and financial integrity to institutions of higher education along the way.

Might I suggest the following for consideration: Scott Adler, Linda Bensel-Meyers, Derek Bok, Jim Duderstadt, Jim Earl, Jon Ericson, Gordon Gee, John Gerdy, Jason Lanter, Richard Lapchick, Tom Palaima, Kathy Redmond, David Ridpath, Allen Sack, Virginia Shepherd, Richard Southhall, Ellen Staurowski, Carol Simpson Stern, Bruce Svare, John Thelin, Carl Wieman, Andrew Zimbalist, and Nancy Zimpher.

Note that Derek Bok and Jim Duderstadt are emeritus presidents and that Gordon Gee and Nancy Zimpher are the only sitting presidents in the above listing. The following quote may explain why the dearth of sitting presidents. It comes from Clara Lovett, president emerita of Northern Arizona University:

"For nearly twenty years, campus presidents, chancellors, and some trustees have not only fought abuse within the system but have also accepted more responsibility than in the past for oversight of the system – teams and coaches, athletic directors, boosters, and the indispensable vendors and sponsors. The welcome changes in oversight have not, however, reformed a bankrupt system; they have merely shortened several presidential tenures." See Commentaries in "RECLAIMING ACADEMIC PRIMACY IN HIGHER EDUCATION," http://thedrakegroup.org/Splitt_Reclaiming_Academic_Primary.pdf.

More than ever I am convinced that many university presidents and their governing boards sacrificed academic integrity when, over the years, they made what amounts to a Faustian-like bargain with the entertainment industry to tap into a huge source of money. It would take a tremendous amount of courage for university presidents sitting on the NCAA Executive Board, its Division I A Board of Directors or its Presidential Task Force on the Future of Intercollegiate Athletics, or, on the Knight Commission, to flex their muscles and buck the "system." It's certainly a lot less stressful and much less career threatening to go along to get along in the "real world."

All indications point to the fact that it is now time for government intervention -- for the Congress to step in to force the presidents and the NCAA to enact serious reform.

NOTE: The above essay is an extension of a May 1, comment made by the author on *The Chronicle of Higher Education Forum* "Power Players," <http://www.chronicle.com/forums>. The forum was initiated on April 21, 2006, to address the question: What would you do to reform college athletics? As was stated by the Forum Moderator: "With rising public concern about college athletics programs, more institutions' presidents and chancellors are getting involved in sports policy. If you are a college leader, what are you doing to resist commercial interests? To ensure ethical behavior by your athletics director and coaches? To raise money for sports facilities? To help your athletes stay on track academically? To discourage players' illegal or uncivil behavior off the field? If you are not a college leader, what would you recommend your president or chancellor do? The moderator provided hyperlinks to the articles by Brad Wolverton. The articles were published in the *Chronicle* a week after the forum was initiated.

There should be little wonder that presidents serve on the NCAA's executive committee, presidential commissions and committees, as well as on the Knight Commission. Simply put, they serve as 'foxes' guarding a money-filled henhouse.

4. Cheating in College Athletics: Presidential Oversight Notwithstanding

By Frank G. Splitt

BACKGROUND – In a recent *Inside Higher Ed* article, Elia Powers correctly states: "It's standard practice for a college president's job description to include the phrase 'athletics oversight,'"¹ Also, Jim Duderstadt, President Emeritus and University Professor of Science and Engineering, University of Michigan, is quoted as saying: "Presidents sometimes don't realize how disruptive athletics scandals can be to universities and to their own work; and, the idea of putting athletics oversight in the hands of presidents was supposed to make them more inclined to control the beast, but presidents have largely been unable to stop the enterprise from careering out of control."

DOWNSIDE OF PRESIDENTIAL OVERSIGHT – Apparently, no one anticipated the horrific downside to putting athletics oversight in the hands of sitting presidents who are literally caught between the proverbial rock and a hard place—"between a public demanding high quality entertainment from the commercial college sports industry they are paying for, and governing boards who have the capacity (and all too frequently the inclination) to fire presidents who rock the university boat too strenuously."²

The NCAA hired Dr. Myles Brand, a president out of Indiana University, to serve as its president as well as its academic front man. Brand is the first university president to so serve. The NCAA then went on to appoint like-minded presidents to its Executive Committee.

During his tenure in office, Brand has continued the pattern by appointing NCAA-friendly presidents to his special 'study' committees. Similarly, the Knight Foundation appointed several status-quo-defending presidents to its Commission on Intercollegiate Athletics—facilitating the co-option of this Commission by the NCAA.

The presidents have not only been unable to stop the college sports enterprise from careering out of control, but, on the contrary, have contributed in large measure to building the colossal college sports entertainment business.³ In so doing they have secured their jobs by keeping their booster trustees as happy donors with tax benefits, legislators as enthusiastic supporters, and, most important of all, cashing in on the ocean of money generated by their sports business.

Considering the benefits, it's easy for an otherwise distinguished college president to give eloquent lip service to athletics oversight and look the other way while his/her school cheats in one way or another to stay competitive, especially so when almost all the other presidents are doing the same. Besides, cheating in college athletics has become part of America's sports culture and who wants to be a spoilsport?

CHEATING IN COLLEGE ATHLETICS – Similarities exist between today and the 1960s-1970s era—rendering an insight into why what occurred decades ago, with the widespread use and abuse of recreational drugs, provides a context for what occurs today in big-time college athletics. "Rules and laws aren't always the factors determining behavior in society. Sometimes it's the prevailing culture" says Mike Imren.⁴

Imren also says a stigma wasn't always attached to smoking cigarettes or even drinking and driving. They were simply things people did without thinking. It was simply part of the culture. Now society and sports emphasize the adverse health effects as well as legal consequences of those activities. According to Imren, baseball players believed it was OK to use performance enhancers in the 1980s-2000s because it was ingrained in the culture, saying: "Participants didn't necessarily think it was all right. They just thought it fell into a wink-wink gray area that wasn't all wrong. Some players have been scared straight. Yet many likely continue to try to beat testing and the system."

So too it is with cheating in college athletics that ranges from breaking NCAA rules to the use of performance-enhancing drugs and academic corruption.⁵ Everybody cheats to one degree or another; it's ingrained in America's sports culture as is the fine art of casting a blind eye. It's only wrong if you get caught.

NEED FOR A BRIGHT LINE – As many of America's colleges and universities have now become dependent on their take of the revenues related to their service as homes for the NFL's and NBA's minor league football and basketball teams, there is a compelling need for a bright line to be drawn between permissible and illegitimate support of big-time football and men's basketball programs at these schools.

No such bright line has ever been drawn and enforced. If drawn, it would be subject to considerable downward pressure to lower the bar so as to allow the schools to recruit and keep academically disadvantaged college athletes eligible to play and even graduate from academically shallow "diploma-mill-like" general studies programs.

The latter course of action was made all the easier when Congress made clear last year that it stands firmly alongside the colleges on accreditation matters. The outcome of recent accreditation wars between the U. S. Department of Education (DOE) and the colleges appears to indicate that colleges, rather than the DOE and its approved accrediting agencies, have secured the right to define academic success—giving colleges, the authority to set the terms of their own academic evaluations.

These events take us to another Imren insight: "Education isn't what matters most anymore. Not even winning is. A school would be content with stupid losers if the program still generated enough revenue."⁶

THE U.S. CONGRESS – Congress could follow up on previous investigations with a hearing on an unheralded national scandal—cheating in college athletics driven by tax-free money generated by the NCAA's participation in the college sports entertainment business. However, many, if not most, members of Congress consider taking on the NCAA to be political suicide—no matter the long-term harm to our nation resulting from the high-jacking of its education system by this business.

Members of Congress appear to have separated what they think is right from what they think will work. This is an election year when political realities dictate a focus on more pressing concerns such as getting elected/re-elected, the economy and terrorism. In the end, tolerating cheating in college athletics via performance-enhancing drugs and academic corruption appears to be preferable to confronting the formidably resourced NCAA and its member institutions. Maybe so, but still one must wonder—change is in the air.

CONCLUDING REMARKS – People who should know better simply look the other way, or are taken in by the NCAA's spin, letting America's taxpayers continue subsidizing the business of college sports played by professional athletes, who must pose as students as part of the NCAA's student-athlete charade. But not all cheaters are created equal. The degrees of cheating and associated rationale are as diverse as are the the schools and the individuals involved—presidents, trustees, athletic directors, boosters, coaches, and faculty.

To whatever degree, as Paul Gallico wrote some seventy years ago: "College football today is one of the last great strongholds of genuine old-fashioned American hypocrisy."⁷ Today he would have to give equal billing not only to college basketball, but to all the cheaters in college athletics.

But at what cost is all of this cheating to the educational mission and academic integrity of America's institutions of higher education and to American taxpayers? Obviously, that will be a problem for someone else to face.

February 23, 2008

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5. Dancing Partners: The NCAA and the Knight Commission

David Mortz's report¹ covering the most recent meeting of the Knight Commission on Intercollegiate Athletics (KCIA) as well as the KCIA's press release on the meeting² was foreshadowed by an earlier opinion piece by William E. Kirwan, and R. Gerald Turner, the KCIA's co-chairs.³

It seems that there is no end to the means to which the NCAA and the KCIA will go to defend the NCAA's big-money turf and the status quo in collegiate athletics. The Kirwan-Turner opinion piece had a clear ring to it—prompting a question: Isn't the pot calling the kettle black?

The authors write:

These online fantasy leagues, which use the real names and statistics of collegiate athletes, raise a crucial question for higher education leaders: Is it amateurism in college sports that has become a fantasy?

A resounding YES answer to this question has long been apparent to all who are concerned about the integrity of collegiate athletics and are working to bring about transparency, accountability, and independent oversight to the college sports entertainment business.

The subtitle of the Kirwan-Turner opinion piece read: "NCAA rules are clear: college athletes are amateurs and should not be part of these new business enterprises." Unfortunately, NCAA rules do not amateurs make, at least not in the NCAA's big time programs as well as in many of their lesser programs.

To that point, in a recent article, Amy and Robert McCormick expose a theme common to three areas of law, labor, antitrust, and tax.⁴—showing that each of these areas of law distinguishes between commercial and amateur activities, regulating the former and exempting the latter. Under the assumption that major college sports are amateur, these laws have exempted college athletics from regulation, providing them unwarranted shelter. The McCormicks challenge this amateur assumption by examining the deeply commercial nature of major college sports—calling for the laws' application to them. Also see Sack⁵ and Splitt⁶ for more on the NCAA's tenuous, if not false, claim concerning the amateur status of college athletes.

The NCAA's bedrock amateurism principles of many years ago—which required colleges and their business partners to treat athletes like other students and not as commodities—were undermined by unrestrained commercialism and related academic corruption.^{7,8}

Since it was founded in 1989, the KCIA has strongly advocated policies that protect college athletes from commercial exploitation *except by the colleges themselves*.

Nowhere was this failing more apparent than at the KCIA's last meeting. The press release, headlined "Knight Commission Criticizes Commercialization of College Athletes

in Fantasy Sports,” says all. The CBS Sports' Fantasy College Football enterprise is simply following the lead of the college's much more extensive commercial exploitation of their athletes.

Concerning financial matters, KCIA Co-chair Kirwan said:

It's clear that college sports have a spending problem that must be addressed. In the aggregate, athletics spending continues to escalate while instructional spending has remained stagnant and has even decreased at many institutions. The current economic climate and the needs of our universities require a change in this imbalance²

So, when the Commission continues its year-long examination of financial issues this coming January, the commissioners would do well to heed the words of the Chancellor Emeritus of the University of Hawaii-Hilo, Edward J. Kormondy, who said:

The lavish centers that are intended to help players maintain their eligibility are the height of ludicrousness and demonstrate, disgustingly, the commercialization of sports and the inability of the National Collegiate Athletic Association to muster up the muscle to step in. The really sad part is the neglect of the 90-plus percent of students who are not athletes—many of them need to maintain their eligibility to graduate, too.⁹

For all intents and purposes, the prestigious Knight Commission continues to partner with the NCAA—abandoning its watchdog role as it dances with its partner around the margins of the real problems with big-time college athletics while creating the illusion it is serious about meaningful reform.¹⁰

Since the KCIA's next meeting will commemorate the 20th anniversary of the KCIA's founding, it would be most appropriate if the Commissioners would give thoughtful consideration to:

1. What Creed Black, president of the John S. and James L. Knight Foundation from 1988 to 1997 and the founder of KCIA, intended them to be about—as reflected in the leadership of the KCIA's first co-chairs, William C. Friday and the Reverend Theodore M. Hesburgh, CSC, who were on a clear mission—putting pressure on the NCAA to clean up its own act before Congress stepped in to do it for them.
2. The impression that rather than working for true athletic reform, the KCIA is allowing itself to be used to further the NCAA's own vested, money-making, commercial interests;
3. Endorsing The Drake Group's effort to have the U. S. Congress require the NCAA and its member schools comply with their tax-exempt purpose of keeping sports as an integral part of the educational program and the athlete as an integral part of the student body—as well as require measures of transparency, accountability, and oversight that are adequate to this task.

Now that could make for a meaningful meeting and the possibility that the KCIA will evolve a call to action aimed at restoring its credibility.

Frank G. Splitt

November 6, 2008

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6. Principles of Amateurism Undermined Long Ago

<http://chronicle.com/weekly/v55/i16/16a02802.htm>

The Chronicle of Higher Education

From the issue dated December 12, 2008

LETTERS TO THE EDITOR

To the Editor:

In "[NCAA Takes Heat Over Commercialization of Athletes](#)" (*The Chronicle*, November 27), Libby Sander reports that many members of the Knight Commission on Intercollegiate Athletics, including some university presidents, said the new CBS fantasy-football league represented a "slippery path" toward exploitative commercialization of college sports. What these commission members don't seem to realize is that college sports has already slipped down the path of exploitative commercialization.

The NCAA's bedrock amateurism principles of many years ago — which required colleges and their business partners to treat athletes like other students, and not as commodities — were long ago undermined by unrestrained commercialism and related academic corruption.

William E. Kirwan and R. Gerald Turner, the commission's co-chairs, have said that "NCAA rules are clear: College athletes are amateurs and should not be part of these new business enterprises." However, NCAA rules do not amateurs make, no matter how clearly NCAA rules say that college athletes are amateurs — at least not in the NCAA's big-time programs, as well as in many of their lesser programs. To claim otherwise is disingenuous at best.

Since it was founded in 1989, the commission has strongly advocated policies that protect college athletes from commercial exploitation — except by the colleges themselves. The CBS Sports fantasy college football enterprise is simply following the lead of the colleges' much more extensive commercial exploitation of their athletes.

Although the NCAA takes sporadic heat from some commission members, the NCAA and the commission still remain joined at the hip in a continuing march of folly.

Frank G. Splitt
Mount Prospect, Ill.

The writer is a former McCormick faculty fellow at Northwestern University's McCormick School of Engineering and Applied Science.

<http://chronicle.com>

Section: The Chronicle Review

Volume 55, Issue 16, Page A27

7. College Leaders Again Urged to Consider Solutions For Sports Mess: Likely to No Avail Unless...

Clips Guest Commentary

Our guest author proposes a college sports czar “empowered with a mandate for change and the authority to affect really serious reform, including the authority to rule over officials at the NCAA and its member institutions as well as conference officials on all matters pertaining to intercollegiate athletics.”

By Frank G. Splitt, The Drake Group, May 20, 2009

What has been allowed to become a circus—college sports—threatens to become the means by which the public believes the entire (higher-education) enterprise is a sideshow.

—**A. Bartlett Giammentti**, former president of Yale University and former commissioner of major league baseball

It seems to me I've heard that song before; it's from an old familiar score; I know it well, that melody.

— **Sammy Cahn & Jule Styne**, from "I've Heard That Song Before," 1939

PREFACE – According to the Knight Commission Press Release on their May 12, 2009 meeting,¹ the headlined urge came after they were told by scholars and experts on higher education and intercollegiate sports that the financial crisis in college sports is not only attributable to the ongoing recession, but also to declining athletics revenues unable to keep up with a runaway train of spending.

R. Gerald Turner, co-chairman of the Knight Commission and president of Southern Methodist University, said “The recession is accelerating the need to make hard choices about college athletics, but the fundamental problems will not abate when the economy improves.... Through innovative solutions, we can take measures to reign in ever-increasing athletics spending and preserve all that is good about college sports.”

Repeated calls for college sports reform have gone unheeded for decades. Notwithstanding the current economic crisis, there is no reason to believe that the Knight Commission's latest "urging" will fare any better than its 2001 call to action. Here's why and what it would take to clean up the mess in college sports.

WHERE HAVE WE HEARD THAT SONG BEFORE? – We need look no further than the Knight Commission's 2001 report, *A Call to Action*,² for the answer. The report, a ten-year review of progress made since the original Commission reports, called for a stronger commitment to academic standards in college sports. It found that the problems of big-time sports—academic transgressions, a financial arms race, and commercialization— had grown rather than diminished since their three reports were published in the early 1990s. It should have been used as a briefing paper for the May 12 meeting.

Given the sad state of affairs in 2001, the Commission recommended a new model for reform based on the establishment of a Coalition of Presidents—directed toward an agenda of academic reform, de-escalation of the academic arms race, and de-emphasis of the commercialization of intercollegiate athletics. Also recommended was the formation of a separate and independent body, an Institute for Intercollegiate Athletics, that would serve as a watchdog to maintain pressure for change by keeping the problems of college sports visible, provide moral leadership in defense of academic integrity, monitor progress toward reform goals, and issue periodic report cards.

To the best of my knowledge, none of these recommendations were implemented. However, many of the watchdog operations have been undertaken by The Drake Group and other volunteer reform-minded organizations.

FINANCIAL TRAIN WRECK – In a 2004 essay,³ I used the following quote from Jim Duderstadt, Emeritus President and University Professor of Engineering at the University of Michigan and the author of the Foreword to the cited essay : "We're headed for a train wreck. It'll be financial because how much worse than the Colorado scandal can you get?"⁴ Duderstadt reckoned that the financial wreck could be caused by a federal antitrust lawsuit or by arrogant athletic departments overtly cannibalizing student programs to keep football and basketball programs.

At the time, it was my view that it was more likely that the "financial wreck" would come from a serious IRS study/audit of the favorable tax treatment of the commercial activities of athletic departments, saying: An in-depth IRS audit would be the NCAA cartel's worst nightmare having the potential to fully expose the extremely weak educational basis for the current financial structure of big-time college sports that would not only force very major reform, but also provide unassailable "cover" for reform-minded university presidents and governing boards.

This line of thinking ultimately led to The Drake Group's comments on the Revised IRS Form 990—an information form that serves the purpose of verifying that an organization's activities are consistent with its exempt purpose. The use of this form, in accordance with The Drake Group's comments calling for transparency, accountability, and oversight, could help force the NCAA and its member institutions to tell the truth about their sports entertainment business.^{5,6}

At the Commission meeting, John Colombo, University of Illinois tax-law professor, presented his recent paper⁷ that explains how it would be difficult to remove tax-exempt status from "big-time college" football and basketball programs. Colombo argued, however, that Congressional action would be justified in attaching special limitations to athletics programs, such as restricting expenditures and/or mandating disclosures so that programs could continue to receive "tax-favored status."

Additional insights on tax issues related to collegiate sports can be obtained from a recently published Congressional Budget Report⁸ that shows colleges receive tax benefits that aren't available to private businesses that engage in the same commercial activities.

It suggests colleges should explain how they use their commercial revenue to get the biggest bang for the buck in fulfillment of their educational mission.

It is ironic that current federal tax policy helps fuel the NCAA cartel's big-time college sports entertainment businesses where parents, students, and other American taxpayers to help foot the bill for multimillion-dollar salaries for coaches, 'stadium wars,' tax breaks for wealthy boosters, NFL and NBA minor league teams, and other artifacts of the big-time college sports arms race. Meanwhile, the NCAA works to further its financial interests and thwart any and all serious reform efforts—especially those that could expose their 'student-athlete' ruse or possibly reduce their revenues.

WHY THINGS HAVE NOT CHANGED – Generally speaking, NCAA officials along with the officials of their member institutions (presidents and their administrations, including governing boards, athletic directors and coaches) really don't want change for a variety of reasons, first and foremost of these reasons are vested self interests.

John V. Lombardi, President, Louisiana State University System and former Chancellor at the University of Massachusetts Amherst, made the case for maintaining the status quo in college athletics. When arguing in opposition to the Revised IRS Form 990, he said: "Mega college athletics is indeed a remarkable American invention, it reflects the decisions of academic administrators and governing boards at almost all colleges and universities for over a century. It prospers because for the most part we (our faculty, our staff, our alumni, our legislators, our trustees, our students, and our many other constituencies) want it. We could easily change it, if most of us wanted to change it. All protestations to the contrary, we, the colleges and universities of America and our friends and supporters, do not want to change it. What we really want is to imitate the best (often the most expensive) programs in America by winning games and championships."⁹

VEILED CALL FOR TRANSPARENCY AND HELP FROM THE FEDS? – At their May 12, meeting, Knight Commission co-chairman William E. Kirwin, Chancellor of the University System of Maryland, noted that a wealth of recent data developed by the NCAA confirmed that athletics expenses are growing at two to three times the rate of total spending for universities and also debunked the myth that high coach salaries are connected to increased winning percentages. Kirwin was quoted as saying: "We need to do more to make NCAA data clear and transparent to university trustees, alumni and the general public, so they can have a better understanding of the fundamental problems. Better data and more transparency help us debunk the myths that have led to excessive spending on coaches' salaries and other areas of intercollegiate athletics."

Co-Chair Kirwin said, "While we generally don't believe that Congressional action is necessary to regulate intercollegiate athletics, we are not ready to dismiss any proposals that could provide effective means to address our challenging financial problems."

REFORM DOOMED TO FAILURE WITHOUT FEDERAL INTERVENTION – Spending and corruption related to big-time college sports programs have continued to grow unabated despite twenty years of Knight Commission meetings and reports as well as essays from others urging reform. This growth is not only a consequence of the

absence of restraining federal intervention requiring a substantial increase in transparency, accountability and oversight, at the NCAA and the athletic programs at their member institutions, but also the lack of responsible leadership. No one is responsible for cleaning up the mess in college sports.

Experience has shown that the Knight Commission and other reform-minded organizations are toothless paper tigers. No matter how apropos and compelling their arguments, their urgings and proposals go unheeded—doomed to failure since they have no 'bite.' Barring a total collapse of America's economy, things will go on as they always have unless and until the federal government steps in.

WHAT'S NEEDED – The buck stops nowhere in college sports reform—no one is responsible for implementing and enforcing reform measures adequate to the task. To be sure, the NCAA has been extraordinarily successful in creating the illusion that they are doing just that.

After six years of reading, writing, speaking, and listening about college sports reform, it has become abundantly clear that real college sports reform is in desperate need of responsible leadership in the form of a strong commissioner of intercollegiate athletics—a college sports czar—akin to Judge Kenesaw Mountain Landis, baseball's first commissioner.

Judge Landis took control of major league baseball when its integrity was in question—restoring integrity by banning eight members of the 1919, Chicago Black Sox. Needless to say, the long-term negative impact academic corruption and loss of academic integrity would have far more devastating consequences for America than would the corruption of major league baseball. Why? Because there would be a consequent deterioration of America's overall well being as well as its leadership position on the world stage¹⁰

The college sports commissioner should be empowered with a mandate for change and the authority to affect really serious reform. This would include the authority to rule over officials at the NCAA and its member institutions as well as conference officials on all matters pertaining to intercollegiate athletics. Anything less would all but guarantee a continuation of the corrupting, cancer-like growth of professional college sports in America's failing education system.¹¹

The appointment of a college sports czar would likely require the personal attention of President Obama—an intervention in college sports not unlike that of President Teddy Roosevelt's in 1908 that gave rise to what is today's NCAA. No doubt a loud roar of protest will be heard from defenders of the status quo at the very thought of a college sports czar, let alone presidential intervention that could help put an end to the corruption in collegiate athletics as well as the exploitation of college athletes.

CONCLUDING REMARKS – So what can be made of all of this—including what seemed to be the Knight Commission's openness to help from the feds? Although there was no recognition of The Drake Group's request for the Knight Commission's endorsement of its appeal for government intervention—re: the imposition of measures of

transparency, accountability, and oversight adequate to the task of reclaiming academic primacy and integrity in higher education—Co-chair Kerwin's language offers a basis for hope that finally someone on the Commission 'gets it.'

In the light of global realities and the financial crisis, the president and members of his administration, as well as members of the U.S. Congress, must understand that there are more important challenges in higher education than those related to bracketing the NCAA's "March Madness" basketball tournament and resolving the BCS-bowls vs. playoff-regime conflict to determine a national college football champion. They may finally come to realize that prioritizing investments in athletics over investments in academics at America's colleges and universities is not only a very bad idea, but also a big waste of taxpayer money.

The Commission will meet again in Miami, Florida, on Oct. 26 to commemorate the 20th anniversary of its founding and to continue its examination of financial issues and potential solutions. Perhaps the Knight Commissioners can allot time for serious consideration of the above as well as the ideas previously put forth by The Drake Group, John Columbo's paper, and the Congressional Budget Report, to determine what's really needed to accomplish the reintegration of college sports into the moral and institutional culture of the university—a goal set forth in the Commission's 2001 call to action.

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This commentary represents an updated version of the commentary posted May 17, 2009, on CollegeAthleticsClips. Essentially this same commentary was posted May 20, 2009 as a comment on David Moltz's Inside Higher Ed report, "Athletics, Antitrust and Amateurism," <http://www.insidehighered.com/news/2009/05/13/knight>

8. Don't Give Up on College Sports Reform

Clips Guest Commentary

Our guest author has spoken out consistently about his belief that college athletics cannot be reformed from within, and he reaffirms his belief in his latest commentary.

Frank G. Splitt, The Drake Group, 9-23-09

Professor Robert Zemsky, the founding director of the University of Pennsylvania's Institute for Research on Higher Education and a leading researcher on the future of higher education, pulled no punches when addressing the Knight Commission on Intercollegiate Athletics at their May 12, 2009, meeting, saying:

Since you've been in business, things have gotten a lot worse. ... A set of values is not present to hold athletics accountable, so the competitive pressures of the market give you what you have.

Zemsky, who was a member of Secretary of Education Margaret Spellings' Commission on the Future of Higher Education (a.k.a. the Spellings Commission) went even further when commenting on college sports in his new book, *Making Reform Work*.¹ To make higher-ed reform work, Zemsky argues for the necessity of a don't-do list with the NCAA's Big Money Sports the first item on his list.² He writes:

Don't Try to Reform the NCAA's Big Money Sports. In the realm of higher education reform, intercollegiate athletics is the one that got away—permanently. Derek Bok is right when he laments that it's already too late to reverse the tide of athletic commercialism. The sums are too large, the constituencies too powerful, the absence of agreed-upon purposes all too readily apparent.

Is reform necessary?—yes. Is it possible?—no, just ask the Knight Commission on Intercollegiate Athletics. Ten years after their initial report, the distinguished panel that composed the commission was painfully blunt in assessing the Commission's lack of success.

*The bad news is hard to miss. The truth is manifested regularly in a cascade of scandalous acts that, against a backdrop of institutional complicity and capitulation, threaten the health of American higher education. The good name of the nation's academic enterprise is even more threatened today than it was when the Knight Commission published its first report a decade ago. Despite progress in some areas, new problems have arisen, and the condition of big-time college sports has deteriorated.*³

Big-time football and basketball will not likely change any time soon—witness current discussions as to whether athletes in these money sports deserve to be paid given the substantial funds the sponsoring universities derive from their athletic prowess. The best higher education can hope for is that eventually universities will cut loose their programs in football and basketball, making the university a sponsor rather than an owner of the enterprise.

I agree with Zemsky. Any attempt to reform big-time college sports from within would be a complete waste of time and energy since there is no part of the higher-ed establishment that has the wherewithal to do the job—as Zemsky said, not even the prestigious Knight Commission. For all intents and purposes, the commission has spent the last ten years partnering with the NCAA—

abandoning its watchdog role as it works around the margins of the real problems with big-time college athletics while creating the illusion it is serious about meaningful reform.⁴ Zemsky's concluding sentence could better reflect what's going on with congressional initiatives in college sports reform if written as follows:

The best that critics of America's higher education enterprise can hope for is: federal intervention that would force the NCAA and its member institutions to comply with the government's and their own rules and regulations, or, colleges and universities will eventually cut loose their programs in football and basketball, making the university a sponsor rather than an owner of these sports entertainment businesses.

One can always hope, but don't bet on either of these outcomes.

Re: Federal Intervention – Senator Charles Grassley (R-IA) has found that there are few (if any) of his colleagues willing to sacrifice their political careers by joining him in an effort to follow up on former Congressman Bill Thomas' 2006 scrutiny of the NCAA to determine the justification for the tax breaks enjoyed by it and its wealthy supporters. What's more, the U.S. Department of Education apparently has taken a do-nothing position on issues relating to college sports.⁵

Re: Giving Up Their Sports Businesses – It is difficult to imagine a circumstance where the NCAA cartel members would abandon ownership their college sports business franchises. However, the persistent efforts of Sonny Vaccaro to expose the cartel's exploitation of the athletic prowess and likeness of athletes as well as its obstruction of talented athlete's right-to-work has, no doubt, caused a bit of unrest in Indianapolis. For example, former U.C.L.A. basketball star Ed O'Bannon's legal suit against the NCAA, the Collegiate Licensing Company, member colleges and athletic conferences, could very well precipitate a disruptive scenario in the form of an avalanche of similar suits with the potential to destabilize the cartel's financial structure. For more on this and other suits against the NCAA, see William Rhoden.⁶

So, where do we stand? It appears that: warped educational missions, academic corruption, exploited and poorly educated athletes, denied access and higher costs for academically qualified college candidates, and America's eroding economic competitiveness are prices our nation is willing to pay to ensure: job security for highly-paid college, athletic-conference, government, and media officials, tax-breaks for the NCAA cartel and their wealthy supporters, 24/7 entertainment for its college-sports-addicted public, and continuation of a beer-and-circus environment at its big-time colleges and universities.⁷ Really?

This does not mean that reform-minded individuals and organizations should give up—far from it. It is all the more reason to keep the NCAA cartel's feet to the fire of the truth. To this end, The Drake Group, with the support of other reform-minded organizations and like-minded individuals from the academic community, will not only continue to update members of Congress and their staff members on issues related to the need for serious reform in college sports, but also, more importantly, support Senator Grassley's effort to affect a significant improvement in the transparency, accountability, and independent oversight of the operations of the NCAA and the athletic programs at its member institutions.

In the light of global realities and the financial crisis, the president and members of his administration, as well as members of the U.S. Congress, must understand that there are more important challenges in higher education than those related to bracketing the NCAA's "March Madness" basketball tournament and resolving the BCS-bowls vs. playoff-regime conflict to determine a national college football champion. They may finally come to realize that prioritizing investments in athletics over investments in academics at America's colleges and universities is not only a very bad idea, but also a big waste of taxpayer money.

So too in this light, the Knight Commission should not give up on college sports reform. It should recognize that it has been co-opted by the NCAA cartel and then begin to focus on academic corruption that enables the professionalization of big-time college sports. For example, at its October 26, meeting in Miami, it could endorse The Drake Group's appeal for government intervention in college sports. This intervention would mean the imposition of measures of transparency, accountability, and oversight adequate to the task of reclaiming academic primacy and integrity in higher education as well as determining what's really needed to accomplish the reintegration of college sports into the moral and institutional culture of the university—a goal set forth in the Commission's 2001 *Call to Action*.³

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9. On Reforming College Sports and Curbing Profligate Spending

Clips Guest Commentary

Our guest author describes the rock and hard place that plagues college presidents in their oversight of college athletics. Few of them have the capacity, the will, or the appetite to lead a true reform movement in college sports.

By Frank G. Splitt, The Drake Group, 10-29-09

Background – It is now almost six years since the publication of my first brief on college sports reform.¹ Reference to this brief will show inputs from the founding co-chairs of the Knight Commission, Dr. William C. Friday and the Rev. Theodore M. Hesburgh who concluded the Foreword by saying:

Like the Knight Commission Reports, this brief serves as a clarion call to university presidents, trustees, administrators and faculties. It should help to not only enhance their collective awareness, but stimulate debate, and prompt a more determined search for workable solutions and collaborative action as well. It is my fervent hope that readers will go further and ultimately become involved with facets of the reform movement that lie within their respective spheres of influence. As we stated in the 2001 Knight Commission Report: "Change will come, sanity will be restored, only when the higher education community comes together to meet collectively the challenges its members face."

Bill Friday contributed this commentary:

Every thoughtful sports fan knows that intercollegiate sports are in serious difficulty. The Knight Commission has led the effort to bring about major change and fundamental change has occurred. Much remains to be done and Frank Splitt's Brief signals the role faculties must play. The challenge is great; I believe the faculties will respond.

The challenges to meaningful reform have indeed been great. The clarion calls to university presidents, trustees, administrators and faculties have fallen on mostly deaf ears. Faculties responded as best they could but the opposing constituencies are truly powerful; and the perceived monetary and psychic rewards for maintaining the status quo are considered too great to be ignored by their administrations.

Adding to the difficulty of achieving reform has been the fact that the so-called 'watch-dog' Knight Commission strayed far off the course set by its founding co-chairs—serving as an apparent surrogate for the NCAA ever since the end of the Hesburgh-Friday tenure.

The Knight Commission's October 26, 2009 Meeting – The meeting was keyed to the release of the Commission's report on its survey of presidents from Football Bowl Subdivision (FBS) institutions—previously known as Division IA schools—that found skyrocketing football and basketball coaches' salaries "the greatest impediment" to the "stability" of college athletics as we know it.² In her commentary on the meeting, *The Chronicle of Higher Education's* Libby Sander wrote:³

A majority of college presidents at the nation's largest athletics programs feel powerless to contain the escalating costs associated with big-time college sports, and are hard-pressed to identify an entity that can.

Independent sports columnist, Bob Gilbert said:⁴

Most presidents of universities with major sports programs confessed cowardice and fear of trustees and boosters when asked why they don't stop uncontrolled spending for athletics.

The Knight Commission on College Athletics, in a report based on interviews with 95 of the 120 presidents of Division I-A universities, said the spiraling cost of their sports programs is unsustainable and threatens the future of academics in America.

"We've reached an indefensible, unsustainable situation. Universities are being forced to eliminate (academic) programs, reduce hiring (and) increase class size," said the commission co-chairman William Kirwan, chancellor of the University of Maryland.

What's really news here is the Commission's clear recognition of what has been well known to reform-minded individuals and organizations for several years—school presidents are in no position to participate in meaningful college sports reform efforts, let alone lead such efforts. As Dr. Jim Duderstadt, President Emeritus and University Professor of Science and Engineering at the University of Michigan, has said:⁵

Both my book and the 2001 Knight Commission report urgently portrayed the threat to American higher education posed by the ever-increasing commercialization and corruption of big-time college sports, neither proposed an effective method to deal with the problem. Put simply, in both cases we bet on the wrong horse. We proposed that the university presidents take the lead in the reform of college sports, whether through academic organizations such as the AAU and ACE (my proposal) or the NCAA (the Knight Commission). And nothing has happened.

Perhaps this is not so surprising. After all, university presidents are usually trapped between a rock and a hard place: between a public demanding high quality entertainment from the commercial college sports industry they are paying for, and governing boards who have the capacity (and all too frequently the inclination) to fire presidents who rock the university boat too strenuously. It should be clear that few contemporary university presidents have the capacity, the will, or the appetite to lead a true reform movement in college sports.

Nevertheless, presidents were positioned on the NCAA's Executive Board and held leadership positions on the Knight Commission. Reform-minded organizations—often labeled as critics—were not really welcomed at the table.

Unfortunately, defenders of the status quo have, for many years, viewed the issues surrounding the rampant commercialization, professionalization, and profligate spending of big-time collegiate athletics much too narrowly to see the perils ahead—including the erosion of the long-term viability of America's higher education enterprise as well as its position in the 21st-century's global economy.⁶

Advocating for Federal Intervention – Briefly stated, the genesis of The Drake Group's advocacy for government intervention in college sports is as follows. Three years after the publication of the Knight Commission's 2001 report,⁷ it became evident that the Commission was not following up on the reform recommendations set forth in this thoughtfully prepared report—a great disappointment to reform-minded faculty to say the least. Further disappointment came when the Commission expressed no interest whatsoever in the Group's reform-oriented essays.^{1, 7}

Given these disappointments and experience that indicated government intervention was likely the only way to transcend the vested self-interests of NCAA and school officials, The Drake Group launched its congressional initiative in the fall of 2004. The aim was the restoration of academic primacy at our nation's institutions of higher learning.

Key documents—references 1, 7, and 8—were used to provide background for members of Congress and their staffers at the Senate Finance Committee as well as at the House Committee on Ways and Means. Subsequent essays^{9, 10} have continued to sustain this initiative.

Indications are that the situation is now such that only the government can protect America from the higher education establishment's greed, mismanagement, and lack of foresight re: operating \$multi-million sports entertainment businesses. Why?—because responsible individuals and organizations continue to be involved in self-defeating behavior centered on protecting their own vested interests. Besides, the federal government is the only entity that has the power to curb the escalating costs associated with big-time college sports.

As evidenced by numerous essays,¹¹ and our work with the House Ways & Means Committee as well as with the Senate Finance Committee, we of The Drake Group have been advocating government intervention for the past five years—lately in open letters to President Obama,¹² and most recently in several letters sent to the president and CEO of the Knight Foundation prior to the October 26, Commission meeting. Here is an excerpt from one of the latter letters:

Yes, of course, the government should not interfere if non-government organizations such as the Commission are performing well and getting meaningful results when addressing serious issues. However, the government not only may intervene but must intervene in the national interest if they are not.

In this case, intervention would mean the imposition of measures of transparency, accountability, and oversight adequate to the task of reclaiming academic primacy and integrity in higher education as well as determining what's really needed to accomplish the reintegration of college sports into the moral and institutional culture of the university—a goal set forth in the referenced 2001 Commission report.

The Drake Group is asking you as the president and CEO of the Knight Foundation to urge the Foundation Trustees and its Commission not to give up on college sports reform. The Commission's endorsement of The Drake Group's appeal for government intervention would be a meaningful step on the path to this reform.

Future Outlook – It was refreshing to see that a number of Commission members now grasp the enormity of the negative impact that professionalized college sports can have on higher education. Hopefully, the above and other recent messages¹³ from The Drake Group urging the president and CEO of the Knight Foundation, not to give up on college sports reform may influence the Foundation to:

- o Take a hard look at its Commission on Intercollegiate Athletics that gives the distinct impression that rather than working for meaningful athletic reform, it is allowing itself to be used to further the NCAA's own vested, money-making, commercial interests via exploitive commercialization of college sports.
- o Get the Commission back on track by requiring it to act in a way that will result in affecting positive change as it pertains to placing academic interests ahead of athletic interests.

The Drake Group takes seriously the threat posed to higher education in America by the uncontrolled professionalization, commercialization, and profligate spending of college sports. Government intervention can get academic values and priorities set above those of intercollegiate athletics. Failure to do so may not lead to the fall of America, but, over time, life for its citizens would surely be changed irrevocably and certainly not for the better as the nation will have a superbly entertained workforce that isn't able to compete in the 21st-century's global marketplace.

To the best of my knowledge, the Commission did not provide the requested endorsement of The Drake Group's appeal for government intervention at their October 26, meeting. Only time will

tell the future direction of the Knight Commission and professional college sports, as well as the ultimate fate of higher education in America.

NOTES

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2. Wiener, Jay, "College Sports 101: A Primer on Money, Athletics, and Higher Education in the 21st Century," October 2009, http://www.knightcommission.org/index.php?option=com_content&view=article&id=344&Itemid=83.
3. Sander, Libby, "College Presidents Say They're Powerless to Control Big-Time Athletics," *The Chronicle of Higher Education*, October 26, 2009.
4. Gilbert, Bob, "Big-time college athletics: An indefensible, unsustainable situation?," *College Athletics Clips*, October 28, 2009.
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8. Splitt, Frank G., "The Faculty-Driven Movement to Reform Big-Time College Sports," Foreword by James J. Duderstadt, Afterword by Jon Ericson, IEC Publications, http://thedrakegroup.org/Splitt_Sequel.pdf, July 2004.
9. _____, "The U.S. Congress: New Hope for Constructive Engagement with the NCAA and Intercollegiate Athletics," *The Montana Professor*, mtprof.msun.edu/Spr2007/splitt.html, 2007.
10. _____, "The Drake Group Comments on the Revised IRS Form 990 " http://thedrakegroup.org/Splitt_TDG_IRS_Commentary_091207.pdf, September 12, 2007.
11. _____, *Essays and Commentaries on College Sports Reform*, The Drake Group, <http://thedrakegroup.org/splittessays.html>, 2003-2009.
12. Otto, Kadence, and Splitt, Frank G., "The Drake Group's Open Letters to the President and His Administration," <http://thedrakegroup.org/Obama.pdf> and <http://thedrakegroup.org/Obama2.pdf>, 2009
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10. Faculty Action at UC-Berkeley Warrants Emulation

Clips Guest Commentary

Members of the UC-Berkeley Faculty Senate pave a path for other Faculty Senates to follow.

By Frank G. Splitt, The Drake Group, 11-03-09

Kudos to Doug Lederman for his informative story calling attention to the planned action of members of the UC-Berkeley Faculty Senate re: their proposed resolution on intercollegiate athletics.^{1,2} Reference to Lederman's piece will show that it prompted a number of wide-ranging comments. As I stated in my own comment:

"Members of the UC-Berkeley Faculty Senate did an excellent job in formulating their "Resolution on Intercollegiate Athletics at UC Berkeley." These members are proving to be all too rare exceptions to what I have perceived to be a general rule in college sports reform: Untenured faculty are too busy getting tenure to work for reform, while tenured faculty are too busy doing research and/or just don't want to get involved in controversial nonacademic affairs.

My letter to the editor (appended³) made the above point and several others, apparently only too well. In a blatant act of retaliation, my honorary position as a McCormick Faculty Fellow was declared invalid a few days after its publication in the October 5, 2005, issue of *The Wall Street Journal*.

Fear of career-impacting retaliation has likely been a major deterrent to faculty-driven reform. Retaliation could come not only from school officials, alumni, athletics-friendly faculty and students, but most assuredly via the influence of the biggest men and women on campus—wealthy, sports-promoting, members of the school's governing board.

To be sure, college sports reform is not a popular subject with school and government officials, as well as the media, or, for that matter, with the American public that has an apparently insatiable appetite for 24/7 sports entertainment.

Reform will take a concerted effort and strength in numbers. As Alice Agogino, one the authors of the UC Berkeley faculty resolution that will be brought to a vote on November 5, has said: "We have to stop the Intercollegiate Athletics arms race and we can only do this together." To this end, the national steering committee for the Coalition on Intercollegiate Athletics (COIA) can ask its members to consider using the UC-Berkeley Resolution as a template for a similar resolution by their faculty senates and report their progress at COIA's national meeting this coming January."

The thought behind this comment was that this is an opportune time to not only take advantage of the work done by the UC-Berkeley faculty, but also to exploit the fact that many of America's colleges and universities are now beginning to recognize that their presidents are apparently powerless to curtail out-of-control spending by their athletic departments.^{4,5}

The faculty senates should feel free to tailor the UC-Berkeley resolution to fit the circumstances at their schools. In a personal communication, COIA Co-chair Nathan Tublitz suggested that consideration should be given to incorporating the following wording from COIA's 2007 white paper.⁶

1) The Athletic Department's budgets, revenues and expenditures should be transparent and aligned with the mission, goals and values of the institution. The University President should take the lead to ensure that fiscal reports, including dash board indicators as listed in the 2006 NCAA Presidential Task Force report, are issued annually and made available to the campus faculty governance body. The President should work closely with faculty leaders, existing faculty committees, and athletic department personnel to achieve these goals (Proposal 4.1)

2) The overall annual growth rate in the Athletic Department's operating expenditures should be no greater than the overall annual growth rate in the university's operating expenditures. (Proposal 4.2)

3) The athletic department budget should be integrated into the university general budget process where feasible. The proposed athletic department budget should be evaluated by the same process as the budget for academic units. (Proposal 4.3)

There have been expressed desires to support the emulation of this faculty-driven effort. Kadie Otto, the president of The Drake Group has said: "We, of The Drake Group, are certainly in agreement with the comments that have gone back and forth via recent emails. I really think that if we have a "united call to action" (both COIA and TDG) we will be more effective." Alice Agogino, Chair of the UC-Berkeley Academic Senate the year it agreed to join COIA added: "I think I can speak for members of the Resolution Committee to say that we would be delighted to help out in similar efforts on other campuses."

Working together can make college sports reform happen.

AFTERWORD

"We won the vote yesterday!" said Alice Agogino, one of the authors of the UC-Berkeley faculty resolution on intercollegiate athletics. The resolution was brought to a vote by the university's Faculty Senate on Thursday, November 5, 2009. It carried 91-to-68.

Regardless of the positive outcome of the vote, the framers of the resolution are to be commended for doing a significant, breakthrough service by their example—not only making college and university faculty across America aware of the brutal truth about intercollegiate athletics, but also showing how something can be done about the issues that surround it.

November 6, 2009

NOTES

1. Lederman, Doug, "Bad Time for Sports Overspending," *Inside Higher Ed*, <http://www.insidehighered.com/news/2009/10/30/ucsports>, October 30, 2009.

2. Agogino, Alice, et al, "Resolution on Intercollegiate Athletics at UC Berkeley," http://academic-senate.berkeley.edu/meetings/documents/Intercollegiate_Athletics_resolution.pdf

3. Splitt, Frank G., "Who Wants to Tackle Biggest Man on Campus?," *The Wall Street Journal*, October 5, 2005. The text of this letter follows:

The Sept. 24, (2005) Letters to the Editor in response to Skip Rozin's superb Sept. 15, Leisure & Arts column, "The Brutal Truth About College Sports," were aptly headlined, "Can Colleges Control the NCAA Beast?" The answer, plain and simple, is no. Here's why and what the Drake Group is doing about it.

Big-time (NCAA Div I-A) university and college presidents cannot advocate true reform without risking termination – cultivated by a storm of protest about fiscal irresponsibility and assorted emotional arguments by trustees/regents, boosters, alumni, and rabid fans. Untenured faculty are too busy getting tenure to work for reform, while tenured faculty are too busy doing research and/or just don't want to get involved in controversial nonacademic affairs.

With the NCAA's apparently successful co-option of the Knight Commission on Intercollegiate Athletics, there is no one charged with anything resembling responsibility for controlling the billion-dollar beast that has become expert at resisting true reform, exploited

college athletes, provided weak rules enforcement, shown a lack of concern with regard to violence by college athletes and the connection of violence to the use of performance enhancing drugs, and shrouded its nefarious conduct in a veil of secrecy – protected by the Buckley Amendment to the Family Educational Rights and Privacy Act. And in the midst of all this the NCAA maintains a nonprofit IRS status as an institution of higher education

Also, America's love affair with sports, its high tolerance for misbehavior by its heroes, and really big money, has helped bring us today's horrific mess in big-time, college sports ... a mess characterized by seemingly unrestrained growth in spending with a corresponding desperate need for additional revenues.

Over the past two years, members of the Drake Group [the organization's Web site states that its "mission is to help faculty and staff defend academic integrity in the face of the burgeoning college sport industry"] have been working to provide the Group's position on the above issues for easy availability to all concerned parties – especially to members of Congress where the Group is working a quid pro quo initiative on disclosure and the restoration of academic and financial integrity in our institutions of higher learning.

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5. _____, "Don't Give Up on College Sports Reform," http://www.thedrakegroup.org/Splitt_Dont_Give_Up.pdf , September 23, 2009.

6. Coalition on Intercollegiate Athletics, "Framing the Future: Reforming Intercollegiate Athletics," <http://coia.comm.psu.edu/FTF/FTFtext&appendix.htm>, June 15, 2007.

The most recent reincarnations of the original Knight Commission on collegiate athletics are evidence that hope continues to triumph over experience. For nearly twenty years, campus presidents, chancellors, and some trustees have not only fought abuse within the system but have also accepted more responsibility than in the past for oversight The welcome changes in oversight have not, however, reformed a bankrupt system; they have merely shortened several presidential tenures. – Clara Lovett, 2003

THE AUTHOR

Frank G. Splitt, is a member of The Drake Group, a former McCormick Faculty Fellow at Northwestern University, and a vice president emeritus of NTI (the U.S. portion of the former Nortel Networks Corporation).

He was the recipient of the *2006 Robert Maynard Hutchins Award* for his courageous defense of academic integrity in collegiate athletics and was the author of “Reclaiming Academic Primacy in Higher Education,” a brief with a Foreword by Fr. Theodore Hesburgh, C.S.C., President Emeritus of Notre Dame University and a founding Co-Chairman of the Knight Commission on Intercollegiate Athletics.



Fr. Hesburgh and the author

Photo by Melanie Chapleau, University of Notre Dame, Dec. 2, 2003

Dr. Splitt also authored “The Faculty-Driven Movement to Reform Big-Time College Sports,”—the sequel to the “Reclaiming” brief—with a Foreword by Dr. James Duderstadt, President Emeritus of the University of Michigan, and an Afterword by Dr. Jon Ericson, former provost and Ellis & Nelle Levitt Professor Emeritus at Drake University. Both documents are accessible at <http://thedrakegroup.org/splittessays.html>.

THE DRAKE GROUP

The Drake Group Mission: The mission of The Drake Group (TDG) is to help faculty and staff defend academic integrity in the face of the burgeoning college sport industry. The Drake Group's national network of college faculty lobbies aggressively for proposals that ensure quality education for college athletes, supports faculty whose job security is threatened for defending academic standards, and disseminates information on current issues and controversies in sport and higher education. The Drake Group seeks to form coalitions with other groups that share its mission and goals.

The Drake Group Vision: The Drake Group vision is to create an atmosphere on college campuses that encourages personal and intellectual growth for all students, and demands excellence and professional integrity from faculty charged with teaching.

Contact: Please contact The Drake Group directly with any questions (info@thedrakegroup.org).

THE DRAKE GROUP
<http://thedrakegroup.org>