

Taxpayer-Supported Jobs for College Athlete-Entertainers¹

a CLIPS GUEST COMMENTARY

Our guest author comments on the ongoing confluence of college sports and entertainment.

by Frank G. Splitt

IN A RECENT front-page story, Brad Wolverton wrote: "Major-college football players reported spending an average 44.8 hours a week practicing, playing, or training for their sport" – this according to an NCAA survey of 21,000 players.²

The survey also found that the majority of these players consider themselves more as athletes than students contradicting NCAA President Myles Brand's claim that "those who participate in our athletics events are students, and students first." If the NCAA and its member institutions have factual evidence to back up President Brand's claim, then they would certainly benefit from voluntary disclosure of this evidence.³

The finding also brought to mind Michigan State University College of Law Professors Robert and Amy McCormick's argument that grant-in-aid athletes in revenue-generating sports at NCAA Division I institutions should not be viewed as "student-athletes" as the NCAA asserts, but should, instead, be considered "employees" under the National Labor Relations Act.⁴

So what's new?

We live at a time when everyone seems to know about wrongdoing in the world but no one is willing to admit it, let alone do something about it. For the past few decades, government and school officials have known, or should have known, that college athletes have full-time jobs in the college sports entertainment business. Folks who should know better simply "look the other way," are taken in by NCAA spin, or, go along to get along.

If the truth be told, the actual time spent on athletics was likely greater than that reported in the NCAA study. Also, the actual time spent on academics was likely less than reported. In any case, one must ask: Just where and how did the athletes spend time on academics? *Without transparency, accountability, and independent oversight, no one will ever know for sure.*

Unfortunately, it is most likely that these athletes participated in an alternative educational experience that is not part of their school's serious academic life, but rather a customized pseudo-academic experience engineered by academic support center staff members who work at the behest of the school's athletic department.

Michael Crowley provides a fitting metaphor for this alternative educational experience at America's colleges and universities that are driven by big money, prestige, and other incentives to support big-time football and men's basketball programs. Crowley, a senior editor at *The New Republic*, says cheating – to meet the high-stakes testing requirements of the *No Child Left Behind* law – is becoming a problem in K-12 schools across the country ... and that teachers are the culprits.⁵

The academic support centers for college athletes are certainly able to do a much better job of cheating than their K-12 counterparts, aided and abetted as they are by highly respected school officials, the best academic support staffs money can buy, multi-million-dollar facilities, generally apathetic faculty, the NCAA's 24/7 PR operation, and government subsidies via tax breaks to boot.

But why cheat? Simply stated, cheating works. In an era when the demand for blue chip athletes with the qualifications for college-level academics far exceeds availability, cheating enables schools to not only recruit and keep academically disadvantaged athletes eligible to work full time at their jobs as athletic entertainers, but also provide the illusion that these athletes are bona fide students.

As a consequence of the above, America's taxpayers continue to subsidize the business of college sports where, in DIV 1A football and men's basketball, the games are played by professional athletes who are required to pose as students as part of NCAA's 'student-athlete' charade so as to 'justify' the tax-exempt status of the NCAA and their school's athletic program.⁶

Where is the outrage?

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NOTES

1. This essay is based on the author's January 15, 2008, comment on Elia Powers' January 14, 2008, *Inside Higher Ed* report, "NCAA Rundown: News From Nashville," that can be accessed at <http://insidehighered.com/news/2008/01/14/ncaa> . It is also related to "Going Beyond the Mitchell Report: Cheating in College Sports via Performance Enhancing Drugs and Academic Corruption,"

2. Wolverton, Brad, "Athletes' Hours Renew Debate Over College Sports," *The Chronicle of Higher Education*, p. A1, January 25, 2008.

3. On the other hand, if the NCAA and its member institutions have unfavorable information that they are unwilling to disclose, that refusal should lead the IRS to draw negative conclusions about their management of intercollegiate athletics. More specifically, the conclusion to be drawn is that their athletes are not legitimate students – negating the basis for the tax-exempt status of the NCAA and the athletic programs at its member institutions.

4. McCormick, Robert and Amy, "The Myth of the Student-Athlete: The College Athlete as Employee," 2006 *Washington Law Review*. Also see "The Student-Athlete: An NCAA False Claim?" http://thedrakegroup.org/Splitt_The_Student_Athlete.pdf

5. Crowley, Michael, "No cheater Left Behind: It started with grade inflation. Now it's Fraud," *The Reader's Digest*, p. 39-41, January 2008. This article is a natural follow up to the first chapter of Steven Levitt's and Stephen Dubner's 2005 book *Freakonomics* (Harper Collins). The chapter explores the beauty of incentives as well as their dark side – cheating.

6. Splitt, Frank G., "A Revised IRS Form 990 Can Serve as Occam's Razor for the Core Problem in College Sports," http://thedrakegroup.org/Splitt_Revised_IRS_Form.pdf. "Comments by The Drake Group on the Draft of a Redesigned IRS Form 990," submitted to the IRS on September 12, 2007, were added to the RECENT NEWS section at the bottom of TDG's Home Page (<http://thedrakegroup.org/>).

At this writing, members of Congress appear to have separated what they think is right from what they think will work. As George Stephanopoulos opined: "Judging how the world will judge what you do—how a position will "play"—is an essential political skill. If you can't predict what will work, you can't survive in office." This is especially so in an election year when political realities dictate a focus on more pressing concerns such as the economy and terrorism. In the end, tolerating cheating in college sports via performance-enhancing drugs and academic corruption appears to be preferable to confronting the formidably resourced NCAA and its member institutions.