

How about FIPSE proposals for college sports reform?

By Frank G. Splitt

Doug Lederman reported on the latest twist in the execution of the Fund for the Improvement in Postsecondary Education (FIPSE)—the Department of Education's comprehensive grant program.¹ He tells how the federal government's primary driver of policy experimentation appears to be rendered obsolete as the department quietly revealed that the fund will forgo its main open grant competition for the second time in four years. He concludes his report by quoting an assertion on the department's Web page:

"The program, it says, "is *responsive to practitioners*. In its Agenda for Improvement, FIPSE identifies common issues and problems affecting postsecondary education and invites applicants to address these *or other* problems imaginatively. The Comprehensive Program welcomes proposals addressing any and all topics of postsecondary improvement and reform."

Here's still another somewhat more audacious twist: Big-time college football and men's basketball programs ought to be a target for future FIPSE college sports reform proposals. These programs have become a cauldron of profligate spending and corruption driven by the college sports entertainment industry. They not only threaten the integrity and the preeminent global position of America's higher education enterprise, but also the future well being of our nation.² The threat is embodied in related academic corruption and educational mission warp at many of America's premier colleges and universities supporting these big-time sports programs.

Mission warp and corruption not only serve to accommodate political-clout-backed applicants who may very well be academically unqualified, but likewise, counterfeit-amateur athletes—so-called student-athletes—that make up the school's professional football and men's basketball teams.³ These teams are part and parcel of the school's government-subsidized sports entertainment business. Their clout is broad based, coming from all those who want the school to field winning teams at any cost.

As a consequence of clout, thousands of academically qualified applicants are denied access to America's top schools. Not so in other countries that are investing to make their schools stronger, especially in Asia. Also, there are few athletic programs that make money. The general education fund must then be tapped as the 'show must go on'—increasing costs and making education less affordable for real students.

Absent FIPSE proposals and the like, the media has begun to illuminate the mess in college sports as evidenced by a breach in the symbiotic relationship between the press and the college sports world. Solid investigative reporting by the *Columbus Dispatch* has led to a 'secrecy' story that demonstrates real innovation by the media that is no less than a significant contribution to higher education.⁴ The story's subtitle, "The College athletic departments use vague law to keep public records from being seen," tells all—echoing the message of Matt Salzwedel and Jon Ericson in their 2003 *Wisconsin Law Review* article.⁵

Beginning in July 2004, the NCAA cartel's abuse of FERPA formed the basis for The Drake Group's persistent efforts to have the Congress pressure the NCAA and its member institutions to incorporate measures of transparency, accountability, and oversight into their operations. Unfortunately, with the notable exception of Senator Charles Grassley (R-Iowa), serving members of Congress have not dared endorse the Drake's appeal for "sunshine" in collegiate athletics—apparently fearing that such an endorsement would necessitate giving up their political careers.

The net result of Congressional paralysis occasioned by fear of retribution—by constituent moneyed boosters and rabid sports fans—is that the dirty business of government-subsidized, professional big-time college sports could be with us for a good long time unless and until responsible leadership is engaged to restore integrity in collegiate athletics. This last-resort recommendation was prompted by the NCAA cartel's history of obstinate resistance to serious reform. An excellent example of this resistance is described by Sally Jenkins who tells how the NCAA cartel has fought off reinstatement of first-year ineligibility rule.⁶

To this end, the Drake's follow-up letter to President Obama⁷ reiterates a previous request for help by way of assistance to Senator Grassley in his efforts to enforce compliance to federal requirements for tax exemptions with a critical added appeal— for the president's personal intervention in college sports via a recommendation to establish an Office of the Commissioner of Intercollegiate Athletics.

A thoughtful reading of the two letters to President Obama and comments on America's failing education system⁸ should give the reader insights and perspectives relevant to the future of higher education in America. It remains to be seen whether or not President Obama and his administration have the political will and courage to look beyond the problems associated with college football playoffs and NCAA *March Madness* tournament bracketing to address really serious issues related to the NCAA cartel's professionalization of big-time football and men's basketball programs.

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NOTES

1. Lederman, Doug, "Innovation Crowded Out," *Inside Higher Ed*, June 10, 2009, <http://www.insidehighered.com/news/2009/06/10/fipse>. In large part, this essay is based on the author's comment, "Still Another Twist on FIPSE," on the Lederman's report.
2. Splitt, Frank G., "Sports in America 2007: Facing Up to Global Realities," December 2007, http://thedrakegroup.org/Splitt_Sports_in_America_2007.pdf
3. Travis, Clay, "ESPN's Latest Obsession: The SEC," *Fanhouse*, June 9, 2009, <http://ncaafootball.fanhouse.com/2009/06/09/espns-latest-obsession-the-sec/>. The author analyzes the recent 15-year, \$2.25 billion media deal saying: (the deal) "catapults SEC sports into the realm of professional sports." The sheer magnitude of the deal provides additional evidence of the over commercialization and professionalization of big-time college sports.
4. Riepenhoff, Jill and Jones, Todd, "Secrecy 101: College athletic departments use vague law to keep public records from being seen," *Columbus Dispatch*, May 31, 2009, http://www.dispatch.com/live/content/local_news/stories/2009/05/31/FERPA_MAIN.ART_ART_05-31-09_A1_VFE0G7F.html?sid=101.
5. Salzwedel, Matt and Ericson, Jon, "Cleaning Up Buckley: How the Family Educational Rights and Privacy Act (FERPA) Shields Academic Corruption in College Athletics," *Wisconsin Law Review*, Vol. 2003, No. 6, http://thedrakegroup.org/Salzwedel-Ericson_Buckley.pdf.
6. Jenkins, Sally, "College Athletics' Rookie Mistake," *Washington Post*, June 1, 2009, http://www.washingtonpost.com/wpdyn/content/article/2009/06/01/AR2009060102459_pf.html.
7. Otto, Kadence and Splitt, Frank G., "Letter to the President," The Drake Group, May 28, 2009, <http://thedrakegroup.org/Obama2.pdf>. The previous request was made in an "Open Letter to the President and His Administration," same authors on behalf of The Drake Group, March 18, 2009, <http://thedrakegroup.org/Obama.pdf>.
8. Splitt, Frank G., "America's Failing Education System: It Can Still Be Fixed," May 12, 2009, http://thedrakegroup.org/Splitt_Failing.pdf.