

# The NCAA and Its New President: Great Expectations

## *Clips Guest Commentary*

*The NCAA's new chief executive says he'll continue Myles Brand's emphasis on academic accountability, but it remains to be seen whether or not he has the will, the freedom, as well as the wherewithal to do what's required and to prove the past is not prologue.*

*By Frank G. Splitt, 5-4-10*

**The University of Washington** chief executive, a lifelong academic, vowed to "continue the traditions of academic accountability that we've launched" under Brand, "keeping our eye on that ball."<sup>1</sup> So what can the new NCAA president really do beyond "keeping our eye on that ball?" As his predecessor Myles Brand's tenure indicates, not much beyond superficial tactics that provide good public relations and help fend off scrutiny by the U.S. Department of Education and the U.S. Congress. Here's the story:

### COLLEGE SPORTS ARE BIG BUSINESS

College sports are a big entertainment business not an education business. The NCAA is not in the business of reform that will bring about academic accountability. Without transparency and independent oversight, there will never be academic accountability—only high-sounding rhetoric, superficial tactics, and related public relations announcements.

The NCAA is preoccupied with staying in business as the franchiser of professional, big-time college-sports programs for its member school franchisees. Together with the schools, the NCAA exploits college athletes while making huge amounts of tax-exempt money under the guise of an institution of higher education. In effect, the government subsidized NCAA manages minor league teams for the NFL and the NBA—supplying a stream of professional-level athletes for their respective drafts.

The NCAA's strategy to stay in business is to maintain the illusion that they are an institution of higher education, that college athletes are really students on a legitimate degree-seeking track, and that it is capable of instituting requisite reforms without government intervention and a consequent loss of its tax-exempt status.

Mark Yost concluded a recent commentary by saying: "Myles Brand's death from pancreatic cancer was a tragedy. But there's a cancer eating away at college athletics. If someone doesn't eradicate it, it could potentially infect the entire university system."<sup>2</sup>

### SOME PARTICULARLY INTENSE PROBLEMS

Billy Witz tells the kind of story that provides a good sense of the problem; it's a story that is all but ignored by the general public and their representatives in Congress.<sup>3</sup> In the story, Nathan Tublitz, University of Oregon Neurobiology Professor, president of the school's faculty senate, and a former co-chair of the Coalition on Intercollegiate Athletics, is quoted as saying: "It's time for the athletic department to do a little soul searching on how they can serve the university. The athletic department is out of control here."

With reference to related stories on *ESPN.com*, Witz quotes Oregon's Football Coach Chip Kelly as saying: "Of the nine headlined stories, five were about players in some sort of trouble ....

Florida has had 27 football player arrests in five years; Alabama had 10 arrests in Nick Saban's first 18 months as coach; Ohio State had 14 arrests between 2001 and 2004; and Penn State had 46 arrests between 2002 and 2007....It happens everywhere, it happens in every sport. The problem is we're a high-profile sport and we live in a fish bowl, so people know about it. And our players understand that."

Tom Palaima, University of Texas-Austin Dickson Centennial Professor of Classics, can certainly attest to what Kelly had to say as Palaima has listed and commented on the major problems with sports at his school—financially, educationally, ethically and in terms of the true value of competitive sports.<sup>4</sup>

Meanwhile, lavish spending and academic fraud scandals continue to tarnish the image of American higher education while the NCAA cartel appears to be enveloped by a perfect storm.<sup>5</sup>

There's a valuable lesson that can be (re)learned from these observations, in a nutshell: Big-time college sports are out of control almost everywhere and it's the time for athletic departments as well as the NCAA to do or be forced to do much more than a little soul searching on how they can serve the universities."

#### REFORM-MINDED NCAA PRESIDENTIAL CANDIDATES

In his April 28, 2010, column, sportswriter Bob Gilbert wrote: "The NCAA executive committee soon will select a new president to succeed the late Myles Brand, and the choice is likely to be a president or athletics director already embedded in the entertainment-industry mindset that drives the NCAA. If that happens, it will not be good for major college football, men's basketball or higher education in general. The NCAA cannot effectively deal with the problems of escalating coaches' salaries, extravagant expenditures for athletics facilities or the myriad of other issues it faces unless it chooses a president with the courage to say "no" to the exploitation of athletes and excessive commercialization of college sports."

Gilbert reminded his readers that several months ago he named eight persons who, because of their philosophies and backgrounds in education and their awareness of athletics problems and ideas for solving them, would make a good NCAA president. Among them was Dr. Allen Sack, director of sports management at the University of New Haven and one of the leaders of the movement to reform big-time college athletics and restore them to the mainstream of campus life.

Sack was a starting defensive end on Ara Parseghian's 1966 Notre Dame national championship team. Today he is concerned about the direction and role of athletics in higher education—outlining related problems and their solutions in a recent book.<sup>6</sup> During the course of the *2010 Scholarly Conference on College Sport*—sponsored by the University of North Carolina-Chapel Hill's College Sport Research Institute this past April 21-23—Gilbert asked Sack what he would do as NCAA president. Sack outlined a three-phase plan as follows:

1. Propose legislation that would prevent schools from withdrawing athletic scholarships from athletes with injuries. Current rules which allow coaches to deny scholarship renewals because of injury are "unconscionable," he said.
2. Transform athletic scholarships from employment contracts into educational gifts by replacing one-year renewable contracts with multi-year grants whose renewal would not be conditioned on athletic performance--- substituting the term "collegiate model" for "amateur model" in sports in which athletes receive financial subsidies, including room, board, tuition and fees. Such athletes would be neither amateurs nor employees.

3. Require athletes who are “special admits” – those with below-standard test scores but who have special skills such as sports or the arts – to sit out their freshman year to prove they can succeed academically, including a 2.0 grade-point-average to stay eligible for sports.

Sack explained saying: "Reforms such as these would sharpen the line of demarcation between collegiate and professional sports, thus allowing the NCAA to honestly state that big-time college athletes are neither amateurs...nor professional entertainers. The term amateur would still apply to schools that offer need-based or academic-performance financial aid."

In his aforementioned commentary, Yost cited reasons why Nancy Zimpher, Chancellor of the State University of New York (SUNY) and former University of Cincinnati president, is “eminently qualified” to be the new president of the NCAA. Zimpher has an outstanding national reputation earned through her many accomplishments and proven ability to really stand up for academic primacy in higher education. Yost said “Nancy Zimpher is the kind of hard-nosed, independent executive that the NCAA needs to lead a renewed effort at academic integrity in college athletics.”

#### THE SELECTED CANDIDATE

It seems evident that the NCAA was definitely not looking for a president that would lead a renewed effort at academic integrity in college athletics following the thinking of Allen Sack and actions of Nancy Zimpher. Hiring Mark Emmert to follow Myles Brand was the continuation of a key tactic of giving a university president a long-term contract with mega-level annual compensation—likely in the order of more than \$1 million—to provide the NCAA cartel with a much needed academic front and articulate spokesperson.<sup>7</sup>

What the NCAA needed was a strong, tough-minded leader, someone who has the capacity to far surpass Brand in their ability to defend the status quo of highly commercialized and professionalized collegiate athletics while fighting off efforts to impose requirements for transparency, accountability, and independent oversight of the NCAA cartel's operating practices as well as maintaining the illusion of reform. No doubt Mark Emmert will be an articulate and powerful spokesperson for the NCAA cartel to help fend off critics and long overdue government inquiries—the right man for the particularly intense times at NCAA's Indianapolis headquarters.<sup>7</sup>

Emmert speaks of continued emphasis on accountability and graduation rates, but CBS speaks of adding another "marquee sporting event" while Turner Broadcasting gushes about its "landmark acquisition." Could this just be a mindset embedded in the entertainment-industry that drives the NCAA and/or another manifestation of the Louisiana way?<sup>8</sup> In the referenced piece, Emmert was quoted as saying: "Simply put, success in LSU football is essential for the success of Louisiana State University," in response to objections to Nick Saban's \$1.2 million salary as the new LSU head football coach.

#### EXPECTED NCAA AND PRESIDENTIAL FOCUS

Experience teaches that rather than esoteric soul searching, the NCAA cartel will most likely focus on the protection of its vested interests. It will do this by effectively dealing with cost problems associated with escalating coaches' salaries and multimillion-dollar expenditures for ever improving athletics facilities. They will also confront the ramifications of the fact that a majority of presidents of NCAA Division I universities feel powerless to affect change in the college sports culture as well as confront a host of other issues related to the intensive commercialization of college sports and the increasingly difficult task of perpetuating the amateur student-athlete myth.<sup>9</sup>

Emmert like Brand is not expected to be empowered by the cartel to initiate serious reform, i.e., to emulate Judge Kenesaw Mountain Landis, baseball's first commissioner who was able to take firm control of major league baseball when its integrity was in question. Also like Brand, Emmert is a respected academic; however, his administrative history indicates he is no Allen Sack or Nancy Zimpher when it comes to reclaiming academic integrity in higher education by emphasizing academics over athletics.

The cartel is expected to let their new president keep on keeping his eyes on the academic accountability ball, but is not expected to allow him to hit that ball with serious reform measures unless, of course, the government forces it to do so. The cartel would much rather have him respond to the encouragement of the Knight Commission on College Athletics to put financial reform on the top of his agenda.

The cartel would also expect him to continue with the execution of proven anti-reform tactics. Among these proven tactics are co-opting external reform efforts by "working together" as it does with the Knight Commission, providing weak rules enforcement, and operating as the least transparent business in America by shrouding its operations in a veil of secrecy—using and abusing the privacy provisions of the Buckley Amendment to the Family Educational Rights and Privacy Act.

Exposure of these businesses to the light of day would show NCAA rule changes that have not been to support or reinforce their own stated purpose and principle of amateurism, but rather to increase their market size and revenues by professionalizing their big-time football and men's basketball programs at the expense of the education of participating athletes.

## THE FUTURE OF REFORM

Notwithstanding the above, the new NCAA president deserves a fair chance to show that the past is not prologue—that he can alter the NCAA cartel's course and rise above its likely great expectations and reverse the its preoccupation with money, pervasive academic corruption, and disregard for athletes' rights and welfare. Perhaps he can begin by taking a queue from a spokesperson for attendees at the Vatican Press Room gathering who called the past two months "particularly intense" before calling for "maximum transparency" in the face of the crisis to "reduce the perception that we have a secretive culture, or something to hide."<sup>10</sup>

Serious reform will likely be impeded by ardent defenders of the status quo, many are NCAA-affiliated individuals and organizations—some were named candidates for the NCAA presidency.<sup>11</sup>

Nothing short of victories in court and/or a change in federal tax law will clean up the mess in big-time collegiate athletics.<sup>12, 13</sup>

As Sonny Vaccaro has said: "It will change if the O'Bannon case wins, and other kids win suits. It will only win in a suit—not by a vote, not by the (college) presidents; it will only change by law ... The O'Bannon case is going to shake the world. It's going to change the face of what amateur athletics is."

**Frank G. Splitt**, a member of The Drake Group, is 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” and its sequel, “The Faculty-Driven Movement to Reform Big-Time College Sports.” These documents are accessible at <http://thedrakegroup.org/splittessays.html>.

## NOTES

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