

Collegiate Athletics Reform: Signs of Hope

A Collection of Commentaries

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By Dr. Frank G. Splitt

April 18, 2011

Big-time college sports are all about entertainment – and, as the recent books remind us, no important constituency seems to care. Fans love such commercial spectacles, and alumni rank them among their most memorable college experiences. Faculty members are too preoccupied with research to give the decline of undergraduate education much thought. Powerful board members know that the classroom experience of athletes is far from ideal, but console themselves with the belief that the lessons learned on the court and playing field are more important anyway. Presidents generally acquiesce in the decisions of trustees and alumni.

— Allen L. Sack, 2001

Indisputably, sport is the finest, purest meritocracy, where performance is genuinely rewarded, fairly, at face value. The irony is that in college in America, sport is not fair, not democratic. Athletics is privileged, and athletes have come to form a mandarin class, where they play by different rules and thereby diminish the substance and the honor of education. That is the real March Madness, all year long.

— Frank Deford, 2005

PROLOGUE

The purpose of this sequel to “Collegiate Athletics Reform ... It’s a Long and Lonely Journey”¹ is to literally kick the hornet’s nest—not only to help enhance awareness of the academic decline in U.S. colleges and universities, but also to stimulate debate and prompt a more determined search for workable solutions and collaborative action to improve the quality of higher education—undermined by athletics priorities and ineffective K-12 education. Included are the following interrelated *College Athletics Clips* Guest Commentaries:

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The concluding sentence on page 11 of the fourth-listed commentary states,

The current operating strategy on Capitol Hill appears to be to avoid doing anything that would provoke the NCAA by simply ignoring related problems and long-term impacts—letting the courts take the heat.

This statement triggered a question by one of America’s preeminent educators, to wit, “Is there life for collegiate athletics after Cam Newton, or is this the pits?” My response was that I did not mean to imply that there is no hope for collegiate athletics reform. On the contrary, as difficult as the journey may be, the reform movement is still quite alive—court cases are just one of multiple signs of hope for fixing collegiate athletics.

To be clear, no significant help is to be expected from members of Congress or the Department of Education beyond that already provided by U.S. Secretary of Education, Arne Duncan, who leveled some very critical remarks at big-time college sport at the 2010 NCAA National Convention, and Senator Charles Grassley who continues to be an abiding source of hope for reform. This hope involves the IRS’s stepped-up scrutiny of colleges and other nonprofits. The story began in 2004 when the Drakes kicked off their congressional initiative to make the continuation of the not-for-profit status of the NCAA cartel contingent on the disclosure of data on the academic performance of big-time college athletes.

In October 2006, Congressman William Thomas, chair of the House Committee on Ways & Means (HCW&M), pursued some of the Drake’s concerns by asking NCAA President Myles Brand to justify the NCAA cartel’s not-for-profit status. After Charlie Rangel (Thomas’ successor as chair of the HCW&M) dropped the matter, Senator Grassley continued to question the justification for the NCAA’s tax-exempt status when he held the Senate Finance Committee chairmanship and Dean Zerbe was his lead tax counsel.²⁻⁴

The stepped-up efforts by the IRS, prompted by Senator Grassley, have the potential to end government subsidization of professionalized and highly commercialized big-time college sports programs via unjustified tax breaks. These tax breaks have come to be viewed as entitlements by their recipients, namely the highly-compensated officials at the NCAA, conferences, and bowl-game organizations, as well as the wealthy donors to college and university athletics programs.⁵

The federal antitrust lawsuit against the NCAA, Electronic Arts, and others—captioned: “In re NCAA Student-Athlete & likeness Licensing Litigation in the District Court for the Northern District of California”—was strengthened with the announcement that basketball legend Oscar Robertson has added his name to the case, asserting that they licensed and profited from the use of his image without his consent.⁶ A final ruling in favor of the plaintiffs could dramatically reshape the commercial relationship between the NCAA and its athletes ... athletes who are currently prohibited from receiving compensation tied to their performances. Many lawyers and legal scholars following the case say it could end up before the U.S. Supreme Court.⁷

Still another sign of hope comes in the form of the recent publication of a definitive article on academic corruption in collegiate athletics. The article should not only be of interest to Senator Grassley and his

sscolleagues on the Senate Finance Committee, but also of interest to officials at the U.S. Departments of Education and Justice, as well as to IRS officials who have responsibility for the compliance of nonprofits to the requirements of their tax-exempt status. The abstract of this revelatory article follows.

Corruption in college athletics is longstanding, systemic, worsening, oft-debated, and threatens the institutional integrity of higher education. The Buckley Amendment and its regulations shielded corruption in college athletics by prohibiting public disclosure of athletes' courses, instructors, and course grade-point averages. To expose the complicity of colleges and universities in the corruption of college athletics, we have previously recommended that Congress or the Department of Education amend the definition of publicly available "directory information" to allow institutions to make available to the public athletes' academic advisors, courses listed by academic major, general-education requirements, and electives (with the names of instructors and course grade-point averages). Until recently, neither Congress nor the Department of Education took any steps in line with these recommendations. The Department of Education, in a rulemaking change, recently clarified its prior regulatory guidance that redacted or "de-identified" student records are not protected by the Buckley Amendment or its regulations, so long as certain conditions for disclosure are satisfied. Even with the recent regulation changes, however, the problem of academic corruption in college athletics has gotten worse.⁸

On February 8, 2011, Allen Sack and Ramogi Huma, a former UCLA football player and president of the National College Players Association, testified at a potentially transformative Connecticut legislative hearing on Athletic Scholarships and Medical Expenses.⁹

The joint investigation by *Sports Illustrated* and *CBS News* covered in their March 2, 2011, report on criminals in college football¹⁰ and Richard Vedder's related blog¹¹ provide additional exposure of the dark underbelly of the NCAA cartel's college sports entertainment businesses. The report coupled with all of the above certainly compounds the NCAA's legal problems. It was reported that NCAA President Mark Emmert told a CBS reporter that the results were "a set of facts that obviously should concern all of us." NCAA cartel officials, especially President Emmert, know that criminal behavior among football players is a serious problem.

Maintaining the status quo in the midst of serious problems, unprecedented controversy, and legal troubles requires not only strong executive leadership at the NCAA, but also consummate political skills and experience in dealing with similar situations. Emmert was a perfect fit for the NCAA presidency as he presided as the president of the University of Washington in the aftermath of well-publicized scandals. In fact, the university and its scandals were the subject of Ken Armstrong's and Nick Perry's Pulitzer-Prize-winning investigation of college football, crime, and complicity.¹² He is now highly compensated by the NCAA cartel for the challenging job of defending the status quo.¹³

Among other things, the job involves keeping secrets and damage control for exposed secrets¹⁴—resisting calls for transparency, accountability, and oversight that would not only expose its amateur student-athlete ruse, but also the whole of its operations to ever more intense scrutiny (by the media, Senator Grassley, and the Internal Revenue Service) as well. The job also involves resisting changes that would force the NCAA to realign big-time college sports with its stated mission of maintaining athletes as an integral part of the student body and retaining a clear line of demarcation between collegiate and professional sport.^{15,16}

Echoing *Declining by Degrees: Higher Education at Risk*, "No longer can our colleges and universities be allowed to drift in a sea of mediocrity."¹⁷ We all need to wake up and face reality; this nation cannot compete in the 21st-century global marketplace by being the least-educated industrial nation in the world ... a nation in which its colleges and universities serve as prostitutes for the sports entertainment industry—focusing resources on athletics at the expense of academics. Also, although college-completion and graduation-rate goals stressed by President Obama and Secretary Duncan are certainly important, the quality of the educational process is absolutely critical. It makes no sense to increase graduation rates if the graduates have not responded to a challenge to engage in the serious process of personal and intellectual formation while learning how to work hard—learning what they need to learn and how to learn it.

The quality of higher education in America is declining relative to education in nations that prioritize academics over athletics.¹⁸ America could very well be losing its economic and technological preeminence. If it keeps doing what it has been doing, it will not have the intellectual capital to address the major economic, health,

environmental, and security issues facing our nation in the 21st century ... a century that is witnessing what Fareed Zakaria has termed the "rise of the rest." Given this scenario, proficiency in science, technology, engineering, and mathematics education may not even be required since America's best and most important future products will eventually be limited to athletic sports entertainment venues and world-class athletic entertainers.

Lest the reform-minded become overly excited by the advent of signs of hope and over confident by the rash of troubles besetting the NCAA as well as in the logic of their arguments, they must be realistic. What the higher education establishment seems to do best is resist change. The new NCAA president has not only surrounded his office with competent tax and antitrust attorneys to defend the status quo, but has the resources—both financial and political—to wage long and costly court battles to stifle legislative reform initiatives and to exhaustively appeal court rulings. However, the most difficult impediments to reform are deemed to be the American public's cultural propensity to value college sports entertainment no matter what the cost and the extraordinary amount of money lubricating the business at multiple levels. Why wake up and face reality? Given this circumstance, moving forward— while keeping reform alive and well—will require the utmost in patience and perseverance.

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Death Puts Focus on College Athletics

College Athletics Clips Guest Commentary

Our guest author uses the accidental death of a Notre Dame videographer to illustrate the potential for a wide range of “collateral damage” associated with big-time college athletics.

By Frank Splitt, The Drake Group, 11-16-10

The recent tragic death of Declan Sullivan, a student at Notre Dame University who worked as a videographer for the school’s athletic department, appears to be another example of collateral damage—putting focus on college athletics as well as on America's sports culture; see "Death puts focus on college athletics" and "The lessons from Declan’s death" on the following page.

Since deadly football violence triggered President Theodore Roosevelt’s intervention back in 1905, it seems that the immediate and long-term collateral damage related to the nether world of the athletics-entertainment businesses at America's colleges and universities has never exceeded the acceptance threshold of the general public or government officials.

Unfortunately, deaths aren't the only downside to professionalized and highly commercialized big-time collegiate athletics that must be balanced against its intensely promoted upsides. In fact, there's a myriad of potential downsides beyond deaths and serious injuries, to wit:

Many, if not most, big-time athletics programs are characterized by one or more of the following (usually interrelated) symptomatic signs of an athletics-over-academics culture and win-at-any-cost mentality at so-called “beer-and-circus” schools: academic corruption and reduced academic standards, “party-animal” students, negative peer effects, physical education resources focused on elite athletes who are financially exploited and educationally deprived, subsidization of the athletics department by general funds, irrationally exuberant behavior (by coaches, boosters, and fans), access denied real students by scholarship and special-admit athletes, intimidated faculty, use of PEDs (Performance Enhancing Drugs), violent and/or criminal behavior by athletes, dark-money payoffs, lying and cheating by million-dollar coaches and wealthy boosters, and big-money shoe contracts. Headline scandals and blatant hypocrisy, along with complicity and cover-ups by school and public officials, are fairly commonplace.

Consider James Michener's perspective on America's sports culture—provided in his blockbuster 1976 bestseller, *Sports in America*:

Football has been so enshrined as a spectator sport, both in college and professionally, that it would be impossible for revisionists to alter it without protests of an almost revolutionary character. As long as the deadly violence does not accelerate, football is in no danger of discipline from without, and it is my own sad guess that deaths could triple or quadruple without much outcry.

Michener believed football is the American form of violence that is morally sanctioned by the public. So too, collateral damage and bad behavior are either overlooked or simply given a headline for a day and a passing glance by the public. Incidents are soon forgotten. In effect, collateral damage and bad behavior are legally and morally sanctioned by the American public. It's a price Americans seem willing to pay for their entertainment. So, is it any wonder that elected officials treat serious reform—such as requiring compliance to measures of transparency, accountability, oversight, and enforcement—as political suicide?

For more, see "Collegiate Athletics Reform ...It's a Long and Lonely Journey," http://thedrakegroup.org/Splitt_Journey.pdf.

POSTSCRIPT: AP Sports Writer Tim Korte's column about ND's Sun Bowl victory over Miami carried a disturbing, easy-to-misinterpret headline, "Irish Future? Looking bright" [*Daily Herald*, Jan. 1, 2011]. Unfortunately, all too many still believe ND’s future is vested in its football program. The perpetuation of this notion, in light of the deaths of Declan Sullivan and St. Mary's College student Elizabeth Seeberg, must be anguishing to the Rev. Theodore M. Hesburgh who, during his tenure as ND president, worked hard to shed ND’s image as a “football factory” while developing it as a world-class university. In any case, Sullivan’s death provides ample evidence that the collateral damage schools appear willing to accept can go far beyond embarrassment and warping of their academic standards.

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Death puts focus on college athletics

The Daily Herald | Article submitted: 11/06/2010 09:57 PM | published: 11/13/2010 10:30 AM

Re: Bob Susnjara's Nov. 6, front-page story "ND president on Declan Sullivan: 'We failed to keep him safe'," it is troubling to think that this tragic incident could very well be still another manifestation of the athletics-over-academics culture and win-at-any-cost mentality that prevails at colleges and universities supporting big-time football and men's basketball programs. Poor judgments can be made as administrators and coaches strive to improve their teams' competitive edge, especially when their teams are not living up to the winning expectations of rabid fans, wherever they may be.

The pressure to win at Notre Dame is almost beyond belief. Coach Brian Kelly certainly does not want to be the next Tyrone Willingham terminated by a small group of trustees and university officials, prompting then President Fr. Edward Malloy to say he was "embarrassed to be president of Notre Dame." This action allowed the university to quiet rabid fans and alums that were threatening to withhold contributions as well as hire a new pro-level coach. The expectation? An accelerated return of Notre Dame's football program to national prominence and really big money.

Troubling as well was the selection of Dr. Peter Likins, former president of the University of Arizona, to provide an external review of Notre Dame's internal inquiry to ensure that it has been thorough, unbiased and accurate. Dr. Likins brings numerous credentials to his assignment, but unbiased? Likins was the 'go-to' person for the former NCAA president (the late Myles Brand) serving as an ardent apologist for the NCAA cartel's money-making businesses in the commercialized and professionalized sports entertainment industry.

Frank G. Splitt
Mt. Prospect

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The lessons from Declan's death

The Daily Herald | Article updated: 11/6/2010 08:52 PM | published: 11/6/2010 05:35 PM

By the Daily Herald Editorial Board

"Gust of wind up to 60 mph well today will be fun at work... I guess I've lived long enough :-/"

Declan Sullivan's words, posted on Facebook and Twitter, proved to be poignantly and tragically prescient, as most readers know by now.

"Work" was video recording Notre Dame University football practice from atop a hydraulic scissor lift. An hour and a half after that posting, and after another one that noted, "This is terrifying," the lift toppled in wind gusts as strong as 51 mph. Declan, a 20-year-old junior from Long Grove and a graduate of Carmel High School in Mundelein, was thrown to the ground and killed.

Whether the posts showed true fear or just wry sarcasm, as some of his friends have said, doesn't change the question of why a young man would be on a mobile tower that could rise as high as 50 feet during an unusual windstorm that by then had been forecast for days.

Declan's death is under investigation and little has been publicly said about how that afternoon unfolded on the Notre Dame football field, yet it's easy to imagine a scenario where no one told him to get up on the tower despite the wind, but no one told him not to. It's clear that at the very least, those in charge failed to order him down as winds topped the safety limits set for the lift.

It's our misfortune that we didn't know Declan, an admirable young man by all reports. Yet we've seen, it's often the nature of a highly motivated student in a highly selective college to go the extra mile, get the job done, and make his mark.

And it's the nature of a big-money college football program and a high-profile new coach to push forward, mold an unbeatable offense, take no account of the weather.

When those traits collide, the result can be tragedy.

It's telling that Declan's first posting to his friends assumed he'd be on the tower that day, in the full force of the wind.

One obvious lesson: In a hard-charging atmosphere that gives no glory to the cautious, people in responsible positions must be held specifically accountable for putting on the brakes. That's especially true if they're in charge of students.

And we need to make sure young people who aren't always predisposed to taking the safe route know that they are asked to listen closely to their inner misgivings and act on them. They need to be shown that they won't be counted out of the game if they raise questions of safety to their bosses, not just to their Facebook peers.

On Friday, the president of the university acknowledged that the school is responsible for failing to protect Declan and causing his death.

The Rev. John Jenkins also promised change and brought in consultants to help with it. That change must come to more than a new policy in a handbook. Safety must take precedence over the next football game. It must be first in everyone's mind.

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Truth, Justice, and Reform in Collegiate Athletics

College Athletics CLIPS Guest Commentary

Our guest author serves up what he thinks is wrong with the sports culture and the sports entertainment businesses in America.

By Frank G. Splitt, The Drake Group, 12-02-10

*Critics who have decried football's negative impact on higher Education ... have mostly been dismissed as pencil-necked elites.
-- Robert Lipsyte*

Here's more grist for the collegiate athletics reform mill ... a mill that does not appear to be working at grinding anywhere, certainly not in Washington at either the U.S. Department of Education or in the U.S. Congress. The first "load" comes in the form of Kelly Whiteside's *USA TODAY* cover story about Auburn University quarterback Cam Newton.[1] After being arrested in Florida in 2008 on charges of buying a stolen computer; he was suspended by coach Urban Meyer. The charges were dropped last December when Newton completed a pretrial intervention program. Allegations of three instances of academic fraud during his time at Florida also recently surfaced. Two weeks ago, the quarterback declined to directly address the academic claim.

NCAA President Mark Emmert said the NCAA has to resist the impulse to act hastily (in cases like Newton's). "You're dealing with young people's careers and education. You're dealing with institutional reputations. You're dealing with a process that is, by its very nature, complicated, we have to get it right." [2] To be sure, the NCAA got it right in the sense that its vested interests were protected by ruling that Newton can play without restrictions.[3] As they say: "The show must go on." Like the papacy in Rome, the NCAA in Indianapolis answers to no earthly power, least of all the powers that be in Washington subsidizing the cartel's corrupt sports entertainment businesses with favorable tax policies. Who then is there to challenge NCAA rulings or the word of its president?

The second load of grist contains the 40th Anniversary issue of *Chicago Magazine* that pays tribute to Chicago by calling out 40 inspiring people, places, and ideas that make the city special. Included in the list of 40 things to love about the city is Derrick Rose who cheated on his entrance exams to the University of Memphis. The NCAA instituted sanctions against Memphis that required the school to vacate the entire season during which Rose played. He was punished with a multi-million-dollar contract with his hometown Chicago Bulls.

Newton and Rose could be poster boys for a good deal of what is wrong with the sports culture and the sports entertainment businesses in America. These businesses aggressively market their product to each of us and not only act to satisfy the insatiable appetite of the American public for near 24/7 entertainment, but also distract us from the pain of these hard times and the all too apparent diminishing status of America on the world stage. The NCAA can't (or won't) fix it.[4] The referenced *Washington Post* story sets the stage for Robert Lipsyte's *USA TODAY* opinion piece that applies equally well to college football.[5]

"Saving football from itself, à la Teddy (Roosevelt in 1905), might seem frivolous in these hard times, with 9% unemployment, two wars and a new divided Congress. Circumstances today are far different than they were for Teddy. So, unless or until it seems clear that the professional leagues cannot regulate themselves (as in the case when Congress got involved in baseball and steroids), the responsibility must to fall to each of us," says Lipsyte.

Lipsyte's "pencil-necked" elites have little if any company, so exactly who constitutes the "us" who would be willing and able to take on requisite responsibility? Perhaps to get a better sense of 'what's going on,' it's time to read/reread "Death Puts Focus on College Athletics,"[6] as well as the comment on Mike Hall's *Wall Street Journal* Letter, "Are Rome's Last Days a Distant Mirror for America?"[7]

Barbara Tuchman has said, "Telling the truth about a given condition is absolutely requisite to any possibility of reforming it." It may very well be that the only hope for truth, justice, and reform in collegiate athletics will be via the courts, as in the March 10, 2010, Consolidated Amended Class Action Complaint captioned *In re NCAA Student-Athlete Name & likeness Licensing Litigation* in the District Court for the Northern District of California.[8]

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In "Are Rome's Last Days a Distant Mirror for America?" Mike Hall writes: "Citizens of Rome demanded that emperors provide subsidized food, public entertainment and public building (infrastructure) projects." From public education and big-time college sports entertainment perspectives my short answer is "you bet."

A longer answer comes from "America's Failing Education System: It Can Still Be Fixed," (http://thedrakegroup.org/Splitt_Failing.pdf) that asks: Are We Rome? and Why does America have a failing education system?

It's because corrective action for the failing system has all too often required political will and abundant courage to change the status quo. Unfortunately, politicians of all stripes and levels have avoided getting in front of issues when there was no political capital to be gained—and possibly much to be lost, for example, loss of donations and loss of political office. So major issues have gone unresolved or ignored while the public is distracted from glum news about crises of the day such as terrorism, economic uncertainty, and pandemics, by games of all sorts—once again prompting the question: Are we Rome?

In his classic 2000 book, *Beer and Circus: How Big-Time College Sports Is Crippling Undergraduate Education*, Murray Sperber coined the term beer-and circus—a takeoff on the political, bread-and-games strategy of early Roman emperors aimed at distracting the populace from foreign and domestic policy failures—saying it is the best description he has found for the party scene connected to big-time intercollegiate athletic events and its effect on many undergraduates at large public research universities.

Jared Diamond's 2005 book, *Collapse: How Societies Choose to Fail or Succeed*, along with Cullen Murphy's 2007 book, *Are We Rome?: The Fall of an Empire and the Fate of America?*, and Adrian Goldsworthy's recently published book, *How Rome Fell*, provide a more expansive view of the circumstances and behavior patterns preceding the decline of powerful government states and nations that apply to failing education systems as well.

Apparently, the afore-listed books and the 1983 National Commission on Excellence in Education (NCEE) report, *A Nation at Risk*, have been no match for the formidable economic, political, and legal forces that have been mustered to defend the status quo. When coupled with extant greed, corruption, incompetence, deceit, and denial, these forces have impeded significant corrective action in America's educational system—this, no matter how eloquent and lofty-sounding the warnings, pleas and rhetoric about the need for change.

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Collegiate Athletics Reform: Looking to the Future

College Athletics CLIPS Guest Commentary

The execution of meaningful reform measures is not amenable to easy steps. It may very well be that the only hope for truth, justice, and reform in collegiate athletics will be via the courts.

By Frank G. Splitt, The Drake Group, January 11, 2011

Sally Jenkins penned the latest appeal to college and university presidents to reform college sports via the following “six easy steps:”¹

1. Cut the number of football scholarships from 85 to 70.
2. Cap the salaries of coaches and suspend them if they get caught cheating; also, pass a two-strike rule for illegal recruiters: First strike earns a suspension; second strike, you surrender any claim to being an educator.
3. Make freshmen ineligible.
4. Reduce the regular season from 12 games to 10 games.
5. Abolish the Bowl Championship Series.
6. Toughen punishments on players who accept money and agents who offer it to them.

Jenkins says all of these proposed reforms have one thing in common: “They need strong-minded administrators willing to enact them.” The Drake Group has advocated similar reform measures over the past several years^{2,3} with little if any results. Strong-minded administrators are few and far between. The presidents on the NCAA’s Executive Board serve as NCAA cartel’s apologists as do the current Knight Commission co-chairs. All presidents serve at the behest of their schools’ governing boards which are, in turn, most often led by wealthy sports boosters.

Powerful insights into the inability of presidents to institute reform were provided long ago by Murray Sperber who concluded the last chapter of his book *College Sports Inc.*⁴ (titled “The College Presidents Try to Reform the NCAA”) with this prescient statement:

Whether the presidents' tepid cuts of 1990 will survive this (NCAA) convention is conjectural; whether, in future years, the Presidents' Commission can institute real reforms, such as rules to end the financial and academic fraud in College Sports Inc., is about as likely as pigs slam dunking basketballs.

In the same chapter, Sperber gives an account of the mid-1980s presidential reform effort that reveals how the NCAA can literally manhandle distinguished, well-intended presidential reformers so to protect their vested interests.

I believe the same can be said of Department of Education officials, as well as elected government officials in the Congress and state houses -- all have a vested interest in maintaining the status quo so as to protect their jobs. Sadly, some of these officials seem to go out of their way to pander to sports fans.

Although faculty and faculty organizations, such as the Coalition on Intercollegiate Athletics (COIA) and The Drake Group (TDG), do not have vested interests in maintaining the status quo, occupy the moral high-ground, and have repeatedly advanced compelling arguments as well as strategies for reform, they do not have the wherewithal—financial resources and unified leadership—requisite to the institution of real reform.

More specifically, the COIA and TDG organizations do not as yet have robustly viable constituencies with the capacity to effectively force collegiate athletics reform. Not only are college and university faculty reluctant to actively participate in reform movements, but the same can also be said of the American public that is seemingly addicted to college sports entertainment. Furthermore, faculty, the public, and their representatives in government act as if they do not have a clue as to the long-term negative consequences of this addictive behavior on America’s system of higher education as well as on its leadership position on the world stage.

The NCAA cannot be expected to implement meaningful reform. Over the years, the NCAA has resisted reform efforts that would help realign big-time college sports with its stated mission of maintaining athletes as an integral part of the

student body and retaining a clear line of demarcation between collegiate and professional sport. On the contrary, the NCAA has made a number of rule changes that have emphasized athletics over academics so as to move their D-1A football and men's basketball programs to professional levels.²

More specifically, the NCAA has resisted providing college athletes meaningful opportunities to function as real students by: a) not restoring first-year ineligibility for freshmen with expansion to include transfer athletes; b) not reducing 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; c) not restoring multiyear athletic scholarships—five-year scholarships that can't be revoked because of injury or poor performance.⁵

It is most likely that real reform will come via the courts. As Ron Smith reminds us,⁶

The two major college athletic reforms of the 20th century were done by legislation or the courts. Bringing in women to a more equal status was from federal legislation (Title IX), and bringing in African Americans to greater equality came from federal courts (Brown v. Bd. of Education) and the 1960s Civil Rights legislation.

The NCAA cartel has the wealth and political power to stifle reform efforts in Washington as well as co-opt (originally) well-intentioned reform commissions/organizations and most of the media. TDG's and COIA's resources have been no match for the formidable economic, political, and legal forces that the NCAA cartel has mustered to defend the status quo. When coupled with extant greed, corruption, incompetence, deceit, and denial, these forces have impeded significant corrective action in big-time collegiate sports reform—this, no matter how eloquent and lofty-sounding the warnings, pleas and rhetoric about the need for change.

That is not to say that TDG and COIA should give up on telling the truth to the Congress and the Department of Education, but should recognize that there is an intrinsic relationship between wealth and power in the American culture—especially political power.

So, in the end, it may very well be that the only hope for truth, justice, and reform in collegiate athletics will be via the courts, as in the March 10, 2010, Consolidated Amended Class Action Complaint captioned "*In re NCAA Student-Athlete Name & likeness Licensing Litigation*" in the District Court for the Northern District of California.⁷

NOTES

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2. Splitt, Frank G. "Reclaiming Academic Primacy in Higher Education: The Revised IRS Form 990 Can Accelerate the Process" NOTE 17, November 2007, http://www.thedrakegroup.org/Splitt_Reclaiming_Academic_Primary_IRS.pdf

3. _____, "A Common Sense Approach to Recruiting Academically Disadvantaged Athletes," Jan. 2008, http://thedrakegroup.org/Splitt_Common_Sense_Approach.pdf

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5. Currently, an athletic scholarship is an agreement between athlete and coach/athletic department, renewed based on ATHLETIC performance), or, replace athletic scholarships with need-based scholarships—agreements between a student and the institution based on academic performance. If the scholarship is need based, it will be awarded by the institution—just as the institution awards all other need-based aid—in that case, it does not need to be a five year award as students will continue to receive their need-based aid, even if they leave the team. A strong case for switching to need-based aid as the only way to break the cycle of sponsoring professional teams on college campuses is made by John Gerdy in his most recent book, *Air Ball: American Education's Failed Experiment with Elite Athletics*; and d) Require athletes to 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.

6. Smith, Ronald A., *Pay for Play: A History of Big-Time College Athletic Reform*, University of Illinois Press, 2011.

7. Stippich, Kristal S. and Otto, Kadence A., "Carrying a Good Joke Too Far? An Analysis of the Enforceability of Student-Athlete Consent to Use of Name and Likeness," *Journal of Legal Aspects of Sport*, Vol. 20, No. 2, summer 2010. Accessible at LexisNexis.com: <https://litigationessentials.lexisnexis.com/webcd/app?action=DocumentDisplay&crawlid=1&doctype=cite&docid=20+J.+Legal+Aspects+Of+Sport+151&srctype=smi&srqid=3B15&key=14b98de17d8523812fe10607fc1ebf6a>

NCAA President Emmert Holds to the Cartel's Party Line

College Athletics CLIPS Guest Commentary

The NCAA continues to resist reform efforts that would help realign big-time college sports with its stated mission. This modus operandi gives rise to a number of questions that literally scream for candid answers.

By Frank G. Splitt, The Drake Group, January 21, 2011

Mark Emmert's comment, "Student-athletes are students. They're not professionals. And we're not going to pay them. And we're not going to allow other people to pay them to play" was quoted by David Moltz in his report on Emmert's keynote address at the 2011 NCAA Convention.¹

Emmert appears to be holding to the NCAA's party line that has been characterized by frequent mention of mythical "student-athletes," the denial of its responsibility for the professionalization of big-time collegiate athletics—with its emphasis on revenue generation that not only fosters corruption but also compromises academic integrity—and the use of wealth and power to maintain its stranglehold on America's colleges and universities.² Here's the story:

Student-Athletes? – As the co-chairs of the Knight Commission were reminded in 2008, the NCAA's bedrock principles of amateurism—which required colleges and their business partners to treat athletes like other students, and not as commodities—were undermined long ago by unrestrained commercialism and related academic corruption.³

Wealth and Power – There is an intrinsic relationship between wealth and power in the American culture—especially political power. The NCAA cartel has the wealth and political power to stifle reform efforts in Washington as well as those of reform-minded school presidents and their appointed Faculty Athletic Representatives, to co-opt (originally) well-intentioned reform commissions/organizations, and to influence most of the media.

The resources of national, reform-minded faculty organizations such as The Drake Group (TDG) and the Coalition on Intercollegiate Athletics (COIA) have been no match for the formidable economic, political, and legal forces that the NCAA cartel has mustered to defend the status quo along with its amateur, student-athlete ruse. When coupled with extant greed, corruption, incompetence, deceit, and denial, these forces have impeded significant corrective action in big-time collegiate sports reform—this, no matter how eloquent and lofty-sounding the warnings, pleas and rhetoric about the need for change.

Look to the Courts – As stated previously,⁴ although TDG and COIA should keep telling the truth to the Congress and the Department of Education, it must be recognized that it may very well be that the only hope for truth, justice, and reform in collegiate athletics will be via the courts. Examples can be found in the March 10, 2010, Consolidated Amended Class Action Complaint captioned: "In re NCAA Student-Athlete & likeness Licensing Litigation in the District Court for the Northern District of California"⁵ and in the Agnew vs. NCAA case in which Joseph Agnew, a former Rice University football player, is suing the NCAA over its policy to limit athletic scholarships to one-year renewable awards.⁶ Nevertheless, vexing questions still loom large.

Seven Questions – In his keynote address, Emmert defended the NCAA's handling of recent high-profile football violations at Auburn and Ohio State universities, saying it must clarify its "values" and rulebook. Speaking to reporters after his keynote address, Emmert said the following:

Behaviors that undermine the collegiate model, wherever they occur, are a threat to those basic values, and we can't tolerate them, if we believe in those values ... we need to be ready to defend them. And if we don't, then we have to be ready to suffer the criticism that comes from not doing so.

Emmert's statement prompts several questions:

1. What is the NCAA's current collegiate model?
2. How does this model square with actual practice?
3. Why has the NCAA resisted reform efforts that would help realign big-time college sports with its stated mission of maintaining athletes as an integral part of the student body and retaining a clear line of demarcation between collegiate and professional sport?

4. Why has the NCAA made a number of rule changes that have emphasized athletics over academics, thus moving their big-time football and men's basketball programs to professional levels?
5. Why has the NCAA resisted reforms that would provide college athletes meaningful opportunities to function as real students by failing to restore first-year ineligibility for freshmen with expansion to include transfer athletes; reduce 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; and restore multiyear athletic scholarships—five-year scholarships that can't be revoked because of injury or poor performance?⁷
6. Why should the federal government subsidize the athletic activities of educational institutions when that subsidy is being used to help pay for escalating coaches' salaries, costly chartered travel, and state-of-the-art facilities?⁸
7. Why has the NCAA resisted calls for transparency, accountability, and oversight?⁹

Surely, Senator Chuck Grassley (R-IA) and other members of the Senate Finance Committee, officials at the Department of Education, and members of serious reform-minded organizations, as well as American taxpayers, ought to be interested in the answers to the above questions.

There should be little wonder why these questions are not being asked by officials at the U.S. Department of Education, members of Congress, and the media. First, experience indicates that the NCAA answers to no earthly power—least of all Washington officials. Second, who would want to seek truthful answers that could demand action and confrontation with the NCAA cartel backed by all of its financial, legal, and political resources—not to mention facing the wrath of sports fans who have become accustomed to being entertained by professionalized college athletes? The current operating strategy on Capitol Hill appears to be to avoid doing anything that would provoke the NCAA by simply ignoring related problems and long-term impacts—letting the courts take the heat.

NOTES

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8. This question, among others, was addressed to former NCAA President Myles Brand by former Congressman William Thomas (R-CA), past Chair of the House Committee on Ways and Means, in Thomas' October 2, 2006 letter aimed at ascertaining the justification for the tax-exempt status of the NCAA and its member schools. See "The U.S. Congress: New Hope for Constructive Engagement with the NCAA and Intercollegiate Athletics," mtprof.msun.edu/Spr2007/splitt.html or http://thedrakegroup.org/Splitt_Montana_Professor.pdf
9. Without transparency, oversight and accountability mechanisms, the government and others must trust schools that, in many instances, give every appearance of not only being secretive, but untrustworthy as well. See "Time for accountability in sports," November 18, 2008, http://www.thedrakegroup.org/Splitt_Time_for_Accountability.pdf and "The TAO of College Sports Reform Transparency, Accountability, and Oversight," http://www.thedrakegroup.org/Splitt_TAO.pdf

Appendix: Sean Gregory on an American taxpayer rip-off

No time to read *Death to the BCS* book? To get a good look at how nonprofit Bowl organizations rip-off American taxpayers, consider Sean Gregory's take on the BCS Bowls that is based on the book.

Gregory opens his January 10, 2011, *Time Magazine* article, "Fat-Cat Football," by asking the question, "Who wants to keep the college-football bowl system intact?" He answers his question with, "The guys running the games," and then goes on to elaborate as follows:

If you need one more reason to despise the college football bowl system — as if depriving fans of a real playoff to determine a true national champion isn't enough — check out the salaries of bowl CEOs.

While universities and athletic departments across the country have had to slash budgets — even entire sports — because of the harsh economy, bowl directors are earning more than \$300,000 for games that last all of four hours, tops.

Keep in mind that most of the bowls are tax exempt non-profits and that these games do relatively little to help decide a national champion. Instead, the much reviled Bowl Championship Series (BCS) relies on a confounding mix of human voting and fuzzy computer math to determine which two teams will square off in the final. A new book, and a report from a political action committee that's trying to change college football, has tied together the college bowl system and excessive executive pay to give us all more reason to be irked. The book, *Death to The BCS* — which, despite its hyperbolic title, offers the most thoroughly researched, reasoned, and readable argument for a college football playoff to date — digs into federal tax records and says that in 2007, nearly two dozen bowl directors earned more than \$300,000.

A report from the Playoff PAC, a Washington-based BCS-opposition group supported by some members of Congress, puts CEO pay in some additional perspective. John Junker, CEO of the Fiesta Bowl, made \$592,418 in total compensation in fiscal 2009, while Paul Hoolahan, who runs the Sugar Bowl, got \$645,386. The report, *Public Dollars Serving Private Interests: Tax Irregularities Of Bowl Championship Series Organizations*, cites a compensation survey from the *NonProfit Times* showing that nonprofits with budgets comparable to the Fiesta and Sugar Bowls pay their CEOs, on average, \$185,270.

TIME asked to speak to the directors of five bowls — the Sugar, Fiesta, Cotton, Alamo, and Kraft Fight Hunger — in order to get a sense of what they do to earn that money. Only one, Kraft Fight Hunger Bowl executive director Gary Cavalli, agreed to an interview, via email. He described his responsibilities in a list with 35 bullet points, which included tasks like soliciting sponsors, negotiating contracts with sponsors and television partners, managing bowl-week volunteers and arranging the halftime entertainment. He also noted that his organization has only two full-time employees, so the bulk of the logistical work falls to him.

To justify their mondo salaries, bowl executives cite studies that quantify the economic impact of their respective games. For example, a report prepared by a University of New Orleans economist found that the 2010 Sugar Bowl generated \$137 million for New Orleans via spectators' meals, hotel rooms and shopping. But would having a lower paid (and perhaps less motivated) executive result in fewer people traveling to the city or fans spending less money there? "Lower executive salaries wouldn't change the economic impact one iota," says one prominent sports consultant who has worked first hand with bowl executives. "The idea that it would is laughable."

Indeed, to many fans watching boring matchups, the whole bowl system is a joke. And the CEOs are laughing all the way to the bank.

Collegiate Athletics Reform: Kicking the Hornet's Nest

College Athletics CLIPS Guest Commentary

Our guest author warns that our nation is at risk, stating: "The academic decline of America's colleges and universities—undermined by athletics priorities over academics and ineffective K-12 education—threatens its economic and technological preeminence."

By Frank G. Splitt, The Drake Group, 02-28-11

Steven Salzberg kicked the proverbial hornet's nest with his recent blog, "Get Football Out of Our Universities," much like Lisbeth Salander, the computer-savvy protagonist in the last book in Steig Larsson's best-selling trilogy.¹ The provocatively titled blog and the comments thereon tell a sad story about the decline of higher education in America.²

Salzberg, a professor of computer science and director of the Center for Bioinformatics and Computational Biology at the University of Maryland, joins the all too few faculty members brave enough to suffer the antagonisms and retributions that come from speaking truth to the athletic powers that be on and beyond the campus.

The blog evoked several stinging comments by defenders of highly commercialized and professionalized big-time collegiate athletics as well as reinforced comments by Salzberg supporters. My own comments were in support of Salzberg's arguments, but to clean up and reform rather than to get football out of our universities.

Salzberg stated: "College football programs lose money, except for a small minority of very successful ones." Few schools supporting big-time football programs make money even though they are government subsidized and exploit unpaid professional athletes.³ The real money is being made by the fat-cats: NCAA cartel officials, coaches, athletic directors, conference commissioners, and bowl directors. For example, the nearly two dozen directors of this past season's nonprofit bowls earned more than \$300,000 a year.⁴

However, this taxpayer rip-off is simply an outward manifestation of America's cultural values and its failing education system.⁵ It also illuminates the reluctance of government officials to eliminate this popular but nevertheless unofficial entitlement program despite the nation's fiscal crisis and historic budget deficit.

Academically Adrift – It is not surprising that skepticism has emerged around the book, *Academically Adrift: Limited Learning on College Campuses*, by Richard Arum and Josipa Roksa as well as about the authors' conclusion that students are not learning very much in college.⁶

There should be no doubts about the author's basic conclusion—it's the reason why schools have resisted learning-outcome assessments and why the NCAA cartel is quick to seek refuge in FERPA, the Family Educational Rights and Privacy Act, when asked to answer questions relating to the education of college athletes who are generally academically adrift. Who wants to reveal the fact that they are not doing a very good job at what they are supposed to be doing? Just imagine the blowback from tuition-paying parents, government funding agencies, and our nation's taxpayers—not to mention the Internal Revenue Service.

Also, it should not be surprising that the academic establishment would find faults of one kind or another with the study methodology so as to deflect attention away from the authors' disturbing conclusions. Perhaps doubters have a point when they claim that the Collegiate Learning Assessment measure used by the authors limits the merit of the study. However, the gloomy picture of America's education system is by no means new. Here's why.

Beer and Circus – In his book, *Beer and Circus*, Murray Sperber argues that schools are substituting a party-like, "beer and circus" social environment for a meaningful education—an environment that serves to keep students happy, to marginalize faculty, and to maintain an ongoing flow of evermore tuition dollars.⁷ *The New York Times Book Review* read: "It is hard to read Sperber's book without having a sinking feeling about the future of American culture. He has managed to document our national decline in painstaking detail."

We can have the same sinking feeling after reading *Academically Adrift* wherein the authors provide data to back their observation: "Growing numbers of students are sent to college at increasingly higher costs, but for a large proportion of them the gains in critical thinking, complex reasoning and written communications are exceedingly small or empirically nonexistent." This observation certainly supports Sperber's earlier condemnation of higher education. One would expect to see an even larger proportion of no gains associated with cohorts of athletes from schools that effectively prioritize

athletics over academics. Many of these academically-adrift athletes will graduate—credentialed by their schools for participating in diploma-mill-like, eligibility-oriented, general studies programs.

With the notable exception of STEMs majors (science, technology, engineering, and mathematics) as well as law, medicine, and other majors subject to rigorous accreditation practices, students are not generally required to work hard to learn what they need to learn and how to learn it. Not requiring really hard work discourages class attendance by serious students, encourages laziness and the adoption of a beer-and-circus mentality.

What Others Have Said and Are Saying – To be sure, Murray Sperber is not the only academic to level criticism at the current state of higher education in America. Although authors of *Academically Adrift* do not reference Sperber, they do reference Derek Bok on several occasions. Bok, the 300th Anniversary University Professor and former President, Harvard University, has used much kinder and gentler language in making many of the same points that were made by Sperber in *Beer and Circus*.⁸

Jim Duderstadt, President Emeritus and University Professor of Science and Engineering at the University of Michigan, worked in multiple domains of higher education and was a member of the Secretary of Education's Commission on the Future of Higher Education. In his October 2000, remarks to the Knight Commission on Intercollegiate Athletics he said: “Big-time college sports do far more damage to the university, to its students and faculty, its leadership, its credibility, than most realize—or at least are willing to admit.” His writings piqued my interest in the problems in higher education, especially in the areas of collegiate athletics and reform.⁹

Murray Sperber, Frank Deford, Gene Maeroff, James Fallows, Jay Mathews, Vartan Gregorian, Carol G. Schneider, and others, contributed to a book edited by Richard Hersh and John Merrow that aimed to provide a look at the declining state of higher education in 2005.¹⁰ A related *PBS* documentary aired in 2005.¹¹ The avowed purpose of the book and documentary was to sound an alert and encourage a national conversation about higher education: “No longer can our colleges and universities be allowed to drift in a sea of mediocrity.” The synopsis of the program began by saying, “At a time when a college education is vital to an individual's future and our nation's economic standing in the world, ‘Declining by Degrees: Higher Education at Risk’ explores the simple yet significant question: What happens between admission and graduation? The answer: often not enough.”

Robert Zemsky, a long-time leading voice for higher education and a member of the Spellings Commission, commented on both the documentary and the book in his own 2009 book.¹² He said: “the volume of essays didn’t hold together, it was not compelling television, nor was it the ringing indictment of higher education Hersh and Merrow promised in their introduction. As an opening shot in a crusade, *Declining by Degrees* fizzled. As a harbinger of things to come, it was to prove an important artifact.” Like beauty, the value of *Declining by Degrees* is dependent on the eyes of the beholder. Readers of Zemsky’s book will see that The Drake Group continues to act contrary to the number-one item on Zemsky’s “don’t-do” list that states: Don’t Try to Reform the NCAA’s Big Money Sports.

On February 15, 2011, at the two-day Education Summit in Denver, Education Secretary Arne Duncan chastised teachers and their bosses in equal measure. Thousands of educators were told that the nation’s schools are in deep trouble, that bickering among teachers, politicians and administrators is sinking efforts to improve education, that one in four American students fails to complete high school, and that the U.S. is falling behind on college graduation rates. “Collectively you have the power to stop our nation’s educational demise, Duncan said.

Most recently, William Pannacker, writing under the pen name of Thomas H. Benton, supported the authors of *Academically Adrift* as he surveyed “the wreckage in undergraduate education from a teacher’s point of view” — listing several clusters of concerns why professors have little control over what students can learn.¹³ “Students are adrift almost everywhere, floating in the wreckage of a perfect storm that has transformed higher education almost beyond recognition,” says Pannacker who also raised an obvious question for President Obama: “What good does it do to increase the number of students in college if the ones already there are not learning much?”

College-completion and graduation-rate goals stressed by President Obama and Secretary Duncan are certainly important but the quality of the educational process is absolutely critical.¹⁴ It makes no sense to increase graduation rates if the graduates have not responded to a challenge to engage in the serious process of personal and intellectual formation while learning how to work hard as they learn what they need to learn and how to learn it.

Concluding Remarks – We all need to wake up and face reality; this nation cannot compete in the 21st-century global marketplace by being the least-educated industrial nation in the world ... a nation in which its colleges and universities

serve as prostitutes for the sports entertainment industry—focusing resources on athletics at the expense of academics. The quality of higher education in America is declining relative to education in nations that prioritize academics over athletics. America could very well be losing its economic and technological preeminence. If it keeps doing what it has been doing, it will not have the intellectual capital to address the major economic, health, environmental, and security issues facing our nation in the 21st century ... a century that is witnessing what Fareed Zakaria has termed the "rise of the rest." Given this scenario, proficiency in science, technology, engineering, and mathematics education may not even be required since America's best and most important future products will eventually be limited to athletic sports entertainment venues and world-class athletic entertainers.

Considering all of the above, it is easy to understand why Robert Zemsky made a case for transforming American higher education in *Making Reform Work*. He offered a compelling, well-thought-out, account of what needs changing in America's system of higher education along with tightly-focused strategies for change. This is a must-read for all engaged in collegiate athletics reform and want to help kick the hornet's nest.

NOTES

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3. Knight Commission Press release, "Knight Commission Calls for College Sports Reform, Recommends Public Transparency of Finances and New Financial Incentives," June 17, 2010, http://www.knightcommission.org/index.php?option=com_content&task=view&id=583 . In a nutshell, the Knight Commission on Intercollegiate Athletics issued a report that revealed huge disparities between spending on athletics and academics and called for financial reforms in college sports. The report, "Restoring the Balance: Dollars, Values, and the Future of College Sports," "can be accessed via a link provided at the referenced press release.
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11. Mellow, John (Narrator), "Declining by Degrees: Higher Education at Risk," *PBS*, <http://www.decliningbydegrees.org/show-synopsis.html>. This documentary is both revealing and depressing. It debunks commonly held notions about the so-called rite of passage known as the college experience as it not only exposes the disorientation and disappointment many students feel, but the mutual-survival "non-aggression pact" that exists between many faculty and students—we won't ask much of you so long as you won't ask much of us. One is left to question the quality and readiness of America's future workforce.
Also see Mellow's story about the undergraduate experience, "Survival of the Fittest," *The New York Times*, April 24, 2005, http://www.nytimes.com/2005/04/24/education/edlife/mellow24.html?_r=1
a long-time leading voice for higher education
12. Zemsky, Robert, *Making Reform Work: The Case for Transforming Higher Education*, Rutgers Univ. Press, Piscataway, NJ, 2009.
13. Benton, Thomas H., "A Perfect Storm in Undergraduate Education, Part I," *The Chronicle of Higher Education*, February 25, 2011, page A43, <http://chronicle.com/article/A-Perfect-Storm-in/126451/> . As of February 27, 2011, this article not only prompted my comment, but 146 others as well.
14. The situation is akin to that of the company president who lays the foundation for increased sales revenues by pushing sales of poor-quality products—all but guaranteeing significant long-term losses that cannot be made up on volume—bringing to mind the parable of the wise and foolish builders. It would seem that America's political leaders are unaware of the quality lessons taught by William Edwards Deming and Joseph M. Juran ... lessons that could form the basis for a new quality-centered paradigm for higher education in America. For examples, see "The W. Edwards Deming Institute®," <http://deming.org/> and <http://www.lii.net/deming.html>.

Appendix: 'Academically Adrift' in a Sea of Sports

The Chronicle of Higher Education, Letters to the Editor, March 8, 2011

To the Editor:

You report that doubts have been raised about study behind *Academically Adrift: Limited Learning on College Campuses* ("Scholars Question New Book's Gloom on Education," *The Chronicle*, February 13). Perhaps doubters have a point when they claim that the Collegiate Learning Assessment measure used by the authors, Richard Arum and Josipa Roksa, limits the merit of the study. However, the gloomy picture on education should not be surprising. Here's why.

In his 2000 book, *Beer and Circus: How Big-Time College Sports Is Crippling Undergraduate Education*, Murray Sperber argues that colleges are substituting a partylike, "beer and circus" social environment for a meaningful education—an environment that serves to keep students happy, to marginalize faculty, and to maintain an ongoing flow of evermore tuition dollars. *The New York Times Book Review* said: "It is hard to read Sperber's book without having a sinking feeling about the future of American culture. He has managed to document ... our national decline in painstaking detail."

We can have the same sinking feeling after reading *Academically Adrift*, in which the authors provide data to back the observation that "Growing numbers of students are sent to college at increasingly higher costs, but for a large proportion of them the gains in critical thinking, complex reasoning, and written communications are either exceedingly small or empirically nonexistent." This observation certainly supports Sperber's earlier condemnation of higher education.

One would expect to see an even larger proportion of no gains associated with cohorts of athletes from schools that effectively prioritize athletics over academics. Many of these athletes will graduate—credentialed by their schools for participating in diploma-mill-like, eligibility-oriented, general-studies programs.

With the notable exception of science, technology, engineering, and mathematics majors—and law, medicine, and other majors subject to rigorous accreditation practices—students are not generally required to work hard to learn what they need to learn and how to learn it. Not requiring really hard work discourages class attendance by serious students, and it encourages laziness and the adoption of a beer-and-circus mentality.

At the recent Education Summit in Denver, Education Secretary Arne Duncan chastised teachers and their bosses in equal measure. Thousands of educators were told that the nation's schools are in deep trouble; that bickering among teachers, politicians, and administrators is sinking efforts to improve education; that one in four American students fails to complete high school; and that the United States is falling behind on college-graduation rates.

We need to wake up and face reality: Higher education in America is declining relative to education in nations that prioritize academics over athletics.

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After we won the national championship in 1966, the Rev. Theodore M. Hesburgh, then president of Notre Dame, refused to let the team play in a postseason bowl game, because that would make it difficult for us to prepare for final exams – an inconceivable stand for a president of a Division I institution to take today. And back then, the National Collegiate Athletic Association still barred freshmen, even those with exceptional academic credentials, from participating in varsity competition. Although we had to endure the rigors of fall and spring practice, the freshman-ineligibility rule gave young athletes a year to adjust to college life with minimal interference from athletics. What's more, athletic scholarships were guaranteed for four years, regardless of whether the recipient actually competed in sports. – Allen L. Sack, 2001

Postscript

The comments by Allen Sack are quotes from his article, “Big-Time Athletics vs. Academic Values: It's a Rout,” published in the January 26, 2001, issue of *The Chronicle of Higher Education*. Recently, Sack said: “This year’s National Collegiate Athletic Association men’s basketball tournament is likely to be remembered ...for the extraordinary media coverage it attracted to the issue of whether big-time college athletes should be paid. Special shows on PBS and other networks about paying college athletes were promoted as aggressively as the games themselves.” (“Ralph Nader and ‘Pay for Play,’” *Inside Higher Ed Views*, April 15, 2011, http://www.insidehighered.com/views/2011/04/15/sack_questions_wisdom_of_nader_proposal_on_ending_sports_scholarships).

The Author



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As a Director of the International Engineering Consortium, he chaired the Consortium's Committee on the Future and its Fellow Awards Committee. He was also a member of the Accreditation Board for Engineering and Technology (ABET) inaugural Industry Advisory Council, the Institute of Electrical and Electronic Engineers (IEEE) Educational Activities Board, and the IEEE

Corporate Recognition's Committee.

His professional career covered research & development, marketing, administration, teaching, and public service. He has authored numerous technical papers, as well as articles on public affairs. He is a Fellow of the International Engineering Consortium, a Life Fellow of the Institute of Electrical and Electronic Engineers, an Eminent Engineer of Tau Beta Pi, the recipient of *The Drake Group’s 2006 Robert Maynard Hutchins Award*, and has been recognized by the state of Wisconsin for Outstanding Lake Stewardship.

His interests involve research and planning for the future of Engineering Education, environmental protection and conservation, and college sports reform. He and his wife Judy reside in Mt. Prospect, Illinois, and in Star Lake, Wisconsin.

A complete listing of links to his essays and commentaries on college sports reform can be found at <http://thedrakegroup.org/splittessays.html>.

