

Why a Congressional Hearing on Intercollegiate Athletics?

A CLIPS GUEST COMMENTARY

Our guest author updates congressional scrutiny of the tax-exempt status of the NCAA, along with scandals and multimillion dollar coaching contracts.

By Frank. G. Splitt

THE INCREASING COMMERCIALIZATION of big-time (D1-A) intercollegiate athletics and its negative impact on America's higher education enterprise has become evermore apparent to academic leaders, elected public officials, the sports press, and to a growing fraction of the public. After a century of ineffective efforts to reform college sports, there is a growing concern over out-of-control commercialization that is driven by the college-sports entertainment industry to further its financial interests – exploiting college sports and its participating athletes while limiting access to higher education by real students.

There is also concern about compromised academic integrity and the distracting influence of overly commercialized college sports on school officials, on America's youth, and on the nation's prospects as a leader in the 21st century's global economy. Accounts of the problems and issues surrounding commercialized college sports, along with congressional scrutiny of the tax-exempt status of the NCAA and intercollegiate athletics, have helped get at the truth about big-time college sports ... the brutal truth that is often obfuscated by myths, misrepresentations, and misinformation promulgated by ardent defenders of the status quo.

Scandals and multimillion dollar coaching contracts make for attention-getting headlines and stories. For example, see Elia Power's "College Sports' \$4 Million Man" [*InsideHigherEd.com*, <http://insidehighered.com/news/2007/01/11/saban>]. However, the core of the issue surrounding the tax-exempt status of the NCAA cartel and its so-called 'student-athletes,' is this: lacking tangible and verifiable evidence, the government must presently take the word of "autonomous" school administrators that the athletes working for 'million-dollar,'celebrity and other big-time coaches are really students on track to receive a bona fide, rather than a "pretend" college education.

Course tracks for many athletes that must pretend to be students are usually engineered by academic support center staff members who work at the behest of the school's athletic department. This is a blatant conflict of interest and a surefire recipe for academic corruption since the primary motivation for the athletic department is not education, but winning and revenue generation. As Walter Byers, who served as NCAA executive director from 1951 to 1987, said when speaking of a college's reporting on the necessary progress that has been made on the rehabilitation of at-risk high school graduates: *Believe me, there is a course, a grade, and a degree out there for everyone.*

The following excerpt from a Dec. 20, 2006, New York Times editorial, "Top Grades, Without the Classes," makes the point:

The House Ways and Means Committee sent shock waves through college sports when it asked the National Collegiate Athletic Association to justify its federal tax exemption by explaining how cash-consuming, win-at-all-cost athletics departments serve educational purposes. The short answer is that they don't. Indeed, they often undermine the mission of higher education by recruiting athletes who aren't prepared, then encouraging grade-padding and preferential

treatment to keep them eligible for sports. That process has been on vivid display at Auburn University, which is embroiled in a scandal involving athletes who are said to have padded their grades and remained eligible to play by taking courses that required no attendance and little if any work.... The deeper and more alarming lesson is that the unethical behavior often associated with big-time college sports doesn't always end with athletes. It can easily seep outward, undermining academic standards and corrupting behavior in the university as a whole.

As incredible as it may seem, without transparency, oversight and accountability mechanisms, the government is in a position where it must trust schools that, in many instances, give every appearance of not only being secretive, but untrustworthy as well. Most, likely, Auburn is simply representative of what's going on in big-time college sports – the tip of an iceberg of widespread academic corruption. Besides the potential loss of big-money, there is a compelling need for some schools to report very high graduation rates to justify/rationalize their high-profile programs and their extraordinary investments in staff and facilities for alternative education programs for their athletes.

The above, combined with self assessment and reporting, as well as weak enforcement, and even weaker penalties for infractions, provide an enormous incentive for these and other less conflicted schools to scheme and cheat. After all, the schools apparently believe that it's only wrong if they get caught. But, who's going to catch them and what's to lose if they do get caught?

A COMPELLING ARGUMENT can be made for a focused congressional hearing on intercollegiate athletics. Such a hearing would fully expose the NCAA and its secretive ways to the light of day – revealing the true professional nature of big-time college sports, its tight connection to the entertainment business, and its marginal relevance to the educational, tax-exempt mission of its member institutions, as well as its negative impact on America's K-16 education system.

It should be clear that just as it would be unwise for the Congress to micromanage intercollegiate athletics; it would be even more unwise for the Congress not to be managing them at all. Without government intervention and oversight there will be no serious reform, only a veil of secrecy shrouding a continuing national scandal that is characterized by a distortion of the mission of our institutions of higher education ... institutions that are now beholden to the out-of-control college sports entertainment business.

Priorities need to be set right at our nation's colleges and universities. Addressing the perverse government subsidization of the NCAA and big-time intercollegiate athletics would be a good start, as it would not only help flip the apparent athletics-over-academics priority at many schools – reconnecting athletics with the academic objectives of the schools – but also provide substantial incremental tax revenues that could help to finance a boost in the federal investment in basic research, recruitment of future Science, technology, engineering, and mathematics teachers, and scholarships for undergraduate students that want to go to college to learn.

Congress could begin by taking steps to hold the NCAA cartel accountable for the substantial financial support it receives from America's taxpayers – giving serious consideration to conditioning the continuation of the NCAA's tax-exempt status on the NCAA meeting specific requirements aimed at increasing the transparency, accountability and oversight of its operations and that of its member institutions.

It can also take a hard look at tax policies governing extortion-like seat licenses, luxury skyboxes, corporate sponsorships and other unrelated business income that help fuel the uncontrolled growth of the big-time college-sports entertainment business. Furthermore, the NCAA should be required to take steps that will permit athletes to function as real students – providing tangible

evidence that the athletes in its member institutions attend regular classes on accredited degree tracks and that they are maintained as an integral part of the institution's student body where academic standards of performance for athletes are the same as for all other students.

America's higher education enterprise should be focused on academics not athletics – meaning tax code benefits with emphasis on learning and research, not on commercialized sports entertainment and health-spa-like facilities.

Endnote – This essay and the author's January 12 comment on the cited January 11, 2007, *Inside Higher Ed* article by Elia Powers are, in large part, based on a paper titled: "The U. S. Congress: New Hope for Constructive Engagement with the NCAA and Intercollegiate Athletics," that has been accepted for publication in the Spring 2007 issue of the *The Montana Professor*, http://thedrakegroup.org/Splitt_Montana_Professor.pdf.

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