

Open Letter to the NCAA

In response to the recent National Labor Relations Board *Northwestern v. College Athletes Players Association* decision the NCAA should immediately initiate the following reforms:

1. The NCAA should institute governance changes to represent the interests of the football and basketball players, female athletes, and male athletes in non-revenue sports.

Starting over a decade ago, a billion dollars of new media money filled the coffers of the NCAA and BCS. The richest schools regularly threaten to leave the NCAA 1,200 member umbrella organization, to forge out on their own. This small set of 65 BCS schools control the rules that determine the athletes' experience, and the economics of collegiate athletics for the entire country. Recent changes to NCAA governance place ever-more power into those that would like the ability to profit off a few athletes, above the educational welfare of all athletes.

This institutionalized conflict of interest allows national championship media revenues to flow to a small number of institutions with winning records, resulting in practices that do not benefit athletes, women, men in Olympic sports, or their institutions. Here are the losers under the current system:

- a. Progress towards gender equity has actually reversed during the past ten years.
- b. More women coaches are leaving the profession;
- c. Only Division I, where the resources are greatest, has seen a net loss of men's non-revenue sports programs, with 121 lost programs.
- d. The football players cannot get injury insurance or common sense rule changes responsive to recent research to protect brain health; and
- e. Most athletes cannot get appropriate time to focus on academics.

Thereby, the BCS is not only failing to represent the interests of its football players; the BCS is not representing the interests of all athletes.

2. The NCAA should eliminate those current exploitative practices that the judge in *Northwestern* contends make these players employees, rather than spend its resources appealing the case and defending a current broken system.

Requiring a full-time commitment to athletic endeavors, at the expense of learning, of choosing the major and academic path of one's choice, of the ability to meaningfully participate in academic life, cheats athletes out of the bargain collegiate athletics allegedly promises; students first, athletes second.

- a. Enforce the 20-hours per-week maximum involvement in athletic activities; including all training activities and meetings and those meetings led by student captains or strength training personnel;
- b. Prohibit coaches and athletic departments from exerting excessive control over the lives of student-athletes outside of the athletics program;
- c. Require that athletic department or team disciplinary rules be consistent with student welfare best practices and approved by a tenured faculty committee on each member institution campus;
- d. Mandate that all athletic scholarships extend for five years or until graduation (whichever occurs first) and not be reduced or cancelled during the award period based on a coach's evaluation of athletic ability, performance, contribution to team success, illness, incapacitating injury, or physical or mental condition;

- e. Provide an independent dispute resolution process for withdrawing a student's athletic financial aid for disciplinary reasons that would occur outside the athletics department and without decision-making involvement from athletics personnel;
- f. Require maximum allowable athletic financial aid rules to conform with federal rules and practices governing financial aid to all students related to cost of attendance;
- g. Mandate oversight of student-athlete academic programs by campus tenured faculty;
- h. Require that academic counseling and academic support services for college athletes fall under the direct supervision and budgetary control of the institution's academic authority, and that those services be administered externally to the athletics department in a manner consistent with counseling and support services available to all students;
- i. Require that member institutions adopt policies approved by their respective faculties to ensure that athletic contests are scheduled to minimize conflict with class attendance and that regular season contests during final examination periods are prohibited;
- j. Allow athletes to take the academic classes consistent with their self-chosen educational path;
- k. Allow athletes to choose the academic major or minor of their choice;
- l. Allow students to transfer to other institutions without penalty; and
- m. Mandate that any bonus system included in coach compensation agreements address athletes' educational success ahead of winning; and
- n. Mandate that any bonus system included in athletic director's compensation address athletes' educational success ahead of winning, and movement towards achieving gender equity.

3. The NCAA should require its board members to be free from conflicts of interest; the board should be not be comprised of employees of current member institutions.

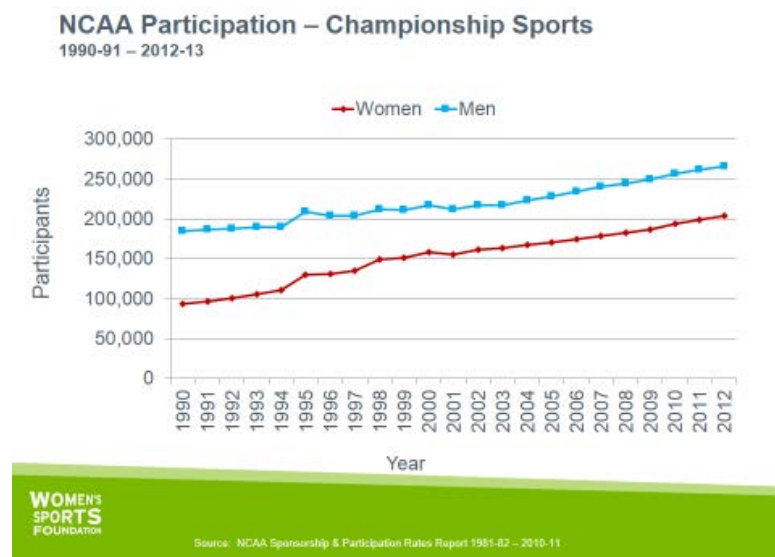
Real reform cannot be sustained without removing conflict of interest from NCAA decision-making bodies. The NCAA Board of Directors should consist of experienced independent members – such as former college presidents, athletic directors, trustees, faculty athletic representatives and student-athletes. Board members should no longer be employed by institutional members but should have served in leadership roles or demonstrated their expert knowledge of intercollegiate athletics. The Board should evenly represent all NCAA divisions and be charged with exercising a fiduciary duty to act in the best interest of the health and welfare of all 480,000 student-athletes, consistent with the educational mission of higher education.

- a. The FBS football championship, like the Final Four in basketball, should be owned by the NCAA.
- b. The \$500 million in media revenues generated from the BCS Play-off should be returned to Division I member institutions using a formula that does not primarily reward winning and losing, but should reward institutions who educate their athletes, and do so gender equitably;
- c. At a minimum, the 480,000 NCAA athletes should receive basic athletic injury insurance coverage, rather than the current requirement that they use their parents' or acquire their own insurance;
- d. The current NCAA initial and continuing eligibility rules and the APR system should be changed to address the academic remediation needs of college athletes specially admitted; and
- e. Institutional faculty should examine "special admit" data to ensure they are participating in bona fide educational programs.

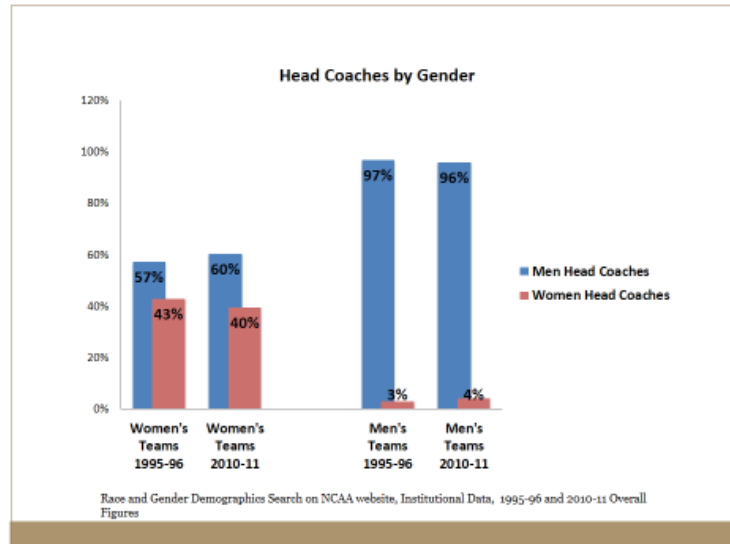
4. The NCAA should uphold its promise to women made in 1993; to require member institutions to have gender equity plans and to hold schools accountable for failing to treat women equitably.

In 1992, the NCAA approved Principle 3.1, which states: “An athletics program can be considered gender equitable when the participants in both the men’s and the women’s programs would accept as fair and equitable the overall program of the other gender.” NCAA Principles stand independent of federal and state requirements, including Title IX.

- a. Any determination that athletes are employees for labor law purposes does not neutralize an institution’s obligation to comply with Title IX;
- b. Despite the fact that female athletes are still receiving only 43% of all athletic opportunities, even though they are 57% of all undergraduate students, more athletic opportunities have been added for men than women over the past decade; 7,623 more men;



- c. Female athletes receive 148,000 fewer NCAA participation opportunities than men *each year*;
- d. Female athletes receive \$190 million fewer athletic scholarship dollars than men *each year*;
- e. These gender inequities are likely to be higher than reported; some schools are involved with deceptive practices like roster padding and counting athletes that are not truly team members. These practices remain unaddressed by the NCAA;
- f. In BCS schools, the percentage of women coaches recently dropped to an all-time low of 39.6%, while less than 4% of women are coaching men’s teams. Thereby, women have just 20% of the available coaching positions;



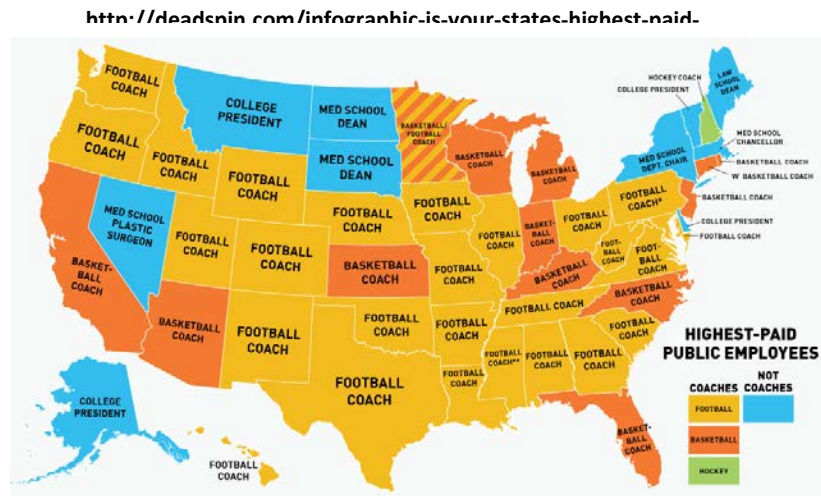
- g. Yet three years ago, the NCAA eliminated its enforcement mechanism, called “Certification”, that identified gender inequity problems at a Division I institution and that required that inequalities be addressed. This data-gathering to address gender inequities for women and minorities was deemed too expensive; and
- h. The NCAA has taken four years to create Certification’s replacement, called “Institutional Progress Program” or “IPP.” To date, there are plans to report data, but forceful enforcement is not currently envisioned. Instead, the NCAA should require gender equity – or at least significant progress towards gender equity – at member institutions, rather than allowing this trend to continue.

5. In order for an intercollegiate athletics program to keep student, institutional and taxpayer financial support, institutions should justify their expenditures annually, tying monies spent with educational outcomes.

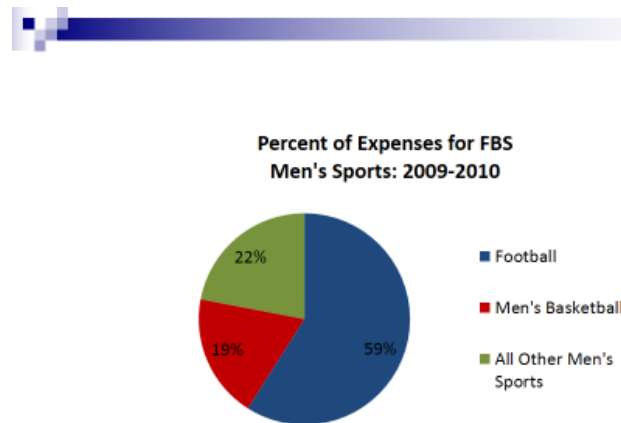
Current economic rewards that are heavily weighted to winning games are failing our schools. The concentration of such a high percentage of funds for just two sports (football and basketball) has resulted in a “revenue producing sports arms race.” Institutions with losing teams strategize to achieve financial viability by winning a few more games; which they try to purchase with greater expenditures for facilities, coaching, recruiting, etc. But sports are a zero-sum game; half the teams will win and the other half will lose, no matter how much money is spent on the two teams. When other BCS institutions similarly try to purchase wins, the results can be seen in the dramatic spending increases, far above academic spending.

- a. From 2005-2012, academic spending at institutions in the FBS grew 6% per year, while athletic spending grew 43% and football spending per football player grew 70%, even without considering spending on athletic scholarships and facilities construction;
- b. Some men’s basketball programs are currently spending over three-quarters of a million dollars per athlete per year;

- c. Over 300 Division I head basketball and football coaches are paid over \$1 million in annual salaries and many are the highest paid public employee in their state; (see graph)



- d. Spending is concentrated into two men's sports; football and men's basketball that together consume 78% of men's sports operating budgets at FBS institutions; (see graph)



NCAA 2009-10 Gender Equity Report, p. 35.

- e. Even this incredible operating budget figure is under-reporting the excessive spending of the arms race, because it does not include new construction costs. Schools have embarked on athlete-only facility construction sprees, including lavish locker rooms, game rooms, computer labs, weight training facilities and academic study centers that are not available to

- other students. Many of these new facilities, not available to female and other male athletes in the department, are financed by tax-free public bonds;
- f. All other men's sports are being required to share 22% of the men's budget, leading to the net elimination of 121 men's sports. Meanwhile, Divisions II and III saw net gains of over 400 new men's sport programs each;
 - g. Many state institution's athletic departments serve just 2% of their student body, despite demonstrable educational gains through sports participation. Efforts by both men's and women's groups to increase the number of required sports for BCS NCAA membership have not been successful. Yet if the physics department had as much unmet demand for classes and could show the same educational outcomes and taxpayer return-on-investment that sports participation offers, they'd open more classes; and
 - h. Despite a billion new dollars into collegiate athletics, there are still just 23 revenue-positive athletics departments, out of over 1000;

Summary

Speculation as to what event would break the hyper-commercialized, win-at-all-costs nature of collegiate athletics has been popular for decades. Before *Northwestern*, NCAA athletics found itself moving toward the untethered pursuit of money and entertainment, away from a sport model consistent with the soul of higher education. We support the educational mission of athletics, but not as collegiate athletics are currently practiced by the NCAA and conferences. We are not in favor of collegiate athletics separating from higher education and becoming professional or semi-professional; but Title IX and the many athletes that have benefitted from a collegiate athletic experience cannot be used to justify the status quo. *Northwestern* presents an unparalleled opportunity for reform to serve the greatest good by changing the governance structure and approach to college athletics. The time has arrived for us to move towards governance and economic policies that support the taxpayer's interest and the health and educational welfare of all NCAA student-athletes.