

On the Faculty Role in College Sports Oversight

Valuable insights applicable to subsequent reform campaigns and the faculty role in college sports oversight were obtained via experience in the 1990s with projects related to environmental and national information infrastructure initiatives [1]. For example, the campaign for systemic engineering education reform was the first to build on this experience [2]. In turn, this campaign helped guide The Drake Group campaign to restore academic primacy in America's colleges and universities that support big-time athletic programs [3].

Taken together, all of these campaigns illuminated the formidable institutional opposition to change, especially in higher education ... opposition that becomes manifest when the vested interests of even highly respected people and institutions are threatened, or, are even perceived to be threatened.

The campaigns also provided an abiding sense that America's future position as a global economic and academic leader is compromised by its obsessive sport's culture [4]. This cultural problem not only distracts the attention of college and university officials from the burning issues of our time, but also lies at the root of the decline toward the total prostitution of their colleges and universities in a seeming desperate quest for more money, power, and prestige.

Unbounded hypocrisy undermines the credibility of these officials as they are apparently either unwilling or unable to work seriously to restore academic primacy and integrity to their institutions and to the whole of higher education.

As John V. Lombardi, the president of the Louisiana State University System, stated: "Mega college athletics is indeed a remarkable American invention, it reflects the decisions of academic administrators and governing boards at almost all colleges and universities for over a century. It prospers because for the most part we (our faculty, our staff, our alumni, our legislators, our trustees, our students, and our many other constituencies) want it. We could easily change it, IF MOST OF US WANTED TO CHANGE IT. All protestations to the contrary, we, the colleges and universities of America and our friends and supporters, do not want to change it. What we really want is to imitate the best (often the most expensive) programs in America by winning games and championships" [5].

Now comes the latest effort by the NCAA to cloak its college sports entertainment business with a veil of respectability – seeking to enlist faculty as partners in the hypocrisy that surrounds big-time college sports by helping school officials connect athletics and academics in a way that will appear as an endorsement of the NCAA's 'student-athlete' ruse [6]. The benefit? – Faculty involvement in oversight would not only help the NCAA justify its status as a tax-exempt institution of higher education, but would also help circumvent disclosure.

Perhaps faculty members that see promise in this NCAA tactic might consider its long-range implications. For example, in his report on the Knight Commission's Faculty Summit on Intercollegiate Athletics, Elia Powers reported that: "Several speakers said they are optimistic that faculty, if asked, would accept greater roles in overseeing aspects of athletics programs. Rewarding them for their service to the university (in tenure reviews, for instance) is one way to attract more faculty to such governance groups" [7]. This smacks as a big step on the slippery slope to relinquishing faculty independence and a serious level of oversight.

Can you imagine the prospects of untenured faculty and academic appointees that call for transparency/disclosure and accountability on the part of school officials [8]? For example, consider the prospects for untenured faculty members that call on their administrations to act on the implicit suggestions in U. S. Naval Academy Professor John Hill's comment: "Core faculty have no chance of supervising major athletic programs on their campuses, nor should they

bother. Academic programs and athletic programs are on different planets when the latter are highly competitive, Division One affairs. The best that a college or university can hope for is to spin the latter programs off as subsidiary enterprises, consider the athletes as entertaining distractions for students as well as alumni, who might contribute to annual fund drives, and then extract sizeable bonuses from professional teams who hire their players....?" [7]

Or, can you imagine the tenure prospects of candidates who worked for their faculty senate's endorsement of recommendations requiring enhanced transparency and reporting on the part of the NCAA and its member institutions? For example, consider the following recommendations that were submitted to the IRS by The Drake Group? [9]:

1. Amend the revised Form 990 and schedules to provide a meaningful level of enhanced transparency - requesting the NCAA and its member institutions to disclose information that will provide evidence that their athletes: a) Are maintained as an integral part of the institution's student body; b) Attend regular whole-period classes; c) Are on accredited degree tracks and are held to the same academic standards of performance as all other students; and d) Realize a 2.0 grade-point average, quarter-by-quarter or semester-by-semester to gain and maintain eligibility for participation in athletic events, with the grades and academic records certified by the school's chief academic officer.
2. Advise the NCAA and its member institutions that: a) The need to vastly improve their transparency and reporting is a very serious matter and that their tax-exempt status will be conditioned on full disclosure; and b) Their operations will be subject to IRS and congressional oversight as well to severe penalties (in addition to the loss of their tax-exempt status) for noncompliance.
3. Eliminate what appear to be clear violations of fundamental tax principles such as the loopholes that were inserted in the tax laws to enable practices such as tax deductions for contingent fees on seat tickets and skybox lease payments.
4. Be more rigorous in assessing the UBIT status of the revenues received by organizations, such as the NCAA, whose sports entertainment business mission is largely tangential to the educational mission of colleges and universities.
5. Require the NCAA and their member institutions to employ a standard uniform system of accounting in their athletic departments that is subject to public financial audits.

Presidents, governing boards, faculty, the NCAA, the Knight Commission, and others have failed to reclaim academic primacy in higher education. As has been said many times, federal intervention is required to control the growth and corruption in big-time college sports [10]. Transparency/disclosure is key to reducing academic corruption and the only way this will come about in the real world of academe is via federal intervention.

In recent years the (NCAA co-opted) Knight Commission has struggled to at least appear relevant by preserving the illusion that it is still reform minded – performing a watchdog function over college sports – but seeming not only unable to address the core problem of academic corruption, but unwilling to do so as well.

The last thing the NCAA, the Knight Commission, and school officials, want to hear about is a congressional hearing on transparency and accountability aimed at making the college sports business prove that it deserves its tax exempt status. Why so? Such a hearing would likely expose institutional misbehavior via disclosure of the grades of athletes, the courses they take, and the faculty who teach the courses. It is this institutional misbehavior that enables the NCAA to continue its 'student-athlete' ruse – a fraud perpetrated on American taxpayers.

In the end, The Drake Group recommendations re: the Revised IRS Form 990 appear to be the best approach to get disclosure so as to help clean up the mess in college sports.

Frank G. Splitt
October 19, 2007

NOTES:

1. Splitt, Frank G., "Creating Our Common Future -- Reflections on the 4 Es: Environment, Education, Energy and Economics," April 1992, "The U. S. Information Industry: Creating the 21st Century, March 1993, International Engineering Consortium, Chicago, IL.
2. _____, "Engineering Education Reform: A Trilogy, International Engineering Consortium, Chicago, IL, October 2002.
3. _____, "The Faculty-Driven Movement to Reform Big-Time College Sports: Sequel to the Brief on Reclaiming Academic Primacy in Higher Education," International Engineering Consortium, Chicago, IL, July 2004, http://thedrakegroup.org/Splitt_Sequel.pdf
4. Splitt, Frank G., "SPORTS IN AMERICA 2005: Facing Up to Global Realities, http://thedrakegroup.org/Splitt_Sports_in_America.pdf
5. Lombardi, John V., "Taxing the Sports Factory," *Inside Higher Ed*, October 1, 2007, www.insidehighered.com/views/blogs/reality_check/taxing_the_sports_factory
6. Brand, Myles, "Faculty Members Constructive Engagement in Intercollegiate Athletics," *The Montana Professor*, Spring 2007.
<http://mtprof.msun.edu/Spr2007/brand.html>
7. Powers, Elia, "Assessing the Faculty Role in Sports Oversight," *Inside Higher Ed*, October 16, 2007, <http://insidehighered.com/news/2007/10/16/knight>.
8. Splitt, Frank G., "A Statement on Academic Retaliation," http://thedrakegroup.org/Splitt_Statement_on_Academic_Retaliation.pdf
9. _____, "More on Taxing the Sports Factory," http://thedrakegroup.org/Splitt_More_on_Taxing_the_Sports_Factory.pdf
10. _____, "The U.S. Congress: New Hope for Constructive Engagement with the NCAA and Intercollegiate Athletics", *The Montana Professor*, Spring 2007, <http://mtprof.msun.edu/Spr2007/splitt.html>