

## Governance II: WHO OWNS COLLEGE SPORTS?

In the constant struggle to manage the competition of college sports and sustain its close, organic relationship with colleges and universities, we often discover that many constituencies claim a significant right of ownership in the operation, values, and commitments associated with intercollegiate athletics.

This sense of ownership is testimony to the remarkable identification of individuals with college sports teams and programs. Even more than professional sports fans, college people see sports in a highly personal way, and invest their energy, their commitment, and their money in the success of these sports. In return for this engagement, they expect to have an influential voice in decisions about how college sports should be managed.

Although an oversimplification, we can sort college's sports constituents into three groups:

- **Insiders**, employed by or are enrolled in the institution,
- **Regulators**: Organizations and agencies who impose rules on college sports,
- **Outsiders**: Fans and reformers who seek to influence or change college sports.

# Who Owns College Sports?

## *Insiders*

The Students  
The Athletes  
The Faculty  
The Athletic Director  
The Coaches  
The Administration  
The Trustees  
The Alumni  
The Legislators  
The Reformers

## *Regulators*

The NCAA  
The Conferences  
The Accreditation Agencies  
The Academic Associations  
The Federal Government  
The National Legislature  
The State Governments  
The State Legislatures  
The Judicial System  
The Reformers

## *Outsiders*

The Fans  
The Politicians  
The Median: News  
The Media: Entertainment  
The Media: Internet  
The Season Ticket Holders  
The Donors  
The Sponsors  
The Sports Agents  
The Reformers

## ***Insiders***

**The Students:** Are a key constituency for college sports and over the years have provided a strong support base, although for many students, sports is only a minor issue. Nonetheless, in all but a few institutions, student fees of one kind or another subsidize college sports and so students have vested interest in the enterprise. Students of course have many different perspectives on their time in college and in their goals.

I love my  
sports



I need a  
degree



I want to  
be a star



## ***Insiders***

**Student Athletes:**  
are a special category  
of students who have  
many interests in the  
sports enterprise of  
which they have  
always been an  
essential part.

Want to Compete



Want a Degree



Want a Scholarship



Want to Get Paid to Play



Want a Professional Career



Want Networking Opportunity



## **The Students: In the beginning**

**Up to about 1880 neither training nor coaching in American college athletics had become specialized.** Training tables were unknown; uniforms were of the simplest. What coaching existed was done by members of faculties, by graduates, and by those undergraduates whose schools had provided them with sufficient experience to justify their being chosen for the work and its responsibilities.

**Management appears to have been entirely in the hands of undergraduates.** Usually participants in matches away from home grounds or waters paid their own expenses, although it is possible that some of the college athletic clubs received from their members subscriptions to help defray the costs of travel.

**About 1880, expansion began.** More branches of athletics were introduced. Training was intensified and elaborated, and trainers were employed. Coaching began to be a progressively technical task, and **paid coaches grew to be rather the rule than the exception.**

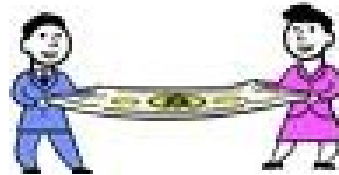
1929

## **The Faculty:**

Over the years since at least the early 1900s, the faculty have constantly sought a role in the goals, standards, and operation of college sports. They have many motives that influence their interests.



Faculty worry that in pursuit of winning and student talent, academic standards will be compromised



Faculty recognize that the money required to subsidize college sports deficits often comes at the expense of academic investment



Many faculty, however, are also enthusiastic college sports fans who want their teams to win games and championships



**College Sports**

**T**HE results show that the faculty of the University of Minnesota is much more favorable in its attitude toward intercollegiate athletics than is the faculty of the University of Chicago. The difference between the two groups is, in fact, striking, as may be seen from the accompanying table.

To those who view the college athletic situation more rationally than emotionally, this method of measuring attitudes toward football may suggest a means of discovering a large institution where the faculty, the students, the alumni, the trustees, and the public would tolerate experimentation with intercollegiate athletics. Through experimentation, rather than argumentation, the values and the bad features of the present system might more clearly be established.

[Vol. IV, No. 4]

**TABLE I**  
THE DATA ON THE FACULTY ATTITUDES  
TOWARD INTERCOLLEGIATE ATHLETICS

RANK	PER CENT RESPONDING		MEAN RESULTS	
	Chi-cago	Minne-sota	Chi-cago	Minne-sota
(1)	(2)	(3)	(4)	(5)
Professor . . . .	72	92	3.94	5.66
Associate Pro-fessor . . . .	72	92	4.50	6.19
Assistant Pro-fessor . . . .	62	88	5.03	6.27
Instructor . . .	66	82	4.69	6.06
Miscellany . . .	63	79	5.00	6.70
Total . . . . .	69	85	4.43	6.10

**This survey of faculty attitudes reflects the interest in determining the different attitudes of faculty at different types of institutions: in this case a prestigious private and a large public flagship, both in 1933.**

Athletics

1933

John M. Stalnaker

***Insiders***

**The Alumni**

**Have Conflicting Expectations and Goals**

**Are loyal school nationalists**

**Wish the past were back  
(but remember it wrong)**

**Relive their Youth**

**Hate the excess of college sports**

**Invest in academics  
(but may hate sports)**

**Think coaches make too much money**

**Want high academic standards**

**Are hyper enthusiastic fans  
But also are fair weather fans**

**Love wining  
Live through the success of THEIR team**

**Try to legalize the excess of sports**

**Invest in sports but not academics  
Hate football because they love track**

**Think the coaches don't win enough**

**Want better athletes**



## The Alumni

Special financial support began to be solicited from alumni. One result was that alumni who made generous contributions to college athletics received, openly or covertly, in return, a generous share in their control; and alumni who became active in that control gained or retained their power and prestige by their own contributions of money and by subscriptions which they solicited from other alumni and from friends of the college. The reciprocity that underlay this situation was generally regarded as a fair exchange.

Motives in the struggle for athletic control must be sought in other aspects of personality. For the most part they are to be found, on the one hand, in college loyalty, which is akin emotionally to patriotism, and on the other in that flattering sense of power, of consequence, and even of social prominence in certain circles, which comes from a connection with large affairs, or affairs that are much in the public eye, -an enjoyment which may lead either to a comparatively innocent feeling of self-gratification, or to an insatiable and offensive lust for power.

1929

## The Conferences

Manage Relationships of Intercollegiate Sports of Member Institutions

Organize  
Competitions

Share Money

Negotiate TV

Regulate  
Students,  
Coaches,  
and  
Institutions

Represent  
Interests of  
Members to  
NCAA,  
Legislators,  
Outsiders

## The Conferences

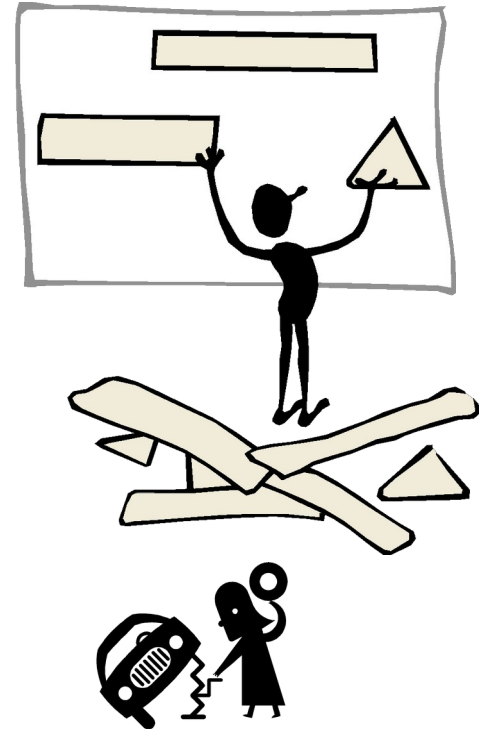
The Southern Intercollegiate Athletic Conference was formed in 1894, in the Mid-West the Intercollegiate Conference, colloquially known as the " Western Conference" or " Big Ten," in the following year, and the Maine Intercollegiate Track and Field Association in 1896. The advantages of such organizations, ..., were soon felt. After the turn of the century, came the Northwest Conference (1904), and in 1905 the first nation-wide attempt to unite in one body all of the reputable colleges and universities supporting intercollegiate competition, resulted in the formation of the **Intercollegiate Athletic Association, with thirty-nine member colleges, which in 1910 became the National Collegiate Athletic Association**. Almost at once the good results of informal, open discussion of problems were so apparent that to many it seemed as if the athletic millennium had come.

1929

# The Reformers



**Reorganize**  
**Eliminate**  
**Minimize**  
**Pay Student-Athletes**  
**More**  
**Pay Coaches Less**  
**Change Academic**  
**Requirements**  
**Reduce Deficits**  
**De-emphasize**



## **Reform: The Associations**

The Ohio College Association made numerous attempts to address reform issues related to athletics but had no success

1926—Failed

1927—Failed

1928—Failed to meet on Athletics

1929—Failed

1930—Passed Resolutions

1930

### Failed hope for reform

In 1927 the Committee on Athletics again reported, recommended no further changes, but suggested details of athletic procedure which it was felt would lessen criticism forming against intercollegiate football and perhaps gradually bring about a situation more worthy of educational institutions. Dr. R. M. Hughes, at that time president of Miami University, was scribe for this committee and put much time and thought into framing the report to make it reasonably progressive. There were no apparent results following its adoption.

IN 1926 the Ohio College Association adopted the report of its committee on athletics embodying two fundamental principles: (1) that methods of selecting and training representative teams ought to be modified to conform with sound pedagogical procedure; (2) that the values inherent in competitive sports should be made available for a greater number of students. To these ends the Committee suggested that two years of competition on intramural teams leading up to two years of competition on the varsity team would be a step in compliance with the two principles recommended. At that time two years of varsity competition had the support of no less prominent coaches than Alonzo Stagg of the University of Chicago, and Dr. J. W. Wilce of Ohio State University. However, no group of Ohio colleges was willing to make trial of this plan.

For the year 1928 the Committee on Athletics of the Association failed to function, but in 1929 the athletic standards of the North Central Association of Colleges and Secondary Schools, by which institutions of the district were being measured and debarred and even dropped from that Association, were reported to the Ohio College Association and unanimously adopted. Again no apparent changes in athletic procedure resulted.

### **Futility and cynicism prevail**

1930

In view of these experiences and these facts, the members of the Committee on Athletics agreed that there was nothing in making further rules but futility and increased opportunity for evasions and deceit. For over thirty years the Western Conference (the Big Ten), the Ohio Conference, and other conferences have been making rules and drawing up codes. In recent years powerful athletic directors and famous coaches have pledged their influence for better conditions.

1930

**Tries to require trustees and administration to get control of athletics and fix problems**

WHEREAS, The conditions in intercollegiate sport disclosed by Bulletin Number 23 of the Carnegie Foundation for the Advancement of Teaching are such as to bring discredit and disgrace to our institutions of higher learning; and

WHEREAS, Athletic practices brought to light at the University of Iowa and by common knowledge known to exist within our own state have resulted in unpleasant and unfortunate intercollegiate relations; and

WHEREAS, Public opinion is again forming in opposition to the present system of conducting intercollegiate football; and

WHEREAS, We believe that undergraduates throughout the country are gradually but steadily becoming critical of and dissatisfied with present methods of conducting intercollegiate football; and

*Resolved*, That this Association place itself on record as believing that basic responsibility for the conduct of intercollegiate sports rests with the trustees and the administrative officers of our institutions, and that these officers and their faculties can no longer live up to their responsibilities nor discharge the trust reposed in them as leaders and guides of the youth committed to their care without giving early and serious consideration to measures which may certainly mitigate, if not entirely eliminate those evils now commonly charged against intercollegiate competition;

That because of the facts stated herein above we believe that no more opportune time than the present is likely to be found for the inauguration of a new and progressive policy in the conduct of intercollegiate sports;



*And Be It Further Resolved*, That the method of developing representative teams be so modified that the lure of intercollegiate competition may be utilized to arouse and hold the interest of a greater number of potential athletes by making the representative teams the culmination of two, or better three years of previous training in a well-administered and well-coached intramural system; to the end that the

drudgery of intensive training may be replaced by practice recreative in character and by experience gained in actually playing games; that the love of notoriety may give way to the love of sport for sport's sake; and that all the fine characteristics now generally admitted as inherent in team games may be made available for those of the rank and file who have the

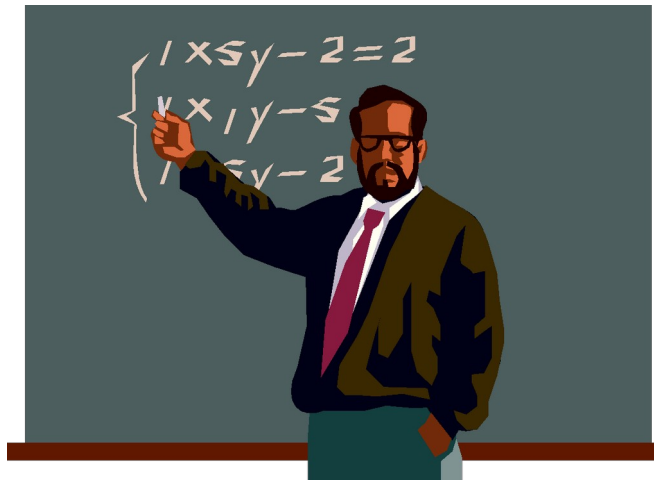
**Wants to reduce recruitment of athletic stars, require them to serve an apprenticeship of 2 or 3 years in intramural play before intercollegiate competition. But vote on this section was 24 to 10, passed but not unanimously.**

desire and will to persevere, rather than for the very few selected and pre-selected outstanding athletes as in the present system.

This report was adopted by the Association: all but the last section was accepted unanimously; this was adopted by a vote of twenty-four to ten.

[Vol. I, No. 6]

# The Faculty Reformers



IN SPITE of enormous crowds at intercollegiate games, the college athletic situation is deplorable and the conditions are chronic. The problems were so serious twenty years ago that the Carnegie Foundation for the Advancement of Teaching studied the field and reported upon the topic, *American College Athletics*, issued in 1929. The National Collegiate Athletic Association and the College Physical Education Association are constantly studying the athletic conditions that confront them, and these conditions are characterized by such words as *commercialism, subsidization, exploitation, bribery, gambling, and proselytism*. Can the existing conditions be changed? Can the recognized evils be abated? Can the practice of a culture be directed into new channels?

The Crucial Issue in American College Athletics

Jesse Feiring Williams

1949

*Journal of Higher Education*, Volume 20, Issue 1 (Jan., 1949), 12-17.

ALL are ready to admit that the college athletic situation is chaotic, but the notion that it is chaotic because of the gambling, commercialism, and subsidization which mark its course, and that it will remain so until individuals acquire a new and finer ethical viewpoint, simply reverses the true state of affairs. The proselyting, the subsidizing, the exploiting, the bribing, the buying and selling are true and exact portrayals of the culture in which we live. The chaotic sports picture is but one frame in the film of our current society. The inner life of man today is in a confused and disordered state without the old and sure standards, the straight pathways, and the unswerving loyalties that produced in our ancestors that peace and calm of mind they knew so well. The very

Things are still bad in college sports, and the issues remain the same over time.

**W**HEN a scientist begins the study of a problem, his first step is to review the literature of the field. From my own partial survey of the American social scene, I believe that our culture portrays a close correspondence between our present conduct of athletic games and our conduct of business and commercial enterprise. In short, the culture is uniform in this respect, and what happens on the campus fits the pattern of our present practices in free enterprise.

**This study makes the case that the problems of college sports are but reflections of the problems in society at large.**

**I**T IS apparent, then, that the crucial issue in American college athletics is the principle of pecuniary gain which is also the dominant force in our culture. The situation demands an active and alert intellectual recognition of the realities of the social scene. The behavior of the American college in facing the implications of this principle for athletics will not solve the bitter struggle now going on between management and labor, but a sound solution of its own problems might have tremendous outcomes in influencing the nature of our society in the years ahead.

Since pecuniary gain is the basic problem,

→ **First**, all monies budgeted for the expenses of athletics shall be appropriated from the general funds of the college, and all monies received as income shall pass into the general fund.

→ **Second**, all coaches shall be selected and staffed in the faculty in accordance with the standards of excellence that operate in the appointment of other officers of the institution.

**If we compare the recommendations put forth here in 1949 to the general operating practices of 2020, we can see where progress has and has not happened.**

**YES, mostly**

**NO, mostly**

→ **Third**, all coaches shall be appointed by the trustees and hold their appointment at the pleasure of the trustees.

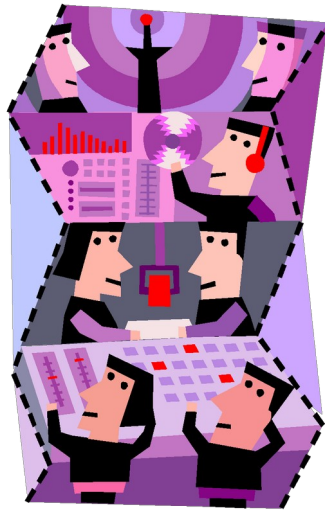
→ **Fourth**, all coaches shall receive salaries that are consonant with the faculty rank held, and shall be appointed for full-time service.

→ **Fifth**, since recruiting and proselyting of athletes violate the purpose for which athletics exist in education, the full-time service of coaches will be restricted to teaching and administrative duties.

→ **Sixth**, since athletics are accepted activities in the education of college students, all bona fide students shall be eligible to participate, and neither scholarship nor social status shall render a student ineligible.

→ **Seventh**, since athletic games are close to the interests of students, there shall be no fee or a nominal fee for their attendance at games, and the general admission shall be small and not competitive with professional prices.

# The Outsider Reformers



***[The campaigns against Intercollegiate athletics are constant, well funded, and persistent. Almost all of these campaigns, often led by significant academic administrators, fail. Here is one of example of ineffective outrage.]***

It is tempting to turn away from bad news. To the cynic, corruption has been endemic in big time sports as long as they have existed. To the rationalizer, reform is already under way and things are not nearly as bad as the critics make them out to be. More time is all that is needed.

But to the realist, the bad news is hard to miss. The truth is manifested regularly in a cascade of scandalous acts that, against a backdrop of institutional complicity and capitulation, threaten the health of American higher education. The good name of the nation's academic enterprise is even more threatened today than it was when the Knight Commission published its first report a decade ago. Despite progress in some areas, new problems have arisen, and the condition of big-time college sports has deteriorated.

Consider as an example some simple statistics: As noted in the foreword, 57 out of 106 Division I-A institutions (**54 percent**) had to be censured, sanctioned or put on probation for major violations of NCAA rules in the 1980s. In the 1990s, 58 out of 114 Division I-A colleges and universities (**52 percent**) were similarly penalized. In other words, more than half the institutions competing at the top levels continue to break the rules.

Wrongdoing as a way of life seems to represent the status quo.

**In the effort to make the case, they make a math error, the percents are actually, 5.4% and 5.0% per Year**

**Report of The Knight Foundation Commission on Intercollegiate Athletics, June 2001**



From the same report, we get a familiar argument about how good things used to be and a wish that we could make them good again, when of course the past was never as perfect as described.

At the heart of these problems is a profound change in the American culture of sports itself. At one time, that culture was defined by colleges, high schools, summer leagues, and countless community recreational programs. Amateurism was a cherished ideal. In such a context, it made sense to regard athletics as an educational undertaking. Young people were taught values ranging from fitness, cooperation, teamwork and perseverance to sportsmanship as moral endeavor.

All of that seems somehow archaic and quaint today. Under the influence of television and the mass media, the ethos of athletics is now professional. The apex of sporting endeavor is defined by professional sports. This fundamental shift now permeates many campuses. Big-time college basketball and football have a professional look and feel – in their arenas and stadiums, their luxury boxes and financing, their uniforms and coaching staffs, and their marketing and administrative structures. In fact, big-time programs have become minor leagues in their own right, increasingly taken into account as part of the professional athletics system.

What happened between 1905, 1929, 1930, 1940s, and 2001?

Things may be bad in the 21<sup>st</sup> century, but the idyllic past never existed.



## Finally we see that tradition of outraged rhetoric that defines much of anti-intercollegiate athletic discussion

A frantic, money-oriented modus operandi that defies responsibility dominates the structure of big-time football and basketball. The vast majority of these schools don't profit from their athletics programs

Over the last decade, the commercialization of college sports has burgeoned. Vastly larger television deals and shoe contracts have been signed, and more and more space in stadiums and arenas has been sold to advertisers. In too many respects, big-time college sports today more closely resemble the commercialized model appropriate to professional sports than they do the academic model. The NCAA's Dempsey warned the NCAA membership recently that "the level of cynicism over the commercialization of our most visible athletics programs has reached epidemic proportions."

With the money comes manipulation. Schools and conferences prostrate themselves to win and get on television. There is a rush now to approve cable and television requests for football and basketball games on weekday evenings, on Sundays, in the morning, and late at night.

So much for classroom commitments. On the field, the essential rhythms of the games are sacrificed as play is routinely interrupted for television commercials, including those pushing the alcoholic beverages that contribute to the binge drinking that mars campus life.

# PAY FOR PLAY

While much of the reform efforts directed at intercollegiate athletics since its earliest days at the beginning of the 20th century sought to de-emphasize college sports and tame the outsize influence sports seemed to have in colleges and universities, the current campaign to pay college athletes beyond the provision of the cost of attendance and the cost of support facilities and services, shifts the conversation.

This comes from the dramatic financial success of the top level of intercollegiate sports and particular from the financial rewards of successful winning programs in football and men's basketball. The money from television, endorsements, and other payments associated with these high profile sports produced exceptionally high compensation for almost all administrators associated with these top revenue producers. From coaches to assistant coaches, from athletic directors to trainers, everyone seemed to be capturing rewards greater than those available to all but the most successful faculty medical personnel, for example.

Since the success of intercollegiate athletics is the result of the competitions constructed for paying audiences and produced by student athletes, it became more and more difficult to persuade the public that some who worked in college sports should get very rich while others whose talent and performance provided the product sold for such high prices received what appeared to be modest financial rewards.

Part of the complexity of this argument comes from the fact that superstar student athletes are part of a system that began for most at a very early age and was pursued by them relentlessly with the hope of being selected for a high profile collegiate program and perhaps a chance at the very few opportunities to become an exceptionally well compensated professional athlete.

# Paying college athletes to play: Some of the questions



Is providing opportunity to play, support for training, support for education, special services, scholarship and housing enough?



If student athletes are paid, do all athletes get money or only superstars, only those in revenue positive programs, what about women's sports and olympic sports?



If college athletes have agents to sell themselves for endorsements and sell their images, how to prevent conflicts of interest and conflicts of commitment?

As of 2021, the historical amateur model of intercollegiate athletics, which we will discuss at length in the next classes, appears likely to be in a process of significant modification.

The process will be complicated, filled with dramatic pronouncements about issues unrelated to sports, and eventually resolved through negotiation, legislation, and court cases.

The result will have the greatest impact on the top programs of Division I football that generate the largest revenue. It will surely require the creation of an organization of players, much like the current unions for professional sports players, that can negotiate compensation arrangement with universities, conferences, or the NCAA.

Issues of Title IX comparability between men's and women's compensation will need to be resolved, and it may be that the compensation arrangements for college players will need to be managed within an organization outside of the colleges' control to avoid gender equity concerns. Moreover, if pay for play is focused on the contribution individual players make to the revenue generated by college sports programs, it is likely that some players will be much more valuable in the marketplace than others, producing celebrity compensation for a few and baseline payments for others.

Whether universities will allow players to negotiate their own deals, through agents or other outside representatives, remains a question to be answered, for if players make deals outside of the view of the NCAA and the institutions, it will be difficult to determine whether there is any opportunity for point shaving or other conflicts of interest related to gambling.

While the high revenue sports are likely to provide opportunities for players to capitalize on the celebrity they generate as they compete in college games, the details of the process will take time, and will have many conflicting influences from politicians, agents, universities, and the press.

***Insiders***

**The Administration:**  
**Worries about everybody**



***Insiders***

***Outsiders***

The Students

The Fans

The Faculty

The Politicians

The Alumni

The Media: News

The Trustees

***Regulators***

The NCAA

The Media: Entertainment

The Conferences

The Academic Associations

The Reformers

The Sponsors

# The Administration

Dr. Hartwell was moved to write in the Report of the United States Commissioner of Education for **1897-98**,

"The powerlessness of our educational leaders to originate, and their failure to adopt, effectual measures for evolving order out of the athletic and gymnastic chaos over which they nominally preside, constitutes one of the marvels of our time."

There is nothing new about the failure of universities to meet the expectations of many about the condition of college sports