The Ties That Bind: Presidential Involvement with the Development of NCAA Division I Initial Eligibility Legislation

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Introduction

> A college which is interested in producing professional athletes is not an educational institution. (Robert Hutchins, president, University of Chicago [Lawson & Ingham, 1980, p. 56])

> But America is different. Its universities are unique in their efforts to please many constituencies—prospective students, donors, legislators, the general public. The growth of intercollegiate sports aptly illustrates the strengths and weaknesses of a constituency-oriented system of higher education. With enthusiastic support from students, alumni, and even government officials, our colleges have developed athletic programs that have brought great satisfaction to thousands of athletes and millions of spectators. Few aspects of college life have done so much to win the favor of the public, build the loyalties of alumni, and engender lasting memories in the minds of student-athletes. (Derek Bok, president, Harvard University [Bok, 1985a, p. 124])

> College (sport) is what it is because the American public wants it so bad. . . . Now why the public wants it so much is a question for the public. Right? ("Temple Drake" [pseudonym], college sport insider [Morris, 1992, p. 93])

These statements identify an elemental conflict between academics and athletics that exists in American higher education; that is, the belief that the simultaneous institutional pursuits of rigorous academics and "big time" intercollegiate athletic programs are difficult, if not impossible, to reconcile. Many critics of American higher education note that our institutions are beset with contradictory and unrelated

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activities both academic and nonacademic in nature. The transformation of American higher education over the last century has led to criticism of academic activities—such as research funded by for-profit corporations—that often contribute little to students who fund the institution, and an unchecked academic balkanization on campuses has created a separation between undergraduate and graduate studies, arts and sciences, and liberal and professional learning that has meant confusion about the specific missions of specific institutions. Combine this with a current push for distance learning fueled by technological advances and the need to reach more diverse populations of students to maintain institutional and programmatic viability, and critics cite that it has become nearly impossible to define precisely what is meant by higher education.

This debate is made more complex when nonacademic components are also assessed in terms of their congruence with the mission of higher education. The adoption of the Cambridge/Oxford residential college model led to the encorporation of many nonacademic components within the traditional American higher education system, including intercollegiate athletics. This in part has led to the development of what Bok called the "constituency-oriented system of higher education," where schools use athletics and other nonacademic activities to foster a sense of community with students, alumni, and the general public. While the constituency-based system contains numerous potentially contradictory elements worthy of exploration, it is intercollegiate athletics that is often cited as a particularly aberrant aspect of American higher education, particularly at Division I National Collegiate Athletic Association (NCAA) institutions. The inevitable response of critics of the constituent system to this charge is, what do such activities have to do with the mission of higher education? The simultaneous pursuits of athletic success, related profits, and institutional academic integrity, say these critics, cannot be reconciled. To them, this is the glaring weakness in the constituent system. Supporters argue the strengths of the system, that the popular appeal of nonacademic activities are a vital complement to academic components and in keeping with the founding ethos of American higher education.

Efforts to wed the athletic and the academic attempt to deflect this criticism of the wedding of the athletic and the commercial that is inherent in the constituent system. According to Helman (1989), this ideal notion of intercollegiate athletics and the student-athlete is legitimized through eligibility rules, which provide "standards that tether commercial athletics to the educational purposes of higher education" (p. 237). If Division I programs are to meet the standards set by the NCAA that demand this tethering (see below), then the programs must be main-

tained and legitimized through such eligibility rules. The question that arises from this charge is to whom within the academy this responsibility of tethering will ultimately fall. It is in the realm of academic tethering that school presidents, the individuals who are seen to have ultimate control over all components of the campus, have moved to the fore. When first student-athletes and then faculty oversight groups proved unable to deal effectively with the problems associated with intercollegiate athletics and the demands of constituents, many school presidents saw it as their role as institutional CEOs, those managers who serve as the public face of the institution and the ultimate internal decision maker, to address these issues. Over time, certain groups of presidents have come to lead the associated public debate and NCAA organizational push for association-wide initial eligibility standards. Many other major concerns regarding Division I athletics—pay for play, controlling agent tampering, recruiting abuses by coaches, boosters and others, the recurring specter of gambling and point-shaving—have not elicited the same sort of demands for and responses of presidential leadership, because many presume that these are strictly "athletic" issues to be dealt with by professional athletic administrators.

In an attempt to understand the roles of presidents in maintaining congruence within the constituency-based American higher education system, this article provides a detailed chronology of presidential efforts to deal with the conflicts related to the tethering of academic mission to athletic pursuits through the development of NCAA initial eligibility academic legislation. Such legislation impacts recruiting and admissions, the ultimate sport product on the field and the court, and the charge to tether commercial athletics to the educational purposes of higher education and to preserve the viability of the intercollegiate athletic enterprise.

In response to criticisms that "big time" athletics has no place on campus and has no relation to institutional academic missions, the bylaws of the NCAA have been crafted to require that intercollegiate athletics be administered under an institution's academic rubric. The NCAA publishes annually the purposes of the association under Article 1 of its Constitution. The first stated purpose is, "To initiate, stimulate and improve intercollegiate athletics programs for student-athletes and to promote and develop educational leadership, physical fitness, athletics excellence and athletics participation as a recreational pursuit" (1999–2000 NCAA Division I Operating Manual, p. 1). Also included as stated purposes are, "To encourage its members to adopt eligibility rules to comply with satisfactory standards of scholarship, sportsmanship and amateurism," and "To legislate, through bylaws or by resolu-

tions of a Convention, upon the subject of general concern to the members related to the administration" (p. 1). NCAA bylaws do not dictate whom schools may admit, as illustrated in Bylaw 2.5, "The Principle of Sound Academic Standards," which reads:

> Intercollegiate athletic programs shall be maintained as a vital component of the educational program, and student-athletes shall be an integral part of the student body. The admission, academic standing and academic progress of the student-athletes shall be consistent with the policies and standards adopted by the institution for the student body in general (p. 4).

An institution may admit any student, but the student may or may not be eligible to compete in intercollegiate athletics, depending on whether that student meets the initial academic eligibility criteria set by the NCAA membership. Division I schools must also recognize "the dual objective in its athletics program of serving both the university or college community (participants, student body, faculty-staff, alumni) and the general public (community, area, state, nation)" (p. 338), a verification of Bok's constituency-based assessment.

To host an NCAA Division I athletic program, therefore, a school must provide winning teams comprised of athletes who are also students, for the entertainment of those associated with the school and its constituents—students, faculty, community members, alumni, fans—to develop prominence at the national level and to strive for financial success. Such focus has been effective in developing the quality of the intercollegiate sport product and has led to the unprecedented levels of support from constituents and fans, as evidenced by the significant popular interest in such events as the NCAA Division I men's basketball tournament and the regular and bowl seasons of Division I-A football. And to win, to achieve national prominence, to develop the constituent interest to then attain the desired degree of financial self-sufficiency also required under the Division I philosophy statement, schools need skilled and proficient players. The subsequent pressure then comes from the efforts to attract, admit, and retain players on the basis of the athletic skills first and foremost, and those who possess such skills may or may not have any interest or abilities pertaining to academic pursuits.

Since the founding of the NCAA there have been thousands upon thousands of rule changes pertaining to the administration of intercollegiate athletics. Most focus on setting policy relating to and curbing abuses and perceived unfair institutional advantages in recruiting, financial aid, and issues amateurism. However, it is the idea of the student-athlete that is central to the entire intercollegiate athletic enterprise. The

many associated supporting constituents of intercollegiate athletics compare favorably the college "game product," the contests as played by amateur student-athletes, to the professional game product, because to them college athletes play to represent their alma mater with pride, and play not for money but for the love of the game. However naive these beliefs may seem to many, they do persist. Thus Division I schools, charged with maintaining winning and profitable programs within stated academic boundaries, are also charged with maintaining this ideal notion of the student-athlete, the athlete who is also a student (what Sperber refers to as the "classic ideal" [1998, p. 368]), to maintain the popular and commercial appeal of its programs and to satisfy the demand inherent in the constituency. This, as author Willie Morris found when interviewing Temple Drake, is what the American public wants, and to maintain interest as prescribed in the constituency system and the NCAA bylaws, it is what must be provided.

Presidential Involvement with Intercollegiate Athletics and the NCAA

In the formative years of intercollegiate athletics, supporters extolled the virtue of athletics, especially football, in addressing the need to establish the virility of American males in an increasingly industrialized and mechanized society. Playing football, said MIT president Francis A. Walker, "demanded 'courage, coolness, steadiness of nerve, quickness of apprehension, resourcefulness, self-knowledge, self-reliance' and developed 'something akin to patriotism and public spirit'" (quoted in Telander, 1989, p. 32). This sort of advocacy portrayed intercollegiate athletics as a viable educational adjunct to academic classroom activities and a meaningful component of the constituency-oriented system.

However, as Rudolph noted, intercollegiate athletics quickly evolved to a system where during the early years of intercollegiate football, "Once the sport had been accepted, the games had to be won" (1990, p. 381). This emphasis was fueled by the interests of constituents—alumni and students—as Michigan president James G. Angell found when he and the Michigan faculty supported rules that would rein in the recruiting tactics by Wolverines football coach Fielding Yost. Heeding the protests of these constituents, with little concern for congruence between athletics and academic mission, the university's board of regents took control of the athletic program and subverted the control of Angell (Sack & Staurowsky, 1998). These actions signaled the clear establishment of the power of the constituents in the constituency system, and would be repeated throughout the century.

Some presidents were more successful in dealing with the problems

of intercollegiate athletics. In 1905, when coaches and athletic administrators proved unable or unwilling to stem the spate of severe injuries and deaths in football, in part due to the interests of constituent groups and fans and of those coaches —such as Yale's Walter Camp—whose teams flourished under the old flying wedge systems, presidential involvement, as led by New York University's Henry McCracken, was integral in establishing the NCAA as a body for intercollegiate athletic reform (Yaeger, 1991). Columbia President Nicholas Butler stated that such efforts were "the first step in a general overhauling of the whole athletic situation in American colleges" (Smith, 1988).

With some exceptions, presidents demonstrated a limited role in the formation of NCAA initial academic eligibility policy. In the last two decades, as the expectation for harmony and congruence between athletics and academics and the demands of the constituency system have grown in light of a heightened perception of perceived ills within the management of intercollegiate athletics, presidents have gradually assumed an increased leadership role in this policy area, and have exhibited this influence through the mechanisms of the NCAA.

The NCAA and Initial Eligibility Legislation

The NCAA has struggled throughout its history to determine the appropriate combination of academic achievement and athletic prowess to be required of Division I student-athletes. It was resolved at the 1918 NCAA Convention "that in every college and university, the Department of Physical Training and Athletics should be recognized as a department of collegiate instruction, directly responsible to the college or university administration" (Falla, 1981, p. 55), and staff administrative committees with member school faculty and administrative personnel. Therefore, the expectation was put forth early on that schools are meant to control intercollegiate athletics, and athletics and student-athletes were meant to be integrated into the academic fabric of an institution.

The NCAA slowly assumed the role of arbiter for initial eligibility academic requirements, over the reservations of many member institutions. The primary goal of such a system would be to assure that all institutions would use the same minimum academic standards by which to assess prospective student-athletes in determining athletic eligibility and, in some cases, the appropriate financial aid award. Such an association-wide standard would serve to "level the playing field" for all schools, so that a student not admitted or eligible at school A would not later be deemed eligible at school B and suit up and compete for B against A. Former Harvard president Bok would refer to the need for

broadly applied regulations because "many institutions will find it very hard to maintain reasonable academic standards if their competitors refuse to do likewise" (Bok, 1985b, p. 208). No school or president, no matter how willing they were to tether academics and athletics, was willing to do so alone and risk athletic ruin. In addition, such rules run counter to trends in American higher education, "which is remarkable for its decentralized arrangement characterized by institutional autonomy, voluntary association, and relatively little government regulation" (Thelin, 1994, p. 10), contributing to the overall sense of institutional incongruence and contradiction in the constituency-based system.

Major NCAA Academic Eligibility Actions

Supporting Rudolph's realization of the primacy of victory, Smith underscored the fact that to win games, "from an early period in American intercollegiate athletic history, there was pressure to bring in athletes with little regard for academic considerations" (1988, p. 175). Early conflicts developed over the participation of freshmen, graduate and nondegree "special" students, student residency requirements, and students transferring solely for athletic purposes. For roughly the first century of intercollegiate athletics, many colleges and universities maintained a separate admissions standard for athletes without abiding by the school's regular admissions policies. Thus, from the outset, the conflicts between academics and athletics were well established.

To deal with this conflict, some schools began to exhibit greater control over athletics, and took actions on their own to deal with academics, eventually usurping entirely formal control of athletic programs from students and alumni. The 1895 "Chicago Conference," attended by faculty representatives from the seven schools that later founded what would become the Big Ten Conference, was one such successful early effort to control and regulate the eligibility of student-athletes (Helman, 1989), as was the 1898 "Brown Conference," attended by constituents (students, faculty, and alumni) from nearly all schools of the present-day Ivy League, which in part sought to "weed out a student who has entered the university for athletic purposes only" (Smith, 1988, p. 140). Conference organizations would continue to serve as the main arbiter for such rules for many subsequent years, with varying degrees of effectiveness.

At the 1906 NCAA Convention, following the presidential impetus to form the organization, a policy concerning academic eligibility was adopted, citing, "No student shall represent a college or university in any intercollegiate game or contest who is not taking a full schedule of work

as prescribed in the catalogue of the institution" (Falla, 1981, p. 144). It was left to individual student-athletes to voluntarily report any possible infractions. Smith (1988) points out that the group was formed on "the principle of individual (institutional) autonomy," and that "Home rule dominated the NCAA for the first half-century of its existence. The individual colleges agreed collectively to act individually" (p. 207). From these modest beginnings, the NCAA would eventually move toward stronger national initial eligibility legislation and enforcement procedures, but the process would take the better part of 50 years. With few exceptions, presidents would not assume a true leadership role within the association in this process until the 1980s.

Early Methods of Determining Initial Eligibility

By the early 1920s, most major conferences deemed freshmen ineligible for varsity level intercollegiate contests. Many dismantled these limitations in response to the manpower shortages that accompanied World War II and the Korean War, but some conferences reestablished them soon thereafter. Even though freshmen were ineligible to participate in varsity competition at certain schools, they were still eligible to receive athletically related aid (Mott, 1995). The NCAA finally approved full freshmen eligibility in all sports in 1972 (Sack & Staurowsky, 1998). In 1939 the NCAA established eligibility rules for National Collegiate championships. These rules were made more specific in 1946, stating that only those student-athletes admitted to their schools under the same admission standards as all other students would be eligible and that participants must be enrolled in a full course of study as defined by his school at the time of competition (Falla, 1981). Although these regulations were well-intentioned, their impact was questionable, as no enforcement mechanisms existed.

However, there were some attempts to institute reform on a broader and more meaningful scale at the institutional and conference level outside the NCAA. Individual schools had taken action to address perceived ills in athletics in the decade of the 1920s, with varying degrees of effectiveness. Butler at Columbia, Ernest M. Hopkins at Dartmouth, and Ernest H. Wilkins of Oberlin all spoke out against the expansion of intercollegiate sport. Said Wilkins, "Intercollegiate football is at the present time an enormously powerful force in the life of the nation," interfering "to an intolerable degree with the attainment of the purpose of the American college" (Betts, 1974, p. 347). Hopkins proposed a return to student coaches and participation limited to sophomores and juniors, while Butler advocated a new organization to replace the NCAA, an "Athletic League of Nations," where gate receipts would be abolished

(Betts, 1974, p. 348). In 1935 Southern Conference presidents, led by University of North Carolina president Frank Graham, recommended an end to remuneration for athletic ability and for all financial aid to be awarded by a faculty committee. Graham was to find little support for his plan, which though adopted in 1936, was abandoned in 1938. The regulations, said Graham, "cut too deeply into entrenched practice. . . . I am shocked to find that college presidents for this reason and that reason do not want to stand (in) back of the . . . regulations" (Sack & Staurowsky, 1998, p. 41). It was clear that the desires of constituents superseded concerns about tethering academics and athletics. It was also clear that one school acting alone in a reform effort was, as Graham found, doomed to fail.

The "Sanity Code"

As Graham found, a plan with nationwide scope, which would lift the political burden associated with threats to the college game product away from specific administrators and campuses, was needed to reconcile academics and athletics. The NCAA would gradually come to fill this role over the next four decades. The NCAA's first step in this process would come in 1946. At a "conference of conferences" in Chicago attended by faculty members and school presidents, attendees crafted a set of governing principles to deal with an acceleration of unsavory recruiting practices and athlete subsidies that had followed the conclusion of World War II. These were then sent to the NCAA membership for consideration (Helman, 1989). These principles came to be known as the "Sanity Code," due to a "prevailing belief that adherence to such principles [was] necessary to restore sanity to the conduct of intercollegiate athletics" (Falla, 1981, pp. 132–133). Sperber (1998) indicates this effort was an attempt by these established conferences to stem the new tide of competition for athletes and that the "Sanity Code" title was a revised epithet after the initial title, the "Purity Code," was derided as sanctimonious by scornful members of the press. However, the only penalty the NCAA could impose against those schools that failed to comply was expulsion from the association (Fleisher, Goff, & Tollison, 1992).

Many presidents also criticized the Code, due to concerns that the NCAA could only enforce the rule selectively, thereby leaving some schools at a competitive disadvantage as compared to others, and no president relished the idea of a losing program on his campus. In a speech after the convention, University of Notre Dame president John J. Cavanaugh criticized the reformers and the established conferences as "those who play with the question for public consumption, . . . true re-

form in athletics will not be accomplished by the mere publishing of noble, high-sounding codes which are often hypocritically evaded in actual practice" (Sperber, 1998, p. 186). Several school presidents indicated that their school would refuse to comply. University of Virginia president Colgate Darden, Jr., said, "While we may agree with the spirit of the plan, it is the belief of our board that it cannot be properly enforced" ("Purity Code Rejected," 1948, p. 28). Although Virginia and six other schools (Boston College, Maryland, the Citadel, Villanova, Virginia Military Institute, and Virginia Tech) were cited for violations of the code and expelled by the Compliance Committee, they were retained when a vote of the full NCAA membership failed to secure the necessary two-thirds majority for expulsion (Lawrence, 1987). Villanova president Francis McGuire expressed no regret for his school's alleged wrongdoings, but rather chose to criticize the Compliance Committee's efforts: "Do you mean to tell me," said McGuire, "that there are only seven schools in America which don't live up to the NCAA code?" (Sack & Staurowsky, 1998, p. 46). These schools vowed continued noncompliance, which led to a battle over the merits of the code at the 1951 Convention. Large schools and schools from the South lobbied successfully, by a vote of 130 to 60, to eviscerate the code (Lawrence, 1987). This action meant that no academic criteria would be utilized in determining student-athlete aid. In the case of the Sanity Code, many presidents demonstrated clearly that they were not immune to the pressure to attract skilled players to produce winning teams. In this instance, as in later cases, schools acted in a manner that was allowed them to assuage those pressures regarding constituent interests.

1.600 Rule

Following the demise of the Sanity Code, the establishment of formal athletic scholarships in the 1950s, as well as point-shaving scandals in college basketball and the test cheating by football players at West Point, renewed concerns about the tethering of athletics with institutional academic missions. Sack and Staurowsky (1998) point out that, "With an athletic scholarship system in place, it became absolutely imperative for the NCAA to establish a minimum academic level for awarding scholarships. To not do so would have fueled public cynicism that already surrounded professionalized college sport" (p. 96), for constituents demanded both game product excellence and preservation of the ideal notion of intercollegiate athletics. In response, the American Council on Education (described in its mission statement as the "nation's coordinating higher education association, with 1,800 members including accredited colleges and universities and other education-

related organizations, . . . a forum for the discussion of major issues related to higher education," [Mission statement, 2000, p. 1]), commissioned a study of intercollegiate sport in October 1951, to make a recommendations to its 979 member schools. During ACE hearings for the report, chaired by John Hannah of Michigan State, Harvard football coach (and president of the National Football Coaches Association) Lloyd Jordan responded with little concern for congruence between athletics and academics and a particular understanding of the constituent-based system, "We must recognize that colleges are in the entertainment business. The only question is, How far should we go? But if we do it at all, shouldn't we do it well?" (as cited in Thelin, 1994, p. 108).

The final ACE report, presented in February 1952, called for more stringent eligibility rules, including admitting athletes based on the same standards as nonathletes, and a ban on postseason football bowl games. The nation's five higher education accrediting organizations, not the NCAA, would handle enforcement of these rules, with the loss of accreditation the penalty for failure to comply (Sperber, 1998). While Notre Dame's Cavanaugh and Yale president Whitney Griswold spoke out in favor of these reforms, Hannah, like colleagues Herman Lee Donovan at Kentucky and H. C. "Curly" Byrd at the University of Maryland, had fully embraced the constituent approach, and he used athletics to curry favor with politicians and businessmen within Michigan to improve the stature of his school and sought to protect Michigan State's competitive prospects. Sperber notes that Hannah and NCAA president Hugh Willett sought to forestall such change and to maintain the NCAA's control over intercollegiate athletics (Sperber, 1998). As a result, the ACE guidelines were coopted and watered down, and no meaningful academic eligibility reforms would be forthcoming that decade. Consequently, the provision of institution-based athletically related aid became entrenched, and that the NCAA would be the mechanism through which any initial academic eligibility rules would be established.

The bulk of other NCAA legislation over the next decade dealt with recruiting and compensation issues, including several proposals to severely restrict the scope of recruiting activities. The lack of significant presidential involvement with these issues bears out the role that presidents were expected to be less involved with these mostly "athletic" policy issues. However, the Association revisited academic standards in 1952, when an amendment to the association constitution required that all eligible student-athletes make normal progress toward a degree (Falla, 1981). But the critical task of determining normal progress was left to the discretion of each individual institution. Throughout the decade, several conferences, including the Pacific Coast and Big Ten

took up the issue of admissions and academic eligibility standards. In 1952 the PCC presidents proposed unsuccessfully that student-athletes maintain a "C" average, while the Big Eight and Southwest conferences maintained GPA satisfactory progress requirements (Helman, 1989). The conference mechanism was one in which individual presidents could have more direct influence in an area over which they as the ultimate academic administrators were more empowered, and continued to serve as the main organizational element through which significant academic eligibility rules were established. However, in 1959 the NCAA did strengthen standards for championship competition, requiring that competing student-athletes be enrolled in a full course of study of no less than 12 semester or quarter hours (Falla, 1981).

At the 1962 Convention, the membership made the first serious attempt to impact student-athlete eligibility since the Sanity Code. Admissions was included with financial aid, eligibility, and recruiting as areas to be controlled under Association rules of conduct. Also that year, a study analyzed the academic records of 40,900 student-athletes at 80 member institutions during the 1963–64 school year (*1964–65 yearbook*, 1965). The findings of the study prompted the Long Range Planning and Academic and Testing Requirements committees to propose in 1964 and adopt in 1965 an expectancy table which established, as portrayed by NCAA President Robert Ray of the University of Iowa, "an academic floor for NCAA competition" ("Minimum academic," 1964, p. 4). According to committee member Laurence Woodruff, dean of students at the University of Kansas, the proposed expectancy table enabled colleges to "judge the probability that a student to whom we are granting an athletic scholarship will succeed academically in college" (Falla, 1981, p. 146).

At the 1965 Convention, the membership passed the association's first-ever minimum academic standards for the awarding of athletically related financial aid. The "1.600 rule" required that member institutions could not offer athletically related financial aid to student-athletes who did not have a predicted grade-point average of 1.600 (based on a maximum 4.000 scale) in the student-athletes' sixth, seventh, or eighth semester in high school (1964–65 yearbook, 1965). Standardized test scores on either the SAT or the ACT were also utilized in determining eligibility, which, according to longtime NCAA Executive Director Walter Byers, "provided an essential national comparative standard" (Byers, 1995, p. 158). Student-athletes were also required to maintain a 1.600 GPA while in college to remain eligible for athletically related aid.

That some opposition to the rule was voiced is not surprising, as schools saw the rule as a threat to their ability to meet constituent de-

mands for game product excellence. But criticism and defiance came from unexpected sources as well, namely presidents of Ivy League schools. The schools in the conference were unwilling to submit to NCAA control over their admissions processes and academic autonomy, and chose to denounce the measure. Princeton president Robert Goheen charged that the rule "would appear to be the product of people more knowledgeable about athletics than of the life of the mind" (Jenkins, 1966, p. 30). Goheen's criticism had more to do with the NCAA's perceived intrusion into his and other Ivy institution's private affairs, renewing the debate over the appropriate extent of the NCAA's oversight. But no legislation was to be effective without a national scope, even though the University of Pennsylvania went as far as to flaunt the rule until faced with the possibility of being banned from the NCAA men's basketball postseason tournament. Goheen's stance notwithstanding, presidents still would not assume a significant role in setting the debate in this issue.

2.0 Rule

The booming popularity of intercollegiate athletics in the 1960s, fueled in large part by the emerging influence of television broadcasting and its associated revenues, led to a corresponding general lack of concern over the tethering of athletics to academics amongst the NCAA membership. To meet the demands of television, the media, and constituents, schools began to look even more toward attracting the best athletes possible to strengthen the game product, with even less regard for academic proclivities. This, in effect, spelled the end of 1.600, although attempts to weaken the 1.600 rule were defeated at almost every convention until 1973. Also, a 1972 Federal court case involving two University of California-Berkeley student-athletes, Isaac Curtis and Larry Brumsey, failed to diminish the scope of the rule. While a preliminary injunction was granted in favor of the plaintiffs, the court dismissed the case when the plaintiffs transferred to San Diego State University ("Cal suit," 1972).

In responses to other external concerns expressed by newly established constituent demands, presidential opinions to dismantle 1.600 were now beginning to be heard. Brubacher and Rudy (1976) point out that the Civil Rights Act of 1964 required that no college which received federal funds may practice racial discrimination and that subsequent "affirmative action" programs placed many schools under pressure to admit students of color, many of whom would be unable to compete under the standards of 1.600 (Helman, 1989). At the 1973 Convention, presidents

Robert Tierney of Queens College and Robert Behrman of City College of New York cited racial discrimination and loss of institutional autonomy as rationales to eradicate 1.600. Cornell president Frank Rhodes declared he would ignore the limitations of 1.600 and actively seek at-risk students in the inner cities in an effort to achieve racial balance on his campus (Byers, 1995). NCAA Secretary Treasurer Wilford Bailey, faculty athletics representative at Auburn University, later claimed that

> a major consideration in the decision to eliminate the 1.600 rule was the concern that retention of that requirement would result in reduced opportunities for minority students to participate in intercollegiate athletics, since an increasing number of colleges were adopting open-door admissions policies and Federally financed college aid programs for disadvantaged students were being expanded (Bailey, 1986, p. 3).

The fact that schools were now expected to provide educational opportunities to more groups, some of whom would be unduly penalized by restrictive initial eligibility rules, forced many presidents to reconsider the value of academic and athletic congruence. Issues of discrimination would increasingly frame the debate surrounding initial eligibility legislation, and many presidents were motivated by constituent pressure to remove 1.600 on these grounds.

Although NCAA President Alan Chapman defended 1.600 as "one of the few pieces of legislation we have on the books that does try to protect the student-athlete from exploitation for athletic purposes" (*Proceedings*, 1972, p. 167), the membership voted to repeal the rule in 1973, opting to replace it with a weaker version, the "2.0 rule." The new rule required that student-athletes who had graduated from high school with a 2.000 accumulative sixth, seventh, or eighth semester GPA (based on a maximum 4.000 scale), regardless of course content and test scores, were to be deemed eligible for participation and athletically related aid ("A history," 1980).

The retreat from 1.600, combined with the declaration of freshman eligibility in all Division I sports in 1972, led to many of the rules violations and abuses over the next decade which would serve to rekindle the debate in the coming years concerning the tethering of athletics and academics. In the face of an increasing public appetite for collegiate athletics and no real public concerns about these expansions (the point-shaving and cribbing scandals of the '50s were old news), presidential involvement to tether athletics and academics was not deemed necessary. Congruence between athletics and academics was not in demand, while excellence in the game product was. This, however, would soon change.

Proposal No. 48

> Many scholarship players are attending college for one purpose—to play college football and try to make it to the pros. They don't care about academics and neither do the coaches I've found that more and more college athletes are getting accepted to play college football who couldn't get into school before. (Dick Bestwick, Head football coach, University of Virginia, 1977 ["Opinions," 1977, p. 2])

The relaxing of standards resulting from the passage of the 2.0 Rule led to shifts in constituent perceptions of intercollegiate athletics. According to Thelin, "by 1978, the national press had once again rediscovered problems with coaching and recruiting excesses . . . despite the avoidance shown by some faculty senates and university presidents, academics and athletics would be intertwined in institutional and national policy debates" (1996, p. 178). Concerns regarding athlete exploitation, voiced by Alan Chapman after the demise of 1.600, would gradually become a significant issue in the formation of future initial eligibility legislation. The renewal of constituent concern in response to issues such as low graduation rates, star athletes who could not read or never attended class, and schools discarding untrained and uneducated athletes as soon as their athletic eligibility expired, would afford interested presidents the opportunity to assume a leadership role in the debate and to address these concerns through the NCAA for the reestablishment of a nationwide initial-eligibility standard. It would be they who would be identified as the group most able to deal with these problems in reestablishing the bonds between athletics and academics that had been loosened over the previous decades. As these bonds were destroyed, the result was damaging to the perception of the ideals notions of the student-athlete and intercollegiate athletics.

Despite Bestwick's observations (or rather, to bear them out), the membership continued to defeat attempts to enact more demanding initial eligibility requirements that might threaten the primacy of the on-field product. A "triple option" proposal, voted down by the membership at the 1978 Convention, provided for three alternatives for establishing initial eligibility: a high school GPA of 2.225, a minimum ACT of 17, or a minimum SAT of 750 ("New triple," 1978). Similar proposals were also voted down in 1979 and 1980 ("Are academic," 1980). E. John Larson of the University of Southern California wrote, "If the NCAA is to have any credibility regarding its posture on academic qualifications of prospective student athletes, the members must enact a bylaw at the January 1981 Convention that meets the scholarship goals of the constitution" ("Are academic," 1980, p. 3), but a proposal to increase the grade

point requirement to 2.200 failed to reach the floor for a vote ("Governance approval," 1981).

In an ironic replay of actions from three decades previous, a more substantial call for reform came from once again from the American Council on Education. In 1982 presidents, via ACE, took a prominent role in promoting and establishing new, stricter initial eligibility rules. A proposal to confront the issue of initial eligibility requirements came forth from the ACE Ad Hoc Committee on the Problems of Major Intercollegiate Athletic Programs, chaired by Harvard president Bok. The committee cited the lack of control by presidents and trustees as one factor in the rise in intercollegiate athletic problems and called for increases in presidential involvement in athletic matters. The call for congruence was renewed.

The most substantive proposal put forth by the committee dealt with initial eligibility requirements. The proposal retained the concept of the 2.000 GPA Division I eligibility floor, but stipulated that the GPA would be computed from coursework

> in a core curriculum of at least 11 academic courses including at least three in English, two in mathematics, two in social science and two in natural or physical science (including as least one laboratory class, if offered by the high school) . . . as well as a 700 combined score on the SAT verbal and math sections or a 15 composite on the ACT (*Proceedings*, 1983, p. A-35)

According to Zingg (1983), the committee was aware of College Board findings that African-American students tested a full 100 points lower than whites on the SAT, and set the 700 standard,

> which essentially represented the midpoint for the lowest-scoring racial or ethnic group (blacks). The committee assumed that this floor would be acceptable. The committee assumed incorrectly The issue [was] not the establishment of an acceptable minimum test score—it [was] the use of standardized test scores at all. (p. 7)

The standardized test score component, eradicated with the removal of 1.600, had been resurrected and combined with a specification of what courses were considered to be college preparatory in nature. Bok and ACE leader Jack Peltason, former president of the University of Illinois, cited that the motivation for the proposal was to reestablish "the supremacy of academic values" in response to "the zeal to produce winning teams" (Greene, as cited in Funk, 1991, p. 108) that developed after decades of athletic expansions. Peltason noted that the 2.000 rule was "so meaningless that it is hypocritical to pretend that we are concerned first with education and only secondarily with athletics" (Wiedner, as cited in Helman, 1989, p. 215). Bok cited the dismantling of 1.600 as a

prime factor in the increase in academic abuses, noting that USC admitted 330 special case athletes "without the participation of the admissions office" (1985a, p. 127). Most dropped out before their senior year (White, 1980).

Bok's role in this process, a departure from the stance taken by his Ivy colleagues regarding 1.600, speaks to the fact that any such national standard would probably be a competitive benefit to Harvard and the Ivy League schools, as other schools would be forced to adopt standards that were closer to those utilized in the Ivy League's admissions processes, thus leveling the national admissions playing field and potentially making Ivy teams more competitive nationally. In fact, the general stance of Ivy administrators and presidents recently has been to vote in favor of any legislation that increases the demands of academic standards, as it not only benefits the Ivy schools in terms of competition, but also because league members in general feel that promoting academic standards is an important philosophical stance to take.

Many of the committee members were in favor of a ban of freshman eligibility in football and men's basketball. Georgetown president Timothy Healy said, "(I) distrust the use of numbers, . . . what I'd like to see is the end of freshman eligibility. Let's give all students a year to get adjusted" (Fiske, 1983, p. 71), which would also serve to create a de facto national standard. George Hanford agreed with this approach, "which would get the questions of athletic eligibility for college freshman off the shoulders of the secondary school . . . and put it squarely where it belongs, in the hands of the colleges" (Hanford, 1985, p. 371). (The call for universal freshman ineligibility, which is resurrected periodically, has never been seriously considered to date. The recent increase in high-school seniors and collegiate undergraduates declaring eligibility for professional drafts makes such consideration even less likely, for such a ban would continue to limit the available number of athletes and therefore hurt the on-field sport product.) Such an action would also get eligibility off the shoulders of the College Entrance Examination Board. The formulation of initial eligibility requirements represented a compromise on the issue. The use of standardized test scores also added a controlled statistical standard uneasily influenced by local school grading practices and could provide a national measure that would be applied to all prospective student-athletes.

Drew University president Paul Hardin (who had resigned from the presidency at Southern Methodist University in 1974 after reporting to the NCAA rules violations in the SMU football program), captured the strongest motivation for the actions of the committee: "One or two presidents acting alone can effect a local situation but perhaps lose their

jobs. If most of the presidents decided enough was enough, it could be done" (Gross, 1982, p. 7). As Bok and Hardin suggested, and as Graham had discovered in the 1930s, presidents needed to band together and become more visible, attending NCAA conventions [in fact, a then record number of presidents and CEOs—125—would attend the 1983 Convention ["125 CEOs," 1983], and 15 would speak to the merits of the ACE proposal [5 in opposition] ["Convention acts," 1983]). The NCAA would come to be the body through which interested presidents could and would act. (However, the NCAA's recent organizational restructuring, the move to a more federated legislative system and away from the one school, one vote convention system the association had used for the balance of the century, has, according to some, stunted the opportunity for a continued expansion of presidential influence. The current legislative process allows for the opinions of presidents to be expressed by the Board of Directors, comprised of presidents and chancellors. Legislative decisions are now made on a weekly basis rather than at the annual convention [Suggs, 1998]. This format has led many presidents, as well as other athletic administrators, to forgo attending the once important annual conventions, and has led many to feel estranged from the current decision-making process [Suggs, 1999a].)

L. Donald Shields, president of SMU and a member of ACE's Ad Hoc committee, spoke at the 1983 Convention on behalf of the proposal:

> It seems clear to many of us that in these days of increasing national concerns about the inadequate academic standards in our secondary schools and colleges that this legislation is not only appropriate but indeed is necessary to preserve the organizational integrity of the NCAA as well as the institutional integrity of our member institutions. . . . Our stewardship, our integrity as responsible leaders of institutions of higher education is at stake; . . . we have to recognize that Proposal No. 48 represents reasonable, minimum academic qualifications for freshman eligibility; . . . for us to leave this Convention without taking a significant action in this area of academic standards for student-athletes would be a travesty (*Proceedings*, 1983, p. 103).

Such constituent concerns were legitimate, for the graduation rates for athletes in high-profile sports were indeed poor. An NCAA study conducted from 1975 through 1980 discovered that only 42.9% of Division I-A football players graduated. A similar study conducted by *The Sporting News* found that 45% earned degrees, including a high of 100% in the Ivy League, to a low of 16.7% in the now defunct Southwest Conference (Morris, 1992). However, Allen Sack, sport sociologist and former Notre Dame football defensive end, and sociologist Harry Edwards criticized the plan as promoting standards that were too low. Sack (1986) later criticized the proposal as merely a weak attempt to assuage booster

constituents to maintain interest in the ideal notions associated with intercollegiate athletics.

However, Edwards noted that "ironically, the most heated opposition to [proposal No. 48] came from black civil-rights leaders and black college presidents and educators—the very groups one might have expected to be most supportive of the action" (1983, p. 33), and he criticized the sports establishment, black communities, and the mass media for promoting an athletic career as the preeminent means for success for blacks. Indeed, Southern University president Jesse Stone, Jr., had criticized No. 48 because "a youngster knows that one way to move from the ghetto, if he's good enough, is to participate in college athletics and hopefully go on to the pros. . . . Without hopes and dreams, many of us would not have anything" (Farrell, 1985a, p. 33). That presidents at historically black colleges opposed the measure and the use of standardized test scores as racially discriminatory brought an ironic twist to the debate, citing the argument that weak students, many of whom were black, were being harmed by the same rules that were meant to eradicate their exploitation.

At the '83 convention, Joseph Johnson, president of Grambling State University, stated, "The ACE proposal blames the victim. . . . The committee's proposal . . . discriminates against student-athletes from low-income and minority group families by introducing arbitrary SAT and ACT cutoff scores as academic criteria for eligibility" (Proceedings, 1983, p. 103). His concerns were legitimate, because 49% of black male students failed to achieve at least a combined 700 on the SAT in 1981—as compared to 14% of whites and 27% of other minorities (Edwards, 1983). Johnson's statement indicates that not only would blacks be disproportionately harmed by No. 48, historically black schools would be disproportionately harmed in recruiting qualified student-athletes. However, Edward Fort, chancellor of North Carolina A & T, noted that reliance on standardized testing would hurt more than just African-Americans, citing a 1980 report on the Educational Testing Service (ETS, the administrator of the SAT) conducted by consumer activist Ralph Nader:

> The ETS and SAT scores discriminate not only against the rich and the minority of America but also between the rich and majority of Americans. That is, the members of the working and middles classes, black and white. . . . The more money a person's family makes, the higher that person tends to score. (*Proceedings*, 1983, p. 109)

These presidents were less concerned with congruence between academics and athletics and more concerned with how these rules would impact their schools' athletic programs and their ability to attract skilled

athletes. Nonetheless, the measure was passed by the membership as an amendment to Article 5, Section 1-(j) of the NCAA Bylaws and would take effect on August 1, 1986, with the incoming class of 1990. A proposal that called for the awarding of athletically related aid for those freshmen who met either the GPA or test score (termed "partial-qualifiers") was also accepted.

In the pursuit of reestablishing initial eligibility guidelines and with the passage of No. 48, presidents had finally established themselves as a group able to craft, to lobby for, and to pass NCAA legislation as never before, in large part due to their ability to recognize strength through numbers and learn from the fate of predecessors like Frank Graham. The motivation and ability to act as a group was also more substantial than ever before, because the issue of academic standards was one upon which presidents, as ultimately responsible for preserving the academic mission of higher education, could stand without fear of criticism that they were not professional intercollegiate athletic managers and were treading in areas where they had little expertise. If a school president could not stand up to reinforce the importance of the academic component of intercollegiate athletics, who, with any real legitimacy, could? The presidents had found an issue that, in general, they as a group could agree was important; they could, for the most part, agree on a recommended course of action and could recognize that the majority of the media and the general public approved of their actions. Few of the many other problematic issues relating to intercollegiate athletics could garner the same unanimity of purpose and action.

No. 48 Fallout

The passage of No. 48, while serving to rally and unite many presidents to action, created a new set of problems for supporting presidents and the NCAA. Regardless of the fact that No. 48 was the NCAA's most significant attempt to tether athletics and academics to enable programs to meet Division I guidelines, the NCAA could not dodge the repeated criticisms that these newly established guidelines were disproportionately penalizing African Americans. In September 1984, data from an NCAA-sponsored study performed by Advanced Technology, Inc., of 16,000 male and female student-athletes at 75% of Division I schools on the impact of No. 48, including the relationship between graduation rates and standardized test scores, showed that only 18% of black male student-athletes admitted in 1977 and 1982 would have qualified for freshman participation, while 27% of black females, 57% of white males, and 60% of white females would have qualified (Farrell, 1984). The study also found that if either of the criteria (test scores or GPA)

were utilized independently, 51% of black males would qualify, compared to 52% of black females, 91% of white males, and 93% of white females. These findings, coupled with the claims that the standards were racially biased, would prompt presidents and the membership to enact some revisions.

In October 1984, the NCAA Council recommended to the newly established Presidents Commission to delay for two years the implementation of 5-1-(j) ("NCAA to seek," 1984).
(At the 1984 NCAA Convention, in part due to the successes in the promotion and passage of Proposal 48 [Bok, 1983], ACE proposed that the membership act to formally include presidents in the decision-making process of the organization. The membership approved the establishment of a 44-member "Presidents Commission," but rejected an additional ACE proposal intended to empower the newly established commission to suspend the association's rules and impose regulations of their own in an effort to address more effectively the perceived ills affecting intercollegiate athletics [Vance, 1984]. The ACE measure was attacked as putting too much power into the hands of too few college presidents, a notion that was unsettling to many athletic administrators as well as to some presidents. However, those president who sought to impact NCAA policy now had a formalized channel through which they could act.

Presidents also reestablished an active voice in calls for reform in the 1990s through the advent of the Knight Foundation Commission on Intercollegiate Athletics. The Commission, sponsored by the Knight Foundation, was initiated by Foundation head Creed Black in 1989, a former Kentucky newspaper publisher whose paper ran stories exposing athletic abuses at the University of Kentucky. Black, who had his life threatened by irate UK fans because of the articles, organized the Commission to review problems in intercollegiate athletics. The committee brought together presidents, CEOs, and athletic directors from Division I schools [DiBiaggio, 1995]. Among its many recommendations in its three published reports [the committee was dissolved in 1993], it was suggested that presidents could effect these changes in part by controlling the NCAA through attendance at the annual Convention and overseeing athletic affairs more closely [Knight Foundation, 1991].)

In 1985 the NCAA's Special Committee on Academic Research (which included presidents Fort and Johnson ["Modifications in," 1985]) considered eliminating the test score requirement ("New academic," 1984). The Committee recommended that the minimum ACT score be lowered from 15 to 13. Committee chair Wilford Bailey justified this change:

> The purpose of the test score . . . is to assist in identifying students who are an academic risk. . . . Changing the ACT minimum requirement from 15 to 13 would place the cutoff score for each test at approximately the same percentile of students taking each test nationally; . . . the proposed modifications eliminate the arbitrary test-score requirement and reduce the disproportionate impact on black students without changing appreciably the percentage of students graduating ("Two changes," 1985, p. 12).

This change meant that, once factored into the eligibility index, approximately 24% of black males would now qualify as eligible as freshmen, utilizing the 13 score, while 38% would qualify utilizing the 700 SAT score. It was also projected that graduation rates for black males would increase to 68% ("Special committee's," 1985). In response to these findings, the NCAA Council and Presidents Commission agreed in November 1985 to sponsor legislation at the 1986 Convention that would amend 5-1-(j) to incorporate a sliding scale for determining eligibility, allowing a lower GPA to be offset by a higher standardized test score. Minimum thresholds for each standard were lowered to 1.800 (from 2.000) and 660 and 13 (from 700 and 15) (Farrell, 1985b). This proposal, No. 16, would amend the entrance standards for freshman student-athletes entering in the 1986–87 academic year and called for the standards to be adjusted to 1.900, 680, and 14, respectively, for the following year.

In response to criticisms that this new proposal represented a retreat from the standards set by No. 48, Indiana University president John Ryan, chair of the Presidents Commission, said, "I do not in any way believe that it represents a watering down of the original intent of bylaw 5-1-(j)" ("NCAA debates," 1986, p. 34). Said Prairie View A&M University president Percy Pierre: "It is not perfect, but it is much less flawed. . . . It is only 50-percent worse for blacks than whites, while (No. 48) is 100-percent worse for blacks than whites" (Wieberg, 1986, p. 6C). Pierre's response indicated that attempts were made to address some of the primary concerns of presidents of historically black colleges and universities. At the 1986 Convention, Wilford Bailey spoke in support of No. 16, and addressed this concern by noting that

> in this period of transition [no. 16] addresses an aspect of fairness that I think has not been specifically identified. That is a fairness to individual students who may fall slightly below the standard in this transition period, one or the other of these requirements, and who could be accommodated here without reducing in any appreciable way the academic validity of the requirements as it is stated (*Proceedings*, 1986, p. 78).

No. 16 was approved by a vote of 209 to 95, with four abstentions.

Proposition 42

As is common with most if not all new NCAA legislation, the establishment of initial eligibility requirements led some to believe that the new rules produced, along with gains in academic integrity, the opportunity for concocting innovative methods to circumvent both the letter and spirit of these rules. In response to this concern, a proposal was brought forth at the 1989 Convention to close what was considered to be significant loopholes in the initial eligibility requirements. In this case it was the option currently allowed under Bylaw 5-1-(j) where "partial qualifiers," those prospective student-athletes who met either (but not both) of the testing or GPA standards, were permitted to receive athletically related financial aid (at the cost of a lost year of athletic eligibility). Critics saw this as a way to still allow schools who wished to admit and fund unqualified prospects, lessening the intended impact of No. 48. The proposal that sought to change this, listed on the '89 convention business agenda as Proposal No. 42, would eliminate the partial qualifier and restrict athletically related aid to qualifiers (those who met both standards) only. A 1988 NCAA survey showed that at 282 Division I schools, 4.5% of enrolled freshman student-athletes were partial qualifiers (65% of whom were black), while 3.4% were nonqualifiers ("Results of," 1988).

The call to eliminate this perceived loophole came from the Southeastern Conference, which had opted to eliminate the awarding of funding to partial qualifiers by 1993 (*Proceedings*, 1989) in response to an academic scandal at the University of Georgia. In 1986, Le Roy Ervin, a University of Georgia academic affairs administrator who ordered remedial studies teacher Jan Kemp to change athletes' grades, said, "I know for a fact that these kids would not be here if it were not for their utility to the institution. There is no real academic reason for their being here other than to be utilized to produce income" (Nack, as cited in Funk, 1991, p. 76). In the wake of the scandal, Georgia president Fred Davison moved in 1986 to no longer permit the admission of nonqualifying recruits at his school in an effort to reestablish the ideal notion of the student-athlete. Georgia coaches and athletic officials, fearing future recruiting and competitive disadvantages that would result from this restriction, and the negative reaction of constituent groups that would follow if Georgia teams floundered, convinced other SEC schools to ban nonqualifiers conference wide in 1988 (Oberlander, 1989). Many other conference commissioners publicly praised the rule, but stopped short of endorsing it for their conferences, not willing to give up the option to recruit prospects that might help their schools' programs. Said Big Ten commissioner Wayne Duke, "I think it is a remark-

able and courageous step. It will be interesting to see how it evolves" (Barnhart, 1989).

After adopting the Georgia rule, the SEC then sought to impress this approach upon the rest of the NCAA membership. For it stood to reason that if other conferences continued to allow athletically related aid to partial qualifiers, SEC schools as a whole would experience recruiting and competitive disadvantages. In response, the SEC announced in August 1988 that the conference would introduce legislation at the 1989 Convention to formally ban athletically related aid to partial qualifiers by 1993—the same rule as the SEC had enacted earlier that same year ("SEC planning," 1988). Douglas Hobbs of UCLA, chair of the Academic Requirements Committee, advocated for the defeat of the SEC's proposal at the Convention, advising not "to tinker with (No.) 48 . . . until we have experienced four, preferably five years, of admitting classes" (*Proceedings*, 1989, p. 247). In fact, NCAA director of research Ursula Walsh remarked in 1987 that definitive results of the impact of No. 48 would not be known for a decade (Lilley, 1987). The membership agreed, and the proposal was defeated on a close vote, 159 to 151, with four abstentions.

But No. 42 was not dead. The next morning (January 11), a reconsideration of the proposal was initiated by D. Alan Williams of the University of Virginia. Said Williams:

> We, as with several other institutions, responded to the request of the Presidents Commission not to make any changes in Bylaw 5-1-(j); but upon further reflection and getting a better reading to the degree to which the Presidents Committee really discussed this, we are prepared to vote in favor of Proposition 42 (*Proceedings*, 1989, p. 279).

Regardless of the calls by the Presidents Commission and others to hold off on alterations on initial eligibility, overnight lobbying contributed to the change in heart Williams expressed. The delegates from the SEC "did some of their more intense backroom lobbying" (Oberlander, 1989, p. A36) following Tuesday's defeat, especially of ACC delegates like Williams. The next day's reconsideration debate lasted twenty minutes ("Vote confused," 1989). On a second vote, Proposal No. 42 was passed by a slim margin, 163 to 154, with two abstentions. "You certainly can't say this is a mandate from the membership," said NCAA Executive Director Richard Schultz (Rhoden, 1989a, p. A25). The passage assured that, beginning in August 1990, no schools could provide athletically related aid to partial-qualifiers (*Proceedings*, 1989).

However, the criticism of the disparate impact of initial eligibility on

minorities intensified as a result of this change. The National Center for Fair and Open Testing publicly challenged the NCAA to justify the use of standardized test scores, or remove them ("Testing service," 1989). Some convention delegates claimed they had been confused by the question and said they voted in favor of eliminating the partial qualifier when they thought they were voting to keep it. The vote was taken by roll call, with each school responsible to punch out their vote on computer cards. Said Jim Marchiony, Director of Communications for the NCAA: "It's as easy as in all-star voting, even easier. You do not have to be a rocket scientist" ("Vote confused," 1989, p. 7C). Kirkland Hall, AD at University of Maryland-Eastern Shore, said he was under the impression that the new rule would allow nonqualifiers to receive institutional aid (Moore, 1989). Said Hall, "I don't think it was explained properly" (Bannon, 1989, p. 1C). The day after passage, SEC commissioner Dr. Harvey Schiller erroneously reported that No. 42 "doesn't preclude (nonqualifier) admission or financial aid. The only thing it precludes is the awarding of athletically related aid" (Wieberg, 1989a, p. 1C). As passed, No. 42 would allow recruited nonqualifiers assistance only from state and federal grants, and they would receive no institutional aid whatsoever. Acting ACE president Robert Atwell said the rule was "just plain wrong if needy students aren't able to get any kind of institutional aid" (Oberlander, 1989, p. A1).

While most presidents did not support the change, the most vociferous detractors of the rule were two African American head coaches of prominent Division I men's basketball programs: John Chaney of Temple University and John Thompson of Georgetown University. The day after passage, Chaney, who had five ineligible freshmen in his program, tore into the NCAA: "I've no confidence at all in that racist organization making a decision on behalf of black youngsters. They've gone far beyond what I figured anybody who considered themselves interested in education would go," and suggested that black schools could "leave the damned NCAA and form a league of our own" (Wieberg, 1989a, p. 1C). Chaney also blamed "racist presidents" for conspiring to pass the legislation ("Thompson to," 1989, p. 69).

Two days after the passage of No. 42, Thompson announced that he would not be on the bench for third-ranked Georgetown's game against Boston College on January 14. Thompson devised the protest to draw attention to the "tremendous tragedy" that No. 42 would cause, and that he would not be on the bench during a game "until I am satisfied that something has been done to provide these student-athletes with appropriate opportunity and hope for access to a college education" (Weaver, 1989, p. 45). Thompson stated that he would petition the NCAA and seek to

enlist other coaches (Weaver, 1989). Georgetown president (and Presidents Commission member) Rev. Timothy Healy backed Thompson, and called No. 48 "unwarranted and unacceptable an intrusion in the college's business" (Weaver, 1989, p. 45). Thompson's protest did not end following the Hoyas' 86–60 victory over BC (Douchant, 1989a). He did not accompany his team for its game at Providence College on January 18 (Schuster, 1989).

Constituent reaction, combined with Thompson's public actions and comments, were starting to make an impact. *USA Today* reported that of 65 schools surveyed, 16 would consider changing their "yes" vote. In response to racism claims, SEC commissioner Schiller said, "If any part of NCAA rules (are) diminishing the opportunities for minorities, then it ought to be examined and we ought to eliminate them" ("Testing service," 1989, p. 1). Presidents Commission chair, Dr. Martin Massengale, chancellor of the University of Nebraska, admitted that No. 42 would be raised for discussion at an upcoming Commission meeting, and that the "Commission might ask for reconsideration. . . . I hope it can be worked out without a special convention" (Schuster, 1989, p. 1C). The next day, Thompson, Healy, and Georgetown AD Francis Rienzo met with Schiller, Schultz, Massengale, and NCAA Council president Albert Witte (professor of law at the University of Alabama) to discuss No. 42. Following the summit, Massengale and Witte stated that they would recommend postponing the implementation of No. 42 in the form of proposed legislation at the 1990 Convention ("'90 Convention," 1989). Thompson then announced,

> I've decided to return to coaching my team based on the fact that I think there's a sincere effort on the part of the people in the N.C.A.A., the two presidents, Dr. Massengale and Witte, to make a sincere commitment to take this thing back before the convention and re-evaluate what has happened. . . . No one had to be beaten over the head. It was a sensible, intelligent discussion. (Rhoden, 1989b, p. A23)

By February, nearly 40% of those who had voted in favor of No. 42 now expressed opposition to the measure ("Opinions shifting," 1989). The efforts to maintain congruence through the closing of the perceived loophole were now viewed as incongruent with the mission of education, as perceived by many, which was to provide educational access to minority students. In October, Schultz said at a meeting of the NCAA Council: "There are a lot of divergent feelings out there. . . . I don't think there's any doubt it's going to be revised some way. . . . I know there's going to be a proposal to delay it. And I'd be surprised if there wasn't a proposal to eliminate it" (Wieberg, 1989b, p. 5C). Schultz noted that the Presi-

dents Commission had already drafted a proposal for the 1990 Convention that would allow partial qualifiers to receive need-based financial aid (Wieberg, 1989b). Schultz, however, did not waiver in his support of the initial eligibility requirements: "You hear a lot about the fact that 90 percent of nonqualifiers are black, but that's a misleading number because 84 percent of black athletes have qualified under (No.) 48" (Ames, 1989, p. 68). Schultz would also later say that had Thompson not undertaken his public protest, "you would have had some coaches make some negative comments about it. It would have been in the paper for two or three days, and that's all you would have heard about it" ("But for," 1989, p. 16). Personal and constituent vested interests were a factor in the actions of Thompson and others as well, for No. 42 would have hindered those schools that most heavily depended on recruiting those athletes most directly impacted by the rule. Much of the argument against No. 42 was presented in terms of protecting academic access for needy minority students, which was recognized as a legitimate constituent concern and congruent with the mission of higher education, even though its impact was focused in athletics, a clearly nonacademic component of the American higher education system.

Proposal No. 26

Following the furor over No. 42, several proposals related to No. 42 were considered by the membership at the 1990 Convention. The Presidents Commission did indeed sponsor a measure to restructure allowance of aid for partial qualifiers. Part of the proposal, No. 26, set forth to amend what was now Bylaw 14.3.2 so that

> an entering freshman with no previous college attendance who enrolls in a Division I institution and who is a partial qualifier . . . may receive institutional financial aid based on financial need only, consistent with institutional and conference regulations, but may not practice or compete during the first academic year in residence (1990 Proceedings, 1990, p. A-26).

Much lobbying in favor of approving No. 26 occurred previous to the Convention. In December the Black Coaches Association (BCA), an organization of 2,500 college and high-school coaches, wrote letters to Division I athletic directors advocating for the passage of No. 26. Said BCA executive director Rudy Washington, then an assistant men's basketball coach at Iowa, "Leave admissions requests up to the academic institutions, then let us get back to the business of being educators" (Robbins, 1990, p. 13).

There was some debate on the convention floor regarding particulars of other proposed amendments, which dealt with how to define recruits

and official visits prior to the vote on No. 26, but the decision had been made before the delegates arrived. When presenting No. 26, UCLA's Young, a member of the Presidents Commission, stated that the institutional financial aid could not come from the athletic department, and thus the proposal "would retain the academic incentives that are inherent in the Association's initial legislative eligibility without the devastating financial side effects that the 1989 Proposal No. 42 would create" (*Proceedings*, 1990, pp. 196–197). Little other floor debate followed, although Penn State football coach Joe Paterno said: "I can tell you 48 is working. Board scores are coming in better, and grade-point averages are coming in better. If we rescind 42, we're saying to the kid, Ok, you really don't have to study, because there is back door you can come through'" (Missanelli, 1990b, p. 4-F).While Paterno's comments indicated that No. 48 was providing a vital measure of congruence, constituent demands indicated that access for needy minority students also should be congruent with institutional missions. The membership agreed, and the measure was approved easily, 258 to 66, with one abstention (*Proceedings*, 1990).

Proposal 16

Following No. 26, the legislation surrounding initial eligibility changed little from the original intent associated with No. 48. Many studies were published in the years after No. 26, and while some detected a relationship between initial eligibility standards and increased academic performance, others did not. Research performed by the NCAA failed to show a positive correlation between initial eligibility standards and improved academic performance. A five-year longitudinal study of over 180 Division I schools completed in 1991 showed that over the period, the percentage of overall scholarships awarded to student-athletes who lost eligibility due to Proposal No. 48 grew from 4.5% in 1997–88 to 5.6% in 1990–91. The percentage of these student-athletes who were black rose over that same period from 65% to 68.6% (Wieberg, 1991). The NCAA study also showed a similar relationship to graduation rates for both standardized test scores and high school GPA ("Grade-point," 1991).

Following the retreat from No. 42, the Presidents Commission would again consider raising initial eligibility standards. The reassessment in part can be attributed to the fact that although the impact of initial eligibility standards was inconclusive, constituent reactions to the measures to tether athletics and academics were generally favorable. Experience also showed that only national standards would ultimately be effective. At the 1991 Convention, the Presidents Commission and the NCAA

Council proposed a resolution that the Academic Requirements Committee "review the recent research data and to recommend legislation to strengthen the current NCAA requirements for both initial eligibility and continuing eligibility" (*Proceedings*, 1991, p. A-113). Said R. Gerald Turner, president of the University of Mississippi, "I strongly urge your 'yes' vote on this important message, both to the Convention and higher education, and to the American public" (*Proceedings*, 1991, p. 355). The proposal was adopted by all divisions of the membership.

In June 1991, the Commission endorsed a proposal, effective August 1, 1995, that would raise the number of core courses required of freshmen from 11 to 13, and a sliding scale correlating high-school GPA with standardized test scores. Currently, incoming freshmen were required to have successfully completed 11 core courses (3 years of English, 2 years of mathematics, 2 years of social science, 2 years of natural or physical science) (1992 Proceedings, 1992). A freshman with a GPA of 2.000 would now need a combined SAT score of 900; a GPA of 2.250 required a combined 800; a GPA of 2.500 required a score of 700. Said Schultz, "The presidents are on the right track. When it's passed in January—and I feel comfortable it will be—it will be a historic day" (Davidson, 1991, p. E15). Commission Division III subcommittee chair David Warren of Ohio Wesleyan University captured the essence of the Commissions' motivations for action: "The public is concerned about the exploitation of athletes, about bringing them in as Hessians and using them as fodder. I think both the public and the Presidents Commission are determined to alter both the perception and reality of this" (Asher, 1991, p. B13). Marquette University president Rev. Albert DiUlio echoed this, stating, "There has been extraordinarily strong support for making initial eligibility requirements more restrictive" (Asher, 1991, p. B13). Results were important; the public's perceptions were equally so. DiUlio also noted that the Commission was acting in consort with the recommendations of the Knight Foundation Commission on Intercollegiate Athletics (Asher, 1991). The two African American members of the Commission, North Carolina Central chancellor Tyronza Richmond and Mississippi Valley State president William Sutton, continued to express the opinion of historically black colleges and universities and voted against the measure, but they did not "object strenuously or at length" against the proposal (Asher, 1991, p. B13).

At the 1992 Convention, the membership was presented with four agenda items sponsored by the Commission and the NCAA Council (on behalf of the Academic Requirements Committee), Proposals 14–17 were related to the initial eligibility changes proposed by the Commis-

sion the previous July. The two key items were No. 14 and No. 16. No. 14 stipulated the increase in core courses from 11 to 13, with the additional two courses to be taken in English, mathematics, or natural or physical science. No. 16 called for the establishment of the sliding scale index. In bringing No. 14 to the floor, Turner of Mississippi cited the educational organizations that supported the measure, including the Knight Commission, American College Testing, and the College Board. With little floor debate, No. 14 passed, 312 to 6, with one abstention (*Proceedings*, 1992).

Wake Forest president Thomas Hearn, a member of the Presidents Commission, brought No. 16 to the floor, noting the support of those same organizations. The proposed index, said Hearn, avoided "excessive reliance on a particular test score" (*Proceedings*, 1992, p. 233), a response to a consistent constituent claim that such standards disproportionately denied access to minorities. Hearn also characterized the public nature of the proposal:

> It is not an exaggeration to say that the nation is watching to see whether the Association will be part of the national effort to raise academic standards and to affirm above all the promises of the educational mission of the university as it pertains to student-athletes (*Proceedings*, 1992, p. 233).

Edward Fort of North Carolina A & T argued against the passage of No. 16: "It is my contention that insufficient time has expired relative to the availability of ultimate research results that could lead to a conclusion on an absolute basis; . . . it is not broken, so why are we attempting to fix it?" (*Proceedings*, 1992, p. 234). Said Georgetown President Rienzo:

> I am told we are looking for appropriate national standards, which I personally believe is impossible to attain in this complex heterogenous world of American higher education. . . . I am really concerned that we are proceeding based upon what is politically correct rather than what is academically sound (*Proceedings*, 1992, p. 238).

No. 16 was passed, 249 to 72, with five abstentions, with the provision that the new index would be in effect for incoming freshmen in the fall of 1995 (*Proceedings*, 1992).

Conclusion

The efforts of tethering intercollegiate athletics to institutional academic missions developed related consequences that continue to endanger the existence of initial academic eligibility. The criticisms that initial eligibility negatively and disproportionately impacts minorities has chal-

lenged these rules on the very basis on which they were founded. How can these rules meet the goal of tethering athletics with the mission of American higher education, these critics offered, if they serve to limit the access to higher education to those groups who have been historically and perniciously denied such access? Is this the goal of our higher education system, to limit access? While many continue to call for the repeal of eligibility rules based on standardized test scores, the strongest threats to these rules have come through legal challenges.

The most recent development in the ongoing struggle involves a lawsuit brought against the NCAA by four African American student-athletes who were denied Division I athletic eligibility due to existing legislation, and highlights the fact that this debate had become further enmeshed with the politics of racial discrimination. In March 1999, supporting the original criticisms leveled against No. 48 in the early 1980s, Judge Ronald L. Buckwalter decided in *Cureton et al. v. NCAA* that initial eligibility legislation does indeed have "an unjustified disparate impact against African-Americans," and identified statements in a 1998 NCAA memorandum that acknowledged that "African-American and low-income student-athletes have been disproportionately impacted by Proposition 16 standards. . . . For both (groups), the single largest reason for not meeting Proposition 16 standards was a failure to meet the minimum standardized test score" (*Cureton et al. v. NCAA,* p. 2). The court also stated that the NCAA "failed to articulate in any meaningful manner the decision making process behind the selection of the 820 cutoff score" (*Cureton et al. v. NCAA,* p. 22), (even though, as noted by Zingg [1983], the initial 700 SAT cutoff [raised to 820 by ETS when the scoring of the test was recentered] "represented the midpoint for [African Americans]" [p. 7]).

In response to the claim that the goals of current rules were to raise student-athlete graduation rates and close the gap between black and white student-athlete graduation rates, the court did not criticize the fact that the effort was made to raise graduation rates. "There appears to have been a perception that student-athletes were less academically prepared than the rest of the student body," said the court, adding, "Certainly, a public relations benefit would redound to the NCAA for having promulgated academic standards to combat these stories of abuse and exploitation. However, merely because a public relations benefit exists does not render the NCAA's adoption of (initial eligibility legislation) invalid" (*Cureton et al. v. NCAA*, p. 16). However, the court found that "not only is there no support for an educational institution to engage in (closing the gap between white and black student-athletes), but the proffered goal was unequivocally not the purpose behind the adoption of the initial eli-

gibility rules" (*Cureton et al. v. NCAA,* p. 13). The court also stated that "the SAT has only been validated as a predictor of first-year GPA, and not college graduation" (*Cureton et al. v. NCAA,* p. 18), even though since 1986 and the advent of Proposal No. 48, graduation rates for all athletes, especially African Americans, have risen considerably (Suggs, 1999b). The court decision also highlighted three possible eligibility alternatives to current NCAA legislation put forth by the NCAA to eliminate the disproportionate impact. One model allows partial qualifiers full qualifier status, adjusting the sliding scale accordingly. A second extends the sliding scale ever further, while a third extends the scale still further and eliminates the minimum test score component entirely. The *Cureton* decision essentially verified the basic complaint that many critics (and some presidents) had leveled against current initial eligibility legislation: It disproportionately and inappropriately impacted African Americans. Also, Buckwalter's opinion supported the criticism that initial academic eligibility legislation was merely an attempt to wed athletics and academics to preserve the market value of the on-field sport product with sport-loving constituents.

Before the ruling in *Cureton,* although the absolute effectiveness of initial eligibility legislation in meeting stated goals had not been ascertained definitively, presidents who supported the current rules, understanding the importance of tethering to many constituents, had been unwilling to entertain a relaxation of the standards. Kenneth Shaw, Syracuse University chancellor and former chair of the Division I Board of Directors, said, "If we responded to every threatened lawsuit by changing practices, [the NCAA would] be a funny-looking place. We can't lower our expectations of students. What's important is we ought to respond to the facts and data, not criticism" (Carey & Milhoces, 1998, p. 2C). Shaw's response is ironic, as such criticism was a significant motivation for the implementation of the initial eligibility standards in the early 1980s in an effort to tether athletics and academics, and in that the findings in *Cureton* indicated that facts and data were not properly employed in setting current SAT cutoff standards.

Unless the courts continue to rule against initial eligibility in its current form, regardless of the positive perceptions of these standards, and unless the calls of racial discrimination ring more loudly, Shaw and his colleagues should continue to carry the standard of initial eligibility through the mechanisms of NCAA. While it seems that some form of initial eligibility will remain in the wake of *Cureton,* it is unclear at this writing as to what that form will be. On March 30, 1999, the 3rd Circuit Court of Appeals allowed the NCAA to keep pre-*Cureton* legislation in effect pending the outcome of its appeal, but the form of subsequent leg-

islation depends not only on the courts, but also public opinion. If public opinion remains favorable, presidents will ensure that initial eligibility remains to whatever degree the courts allow. Following the *Cureton* decision, Penn State president Graham B. Spanier, current chair of the Division I Board of Directors, said:

> Almost everybody believes that academic integrity is extremely important and that some form of uniform standard for initial eligibility is necessary. Today, on average, student athletes graduate at a higher rate than the rest of the student body. That is a goal higher education should not abandon. (Suggs, 1999b, p. 149)

In addition, current NCAA executive director Cedric Dempsey indicated that he believed no president would look favorably on admitting any prospective student-athletes with extremely low standardized test scores (Suggs, 1999b). These responses would seem to indicate that many presidents still feel that there is power in their stand on initial eligibility. However, some post-*Cureton* proposals eradicate any reliance on testing and GPAs and instead focus on penalizing programs where student-athletes leave school due to academic difficulties. A plan coauthored by Vanderbilt chancellor Joe B. Wyatt would prohibit schools from reassigning the grant-in-aid of a student-athlete who permanently loses eligibility until that student-athlete's class graduates. Said Wyatt: "If you value educating student-athletes, you should favor this plan. Presidents, chancellors and faculty will have a hard time arguing against it" ("NCAA reform," 1999, p. 32). The value of such a plan is that it makes no use of those elements identified by the court in *Cureton* as discriminatory against African Americans.

While the immediate future of initial eligibility legislation is unclear, what is clear is that presidential efforts significantly influenced the NCAA's adoption of related rules. The early calls for reform by those like Graham, though well intentioned, failed in large part due to a lack of consensus and lack of coordinated action on the part of presidents. The fear of engendering competitive on-field disadvantages, coupled with the resulting backlash from sport-loving constituents, and the ramifications of the eventual shifting constituent opinions toward minority access to higher education (as supported by Federal legislation), drove many in the NCAA to dismantle first the Sanity Code, then the 1.600 Rule. However, as the national interest in intercollegiate athletics grew, especially in football and men's basketball, so too did the eventual constituent recognition that some student-athletes were not able, willing, required or expected to actually be students. This realization challenged the ideal notions of intercollegiate athletics and of the student-athlete.

As a result, as with the establishment of No. 48, presidential supporters of tethering found an issue around which they could build consensus amongst themselves to act in consort to attempt to establish athletic and academic congruence.

The question of whether intercollegiate athletics can ever be fully in harmony with academics in the constituent-based systems of American higher education has been debated since intercollegiate athletic programs were formally incorporated by institutions. From the earliest formations of the NCAA, many presidents have taken an active role through the association in seeking, using Helman's terms, to tether intercollegiate athletics to the academic mission of their institutions. Interested presidents have attempted to affect change through avenues other than the NCAA such as ACE, but as the NCAA solidified its hegemony in intercollegiate athletics governance, presidents pursued changes through a greater and more formalized involvement in the organization.

As the NCAA's decision-making process has been altered by presidential involvement, much in the way of leadership concerning initial eligibility legislation has been ceded to interested presidents. As this debate continues, presidents, who are seen by many who participate in this debate to be the individuals who must provide an institution and its constituents with an articulated vision for its future, are now more likely to be expected to address these questions rather than athletic directors, coaches, or NCAA staff. However, while these presidential efforts in establishing initial eligibility legislation are seen by most as supportive of congruence, it has been at the expense of constant criticisms that African Americans bear the brunt of the restrictions that stem from these rules. Despite these criticisms and the potential reversal dealt by the *Cureton* decision (if upheld), involvement in proposing and determining academic legislation has allowed presidents to assume a generally popular stance with most constituent groups.

In reflecting on presidential control over intercollegiate athletic policy at the end of the century, sport sociologist D. Stanley Eitzen summarized the expectations of many critics, calling for "a significant reform effort led by college presidents that would clean up college sports programs so that they are consonant with the educational objectives of the institutions they represent. . . . (But) the presidents of the universities involved in big-time college sport are too weak or too meek or too unwilling to change" (1999, pp. 124, 126). However, as Bok pointed out, just what those objectives are is open for interpretation, and the interpretation process is influenced by a great many constituent groups. In the case of academic legislation, many presidents have taken an active role in addressing the congruence issues as framed by Eitzen, but it is also

with the realization that for intercollegiate athletics to survive and to meet market demands, athletic and academic congruence at some level must be acknowledged. If interested presidents preserve their current approaches concerning initial eligibility and craft through the NCAA a version of initial eligibility legislation that withstands the legal scrutiny of the courts, then collectively they may be able to prove Eitzen's claims of weakness wrong, and the tethering of academics and athletics will stand. However, as noted above, the NCAA's restructuring could make direct presidential impact more difficult to exert, shifting the balance of power away from presidents even on issues pertaining to academics. In addition, related controversies continue to emerge, such as the allegations of a tutor who claimed to have written—with the knowledge of athletic department academic counselors—400 papers for men's basketball players at the University of Minnesota, along with claims that former head coach Clem Haskins intimidated faculty into giving his players special consideration (Wertheim & Yaeger, 1999).

It is situations like these that threaten the popularity of the game product with constituents. As these situations arise, interested presidents will continue to be pressed to deal with the fallout, to craft responses that are in line with the mission of their institution, and to assuage the criticisms from within and outside academe. These efforts to tether academics and athletics, while deemed vital by many, less so by others, are still a crucial component in the viability of meeting NCAA standards and securing the popularity of the game product by maintaining ideal notions of intercollegiate athletics and the student-athlete. For it is clear that the constituent system demands that schools provide not only winning teams, but teams that win within constituents' ideal framework of intercollegiate athletics. These demands will continue to challenge presidential leadership capacities and their abilities to provide appropriate institutional vision and to deal with the calls for congruence within the constituent-based American higher education system.

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