

**The Constant Conflict between**

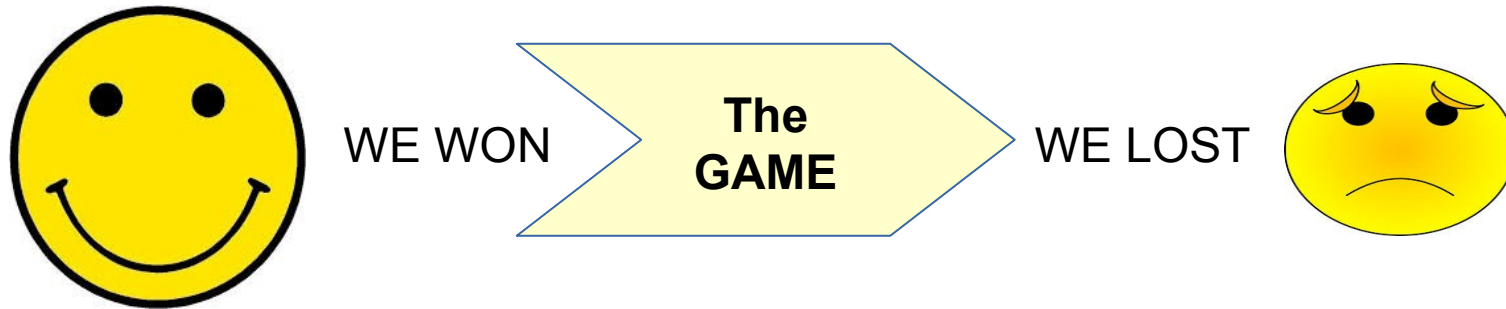
**the Goal of Competition or Winning**

**and**

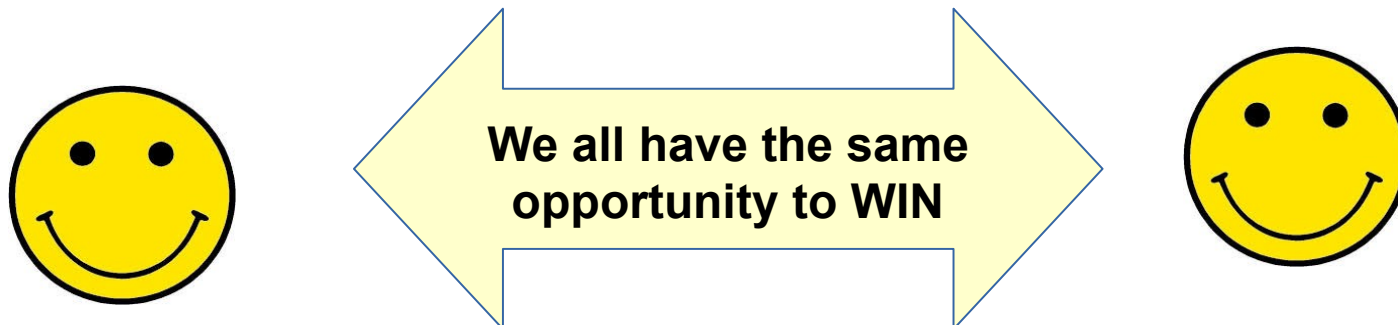
**the Expectation of Competitive Fairness**

## Competition and Equity in Intercollegiate Athletics

**Competition** in college sports is the activity of striving to win by defeating or establishing superiority over others. This gives us the simple relationship that underlies fan enthusiasm, student-athlete training and performance, and institutional commitment to college sports



**Equity** or **Fairness** in college sports competition is the expectation that the games, participants, and teams will be treated fairly and impartially in the competitions that constitute college intercollegiate athletics.



**In our review of the origin, development, management, and governance of college sports we emphasize the constant effort to balance the drive to win within a structure that guarantees competitive fairness for the participants.**

Although everyone recognizes that the goal of winning is the highest value of sports. We also know that while winning is the highest value, the value is reduced if the competitions are not seen to be fair. Fairness, or the equal chance to win, is built into sports competition through the creation of artificial rules and structures that govern the competitions. To be fair, we invent special limited definitions of time, place, and space to ensure that every competitor who enters a sports competition will encounter the same conditions and circumstances.

We regard the rules of the game as the special behavioral limitations created to ensure fairness that restrict many behaviors and tactics that might give an advantage to one competitor not available to another. These rules are entirely artificial, vary depending on the sport, but constructed to ensure that the competition we watch or in which we participate is, within these rules, the same for everyone.

These constraints invented to ensure fairness, focus our attention on the things we can do outside of the competition that will give us an advantage, such as recruitment of talent, training, coaching, or planning. The constraints also focus attention on the possible tactics and strategies we can invent inside the competition (within the fairness rules) that will give us a temporary advantage not available immediately to others in the competition.

Fair competitions also provide an incentive for participants to cheat. If everyone has an equal chance to win, those who cheat have an advantage and a better chance of winning than other participants. The winning imperative creates a constant tension between seeking fairness to enhance the value of the competition and seeking advantages by cheating that increases the opportunity to win. As a consequence, while much attention is focused on constructing rules to ensure fairness, much controversy surrounds the constant effort of participants to violate the rules to gain an unfair advantage in the competition.

Unfairness, however, is satisfactory for only a short time, for if a competition is perceived as fundamentally unfair it will lose both its audience and the incentive for talented individuals to participate. Constant rule changes and enforcement mechanisms are required to ensure the long term viability of the sport competition by sustaining fairness in the face of the competitive advantage cheating provides.

The organization and operation of the college sports enterprise illustrates these principles of competition and equity.

## **Interaction of Competition and Fairness in College Sports**

College sports is a special case within the modern world of athletic competition, and its multi-dimensional relationships between athletic competition and academic purposes create a complex web of influences designed to meet the basic requirements of competition and fairness within the constraints imposed by the required linkage to academic values. Although the original organization of college sports, as we've seen, focused on a design that would force competitive values to operate within a structure of universal fairness rules, the success of this effort prompted a close review of the relationship of the competitive values to the host institutions' academic purpose. That review, led to a host of additional constraints being placed on competition via rules designed to harmonize the objective of winning with the objective of education.

Throughout the years, the college sports enterprise has been much more successful at managing the competitive rules of these artificially constructed games than in connecting the sports enterprise to the academic purposes of host institutions.

We can turn first to the management of competition and fairness within the intercollegiate sports system.

**To see how the conflict between the goals of competition and fairness dominate the operation of college sports, we begin by reviewing how it all started with the key elements that have driven college sports ever since**

**Competition to determine winner is always the purpose of sports**

These competitions are based on student-athlete performance

**Student-athlete performance**

Generates

Large audiences and national interest

That prompts society to

Demand rules as price of sustaining competitive success within a context of fairness AND with attention to society's changing values and expectations for college

That results in the creation of an organization to guarantee competition and fairness in all of college sports.

This sequence causes the colleges and universities to create the NCAA and subsequently the Conferences

The details of the process over the last century to manage college sports, as the enterprise grew larger and larger, and more and more significant both to institutions and to the public, are complex. Yet throughout there is a core of fundamental relationships around which the sports enterprise orients its activities, its adjustments, and its policies to meet the expectations of its many constituencies.

We often focus too closely on one or another athletic issue without recognizing the inter-relationships of the various elements of the enterprise and how the resolution of conflicts related to competition and fairness influence the way in which controversies get resolved.

We recognized the core organizing principles in the previous slide, we can now look more closely at the standard elements of college sports, all of which require the fundamental goal of competitions to produce winners

Within this simple, straightforward set of relationships, the critical element that requires the challenge of fairness in competition is the ownership of the teams by colleges and universities and the agreement by everyone that college sports must involve students within the formal operation of a college.

Fairness, then, requires that each institution should have an equal opportunity to compete to win. But the combined success of higher education and college sports made this an extraordinarily difficult task as outlined on our next slide.

## Winning Requires

The fundamental element of Student-Athletes

### Student Athletic Talent

Student athletic talent must be recruited from a national and international pool of 18-24 year old potential students by offering recruits these key elements

Coaches

Facilities

These elements provide the opportunity for student-athletes to perform at their highest level but the elements are expensive and require:

### Money

From Ticket Sales

From Donors

From Student Fees

From Media Rights

From College Subsidies

As the college sports enterprise grew rapidly, observers and participants began to struggle with the operation of these programs in two primary domains. The first, and most easily understood, is the domain of competition rules. The second, and more difficult to manage, were academic and student college rules. In each case the questions always engage the questions of competition and fairness.

**Game Rules** are relatively simple because they focus on the competitive context of an artificially created and structured game. Changes in rules, while they may be controversial are nonetheless relatively easy to describe and implement fairly within the context of a game that everyone sees.

Definitions of time, space, and game organization can be clearly defined, and when found ineffective can be revised. We may argue about whether new rules make these artificial competitions more or less desirable to watch or perform, but it is not difficult to create a game rule and implement it.

The game experts resolve game rules based on their understanding of the competition that produces a winner and on their recognition of the fairness possible within the artificial space of the game. There may be many opinions about whether the game is improved or weakened in its purposes or in its ability to produce a fair contest, but these are mostly technical questions.

For this reason, the NCAA's rule books for each sport are revised constantly in terms of game operations with relatively little dramatic controversy.

For examples of the many adjustments to playing rules to promote fair competition see: <http://www.ncaa.org/playing-rules>.

**College rules** are very complicated because they involve every aspect of the relationships between students, academic programs, institutional characteristics, sports competitions, and society's every changing expectations for both colleges and sports.

These challenges fall into an number of categories, but for our interest in competition and fairness, two general issues stand out.

### **The characteristics of colleges**

### **The purpose of students in sports**

These two domains touch on most of the controversies, adjustments, challenges, and re-definitions of intercollegiate athletics throughout the century, and almost all are key components of reconciling competition and fairness.

The following slide outlines some of these issues.

## WE TURN FIRST TO GAME RULES

Game rules created American intercollegiate sports in its current form (1905-2021)

### **Key Principles**

Single organization

All must belong

Penalties for rule violations

Rules must be fair

All sports included


### **Achievement**

NCAA primary organization for college athletics

Stable operating organization

Fairness established as principal requirement for Competition

Translates society's expectations of fairness to college sports competition



Reasonably  
Successful?  
YES



## **College Rules: The Characteristics of Colleges--Scale of Operations**

The two fundamental challenges of competition and fairness that affect college rules come from issues of scale and students. First we look at scale of operations.

By scale we mean simply "how big is your school compared to my school?" and if the answer is "My school is much much bigger than your school?" we then have a problem of competitive equity or fairness. Big schools have many advantages: they have more students paying fees and participating in student life and perhaps providing a larger pool of student from which to draw talented athletes for competition. They have more money over all. They can invest in larger and better facilities, they can attract larger and more enthusiastic audiences, they can mobilize more donor support, they can produce more elaborate competitive events for television.

To resolve issues related to scale: The NCAA institutions constructed and modified over time the divisional structure we have today. This is a device to try and put equivalent resourced institutions into the same competitive group so that the competition between their teams would be more fair. Thus, today, we have the big three divisions I, II, III but we also have the subsequent subdivisions for football (FBS and FCS) and then the most recent subdivision of the FBS into the Autonomy Conferences and the Group of Five Conferences. Each of these adjustments seeks to reconstruct fairness within the competitive context of college athletics by limiting competition to more or less equivalent institutions. Each of these adjustments over time has allowed the college's organization, the NCAA, to maintain its functions and effectiveness even as the higher education marketplace has dramatically expanded and become significantly differentiated by institutional type.

However, as our section on finance above demonstrated, fairness in resources available to spend on college sports, even within a single division, proves difficult to achieve as even in the FBS top Autonomy conferences, the spread between the highest expenditures on sports at \$207M and the lowest is at \$71 is significant indeed.

However, another way these differences were reconciled was by limiting the number of scholarships for such sports as football, so that no school, however rich, could offer more than other schools to attract talent. Furthermore, in these high visibility sports, the size of the student body was of little significance since it is with the limit on scholarships, the size of a full-scholarship sports team bears almost no relationship to the size of the general student body, thereby ensuring more competitive fairness.

We can look in the next slide at the effort, by far the most complex, to create competitive fairness rules governing the selection and maintenance of high talent student-athletes.

## NCAA: AN ORGANIZATION IN SEARCH OF FAIR COMPETITION

Pursuit of fairness leads to creation of organizational complexity

### Key Principles

Competition must be fair, but large institutional differences create unfairness by making small institutions compete against big institutions.

Unfair competition is unacceptable.

Adjustment in organization is required.

### Achievement

Creation of the divisional structure of NCAA

Divisions (DI, DII, DIII) divided by size of commitment of each institution to athletics

Fairness ensured by allowing institutions to self-identify category of competition

Required various adjustments related to football and program size: DI, FCS, FBS, Autonomy Division and opportunities to compete in more than one Division in a different sport (DIII or DII and DI).

Very difficult to maintain fairness as the range of institutional resources grows wider, so now have Big Five conferences in what is called an "autonomy" division.

**Reasonably  
Successful?  
Partially**

## DRAMATIC INEQUALITY OF FINANCIAL RESOURCES

Managing money is the most difficult challenge in reconciling competition and fairness

### **Key Principles**

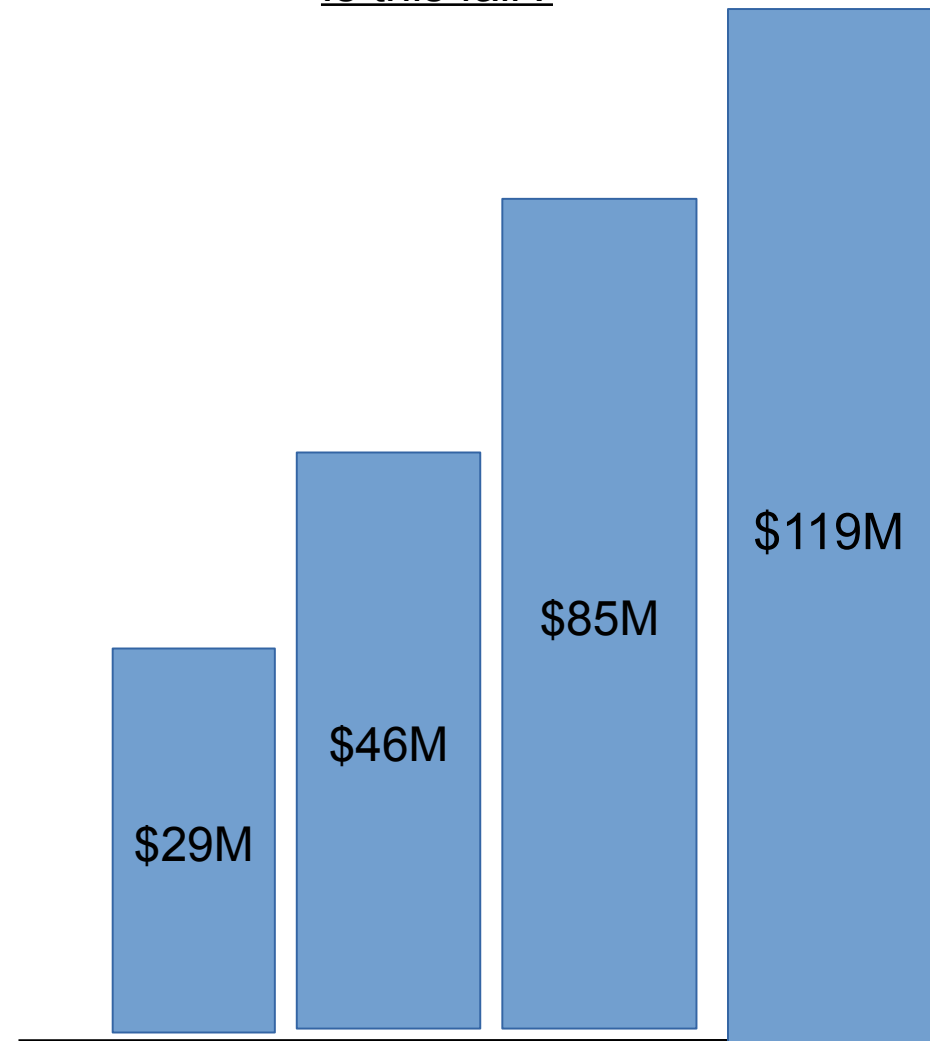
Fair competition assumes that each team enters the competition with approximately the same opportunity to win.

If the two teams have dramatically different opportunities to win, then the competition is unfair.

The NCAA has found it difficult to deal with the different resources available to teams competing in the same sport.

### Millions for College Sports Expenses

Is this fair?



## Issues for Fair Expenditure Competition

Teams in a program that spends \$20M and those in a program that spends \$100M are not competing in an equitable context.

### **Efforts to Resolve this Unfair Circumstance**

### **Outcomes**

We created divisions

We limited aid to student-athletes to tuition, room and board, and fees

That helped, but the acceleration of revenue at the top made even the highest division schools inequitably funded

Most of recent adjustments focused on top spending institutions giving authorization to pay more for student athletes. Pay for Play will complicate this.

## Other Solutions

## Outcomes

We try to control expenditures on competitions.

Only partially successful for limiting student-athlete benefits, and some other perks. But travel and accommodations were hard to control.

We try to keep student-athletes from being defined as employees.

Will likely lose this in court or state/federal legislation.

We tried to control Television.

Lost in court and devolved to institutions and conferences now dependent on TV.

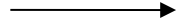
We talk about limiting facilities expenses.

Facilities have always been controlled by institution and competition around venues is intense.

## Solutions Attempted

## Outcomes

We developed  
revenue sharing  
in NCAA



NCAA shares revenue  
from the basketball  
tournament which distributes  
revenue from rich to less rich  
institutions.

We developed  
revenue sharing  
in conferences



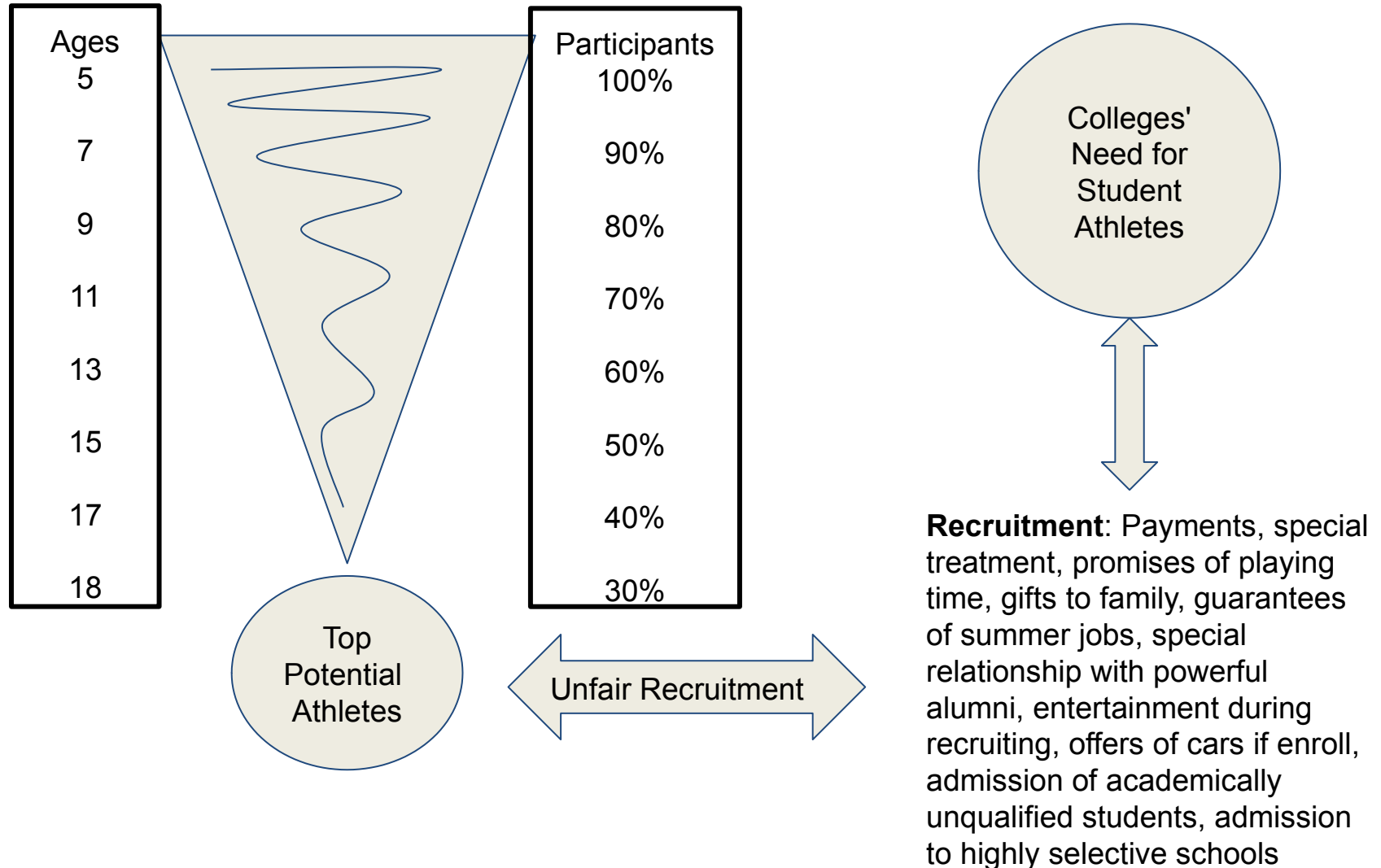
Conferences equalize revenue  
including football and TV among  
members, transferred dollars from  
constant winners to less frequent  
winners. This supported competitive  
equality within conferences but not  
between conferences. Television  
revenue to conferences spread  
revenue unequally between big five  
and rest of BCS

## College Rules: The Characteristics of Colleges--Students:

The first competitive issue that challenges issue of fairness involves the recruitment of high performing students to compete in college. Sports is a filtering mechanism that seeks to filter a large pool of possible candidates to identify exceptional talents capable of top competitive performance.

The sport filter, begins at an early age with many participants, and by the conclusion of high school delivers a limited number of top performers. Colleges compete to capture their services.

This competition for top talent has proved exceptionally difficult to manage to meet the expectations of fairness.



## Recruiting Student-Athletes

The **key issues for fairness** of competition because athletic talent is the key element in a winning program. Two elements define this challenge clearly:

**The first is the requirement for amateur athletes:** The fairness issue is that if all competitors are amateurs and students, the range of experience and skills will be reasonably comparable for a fair competition. This is particularly difficult for international athletes whose amateur status follows different rules than in the US. There are 30 pages in the DI NCAA manual regulating the definition of amateurism.

Reasonably successful at reducing most egregious recruiting violations, but enforcement is complex, time consuming, and difficult. See the NCAA database on infractions for examples of cases involving recruiting and amateurism.

**The second is the requirement for fair recruiting:** Because of the different resources of institutions, the process of recruiting is highly regulated to try and reduce the advantages some institutions have over others in persuading promising high school students to commit to playing sports. Because of the importance of recruiting, the rules are exceptionally detailed and specific about what an institution can do and who can do it in the process of recruiting a talented potential student. There are 69 pages in the DI NCAA manual regulating the definitions and restrictions on recruiting activities



Recruitment produced, as illustrated in the slide above, many unfair practices that made fairness in the acquisition of student talent a major challenge and prompted the institutions through the NCAA to construct many complex rules to limit and control the recruitment process make recruitment fairer for all institutions. For examples, see the NCAA Division I Manual at: <https://web3.ncaa.org/lstdbi/reports/getReport/90008>, and the legislation and Infractions database at: <https://web3.ncaa.org/lstdbi/>

But the focus on student athlete talent also contained clear expectations about their **academic behavior**

## **Academic Expectations:**

Competitive success depends also on keeping students enrolled and eligible to compete, and here the conflict between the purpose of college and the purpose of sports becomes critical. This conflict is built into the system and is unavoidable, because the conflict directly impacts the issue of competition and fairness.

If talented student-athletes can remain students, and compete at one school, even though they fail their college academic programs, but at another school, academically failing students can continue to compete, we have a significant unfairness issue.

Fundamentally, sports is not about the goals and purposes of an academic education, although an academic education is a possible benefit of sports participation. Sports is about winning first, and if academic expectations reduce the ability to win, then sports will always seek to evade academic expectations. The unfair competitive advantage from maintaining an academically non-performing student athlete on a team is often significant.

This produces an endless and long standing campaign by the institutions and their NCAA to pass rules to ensure that all sports participants follow normal academic standards to prevent an unfair competitive advantage. The number of cases related to violations of these rules testifies to the conflict between sports goals and the academic expectations.

This all happens because the unfair competitive advantage that comes from maintaining academically non-performing student-athletes on the team can be substantial.

Among the many rules of college athletics, a core component is the requirement that **participants must be regularly enrolled students** like other students.

### **The Core NCAA Rule on Academic Status:**

- To be eligible to represent an institution in intercollegiate athletics competition, **a student-athlete shall be enrolled in at least a minimum full-time program of studies, be in good academic standing, and maintain progress toward a baccalaureate or equivalent degree.**
- **Moreover, this standard of good academic standing must be at least as demanding as the institutional standard applied to all students who choose to participate in extracurricular activities.**

Although on first examination, these standards seem obvious for a high profile program based on student participants, in practice these standards prove difficult to enforce because:

- each academic institution sets its own standards,
- controls its grading,
- defines its full-time program of studies, and
- has the authority to determine whether the quality and comparability of student-athlete academic activities is equivalent to regular student academic activities.

**Rules about academic expectations** are difficult because the expectations of institutions, standards, and practices vary widely. Sports, being artificial and constructed, have the same rules for everyone. But academic practices differ from place to place. The faculty and staff own the academic space and have differing objectives and goals that vary by institution. Academic space, being the purpose of college, cannot be easily adjusted to meet the needs of sports competition.

The history of the NCAA's efforts to define academic eligibility, programs, and other criteria for an eligible student athlete demonstrates the extreme difficulty of reconciling the goals and purposes of sports with those of the academic college, and introduces elements of unfair competition as a result.

The **NCAA** institutions require college sports programs to conform to academic requirements, but the NCAA cannot establish uniform academic standards, and its academic rules for individual student-athletes have different meaning in different institutional contexts. This produces opportunities for unfair advantages related to academic eligibility of student-athletes.

**Academic:** Organic constructs, created by faculty/staff/students over long periods and differ in detail and operation by institution. Standards, performance, structure, differ. Academics seek success of everyone, sports seeks success of the winner. Academic rules vary substantially from school to school.

**Sports:** Artificial, constructed, non-academic, owned by intercollegiate sports enterprise BUT depends on regular academically enrolled student for winning teams. Sports competition rules are uniform for all participants and control the competition, academic practice varies by college.

NCAA Requires Sports to Meet Individual College Academic Standards

Each College Provides Different Academic Standards

In addition to academic criteria focused on individual student-athletes meeting their college's requirements, two other criteria focus on sports programs to ensure their support for academic performance. As it became clear that simply calling on institutions to ensure that student-athletes could meet the college's general academic standards, over which the NCAA has no control, attention shifted to imposing a statistical institution wide academic standards that could perhaps force the colleges to hold their sports programs accountable for individual student-athlete academic behavior.

The result was the invention of two metrics to measure student-athlete academic success: An **Academic Progress Rate** and a **Graduation Success Rate**. The following slides illustrate the way these metrics are calculated.

## **Academic Progress Rate as Described by the NCAA**

In 2004 NCAA the NCAA officially adopted the Academic Progress Rate (APR).

The APR, or *Academic Progress Rate*, holds institutions accountable for the academic progress of their student-athletes through a team-based metric that accounts for the eligibility and retention of each student-athlete for each academic term.

In addition to a team's current-year APR, its rolling four-year APR is also used to determine accountability.

**Teams must earn a four-year average APR of 930 to compete in championships.**

In 2019-20, 20 teams were subject to penalties for not achieving this level of academic success.

### **The APR is calculated as follows:**

Each student-athlete receiving athletically related financial aid earns one point for staying in school and one point for being academically eligible.

A team's total points are divided by points possible and then multiplied by 1,000 to equal the team's Academic Progress Rate.

In addition to a team's current-year APR, its rolling four-year APR is also used to determine accountability.

Teams must earn a four-year average APR of 930 to compete in championships. To compete in the 2020-21 postseason, teams must achieve a 930 four-year APR.

NCAA members chose the 930 standard because that score predicts, on average, a 50 percent graduation rate for a given team.

## Graduation Success Rate

The graduation rates for college athletes, and for college athletes by race and gender became a public issue for the NCAA and college sports. Recognizing the defects in the federally calculated six-year graduation rate, especially relative to the tracking of athletes' academic achievements, because the Federal Grad Rage under-reported the success of student athletes, as well as other students, the NCAA created an alternative calculation called the Graduation Success Rate.

Federal graduation rates are calculated as a six year rate that takes as its base the number of first-time college students enrolled in the fall in year 1 and then calculates what percentage graduate by year 6. This is the rate that is most often reported in the press and elsewhere but it fails to account for students who enter college after their first year, such as transfers from community colleges, and it does not account for students who entered in the first year but then transferred out to another college while in good standing. The first group, who enter after the first year are not counted at all and those who leave in good standing to go to another institution, are counted as having failed to graduate even if they did not stay for six years.

The NCAA's graduation success rate, GSR, includes students who transfer in and graduate and excludes from the calculation students who transfer out in good academic standing.

As a result, the GSR holds colleges accountable for those student-athletes who transfer into their school and the GSR does not penalize colleges whose student-athletes transfer or leave in good academic standing. (see: <http://www.ncaa.org/about/resources/research/division-i-graduation-rates-database>)

These data points speak to the intense concern of NCAA institutions in enforcing and tracking the academic performance of student-athletes. This concern reflects the fundamental requirement that college sports be a student activity that is part of the college's regular student extracurricular activities and that involves students in much the same fashion as other students become involved with major extracurricular activities. The APR and the GSR indirectly enforce academic standards on the colleges.

These data also contribute to the expectation of fairness. Institutions that failed to focus time and attention on student-athletes' academic programs, and instead enhanced training and preparation for competition would otherwise have a competitive advantage.

# In the Pursuit of Fair Competition, all Sports including College Sports have to guard against Corruption that Undermines the Value of Winning

## Key Principles

Fair competition requires that everyone follow rules and that everyone competes to win.

Corruption results in some teams have advantages over other teams by violating rules.

Corruption results in observers losing faith that the competition is fair.

Competition cannot fulfill its goal of identifying a winner if the game is corrupt.

## The NCAA and its Institutions Have Been Reasonably Vigilant about these kinds of Corruption

Pursuit of **externally** generated corruption:  
Betting and fixed games,  
Unfair competition in recruiting talent,  
Rule violations by boosters,  
Amateur violations by agents.

Pursuit of **internally** generated corruption:  
Rule violations by players/coaches,  
Drug issues which give unfair advantage,  
Academic violations that preserve eligibility.

Creation of **enforcement** adjudication mechanism  
Shows no favoritism for major programs,  
Reasonably consistent investigation  
Reasonably consistent enforcement of penalties

Why is this conversation so difficult? Why can't we figure out what we want from college sports and do it?

Sports stories and critiques: tend to be one dimensional

Focus on one part of complicated whole, usually taken out of context, and ignore complicated relationships among various elements of college sports and the society they reflect.

Why focus on football concussions and not so much on soccer?  
Why highlight extreme cases when medical info is very incomplete?  
Why focus on concussion when other injuries also serious?

Why celebrate coaches whose past teams penalized for violations?  
Why focus on excessive pay for coaches but not faculty surgeons?  
Why focus on exploitation of student athletes but  
    avoid comparison with other student experiences?  
Why talk about pay for student athletes but not in context of  
    pay for other student leaders or other student performers?  
Why tell story of championships as if the result is the main purpose  
    of a season, rendering the season for those who don't win  
    as mostly irrelevant?



Our review of **Intercollegiate Sports in America** constructs a narrative that:

Began with an understanding of the fundamentals of time and space,  
by looking at the questions of human interaction with history (do the times make the hero or do the heroes make the times),

Explored the development of the governance of this collaborative enterprise called college sports,

Gained a perspective on the multiple dimensions of college sports finance, and

Approached an understanding of the intersection of society's engagement with race, class, and gender with the college sports enterprise.

Now we turn to the values and expectations society holds for its college sports.

We looked first today at the conflict between competition and equity,

Next week we observe the culture of winning and the amateur athlete,

We will follow with an exploration of the complex relationship between colleges and their sports programs, and

We will conclude with four elements that track the values of fairness and culture through war, religion, youth, and the movies.