

**Report to the Membership**  
**The Steering Committee of the Coalition on Intercollegiate Athletics**  
**February 2012**

**Executive Summary**

**The Context of College Sports, 2011-12.** During 2011, the landscape of intercollegiate athletics changed significantly, presenting COIA a new mix of challenges. In the area of improving the alignment of athletics with academics, the news was generally positive: significant new academic reforms were adopted by the NCAA, and evidence of the positive impact of earlier reforms began to emerge. However, in the areas of finances and the tension between amateurism and commercialization, the acceleration of negative trends was widely noted. Transformation of the revenue sports into on-campus extensions of the national entertainment industry provoked widespread calls to end the collegiate model of amateur sports; escalating athletics budgets and average deficits motivated an unseemly scramble for favorable media contracts through illogical conference realignments; university presidents reported through survey findings an increased sense of powerlessness to control the market forces of college sports, and an unprecedented series of scandals illustrated the difficulties of controlling big-time sports programs and the reputational risks they involve. Paradoxically, the depth of these fiscal problems creates a context in which reform efforts are more likely to be effective.

**The Coalition in 2011.** COIA's efforts in this past year have been primarily devoted to strengthening its relations with other national groups whose efforts directly impact the prospects of athletics reform. The Coalition formed ties with the new NCAA administration, met with leaders and members of NCAA Faculty Athletics Representative groups (FARA and the FBS FARs), and consulted regularly with such national groups as the Knight Commission on Intercollegiate Athletics and the National Association of Academic Advisors for Athletes.

**2012 COIA National Meeting.** COIA's January 2012 meeting at the University of Tulsa featured presentations by Tulsa's President, Steadman Upham, a member of the NCAA Executive Board, Britton Banowski, Commissioner of Conference USA, John Walda, President of the National Association of College and University Business Officers, Amy Perko, Executive Director of the Knight Commission, as well as representatives of the NCAA, FARA, The Drake Group, and national news organizations. Conference participants joined work sessions to focus on such critical topics as proposals to professionalize college sports, competition for control of postseason football and access to lucrative media contracts, and proposals for antitrust legislation to provide higher education the means to control market forces in intercollegiate athletics.

**Preliminary Agenda, 2012.** The coming year will likely bring increased debate on the future of athletics financing and approaches to the problem of controlling the highly commercialized revenue sports. In February, the Steering Committee will submit to the Coalition membership a series of recommendations concerning relevant policy stances, seeking membership feedback to guide leadership approaches. COIA will continue its efforts to network with other national groups to support coordinated efforts to find constructive solutions that national leadership groups can adopt. To strengthen its capacities, the Coalition leadership will seek 501(c)3 status for COIA, and develop a clearer model of internal structure to propose to the membership.

## **Introduction**

The Coalition on Intercollegiate Athletics (COIA) was formed in 2002 as an alliance of faculty senates at schools with NCAA Division 1A sports programs (now the called the Football Bowl Subdivision, or FBS). These senates were deeply concerned about the direction of college sports programs that seemed increasingly divorced from the academic missions of their schools. The Coalition was formed to work with the NCAA and other national groups for reform that would ensure that college sports served to enhance rather than compete with the academic mission. A decade later, the Coalition has grown to include 58 senates, but the problems of FBS college sports have, if anything, grown more serious and the need for an informed and constructive national faculty voice is greater than ever.

In January 2012, COIA held its eighth national meeting at The University of Tulsa. This report from the COIA Steering Committee to the representatives of COIA member senates is intended to summarize the context and content of that meeting, and set an agenda for the coming year. It includes the following sections:

The Context of College Sports, 2011-12  
The Coalition in 2011  
2012 National Meeting, University of Tulsa (January 20-22)  
COIA's Preliminary Agenda, 2012  
Appended documents

### **The Context of College Sports, 2011-12**

For the first time since its initial years, COIA is now faced with an environment in which escalating calls for major reforms may permit a broad alliance of faculty representatives to contribute effectively to significant change. Although there have been positive changes towards some aspects of reform for which COIA has long advocated, these changes are being overshadowed by rapid transformations in the scale and commercial context of college sports, and by the predictable consequences of decreasing university control of the larger athletics enterprise.

On the positive side, one of COIA's original goals was to support a series of academic reforms that had been proposed within the NCAA. That effort was successful and the NCAA has scheduled implementation of further reforms, discussed below. While the reforms had, and continue to have, the potential to increase instances of academic fraud, they were intended to reverse a growing conflict between the academic and athletic characters of the student-athlete experience and restore academic integrity to college sports. Based on available metrics, they do

seem to be working as intended, and COIA continues to support these efforts, while noting that in some sports, particularly the key revenue sport of men's basketball, profound problems remain.

On other fronts, the past decade has seen the problems of college sports grow more critical. FBS intercollegiate athletics has continued to follow certain longstanding trends: athletics program budgets have risen at rates far faster than other sectors of the university, led by significant increases in coach and assistant coach salaries; schools and conferences have sought increasingly lucrative commercial avenues to increase revenues, but for most schools, deficits have continued to grow; school administrations, including university presidents themselves, have increasingly acknowledged their inability to control athletics spending; the use of college revenue sports as pre-professional training grounds for professional leagues continues to grow; periodic athletics scandals have tarnished the reputations of outstanding colleges and universities.

In 2011, a number of these trends reached unprecedented levels. Total acknowledged athletics deficits at FBS institutions now exceed \$1 billion annually, requiring, on average, general fund transfers and increased student fees well over \$9 million at these schools. The search for increased revenues led to frantic and at times geographically bizarre conference realignments that even NCAA President Mark Emmert acknowledged to be unseemly and damaging to the stature of universities. The scale of coaching salaries and the dominance of the entertainment industry in FBS sports led to high-profile calls for the abandonment of the collegiate model of amateur sports and the professionalization of intercollegiate athletics. And the risks associated with linking university reputations so tightly to athletics were brought home by a series of major scandals.

This report will not be a venue for a sustained discussion of these issues or the dangers that current trends pose to sustaining the academic growth of US higher education, though background information and lists of further resources are provided in Appendix C. However, in the brief account that follows of COIA's recent activities and plans for 2012, the urgency of the national problems this organization is trying to address should be borne in mind. COIA remains the only national faculty voice based in campus faculty governance. The creation of such an alliance in 2002 was an unprecedented form of national faculty cooperation, and the national stakes involved in ensuring that academic goals shape the conduct of university athletics programs, rather than the reverse, cannot be overstated.

## **The Coalition in 2011**

COIA was formed as a way of organizing national faculty support for athletics reform. The Coalition has always recognized that it could be effective only if people in positions of leverage, such as university presidents or the NCAA administration, provided active leadership that COIA could support. As an association of faculty volunteers, with no operating budget or even release time, COIA's effectiveness depends on forging networks with other concerned groups, and wherever possible proposing strategies for reform and lobbying with those in leadership positions. Over its initial years, the Coalition's efforts were devoted to composing a series of

white papers and best-practice guides, some of which have had substantial impact on campuses. But a decrease in national leadership efforts over the past few years, due in part to transitions at the NCAA, has made it difficult for COIA to formulate agendas. At the 2011 national meeting, held in January at Big Ten Conference Headquarters in Chicago, discussions among COIA members focused on preparing the Coalition to transition to a new phase of activity, guided by presentations given by, among others, incoming NCAA President Mark Emmert, Big Ten Commissioner Jim Delaney, and Amy Perko, Executive Director of the Knight Commission on Intercollegiate Athletics, for two decades the most widely recognized independent leadership group focused on the problems of college sports.

In 2011, responding to the potential for reform generated by new NCAA leadership, the Coalition, led by Co-Chair John Nichols (Penn State; operating without a partner co-chair for much of 2011), focused on strengthening its links to major national organizations. Professor Nichols visited the NCAA in May, met with President Emmert and other leaders of the administration, and developed with them new procedures to strengthen communication between COIA and the NCAA. During the course of 2011, Professor Nichols also worked to renew and strengthen ties with the other national groups, including the Faculty Athletics Representatives Association (FARA) and the FBS Faculty Athletics Representatives Association, the Knight Commission on Intercollegiate Athletics, the National Association of College and University Business Officers (NACUBO), and the National Association of Academic Advisors for Athletes (N4A). In addition, Professor Nichols reached out to The Drake Group, an independent group of faculty advocating for athletics reform, to ensure that COIA and The Drake Group, although differing in the manner in which they seek reform, will focus on common goals. Representatives or members of all these groups attended the January 2012 COIA national meeting. In addition, Professor Nichols represented COIA at a conference on college sports held at Harvard University, and he and past Co-Chair Carole Browne (Wake Forest) represented COIA at meeting of the AAUP, a group with which COIA has long had close ties.

Professor Nichols and colleagues at Penn State published two articles representing COIA's first independent research products. These appeared in the refereed *Journal of Intercollegiate Sports*, and focused on current forms of campus athletics governance, in relation to COIA best practice models. The project was approved by the Coalition and survey instruments were initially designed in work sessions at COIA's 2008 meeting at the University of Georgia. (Online access is available through links on the COIA website home page.)

The Steering Committee, acting in its own name, but on behalf of the larger Coalition, acted on two occasions. It sent a letter to NCAA President Emmert supporting specific calls for enhanced reform that were advocated by a small group of athletics directors, conference commissioners, and others involved with college sports (see Appendix A). In late November, it also sent a letter to Penn State President Rodney Erickson. Penn State has served for years as an administrative home for a number of COIA functions, and its sole co-chair, Professor Nichols, has led COIA as an emeritus member of the Penn State faculty. The Steering Committee wished to acknowledge the terrible events that had occurred at Penn State, but also to note the institutional support Penn State had provided COIA and affirm that the committee wished our relationship with Penn State to continue. It should be added that Professor Nichols had requested that the Steering Committee consider carefully any potential harm that his leadership role could bring to the Coalition and the

movement for reform in the wake of the Penn State scandal; the committee did indeed discuss the issue and conveyed a strong vote of confidence in Professor Nichols' continued leadership.

As many colleagues connected to member senates may have noted, COIA has been active in responding to developments in college sports through the media. Professor Nichols' comments have appeared in many print and online news sources, and when completing his COIA term early in the year, past Co-Chair Ken Struckmeyer (Washington State) was also quoted on COIA's behalf. Because of Professor Nichols' affiliation with Penn State, at his request former Co-Chair Nathan Tublitz (Oregon) handled press responsibilities connected to the Penn State scandal. It has always been the policy of COIA co-chairs that when speaking as leaders of the Coalition, they respond to current developments through the frameworks articulated in policy papers developed and approved by the entire Coalition, such its major 2006 policy guide, *Framing the Future*, as well as in light of ongoing email discussions within the Steering Committee.

Internally, COIA renewed its leadership by holding elections for new Steering Committee appointments. A new leadership group was seated in November, in time to participate in final preparations for the Coalition meeting at Tulsa. The COIA website <http://blogs.comm.psu.edu/thecoia/> was relocated to Penn State, redesigned, and enlarged.

## **2012 National Meeting, University of Tulsa**

COIA's annual meeting was held January 20-22 at the University of Tulsa. Even a brief report must acknowledge the exceptional courtesy that the university extended to the Coalition in the thoroughness and graciousness of the arrangements. Hosting arrangements were coordinated by Chris Anderson, a member of the COIA Steering Committee representing Conference-USA Coalition members, and the meeting opened with substantive welcoming presentations by University of Tulsa President Steadman Upham and Conference USA Commissioner Britton Banowsky. (A complete program is included as Appendix B.)

The conference drew fifty participants, including representatives of twenty-six schools with member senates, and several members of the national press attended as well. Conference presentations were set on an off-the-record basis to encourage frank discussion.

Meeting activities occurred in several contexts. In addition to presentations by President Upham and Commissioner Banowsky, John Walda, President of the National Association of College and University Business Officers (NACUBO) spoke to the conference on the financial status of intercollegiate athletics within the larger budgetary context of the university, and provided detailed analyses of current fiscal impacts and trends.

The program included three panel sessions, addressing the future of the collegiate model of amateur sports, the lessons of the Penn State scandal, and the problem of academic misconduct. Panelists included Amy Perko, Executive Director of the Knight Commission on Intercollegiate

Athletics, Allen Sacks, President-Elect of The Drake Group, George Dohrmann of *Sports Illustrated*, Eddie Pells of the Associated Press, Brad Wolverton of *The Chronicle of Higher Education*, Robert Philippi of Conference USA, Jennifer Strawley of the NCAA, Alan Hauser, representing FARA, and Gerald Gurney, representing the N4A. In addition, Diane Dickman and Jennifer Strawley of the NCAA presented a detailed account of enhanced academic reforms adopted at the recent NCAA national convention, and proposals for further steps under consideration.

Among the panel sessions, the topic of academic misconduct was distinct in that it addressed a specific agenda item for the Coalition. During his May meetings with NCAA officials, John Nichols was asked to consult with the Steering Committee concerning the possibility of COIA joining with the NCAA to more clearly define the nature of academic misconduct and develop guidelines for the appropriate roles of NCAA and campus authorities in investigating misconduct and assessing penalties. The Steering Committee agreed that COIA, as an alliance of faculty senates, was in an unusually good position to undertake this, and Jennifer Strawley's presentation during the panel on misconduct served as an initial introduction to the issues from the standpoint of the NCAA.

Attendees also participated in break-out and plenary work sessions that addressed three major issues, identified by the Coalition Steering Committee as leading policy questions that COIA should consider in 2012:

- Should COIA modify its support for the “collegiate model” and support any form of pay-for-play?
- Should COIA advocate for changes in post-season football, and specifically concerning the maintenance of the BCS system?
- Should COIA support efforts to seek a Congressional antitrust exemption for intercollegiate athletics?

Background information sheets provided in advance of the meeting and brief summaries of the work session discussions are included in Appendixes C and D. The Steering Committee's recommendations to the Coalition membership growing out of these discussions will be conveyed in a separate document that will be circulated shortly.

## COIA's Preliminary Agenda, 2012

Coalition activities are always influenced by unfolding events concerning college sports, and the annual agendas set by the Steering Committees always evolve over the course of the year. Moreover, since all COIA activity – by its leadership, senate representatives, and the members senates themselves – represents volunteer effort by colleagues whose day jobs focus on teaching and academic research, our goals as a coalition habitually exceed our grasp. However, as COIA emerges from its annual meeting, these appear to be the main objectives for the coming year:

- The Steering Committee will shortly be circulating to member senate chairs and COIA representatives recommendations for COIA policy positions connected with topics discussed at the annual meeting. We hope that we will receive adequate feedback to take the measure of Coalition ideas and views, and articulate new policy statements in these areas.
- The Coalition will continue to work with the NCAA administration so that we can become more knowledgeable about the issues of college sports, and so the faculty viewpoint of COIA's member senates can have an impact on NCAA deliberations. The Steering Committee will develop a mechanism for responding to the NCAA's specific request that COIA provide advisory support concerning issues of academic misconduct.
- Building on work John Nichols undertook in 2011, COIA will continue to maintain and strengthen links with other national groups concerned with issues of athletics reform. These include Faculty Athletics Representative colleagues, whom we work with individually on campuses, and through the national FARA and FBS-FAR groups. Other groups will include the Knight Commission, the N4A, NACUBO, The Drake Group, and the AAUP. In the past, COIA has also worked closely with the Association of Governing Boards, a national organization of college and university trustee boards that has issued important policy papers on the governance of intercollegiate athletics, and we will seek to reinvigorate that relationship.
- COIA was organized as a short-term faculty effort to support emerging trends for reform. It was not designed for longevity. However, we are now entering our second decade, and sustaining FBS faculty governance engagement in the reform effort has developed into a long-term challenge. Prior to and during the annual meeting, representatives of national leadership groups have urged the Steering Committee to strengthen and regularize COIA's internal structure. Through generous contributions from a number of member senates and their university administrations, the Coalition (which maintains no treasury for operating costs) now has adequate funding to pursue 501(c)3 status as a non-profit organization. Moving forward with this in 2012 is a priority, and will require changes to COIA's leadership structure and bylaws. The Steering Committee will be circulating proposals for these changes to the membership, seeking input and, ultimately, approval in revised form.

- As a product of the limits of COIA volunteer time, communications between the COIA Steering Committee and the membership of senates and their COIA representatives have not been as frequent as we would like. Given the current environment in intercollegiate athletics, the likelihood that COIA will encounter increasing opportunities to make a difference through quick action makes it essential that the Coalition be prepared to function with greater nimbleness. At a pre-conference meeting, the Steering Committee addressed this issue and began a process of internal restructuring designed to strengthen communications with and among the membership in the coming months.

\* \* \*

*Submitted to the Coalition Membership by the COIA Steering Committee*

Bob Akin (Texas Christian University)  
Jane Albrecht (Wake Forest University)  
Chris Anderson (University of Tulsa)  
Mike Bowen (University of South Florida)  
Bill Campsey (San Jose State University)  
Gary Engstrand (University of Minnesota)  
Larry Gramling (University of Connecticut)  
David Kinnunen (California State University - Fresno)  
Dan Orlovsky (Southern Methodist University)  
Jerry Peterson (University of Colorado)  
Ginny Shepherd (Vanderbilt University)  
Ben Taylor (New Mexico State University)  
David Turnbull (Washington State University)  
Matt Wheeler (University of Illinois)



**APPENDIX A: Text of Letter to NCAA President Mark Emmert**

31 October 2011

Dear President Emmert,

The Steering Committee of the Coalition on Intercollegiate Athletics (COIA) wishes to strongly support the general position articulated in the October 19, 2011 letter to the NCAA Board of Directors from a group of conference commissioners, athletics directors, and others deeply concerned with the welfare of intercollegiate sports. Many statements in their letter are consistent with long-term positions endorsed by COIA, an alliance of fifty-eight faculty senates at BCS Division schools.

We agree with the authors of the letter that the NCAA deserves praise for undertaking a fresh attempt at reform in response to increasing problems related to integrity, fiscal sustainability, and the service of athletics to the missions of our academic institutions. However, we also agree that the initial proposals emerging from this effort fall far short of what is necessary to “re-connect Division I athletics to our core values.” We endorse the suggestion that the agenda of the upcoming NCAA Convention be devoted to consideration of these fundamental issues, including specific policy goals specified in the letter.

Certain of these goals are particularly close to many positions COIA has proposed or supported over the past decade, including:

- A governance approach that prioritizes academic values guiding the general educational mission of U.S. higher education over conference and institutional self-interest
- A sustainable approach to finances that will maintain a broad range of men’s and women’s athletics throughout Division I, consistent with institutions’ academic and other financial constraints
- Strong recognition of athlete academic success in the distribution of NCAA and BCS national and conference revenues
- Implementation of simplified and effective rules, and consistent enforcement that clearly values integrity rather than mere compliance
- Establishment of a national culture and incentive structure that will promote ethical behavior by institutions, coaches, administrators, and athletes

It has been COIA’s position since its inception that the path to long-term reform must include elements of immediate change, but also many elements that must be implemented over a number of years, allowing schools in different positions time to adjust and reducing unwillingness to support reform that ultimately benefits all. It will require strong leadership and persistence to implement significant and sustained reform in this way.

Given the current environment, we agree that it is urgent that the Board and membership of the NCAA address these issues now. As a broad coalition of faculty senates committed to athletics reform, COIA remains ready and very willing to contribute to this effort in any way it can.

Sincerely,

John S. Nichols

COIA national co-chair, on behalf of the COIA national Steering Committee  
Professor Emeritus of Communications and International Affairs, Penn State University

**APPENDIX B: Program of 2012 National Meeting****Coalition on Intercollegiate Athletics**

2012 National Meeting Agenda  
University of Tulsa

**Friday, January 20:**

- 2:00 p.m. Steering Committee Meeting  
6:00-7:30 Welcome reception at Hyatt Hotel

**Saturday, January 21**

- 7:45-8:30 Breakfast  
8:30-9:15 Steadman Upham, President, University of Tulsa, NCAA Executive Committee  
9:15-10:00 Britton Banowsky, Conference USA Commissioner and Chair of the NCAA Infractions Committee  
10:00-10:30 Break, refreshments  
10:30-11:30 Panel: Future of Collegiate Model. Amy Perko (Knight Commission), Eddie Pells (Associated Press), Alan Hauser (FARA), Bob Eno (COIA)  
11:30-12:30 John Walda, President and CEO of the National Association of College and University Business Officers  
12:30-1:30 Lunch  
1:30-2:30 Panel: Lessons Learned from Penn State. Brad Wolverton (*Chronicle of Higher Education*), John Walda (NACUBO), Allen Sacks (Drake Group), John Nichols (COIA)  
2:30-3:45 COIA Work Session, Breakout Groups  
3:45-4:00 Break, refreshments  
4:00-5:00 Panel: Academic Misconduct. Jennifer Strawley (NCAA), George Dohrmann (*Sports Illustrated*), Gerald Gurney (N4A), Robert Philippi (Conference USA)  
6:30 Reception at Hyatt Hotel  
7:00 Dinner at Hyatt Hotel. Speaker: George Dohrmann (*Sports Illustrated*)

**Sunday, January 22**

- 8:30-9:00 Breakfast  
9:00-10:00 Update on NCAA Presidential Reforms. Jennifer Strawley and Diane Dickman (NCAA)  
10:00-11:00 COIA Plenary Work Session

11:00-11:15    Wrap Up

## **APPENDIX C: COIA Annual Meeting, 2012: Work Session Outline**

### **Introduction**

The COIA Steering Committee is asking participants at COIA's 2012 annual meeting to help the Committee prepare a report to the Coalition membership on current issues in sports reform. Time has been allotted on Saturday's schedule for breakout sessions to discuss several of these issues. We envision three breakout sessions, each one focusing initially on advising COIA with regard to one of three issues: 1) the rising call for a shift to "pay-for-play" models of college sports (a discussion that may include proposals for the return of freshman ineligibility); 2) reform of the BCS system; 3) proposals for an antitrust exemption to allow greater NCAA regulation of athletics expenditures. (Breakout sessions will be 75 minutes, which may allow for in-depth discussion of the initial, designated topic, and general discussion of others in each group.) Breakout discussions on Saturday will be followed by a follow-up plenary discussion on Sunday morning. On the basis of the ideas articulated through this process, the Steering Committee will draft a report to be circulated to the entire membership with a request for further input from member senate COIA representatives or directly from member senates.

This outline provides background for each of the four discussion topics, with links in each case to a few relevant online resources that meeting participants may want to consult in advance.

### **Breakout Work Session Topics**

#### **Session 1: Pay-for-Play**

##### **MAIN QUESTION:**

**Should COIA modify its support for the "collegiate model" and support any form of pay-for-play?**

##### **Background:**

The most relevant existing statement in COIA policy documents concerning Pay-for-Play appears in its draft definition of the "collegiate model" of amateur sports:

College sports can help develop the character of athletes, create a focus for campus community, and sustain ties between schools, alumni, and the public. These attributes shape the collegiate model of athletics, which is extra-curricular competition among students whose immediate goals must be educational. Unlike professional sports, in the collegiate model students who participate in athletics are not to receive financial rewards for participation beyond what the NCAA allows, and their immediate goals should be related to educational objectives. The goals usually associated with athletic competition (e.g., winning and excellence in athletic performance) should complement but not supersede the goals of educational accomplishments and personal growth.

*(Report to the NCAA Presidential Task Force, 2005, pp. 8-9)*

Over the past year, calls for Pay-for-Play have become much broader. The soaring rates of both head and assistant coach salaries, together with vast increases in the gross revenues earned by the NCAA and D1A schools through TV and other marketing contracts have brought added scrutiny to the economics of college sports and the questionable fairness of excluding players from revenues that their talents and efforts generate. This focus on economic fairness has led directly to proposals that athletes in the revenue sports receive substantial payment for services, and advocacy groups have emerged, such as the National College Players Association and the Coalition for the Fair Treatment of College Athlete Families. Attention to broader issues of fairness and to the potential implications for Pay-for-Play of Title IX has led many to advocate for the payment of all athletes engaged in intercollegiate sports.

**Some relevant online sources:**

Taylor Branch, "[The Shame of College Sports](#)" (*Atlantic*, October 2011)

Pat Forde, "[The time has come to talk about pay-for-play](#)" (*ESPN* online 7/12/11)

Joe Nocera, "[Let's Start Paying College Athletes](#)" (*New York Times Magazine* online 1/1/2012)

Donald Remy, "[Why the New York Times' Nocera is Wrong](#)" (*NCAA.org* 1/6/2012)

**Subsidiary Discussion Questions:**

Can the collegiate model represent a value ideal in the context of big-time sports economics?

What elements of the rationale for college sports would be lost by giving up the collegiate model?

Is it fair to revenue sports athletes that the revenue they generate supports non-revenue sports?

Would proposals such as the NCAA's currently postponed \$2000 scholarship increment, a rise of scholarships to full cost of attendance, or Teaching-Assistant-equivalent stipends be acceptable responses to the fairness issues?

What types of negotiation contexts would be acceptable (if any); could athletes be represented by professional agents?

Would the cost of pay-for-play ultimately be drawn from sports revenues or general funds?

Would COIA be more likely to support or oppose a specific pay-for-play plan based on the funding model (e.g., using designated student fees; or identifiable cuts in other athletics department salaries)?

If COIA opposes pay-for-play but recognizes the underlying issues of fairness, can it provide a proposal for addressing the inequities of the current system that would receive serious consideration?

- With regard to this last point, one possibility of significantly altering the problematic contexts that give rise to legitimate arguments for pay-for-play might be to return to a policy that first-year students are ineligible to participate in varsity competitions.

**RELATED QUESTION**

**Should COIA advocate in favor of declaring freshmen ineligible either to play varsity sports or specifically to play varsity basketball and football?**

**Background:**

Freshmen became eligible to play varsity college sports in 1972. Prior to that time, the pressures of varsity sports and of adjustment to the academic expectations of college

study were treated as incompatible, although many programs fielded separate teams for freshman athletes. Proposals for restoring freshman ineligibility have been based both on the pre-1972 arguments concerning conditions for academic success and on the increasingly frequent phenomenon of outstanding and heavily recruited athletes who attend college for only one year, which they use to enhance their athletics skill prior to entering a professional draft. (The 2005 NBA rule prohibiting high school seniors under 19 from entering its draft institutionalized this trend for basketball.) These instances have contributed to the semi-professionalization of college sports, particularly for football and basketball, and undermined the legitimacy of the “student-athlete” profile on which the collegiate model is based. The NCAA [considered restoring freshman ineligibility in basketball](#) in 1999, but ultimately took no action to do so. Freshmen ineligibility became a hot topic in July 2011 when Big Ten Commissioner Delaney and several Big Ten coaches publicly declared their support for ending freshman eligibility in order to promote academic integrity in college athletics. (Delaney had espoused the idea over a decade ago as a member of a panel charged with making a recommendation to the NCAA with regard to men’s and women’s basketball only). Freshman ineligibility is one of the basic [Drake Group policy proposals](#).

COIA papers have commented repeatedly on issues concerning admissions criteria for athletes and standards for initial and continuing eligibility, most extensively in its 2006 “[Report to the NCAA Working Group to Review Initial Eligibility Trends](#),” but the Coalition has not advocated for a return to freshman ineligibility. It might be fair to say that while there has been interest among COIA members in the potential for this approach, four factors have restrained the Coalition from advocacy. The interest stems from the potential for freshman ineligibility to remove the incentive for academically unmotivated athletes to exploit intercollegiate athletics solely to foster professional careers as athletes, as well from a desire to help freshman athletes face the academic challenges of college life. Factors that have militated against advocacy of freshman ineligibility include: an approach covering all sports does not seem necessary for many “high GPA” sports (e.g., swimming, tennis); a sport-specific approach may appear discriminatory, especially in the case of academically strong individual participants; fielding expensive freshman teams would be required to permit sport-bound freshman to avoid conditioning lapses that could promote future injury; advocacy for an unpopular proposal so unlikely to succeed could undermine COIA politically (a factor that may be less important in light of the 2011 statements from the Big Ten).

**Some relevant online sources:**

Tom Oates, “[Time for Action, Not Talk, in the Big Ten](#)” (Madison.com 7/29/11)

**Session 2: Bowl Championship Series**

**QUESTION:**

**Should COIA advocate for changes in post-season football, and specifically concerning the maintenance of the BCS system?**

**Background:**

The BCS system was instituted in 1998 and significantly modified in 2006. Its origins lie in a 1984 Supreme Court ruling that eliminated NCAA control of the football post-season. In its current form, the system divides the 118 D1A schools into those that are Automatic Qualifiers (AQ) and those that are not (~AQ schools), based on conference membership. AQ schools, which belong to six elite conferences (for football) and some independents, are subject to favorable bowl qualifying criteria and occupy revenue sharing positions. For purposes of publicity status and revenue, this has divided D1A schools into different classes, and lies behind some of the conference shifting that was so prominent in 2011. Its critics regard the BCS system as an illicit cartel that has allowed schools with the greatest traditional sports reputations to raise barriers to full participation in big-time football revenues. Within D1A, opposition has generally come from ~AQ schools. In 2003, a coalition of these schools was formed, and this led to negotiations that significantly adjusted the system, but without eliminating significant inequities.

The BCS system is linked to several closely related issues, including potentially disruptive conference realignments, the increased leverage of the entertainment market over university decision making in sports, and the problematic impact of the larger post-season bowl system.

COIA has taken no position on whether the BCS system should be reformed. As a coalition of faculty at both AQ and ~AQ schools, COIA is well positioned to address the question of whether the BCS system has a problematic impact on higher education nationally. However, the Steering Committee also recognizes that COIA member senates normally consider their local school interests as reference points and tend to adopt the perspective of their school experiences. On an issue where the institutional interests of AQ and ~AQ schools differ so sharply, it may be difficult for COIA member senates to reach a common view on questions of national impact. Therefore, the immediate question is not what position COIA should take on the BCS system, but whether it will be productive for the Coalition to ask its senates to consider seeking a common position.

### **Some relevant online sources:**

Wikipedia has useful pages on the BCS structure, history, and controversies:

[http://en.wikipedia.org/wiki/Bowl\\_Championship\\_Series](http://en.wikipedia.org/wiki/Bowl_Championship_Series)

[http://en.wikipedia.org/wiki/BCS\\_controversies](http://en.wikipedia.org/wiki/BCS_controversies)

AP, "[Memo from BCS head offers insight into leaders' thinking](#)" (*USA Today*, 11/3/11)

Peter Kotz, "[College Bowl System Loots Universities](#)" (*City Pages* [Minn.-St. Paul], 12/14/11)

### **Subsidiary discussion questions:**

Should the BCS system be viewed as a natural outgrowth of market competition or as an infringement on the values of the collegiate model?

Is the BCS system undermining the NCAA's role as an effective regulator of college sports and the "level playing field?" What consequences would this have if it were true, and what would be the likely effect on higher education nationally?

Does the BCS system:

- accelerate spending by elite football programs

- raise pressures for conference realignment
- exaggerate trends in competitive inequity
- distribute revenues in an inequitable fashion and, if so is this harmful to higher education nationally?

Would the end of the BCS system raise pressures on ~AQ schools to compete at a higher level?

Is the BCS system superior to a playoff system, and would its elimination lead to such a system?

Does the BCS system:

- tend to limit pressures to spend on non-elite football programs
- produce natural competitive subdivisions within D1A
- add to total revenues in a way that has a positive net impact on higher education nationally

In view of its costs, does the current post-season bowl system as a whole serve the interests of D1A schools and conferences? Does it serve the interests of higher education?

### **Session 3: Antitrust Exemption for Intercollegiate Athletics**

#### **QUESTION:**

**Should COIA support efforts to seek a Congressional antitrust exemption for intercollegiate athletics?**

#### **Background:**

In the 1980s, the Supreme Court ruled that NCAA control over post-season football was in restraint of trade, and in the 1990s the NCAA lost an expensive lawsuit when it was sued by assistant coaches whose salaries has been limited by NCAA fiat. The 1984 case highlighted the economic rights of schools to market their sports programs independent of the NCAA, and the 1995 case protected the rights of personnel to compete for salary in a free market environment, trumping NCAA arguments for the benefits of regulation to limit the impact of market forces and maintain a level playing field. The bases of these rulings were economic, extending to the NCAA consortium the constraints that protect market balances in business, and limiting the NCAA's ability to act as a cartel in regulating the market features of college sports. These rulings in protection of economic rights have predictably contributed to the rapid rise in athletics expenditures. With a growing market of public demand for sports and the effective marketing that TV contracts represent, revenues have risen exponentially and the leverage of coaches, ADs, bowl purveyors, and other major economic actors involved (apart from the athletes) has also grown, contributing to a spiral of costs and a "sports industry" infrastructure that many university administrations are unskilled at controlling, and that schools cannot, under antitrust laws, address jointly (except when they are themselves the economic actors, as in conference contracts and sub-consortia like the BCS).

In the past, COIA has addressed these issues by proposing principles that can guide the economic behavior of schools individually. Long sections of the 2005 [Report to the NCAA Presidential Task Force](#) propose policies that would encourage budget restraint by individual schools and the increased distribution of economic goods according to principles promoting academic integrity rather than according to winning and losing (pp. 2-8). But a recent Knight Commission survey of university presidents, revealing a pervasive sense of powerlessness to



bring these economic forces under control, has demonstrated the absence of effective tools to deal with these issues locally.

Proposals for seeking congressional legislation exemption for the NCAA consortium have existed for some time. The goal would be to grant the NCAA some limited authority to impose constraints on member schools, such as salary or budget caps, that enforce the level-playing-field financial standards somewhat comparable to the way that universal academic standards for eligibility are meant to ensure that all schools field only bona fide students. This type of authority could be used either to redirect revenues from sports to academic budgets, to design a de-escalation of sports commercialization, or a combination. University presidents, who ultimately control NCAA policy, would substantially increase their control over athletics, and some of the dramatic financial inequities that legitimize pay-for-play proposals would decrease.

COIA has not taken any position on such proposals. Opponents of this approach have argued the dangers of engaging Congress in designing a new system through legislation, both because Congress may undertake this with different goals in mind, and also because it may set a precedent leading to more direct federal regulation of universities. An antitrust exemption would clearly disproportionately benefit schools with less financially secure athletics programs over those who have succeeded in the current environment. Moreover, there is a perception that further strengthening NCAA regulatory authority will deprive schools of legitimate independence and inflate the power of an organization sometimes seen as arbitrary.

**Some relevant online sources:**

Len Elmore, "[Exempt the NCAA from Antitrust](#)" (*CHE*, 12/11/11)

[Through LexisNexis] Adam Schaefer, "Slam Dunk: The Case for an NCAA Antitrust Exemption" (*North Carolina Law Review*, Jan. 2005)

**Subsidiary discussion questions:**

Should the NCAA's regulatory authority be strengthened:

- would the NCAA act to promote the academic interests of member schools
- would increased sports profits be reinvested in the NCAA as a sports cartel

What authority should an antitrust exemption provide to the NCAA?

Should returning control of the football postseason be part of an exemption plan?

Is it fair to re-level the playing field to the detriment of schools that have done well under the current regime? Can these effects be moderated by careful design of implementation?

How would NCAA conduct under the exemption be monitored?

\* \* \*

***Additional Background Issue***

In advance the Tulsa meeting, the Steering Committee considered additional discussion topics that were ultimately not included in the meeting agenda because of time considerations. In the case of one of these, the widely discussed proposal to end the tax exempt status of donations to athletics, the Committee prepared a background information sheet which, because of its potential interest to the Coalition membership, is included here.

**QUESTION:****Should COIA support proposals to end tax exempt status for athletics donations?****Background:**

In 2006, US Representative William Thomas, Chair of the House Ways and Means Committee, sent an eight-page letter to NCAA President Myles Brand asking a series of pointed questions concerning the continuing legitimacy of federal tax exempt status for donations to college athletics programs. Removal of tax exempt status had for years been one part of the Drake Group's policy approach to reform, on the theory that curtailing booster support of athletics would sharply curtail the growth of big-time programs. Brand replied to Thomas with a lengthy justification, stretching nearly sixty pages (a detailed Drake Group rebuttal exists). Several years later, a colleague at the University of Illinois School of Law wrote a law review article suggesting that while tax exempt status was within current law, this could be changed through legislation. Colombo's main point was that a strategy for reform could be pursued through Congress by making Congressional agreement on continuation of tax exempt status contingent on a series of reform steps.

COIA has not taken any position on this issue. The Drake/Thomas approach is problematic because it is unclear what the consequences would be of any reduction in athletics donations that followed the end of tax exempt status. The Drake approach assumes that the response would be sharp cutbacks in expenditures, but sharp increases in general fund subsidies seems equally likely. Discussions within the COIA Steering Committee have been more favorable to the Colombo strategy of using the threat of tax code changes as leverage to require reforms, but it is unclear how an ultimate menu of reforms would be formulated, and whether any list developed by Congress would resemble priorities implied by COIA policy positions.

**Some relevant online sources:**

[Letter from Rep. Wm. Thomas to NCAA President Brand and Brand's reply](#)  
(2006; Thomas's letter, pp. 59-66, following Brand reply and appendixes)  
[Through JSTOR] John D. Colombo, "The NCAA, Tax-Exemption and College Athletics," *Illinois Law Review* 109 (2010)

**APPENDIX D: Brief Summaries of Work Session Discussions**

**[From notes prepared by break-out group chairs and recorders.]**

**I. Pay for Play break-out group – approximately 25 participants**

Question #1: Should COIA support pay for play recommendations including but not limited to the \$2000 addition to athletic scholarships proposed by the NCAA?

## 1. Comments:

- a. Athletes have many costs that are not covered by the athletic scholarship such as health insurance, incidental expenses, clothing allowance
- b. Players are “being used” by the system and should get additional money that will cover all of their costs
- c. Paying any additional amount will further divide the athletes from other scholarship and non-scholarship students
- d. Additional money will add to already tight athletic budgets and widen the gap between the haves and have-nots
- e. If stipend amounts varied individually it might create tensions within a team
- f. The additional \$2000 is only a part of a bigger issue: where is “pay for play” heading? Will this open Pandora’s box, or are we already on the “slippery slope”?
- g. This move toward professionalism versus amateur status could lead ultimately to elimination of intercollegiate athletics programs, and thus no opportunities for low income students to “get out of their circumstance”

## 2. Conclusion: Additional funds are already available to athletes

- a. Athletes can get Pell grants up to cost of attendance  
Note: concern that students who need money through Pell grants will not know how to fill out the applications or know that these are available; universities must assist students in this case
- b. Conferences and universities have discretionary/student assistance funds that can provide this assistance

## 3. Recommendations

- a. Reinststitute multiyear scholarships which carry with them an additional amount per week for the athletes (multiyear would be considered a gift to the students, not a one year “contract for hire” that would have to be renewed; additional “gift money” could be added)
- b. Increase the discretionary funds for athletes that could be awarded on a need basis

Question #2: Should Freshman ineligibility be reinstated?

## 1. Comments

- a. Freshman ineligibility might drive down freshman success rates; some student athletes view college attendance and athletics as necessarily linked

- b. Many freshman arrive on campus “ready to play”
  - c. This may be a concern for football and basketball, but may not apply to other traditionally “high GPA” sports
  - d. The issue is complicated by students with dual credits, AP credits, mid-year transfers
2. Recommendations
- a. Link eligibility decision to projected “academic success”
    - i. Athletes must participate in summer program and courses before participation  
[Note – many universities are already doing this]
    - ii. The person on each campus who will define “academic readiness” must be clearly defined and associated with the academic officer’s (Provost”) office
    - iii. Institute an academic redshirt year for academically marginal students

## **II. Post-season football break-out group – 6 participants**

Question: Should COIA advocate for changes in post-season football, and specifically concerning the maintenance of the BCS system?

Summary:

COIA should advocate that with the proposed (and imminent) changes coming in the BCS, can the BCS coalition consider three things: (1) academic integrity within the broad areas of COIA previously espoused core values; (2) a more equitable distribution of funds to intercollegiate programs; and (3) a more equitable access to participation for other Div-1 football schools.

Selected comments within the dialogue included the following:

- We don’t want to determine the playoff system; let the BCS folks do that.
- We have to recognize that the BCS is “entertainment” and its continuation has little to do with the academic integrity that COIA is all about.
- **But** isn’t exploiting student-athletes for “entertainment” counter to the role of academics?
- The further bifurcation of college athletics between the “haves” and the “have-nots” will be widened due to the enormous money now flowing to the six (maybe five?) BCS conferences
- Should we (COIA) even have a role in discussing this at all?
- The seemingly helter-skelter re-alignment of conferences is a direct result of the enormous stakes for a share of the BCS money.
- Can COIA just support the Knight Commission recommendation that distribution can be related to academic performance (as discussed by Amy Perko on Saturday)?

## **III. Antitrust exemption break-out group – 8 participants**

Question: Should COIA support efforts to seek a Congressional antitrust exemption for intercollegiate athletics?

Discussion of this issue was unusually wide-ranging. Although members of the group raised the question of whether a faculty group whose professional expertise was in academics should be addressing a legal issue connected with commercialism and finances, the issue ultimately engaged all those present (who were very conscious that the group included no lawyers or law school faculty colleagues). In the end, the group did not answer the question as posed, but contributed ideas that addressed a series of subsidiary issues:

What would be the goals of requesting an exemption from anti-trust laws?

- One set of objectives would be to slow, stop, or reverse the trend of sharply rising expenditures, allowing schools and conferences gradual disengagement from excessive commercialism.
- A second set would be to contribute to level-playing-field competition, and to diminish program focus on winning (as opposed to focus on integrity and student growth).

Why is an antitrust exemption necessary?

- Participants noted the recent Knight Commission survey indicating that many university presidents believe they have lost control of athletics. Individual schools are not in a position to resist larger trends unilaterally: the costs are too high and opposition would defeat any president who tried.
- Attempts to coordinate efforts *within* antitrust constraints, which have 80 years of history, have proved ineffective. Schools need to be able to set limits on the scale of athletics budgets among competing schools.

How would legislation be sought?

- Presumably, such an exemption would have to be pursued by university presidents lobbying Congress as a body. The legislation would likely empower coordinated budgetary regulation (a constraint of commercial market forces) through the NCAA.
- Seeking such an exemption would be complementary to the Knight Commission's recommended approach of adjusting incentives to better align university behavior with academically based value goals. However, agreement on and implementation of incentives piecemeal will not be adequate, given accelerating trends.

Could university presidents demonstrate a critical public need that would justify the use of government power to limit the economic rights of individuals, such as coaches, vendors, etc.?

- The fundamental issue is national cost: in excess of \$1 billion net annual transfers to athletics from academics in the FBS-Division alone [approximately \$3 billion for all of NCAA Division I, with the total for all NCAA member schools coming to approximately \$4.5 billion]. The diversion at a time of flat or decreasing US support for university teaching and research and dramatic increases abroad makes this a national policy issue.
- Justifications must demonstrate that savings generated by an exemption are applied in ways aligned with the legislation. This implies a regulatory regime designed to measure the fiscal effects of actions taken under the exemption, and to demonstrate positive consequences balancing the limitation of economic rights of individuals. Presumably, the NCAA would take on this function and a government agency, such as the Department of Education, would monitor its role.
  - From the standpoint of higher education, this would be a significant non-financial cost, which would need to be justified by the benefits of the exemption.
  - This might require some restructuring of the NCAA.

What specific features would such legislation have?

- There are alternative approaches:
  - Regulation governing limits within divisions on total athletics expenditures (operating and capital budgets);
  - Caps on total personnel costs or salary limits on specific positions (with the intent of disengaging the market for coaches of amateur sports from the market for professional sports coaches);
- Enhanced revenue sharing:
  - Level playing field mechanisms are a strong disincentive to escalating school investments in athletics.

What unintended consequences can we foresee?

- Congressional action cannot be well controlled and the design of legislation may diverge from the intent of the request.
- Subsequent Federal intervention in higher education may be encouraged by this example.
- The most successful programs (for example, BCS “automatic qualifier” schools) may be encouraged to leave the NCAA and decline the exemption to avoid regulation.
  - Any exemption proposal must be designed to minimize the short-term impact on the largest programs to mitigate the effects of rapidly leveling the playing field – necessary for buy-in both in seeking the exemption and in living within its limits.

Any final recommendation from the Steering Committee to the Coalition membership on the question of a COIA position on seeking an antitrust exemption should take into account these considerations.