Table of Contents

Extended Written Remarks to the United States Senate Committee on Commerce, Science and Transportation

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Introduction

Chairman Rockefeller, Ranking Member Thune, and distinguished committee members, thank you for the opportunity to share extended written remarks with the committee. My remarks draw upon previously published peer-reviewed articles, and utilize well-established sociological, organizational, and economic theories, as well as empirical studies. In addition, I refer extensively to National Collegiate Athletic Association (NCAA) documents and the work of numerous colleagues who – over several decades – have researched college sport.

Before I begin, I want to recognize two individuals whose work laid the groundwork for much of today's college-sport research: George Sage and Stanley Eitzen. In addition, throughout my academic career I have had the distinct honor of working with and learning from great colleagues, including: John Amis, Jamal Brooks, Brendan Dwyer, Woody Eckard, Gerry Gurney, Peter Han, Louis Harrison, Billy Hawkins, Ramogi Huma, Matthew Kelley, Che Mock, Leonard Moore, Mark Nagel, Evelyn Oregon, Michael Oriard, Kadie Otto, Amanda Paule-Kobe, Fritz Polite, Daniel Rascher, David Ridpath, Allen Sack, Gary Sailes, Linda Sharp, John Singer, Earl

Smith, Crystal Southall, Deborah Southall, Ellen Staurowsky, Robert Turner, Pam Vaccaro, Sonny Vaccaro, Jonathan Weiler and Doug Wells.

In addition, while I recognize there are distinct socio-demographic differences within and between NCAA divisions, as well as between NCAA revenue and Olympic sports, my extended written remarks focus on what is euphemistically called "big-time " college sport. Specifically, my remarks (and the attached peer-reviewed research articles) trace the manner in which NCAA D-I member universities and the NCAA national office have sought to protect their business interests at the expense of the well-being and academic success of NCAA *profit-athletes*. [1]

Organizational Rebranding

For several decades, the NCAA has been aware that "[a]s the scale of both revenue generation and spending [continue to grow], there is a general sense that 'big-time' athletics is in conflict with the principle of amateurism" (NCAA, 2010a, para. 3) and that increased governmental and public scrutiny is likely "…if graduation rates do not improve in underperforming sports" (NCAA, 2010c, para. 4).

Consequently, to deflect criticism of the business of big-time college sport, in 2003 the NCAA embarked on a two-part organizational rebranding strategy that was part of "…an aggressive public and media relations agenda that addresses critics…[and] provide[s] an alternative to [what the NCAA describes as] the doggerel of cynics" (NCAA, 2010c, para. 4).

[1] Profit-athletes are NCAA college athletes whose estimated market value exceeds the value of NCAA-approved compensation (i.e., NCAA Bylaw 15.02.5 "A full grant-in-aid is financial aid that consists of tuition and fees, room and board, and required course-related books.").

First, the NCAA created "…a term of art [The Collegiate Model of Athletics] [as]…a better understood definition of amateurism that isolates the principle to the way in which [college] athletes are viewed without imposing its avocational nature on revenue-producing opportunities" (NCAA, 2010a, para. 3; NCAA, 2010d, para. 1). NCAA documents reveal the NCAA national office staff believes "[p]rotecting the collegiate model is nearly by definition the primary focus of the office of the NCAA president" (NCAA, 2010c, para 3).

Second, in an effort to maintain the perception of a clear line of demarcation between its collegiate model and professional sport, and offer support for the effectiveness of its new Academic Progress Program (APP), the NCAA developed two metrics: the Academic Progress Rate (APR) & Graduation Success Rate (GSR). Over the past decade the NCAA has consistently sought to position its GSR as the best or most accurate graduation rate and utilize GSR and APR scores as evidence big-time college sport has one clear focus - education.

However, specific to this NCAA graduation-rate strategy several items are noteworthy:

1. Neither the Federal Graduation Rate (FGR), mandated by Congress, nor the NCAA's GSR is perfect or inherently a more accurate metric; they utilize different sampling and statistical analyses to examine different cohorts. In short, they are different graduation rates.
2. The GSR consistently returns a "success" rate 12-25% higher than the FGR. As far back as 1991 (NCAA, 1991), the NCAA knew that by removing 1/4 to 1/3 of

what it referred to as “eligible dropouts” from the sample would result in a markedly higher “success” rate.

3. A comparison of published FGRs of NCAA athletes and the general student population includes a significant number of part-time students at many schools. This is problematic because NCAA athletes must be “full-time.” Consequently, it makes sense to compare full-time college athletes with other full-time students. Without adjusting for the possible downward “part-timer bias” in the student-body rate, any comparison may be distorted – or somewhat skewed. Because part-time students take longer to graduate, reported general student-body FGRs may be significantly reduced, making the relative rate of college athletes at many schools and conferences appear more favorable.
4. Finally, since there is no comparable national-level GSR for the general student body, GSR and FGR data should NOT be reported simultaneously. To do so in press releases or dataset tables invites inappropriate comparisons and fosters confusion.

While the NCAA national office has sought to protect the organization’s collegiate model by focusing on rebranding strategies, athletic department academic support staffs have been caught between a proverbial rock and a hard place. As advisors will candidly admit “off-the-record,” the collegiate model depends on an amorphous “special-talent” admissions process, and results in a focus on maintaining eligibility and athletes often clustering or “being steered” to majors conducive to their work (i.e., practice and competition) schedules (Gurney & Southall, 2012, 2013; Southall, 2012).

Several “authorities” within NCAA and university governance structures have identified clustering and scheduling of easy courses as problems within college sport. The 2013 *NCAA Faculty Athletics Representative (FAR) Study* (pg. 26) reports that 66% of DI FAR's identified "scheduling considerations" and 59% identified "major provides an easy academic path" as "Reasons for Major Clustering." In addition, a 2012 report from the *Association of Governing Boards of Universities and Colleges* specifically noted that relative to intercollegiate athletics, governing boards have a responsibility to monitor clustering. These reports confirm that NCAA staff, faculty members, university administrators, and governing board trustees are all aware of clustering. While these issues may be publicly downplayed, or data aggregated to present a more palatable image of the collegiate model, disparities in graduation rates between profit-athletes and the general student body, as well as large-scale clustering of such athletes are examples of systemic impediments to profit-athletes’ equal-educational access.

Total Institutions

In addition, profit-athletes, tend – in important respects – to be physically, culturally, and socially isolated from the campus community. They live in what is, in many ways, a tightly controlled parallel universe indicative of Goffman’s (1961) *total institutions* (Southall & Weiler, 2014).

In practice, big-time college-sport programs fall somewhere on a spectrum between two extremes: *educational utopia* and *exploitative sweatshop* (Green, 2010). Intercollegiate athletics potentially provides a chance for athletes to obtain a college degree while competing in their chosen sport. However, profit-athletes who are

disproportionately *engulfed* in their athletic role (Adler & Adler, 1991), *foreclosing* themselves from other identities (Oregon, 2010), often view college sport mostly as an opportunity to dramatically improve their families' socio-economic status (Makuhari Media Production, 2013). In order to realize this economic gain players often travel to out-of-state colleges and universities, and barter their athletic abilities in exchange for an athletic grant-in-aid (Hawkins, 2010). Similar to labor migrations in which rural Southern workers headed North for job opportunities, three Southern states (Texas [1], Florida [3], and Georgia [5]) are among the top five Football Bowl Subdivision (FBS) football-player producing states (Baker, 2010). In addition, when analyzed on a per-capita basis, six Southern states are among the country's top-ten (Louisiana [2], Florida [3], Alabama [4], Georgia [5], Texas [6], Mississippi [8]) (Baker, 2010). As a result, many profit-athletes' relationships with NCAA Division-I universities and colleges are akin to the existences of oscillating migrant laborers, who rotate between their residence and work locations (Hawkins, 2010; Southall & Weiler, 2014).

Within this environment, the behavior of current NCAA D-I athletes' (especially profit-athletes) is monitored and scrutinized by athletic department staff and coaches much more so than that of regular students. For example, athletes' use of social media, a right every other student possesses, is closely tracked and restricted. In an NCAA news release Hosick (2013) noted, "Many member institutions feel pressure to monitor their student-athletes' online activity to demonstrate effective oversight that will stand up to scrutiny if ever faced with allegations of significant violations of NCAA rules" (para. 2). While the methods of

monitoring differ, most compliance directors agree that significant monitoring and regulation of content posted is justified. As one Associate Athletic Director for [NCAA] Compliance said, "We do monitor it, and we tell them we're doing it…. We're not going to bury our heads in the sand" (Hosick, 2013, para. 18).

In addition to monitoring and regulating athletes' social media activities, some athletic departments specifically track their profit-athletes' spending habits. In the fall of 2012 The Ohio State University (OSU) began such targeted scrutiny (Bishop, 2012). Ohio State justified the practice as a reasonable response to a recent scandal in which football players exchanged memorabilia for free tattoos, a violation of NCAA rules against impermissible benefits to athletes (Bishop, 2012). OSU's athletic director, Gene Smith, called this surveillance tactic a "common sense" policy, since there are so many different ways to run afoul of NCAA rules (Bishop, 2012).

Consistent with a post-racial perspective,[2] Smith said such scrutiny was simply "educational," since many profit-athletes come from poor backgrounds (where they had never before, for example, opened a checking account) (Bishop, 2012). Consistent with Goffman's (1961) total institutions and similar to the culture of Southern textile towns, big-time intercollegiate athletic administrators see nothing abnormal about exerting extreme paternalistic claims on the lives of profit-athletes that echo the social experience of migrant company-town workers.

[2] Data from the 2009-2010 NCAA Student-Athlete Race / Ethnicity Report (NCAA, 2010c), Integrated Postsecondary Education Data System (IPEDS), and School District Demographics System (SDDS) provide evidence the majority of NCAA FBS football and men's basketball players (including those with the greatest market value) are African-American males, who come disproportionately from lower-to-middle class socio-economic backgrounds (National Center for Education Statistics, n.d.).

While in fundamental ways the life of a football player at the University of Alabama-Tuscaloosa in 2013 is not equivalent to the actual conditions of life on a plantation, nor as perilous as being a West Virginia coal miner, it should be noted college football players (by far the most lucrative college sport) do face endemic health problems. According to Hootman, Dick, and Agel (2007), college football players have the highest injury rates for both practices (9.6 injuries per 1000 A-Es) and games (35.9 injuries per 1000 A-Es) among all college athletes. In recent years research on head trauma and its potential long-term negative health effects has cast a pall over the sport.

Similar to subsurface coal mining, which frequently led to "black lung" disease among miners, and "brown lung" disease that afflicted textile workers, college football (college sport's main economic engine) is increasingly seen as a dangerous "occupation," with "recent published reports of neuropathologically confirmed chronic traumatic encephalopathy (CTE) [3] in retired professional football players and other athletes who have a history of repetitive brain trauma" (Center for the Study of Traumatic Encephalopathy [CSTE], n.d., para. 1).

As a result, while the extensive health services provided to FBS football players may initially appear to be generous and altruistic, they can also be viewed as capital expenditures to protect universities' investments in the labor-force that

[3] According to the Center for the Study of Traumatic Encephalopathy (CSTE), an independent academic research center located at Boston University School of Medicine, CTE "…is progressive degenerative disease of the brain found in athletes (and others) with a history of repetitive brain trauma, including symptomatic concussions as well as asymptomatic subconcussive hits to the head" (CSTE, n.d.).

drives the collegiate model (Huma & Staurowsky, 2012). If an important profit-athlete is injured and unable to compete, his athletic value to the athletic department is significantly diminished. Therefore, it is in an athletic department's best interest to insure revenue-generating profit-athletes can be rehabilitated and return to competition as soon as possible.

Protecting the Collegiate Model

Through sophisticated and subtle sociological propaganda (Jowett & O'Donnell, 1992; Southall & Staurowsky, 2013) the NCAA national office has achieved spontaneous consent to its collegiate model. For some, NCAA hegemony is complete (i.e., coaches, conference commissioners, and administrators, corporate partners), while others exist in a state of "moral and political passivity" (Gramsci, 1971, p. 333). Some (i.e., presidents, FAR's, and many loss-athletes[4]) view profit-athletes as valued entertainment commodities. Almost all, however, consistently proclaim the educational mission of college sport while protecting the collegiate Model of Athletics – a massive revenue-producing enterprise. To protect this model, it is crucial that college-sport stakeholders convince the general public that revenue-generating athletes are something other than ordinary employees entitled to standard forms of compensation.

As Kuhn (1991) noted, propaganda is effective because it exploits people's reluctance to intellectually engage with any oppositional or alternative views. Since

[4] In the current NCAA D-I Collegiate Model of Athletics, almost all "Olympic sport" college athletes are "loss-athletes" – athletes whose market value is less than the value of NCAA-approved compensation. In addition, not all "revenue-sport athletes" are necessarily profit-athletes, since reserve or "bench" players may have a diminished market value.

2003, while the NCAA has successfully imbedded its Collegiate Model of Athletics into the public's consciousness, there has been little progress in ensuring profit athletes have equal access to educational opportunities afforded other students. Consistent with Black's (2001) analysis, the national office's propaganda has imperceptibly influenced marginalized NCAA institutional actors to adopt a mental and emotional state that fluctuates between resistance and conformity, disagreement and apathy. In addition, by positioning the NCAA president as a *philosopher king*, who speaks with almost unquestioned moral authority, the national office maintains a semblance of order, continuity and stability within college sport.

The NCAA's consistent warning that college sport "as we know it" is under attack and that it must not "… be allowed to be drawn to the professional model like a moth drawn to a flame" (Brand, 2004, p. 7) is predicated on the axiom that allowing athletes independent representation or access to the college-sport market would unhinge college sport's ties to alumni and fans, and result in college sport's destruction. This assertion is not supported by empirical evidence. No publicly available research supports the notion that if profit-athletes participated in the multi-billion dollar college-sport enterprise, consumers would be so outraged they would cease attending games.

Interestingly, the term 'collegiate-model' was unveiled while the NCAA was engaged in ongoing conversations with a primary media partner (ESPN) about a new venture that would deliver college-sport content to viewers seven days a week, 24 hours a day. In September of 2004, ESPNU executive John Wildhack said the new

cable channel (ESPNU) would give ". . .college-sports fans more of what they want. There is not a better opportunity for ESPN than this network, considering the roots of our company that go back to college basketball and football and our relationship with the NCAA" (Reynolds, 2004, para. 16). This additional distribution channel was launched during the height of March Madness 2005. Ironically, one of ESPNU's first broadcasts—under the umbrella of ESPN's Emmy-award winning enterprise journalism franchise—*Outside the Lines* —was the "ESPNU Town Hall: Should College Athletes Be Paid?" Paradoxically, the NCAA's hegemony was so complete it could even generate revenue off discussions about issues plaguing college sports resulting from its collaboration with media partners.

While systematic and sustained propaganda need not be detrimental to society, its use to silence open critical discourse is problematic, especially when applied in educational settings. Cautioning that propaganda had the potential to discourage open-mindedness, a condition antithetical to education, Martin (1929) wrote, "Education aims at independence of judgment. Propaganda offers ready-made opinions for the unthinking herd" (as quoted in Black, 2001, p. 122). Herman and Chomsky (2002) likened the use of propaganda in a democracy to that of violence in a dictatorship, where mechanisms for dissent are effectively stifled either through benign messaging or outright force.

The NCAA national office's calculated efforts to obtain consent to ". . . a better understood definition of amateurism that isolates the principle to the way in which student-athletes are viewed without imposing its avocational nature on revenue-producing opportunities" (NCAA, 2010a, para. 3) through consistent messaging and

subtle persuasion – rather than member engagement – reveals the extent to which an effective sociological propaganda campaign can shape public discourse.

This strategy is consistent with the NCAA's federated governance structure, which isolates decision-making among a small group of major conferences, and results in acquiescence from the vast majority of the "association" and "membership" (Staurowsky, 2004). While State of the Association addresses serve as blueprints for where the NCAA is headed, the vast majority of individuals working in college sport rarely read them, and only a few institutional decision makers actually hear the addresses. The subtle nuances in language and preferred terminology encoded in these speeches have been represented and retransmitted through NCAA communiqués that invite agreement rather than critical consideration. As a consequence, many groups acquiesce to a Collegiate Model of which they have little, if any, working knowledge. Some within the intercollegiate athletic community genuinely do not apprehend what is at stake in embracing a model that codifies the monetization and revenue maximization of the college-sport enterprise at every level, something once reserved only for Division I.

As a result, within today's college-sport landscape there are many who fail to comprehend the NCAA's institutional hegemony, others who unquestionably view their mission as maintaining and reinforcing a status quo that conforms to taken-for-granted institutional facts, and a dominant group that actively creates and wields the Collegiate Model as a linguistic and philosophical "armor of coercion" (Adamson, 1980) to deliberately form, control, and alter attitudes.

Conclusion

Within this discursive setting, college athletes' choices are limited (Huma & Staurowsky, 2011). Not only do they often find it difficult, if not impossible, to conceptualize an alternative college-sport institutional logic (Southall, Nagel, Amis, & Southall, 2008), but since the collegiate model marks the boundaries of any discourse (a discourse college athletes inherit but effectively play no role in shaping) it is necessarily difficult or sometimes impossible for college athletes to determine the source of their alienation within the collegiate model, let alone conceptualize ways to remedy their situation. In addition, for marginalized college athletes, who—most notably—in NCAA Division-I have "no voice and no vote" the threat of officially sanctioned force (in the form of a loss in eligibility) remains an implicit control mechanism. As a result, college athletes—especially those revenue-sport athletes who migrate to *Predominately White Institutions* (PWIs)[5] from geographically and culturally distant settings (Hawkins, 2010; Hawkins & Southall, 2012)—adopt a mental and emotional state that fluctuates between resistance and conformity, disagreement and apathy.

Nowhere is the NCAA national office's overriding imposition of its authority and jurisdiction over subordinates (specifically athletes), more clearly evidenced than in its manipulation of "consent" through the use of "eligibility" documents (i.e., Form 12-3a—Student-Athlete Statement—NCAA Division I) to obtain the right to *monetize* (e.g., generate billions of dollars in revenue) profit-athletes' names, images

[5] The term Predominately White Institutions (PWIs) (Hawkins, 2010) refers to the set of US universities that are NCAA Division-I members competing in NCAA FBS football and/or NCAA D-I men's basketball.

and likenesses (NILs) (Follman, 2014; Schroeder, 2014). A recent lawsuit (*O'Bannon v. NCAA*)—with its discovery, testimonies, and depositions—offered a glimpse of the NCAA's faux commitment to amateurism.

The NCAA has manufactured consent to the economic interests of its Collegiate Model of Athletics through simultaneously threatening athletes with loss of eligibility and fostering uniform agreement among member institutions and representative leadership who consent to these practices with little opposition (Hinnen, 2013; Singer, 2013).

Achieving spontaneous consent among NCAA members allows for the proliferation of profit-seeking tendencies to move forward with little actual resistance. In concert with the national office, the NCAA' most powerful football playing institutions have carved out a new playoff system under the name of the College Football Playoff that is expected to yield a $500 million return on four end of season games leading to a "national" champion (Schroeder, 2012). The NCAA national office, in turn, realizes nearly $800 million per year as a result of its multibillion-dollar contract promoting March Madness and men's basketball

Through the "steady drumbeat" (NCAA, 2010d, para. 3) of sophisticated and subtle sociological propaganda techniques (Jowett & O'Donnell, 1992; Southall & Staurowsky, 2013), the NCAA has sought spontaneous consent to the NCAA mythology that big-time college sport is a moral endeavor that enhances "… the educational experience of [quote-unquote] student-athletes" (Renfro, 2012, p. 33).

However, there is clear evidence the NCAA's Division I Collegiate Model of Athletics systematically exploits profit-athletes' by denying them access to the

college-sport enterprise, due process, basic bargaining rights, standard forms of compensation, as well as equal access to a world-class university education.

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[6] After a link to the NCAA's President's Briefing Documents was published March 30, 2012 in *The New York Times* (Nocera, 2012), the NCAA deactivated all associated URLs. Currently, a "404 Not Found" message appears. The NCAA does not deny the existence of the documents.

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Annotated Bibliography

This bibliography provides additional material (much of it peer-reviewed) that will be useful in examining college athletes' well being and academic success. Where available, hyperlinks to Internet locations of documents have been provided.

NCAA Support of Independent College Sport Research

- The Lost NCAA Conference

http://sports-law.blogspot.com/2007/04/lost-ncaa-conference.html

- Scholarly Colloquium attracts research focus

http://fs.ncaa.org/Docs/NCAANewsArchive/2007/Association-wide/scholarly+colloquium+attracts+research+focus+-+10-08-07+-+ncaa+news.html

- NCAA's Tolerance for Dissenting Views at Its Academic Forum Appears in Doubt

http://onnidan1.com/forum/index.php?topic=70639.0;wap2

- NCAA Withdraws Financial Support for Its Scholarly Colloquium

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Appendix: Graduation Rate Data+

Table 1. 1995-2003 FGRs for D-I Football and Men's Basketball

Cohort	FGR	FGR MBB (D-I)	FGR FB (D-I)
1989	1995	43%	53%
1990	1996	44%	54%
1991	1997	45%	56%
1992	1998	44%	54%
1993	1999	47%	54%
1994	2000	46%	55%
1995	2001	49%	54%
1996	2002	51%	56%
1997	2003	47%	55%
Avg. 1995-2003 (FGRs)		**46%**	**55%**

Table 2. 2004-05 to 2012-13 FGRs for D-I Football and Men's Basketball

Cohort	Report	FGR MBB D-I	(N)*	FGR FBS FB	(N)*
1998	2004-05	44.0%	300	54.1%	112
1999	2005-06	44.6%	313	54.9%	111
2000	2006-07	45.3%	314	55.0%	112
2001	2007-08	46.0%	317	54.5%	116
2002	2008-09	47.3%	320	54.5%	116
2003	2009-10	47.1%	323	55.0%	116
2004	2010-11	47.2%	326	55.6%	116
2005	2011-12	46.8%	329	56.7%	115
2006	2012-13	46.3%	335	57.7%	117
Avg.		**46.1%**	**320**	**55.3%**	**115**

* N = NCAA D-I and/or FBS universities for report period.

+ Source: NCAA Student-Athlete Experiences Data Archive (n.d.). Retrieved from

http://www.icpsr.umich.edu/icpsrweb/NCAA/studies/30022#datasetsSection

Table 3. Comparisons of Graduation Rate Metrics.

Cohort	FGR*	GSR	AGG**
Male Students	**61**	**N/A**	**N/A**
FBS Football	**58**	**70**	**-18**
D-I Men's BB	**46**	**70**	**-32**
Baseball	**48**	**74**	**-31**
Female Students	**65**	**N/A**	**N/A**
D-I Women's BB	**64**	**85**	**-14**

Notes:

*FGRs are 2012-13 4-Class Averages. GSRs are 2012-13 figures. Retrieved from http://web1.ncaa.org/app_data/GSR/qaahad13/1_0.pdf
**AGG Reports available at http://csri-sc.org/research/