#### INCAPACITY: ENFEEBLING HIGHER EDUCATION

# The Incompatibility of Sports and Higher Education



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College sports programs were developed as a supplement to the academic experience, a means by which to foster in young students an appreciation for teamwork, competition, public spiritedness, and a sense of fair play. As time has passed, though, big-time college sports have become a revenue generating form of mass entertainment, making sports programs a primary vehicle through which many universities chase status and money. It could hardly be otherwise. Division 1-A football teams average revenue of around \$30 million annually, while the very best teams cash in at close to \$200 million. In 2018, the U.S. Department of Education (USDOE) estimated that post-secondary college sports raked in \$14.2 billion in revenue, up from \$4 billion in 2003, and more than every professional sports league except the National Football League.

While most colleges contend that their sports programs fail to make a profit, it has become clear that the survival of many sports programs require, at the very least, a softening of traditional academic standards.<sup>3</sup> This too could hardly be otherwise. Mass entertainment amateur sports require top-level athletes, not

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<sup>&</sup>lt;sup>1</sup>Cork Gaines, "The average college football team makes more money than the next 25 college sports combined," *Business Insider*, October 20, 2016.

<sup>&</sup>lt;sup>2</sup>U.S. Department of Education, Equity in Athletics Data Analysis, retrieved on May 18, 2019 from https://ope.ed.gov/athletics/Trend/public/#/answer/6/601/main?row=-1&column=1; Chris Murphy, *Madness Inc. How Everyone is Getting Rich off College Sports Except the Players*, Chris Murphy, U.S. Senator for Connecticut, retrieved on May 18, 2019 from https://www.murphy.senate.gov/download/madness-inc; Darren Ravell, "NCAA tops \$1 billion in revenue during 2016-17 school year," ESPN.com, March 7, 2018, http://www.espn.com/college-sports/story/\_/id/22678988/ncaa-tops-1-billion-revenue-first

<sup>&</sup>lt;sup>3</sup>Matt Brown, "Major college athletic departments have money. Be skeptical when they say otherwise," SBnation.com, February 28, 2019, https://www.sbnation.com/2019/2/28/18242974/college-sports-athletic-department-profit-revenue-money

scholars, and the incentive to excel academically is not typically enough to attract the very best. Thus, the weakening of academic standards imposed by the athletics regime is an inherent feature of the mismatch between the goals of educational institutions and that of high revenue, mass entertainment sports.

Recent serious and regrettable scandals, along with a number of high profile legal challenges to the college sports system, have thrust this mismatch into the glaring light of day, and may provide an opening through which necessary reforms could advance.

## **Corrupt Curricula**

The University of North Carolina (UNC) scandal of 2010 illustrates how big-time sports programs can corrupt the academic mission. The scandal involved not only lowering academic requirements for student athletes, but the actual creation of a subpar program of study designed to preserve the athletic eligibility of student athletes.

The practice of carving out inferior academic niches in the form of less rigorous courses—or even whole departments and degree programs—for underprepared students is not new. A recent study by the National Association of Scholars documents that the rise of African American Studies degree programs were a response, in part, to the presence in large numbers of underprepared black students resulting from preferential admissions. The study notes, "The admission of substantial numbers of black students was inextricably linked with the pressure to create the Afro-American Studies program." Similar kinds of efforts to provide substandard academic coursework for underprepared student athletes has also become common, with UNC's effort being only the most publicized.

At UNC roughly 200 courses were created within the African and Afro-American Studies department to support student athletes ill-equipped to maintain good academic standing along traditional lines. As a university-commissioned investigation explained, UNC had for nearly two decades offered a "shadow curriculum" of fake classes into which athletes were steered. A single staff member administered most of these courses—skirting common checks and balances in the grading

<sup>&</sup>lt;sup>4</sup>Dion J. Pierre, Peter W. Wood, *Neo-Segregation at Yale*, in *Separate but Equal, Again:Neo-Segregation in American Higher Education*, (New York: National Association of Scholars: 2019), 39, https://www.nas.org/images/documents/NeoSegregation\_at\_Yale.pdf



system—course requirements were minimal and grades, the investigation found, were often changed without authorization. Most of the participating students were from the high profile, big money sports of basketball and football and, as the *New York Times* reported in 2017, the scheme "appeared to be a stark subversion of the NCAA's central tenet that college athletics are a mere component of education."<sup>5</sup>

The NCAA filed several "notices of allegations" against UNC beginning in 2014 and by 2018 the university had spent \$21 million on legal fees. UNC maintained that the fraudulent courses were open to all students, only marginally involved university athletics, and that the problems were academic in nature, and therefore beyond the NCAA's purview. In the end the NCAA agreed, taking no action and stating that it lacked the power to punish the university under the rules of the NCAA. Similar misconduct, UNC officials noted, was also alleged at Auburn University and the University of Michigan, two other major sports schools, and the NCAA chose not to penalize those schools either.

In the aftermath of the scandal, UNC officials insisted that it had "done everything possible to correct and move beyond the past academic irregularities." But critics of UNC and the NCAA were dismayed. UNC history professor Jay M. Smith was so disappointed in the outcome of the investigation that he co-authored a book about the scandal entitled *Cheated* (2015), and created a new course to teach UNC students about it—"History 383: Big-Time College Sports and the Rights of Athletes 1874 to Present." "I thought, I cannot rely on this institution to do the right thing," Smith told the *New York Times*, "and I think it would be an abdication of responsibility for us to pass up the opportunity to provide students at this institution an opportunity to learn about their scandal." "

The consequences for students of putting athletics before academics at UNC appear to have been traumatic. Learning specialist Mary Willingham, co-author with Smith of *Cheated*, surveyed 183 UNC athletes who participated in either football or men's basketball from 2004-2012. She found that 60 percent read at between a fourth and eighth grade level. Between eight and ten percent read

<sup>&</sup>lt;sup>9</sup>Ibid.



<sup>&</sup>lt;sup>5</sup>The NCAA is the National Collegiate Athletics Association. Marc Tracy, "N.C.A.A.: North Carolina Will Not Be Punished for Academic Scandal," *New York Times*, October 13, 2017.

<sup>&</sup>lt;sup>6</sup>Dan Kane, "New Legal Bills Push UNC's Tab for Academic Scandal to \$21 Million," *News & Observer*, August 14, 2018.

<sup>&</sup>lt;sup>7</sup>Tracy.

<sup>&</sup>lt;sup>8</sup>Marc Tracy, "College Sports 101: A U.N.C. Class Reviews a Scandal at Its Source," *New York Times*, April 4, 2019.

below a third grade level. <sup>10</sup> "The focus is on keeping an athlete eligible rather than letting them have access to a real desired education," said B. David Ridpath, a professor of sports administration at Ohio University who now works at The Drake Group, which advocates for academic accountability in college sports. <sup>11</sup> Another writer explained succinctly about Division I athletes in general, "They are steered into meaningless classes with 'safe' professors; they plagiarize; they get illicit tutoring—whatever it takes to retain eligibility. Many coaches, alumni, administrators and faculty facilitate the charade."

## The Power of Sports on Campus

While the UNC scandal involved the degradation of coursework in order to keep underprepared athletes enrolled, the recent scandal dubbed "Operation Varsity Blues" (OVB) exposed the problem of admitting athletes without the requisite academic credentials. As with the creation of a two-tiered system of course work, lowering admissions standards in order to admit underprepared students (or to exclude disfavored ones) has a long pedigree in U.S. colleges, dating back at least to the Ivy League's "Jewish Quotas" of the 1920s. The system of admissions preferences for black and Hispanic applicants and for children of alumni ("legacies") is to this day perhaps the most divisive issue in higher education. Preferences for student athletes is, in other words, part of a much broader and more fundamental debate over the university's role as the gatekeeper of opportunity and success.

Nevertheless, OVB has revealed to the world how thoroughly sports programs and the people who run them have consolidated their power over university admissions policy, at the expense not only of academic quality but of equal opportunity as well.

In March, 2019 federal prosecutors in the Office of the U.S. Attorney for the District of Massachusetts unsealed indictments of fifty people on conspiracy and fraud charges relating to a college admissions scheme spanning several top tier and second tier institutions across the country. The case riveted the public's attention not only because it involved well-known celebrities Lori Loughlin (of television's *Full House*) and Felicity Huffman (*Desperate Housewives*),

<sup>&</sup>lt;sup>12</sup>Jay Schalin, "Time for universities to punt football," Washington Times, September 1, 2011.



<sup>&</sup>lt;sup>10</sup>Sara Ganim, "Some College Athletes Play like Adults, Read like 5th-graders," CNN, January 8, 2014.

<sup>&</sup>lt;sup>11</sup>B. David Ridpath, "The College Football Playoff And Other NCAA Revenues Are An Exposé Of Selfish Interest," Forbes, January 17, 2017.

but also because it reinforced a fashionable but powerful media-driven narrative of class warfare, in which the rich and famous play by a different set of rules.

At the center of the scandal, parents paid William Singer, a college admissions consultant—through his charitable venture Key Worldwide Foundation—to inflate their child's ACT or SAT scores in order to make acceptance to colleges of their choice more likely.<sup>13</sup>

Of the fifty people charged in connection with the scandal, thirteen were college coaches charged with accepting bribes in return for their help conjuring false athletic profiles of Singer's clients. Singer himself dubbed the bribing of athletic coaches a "side door" through which he could gain access for his clients to colleges. Unlike the case of UNC, in which the institution's curriculum standards were challenged, OVB demonstrated how the compromise of admissions standards—perhaps the primary screening mechanism for which employers rely on universities—for athletes can be exploited by those with the resources to do so. The scandal will likely serve to raise the level of skepticism with which potential employers view the value of degrees granted by these institutions, a skepticism already heightened by such practices as grade inflation and the creation of academically vacuous degree programs.

Most revealing about the OVB scandal was not that Singer could so easily game the system, or that so many athletic coaches were corruptible, but that coaches of even low-revenue, small-market sports programs could wield such influence over closely guarded admissions policies. The FBI report revealed, for example, that one of those indicted was a water polo coach at the University of Southern California, who insisted in an email to his athletic director that a Singer client "would be the fastest player on our team." Of course, the client's athletic prowess was fabricated by Singer, who was paid tens of thousands of dollars to do so. Along with water polo, indicted college officials cultivated by Singer included coaches of sports like sailing, soccer, and tennis.

The power of big-time college sports coaches on university campuses is common knowledge, and hardly mysterious. No one was surprised, for example, when Joe Paterno took the brunt of the blame at Penn State in 2011, when an FBI sting nabbed a retired assistant football coach who was sexually molesting children for fifteen years. For forty-five years (1966-2011) Paterno coached a Nittany Lions football program that brought in—even after

<sup>&</sup>lt;sup>13</sup>Amy B. Wang, Des Bieler, "College Coaches Took Bribes to Pass Kids off as Star Athletes, FBI Says. The NCAA Is Investigating," Washington Post, March 13, 2019.

 <sup>&</sup>lt;u>♠</u> Springer

the scandal—roughly \$140 million in annual revenue. <sup>14</sup> Unsurprisingly, former FBI director Louis Freeh issued a university-sponsored report on the scandal that found "[a]t the heart of the problem were university leaders eager to please Paterno above all else." <sup>15</sup>

But most schools do not share in this kind of sports generated wealth, and water polo teams don't bring them any closer to doing so. In truth, though, neither do high level football or basketball programs. Roughly 75 percent of the NCAA's estimated \$1.3 billion in net profit (after expenses estimated by the USDOE of about \$12.9 billion), goes to the Power Five conferences (ACC, Big Ten, Big XII, PAC-12 and SEC), <sup>16</sup> representing just sixty-five out of 350 schools in Division I and more than 1,000 schools in the NCAA all together. It is estimated now that only about twenty college athletics programs nationwide consistently make a profit, and finances are probably worst for public institutions. A review of the data by the *International Business Times* found that "[m]ost public universities lose money on their athletic programs."

## **Sports and Campus Pride**

While the sixty-five Power Five conference institutions want to win and acquire the greatest amount of revenue possible in the process, the motive for most schools in funding both big and small athletic programs goes beyond direct financial benefit. Schools obviously feel pressure by broadcasters, gamblers, corporate sponsors, food purveyors, athlete representatives, transport companies, facilities architects, and other stakeholders who suckle at the multibillion dollar teat of college sports. But for most campuses the benefits of sports programs is less directly about revenue generation

<sup>&</sup>lt;sup>18</sup>Robert H. Frank, "Challenging the Myth: A Review of the Links Among College Athletic Success, Student Quality, and Donations," Knight Foundation Commission on Intercollegiate Athletics (May 2004).



<sup>&</sup>lt;sup>14</sup>Ben Jones, "Penn State Football Generated More Than \$100 Million in Revenue in 2017-18," Statecollege. com, February 6, 2019; "Penn State Scandal Fast Facts," CNN.com, February 9, 2019.

<sup>&</sup>lt;sup>15</sup>Ann O'Neill, "The woman who stood up to Joe Paterno," CNN.com, July 30, 2012.

<sup>&</sup>lt;sup>16</sup>Acronyms in order, Atlantic Coast Conference, the Big Ten Conference (headquartered in Chicago), The Big 12 (headquartered in Texas), Pacific Coast Conference, Southeastern Conference.

<sup>&</sup>lt;sup>17</sup>Gerald Gurney, Donna A. Lopiano, Andrew Zimbalist, *Unwinding Madness: What Went Wrong with College Sports and How to Fix It* (Washington, D.C.: Brookings Institution Press, 2017), 28; David Sirota, "College Football: Public Universities Spend Millions On Stadiums, Despite Slim Chance For Payoff," *International Business Times*, January 1, 2016; John Thelin, "Paying College Athletes," *Inside Higher Ed*, February 12, 2019; Mary Gormandy White, "Does College Football Make Money?," LovetoKnow.com, May 10, 2019, https://college.lovetoknow.com/campus-life/does-college-football-make-money

and more about the way in which sports help build community support for the institution.<sup>19</sup>

Just observe what happens when a school attempts to eliminate a money-losing sports program. In 2014, when the University of Alabama-Birmingham announced that its football program was being cut because of financial difficulties, school president Ray Watts had to be escorted by police from the meeting at which the announcement was made. Players cried and Watts received large amounts of hate mail. Most importantly, alumni responded by donating large amounts of money in support of the football program. In two years' time, \$42 million flowed into the school to support the football program, enough to cover operations for five years. Jim Livengood, a veteran Division I athletics director, explained, "Football is part of the culture in that state and that city. It was in the fiber of Birmingham, and you saw that in the initial response."

For generations, sports teams have functioned as conduits through which colleges can nurture powerful emotional attachments and feelings of kinship, the necessary precursors for establishing brand loyalty, notoriety, donations, and eventually, future generations of applicants. What is new is the desperately heightened importance this role has taken on as higher education has drifted from its traditional purpose. Degree programs have proliferated and the reasons for students being at a campus have grown wildly divergent. Students are now drawn from a dizzying array of backgrounds for a seemingly infinite number of educational purposes. Only about half of all students are even drawn from the traditional 17 to 21 year-old age category. Seventy-three percent are now considered "non-traditional," meaning they either work while attending school, study part-time or online, or support a family. 22

The unifying and socializing role of college sports has grown commensurate with increasingly disaggregated campuses. But the fragmentation of college life resulting from this sweeping repurposing has been nowhere near as divisive as

<sup>&</sup>lt;sup>22</sup>Destiny One, "Four Recent Changes That Have Radically Altered the Higher Education Landscape," *Destiny Solutions*," May 8, 2019, https://destinysolutions.com/four-recent-changes-that-have-radically-altered-the-higher-education-landscape/



<sup>&</sup>lt;sup>19</sup>James P. Melcher, "How do most colleges justify losing money on sports programs?" *Quora.com*, November 5, 2018, https://www.quora.com/How-do-most-colleges-justify-losing-money-on-sports-programs

<sup>&</sup>lt;sup>20</sup>Eben Novy-Williams, "Football is forever: The money-losing drug these schools can't quit," *Chicago Tribune*, January 6, 2017.

<sup>&</sup>lt;sup>21</sup>Peter McPherson, "Our college students are changing. Why aren't our higher education policies?," *Washington Post*, June 6, 2017, https://www.washingtonpost.com/opinions/our-college-students-are-changing-whyarent-our-higher-education-policies/2017/06/06/1fc0e37c-3678-11e7-b412-62beef8121f7\_story.html?utm\_term=.fe7ff1b37971

higher education's movement—full bore—into cultural politics. As colleges and universities became demographically diverse—Hispanics alone rose from 4 percent to 17 percent of all U.S. residents enrolled in degree-granting programs between 1976 and 2015. Asians make up over 20 percent of enrolled undergraduates at most elite colleges. Females now receive close to 60 percent of all baccalaureate degrees<sup>23</sup>—universities worked overtime to ensure separate identities for these newer demographic groups. Before long, campuses were replete with gender and ethnic studies programs, racially segregated dorms, and separate commencement ceremonies. The National Association of Scholars 2019 study Separate but Equal, Again found that about 46 percent of 173 colleges surveyed segregate student orientation programs; 43 percent offer segregated residential arrangements; and 72 percent segregate graduation ceremonies. <sup>24</sup> At the same time, Title IX sexual harassment policies, the creation of "safe spaces," the adoption of restrictive speech codes, and the establishment of diversity bureaucracies have turned college campuses into simmering culture war zones. As author Jason Richwine has noted, "University campuses have become microcosms of interethnic disputes in American society . . . The difference, however, is that the wealthy and protective campus environment enables such disputes to be more strident."25

The traditional responsibility of colleges and universities for fostering useful knowledge and critical thinking skills in young adults has receded as the goals of achieving mass access, monopolizing control over accreditation, and adjudicating racial, gender, and sexual grievances have advanced. The result is the disappearance of a shared college experience. Sports programs—even revenue-losing sports programs—have gained their power over university life, in other words, almost in direct proportion to the exploding multifunctional and politicized nature of college life itself.<sup>26</sup> It is for this reason that Charles Clotfelter, in his 2011 study *Big-Time Sports in American Universities* (2011), identified "school spirit" as one of the five top reasons colleges fund sports programs: "Few aspects of college life create a sense of community on a campus like prominent athletics teams."<sup>27</sup>

<sup>&</sup>lt;sup>27</sup>Charles T. Clotfelter, "Big-Time Sports in American Universities," (Cambridge University Press, 2011).



<sup>&</sup>lt;sup>23</sup>"Fast Facts," National Center for Education Statistics, May 7, 2019, https://nces.ed.gov/fastfacts/display.asp?id=98; Jeff Guo, "Women are dominating men at college. Blame sexism," *Washington Post*, December 11, 2014.

<sup>&</sup>lt;sup>24</sup>Pierre, Wood

<sup>&</sup>lt;sup>25</sup>Jason Richwine, "Low-Skilled Immigration and the Balkanized Campus," Academic Questions 31, no. 4 (Winter 2018).

<sup>&</sup>lt;sup>26</sup>James P. Melcher, "How do most colleges justify losing money on sports programs?"

#### **Amateurism**

Nothing is more central to the fulfillment of its unifying role than the commitment of college sports to amateurism. <sup>28</sup> The amateur student-athlete, enrolled in school and competing on behalf of the college is what piques the public interest and generates the revenue that has enriched stakeholders. The NCAA has itself claimed that college sports would devolve into a second-rate imitator of minor league sports without amateurism, writing in a recent court brief, "despite the abundance of professional minor leagues such as Minor League Baseball and the NBA G League filled with very skilled athletes, none has ever attracted anything close to the popularity of college sports." <sup>29</sup>

But amateurism in college athletics has been a farce for years, and it is the central myth by which colleges and universities have been able to marry the educational mission to the completely unrelated enterprise of mass entertainment sports, to the great detriment of higher education. While the best college athletes are not paid directly (as amateurism requires), they are feted as campus celebrities, excused from rigorous course work, train in world class facilities under the best coaches, and are relieved of most student related expenses so that they can devote as much time to their craft as most professional athletes. The falsehood that world class athletes can play for colleges while living the life of diligent undergraduates, all in return for the privilege of receiving a baccalaureate degree, has allowed universities to undermine the academic mission of colleges.

#### Is Change Possible?

There is every indication that a system that does not pay college athletes a reasonable portion of the revenue they generate is unsustainable. Several prominent critics have suggested reforming the system to pay college athletes on Division I teams directly. In 2011, civil rights historian Taylor Branch suggested just such a direct payment scheme, predictably lambasting the current system as carrying the "unmistakable whiff of the plantation," but offering little in the way of details. <sup>30</sup> Joe Nocera, writing in the *New York Times Magazine*, offered a five point plan that also

<sup>&</sup>lt;sup>28</sup>John V. Lombardi, "The Amateur Challenge of College Sports," *Inside Higher Ed.*, August 10, 2008, https://www.insidehighered.com/blogs/reality-check/amateur-challenge-college-sports

<sup>&</sup>lt;sup>29</sup>Michael McCann, "Stakes and Stakeholders in Alston v. NCAA, the Latest College Sports Antitrust Case," Sports Illustrated, September 4, 2018.

<sup>&</sup>lt;sup>30</sup>Taylor Branch, "The Shame of College Sports," Atlantic (October, 2011).

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pays Division I college basketball and football players, but tipped his partisan hat by transfixing on establishing "lifetime health insurance" for athletes under the auspice of a powerful players' union. <sup>31</sup> In March of 2019, U.S. Representative Mark Walker of North Carolina introduced federal legislation—"The Student-Athlete Equity Act"—that would remove restrictions from a student-athlete being compensated for use of their name, image and likeness. <sup>32</sup>

Nevertheless, the courts seem reluctant to carry out this kind of reform. In a 2014 ruling in a case brought by a Division I basketball player over payments made to the NCAA for selling players' likenesses to a video game company, judge Claudia Wilken ruled that the NCAA's rules on amateurism violated antitrust laws. Wilken held that schools should be allowed to pay athletes the full cost of attendance (covering cost of living expenses) not previously accounted for in player scholarships. While a 2015 U.S. Circuit Court of Appeals overturned Wilken's finding that players could receive up to \$5,000 a year in stipends, <sup>33</sup> it agreed that college athletes could be paid for the use of their names, images and likenesses, but in very limited amounts. Also upheld was an option to set up trusts to pay football and basketball players after their college careers were over.<sup>34</sup>

Five years after her decision, Wilken found herself presiding over a similar court case challenging the caps the NCAA put on student athlete compensation. Wilken again agreed with the players that capping scholarship money is a violation of antitrust laws, ruling that the NCAA could not limit compensation "related to education." This decision gave hope to the plaintiffs, and likely means higher payments for things like tuition, books, room and board, fees, graduate school, and the "cost of attendance." But it fell short of allowing the market-rate, direct compensation that the plaintiffs wanted. <sup>36</sup>

<sup>&</sup>lt;sup>36</sup>Dennis Dodd, "Judge rules NCAA can't cap athlete compensation 'related to education,' neither side happy with decision," CBS Sports, March 9, 2019.



<sup>&</sup>lt;sup>31</sup>Joe Nocera, "Let's Start Paying College Athletes," New York Times Magazine, December 30, 2011.

<sup>&</sup>lt;sup>32</sup>: Walker Introduces Student-Athlete Equity Act to End NCAA Restrictions on Player's Publicity Rights," Congressman Mark Walker, March 19, 2019, https://walker.house.gov/media-center/press-releases/walker-introduces-student-athlete-equity-act-end-ncaa-restrictions

<sup>&</sup>lt;sup>33</sup>"Judge Rules Against NCAA in Federal Antitrust Lawsuit," Wall Street Journal, March 9, 2019.

<sup>&</sup>lt;sup>34</sup>Alex Kirshner, "Don't blame Ed O'Bannon for the death of the video games. Blame the NCAA," SBNation. com, July 13, 2018; Tom Farrey, "Players, Game Makers Settle for \$40M." ESPN.com, May 31, 2014, http://www.espn.com/espn/otl/story/\_/id/11010455/college-athletes-reach-40-million-settlement-ea-sports-ncaa-licensing-arm; "NCAA agrees to pay \$208 million settlement in antitrust case," *Chicago Tribune,* February 4, 2017.

<sup>&</sup>lt;sup>35</sup>Michael McCann, "The NCAA's Latest Court Battle: How Much Can Schools Offer?" SI.com, September 4, 2018.

Most importantly, perhaps, the court refused to relinquish the ideal of the amateur student athlete. "The court does credit the importance to consumer demand of maintaining a distinction between college sports and professional sports," Wilken wrote. The case has been stayed pending an NCAA appeal.<sup>37</sup>

But even if the federal courts do eventually allow direct payment of student athletes, the underlying corruption inherent in coupling higher education to big-time college sports will remain. Because of the high level of fan and alumni support that Division I college sports enjoy, and because athletes would still be enrolled as students, colleges will be incentivized to shape funding and academic programming around Division I football and basketball. Colleges and universities would still need to offer scholarships and subpar academic programs to athletes who are ill-equipped academically. As long as colleges and universities offer degrees to athletes who don't earn them, corruption is inevitable.<sup>38</sup>

For that reason there should be a complete legal and institutional break between the universities and Division I sports teams. This will leave Division II and Division III college sports programs to fulfill the Knute Rockne ideal of students playing for school pride. The plan put forward by Richard DeMillo of the James G. Martin Center for Academic Renewal seems the most promising. DeMillo argues that Division I college sports should be separated by a legislative "corporate firewall" from academics, a "Glass-Steagall" Act for Division I football and basketball, a reference to the Depression-era legislation that separated commercial banking from investment banking. All Division I college sports teams under DeMillo's plan would become separate corporations licensed by the university, but having no further relationship with it. Licensed corporations would hire athletes and pay for training and other operating and capital expenses. None of the associated costs would be carried on university accounts. Just as a university uses a subcontractor to redesign its dormitories or create a university clothing line, so would Division I sports corporations be a subcontractor of the university. The incentives of coaches, university presidents, sports teams, advertisers, television networks and the rest to exploit the talents of the athletes for their value, while depriving them of their fair share and forcing them into the role of student, would disappear. Those Division I athletes that have no interest in going to college won't have to. Those that do would be

<sup>&</sup>lt;sup>37</sup>Marc Tracy, "Judge Opens the Door to More Compensation for College Athletes," *New York Times*, March 9, 2019

<sup>38</sup>Schalin.

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transformed into work-study students. "They would join the ranks of countless engineering, journalism, and business students who spend part of the year working at a company, developing skills, building the professional networks, and earning money for tuition, fees, and books," writes DeMillo.<sup>39</sup>

Yes, under a plan like DeMillo's, the Zion Williamsons and Trevor Lawrences would no longer grace the purely amateur college athletic games carried on by Division II and Division III clubs, but as long as competition is close and fandom exists, little will change. And Division I sports corporations will, in all likelihood, retain Division I college popularity. Remember the backlash against the Olympics when they began allowing professional athletes to take part in competition during the 1980's. Those concerns quickly dissipated as professional athletes were adopted as part of the practice. The same future could be in store for the NCAA.

It is possible to alter the current structure of college sports. "I've seen things change that are far more complicated and far more of a struggle to flip around," David Ridpath has said. There are multiple models that could be implemented but it is hard to envision the current structure remaining intact. Ridpath again: "The first thing that we have to do is accept that what we are doing now is not working. It sure as heck is not going to work much longer."



<sup>&</sup>lt;sup>39</sup>Richard DeMillo, "Reforming College Sports," James G. Martin Center for Academic Renewal, January 20, 2012, https://www.jamesgmartin.center/2012/01/reforming-college-sports/

<sup>&</sup>lt;sup>40</sup>Phone conversation between author and David Ridpath, February 21, 2019.