



TO: NCAA Division I College and University Presidents and Chancellors

RE: Need for a Presidential Commission on Intercollegiate Athletics

The Drake Group is a national organization of faculty and others whose mission is to protect academic integrity in higher education from the negative aspects of commercialized college sports. We support athletic programs as important assets to undergraduate education, campus community building and alumni development. However, current conditions (as highlighted below) threaten the financial stability of college athletics programs and the academic integrity of higher education institutions:

- In antitrust lawsuits against the NCAA and certain conferences, courts have issued fragmented judgments that have caused significant increases in legal fees. These lawsuits, each costing \$50-100 million or more to bring, defend or settle, divert funds that should be spent on the education, health and welfare of college athletes.
- NCAA academic fraud cases are at an all-time high and show no signs of abating. Many of our selective and prestigious higher education institutions are at risk because of the “athletics arms race” practice of waiving normal admission standards for underprepared athletes. That practice leads to academic advisors clustering athletes into a limited number of less demanding academic majors, seeking professors who are generous graders, and placing tutors in tenuous positions with regard to plagiarism.
- Similarly, because of the NCAA’s failure to adequately address the athlete concussion issue (i.e., no mandated limit on contact practices, no mandated baseline testing, etc.), member institutions and conferences are increasingly the targets of concussion lawsuits in which damages or settlement costs and attorney’s fees may rival the cost of antitrust litigation. Most importantly, we are failing to protect the health and safety of our college athletes.
- The NCAA’s recent approval of decision-making autonomy to sixty-five of its most commercialized athletic programs will result in more expensive athletics practices and greater competitive imbalance among Division I institutions, developments that college presidents agree they cannot control.

- Although the National Labor Relations Board (NLRB) recently declined to declare Northwestern University football players employees eligible to unionize, that decision has not eliminated the threat of unionization. The NLRB, like the O’Bannon courts, have suggested that Congress may be the appropriate entity to address the subject of athlete compensation and whether Division I athletes are employees.
- Antitrust lawsuits related to providing college athletes compensation, athletic scholarships and non-monetary benefits show no signs of abating.
- For some time, higher education has witnessed an alarming escalation of coaches’ salaries to a level that is inappropriate for non-profit educational institutions. In forty states, college coaches are the highest paid state employees. Antitrust laws currently prevent the NCAA from tackling this issue.
- State legislatures are being pressured to use already stressed and diminishing state education appropriations to supplement athletics budgets for subsidy of new “cost of attendance” funding.
- Institutions are examining the elimination or reduction of funding for Olympic sports.
- Efforts to achieve Title IX compliance for women’s athletics have slowed significantly, placing institutions at risk for Title IX litigation.
- The NCAA’s enforcement system denies both member institutions and student-athletes sufficient due process and issues of “selective enforcement” continue to be raised.


These circumstances have pressured educational institutions in Division I to increase spending on athletics at a time when academic needs are severely underfunded. Indeed, eighty percent of Football Bowl Subdivision college presidents believe they are unable to control their commercialized athletic programs. Most Division I athletic programs receive institutional subsidies (including student fees) even though high tuition and student fees are the subjects of media and Congressional scrutiny. Asking donors to increase gifts to athletics when such gifts are needed for more urgent institution priorities is counter-productive.

In light of these conditions, we ask that you support [H.R. 2731](#), a bi-partisan bill currently before Congress that would mandate the appointment of a Presidential Commission on Intercollegiate Athletics. The Commission’s charge would be “to identify and examine issues of national concern related to the conduct of intercollegiate athletics and to make recommendations for the resolution of such issues.” The bill also provides for basic concussion safety measures and addresses the absence of due process guarantees for any institution facing the NCAA enforcement process.

The Drake Group has long studied the need for intercollegiate athletics reform. We are convinced that the current NCAA structure precludes the NCAA or its members from accomplishing this task. A transparent public process is necessary to address the numerous areas in need of reform. And Congress must do two things that only Congress can do: (1) grant college sports a limited antitrust exemption that will allow the NCAA and its members to control costs and reduce expensive antitrust litigation and (2) mandate the creation of an independent, professional, and procedurally fair NCAA enforcement program. Congress must condition the antitrust exemption on the NCAA's adoption and implementation of the enforcement program and other practices that will provide health protections to college athletes and ensure educationally sound athletic programs.

We encourage you to express your position on this bill and share this communication with your fellow presidents and members of your senior staff, especially those responsible for intercollegiate athletics. We also invite you to read The Drake Group's [carefully researched positions](#) on many of the critical issues detailed above. We are available for consultation on specific questions at your convenience.

Sincerely,



Gerald Gurney, Ph.D., President
The Drake Group TheDrakeGroup.org
405-249-5835

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