Listen Up Congress! What's Wrong with College Sports and How to Fix It

William Rudelius

Drake Group member William Rudellius earned a B.S. in mechanical engineering from the University of Wisconsin, where he also played three years of Big Ten varsity tennis--when freshmen were not eligible; MBA (Wharton) and Ph.D. in applied economics from the University of Pennsylvania. Bill was a U.S. Air Force wire communications officer in France, a decade after WW II ended. General Electric engineer on Corona, the first U.S. spy satellite. Marketing professor, now emeritus, at the University of Minnesota for 35 years. Co-authored 24 editions of the #1 Principles of Marketing introductory textbook in the world. Taught for two decades in eight Central and Eastern European countries, seven of them for the U.S. Agency for International Development.

The U.S. Congress is showing signs of life related to tackling the need for collegiate athletics reform. Why is Congress getting involved, and why should it step in and force reform of college athletics? Answer: Because the National Collegiate Athletics Association (NCAA) has become a trade association for commercialized collegiate football and basketball programs, instead of fulfilling its governance responsibilities to make sure athletes get an education and protect their health and wellbeing. Also, the universities and colleges comprising the NCAA won't speak out and act.

Senators Blumenthal and Booker filed the College Athlete Pandemic Safety Act to prevent colleges and universities from sacrificing the lives of athletes as the quid pro quo for waiver of liability, gate receipts, and media dollars. A bipartisan bill in the House sponsored by Representatives Shalala and Spano is calling for a two-year comprehensive study of the need for intercollegiate athletics reform. Other bills on Name /Image/Likeness (NIL), concussion, protection of athletic scholarships in the event of injury, and similar issues are in committees. All of these initiatives are good signs that a Senate open for business will reveal a Congress ready to act.

The issues below that should propel Congressional action are not about the NCAA's operation in the marketplace. Rather, they are about the unconscionable time commitments of college athletes, subsidies of varsity athletics by all college students and the federal government, health issues and abusive coaches, and outright academic fraud. The huge financial losses in today's university and college athletic departments triggered by the Covid-19 pandemic provide a timely opportunity to effect real change.

Issue #1 – Sixty-Hour College Athlete Workweeks

"No, we spend far more time than that fall semester--probably about 60 hours a week," replied the 28-year old former university football player in answer to my question. Naively, I had asked if he ever spent as many as 35 hours per week in varsity football. He pointed out that

his 60-hour estimate included time for practices, games, travel, weight room, and untold hours scrutinizing video of past games of the next week's opponent.

The hours each week varsity athletes spend in both sports and academics has undergone a cataclysmic shift over time. Six decades ago, I played three years of Big Ten tennis, when freshmen were not eligible to play varsity sports. Our tennis team had 11 dual matches each spring, a conference meet ending our 10-week season. We had no indoor courts, a part-time coach, and no tennis during fall term. We were on our own to practice, exercise, and find tournaments in the off-season to enhance skills. Today, Big Ten men's and women's tennis teams are on court all school year, play about three times as many matches, and often fly to tournaments in warm-weather states.

I was an engineering major, so on days I had afternoon labs I only hit tennis balls for 30 or 45 minutes because most teammates had started practice several hours earlier and had left. Tennis started impacting my classwork. I found I could rarely study effectively while traveling to matches played on the road. Also, I often couldn't schedule an engineering lab the same semester I had the theory course linked to it. So I had difficulty mentally connecting theory and application.

I studied hard and had good grades--the terms I wasn't playing tennis. My grade-point average (GPA) during the three terms I played tennis *fell 0.7 points below* the five terms I didn't. Sadly, between engineering and tennis, I completely missed liberal arts classes.

In my senior year, Big Ten football teams played 10 regular-season games. Since then, the number of games in a season has exploded. For example, national champion Clemson University's 2018-2019 football team played 15 games, counting playoff games. My senior year our basketball team played 22 games, compared to the University of Virginia's 38 games to win the 2018-19 NCAA "March Madness" Basketball Championship.

The time commitments of today's student athletes highlight the absurdity of NCAA guidelines and spotlight its schools' abilities to shut their eyes to reality. The NCAA limiting athletic-related activities to "*no more than 4 hours per day and 20 hours per week*, *not including travel time*" is purposeful deceit. One recent study shows that Division I men in varsity football and basketball programs spent over 40 hours per week in athletics-related activities throughout the school year, *double the NCAA limit.* A *Wall Street Journal* article reported that eight of the best 2017-2018 men's basketball teams averaged over 42 days on the road for away games, perhaps half spent traveling.

The NCAA appears blind to the traditional guideline that students should study two to three hours outside class for every hour in class. So a student in class 15 hours a week should plan to study 30 to 45 hours outside class. Can student athletes spending 40 hours a week in their sport really find 30 to 45 hours more for serious studying outside class?

The eight-school Ivy League provides more study time for its athletes. Its football teams have a 10-game schedule—seven conference games and three nonconference ones,

generally with regional schools to reduce travel time. It competes in postseason NCAA men's and women's basketball championships, but not that for football.

Issue #2 - A *Very Curious* "Sports Entertainment Business" or Do You Know Who is Paying for This?

Setting aside the important research mission of today's colleges and universities, shouldn't they be less in the "sports entertainment business" and more in the "undergraduate learning business?"

The National Collegiate Athletic Association oversees today's $18 billion-a-year college sports entertainment business. Its 130 most commercialized programs control the nearly 1,100 higher education members. The NCAA and its member conferences also organize regular and post-season play and market the games and playoffs. This rewards it and its major athletic programs with millions of dollars of television rights fees, sponsorships, and ticket sales. In 2018-19, only 29 (2.6 percent) of the then 1,083 NCAA members reported an operating profit in their athletics program.

So who is paying the subsidies for the remaining 1,054 schools that lost money? Answer: Students and the federal government. At many of these schools, every student is charged a mandatory student "activity" fee (some over $1,000 annually), a large portion of which supports the athletic program. At almost every institution, the school general fund–read "student tuition"--covers athletics' financial losses. Both subsidies depend on over $100 billion in federal student loans and $30 billion in non-repayable federal Pell grants for lower socio-economic students.

Athletic programs argue that to avoid financial losses, a school's football and men's basketball "revenue sports" must cover the costs of the remaining "nonrevenue sports"—like golf and gymnastics—that always lose money. The storyline continues that extraordinary sums must be spent on coaches' salaries, recruiting, and travel in these two sports in order to generate this money. The lavish expenditures happen but are never enough to cover expenses except at 29 schools. So, substantial amounts of student tuition and fees propped up by federal Higher Education Act funding go to athletics instead of academics.

Issue #3 - Health Issues and Abusive Coaches

The NCAA and its universities and colleges have not demonstrated the courage and integrity to address the health abuses involving their 480,000 student athletes, from athlete deaths to no requirements for sports best practices.

The most urgent health issue for athletes is long-term mental impairment--from dementia, ALS, Parkinson's, and chronic traumatic encephalopathy CTE)--due to both concussions and also the minor repetitive hits that occur with every athletic collision. This is not limited to male athletes; one study reported sports-related concussions (SRCs) per 10,000 athletic exposures is greater for women's field hockey than football. A Boston University study estimates 91 percent of college football players will later show CTE signs.

Who covers the cost of an athlete's later mental impairment due to sports? Not the NCAA. It avoids that by *explicitly stating* that "its colleges and universities are exclusively responsible for protecting athletes from concussions." Not the schools either. So when college athletes' playing days end, they can face huge personal costs from health issues, perhaps even death from CTE. They and their families are on their own to pay.

What about protecting athletes from abusive coaches who ignore signs of physical distress in the name of creating player toughness? Jordan McNair, a University of Maryland football player, died from heat exhaustion during football practice. It was then found that trainers and coaches ignored standard heat illness guidelines in the NCAA Sports Medicine Handbook. But *the NCAA does not require* its schools to follow published health protocols, apparently for fear of financial liability.

"The first 24 hours, I couldn't feel anything or really move," a redshirt freshman football player told a reporter for the *Minnesota Daily,* the University of Minnesota's student newspaper. He was describing his injury in the first 2019 full-contact spring practice. The article noted "he was lucky he wasn't paralyzed" from the hit he took. This couldn't have happened in Ivy League football practices because it has prohibited full-contact practices, a model the NCAA should adopt.

Issue #4 - Academic Fraud

The NCAA also fails to police outright academic fraud. For 18 years, 3,100 students at the University of North Carolina got "A" grades in fake classes requiring no work. Almost half were athletes. Yet an NCAA panel found it "could not conclude these were academic violations by the school." The University of Minnesota earned its own academic fraud award: In the 1990s, a secretary completed about 400 items of course work for 18 players on its men's basketball team. Academically underprepared athletes in revenue-producing sports can be admitted through waivers of normal admissions standards and placed in less demanding courses and majors. Their graduation rates are significantly lower than non-athletes.

The NCAA has demonstrated little serious commitment to addressing academic fraud and study-time issues facing today's athletes. In his book, *While Faculty Sleep,* Jon Ericson concludes the real problem is *not* the NCAA, money, alumni, or coaches--but the reluctance of faculty to speak out. Ericson goes on to observe that "faculty members do not give a rat's ass about athletics." He says, "People become professors to be scholars, not warriors." They are told they are "disloyal" or are "hurting the university" if they raise issues. Limited public disclosure and transparency also restrict faculty, who have received tenure to ensure their freedom to seek and speak truth. Long-time football coach Mack Brown summarized his explanation in *The New York Times:* "When you have presidents and athletic directors talk about character and academics and integrity, none of that really matters…The truth is, nobody has ever been fired for those things. They get fired for losing."

How Congress Can Fix College Athletics

We know that colleges and universities will not "unilaterally disarm" by passing NCAA rules that limit current financial excesses and athlete exploitative practices. Congress can and should force such disarmament by amending the Higher Education Act to condition receipt of federal funds on institutions' adoption of the following athletic program practices:

- Reinstate the freshman rule. Let no male or female athletes play a varsity sport their first year in college. Have them spend their freshman year going to class, finding a major, and learning time management and how to study at the college level.
- Limit athletes to only three years to play varsity sports, which would do much to eliminate red-shirting, fifth-year and sixth-year seniors, and eligibility for varsity sports after graduation. Get them a meaningful education and graduated. Reduce the number of athletes on teams.
- Achieve public transparency of athletic programs by requiring them to disclose their financial records annually. This will help stop athletic departments from using undergraduate fees and tuition to fund their programs, instead allowing the colleges and universities to use these funds to educate *all* students.
- Require academic transparency by requiring a tenured faculty committee conduct an annual review of athlete graduation rates, academic majors, registration in independent studies, and other common indicators of possible academic exploitation.
- Set a financial limit to restrict a school's subsidizing losses in its athletic programs using student fees or tuition dollars that will also reduce student debt incurred by all undergraduate students, saving them thousands of dollars annually.
- Require all college sports but men's and women's basketball to be conducted within one academic term. Set a common limit on percent of classes missed, thus preventing extensive weekday travel and providing athletes increased study time the other term.
- Grant athletic governance associations a limited antitrust exception to permit alignment of coach and faculty salaries, and prohibit facility construction limited to athlete-only use.
- Prohibit all off-campus recruiting, but permit the funding of one visit and campus audition patterned after the auditions for scholarships in the performing arts.
- Require institutions to adhere to consensus sports medicine best practices, and provide for all medical expenses related to injuries for varsity athletes.

These mandates will create significant pressure to reduce athletic budgets, which will force athletic departments to implement some or all of following actions:

- Reorganize teams into smaller regional conferences having fewer teams (as in the past), thereby lowering travel time and cost and increasing study time for athletes—the Ivy League model.
- Convert many nonrevenue sports into club sports with shorter seasons, only playing nearby competitors or dropping others entirely.
- Reduce the number of intercollegiate games/matches for every female and male sport before conference and national playoffs begin—say 10 for football, 25 for women's and men's basketball, 40 for women's softball and men's baseball, etc. This

will reduce injuries, increase study time, and graduate healthier athletes with more challenging majors.

- Repurpose newly-surplus athletic facilities for more intramural sports and gym classes to serve the majority of college students who need healthy exercise, especially given their current epidemic levels of stress.
- Conduct and publish rigorous research studying ways to provide a more meaningful post-college life for athletes, which will become the new “recruiting coin” to replace lavish facilities to attract 17-year-olds. Do the analysis by sport, measuring variables like academic major, injuries, graduation rates, time spent in activities in their sport (games, practice, travel, etc.), and quality of life 10 and 25 years after graduation.

Hopefully, each university's board of governors and president will be in a better position to make their varsity athletics programs accountable for taking these actions.

The resulting benefits mean student athletes will take more challenging majors and discover the opportunity and time to become historians, teachers, writers, engineers, medical doctors, and involved citizens. The few who go on to play professional sports will continue to do so. Undergraduate college costs for *all* students will fall significantly.

Let's see if Congress has the courage to act and make real change.