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NCAA FBI Probe

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Abstract

The article discusses the FBI probe as well as a list of other scandals that have arisen from the investigation such as the debate as to whether to pay student athletes, the NCAA's aim to stress academics over athletics, the NCAA's transfer rules, and the one-and-done rule. The article also emphasizes the lack of emphasis on female athletes in the media and unfair treatment in relationship to Title XI.

Keywords

NCAA, FBI, Title IX, student athletes, scandal

Disciplines

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Comments

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NCAA FBI Probe

On February 23, 2018, Yahoo announced their findings to a federal investigation in college sports. According to Yahoo Sports, twenty college basketball programs along with twenty-five players were associated with possible NCAA recruiting violations. Most of these violations include players receiving incentives from coaches either by meals or by the distribution of tens of thousands of dollars. Since this was not the first time that an investigation like this as incurred, many parents, players, and coaches believe that this report expatiates what they know all along: the NCAA needs to make a change. Currently, student athletes do not receive fair-market value or secure representation of their sport (Adams, 2018). Athletes spend hours practicing, attending games, and participating in extra activities such as weight lifting, yet do not receive incentives for creating entertainment for colleges and universities in exchange for money. As a result, many are demanding a change to the NCAA's governance structure and additional financial regulations.

Among the most debated controversies within college sports is whether student athletes should be paid. One of the main arguments supporting the payment of these athletes are their money restrictions. Prior to the 1997 convention, Division I athletes on a full scholarship were not allowed to work during the school year. They believed that paying for the tuition, books, and room & board was enough to put the student at good financial standing. Now, Division I student athletes on a full scholarship can also work during the academic year. However, with the amount of time it takes to practice, travel, and attend games while being a college student, there is not enough free time for

athletes to obtain a job (Goplerud, 1997). As a result, when an athlete is offered compensation in order to attend a school, they are tempted to take the “payment” because they believe that they are entitled to accept it. For example, like the NCAA FBI Probe, other athletes have accepted or tried to accept compensations from sports agents. In 2010, Reggie Bush was accused of receiving thousands of dollars from sports agents. His actions violated the NCAA rule that college athletes cannot receive compensation or have an agent before declaring for the NBA draft. His actions caused him to forfeit the Heisman Trophy in 2010. In addition, the NCAA becomes so invested in investigating these accusations that in 2011, the NCAA committed thirteen months to decide if Cam Newton, former football player at the University of Auburn, was involved in a pay-for-play situation. This situation eventually resulted in deciding that Newton did not violate any NCAA terms, but proved to show the corruption in the NCAA bylaws (Miller, 2011).

Another argument supporting the payment of student athletes is the amount of time they dedicate to their sport. As of now, coaches are limited to 20 hours of practice a week. However, there are numerous ways in which a coach can work around the time maximum. For example, coaches often require athletes to partake in strength and conditioning workouts as well as athletic skill work. Players are also expected to participate in various meetings such as drug education and community service projects. Of course, one cannot leave out the amount of time it takes for a team to travel and play games. Especially in Division I sports, these events are often tedious (Sanderson and Siegfried, 2015). Therefore, many of the college athletes believe that Division I college athletes should be recognized for their hard-work and dedication. In 2016, former

Southern Cal football player, Lamar Dawson filed a lawsuit against the NCAA. Like many other athletes, Dawson believed that the NCAA ignores the wage privileges by forcing student athletes to work forty-hours a week and six days a week without receiving even minimum wage. In other words, Dawson is accusing the NCAA for violating the Fair Labor Standards Act (Bromberg, 2016).

In recent news, the mother of former Duke University star, Wendell Carter, spoke out towards the NCAA on May 7, 2018. Wendell Carter was a five-star college basketball player who recently declared for the NBA. Wendell Carter was also accused of receiving “impermissible benefits” from an ASM sports agent named Christian Dawkins. However, the Carter family is confident in saying that the 106-dollar lunch charge was not paid by Dawkins, but was paid by a family member (Smith, 2018). Like Dawson, Kyla Carter believes that the NCAA is corrupt and compared the organization to slavery. She believes that the NCAA is allowing a player to come to a specific school for free, while the NCAA are making money on their entertainment and souvenirs such as jerseys. The comparison fits well, according to Carter, because the only other time when labor does not get paid, while other people make a profit off their work, is slavery. As a result, Carter does not trust the NCAA and believes that major reforms need to take place (McMillen, 2018).

The frightening part of Carter's statements is that most of them are true. An athlete “generates billions of dollars for the NCAA, the universities and third parties, such as athletic apparel and equipment companies and television networks (Spears, 1119, 2011).” In 2011, college football teams such as the University of Texas, University of Florida, the University of Michigan, and Pennsylvania State University brought in

between forty million and eighty million dollars in profit, even after paying the coaches their multimillion dollar salaries. On many occasions, college students have been reported of selling their own merchandise, such as jerseys, for profit. However, according to the NCAA, this is strictly prohibited even though it is their own merchandise. One incident occurred in 2010, when twenty-eight Ohio State University football players traded jerseys, autographs, and other merchandise for cash or tattoos. Their coach, Jim Tressel, was fired from the incident for not knowingly bringing his players forward. Distinguished Civil Rights historian Taylor Branch believes that “the real scandal is not that the players are getting illegally paid or recruited, it is that the NCAA’s amateurism and student-athlete principles” are created to “exploit the skills and fame of young athletes (Miller, 1142, 2012).” Consequently, many observers of college sports believe that instead of being paid, student athletes should be able to create their own money, by selling their own merchandise.

Aside from payments, the NCAA enables academic issues among athletes by stressing athletics first. One of the major goals of the NCAA is to make sure that student athletes are part of the educational program at their chosen school. When applying to the school, the college or university makes sure that the student athlete has a certain score on their college entrance exam. Once the student is enrolled, the student must enroll in a certain amount of credits while fulfilling the minimum GPA requirement. If the student athlete does not fulfill these requirements, the student cannot compete in their team’s events. However, although these goals seem to be reasonable, the importance of these academic goals are often questioned. For example, practices and games within the sport often take up most of a student’s time, therefore leaving little time for

academics. As a result, many athletes do the bare minimum in their classes in order to graduate (Konksy, 2018). For example, in 2015, the University of North Carolina was found guilty of an academic scandal. UNC was found to have offered athletes academic classes without actual educational instruction being taught within the classes (Berkowitz, 2015). However, the most appalling part of the investigation was that the NCAA did nothing about the university giving “fake” classes. The NCAA believed that the students enrolled within these classes were actually benefiting from taking the class despite little attendance and little to no work. The NCAA believed that the African Studies classes were a university issue and that the main motive of the classes was not to boost GPA. They believed that the NCAA did not need to interfere in the scandal (Norlander, 2017). Therefore, although the NCAA believes that they are “academic first,” the NCAA is more involved in making sure that the players do not receive disbursement rather than focusing on their academic learning.

The NCAA also initiates transfer rules that limits an athlete’s movement from one college or university to another. The NCAA enforces that if an athlete in a Division I school transfers, they must complete one academic year of residence in order to resume competing in their chosen sport. This process can only occur once per athlete, since they are able to gain an extra year of eligibility. As a result, the transfer rules of the NCAA often persuade student athletes to not transfer schools, even if they are not pleased with where they are. Because of these restrictions, teams and players are not optimally matched, because the costs outweigh the benefits when transferring. The NCAA states that the transfer rules “provide a better environment for the student-athletes’ collegiate experience and to establish appropriate standards...in which

institutions compete with each other both on and off the field (Konsky,2018).” They believe that the transfer rules prevent student athletes from transferring solely for athletic reasons and thereby lowering academic standards. In other words, if an athlete decides to transfer solely because of athletic reasons, he/she is not concerned with the level of education at another institution, therefore lowering his/her academic standards. However, these reasons for the transfer rules go against the NCAA’s commitment for academic standards. If a student athlete transfers, there is a possibility that the student may still receive a high-quality education, or even a better education than their previous institution. The student may want to transfer for other academic reasons such as to change their major or to transfer to a better institution. As a result, the NCAA transfer rules do not promote better education standards (Konsky, 2018). Another component of the transfer rules is that a player cannot partake in the distribution of the championship rings or the championship ceremony. Of course, this only occurs when the team wins the championship. A particular example occurred in 2010, when sophomore Seth Curry transferred from Liberty University to Duke University. In 2010, the Blue Devils won the national championship, but Curry was not allowed to receive a championship ring or partake in the ceremony. He was a key attribute during practices, especially since he could not play in games, and also showed key components of sportsmanship. In 2011, Coach Mike Krzyzewski believed that the transfer rule is “one of the most tragic things about NCAA rules (ESPN.com, 2011).”

Another major issue within the NCAA is their constant relationship to antitrust scrutiny. The Pertinent Antitrust laws is part of section 1 of the Sherman Act. It states that “every contract, combination in the form of trust or otherwise, or conspiracy, in

restraint of trade or commerce...is hereby declared to be illegal (Konsky, 1587, 2018).” The act only prohibits unreasonable trades that are not moral. Furthermore, the NCAA used to be protected from antitrust scrutiny because the organization used to be a nonprofit cooperation. However, the court has realized that nonprofit entities can still engage in violations of the Sherman Act. As a result, the transfer laws have been accused of such violations. The NCAA works as a commercial cartel, looking to maximize profits. The NCAA’s transfer laws would be illegal in other competitors, but since the NCAA sets their goals in line with academic excellence and amateurism within college athletes, their absurd rules are ignored. Therefore, placing restrictions upon college athletes is in violation of the Sherman Act (Konsky, 2018).

Aside from men’s college sports NCAA, women’s sports have arguably received a greater amount of unfair treatment from the organization. In 1972, Title IX was signed in order to promote equality in educational opportunities for girls and boys and women and men in institutions receiving federal funds. However, the creation of equality between genders is often a predicament. In order to create equality, many schools have decreased athletic opportunities for men in order to “equalize the opportunity for women” (Yarbrough, 1996). From the span of 1988 to 2015, 330 division I men’s teams were cut, while adding 803 women’s team. One of these universities was the University of Buffalo who recently exterminated their men’s soccer, men’s swimming, and men’s baseball teams in order to make room for more women’s sports. Over the past decade, however, men’s and women’s athletic programs have doubled across Division I, II, and III. There is some progress between the number of areas of participation, diversity, and equality among athletes with Title XI. However, within the sixty-page report of the

NCAA, they reported major gaps particularly within Division I sports. Division I athletic departments spend twice the amount on their men's program as they spend on their women's programs. Within top-tier football programs, the schools spend an average of 45,000 more dollars on male sports than female sports in 2015 (Associate Press, 2017).

Within media coverage, women's sports also receive less attention than men's sports. Women are unrepresented in media such as newspapers, books, and television. In many cases, the titles of articles in newspapers mention only male athletes even though the article mentions both men and women. In fact, ninety-three percent of the number of stories referred to males in 2015. Furthermore, television often ignores women's sports (Tuggle, 2015). For example, during March, the most popular sporting event to watch is college basketball. The famous event, March Madness, is often compared to a major holiday to college basketball enthusiasts. The NCAA receives about 90% of its total revenues from the Division I men's basketball tournament. However, one of the major issues found within the three-week tournament was the gender differences during the month in the media. Commentators often praise male athletes for their superior athleticism, "while female athletes' skill and accomplishments were trivialized (Kian & Mondello & Vincent, 2009)." In 2009, 93.7% of articles were of the men's basketball teams, compared to only 6.3% of the women's basketball teams (Kian et al, 2009).

Another major issue within the NCAA is the one and done rule. The rule is most apparent in men's college basketball. Coaches like John Calipari, head coach of the University of Kentucky, is well-known for recruiting players that seek to participate in the National Basketball Association (NBA) after one year of college. Currently, the NBA

requires that a college player must be at least nineteen years of age or a year out of high school. The rule has made a mockery out of the sport for players, coaches, and fans. Most of the top players of the country now come into a college or university not to receive a degree, but to fulfill the NCAA requirement to fulfill one year of college before entering the NBA draft. However, the players weigh the benefits, and to them entering the NBA, making millions of dollars, outweighs getting a degree. In fact, if a player stays in the NCAA for longer than anticipated, their value could go down, therefore forfeiting extra money that could have been earned (Grossman, 2018).

However, to some the argument that does not make sense is that nineteen-year-old kids are able to receive an NBA salary, but are not able to earn an NCAA paycheck that have been offered from agents and sneaker companies. Calipari used to be a firm believer of the one and done rule because it provided opportunities for players and people should not place “restrictions on kids” (Grossman, 2018). However, now Calipari believes that high school players should be educated about their ability to play in the NBA versus playing in college. Other coaches, such as Hall of Famer Bobby Knight, have also expressed their opinions on what has been known as the one-and-done rule, saying that “it is a disgrace.” Knight particularly criticized Calipari on his recruiting techniques of recruiting mainly only future one-and-done players (Huffingtonpost.com, 2012).

Although most of the one-and-done talk is within college basketball, the Major League Baseball (MLB) allows high school players to enter the MLB draft right out of high school. Despite the NCAA’s emphasis on education first, NCAA president, Mark Emmert, sees no objection in high school baseball players signing pro contracts right

out of high school. His argument is that many of the players will never play a major league game, despite being drafted in the first round. Some may even downgrade to the minors, where they earn a lesser salary. If the players earn a lower salary, how is that more beneficial than staying in school to get a degree? Unlike Emmert, the NBA commissioner has more feelings towards the lives of college athletes and believes that college athletics should try to appear as a more attractive option for undergraduates as they eventually transition to the NBA (Tellem, 2014).

In conclusion, the NCAA FBI Probe opened up the discussion about the corruption within the NCAA. Players are constantly being tempted to take compensations from agents, such as Christian Dawkins, or companies such as Adidas. The temptation comes from the fact that they believe that the NCAA is taking advantage of their athletic abilities. While colleges and the NCAA are profiting off of the student athlete's merchandise and ticket sales to watch the game, the student athlete receives no compensation despite their hours of labor. As a result, other issues have been brought to attention in the NCAA. For example, the transfer rules restrict a player from finding their "right fit" that mutually benefits both the institution and the player because of certain NCAA rules. The NCAA also stresses academic first before athletics, but this is not the case. Past scandals have shown that the NCAA initiates little to no consequences to teams that have gone against the academic rules. One of the topics not always associated with the NCAA, is the underrepresentation of women in the news of sports media. Today, women sports are rarely discussed, despite the fact they inherit accomplished athletes as well. Therefore, the NCAA needs to reevaluate their policies in laws in order to better accommodate to student athletes.

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