Dean Chris Guthrie: Hosting Dean for Academic Affairs and a Professor of Law here at Vanderbilt Law School and on behalf of the school it’s my pleasure to welcome you to the Journal of Entertainment Law and Practice’s symposium on the state of Division I college athletics. This promises to be an interesting and provocative symposium. Having met some of the panelists and participants today, I think this may also be the tallest symposium in the history of ... Vanderbilt is in many respects the perfect place for this kind of symposium, and I say that primarily for three reasons. First, as I suspect everyone in this audience knows, Vanderbilt is a member of the Southeastern Conference, or SEC, which is one of the handful of the so-called "power conferences" most directly confronting the issues that we’ll be discussing across the course of today’s events. Today we’re privileged to have two commissioners from power conferences – Mike Slive of our own SEC is here, and his counterpart Jim Delaney from the Big 10 will also be joining us. Second, Vanderbilt is, I would argue, one of a handful of institutions that truly embraces the student athlete ideal. In a few moments you’ll be hearing from a gentleman, Len Elmore, who embraced this ideal himself – first as a student at the University of Maryland and then as a student at Harvard Law School following a successful NBA career. The third and final reason why I think Vanderbilt is such a natural host for this event is because, and again as I’m sure everyone in this audience knows, Vanderbilt has recently undertaken a rather significant reform of its own athletic structure.

Later today we’ll have the privilege from hearing from one of the architects of those reform efforts – that is, David Williams, a Vice Chancellor and also a member of the law faculty here at this school. For putting together this terrific symposium I’d like to thank several people. First I’d like to thank Chancellor Gordon Gee who unfortunately is unable to be here today. Second I’d like to thank Vice Chancellor Williams, who will be
joining us later, as well as his assistant Joanne Paterson, who has played an instrumental role in making this happen. Third I’d like to thank Dean Kent Sevyreud of the Law School; I’d also like to thank the Knight Foundation, the Drake Group, and the Journal of Entertainment Law and Practice – in particular the Executive Board, and even more particularly, Katherine Todd, the Editor-in-Chief, and Josh Helton and Libby Koch, who are the symposium editors who put this all together. Now I’d like to turn the floor over to Katherine Todd who will introduce our panel and our moderators.

Ms. Katherine Todd:
Thank you Dean Guthrie. Good morning, on behalf of the Journal of Entertainment Law & Practice. I am delighted to welcome all of you here today. Before our panelists begin I did want to extend a special thanks to Josh Helton and Libby Koch, the coordinators of this year’s symposium. They have spent many hours in preparation for today’s events, and have done a tremendous job. So thank you, Josh and Libby. Our first panelist this morning is Mike Slive. Mr. Slive was named the seventh commissioner of the South Eastern Conference in 2002. Prior to joining the SEC, Mr. Slive served as the commissioner of both Conference USA and the Great Midwest Conference, Director of Athletics at Cornell, Executive Director of the PAC 10, and Assistant Director of Athletics at Dartmouth. Mr. Slive has a BA from Dartmouth, a law degree from the University of Virginia Law School, and an LLM from Georgetown University Law Center. We welcome you, Mr. Slive.

Our second panelist is Professor Gene Marsh. Professor Marsh is a professor at the University of Alabama Law School, where he teaches Contracts and Business Organizations. He was a Faculty Athletic Representative at Alabama from 1996 to 2003, has served on numerous NCAA and SEC committees, and is currently the chair of the NCAA Division I Committee on Infractions. He has written numerous articles on NCAA-related topics, and has received several awards for excellence in teaching. Professor Marsh has degrees from Ohio State University, and a law degree from Washington & Lee University.

Our next panelist is Dr. Linda Benzel-Meyers. Dr. Benzel-Meyers is Executive Director of the Drake Group, a national coalition of faculty concerned about academic integrity in commercialized college sports. She is also on the Advisory Board of the National Institute for Sports Reform. She received her Bachelor’s Degree from the University of Chicago in 1975 and her PhD from the University of Oregon in 1985. She was the Director of Writing Programs and a Professor of English at the University of Tennessee from 1986 to 2003. She is currently a Professor of English at the University of Denver.

Finally, Mr. Len Elmore. Mr. Elmore was an All-American Basketball Player at the University of Maryland. He was a first-round draft pick in the ABA and the NBA, where he played professional basketball for ten years. Mr. Elmore received his law degree from Harvard Law School in 1987, and is believed to be the first and only NBA player to graduate from that institution. In 2003 Mr. Elmore was appointed to the John and James L. Knight Foundations’

"Under a new, motivated, energized leadership, the philosophy for equity, fair play, and [benefit] for the student athlete now exist."

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Mr. Elmore is a college basketball analyst for ESPN, and he also covers the NCAA tournament for CBS. We welcome all of you here today.

The moderator for this morning’s panel is Professor Robert Covington. Professor Covington is a senior member of the Vanderbilt faculty, having joined the law school immediately after his graduation from Vanderbilt Law in 1961. Professor Covington did his undergraduate work at Yale. He has established himself as a wide-ranging scholar and teacher, with a recognized expertise in labor law. Professor Covington has also taught sports law classes at the Law School. In recognition of his distinguished service to Vanderbilt, in 1992 he received the university’s Thomas Jefferson Award. Professor Covington, I’ll turn it over to you.

Professor Covington:

Thank you very much. Did you really have to tell those dates? Ground rules for this first session this morning. We’ll give our four panelists an opportunity for an opening statement – under five minutes. Then we’ll begin posing some questions to them, and we’ll try to reserve a few minutes at the very end of the session for questions from the floor. I should say that we do have to end right at 10:30, because one of our panelists has to rush to the airport and catch a plane to California – this is a busy panel. So, without further ado, let’s ask whether any of our panelists have any opening remarks, and I’ll simply go to the far end of the table, and Len Elmore.

Mr. Len Elmore:

Staring with me? First of all, let me say it’s an honor and a pleasure to be here with you guys. I wasn’t told exactly how long the opening remarks would be, but I will try to be five minutes or under, and I’ve got some prepared. First thing, I think the acknowledgement that reform advocacy requires the admission that problems exist, and the commitment to fix the problems. Fracturing, diluting, or eradicating the NCAA’s authority in the regulation and operation of inter-collegiate sports including athletic scholarship regulation, would not only increase the chance of further abuse and inequity, but would also invite the federal government to apply its peculiar brand of oversight. In fact, the best thing the federal government could do is remove the anti-trust restrictions placed on the NCAA in its representation of member schools and conducting the business of inter-collegiate athletics. You know, we’ve got to concede that college sports is an industry; but then again, education is an industry. It’s complete with oversight, compliance, revenue concerns, and ethical constructs, to name a few of the constraints applied to prevent the proliferation of runaway entities devoid of these principles and bent on consumer exploitation. Now the body of work produced under previous NCAA authority, and pre-Miles Brandt, certainly needed reform – academic issues, eligibility issues, and revenue payout equity are but a few of the areas of operation where the association and its member institutions lost control. Now let us emphasize “member” institutions so there’s no confusion as to who runs the show.

In the past, sagging rules regarding academics, recruiting, and eligibility were about to collapse under the weight of renegade schools and even conferences concerned only with self-interest, rather than the established trust and original mission of college sports. In turn, efforts to enforce existing rules have been characterized as arbitrary and capricious, and of Star Chamber variety, when it came to investigations and the imposition of sanctions.

Now, it seemed, in trying to essentially remedy this situation, that no good deed goes unpunished. In truth, under new administration with a focus on academic reform, recruiting changes, and an overall reestablishment of integrity, the chance to capitalize on the benefits of a central authority have never been greater. Today effective authority must be about commitment to improvement. The past lack of commitment by comparison is the difference between effective governance and no governance at all. The previous lack of true commitment demonstrated through bold and swift actions today, emboldened those in the past who sought to exploit, and those who continue to seek to destroy the ideal of major sports participation on campus as we know it.
I believe the current NCAA leadership has taken the bold steps necessary for reform and to solidify its leadership and regulatory authority. The incentive/disincentive academic reform policies, the up-front accountability of institutions through graduation rate measurements and penalties, the revamping of recruiting rules are among the most prominent of sweeping changes that can only be implemented under a strong central leadership body made up of institution CEOs, but shepherded by the association. Centralized and strong leadership allows the NCAA to effectively interface with its outside constituents, including federal, state, and local government, in the effort to regulate their various jurisdictions compatibly, and towards the same laudable goals. Without a strong and centralized authority, the prospects of a level playing field ever coming to reality grow dimmer by the minute.

These factors alone should suggest that there’s a greater goal for inter-collegiate athletics in mind. That there’s a distinct linkage between sports participation and higher education that broadens the learning experience. Removing anti-trust restrictions from the NCAA operation enhances its ability, and in the 1984 words of the late Justice White, dissenting in NCAA v. Board of Regents of the University of Oklahoma, it enhances the ability to provide a public good, and “a viable system of amateur athletics.” Justice White in his dissent recognized the need for the regulatory strength that only a body such as the NCAA with committed leadership could provide. He goes on to endorse the observation that without regulation, the desire of member institutions to remain athletically competitive would lead them to engage in activities that would deny amateurism to the public. Does that sound familiar? No single institution could competently enforce its own standards, since it could not trust its competitors to do the same.

This was the state of affairs under the old NCAA. Under a new, motivated, energized leadership, the philosophy for equity, fair play, and [benefit] for the student athlete now exist. They simply need the proper array of tools and protections for a full and comprehensive implementation. That means Congress should remove the marketplace restrictions on the NCAA control of the process, of the revenue, and of the output through recognizing their reasonableness in pursuit of that public good.

I believe the pendulum has swung back toward the vision of Justice White, himself and all American student athletes. Justice White aptly included a quote from an earlier District of Columbia appellate decision in his Board of Regents dissent which said “the NCAA exists primarily to enhance the contribution made by amateur athletic competition to the process of higher education as distinguished from realizing maximum return on its entertainment commodity.” Fueled by its bold vision and renewed purpose, there is no better time for the equally-committed member institutions through the organizational and regulatory structure of the NCAA to flex its muscle and help bring inter-collegiate athletics in line with its original and laudable mission and goals.

Covington:
Thank you, Len. Professor Benzel-Meyers.

Professor Linda Benzel-Meyers:
Thank you. I’m not tall, which makes me feel a bit like a fish out of water. Actually, that’s sort of how faculty feel about the collegiate sports issue. The one thing I wanted to talk about today is to sort of renew the faculty’s perspective. The Drake Group itself was formed in order to make our voice heard. Some of you may be aware of how I got involved in collegiate sports, since faculty are usually not directly involved. I did bring some handouts of some of the things I discovered, and it’s important to see these as representing the university’s mission – what the faculty see as the university’s mission is to serve the students first. The students are our constituency. They’re not human resources for a business enterprise, and they aren’t corporate assets to increase the revenue stream. The real problems I encountered at Tennessee are probably not throughout the country, but it does represent what happens when the two missions of the university collide. I think the real problem that the NCAA has is that it’s supposed to address these dual missions. It’s not their fault – they were actually set up to try and regulate what’s happening with collegiate
sports, but the problem is that every reform that they’ve put into place throughout history has been a rearguard action, and a capitulation to the capitalistic forces and the commercial enterprise of sports. Walter Byers has admitted that when he was NCAA President, he coined the term “student athlete” to avoid further workman’s compensation suits. A real problem we have there with the type of manipulation of rhetoric that somehow put corporate interests and the students’ interests together.

In 1957, after they had tried to put out a sanity act, in order to legitimate the under-the-table tuition waivers that were given to athletes in order to recruit the pre-professionals on the campuses, was quickly modified in order to address what was happening in the marketplace of collegiate sports, and that was to make it not just a need-based aid, but actually a free tuition waiver for an all-expenses paid as a recruiting pay-for-play, for the athletes coming to campuses. Then in 1973, further capitulation on the NCAA’s part reduced that four-year contract into a one-year renewable contract under the interest of the CEO, the coach. Which actually was forcing it to become a contract for pay-for-play, treating the student as a corporate asset, not as a student that we should be serving.

Now what I encountered at Tennessee was that many student would come to my office and they would say things like “I want to come to class but the coach says I can’t, take the D and be happy.” When I encountered academic fraud, people would tell me “That’s OK, we have to protect the enterprise.”

Now the NCAA recognizes that there are problems going on like this, where we’re asked to sacrifice individual athletes when plagiarism is discovered, rather than to look to the heart of the problem, where the athlete is actually being told to accept someone else’s work so that they can remain eligible. By asking us to sacrifice our constituency, they’re actually asking us to give up our mission as the faculty. Further, of course, infiltration with friendly faculty see that that’s the way to be promoted within the system and retain some sort of voice within the academic structure. There’s really a conflict in mission here.

The new reforms by the NCAA are really further rearguard reforms. They’re going to cause further problems in the sense that by putting pressure on the output standards and the quantitative measurement of graduation rates, they’re actually forcing the burden back on universities to somehow remain competitive in the same way by furthering this academic fraud and the compromising of the university’s mission. The ultimate effect that is has is that we’re being asked to follow a system that is supposed to be regulating our educational mission, but instead it’s going to be punishing the universities by treating the students further as corporate assets. If your penalties are to rescind scholarships, you’re basically saying that this is the profit motive that should be running our interest in the university.

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They’re going to have the impact of working under the table as they have in the past, and there’s no way that you can sort of bring them above board with some sort of further regulation with the NCAA.

So what the Drake Group is asking at this point – we’ve approached Congress – to investigate not the anti-trust issue, which I think is basically just admitting that this is big business and not the university’s mission, to investigate the non-profit status of the NCAA. Only if we do that will we enable a way that we can break off the commercial interests. Those athletes who are not intending to be students, are not taught how to be hypocritical, and how to avoid the law by pretending to be students, and they basically won’t be taking places away from the regular student population that we should be serving, and the students on campus now, who would like to be athletes, can compete on the collegiate scene. I was contacted by a lot of students who would like to compete in the athletics, and they could not, because they could not compete with the pre-professionals that were being brought onto campus.

So we really do not have college sports right now. What we really need to do is break off the commercial interests that have really strapped the NCAA throughout history, and have created the system that has led us to continue to erode the university’s mission, and erode the faculty and students’ voice on campus. We need to return the universities to students and faculty. Thank you.

Covington:

Thank you, Linda. Professor Marsh.

Professor Gene Marsh:

My notes are nearly as fancy as yours, Len; mine are like my class notes which are usually a work in progress, but I’ll keep it under five. I have served on the Committee on Infractions since 1999 and was the faculty rep at Alabama for seven years. If you let it happen – and I don’t let it happen – if you serve on the Committee on Infractions you could get pretty soured on things. That is, it’s like sitting in the emergency room at a hospital and assuming that everything you’re seeing there is what humanity is, that everybody’s been involved in a car wreck or a gun fight or some failing. Or reading the obituary page of the paper every day, and if that’s the only page you read you assume everyone’s dying or whatever.

I guess my experience is both as a faculty member, but then what I do on the Committee on Infractions in all of these things – particularly in the hearings that we have and the schools that come before us – is try to keep some sense of the big picture, and also sometimes a sense of humor, in the sense that a lot of what you see play out is a fine line between humor and sort of a Shakespearean tragedy. There’s sort of human behavior at its best and its worst in what I see. As I said I’ve been in as much of the crossfire of things, being both at the University of Alabama – and it’s famous for so many reasons on the NCAA front – faculty rep there for seven years and now on the Committee on Infractions. You’re in a part of the country, and I certainly am in a part of the country and in a state where they think the Ten Commandments are real important, but SEC football is even more important. So I guess I’m trying to say right out of the gate, I’m trying to credential myself to say, you know it’s been there, done that as far as the crosshairs of what can happen in inter-collegiate athletics when things go wrong.

My first point is this: the NCAA and lots of folks are big on going out and, you know they have a task force for this and a task force for that, and a commission for this and a commission for that, and a group for this and a group for that. That’s fine, that stuff is all important. But I think from my perspective on the Committee on Infractions that the most important decisions that are made in athletics are made by people back on the campuses, every day. Those are where the decisions matter the most.

As people discuss reform, they talk about all these national initiatives and so on – I always found it puzzling when I was in the SEC and working with other faculty reps and SWAs, and those acronyms are something you have to get used to if you’re going to be around athletics, everything is an acronym of some sort, starting with the NCAA and following all the way down – people who claimed that they needed support from the conference or support from the NCAA to have courage. I think I’m right, it’s been a
long time since I’ve been around it, but in the Wizard of Oz isn’t it the lion who always runs around and says “I need courage, I need courage.” I don’t think people really need – or shouldn’t need – that, in order to have courage back on campus. The point is that if you’ve got the right instincts, and you’re going to be honest, and you have a pretty good idea of what you’re all about and what you’re not about. If you’re a faculty member, you should be about teaching folks who are sitting in front of you, you shouldn’t be about trying to be some closet football nut, you ought to be a faculty member.

The Committee on Infractions gives you the chance to meet a lot people who make great decisions, even though they’re in front of you because someone from the school has fouled up. I’m always struck by the people who make just remarkably good decisions: the faculty member who said “No, I’m not going to change the grade,” no matter how much heat there was; or a student athlete who decided to walk into an athletic director’s office and say “Look, here’s something you need to know that’s going on,”; or a president that says, “I’m sorry, we’re going to fire the coach, no matter how much public pressure there is, because the coach is not leading by example.”

Most of those great decisions that people make don’t get reported. When an admissions officer says “Sorry, this isn’t happening,” that never makes it to the press. What makes it to the press is all the disasters, the big booster stuff, the faculty member who caves in, the academic fraud; that’s what gets the ink, that’s what gets the camera. I think people just don’t know about the remarkable number of people who make absolutely great decisions, and I think that they far, far outnumber the people who don’t. As I said I sort of get to see them in the best of times and the worst of times.

My other observation is that people assume that if there’s going to be “reform,” that it automatically is going to come from presidents, or that it also will involve faculty. And true enough, I guess it will, it will involve both. But I’ll tell you what – if you serve on the Committee on Infractions, you get to see no small number – particularly in recent years – university presidents who’ve lost their grip. In other words, they decide to override a decision that’s made by an academic officer on not admitting a student, and that happens, it comes from university presidents. I’ve had university presidents describe what I think is clearly academic fraud, as they say it’s academic freedom. Some student’s grade will get changed at a miraculous rate at a time of the semester that’s almost inexplicable, yet when the NCAA comes calling the university president says it’s academic freedom. I don’t think that’s academic freedom, I think that’s academic fraud. University presidents who succumb to pressure to keep a kid in school who just shouldn’t be there – who’s broken the law, broken the student code of conduct, broken just about every rule that exists – where if that kid was not a student athlete would have been long gone, but the president says, “No, we’re going to keep him here.” Then a recent affliction is university presidents who decide to go “big time” – that is, they decide that they just can’t live without being Division I. They want the stage, they just can’t stand it, they want to be like – and then they name another school. So they go Division I, and they go out

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and they approve money for marketing to put more fannies in the seat in the football stadium, so they’ll go out and hire two or three more marketing directors. But they don’t hire anyone to help in the Compliance Office to go to Division I. My view is – we’ve had a fairly significant number of situations like that lately – is that if a school’s going to do that and not hire more help on things like academic eligibility or whatever, when they set their first schedule up for the football season, they might as well go ahead and schedule a meeting with the Committee on Infractions too, it’ll save time. Because that’s generally where they’re going, if they’re not going to put enough resources in, that’s where they’ll be going.

Now faculty members – I never felt disenfranchised from that system, never. I don’t agree with some of the statements that are made that faculty members don’t feel like they belong. I think it depends on the strength of your personality. No small number of faculty members don’t belong in the Hall of Fame when it comes to making good decisions about athletes, they belong in the Hall of Shame when it comes to making good decisions about athletes. Faculty members can get just as silly and just as stupid and fall for the same kind of stuff as the silliest booster. I’ve had faculty members tell me, “Yeah, I changed a grade in the fourteenth week of the semester or allowed somebody to add a course in the thirteenth week of the semester – that’s academic freedom.” Right. Sure. That’s academic fraud, that’s not academic freedom. And that’s on the faculty. I’ve seen faculty – some of whom are faculty reps – they love having that mug shot in the media guide. They just love it. But when you take a look at them, they are so disengaged from the school and the academic issues that relate to the school, it’s embarrassing. I can’t tell you how many times we get these meetings in the Committee on Infractions where the faculty rep is as much of a player as that water bottle. In other words they were largely silent when things were going on, were not involved in the investigation in any way, and in many cases aren’t even described in the remedial measures as having any important part at all. Which, if it’s an academic fraud case, you just have to wonder, what are they all about. It gets to be particularly strong when you take a look at the media guide and you see that they’re described as being so heavily involved in things on campus – they’re probably heavily involved with traveling with the team to away football games and things like that, but they’re probably not all that heavily involved in the way they should be.

I take very close note in these hearings of people [who’ve got courage], who made good decisions, who made the right decisions, and almost none of them get any ink. They don’t become the USA Today article, they’re not on the TV, they’re not any of that. But I would say that the great majority of people who are involved in the process make quality decisions. And I say that from what I see in situations where you see them at their best, at their worst, you see what a lot of different people did at the institution over the course of a long period of time. I’ve been on the Committee five years now and I would say that I’ve been able to look at about fifty institutions pretty intimately. In other words you look at them in a process that stretches across several years of an investigation...
– sometimes several years – and you see a lot of decisions being made by a lot of people. And my experience is not just borne by being in the middle of the SEC or being at the University of Alabama, it’s conferences from across the country. And I am – unlike some people – not at all depressed by the state of the art, I am impressed by the quality of decisions that I see so many people make on campus who have so much courage. And these are people that will never make the NCAA news, they will never be interviewed because they’re on a commission or a group or whatever, they’re just some assistant registrar or some assistant dean or somebody somewhere who finally said, “Nope, not going there, that kid’s not coming here, over my dead body,” and it doesn’t happen. And when that happens, there’s no media coverage, virtually none.

As I said, I’ll fly through this because I know folks want to have questions. I think true reform, national initiatives and all that stuff, that’s really important. But the most important decisions are being made back at the ranch, they’re probably being made as we speak – back at a coach’s office, a faculty member’s office, a president’s office or wherever. That’s where the rubber meets the road, that’s where people make decisions that matter, where they make the choice that’s a solid one – or not – and I guess those commissions and those task forces and whatever give some good wind at your back, there’s strength in numbers and all of that. But I’m telling you, that based on what I’ve seen, I’m incredibly impressed by how many people stand up to pressure, faculty members who do the right thing, admissions directors who don’t make that mistake, and who stay in character; they don’t try to be what they’re not, they’re not all that worried about being a cheerleader. They’re just doing their job teaching chemistry or whatever it is they do and they don’t fall for – I guess you’d say the pressure that comes along. So you’d think, based on what I do where you just kind of watch one meltdown after another, that you could get pretty soured on folks and the way things are. I’m fully aware of what all the problems were. I think you would agree that no one who’s spent seven years at the University of Alabama from the mid-90s until not all that long ago as faculty rep – you know we probably had more appearances before the Committee on Infractions than any school. But as I look nationally I am deeply impressed with the people who are in those office jobs who make great decisions. Thanks.

Covington:
Thank you, Gene. Commissioner.

Commissioner Mike Slive:
Thank you. I’ll be a little brief than my colleagues, I just want to make two points. The first is to follow up on what Gene said, about the macro versus the micro. I think Mr. Elmore did an outstanding job outlining the macro issues. But when you get to the conference level and the institutional level, those macro issues become micro issues. I think of reform issues more in terms of my conference than I do the NCAA for many of the reasons Professor Marsh outlined. In July of 2002 when I was fortunate enough to be named Commissioner of the South Eastern Conference, I set forth some challenges that I thought we needed to meet for ourselves to meet the issues that we’ve all been referring to. At that time I think the first issue for us was to make sure that we changed our culture regarding infractions, and set forth a goal of having none of our institutions on probation within five years. And that initiative was fully supported by our presidents and chancellors and by our athletic directors and everyone involved in the South Eastern Conference. We put together a task force made up of presidents, chancellors, athletic directors, coaches, faculty athletic representatives, and senior administrators, and they issued a publication last summer – and we’ve got copies here for all of you – which sets forth the philosophy of the South Eastern Conference, and the roadmap for dealing with issues that we’ve had in the past.

For me life in the South Eastern Conference begins in July 2002. We did something we’ve never done before, we brought everyone together – the groups I mentioned plus our football and basketball coaches – and had a vote as to whether or not to adopt this platform, this philosophy, and it was adopted unanimously. I just finished a tour, including Vanderbilt, of all twelve of our
institutions, and we went eyeball-to-eyeball with over twenty-five hundred to three thousand people involved in inter-collegiate athletics in our conference, and told them what we expected, what we demanded, and that we certainly wanted consequences for issues that wound up being violations of NCAA legislation. So that kind of activity, with the blessing and the support of your presidents, your chancellors, and your athletic directors, I think begins to reach deeper into the reform movement than at the macro level.

We also felt that we weren’t diverse enough, and we talked about that, and I’m very proud of the steps that we’ve taken – it’s a significant issue for us nationally, to give equal opportunity to everyone to be coaches and administrators. And now we have the first minority head coach in our league in the sport of football. We have an athletic director who’s a minority. We started an internship program in our conference office for minorities, and we’re proud to have three outstanding young people in our office. That’s where when you’re at the micro level you can dig down and make sure that things happen that should happen.

We supported the academic reform movement. One of our platforms is to make sure that we provide our student athletes with the chance to win national championships. We compete at the highest levels, we want to, we’ll continue to, and we’re proud to, but we need to make sure that we graduate our student athletes. We don’t agree with every piece of every puzzle, but we certainly want to get the job done.

That’s just three, but that’s done in a context that I thought Mr. Elmore outlined beautifully. But it might help you all as you think about these issues [to know] that we have in this country a unique experiment. Because we value the educational components of competing in inter-collegiate athletics, we have made it part of higher education – because it has educational value. You’ve all heard of the teamwork, sacrifice, discipline, learning to live with failure. All of us need to succeed in the academic area, but we can do it also in the athletic area. But when this was decided, it was also decided that as important as athletics are for student athletes, they weren’t going to be funded by our institutions, they were going to be funded in some other fashion. My guess is that that was supported by faculty way back then, and rightfully so, [because] they did not want to use academic resources for intercollegiate athletics.

So the culture grew, unique in the world, and it’s grown and it continues to grow.

“We also felt that we weren’t diverse enough, and we talked about that, and I’m very proud of the steps that we’ve taken – it’s a significant issue for us nationally, to give equal opportunity to everyone to be coaches and administrators. And now we have the first minority head coach in our league in the sport of football. We have an athletic director who’s a minority. We started an internship program in our conference office for minorities, and we’re proud to have three outstanding young people in our office. That’s where when you’re at the micro level you can dig down and make sure that things happen that should happen.”

There’s no doubt, that we have two components – we have an educational component and we have a commercial component. The genius is balancing those two components. Certain days one component overflows its bounds, we try to bring it back, and then maybe another day something else happens that doesn’t make sense. We have issues; we continue to deal with them. But we’ve been enormously successful, and in our conference, for example, development of resources has meant wonderful opportunities for women that have never occurred before, and you’ll hear more about that in the panel this afternoon.

Finally, we are talking about – in the South Eastern Conference alone – we are
talking about somewhere between forty-five hundred and five thousand student athletes. We’re not talking about thirteen basketball players, or a hundred football players. We are talking about opportunities – I assume at the NCAA level it’s somewhere around three hundred and fifty thousand student athletes; in our league we sponsor twenty sports. All of this is possible because we try to balance both sides of the equation. You read about our failures, but I assure you, our successes outweigh our failures.

Covington:

Thank you. We have given the panelists a couple or three questions in advance. They have largely answered the first question I was going to pose to them already, but I think I should give them an opportunity to be a little more specific about it. That first question is really, if we’re talking about reform, just how bad are things? Is major change really needed? After all, we have a situation in college sport in which there are questions about such issues as the fairness of competition. There do seem to be certain institutions that are always in the top twenty-five, or when they slide below it don’t slide very far, while others have a hard time making it into those rankings. There are the media stories that Professor Marsh has referred to, stories about sexual misconduct, about violence, about drug use. There are issues of academic integrity of the sort that Dr. Benzel-Meyers has brought up. And there are, not just in the media, but also in rumors, regularly questions about improper financial dealings – alumni, friends, sports agents, and the like. How bad, really, are things today? Are they better or worse than they were ten years ago? Given your special look at this sort of thing, I think I’ll start with you, Gene Marsh.

Marsh:

This morning I was watching a TV report of, I guess, a high school teacher who may have had an inappropriate relationship with a student. It was only on it seemed like twenty of the thirty minutes of the news. I was thinking, “Now that high school, that’s getting all that air time, how many teachers at that school have just done a phenomenal teaching job, how many have maybe saved a student’s life, literally, by getting that kid to turn around who may have been ready to drop out or whatever, and what are the odds that anybody in the media – wherever that was occurring, and the sound was off so I was unplugged from that, but the pictures were on – how many will ever pay attention to that side of that school or those people or those students?” So I think a lot of the perspective – believe me, don’t think for a second I don’t think there needs to be change and reform or whatever, I’m not even going to repeat my credentials are, about where I’m from and what I do, so I don’t have to worry about that part as far as do I think there needs to be reform. But as far as, are people taking it and then making it sound as though it’s Rome in the last few days of the empire? I think they do that all the time, just because it’s sexy to talk about it that way and you get a lot of ink and you get a lot of airtime. But I still, despite my experience at Alabama and in the SEC, and in the Committee on Infractions, think things are a whole lot better than folks describe them.

Covington:

Thank you, anybody else? Linda?

Benzel-Meyers:

Well, to give an example, at the end of my career at Tennessee, when I had exposed some of the problems that had happened on campus with the academic fraud that had enabled the athletes to remain eligible and the athletes themselves were being denied access to an education, in order to avoid any NCAA sanctions the university administration said, “Well, what you’ve shown us is, yes, there are some problems here, but there is no violation of NCAA rules because none of our academic policies are enforceable for any student.” The real problem I encountered with that statement is that the erosion of the educational opportunities for the athlete have now encroached on the general student population. All the students were now being affected by the decline of the integrity of the university’s mission, where the degree – which is what the graduation rates tend to enforce – is now seen as a commodity. What it represents is unimportant. So I think the quality of higher education in America is being adversely affected
by the commercial interests. And I think it is worse than ever before, because people are no longer ashamed to say it. Because of the constituency that the universities tend to serve with the rise of the big collegiate sports enterprise, the public don’t want to hear problems, so they find that it is easier to make a statement that will alleviate the problems that they’ve encountered and assuage the fears of the fans rather than to fear that someone will see through it and see what it really represents. Which is that the degree itself is becoming increasingly meaningless in America based on the commercial enterprise.

**Elmore:**

See, I couldn’t disagree more. The reason is, first of all, we talk about commercial interests, I sit on the Board of Trustees at the University of Maryland, which is a research institution. Let’s set sports aside for a second, University of Maryland has a number of corporate interests they have to balance because it’s a research institution. *Education* is big business. I agree with Mike, that this athletic competition and intercollegiate sports is essentially a part of that mission and can be balanced, which enables opportunity. I think among the issues that – if we want to prioritize them – I think that the academic integrity issue is probably the single most important thing, because of the mission, as I mentioned before, of intercollegiate sports, which again has to do to it – faculty participation. If we want to police that, we have got to be able to change the culture. Faculty members have tickets to the game. They sit up front. The bottom line is that there are some, just like anywhere else, there are some that will skirt the rules simply because it’s part of that particular culture. We certainly need to be able to set parameters that minimize their impact, if nothing else. I think that a number of the reform measures that, in a macro sense, might better have been in place, are part of the changing of the culture. We want to be able to change the culture of academic fraud, change the culture of the CEO ego if you will, change the culture of booster influence. But it’s a top-down process. If you set parameters in leadership, and if you establish that it won’t be tolerated, it begins to filter down. I think that we talk about so-called “pre-professional” students, and I kind of bristle at that term, because when we talk about pre-professional students, what are we really talking about? Are we talking about young men, and now to a certain extent young women, who come in thinking that they’re going to be professional athletes? That’s part of a dream and there’s nothing wrong with that, but without exposure to the university community, how do they know there’s anything else? See, we’re talking about providing opportunity. If that’s the case, I was defined as a pre-professional athlete, and I shouldn’t have been denied an opportunity with maximizing the contribution made by competition to higher education. And I think that when we look at things like academic fraud, et cetera, let’s point the finger where it needs to be pointed – and I think Gene alluded simple because of that. I think that we have to be able to embrace all these kids from a diversity standpoint, allow them to experience the university community, allow them to adhere to the rules of a university community,
knowing what society is going to expect of them. This is part of the process. Graduation rates are an indicator, they’re not an end-all. I think that there are some flaws in the measurement there, but you need to have something in place to determine effectiveness. Saying that we really shouldn’t focus on them is a huge mistake. I think that in many instances you bring that stuff to light, and then we can continue to address it and fine-tune it. When I hear that there are so many students who want to compete, but for the pre-professionals, you know the last thing that I remember in this country with regard to meritocracy, is that you go there to prove yourself, and to be the best, if you will, and to aspire to be the best, and not everyone can be the best. I wanted to be on Law Review at Harvard. But there were a lot of people who were better than I was. So from that standpoint I don’t have any trouble with the meritocracy, there are people who are ingenuous and creative, that can find methods and opportunities to be able to sate that desire to compete. At the end of the day that, as I mentioned academic integrity and some of the other things, are the single most important aspects of reform – student conduct, with regard to the drugs and the racism and sexism, et cetera, we have to address that in a wider sense. That is a microcosm of our society today. I would never lay that at the feet solely of students. Yes, I expect student athletes to be the best and the brightest among others, but I nevertheless don’t expect any more or less of them with regard to their university community. With regard to improper financial dealings, again this is a culture change. It begins on campus, it begins with the understanding of the impact. It is about the CEO setting the standard, about the administrator setting the standard, but again I go back to that macro sense – without the top-down effect of leadership, then we’re still going to have people going in disparate ways.

**Covington:**

Let me turn to the second question that we gave to our panelists. Is meaningful reform really possible? The 2001 Knight Division Report – Len Elmore serves on that commission now – complimented the NCAA for making a number of reforms that an earlier Knight Commission had suggested. The Commission says, “We now find that the NCAA has made considerable progress toward achieving the goals the Commission laid out.” In the next paragraph they say, “We find that the problems of [college sports] have grown rather than diminished. The most glaring elements of the problems – academic transgressions, financial arms race, and commercialization – are all evidence of the widening chasm between higher education’s ideals[...].” Clearly they go on to say “More NCAA rules are not the means.” Well, is reform really possible? I outlined for the panel four obstacles, and I hope they’ll either demolish these, or tell me there are more and more significant ones. One is inertia. The Division I manual from the NCAA runs for 187 pages now. Given the complexity of that amount of regulation, it’s not surprising that not a great many want to pursue change too vigorously. There’s a lot of time and effort invested in figuring out and implementing this sort of complex structure. Second, there’s the NCAA’s structure itself. This has changed a lot – in the middle 1990s, presidential control was increased immeasurably. But it’s also true that there’s, from my perspective at least, ever more balkanization within the organization – multiple divisions, multiple subdivisions, tremendous numbers of committees, task forces, and so on. Third – and this we’ve already heard a good deal about – money. The $6.2 billion between CBS and the NCAA for March Madness is only one example. Anything likely to make the product that the NCAA sells less appealing to the public is going to be hard to sell to schools that are already, on average, spending $3.3 million a year more than they’re getting in revenue for sports programs. Finally, I see a very significant problem in the fact that there are a great many other players in the game. There are the governing committees for the various Olympic sports, who report to very different groups from the NCAA; there is the
AAU, which has been in the media quite a lot; professional leagues, sports agents. All these largely lie beyond NCAA control. Given these obstacles, is there really hope that the NCAA can do the job?

Well, we have some insiders and some outsiders, if you would, on the panel. Let me start with the insiders, and ask Commissioner Slive, who’s been involved with the NCAA for multiple decades now, to start off with this one.

Slive:

You’re trying to catch up with your age with me, huh? The answer is yes. And think about – I think Len said it well – what is the NCAA? The NCAA is each and every member institution. Each and every member institution in the NCAA has a way through its representative form of government to exercise its views on what it thinks it should and should not do. So to that extent it’s a democratic organization. There’s a perception that the NCAA is a few people holed-up in an office someplace in Indianapolis making all these decisions. We make them as members. I don’t think there is a better or different organization that’s available to run intercollegiate athletics. We’ve talked about reform since we sat down here this morning. In order to support the work of the NCAA – and I don’t know how many championships the NCAA runs, I guess about 80 some odd championships for student athletes in Division II, Division III, Division I – 90% or more of that money, that comes to support all those championships, to pay the per diems, to allow schools to go to championships and athletes to go to championships, and all the other services the NCAA provides, is made up exclusively of presidents and chancellors who have the opportunity to make final decisions about the policy of the NCAA. That’s the same way it is in the South Eastern Conference; that’s the way it is in well-run conferences, where presidents and chancellors have the ultimate decision-making authority, who involve themselves in a very real way in the administration of intercollegiate athletics. So I don’t think the structure’s in the way, I don’t think inertia’s in the way. The other governing committees are really very highly-specialized, and don’t deal with some of the broader issues.

There are lots of issues, there are lots of self-interested, competing interests, there are a lot of different kinds of institutions. I think
Professor Marsh made an interesting point earlier – one of the difficulties about athletics in education is that athletics has assumed a mantle that it never wanted. Somehow institutions feel like it’s important for them as institutions to be in Division I, or more realistically, in Division Ia – to be called a Ia, whether your institution can really operate at the same level given the tradition and history and resources. And that’s unfortunate. That causes a lot of issues. But some of the issues, really, it’s just part of our culture in the sense that athletics has become such an important part of all of our lives, whether it be educational or just entertainment. So if that’s something that we could deal with we would, but I don’t think we can.

Covington: Others? Gene.

Marsh: Most of my work as a law professor relates to financial institutions. I’m looking at your labels here – inertia, structure, money, and other players. You could apply every one of those labels and make the same argument that all of those things would either get in the way of further regulation of, say, our financial markets in the country, make deregulation or further regulation difficult. I don’t see any of them as being unique to college athletics or the NCAA; they exist in every part of our country when you start talking about financial institutions, churches, or whatever they are. The NCAA rulebook – I always get a kick out of people who say it’s so-many-hundred-odd pages long. True enough. So is the Nashville phonebook, but I’d only deal with a little piece of it from day to day. The NCAA rulebook is a monster, there’s no question. But for the most part there are three or four or five rules that end up making the headlines in USA Today or whatever: it’s paying players when you shouldn’t be paying, it’s buying players when you shouldn’t be buying, it’s doing this and it’s doing that – those aren’t hard to figure out. And you ought to know better anyway. The ones that get everybody all in a big knot when they start talking about the NCAA rulebook, that’s a cheapy, and that’s goofy. Because, yeah, it’s big, but so is the articles of incorporation and the bylaws of General Motors, but somehow people manage to go down the road there as well. So, is meaningful reform possible? Sure. Sure it is. There are some things that get in the way, but I don’t really see it as being wildly different than a lot of other segments of what we have in the country.

Covington: Linda.

Benzel-Meyers: I would like to respond to one question that Commissioner Slive brought up, and that was why a lot of universities want to become Division I today – and it’s true, it’s sort of an arms race that’s going on. And part of that problem I think is connected with this issue of whether or not meaningful reform is possible. Because we need to think about what we’re reforming – are we looking to reform the business of collegiate athletics, to keep the problems off the front page or the sports page, or to try and keep the equity between programs? Or are we looking to reform the educational enterprise as it’s been impacted by the collegiate sports business? Now one thing the NCAA has been identified as by Street & Smith is as the largest monopoly in America. It is big business. And part of the reason universities do turn to wanting to be Division I and wanting to compete, whether or not they can afford it, is to participate in the big business and to compete for revenues in a climate where the universities are no longer receiving their support. To a certain extent this brings in a response I had to what Len said about the ability of individual athletes to make it and to get this opportunity. Unfortunately the big business has impacted the whole educational structure in such a way that students are trapped as early as elementary school into being waived from educational opportunities in order to prepare them for the athletic scholarship as the carrot. In the larger Division I programs – not all, I think you’re a good example of what can be done when it’s done right...

Elmore: I would just say – not to interrupt you – that’s up to the parents. See, we’re taking
accountability away from the people where it matters and placing it on the NCAA and the structure, and it's wrong.

**Benzel-Meyers:**
I'm not placing it on the NCAA, I think they're sort of caught in the middle. I wouldn't say that they're the problem, but I think that it's the corporate culture in higher education that leads to this attitude in the population at large. The parents themselves are pretty uninformed about the whole structure. They see it as an opportunity, they're not aware of the problems...

Elmore: They want to pay for college. I've got a fourteen and a twelve-year-old, I'd rather them pocket the money...and that's part of it.

Benzel-Meyers: Well that's right, they see it as an opportunity, but they don't recognize what that athletic scholarship means; they don't recognize that at many schools athletes have to sign away their student privacy rights in order to get the athletic scholarship. That they are not allowed to choose their own majors, their own courses, they're not allowed to go to class. That they are really tracked, just the same way that they have been going through elementary and high school, into a sort of professional track, even to the point...

**Elmore:**
Isn't that an information problem? That once informed, people can make informed decisions?

**Benzel-Meyers:**
I've tried to inform by exposing anonymous records from the championship team at the University of Tennessee, and that was successfully blocked by fan base that wanted to protect the records...

**Elmore:**
I mean making decisions on student privacy and some of the things that you accurately pointed out. Instead of going for the home run, the grand slam, if we start to inform people on the level of elementary, junior-high, and high school. I know there are pamphlets out there and there are things available to parents and other decision-makers, other care-givers, wouldn't that help students make a decision?

**Benzel-Meyers:**
I don't think the information will do it. I think what you need to do is break off the commercial enterprise so they recognize that tracking their...a lot of them do want to choose for their children to become professional athletes, they think that carrot is there for the picking. But the real problem is that they do not see that the athletic scholarship is not the way to become a professional athlete. We really do need to have the separate tracks. If we're going to have an educational enterprise, let's reform collegiate sports to make college sports part of the educational process. The point I was making, when you talk about the meritocracy – okay, only a few can be the best, but that doesn't mean no one else can ever participate. We're getting to be a fat and lazy nation. Why? Because we're not having the physical culture implanted in college campuses these days where we are educating the whole person. Either people are athletes, or people are what some people call me, a dome head. But they do not become a kind of a wholly-educated citizen, and wholly advised. I think if we could break off the corporate interest, we're not going to have this sort of tracking early on, where we're creating an underclass – gladiators, that we're keeping purposefully illiterate so that they can entertain us.

**Elmore:**
I don't agree with that.

**Marsh:**
I don't know what kind of students you had at Tennessee, but – Alabama's not Harvard, but we didn't have those kind of student-athletes at Alabama....

**Benzel-Meyers:**
Well not all of them...

**Marsh:**
Well, you said two classes; life is not even close to that simple for me...
Benzel-Meyers: No, no they’re...

Elmore: We’re generalizing...our generalizations here are too broad. I know student athletes who are proud of the fact that they are part of the university community, and that they are capable of doing both. So when you talk about having two tracks, I’m not going to put my head in the sand and say that that doesn’t happen in some instances. But overwhelmingly, if you sit down and you talk to a student-athlete today – not in 1999, I’m talking about today – most of them, if not all of them, will tell you that it’s equally as important for them to do what they need to in the classroom. Are they capable? Some may be, some may not be, and that’s one issue that certainly needs to be addressed. But overall, being on this campus, and being part of the university community is very important to most of those kids, even the ones you call the pre-professionals.

Benzel-Meyers: That’s the problem, what I encountered, [was that] the person that was supposedly helping with their academic assistance at Tennessee told me “No, we cannot let the athletes walk across campus, they’ll get into trouble, they don’t belong in that part of the culture.” They are kept away from access to an education, and access to the university community. Ideally they should be...

Elmore: That’s now? That is now, today?

Benzel-Meyers: That’s what they told me when I was trying to mainstream their access to the educational opportunities on campus, they cannot use the students’ facilities, they had to have their own facilities...

Covington: Let me intervene, if I may, and raise a sideline issue here. The controversy at the University of Tennessee, as I recall it, had to do with people who were involved with what we familiarly call the “revenue sports.”

Benzel-Meyers: Right.

Covington: Is there a really significant difference between the treatment of those athletes who are in the “revenue sports,” particularly football and basketball, and those who are the athletes in tennis, and swimming, and diving, and programs of that sort?

Elmore: Yeah, there is. And the reason, I think, is in some ways misguided. When you talk about treatment, we’re talking about academic support, for instance. Where these students have access to academic support that, on its face, the average student doesn’t have direct access to. They do have access to academic support, but not housed in the same place. And I think part of that is because they do want these young people to remain eligible, for whatever reason – either to continue to

“Each and every member institution in the NCAA has a way through its representative form of government to exercise its views on what it thinks it should and should not do.”
participate in sports, or because they don’t want them to fail, which to me, if that is the goal, then it’s laudable. You bring them in for the purpose of playing sports – and I’ll face that as well – you’re bringing in some people who may be at risk. But isn’t that what this is about, about providing opportunity across the board, providing access, being able to develop leadership? Our measurements as to who’s capable and who’s not in a college sense have always been skewed. One time we use the SAT, then all of a sudden it comes out that the SAT doesn’t measure anything but maybe your first-semester capability in college, doesn’t measure the true value of what you’ve learned in high school, or your potential. But at the end of the day there is a different treatment to a certain extent. I think universities are moving away from that. There are times when it’s probably logistically impossible not to treat them differently because of when the games are played, the fact that sometimes over student breaks they require them to be on campus as opposed to not being on campus. But at the end of the day my push has always been that student athletes shouldn’t be housed separately, particularly revenue students, that they shouldn’t be fed separately except in times when it’s appropriate from a nutritional standpoint, and that’s only to help them. I think overall being a member of the university community means being a member of the community, and not being isolated in any way, shape, or form. The system is such that, does it have its flaws? Yes. To go back to the original question with regard to inertia, I think that is the strength of the reform movement. I wouldn’t call it inertia, I would call it momentum, because we now want change, so many people have spoken out for change. The structure of the NCAA was tweaked in the 90s and continues to be tweaked, to the point where we will get even more representative focus and have outsiders, such as the Knight Commission and others, having influence to keep issues in the public eye and have people address them. From a money standpoint, we keep forgetting that the $6.2 billion is not in some vault in Fort Knox with the NCAA’s name on it. That gets distributed to the conferences, who in turn distribute it to the schools, who in turn use it for programs such as academic support. There may come a day when we won’t need academic support with our student athletes, because there’s going to come a day with the academic reform policies in place, et cetera, that people who are being recruited are people who are capable of doing college work. The at-risk students are still going to come in, whether or not they’re through athletics or otherwise, because as a nation we need to continue to provide a broader base of access and opportunity. But until that happens, we are going to have to live with some of the difference in treatment of student athletes in particular. But they’re not treated any differently than the dancers, or the musicians, or some of the other special-admits on campuses who add to the diversity of a particular university community. I don’t know about you guys, but I would hate to go to school where everybody was like me. (I’d hate to play where everybody was like me, but that’s another story.) You have to add to the diversity of a particular community, so these are special admits no different than anyone else, and when you say “special,” yes, you’re going to be treated a little differently.
Covington: Mike, you look like you want to chime in on this.

Slive: Just one follow-up on what Len said. The distribution of the revenue that flows down from the NCAA and from the basketball tournament to the conferences – in conferences like the South Eastern Conference, one of its great hallmarks that has allowed it to grow and develop is that we share the revenue equally among our institutions. We don’t measure institutions by sport, we don’t measure institutions any other way. When we divide up the revenue, whether it comes from the NCAA, or comes from our championships, or comes from our bowl appearances, for the most part the money is divided up equally so that all of our member institutions are treated equally. The goal is to make sure that all of our member institutions have broad-based programs. We would not have a league if we just had football and basketball – it wouldn’t be justifiable. It allows us to make sure that we have twenty sponsored championships and five thousand athletes competing in a lot of sports. The way we’ve done it over the years, because of the initial creation of the system, has given us some great opportunities.

Elmore: Just one quick point about other players, and I wanted to mention it in terms of momentum. In the NFL we saw in the Maurice Clarett situation, the NFL and the NFL Players’ Association had an agreement – albeit it was tacit, and I’m sure it will be written down going forward – an agreement from a collective bargain standpoint, that there is a connection between age, and maybe even education, before entering that particular league. I think the NBA is slowly moving toward that realization as well, that they’re better-served by older and more-educated young men coming into that league. So the idea of being able to change the focus on education as it filters down to some of these families, who recognize that once that floor is placed on a situation, where young people recognize that there is going to be time – you just can’t come right out of college after the first year, you can’t come right out of high school – that there is going to be a focus on going through four years of college. Maybe that is going to at least put a drag on that culture of “I’ve got to get them into college to go to the pros, or I’ve got to focus on getting them through high school to have a professional career.” Maybe the pendulum will start swinging back to the more mature, better-educated individual.

Covington: That emphasis on getting people to the pros leads to my last question for you. There’s been a considerable change of atmosphere in our society in recent years. When I was going to baseball games during our very good season this past year at Vanderbilt, a large portion of the conversation in the stands had to do with “Do you suppose any of those guys are going to get really good signing bonuses?” One of the things that we have come to admire in our culture is the beauty and grace that we see in professional sports. At the same time, in the Congress which recently enacted the SPARTA Act, regulating contacts between sports agents and younger athletes, and in other ways, we don’t really do much to help our student athletes think ahead about the business aspects of what they’re going to get into. Should the NCAA or some other organization actually play a role in helping student athletes who are headed for professional sports get a better grasp on what they’re getting into? And if so, how?

Benzel-Meyers: There are several different things I want to respond to from before, but I think it relates a little bit to this question. I think the commercialized aspect of that whole question, and the commercialized sports, reveals a significant problem on the campuses, which is the two-culture campus. Which is we teach the athletes in the revenue sports, and even now in some of the Division III sports...even there the culture now is being impacted at all levels, so that students who are not prepared to do college work are being recruited even for non-revenue sports in order to increase the marketability of the university. But the real problem then is that we do have a two-culture campus. The students who are there to get an education rather than to make it to the pros,
are treated differently from the students who are corporate assets and are told ways to evade the laws of the campus, and even are sort of helped out of situations when they get into the public sector and into criminal situations. So I think it all stems back to that corporate culture. The revenue issues should not be part of the campus. We should have only a type of collegiate sports that is part of the educational enterprise and [if you want to talk about] preparing them for this professional climate, let’s have a [real farm] system, and not a [free farm system called the NCAA] for the pros, something that can focus on those issues. We’re not a trade organization, this is higher education in America.

Elmore:

How many young men in Division I basketball, how many young women in Division I basketball, how many football players, actually become pros? How many actually believe they’re going to become pros? A very very small percentage. The realization sets in pretty early. As we see from the NCAA commercial – I think it’s very appropriate – where a guy is talking about everything that he learned on the field or on the court as he gets on an elevator to go to his first job is so relevant. I think that’s what we’re seeing right now. You talk about training people for the pros, let’s face it, there are people who are talented enough to become professional athletes. When you talk about programs in place, I think that each institution has that responsibility, and many of them already do. I used to represent athletes, and I got out for other reasons, but the bottom line is that there are a number of institutions who had these types of educational resources to at least prepare the young person, and it was up to them whether or not they followed through. Also, from an NFL standpoint, I believe there’s a council there that will essentially give you enough information to judge whether or not you have draft potential, and where you might finish in the draft. From an NBA standpoint, that’s a little different. And as far as baseball is concerned, obviously once you’re drafted out of high school if you choose to go to college, you can’t be drafted again until after your junior year. At the end of the day, I really believe, again, we’re talking about such a small percentage. I deal with a lot of these young men in Division I basketball because of my responsibility at ESPN, and you get a chance to sit down and talk with them...Linda, I think you would be awfully surprised. I imagine if you had a chance to travel with me for a month and speak to these young men it would change your position drastically on so-called pre-professionals. Most of them understand where they are, most of them understand the value of their degree. Is it more difficult for others to scale that learning curve? Yes, but many of them are committed to doing that. So it’s not just about becoming a pro, and many of the things these kids are learning that they might not otherwise learn without being part of the university community, and without being an athlete, would amaze you. So I think it is an education opportunity to be a student athlete. If you look at the minor sports, you’ve got tennis players who are turning pro, you’ve got golfers who turn pro, you have track and field student athletes who turn professional; it’s not just focused on the revenue sports, it’s because we see the revenue sports.

Covington:

Thank you, one and all, Mike Slive, Gene Marsh, Linda Benzel-Meyers, and Len Elmore, for getting us off to a really good start. Thank you.