

Introduction & Background

A study conducted by the National College Players Association and the Drexel University Sport Management Program reveals that National Collegiate Athletic Association (NCAA) rules force players to pay for thousands in educational-related expenses while working in a culture that unfairly underestimates their contributions to a multi-billion dollar industry. This report is particularly timely because of the string of recent controversies that have raised serious questions about the moral underpinnings of the college sport enterprise and its practices (Farrey & Gubar, 2011; Robinson, 2011). The range of out-of-pocket expenses for a "full" scholarship student-athlete in the Football Bowl Subdivision (FBS) is \$952/year to \$6,127/year depending on the college. Further, the study estimates the fair market value of big time football and basketball players to be in the hundreds of thousands of dollars annually while the NCAA restricts the value of the full scholarship to a level of compensation that is at or below the poverty level for the vast majority of athletes. To follow is an examination of the paradox of "amateur" revenue-producing college athletes who are paid to play, the power of propaganda associated with the NCAA's self-serving concept of amateurism, the predicament of athletic scholarships being viewed as ample compensation, and the scandals related to the big earnings for athletics officials and poverty wages for revenue-producing athletes.

The Spin Move: The "Student-Athlete" and "Amateurism"

The colleges are already paying their athletes. The colleges, acting through the NCAA in the name of "amateurism", installed their own pay system called the athletics grant-in-aid or athletics scholarship...we crafted the term 'student-athlete'... We told college publicists to speak of "college teams," not football or basketball "clubs", a word common to the pros.

- Former NCAA President Walter Byers recounts how the NCAA implemented its own pay-for-play system while selling it as "amateurism" (Byers 1997)

Summer time and the living is not so easy in big-time college sport circles at the moment as the heat rises on questions of whether college athletes should be paid or compensated more fairly for the work they do resulting in the generation of billions of dollars in revenue for stakeholders in the college sport corporate complex. For anyone following the economics and business practices of the industry during the past six decades, this moment has been coming for a long time. The suppression of wages of an unnamed labor force artfully referred to as "student-athletes", a term the NCAA admittedly created to deflect attention away from the fact that awarding a scholarship for athletic prowess constituted a pay for play system, has been in operation since the adoption of the four year athletic scholarship award in the 1950s (Byers, 1997; McCormick & McCormick, 2006; Sack & Staurowsky, 1998; Staurowsky & Sack, 2005).

In that same year, the NCAA reorganized into a federated structure leading to the creation of Divisions I, II, and III and the crafting of separate philosophy statements for each division. To understand this is important because it provides insight into the strategic decisions made by college sport administrators and higher education officials in growing the commercial college sport enterprise, built almost exclusively as it is on the ability of football and basketball (primarily men's basketball) to generate income. This is not accidental but intentional as evidenced in the expectation, as stated in the Division I philosophy statement and absent in the other two, that schools in that division "Sponsor(s) at the highest feasible level of intercollegiate competition one or both of the traditional spectator oriented, income-producing sports of football and basketball" (NCAA Academic and Membership Affairs Staff, 2010, p. 338).

The “Student-Athlete”

Over the years, the NCAA has done much to undermine its own idea of the student-athlete, including when it changed the four-year athletic scholarship award to a one-year renewable scholarship in 1973 (Sack & Staurowsky, 1998; Smith, 2011). The average sports fan, and even scholarship athletes themselves often fail to realize that the one-year scholarship is subject to renewal at the discretion of coaches, an arrangement that effectively renders athletes silent or substantially voiceless when it comes to their own welfare by exerting pressure on them to remain compliant if they wish to achieve their goals of either remaining in college or developing their athletic talent in pursuit of professional careers.

Contrary to the assertion by the NCAA that “student-athletes” are to be “considered an integral part of the student body”, football and basketball players in the nation’s elite programs shoulder a burden that no other students share. They perform in lucrative media spectacles organized and brokered by their institutions through layers of associational relationships (NCAA, conferences) that employ regulations that govern nearly every aspect of their lives. In turn, while scholarship athletes in the so-called “equity” sports of football and men’s basketball are generally required to be academically eligible in order to play at their respective institutions, their financial fate is dictated by their performance on the field and their value as athletic commodities. If a revenue-producing athlete does not perform as well as expected athletically or is permanently injured, his coach can choose not to renew the scholarship without consideration for the athlete’s academic performance or future.

As a case in point, Durrell Chamorro was a highly sought after kicker from California who received scholarship offers from Arizona State, Oregon State, and the University of Washington. According to Chamorro, he eventually signed a national letter of intent with Colorado State with an understanding that he would retain his scholarship for four or five years if he maintained a minimum grade point average of 2.0 and abided by the rules. After a redshirt season and a season as a backup kicker, despite achieving a 3.5 grade point average, Chamorro was informed by Coach Sonny Lubick that he had lost his scholarship. The year before Chamorro lost his scholarship, Coach Lubick reportedly told him, “You’ve got to get better. You have one more year” (Whiteside, 2011). Meanwhile, Colorado State and all other NCAA institutions are free to renew scholarships of players that are academically ineligible, which highlights the fact that the athletic scholarship hinges primarily on athletic performance rather than academic performance.

Interviews with athletes who competed on NCAA Division I football and men’s basketball teams provide further evidence that there is an understanding among athletes that they have to produce on the field in order to remain in college programs (Beamon, 2008). As Calvin, one of the interviewed athletes explained, “...they tell you, you a student first and an athlete next, but really you an athlete first and a student second. There is more emphasis on making your practices and meetings. They hit you with the go to class and all that stuff, but they don’t care. As long as they get them four years out of you they could care less if you get a degree or not...I think they have to (care about athletes getting degrees) cuz they job depends somewhat on it, but personally, I don’t think they care” (p. 356).

It is common knowledge that athletes must attend mandatory athletic obligations such as workouts, practices and games if they are to keep their scholarships. It is also mandatory for many players to *miss* classes because of games and/or athletics-related travel. Meanwhile, a

player who chooses to miss a practice or game to attend a class would immediately put his scholarship in jeopardy.

Even an institution known for having found a way to balance academics and athletics, Duke University, offers testament to the struggle that exists for revenue-producing athletes. In a 2008 strategic report for athletics entitled *Unrivaled Ambition*, the pressures associated with athletes competing in highly commercialized sport were identified as threats to the University's ability to maintain a connection to academics. The report notes:

We no longer determine at what time we will play our games, because they are scheduled by TV executives. This is particularly troubling for basketball, which may be required to play weeknight games away from home at 9:00pm. The potential impact on academic work is obvious, as students are required to board a flight at 2:00a.m., arriving back at their dorms at 4:00 or 5:00 a.m., and then are expected to go to class, study, and otherwise act as if it were a normal school-day. In return for large television contracts, we have surrendered control over a function that can profoundly influence the experience of our students. Similarly, the revenue from advertisers and corporate sponsors has become a very important supplement to long established revenue streams but that means that each year our amateur student-athletes take the field with a corporate logo displayed on their uniform beside "Duke" (Duke University, 2008, p. 11).

In addition to the direct link between athletes' talents and commercial revenue, the Duke report connects the dots between the harmful effects that time demands required for athletics have on players' academic work. In June of 2011, Penn State assistant football coach Jay Paterno touched on college athletes' time demands when he wrote a guest column in the *NCAA News*. He was responding to recent proposals that revenue-producing college athletes should receive additional compensation to cover the gap between what a full scholarship covers and the cost of attendance, a gap that averages approximately \$15,000 over the course of an athlete's career. Arguing against these proposals, Paterno pointed out that in his estimation, athletes on full scholarship were required to participate in their sport no more than 604 hours in a given year. His calculations were based on NCAA limits on the amount of time athletes can devote to their sport which are set at 20 hours per week with a guaranteed day off for 21 weeks in-season (420 hours) and no more than 8 hours per week during 23 weeks out-of-season (184 hours) with an additional eight weeks off. Paterno attempted to calculate athletes' hourly rate, which we will address later.

Even for a well-intentioned college sport insider like Paterno, the fallacies that serve as the foundation for his position become all too clear upon closer examination. While the NCAA "4 and 20 rule" restricts, in theory, the work day of a college athlete to 4 hours per day and no more than 20 hours per week, athletes themselves report time demands far in excess of what the rule requires. According to data gathered by the NCAA for the 2009-2010 academic year in the Growth, Opportunities, Aspirations, and Learning of Students in College (GOALS) Study, FBS athletes reported spending 43.3 per week on athletic activities in season; FCS athletes reported spending 41.6 hours per week on athletic activities in-season; and Division I men's basketball players reported spending 39.2 hours per week on athletic activities in-season. The breakdown in the average number of hours these athletes reported being engaged in both athletic and academic activities amounted to 81.3 for those in FBS programs, 79.8 for those in FCS, and 76.5 for those Division I men's basketball programs (NCAA GOALS & SCORES, 2011).

When examining the time demands of college athletes, it is important to look at a couple of different factors. First, the fine print to be found in the *NCAA Manual* reveals that demands on player time and attention is not as clear cut as the rules would suggest at first glance. For

example, the 4 and 20 rule (Bylaw 17.1.6.1), otherwise known as Daily and Weekly Hour Limitations, states the following, “A student-athlete’s participation in countable athletic activities...shall be limited to a maximum of four hours per day and 20 hours per week” (p. 241). Further, as indicated in Bylaw 17.1.6.4. Required Day Off – Playing Season, “During the playing season, all countable athletically related activities...shall be prohibited during one calendar day per week...” (p. 241).

As it turns out, one hour is not always one hour under an exception in Bylaw 17.1.6.3.2, which reads, “All competition and any associated athletically related activities in the day of competition shall count as three hours regardless of the actual duration of these activities” (p. 243). What this means is that while the time demands of game days would routinely violate the rule that an athlete cannot engage in athletically related activities for more than four hours a day, this stipulation collapses those excess hours into a manageable number so as to offer the appearance of compliance to the 4 and 20 rule. And in the case of pre-season practices, the daily and weekly hour restrictions are not in effect. For football players in major programs, “They must participate in three arduous full-contact practices every two days” (McCormick & McCormick, 2006, p. 103).

Further, the concept of a “day off” is equally hazy. On one hand, according to Bylaw 17.1.6.4, athletes are to be afforded one calendar day off a week when they are in season. On the other, due to the definition of “travel day” (Bylaw 17.1.6.4.1), “A travel day related to athletics participation may be considered as a day off, provided no countable athletically related activities...occur during that day.” As a consequence, while an athlete may not be competing on a designated travel day, their time is not their own but subject to the demands of the program.

And while regulations specify that athletes out-of-season are to participate no more than eight hours per week in athletic activities, in point of fact, that requirement does not take into account the “voluntary” workouts athletes engage in. Notably, the NCAA GOALS Study does not venture to ask athletes about their engagement in “voluntary” workouts and how much time they may be spending, a practice that even within the *NCAA Manual* is put in quotation marks. As evidenced in coaches’ comments following allegations that the University of Michigan had placed pressure on athletes to work out beyond the required eight hour limit in the off-season, the rules may say one thing but the expectation is different. As Nebraska head football coach Bo Pelini commented in the aftermath of the Michigan investigation,

“If you want to play football, if you want to be prepared for a season, the NCAA limits the amount of time the players can be with the coaches, you are limited in some other aspects...If you want to be prepared as a football player, you have to spend some time, you have to be in shape when you get into camp. That’s all voluntary stuff, but at the end of the day, as a player you’d better take it upon yourself to put the time in or you are not going to be prepared for what is a 12-game season. That’s been created by the rules” (as quoted in Harris, 2009).

The assertion on the part of the NCAA that the athletic pursuits of revenue-generating football and men’s basketball players on scholarship are “avocational”, meaning that they are done for recreational purposes and free of pressure to participate is as contradictory as the notion that “voluntary” workouts are really “voluntary”. As interviews with big-time college basketball players demonstrate, the players do not believe they have a choice. As one player described it, “It is ‘understood’ that an athlete will practice on his own and lift weights, and that his failure to do so may result in him being ‘replaced’” (McCormick & McCormick, 2006, p. 108).

One might ask why there are so many loopholes in the 4 and 20 rule and why not calculate “voluntary” workouts when accounting for the time athletes spend on their sport? Given the fact that, through numerous public statements by coaches and athletes in its own study, the NCAA is fully aware that the number of hours athletes are expected to devote to their athletic activities is well above that of the official maximum, why does it continue to limit the number of hours engaged in athletic work per week to 20? An argument can be made that the 4 and 20 rule is in place primarily to give the appearance that athletes are to be students first, an impression the NCAA desperately needs the public to believe if it is to continue to maximize profits.

The NCAA assertion that “student-athletes” will not be paid because they are students first and athletes second (NCAA Staff, n.d.) does not withstand a basic test of logic. It is well known that athletes with lower presenting academic credentials are given preferential treatment in the admission process (Knobler, 2008; Lederman, 2008). It is also well known that there is an inverse relationship between the degree to which athletes graduate and their sports, with revenue producing male athletes in major programs annually graduating at lower levels than other college athlete groups and the general student body overall (Lapchick, Adams, & Jackson, 2011; Severns, 2010; Southall, 2010; The Bootleg Staff, 2010; Wieberg, 2010).

The implications of this are summarized by Maggie Severns (2010) who wrote, “Giving a kid a football scholarship is only worthwhile if he leaves college with a meaningful degree. Otherwise, the college is exploiting him for commercial profit and leaving him dangerously unprepared for the workforce”.

“Amateurism”

An athlete is not exploited when he is fairly compensated in a business transaction outside of the institution. To the contrary, one could more persuasively argue that an athlete is exploited when he is expressly disallowed from realizing his value while his reputation and skill are being used to realize a profit for others.

- Jay Bilas (2010), former Duke and pro basketball player, current ESPN and CBS sports analyst

According to the NCAA, its version of amateurism is all that is needed to prevent the commercial exploitation of college athletes. The protectionist rationale for its concept of amateurism that has served as the foundation for the NCAA’s position on issues related to revenue-generating player compensation is imbedded in the notion that the NCAA is attempting to, in their words, “maintain a clear line of demarcation between collegiate athletics and professional sports” so as to prevent the undue exploitation of college athletes (NCAA Amateur and Membership Staff, 2010, p. 1). Note the linguistic nuance, as if simply labeling “collegiate athletics” as being distinctive from “professional sports” would be a sufficient barricade to the commercial interests that now include, in modest estimation, a 14 year, \$10.8 billion contract to broadcast NCAA Division I men’s college basketball annually with CBS and Turner Sports (Schlabach, 2011); a 15-year \$2.25 billion deal between the Southeast Conference (SEC) and ESPN estimated in value at \$2.25 billion (Smith & Ourand, 2008), the \$2.8 billion expected to be generated over the next 25 years by the Big Ten Network (Ourand & Smith, 2008), and the newly inked Pac 12 TV deal that will generate \$3 billion over the next 12 years (Ubben, 2011). Individual campus deals, such as the Longhorn Network developed between the University of Texas and ESPN, has a projected income profile of \$300 million over the span of next 20 years (Haurwitz, 2011).

Sport historians, such as Penn State’s Ron Smith in his recent book *Pay for Play*, have argued for years that the line of demarcation between college and professional sport is mythic despite NCAA

protestations to the contrary. If not the billions of dollars in commercial revenues that the NCAA and colleges generate off of athletes' talents, certainly the business partnerships that NCAA Division I athletic programs and the NCAA itself form with organizations such as IMG College, considered to be the leading collegiate multimedia, marketing, and brand management company representing more than 200 collegiate properties, would affirm Smith's perspective.

As sports properties go, college sport competes extremely well with the pros. Attendance at college sport events far surpasses that of the professional leagues, with an excess of 100 million people attending at least one college sport event in 2008. For the 2010 season, the 120 teams in the Football Bowl Subdivision (FBS) drew 34,663,732 in aggregate home attendance, averaging nearly 46,000 per home contest (Johnson, 2011). According to Turner Sports, CBS Sports, and the NCAA, March Madness on Demand in 2011 realized a 47% increase in total visits across multiple platforms for the men's Division I basketball tournament (Seidman, 2011).

Top college sport events, meaning conference football and basketball championship games, compete favorably with professional leagues for Nielsen ratings. At a national level, college football broadcasts draw an aggregated viewing audience of over 615 million. And, in 2009, the NCAA men's basketball tournament yielded an audience of nearly 137 million television viewers. According to *Nielsen Year in Sports 2010 Report* (Master, 2011), the BCS National Championship and the NCAA Men's Basketball Championship ranked among the top three sporting events for viewers with income levels above \$100,000. The other events in the top 10 included Super Bowl XLIV, Kentucky Derby, U.S. Open Men's Final, The Masters, Stanley Cup, NBA Finals, World Series, and the World Cup.

In promoting its services to college sport departments, IMG College touts its 50/50 partnership with Legends Hospitality Management, a company owned by the Dallas Cowboys, the New York Yankees, and Goldman Sachs for its capacity to provide premium seat sales, suite and ticket sales, concession operations and merchandising. In turn, athletics departments are now turning to organizations such as the Aspire Group to aggressively sell tickets in ways previously not done for the college game (Berkowitz, 2011). This hardly seems to constitute a definitive line between college athletics and professional sports.

With the current economic climate, the NCAA has had a tough time convincing the public to accept that college athletes are simply amateurs. At times, even NCAA leaders have become confused as to the rationale for its version of amateurism. Below is an excerpt from an interview that took place between former NCAA President Myles Brand and *Sports Illustrated* columnist Michael Rosenberg (2011):

"They can't be paid."
"Why?"
"Because they're amateurs."
"What makes them amateurs?"
"Well, they can't be paid."
"Why not?"
"Because they're amateurs."
Who decided they are amateurs?
"We did."
"Why?"
"Because we don't pay them."

At the core of every position taken by the NCAA regarding athlete compensation is its principle of amateurism as outlined in the *2010-2011 NCAA Division I Manual*. Despite the central role that amateurism plays as a foundational principle on which the college sport enterprise is built, the manual itself is silent on the question of what an amateur is. Instead, the Principle of Amateurism states the following:

“Student-athletes shall be amateurs in an intercollegiate sport, and their participation should be motivated primarily by education and by the physical, mental and social benefits to be derived. Student participation in intercollegiate athletics is an avocation, and student-athletes should be protected from exploitation by professional and commercial enterprises” (p.4).

If read as a separate statement, the NCAA’s characterization appears to be benevolent, casting athletes in roles as potential victims to a corporate structure that might take advantage of them. As Staurowsky (2004) notes, according to this definition,

“Corporate America is where the exploitative practices of professionalism and commercialism take root. Corporate America is where people are paid a real wage for performing serious work, not where student-athletes receive scholarships for playing inconsequential games. Corporate America is where people with real jobs, vocations as it were, devote their time, not where college athletes with avocational preferences wile away their youth. Corporate America is where professional sport is housed, not where sport that teaches life’s lessons is fostered. Corporate America is where profit motives, not educational motives, have primacy. In summary, Corporate America is no place for amateurs...Or so it seems” (p. 147).

However, what if the NCAA is itself part of Corporate America rather than the educational association it purports to be, simply protected by the veil of amateurism (McCormick & McCormick, 2008; Staurowsky, 2004)? If the principle of amateurism is important to the beating heart of the NCAA, then why no definition of amateur? As McCormick and McCormick (2010) point out, as the NCAA persists in, and insists on, weaving a cloak of legal fictions designed to perpetuate the myth that the scholarship system is not a pay for play system, the spectre of college presidents being too fearful to question the lie evokes the image of the Emperor parading in his skivvies before the masses while being conned into thinking that he is wearing a new suit of clothes. The weavers get rich, the masses are not served, and the rulers look both foolish and corrupt.

The fictions themselves are not hard to find. The first full time executive director of the NCAA, Walter Byers, wrote in his memoir that the term “student-athlete” was a tool of propaganda, designed to deflect attention away from the pay for play system created by the adoption of the athletic scholarship (otherwise known as “grant –in-aid”) in the 1950s. Given his background in media, this is no small admission from the officer in charge of the Association at the time the term was created. A former sportswriter, Byers understood the power of shaping a message and communicating it to the masses (Staurowsky & Sack, 2005). It was also under his watch that the burgeoning field of sports information took hold. Through memoranda, sports information directors were instructed to replace terms such as “players” and “athletes” with the term “student-athlete” until it was effectively embedded in the language and culture of college sport. As Byers (1997) admitted, “We told college publicists to speak of “college teams”, not football or basketball “clubs”, a word common to the pros” (p. 69).

Notably, the NCAA actually never takes an outright position against either professionalism or pay. Rather, in by-law 12.02.3, a “professional athlete” is “one who receives any kind of payment, directly or indirectly, for athletics participation **except** [emphasis added] as permitted by *the governing legislation of the Association*.” Similarly, “pay” is defined in bylaw 12.02.2, as “receipt of funds, awards or benefits *not permitted* by the governing legislation of the Association for participation in athletics” (p. 61). In effect, the NCAA is not opposed to paying athletes. It is opposed to paying athletes under terms and conditions that it cannot control (Staurowsky, 2004).

It is this lack of opposition to pay under controlled circumstances that has resulted in the creation of what the NCAA calls “student-athlete welfare” funds, or what might be thought of as the “Student-Athlete Welfare State” (Staurowsky). In the aftermath of the first NCAA billion dollar television deal in the late 1980s, pools of dollars were carved out of the NCAA budget to afford athletes limited benefits. According to the *2009-2010 NCAA Membership Report*, financial benefits available to athletes at the Division I level are distributed through the Special Assistance Fund (SAF) and the Student-Athlete Opportunity Fund (SAOF). Eligibility for these funds varies by stated purpose, but these funds further demonstrate the NCAA’s willingness to pay its players so long as it controls the details.

The SAF was established to offer financial support to those athletes who are eligible for the Federal Pell Grant or have demonstrated financial need and would not otherwise be able to afford basic necessities such as clothing, classroom supplies, funding to go home for family emergencies or medical care not covered by other programs. The more general SAOF is used at the discretion of conference offices and universities may provide “direct benefits” to athletes. However, many basic necessities such as meals cannot be paid for by this fund. Also, colleges can choose how to use the funds, and there is no mandate that these funds be used to provide direct benefits to athletes. Further, who benefits from the funds remains a mystery.

The NCAA settled a 2006 class action lawsuit led by Jason White and several former revenue-producing Division I football and men’s basketball players, which alleged that the NCAA had created an improper cap on athletic scholarships that denied athletes full cost of attendance. As part of the settlement, the NCAA combined its Academic Enhancement Fund and the SAF into the SAOF while offering no public accountability to determine how many current or former athletes may have accessed the funds. While limited efforts are made to inform athletes that these funds exist, there are many revenue-producing athletes on full scholarship who either are unaware that they are eligible for these benefits or simply don’t know that they are available. The few athletes who are aware of the fund must go hat in hand to petition for the benefit they had, in theory, already earned. In addition, the university is under no obligation to use the funds in ways that might best serve athletes in need. For instance, some universities use the funds for expenses such as purchasing equipment to expand their computer labs, which arguably helps the athletic program produce more impressive recruiting presentations rather than directly assisting an athlete in need of basic necessities.

This exchange among a group of athletes from a website called letsrun.com (2008) demonstrates the frustration among athletes trying to access these funds for purposes of acquiring basic necessities. One athlete has just been awarded \$500 from the SAF but he laments in his message that the funding is restricted only to clothing purchases at a particular store. He writes that he doesn’t need clothing but other items, like shampoo. In an exercise in how to survive the system, other athletes chime in, offering advise on how to work the problem. One poster writes, “buy the clothes, take them back, use the cash to get useful stuff”. The athlete with the problem writes back, noting that the NCAA compliance officer wants receipts right after the purchase is made.” The poster again offers a suggestion, “Thats not a problem. Buy them, then ask for a gift receipt.

Give the normal receipt to the compliance rep. Take the clothes back with the gift receipt. Easy enough.”

This candid online conversation offers insight into how athletes experience the system and the logical twists and turns they employ in order to make it work in some reasonable sense for them. Keep in mind that this athlete does not have money to buy shampoo, an athlete who is surrounded by coaches who receive bonuses for winning games.

Despite shortcomings in some of its pay-for-play operations, the NCAA has clearly allowed and initiated payment mechanisms for its athletes in addition to the grant-in-aid payment. While the NCAA argues that the denial of pay for athletic talent under conditions they are unwilling to sanction is required in order to maintain the amateur ideal central to the existence of college, even within the NCAA, definitions of amateurism vary from one division to the other (Pierce, Kaburakis, & Fielding, 2010).

Because definitions of amateurism around the world vary and sometimes conflict with those established by the NCAA, member institutions in the 1990s were having a difficult time certifying the eligibility of athletes coming from countries outside of the United States. What followed was an amateurism deregulation movement within the NCAA. Interestingly, Divisions II and III voted to liberalize amateurism standards, thus allowing international athletes who may have received pay and/or competed professionally in their home countries to redeem their amateur standing. While opening the door for athletes to participate in professional drafts and accept prize money, Division I summarily rejected proposals that would have granted eligibility to athletes who had previously signed professional contracts and accepted compensation for competing as a professional.

Currently, an athlete who was drafted by a professional team, competed professionally, and received pay can become eligible under the amateurism rules in Division II but not in Division I. According to Pierce et al., “Division I rejected legislation that would have permitted former professionals from competing in order to avoid negative public relations and legal consequences that may have resulted in the acceptance of those proposals” (p. 315). Rather than dealing with the issue outright, Division I officials opted instead for a backdoor approach to international athlete eligibility, relying on the mechanism of athlete reinstatement to confer amateur standing.

Importantly, former NCAA President Walter Byers offers insights as to why the definition of amateurism varies within the NCAA itself. He states, “Amateurism is not a moral issue; it is an economic camouflage for monopoly practice” (p. 376). This admission likely explains why Divisions II & III are much more willing to operate with a less regulated definition of amateurism. There is very little revenue generated in these divisions to be “monopolized” compared to Division I. In contrast, if amateurism is used as a tool to monopolize the ample revenues generated in Division I, then the Division I membership must fight any deregulation of its definition of amateurism.