

Recommendations

The US Department of Justice should aggressively and whole-heartedly pursue antitrust suits against the NCAA to prevent further harm to college athletes, and Congress should act immediately to deregulate the NCAA with the provisions detailed below:

#1. Support legislation that will allow universities to fully fund their athletes' educational opportunities with scholarships that fully cover the full cost of attendance. The average \$3222 increase per player would be enough to free many from poverty and reduce their vulnerability to breaking NCAA rules to make ends meet. This can be funded with the new TV revenue streams that are surging throughout NCAA sports.

A \$3222 scholarship increase would cost approximately \$32.8 million for 85 scholarship players from each of the 120 FBS football teams, and \$14.2 million to do the same for 13 scholarship players on each of the 338 Division I basketball teams that offer scholarships. The total would be about \$47 million annually. Should Title IX compliance require that provisions be made for female athletes to receive a similar benefit, that amount can be doubled for a total of \$94 million annually. To put this in perspective relative to the new revenues that are available throughout NCAA sports, the new Pac-12 TV contract alone will bring in \$150 million in new revenues each year. The year-old NCAA TV contract with CBS will average about \$270 million in new revenues above and beyond its previous TV deal with CBS. New revenues could be distributed so that schools would not have to come directly out of pocket for the increase.

#2. Lift restrictions on all college athletes' commercial opportunities by allowing the Olympic amateur model. The Olympics' international definition of amateurism permits amateur athletes access to the commercial free market. They are free to secure endorsement deals, get paid for signing autographs, etc. The NCAA's version of amateurism is impractical and is an unjust financial arrangement imposed upon college athletes. Former Duke and pro basketball player and highly regarded ESPN and CBS analyst, Jay Bilas has been a strong advocate for such reforms.

The NCAA's attempt to eliminate the commercial free market creates a black market in which universities, coaches, agents, financial advisors, runners, and players will continuously violate the rules. Alternatively, if the Olympics model were allowed, virtually all of the high profile violations over the last year would not have been deemed violations. Selling a championship ring and even accepting a free television would not have been "scandalous" much less an NCAA violation.

In addition, since the NCAA and its member institutions have abandoned the idea that "student-athletes should be protected from exploitation by professional and commercial enterprises" and are actually using players to maximize their own commercial coffers; college athletes should be allowed to pursue their own commercial endeavors.

Some may point to competitive equity as a reason not to adopt the Olympic model. What if boosters would arrange attractive endorsement opportunities for recruits or some schools would have a recruiting advantage because they reside in geographic locations with better endorsement opportunities than other schools? Perhaps the current commissioner of the Southeastern Conference, Mike Slive, has the best counter argument:

It's time to push the reset button on the regulatory rules on recruiting in order to move away from the idea that recruiting rules are designed to create a level playing field," Slive said. "There are significant differences between institutions in resources, climate,

tradition, history, stadiums and fan interest and many other things that make the idea of a level playing field an illusion
(Associated Press, 2011).

Former NCAA Walter Byers (1997) concurs,

Despite its reliance on the competitive-equity defense when it comes to controlling players, the NCAA does not prohibit the colleges' open bidding for winning coaches... The NCAA level-playing field rules do not apply here... All of this is legal under NCAA rules, although it tilts the playing field and gives the rich and consistent college winner a continuing advantage. When there is the possibility that the money will go to the student-athlete, however, the NCAA becomes adamant: There shall be uniform compensation for the players in the form of one-year contracts. No outside money! (377-387).

Andy Schwarz, economist and frequent contributor to ESPN, backs up Slive and Byers with numbers. While agreeing that competitive equity does not exist under the current rules, Schwarz states,

"Today there are haves and have-nots. Haves recruit great players and consistently win. Have-nots get the leftovers and occasionally luck into hidden gems who gel as seniors and win. Over the last 10 years, more than 99 percent of the top 100 high school prospects chose BCS AQs...The results on the field and court reflect this disparity in recruiting: Since 1985, 91 percent of all top 20 and top 25 football teams and 92 percent of all Final Four basketball teams have come from the six "have" conferences."

In addition, there are plenty of free agents in the professional sports world who consider whether or not one team affords better endorsement opportunities compared to others, and those leagues arguably have similar or more competitive equity than the NCAA, as Schwarz reveals with the numbers above. The bottom line is that the Olympic model is a practical, ethical model that will not significantly alter current levels of competitive equity or the lack thereof in NCAA sports. Finally, portions of athletes' commercial income could be put away in an educational lockbox as described in recommendation #3 below.

#3. Promote the adoption of legislation that will allow revenue-producing athletes to receive a portion of new revenues that can be placed in an educational lockbox, a trust fund to be accessed to assist in or upon the completion of their college degree. Many athletes in these sports need educational assistance beyond the duration of their eligibility in order to make up for the significant time demands associated with their sport. About 45% and 52% of football and basketball players DO NOT graduate, while their athletic programs receive 100% of revenues produced by these athletes regardless of their programs' graduation rates (NCAA Research Staff, 2010).

The NCAA has already set a precedent for such a measure when, as a condition of settling the White v. NCAA lawsuit, the NCAA established a \$10 million fund for continuing education assistance for football and basketball players. While some may question whether or not the educational lockbox would affect the current notion of amateurism, unlike the NCAA's one-year athletic scholarship arrangement that depends primarily on athletic performance, this fund would only be accessed for educational pursuits and achievement. In addition to increasing graduation rates, compliance with NCAA rules can be improved dramatically with fines imposed on these trust funds if and when violations occur.

#4. Colleges should be free to provide multiple year scholarships in all sports if they so choose. The NCAA's one-year cap on the duration of a scholarship undermines its purported educational mission, and puts in jeopardy the educational opportunities for every college athlete. High school recruits deserve to know which colleges are willing to prioritize their education so that they can make an informed decision.

#5. To the extent that Title IX requires universities to provide female athletes with accommodations similar to those stated in the reforms mentioned above, athletic programs should use new TV revenues to do so.

#6. Although this study focuses primarily on financial aspects of reform, Congress should examine all aspects of college sports in order to implement comprehensive reform that the college presidents admittedly are unable to bring forth.