



## Views

# Putting the Amateur Myth to Rest

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By Allen L. Sack

From the opening kickoff of the upcoming college football season to the end of March Madness, the National Collegiate Athletic Association will use its substantial public relations resources to defend the view that big-time college athletes are amateurs. The NCAA clings to this position despite the fact that big-time college sports are highly commercialized, and one-year-renewable scholarships, which allow colleges to get rid of an underperforming player at the drop of a hat, give revenue sports a distinctively professional feel. There may be a practical way to put the amateur myth to rest while at the same time reaffirming the primacy of education in athletes' lives.

Several years ago I interviewed the NCAA's president, Myles Brand, for a book I was writing (*Counterfeit Amateurs: An Athlete's Journey Through the Sixties to the Age of Academic Capitalism*, Penn State Press, 2008). During the interview, in 2006, Brand responded to my questions with intellectual insight and analytic precision consistent with his background as a former philosophy professor. Because he chooses words carefully, I was not totally surprised when he suggested that "the term amateur may have outlived its usefulness."

"The term," he said, "was not a very good fit for college sports in the new millennium."

"If the term is not a good fit," I asked, "why not just delete it from the NCAA Manual? What would happen if you just dropped the term?"

Brand responded, partially in jest, "We can define a new term. We are always good at defining new terms here at the NCAA."

"Would dropping the term have legal consequences?" I asked.

"It might," he said. "I don't know."

I agree with Brand that the term amateur is not a good fit for modern college sports, but it has definitely not outlived its usefulness for the NCAA. The myth of amateurism shields college sport from tax collectors and members of Congress, seeking unrelated business income taxes, and allows the NCAA to cap athletic subsidies at room, board, tuition and fees. The NCAA will probably play the "amateurism card" to fight a class action lawsuit filed this summer over its use of former athletes' likenesses to sell licensed products.

So what can the NCAA do to end the pretense that big-time college athletes are amateurs, short of abandoning athletic scholarships or openly turning pro? The first step is to take Brand's "off the cuff" suggestion seriously and drop the term amateur when referring to scholarship athletes.

The next step would be to adopt a model that continues the practice of awarding athletic scholarships to the nation's most talented athletes, but eliminates conditions generally associated with employment. Borrowing a term from Myles Brand, I would call this the "collegiate model."

Under current NCAA rules, athletes who fail to meet athletic expectations can lose their athletic scholarships, i.e., be "fired" at the end of the year, thus transforming athletic scholarships into contracts for hire. And because athletes are subject to their coaches' control in return for payment of room, board, tuition and fees, they arguably meet common law definitions of employees. The collegiate model, on the other hand, would make satisfactory progress in the classroom the condition for renewing athletic scholarships.

By transforming athletic scholarships from employment contracts into educational gifts, universities would demonstrate their commitment to athletes as students, regardless of their performance on the court or athletic field. This is precisely the kind of scholarship I had when I played football for the University of Notre Dame in the 1960s. Even though I was a borderline recruiting mistake, the coaching staff was stuck with me for four years, and had to make me the best athlete I could be. I was a student, not a commodity to be traded to meet market needs.

In addition to adopting multiyear scholarships, the collegiate model would require athletes who are "special admits" – those enrolled outside the institution's regular admissions process -- to sit out their freshman year to prove they have what it takes to succeed academically. All athletes would have to maintain a cumulative GPA of 2.0 to stay eligible for sports and would be given one semester to raise their GPAs if they fell below that level. Failure to do so would mean the withdrawal of financial aid. Current NCAA rules regarding academic progress, tied to the association's Academic Progress Rate system, would remain in place. At colleges that do not already have a 2.0 requirement, this would slightly raise the APR requirement for freshmen and sophomores.

Reforms such as these would sharpen the line of demarcation between collegiate and professional sports, thus allowing the NCAA to honestly state that big-time college athletes are neither amateurs, a term that would still apply in schools that offer need-based financial aid, or professional entertainers.

The collegiate model would focus on making athletes well-educated citizens, keep fans happy, strengthen the argument that big-time college sport fulfills its tax exempt educational function, and silence those who argue that college athletes are employees.

Finally, the amateur myth would be laid to rest.

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