

Background

There is a general concern throughout the university about the consequences of an increasingly successful and expensive athletic program. At the urging of then Senate President Nathan Tublitz, President Frohnmayer created the Task Force during the 2001-2002 academic year to discuss this issue.

Membership on the Task Force is as follows: faculty members Suzanne Clark (English; co-chair), Jim Earl (English), Greg McLauchlan (Sociology; Senate President 2002-2003); Margie Paris (Law; co-chair), Jim O’Fallon (Law; NCAA Faculty Representative), Brad Shelton (Mathematics; chair, Intercollegiate Athletics Committee (IAC)), and Nathan Tublitz (Biology); Department of Intercollegiate Athletics members Bill Moos (Director) and Martin Smith (Coach, Men’s Track); students Jenny Kenyon (Track), Amanda Studdard (club sport participant), Kourtney Shreve (Women’s Basketball; Task Force member in 2002-2003), and Jeff Oliver (Task Force member in 2001-2002); Dan Williams (Vice President for Administration; *ex officio*); and Wendy J. Larson (Office of the Vice President for Administration; staff).

Information-gathering

The Task Force has met regularly since it was convened in the winter of the 2001-2002 academic year. A majority of meetings were educational, providing information about athletics at the UO. At the end of the 2001-2002 academic year, Task Force members discussed issues that they felt needed exploration concerning the relationship of intercollegiate athletics and the university. This statement is a product of the Task Force’s exploration of one of those issues: the welfare of student-athletes (i.e., students involved in intercollegiate athletics) at the UO.

The Task Force held additional fact-gathering meetings in the fall of 2002 on the issue of student welfare. It heard reports from a panel of four University employees: Dr. Renee Baumgartner (Senior Associate Athletics Director; oversees student services); Gary Gray (Associate Athletics Director for Compliance); Reggie Jordan (Coordinator of Academics for the athletics department); and Steve Stolp (Director, Support Services for Student-Athletes in the Academic Advising Office). The Task Force also met with the UO Student-Athlete Advisory Council [SAAC]—the university’s student-athlete group that serves (among other things) as a forum for student-athletes to discuss issues of common concern and as a vehicle through which student-athletes can communicate effectively with the athletics department. To obtain an understanding of life as a student athlete, the Task Force interviewed approximately 20 student athletes from SAAC.

The Task Force also consulted a variety of documents. Among them was the “Knight Commission Report”—the Final Report of the Knight Foundation Commission on Intercollegiate Athletics issued in June 2001. The Commission had issued a preliminary report in 1991 critical of intercollegiate athletics and proposing reforms. The primary proposed reform was a "one-plus-three model for intercollegiate athletics,” which envisioned “presidential control directed toward

Issue 1. Does the UO fulfill its educational mission with respect to student-athletes?

Conclusion: Yes, measures of success indicate that the UO fulfills its educational mission with respect to student-athletes.

As general benchmark, the Task Force notes that the university's Mission Statement indicates its "commitment to undergraduate education, with a goal of helping the individual learn to question critically, think logically, communicate clearly, act creatively, and live ethically." The university is required by Article 2.2 of the NCAA Constitution to conduct its education of student-athletes "in a manner designed to protect and enhance the physical and educational welfare of student-athletes . . . and to establish and maintain an environment in which a student-athlete's activities are conducted as an integral part of the student-athlete's educational experience." The Task Force concludes that the university fulfills these general commitments.

The Task Force identified four measures with which to evaluate the university's success in satisfying its educational mission:

Measure 1: Graduation rates

Many schools have serious problems with low graduation rates among student-athletes. Recognizing this problem, the Knight Commission Report stated, "Graduation rates must improve. By 2007, teams that do not graduate at least 50 percent of their players should not be eligible for conference championships or for postseason play." NCAA reports indicate that student-athletes attending Division I schools graduate at rates higher than the general graduation rates at those schools. Of particular significance is the fact that student-athletes at these schools "are graduating at rates slightly higher than students of the same racial and gender group." For example, black male student-athletes entering Division I schools in 1993 had a 41 percent graduation rate compared with the 32 percent graduation rate among black males generally at these schools. [See Appendix for 2001 NCAA Graduation-Rates Summary.]

As far as what the task force can discern from the data, student-athletes at the UO enjoy graduation rates comparable to or higher than their UO peers and other student-athletes in Division I schools. For example, in its Official 2001 Graduation-Rates Report [see Appendix], the UO reported that 66% of its 1994 entering class of student-athletes graduated, while 58% of all students entering that year graduated. Due to low minority participation in certain sports during certain years, some graduation rate data is protected for privacy purposes.

Measure 2: Academic support

The Knight Commission Report recommended, “Athletes should be mainstreamed through the same academic processes as other students. These specifically include criteria for admission, academic support services, choice of major, and requirements governing satisfactory progress toward a degree.”

The UO appears already to comply with these recommendations. As we report elsewhere in this statement, few student-athletes are admitted under special criteria, and the UO rigorously follows NCAA rules concerning admissions. The integrity of the admissions process is born out by high graduation rates among student-athletes.

The UO provides all students with academic support and advising through the Academic Advising Office. This same office is the primary provider of academic support services to student-athletes. The support it makes available to that group is far more structured than anything routinely made available to other students—an issue addressed below under the heading “preferential treatment.” The office succeeds in assisting student-athletes to complete their courses of study in a “mainstreamed” fashion—that is, without resorting to academically unchallenging courses or majors specially tailored to student-athletes. Moreover, the provision of academic support through that office ensures that faculty members are not pressured by coaches to make accommodations for student-athletes. While the athletics department monitors academic progress through its own employees, these are required to maintain the integrity of the UO’s academic mission by working with the Academic Advising Office and avoiding any communication with faculty members.

Measure 3: Coaching staff’s emphasis on education

The Knight Commission Report admonishes, “The length of playing, practice and postseasons must be reduced both to afford athletes a realistic opportunity to complete their degrees and to enhance the quality of their collegiate experiences.”

In a commentary on the Knight Commission Report, Cedric Dempsey [then NCAA President] recommends that universities and colleges “require each coach to provide student-athletes time to be a student and to enforce the 20-hour rule to the spirit of the rule and not just the letter of the rule.” Dempsey further would “require every team to spend time with the athletics director and faculty athletics representative at the beginning of each year to discuss the institution’s expectations of the student-athlete on campus,” and Dempsey would require the coach to attend this session. Finally, Dempsey suggests that institutions should “require athletics directors, compliance staff and the faculty athletics representatives to monitor on a monthly basis the time demands on student-athletes to avoid exceeding the 20-hour per week during the season.”

Interviews with SAAC representatives of student-athletes confirm that UO coaches

Many student athletes at the University of Oregon receive substantial direct and indirect financial support during their collegiate careers. This support includes full or partial scholarships (full scholarship for the 2002-03 academic year is \$12,050 for in-state and \$23,048 for out-of-state), travel, lodging and meals associated with competitions, recruitment visits, and sport-specific equipment and clothing. It is important to note that not all UO student athletes receive significant support. For example, there are only 12.6 scholarships available for the 45 athletes on the men's track and field team. The majority of UO intercollegiate athletes receive less than full scholarships. Under NCAA rules football, men's and women's basketball, and volleyball require full scholarships. Other "equivalency" sports can give partial scholarships.

Student athletes also receive significant academic support. Academic support takes the form of academic counseling, monitoring of academic progress, volunteer study halls, individual tutoring to enhance study skills and improve test-taking skills, and a variety of other student-athlete specific tutoring programs. In addition, student athletes have access at the UO Athletic Department to a resource library with textbooks and course files including past exams, modern computer facilities, and math labs.

The Task Force evaluated these student athlete benefits and found the levels of financial and academic support to be significantly greater than those available to the general student population. However, these benefits are entirely within current NCAA regulations, and are sanctioned and overseen by the University Administration. By these standards, the financial and academic benefits given to UO student-athletes are appropriate.

The Task Force also investigated the concern raised nationally that academic support for student-athletes is only a means to ensure athletic eligibility rather than academic success. The 2001 Knight Commission Report notes that "the academic support and tutoring athletes receive is too often designed solely to keep them eligible rather than guide them towards a degree". As reported by the Knight Commission, overzealousness in maintaining eligibility often leads to violations of academic integrity: "NCAA case books clearly reveal multiple infractions stemming from "tutoring" involving completing athlete's assignments, writing their papers, and pressuring professors for higher grades". The Task Force found no evidence of academic violations at the University of Oregon. Instead, we found an overarching mandate by the UO Athletic Department to support and assist student athletes in achieving academic success. This academic ethos emanates from the Athletic Director with full support of the University Administration, is carried out by the coaches and their assistants, and is actively advanced at all levels of the Athletic Department. The average graduation rate of UO student-athletes, higher than the general UO student population, attests to the success of this effort. We strongly applaud the Athletic Department for their insistence upon and success in maintaining high academic standards for their student-athletes.

Measure 2. Preferences in admissions and registration

Following NCAA and University guidelines, the University of Oregon admits a limited

number of freshmen and transfer student-athletes who do not meet the minimum University admission requirements. Priority registration is also available to UO student athletes. All student athletes are given priority registration for any term in which they are competing. Student athletes who have completed their 6th term also receive priority registration for all subsequent terms.

The twin issues of preferential admission and preferential registration have been repeatedly raised nationally as examples of gross exploitation by academic institutions of young athletes who frequently have no chance to succeed academically. The 2001 Knight Commission Report stated “Athletes are often admitted to institutions where they do not have a reasonable chance to graduate”. The New York Times reported that “Admissions directors are setting aside specific numbers of places for recruited athletes and going lower on the academic ladder to fill them. Amherst College, for example, designates 75 out of the 450 places in each year’s freshman class for athletes recruited by coaches in 27 varsity sports. At Williams College...71 athletes are given preferential admission in a class of 550.” Phillip Smith, retired dean of admissions at Williams went a step further when he said, “Athletic recruiting is the biggest form of affirmative action in American higher education, even as schools such as ours”.

It is clear that the University of Oregon admits some student athletes under the special admissions provision. It is, however, important to note that the University of Oregon has no special admissions policy applicable only to student-athletes. Special admission is used throughout the University to enhance and/or develop specific programs, albeit on a limited basis. Given the recruiting demands of the intercollegiate sports program, it is not unexpected that the Athletic Department is more aggressive than most units in the University in pursuing the special admissions option for student-athletes.

Most if not all student athletes receive preferential registration. This benefit arises in part from the need to obtain courses that are not in conflict with practices and competitions. Perhaps more importantly, the NCAA requires all student athletes to make progress on their degrees each term to retain their eligibility, hence the need to obtain entrance into the appropriate courses. The Task Force understands the rationale for preferential registration benefits for student athletes, but notes that there are many non-athlete students who, because of other unalterable time commitments (*e.g.*, music, work, family), would also benefit from preferential registration.

Preferential admission and registration for student athletes, anathema to many, is, in the view of the Task Force, justifiable only if student athletes are able to maintain academic progress and graduation rates equal to their non-athlete peers. Fortunately, the University of Oregon Athletic Department, through its excellent academic support services and its focus on academic achievement, has a proven track record of academic success that is the best in the PAC-10 conference and among the best in the country.

Measure 3. Perceptions of preferential treatment

The Student-Athlete Advisory Council (SAAC), consisting of ~30 student athletes chosen from all intercollegiate sports at the University, is to provide a venue for student athletes to discuss issues of concern with and advise the Athletic Department. The 20 student athletes from SAAC interviewed by the Task Force were refreshingly uninhibited about their views on UO athletics, competition, the life of student athletes and their treatment. The interviewees were unanimously highly enthusiastic about their overall experience at the University of Oregon, citing strong academics and an extremely supportive Athletic Department. Frequently heard comments included that the UO Athletic Department treated student athletes like “family” and that they would strongly recommend the UO intercollegiate athletic program to others.

Nearly all interviewees had experienced some sort of negative interaction from a student and/or faculty as a result of being a student athlete. Negative interactions with students focused primarily on the common perception that student athletes were unfairly pampered, receiving special benefits such as preferential registration, travel, and clothing/equipment. Although openly acknowledging the receipt of a number of benefits not readily available to other students, SAAC student athletes were unanimously adamant that all benefits were provided only to support their dual roles as students and athletes and that all benefits were legal and above board. They felt the reasons underlying preferential benefits were not well understood by the rest of the University community. They also voiced concern that some students did not understand or appreciate the level of sacrifice and effort required to succeed in their chosen sport.

Negative interactions with faculty included visible irritation with the student athlete for being absent from a class or exam due to team commitments. Student athletes recalled that some faculty were unwilling to change due dates for an assignment or give a make-up exam to a student athlete despite making such accommodations for other students in the same class. In these circumstances, student athletes concluded that they were being unfairly singled out solely because of their status. All student athletes interviewed emphasized that such mistreatment was limited to a very small percentage of students and faculty. Nonetheless, these interactions were sufficiently unpleasant as to cause student athletes to alter their behavior in certain circumstances, *e.g.*, avoiding certain faculty and students and/or not being readily identifiable as a student athlete.

Based on the student athlete interviews, it is clear that student athletes experience some sort of negative interpersonal interactions with a small fraction of students and faculty. Negative interactions fall into two broad categories, misperception and mistreatment. Misperception of student athletes by non-athlete students and faculty appears to have its basis in the misunderstanding of the nature and legality of the preferential benefits received by student athletes. Such misperceptions are exacerbated by preconceived notions about the intelligence and/or academic focus of student athletes, leading to inappropriate stereotyping.

Stereotyping under any guise is unacceptable at the University of Oregon. As stated succinctly in the University’s mission statement, the University of Oregon is dedicated “to

the principles of equality of opportunity and freedom from unfair discrimination for all members of the university community and an acceptance of true diversity as an affirmation of individual identity within a welcoming community”. The Task Force forcefully reaffirms this bedrock principle and expects all University community members to abide by this principle at all times, including interactions with student athletes.

We did not find evidence of preferential treatment of student athletes by faculty. As described above, negative treatment of student athletes by a small fraction of faculty was noted.

Although faculty were not formally surveyed for this report, anecdotal evidence received by individual Task Force members suggest that some faculty feel they are expected to make special accommodations for student athletes. Faculty note that frequent absences from the classroom, regardless of whether or not those absences are justified, have significant and deleterious consequences on the student’s education.

– – – – –

Issue 3: Are student-athletes exploited? That is, does the UO use student-athletes inappropriately to generate revenue?

Conclusion: Some of the most vigorous debate about college athletics is carried on under the rubric “exploitation.” The term has many meanings, and several issues have become entangled in it. Most exploitation issues, including those that pertain to the UO, are so pervasive that they need to be addressed at a national level. At the University level, however, the Athletic Department must be vigilant in protecting student-athletes from inappropriate use or disadvantage, internal or external.

The Task Force identified three measures of exploitation.

Measure 1: Academic standards and graduation rates

Columnist George Will writes, “Many schools bring to campus athletes unprepared for

college work. The schools wring millions of dollars of entertainment value out of them, then turn to the next crop. The used-up athletes, case studies in the meaning of 'exploitation,' depart, usually without a degree."

By this measure it seems almost self-evident that the UO is not exploiting its student-athletes. Our Athletic Department strongly stresses academic achievement among its athletes. GPAs and graduation rates among student-athletes are well above the University-wide numbers, advising and tutoring are taken seriously; disadvantaged students are given encouragement and appropriate assistance; we have a history relatively clear of academic scandal; and in interviews the athletes themselves seem to have positive attitudes toward academics, and realistic attitudes toward their future careers. Recent data show the overall student body six-year graduation rate at approximately 59% and the student-athlete graduation rate at 79%. One might ask if student-athlete graduation rates are higher due to the financial and extra academic support available to student-athletes; but a 20-point difference exceeds any reasonable expectation.

Measure 2: Compensation for athletic endeavors

A key document in the national debate over compensation is "A Plan for Compensating Student-Athletes," by Murphy and Pace, in *Brigham Young University Education & Law Journal* (1994):

Article 2.6 of the NCAA's Constitution provides, "Student-athletes shall be amateurs in an intercollegiate sport and their participation should be motivated primarily by education and not 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.

However laudable these goals, this definition assumes that NCAA institutions themselves are not commercial enterprises and would not exploit student-athletes. This is a natural, yet incorrect assumption most likely perpetuated by the simple fact that students who take part in athletics are not permitted to receive direct monetary compensation for their participation. . . .

Because of the large amounts of money generated by college athletics, the NCAA, as well as individual universities, utilize . . . amateurism rules to protect their profits rather than their athletes. Amateurism rules that purport to protect the student-athlete are actually used to protect a university's investment in the athlete. . . .

Money from college athletics is generated predominantly through the labor and efforts (and at the expense of) the college athlete. The expected and actual market consequences of the NCAA's Rules are a reduction in the wages of student-

athletes, greater profits for colleges, [and] a transfer of income from low-income athletes to higher income coaches Without adequate compensation of student-athletes, the NCAA and individual universities actively exploit their athletes.

The committee disagrees with any plan which would professionalize college sports; but the Brigham Young analysis of exploitation provides food for thought. Big money has indeed transformed college sports in recent decades. It is arguable that athletics departments have become commercial enterprises which compromise the amateurism that the NCAA was created to protect. When coaches' salaries top \$1 million, and television pays \$6 billion for March Madness, it is difficult to dismiss out of hand the charge that unpaid student-athletes are being used to make other people rich.

However, if the economic disparity between student-athletes and the industries that live off their talents is indeed a form of exploitation, this charge cannot be made meaningfully against any particular university. Rather, this form of exploitation—if it is that—is a result of the rapid evolution of the business of sports in America in recent years; it is endemic to the entire system of intercollegiate athletics, and can only be addressed effectively at that level.

Measure 3: Commercialism and Marketing

It has been argued that particular industries, like television, beer and sportswear, exploit college athletics and therefore student-athletes. An example is Murray Sperber's strongly negative analysis of the relationship between college athletics and the beer industry (*Beer and Circus*). Locally, the relationship between the UO and other PAC-10 schools to sports apparel companies has been sharply criticized from many angles.

In 1995 Linnea Smith proposed policy changes to the NCAA, establishing guidelines for the relationship between non-sports publications, public relations awards, and university athletes and coaches:

What kind of message is given to student-athletes and the public if athletes are placed in a vulnerable position to be exploited by any non-sports agency or business that can decide to essentially use "awards" to highly visible and popular college athletes arbitrarily as a marketing tool, or access to legitimacy by association, and with the NCAA's tacit approval? What prevents gambling casinos, illicit-drug promoting magazines, commercial sex entertainment, "sports bars" or dehumanizing sexually-explicit magazines from declaring a pre-season All-American team without any clear selection process or no known panel of experts or career sports authorities? . . . Institutions have actually encouraged students to accept questionable awards for perceived national recognition for that institution. . . It is a glaring omission that the NCAA not protect its student-athletes from commercial exploitation so they can be free to make appropriate choices.

African-American leaders are among the sharpest critics of the commercial exploitation of student-athletes. Speaking at the UO recently, Spike Lee called college football a “minstrel show” and a “battle royal” in which White America entertains itself by watching African-Americans fight each other. Henry Louis Gates argues, “the blind pursuit of attainment in sports is having a devastating effect on our people.” These arguments do not focus on particular businesses and particular schools, but American society at a general level. Nevertheless, they cannot be brushed aside as irrelevant in a discussion of the possible exploitation of student-athletes by our overall social-economic system.

On the other hand, it is difficult to see how these large social issues have a direct bearing on the University of Oregon. Student athletes are recruited individually to the University based solely on the combination of their athletic and academic abilities. It happens that many of these athletes come from underrepresented groups. It is difficult to think this a bad thing; rather, we might acknowledge the fortuitous benefit of athletic recruiting on the diversity of the student population.

The UO should closely examine its own behavior for potential commercial exploitation. The Athletic Department’s aggressive business practices and cutting edge marketing may have solidified the department’s financial health and created nationwide name recognition for the University and its sports programs; however, some would argue that the use of individual athletes in the department’s aggressive marketing could have negative effects on those very athletes.

Consensus on the issues raised here will be difficult, if not impossible, to obtain. The committee feels that the University should revisit its commercial policies and marketing practices regularly in the light of student welfare. The Intercollegiate Athletics Committee could better serve as a continuing venue for this purpose.

┆ ┆ ┆ ┆ ┆ ┆ ┆ ┆ ┆ ┆ ┆ ┆ ┆ ┆
┆ ┆ ┆ ┆ ┆ ┆ ┆ ┆ ┆ ┆ ┆ ┆ ┆ ┆