

**THE NATIONAL  
STUDENT-ATHLETES'  
RIGHTS MOVEMENT**  
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# **The NCAA: Who Protects Student-Athletes?**

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**A Proposal for a Student-Athletes' Bill of Rights**

**June 25, 2002**

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## PART 1

## OPEN LETTER

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June 25, 2002

Dear Presidents, Chancellors, and Trustees:

For 24 years prior to my retirement from college coaching in 1988, I coached men's track and field at the University of Kansas. During those years, I became concerned about those policies and procedures of the National Collegiate Athletics Association (NCAA) that infringe on the fundamental rights of student-athletes who attend institutions that are members of the NCAA. Today, my concerns are larger than ever.

I believe the NCAA has done great things for college athletics and should continue its strong leadership of monitoring academics and promoting intercollegiate athletic competition—leadership that could grow even stronger if the NCAA were willing to eliminate those rules and policies that adversely affect the welfare and participation opportunities of student-athletes.

I hope that my concerns, expressed in the enclosed paper, will create enough interest among you—presidents, chancellors, and trustees of NCAA member institutions—that you will initiate the development of a Student-Athletes' Bill of Rights from **within the NCAA**.

The Bill of Rights is needed to protect the rights and privileges of student-athletes in any collegiate athletic association in which student-athletes are not members.

That there is a need for measures to protect the welfare of student-athletes is already contained in the NCAA's Principles for Conduct of Intercollegiate Athletics, which state the following:

*"Intercollegiate athletics programs shall be conducted in a manner designed to protect and enhance the physical and educational welfare of student-athletes."*

I know that the welfare of student-athletes is of concern to you, so please take the time to consider the issues presented in this paper and join me in advocating the adoption of a Student-Athletes' Bill of Rights.

Sincerely yours,



Bob Timmons

## PART 2

# NCAA STUDENT-ATHLETES' BILL OF RIGHTS



The NCAA Student-Athletes' Bill of Rights defines a set of basic rights and privileges for all student-athletes at NCAA member institutions. Much like the U.S. Constitution and U.S. Bill of Rights, once it is adopted, the NCAA Student-Athletes' Bill of Rights would serve as a system of guidelines for (and constraints on) decision making and all administrative actions at the NCAA, including developing policies and adopting and enforcing rules.

I feel the primary mission and priority of the NCAA is to facilitate the educational proc-

ess, to create and protect sources of participation opportunities for student-athletes, and to serve and protect the welfare of student-athletes.

When it establishes policies and rules and as it reorganizes its operations, the NCAA should be guided by the Student-Athletes' Bill of Rights, which would apply wherever possible and practicable to all student-athletes, all member institutions, and all divisions of the NCAA. Member institutions should ensure that student-athletes are provided with the following set of basic individual rights.

## NCAA STUDENT-ATHLETES' BILL OF RIGHTS

**STUDENT-ATHLETES' RIGHT #1** Each student-athlete shall have the right to participate in intercollegiate athletics at a member institution provided the athlete (a) has the talent to compete at the level desired by each team, (b) is in good standing with his or her school and team, (c) follows team, institution, conference, and NCAA rules and regulations, and (d) is academically eligible and otherwise qualified to participate and compete in NCAA-sanctioned events. ( See page 9 for rationale.)

**STUDENT-ATHLETES' RIGHT #2** Each student-athlete shall have the right to be governed by a penalty system that (a) protects a student-athlete's participation opportunities if he or she is not charged with violations of NCAA rules, (b) requires every student-athlete to comply with the rules and policies of the NCAA and punishes those who violate its rules, (c) punishes guilty parties commensurate with the severity of the infractions and strives for consistency when penalties are needed, (d) does not impose institutional sanctions that deny participation opportunities for entire sport teams to participate in post-season competition when few or none of the student-athletes are charged with rules violations, and (e) is

compatible where possible with the minimum due process standards of the Constitution of the United States. (See page 14 for rationale.)

**STUDENT-ATHLETES' RIGHT #3** Each student-athlete shall have the right to be free from discrimination, including the right to receive benefits and privileges generally available to the institution's students who do not participate in intercollegiate athletics. (See page 25 for rationale.)

**STUDENT-ATHLETES' RIGHT #4** Each student-athlete shall have the right to the establishment of **national** rules, regulations, and policies that protect the health and safety of the student-athlete, as well as athletic officials, athletic department personnel, and sport spectators. (See page 30 for rationale.)

**STUDENT-ATHLETES' RIGHT #5** Each student-athlete who is otherwise qualified for NCAA competition shall have four years of eligibility during a consecutive five-year calendar period. Student-athletes classified academically as "non-qualifiers" or "partial-qualifiers" shall be entitled to receive full reinstatement of their fourth year of eligibility if satisfactory progress toward graduation is made by the end of their fourth year of enrollment. (See page 35 for rationale.)

**STUDENT-ATHLETES' RIGHT #6** Each student-athlete shall have the right to NCAA review on a timely and regular basis the number of athletically related financial aid scholarships for student-athletes and an equitable across-the-board award system that is fair and consistent for the student-athletes who compete in each of the sports it sponsors. (See page 38 for rationale.)

**STUDENT-ATHLETES' RIGHT #7** Each student-athlete shall have the right to work and receive earnings up to a full grant plus a reasonable, but limited, amount above that grant for the semester or term. (See page 45 for rationale.)

**STUDENT-ATHLETES' RIGHT #8** Each student-athlete shall have the right to NCAA rules and policies that apply fairly to every student-athlete—in all areas that concern their welfare and participation opportunities. (See page 46 for rationale.)

**STUDENT-ATHLETES' RIGHT #9** Each student-athlete shall have the right to a system of surveillance to deal with unfair rules and policies of coaches' committees or appointed administrators controlling procedures at NCAA national championships or those of conferences affiliated with the Association as they relate to issues concerning the welfare and participation opportunities of student-athletes. (See page 47 for rationale.)

**STUDENT-ATHLETES' RIGHT #10** Each student-athlete shall have the right to periodic reviews of all NCAA rules regarding student-athletes, and the elimination of those that would be held unfair or illegal if subjected to review under constitutional standards of the federal government. (See page 49 for rationale.)



## PART 3

# RATIONALE FOR THE STUDENT-ATHLETES' BILL OF RIGHTS

## ■ Whom Should the NCAA Serve?



In my view, the welfare of student-athletes will be served best if everyone connected with intercollegiate athletics returns to a set of basic principles—principles that place the welfare of student-athletes first.

Without the recurring annual demand by organized intercollegiate athletic programs for tens of thousands of student-athletes in the United States, there would be no intercollegiate athletic programs—that is, there would be no need for coaches, no need for athletic directors, and no need for the National Collegiate Athletic Association (NCAA). It is student-athletes, not coaches or administrators, who are fundamentally important in intercollegiate athletics.

Without student-athletes, our stadiums, basketball courts, tracks, gyms, and swimming pools would be little more than facilities that must be maintained.

However, when such facilities are used by student-athletes for training and for athletic competition, they become settings where learning and character development take place.

Unfortunately, as we begin a new century, intercollegiate athletics has become far too complex in a number of ways. Further, the best interests of student-athletes sometimes appear to take a back seat to financial and legal concerns.

Money from television contracts has drastically changed college athletics. While a few

schools, a few coaches, and the superstar student-athletes have benefited, large-dollar media contracts negotiated by the NCAA in basketball and football have taken on lives of their own. The NCAA is now the gatekeeper, and the NCAA's predominant focus on football and men's basketball has made many student-athletes and coaches involved in other sports feel like outsiders.

Historically, the role of athletics in college has been to facilitate education and character development. From an educational perspective, athletic departments should not be operated primarily as business profit centers in colleges and universities. I believe an emphasis on education and character development should always be the focus for student-athletes at the college level.

It seems reasonable, therefore, that the top priority of the national governing body of the NCAA should be to serve and to protect all student-athletes in each of its member institutions. The NCAA should advance the cause of education through athletics, should protect the welfare and safety of student-athletes who participate in its sports programs, and should continue to create and protect sources of opportunity for competition in intercollegiate athletics for student-athletes of every member institution.

Most collegians have positive experiences representing their schools in intercollegiate competition, but almost all have had concerns about the rules and policies that have gov-



erned their lives and those of their teammates. However, for student-athletes and coaches, the relative strength and bargaining power of the NCAA are overwhelming. **Neither student-athletes nor their coaches are members of the NCAA, nor do they have any real, effective voice in NCAA policies and rulings.**

Most people would agree that addressing the increased complexity of intercollegiate athletics and its related issues is very important to the future of intercollegiate sports. However, rather than take up the financial, political, and legal problems facing intercollegiate athletics and the NCAA, my intent is to focus on issues that directly concern the welfare of student-athletes.

Some of you may take exception to the wording of the “rights” presented here. However, I believe that after considering the rationale of the issues related to student-athletes, you will agree with me that it is time, after almost a hundred years of intercollegiate athletics, for the NCAA to adopt a Student-Athletes' Bill of Rights.

## ■ What is the Student-Athletes' Bill of Rights?

In Part 2 of this paper, I listed the basic rights that all student-athletes should have. The adoption of the Student Athletes' Bill of Rights will formally recognize these rights that should guide decision making and the development and implementation of NCAA policies and rules. Each of the rights is discussed in the context of key issues in the following pages.

These rights are needed to protect the participation opportunities and the welfare of student-athletes. As a practical matter, student-athletes are at an insurmountable disadvantage when it comes to dealing with a bureaucracy such as the NCAA. **Further, there simply is no group with any power in the NCAA system whose specific responsibility it is to guard and advocate for the welfare of student-athletes.**

Currently, because of the way the NCAA is organized, people far removed from personal

contact with student-athletes develop and implement most of the NCAA's policies and rules, and they do so without the benefit of significant input from coaches and the student-athletes. **Certainly, those who govern should make final decisions, but vital preliminary input could and should come in part from the various coaches' associations affiliated with the NCAA. Why isn't this storehouse of knowledge and experience better utilized by those who seek to achieve most of the same goals college presidents have for student-athletes?**

Further, rules are applied and policies interpreted with little or no input from coaches or student-athletes. It is very difficult for those who experience problems to have much of an impact on the NCAA. Grievances are sometimes conveniently “solved” as the NCAA waits things out or weighs in with larger amounts of money, staff time, and legal resources. Meanwhile, the student-athletes who are involved graduate and move on. However, the financial and emotional damage to individuals is almost never remedied.

There is no practical way that individual student-athletes, individual coaches, or even coaches' associations can, or want to, watch over everything that takes place at the NCAA on a daily basis. Coaches coach; individual student-athletes move through colleges and universities in a short period of time, enjoying at most four years of NCAA eligibility. Eventually, individual student-athletes, even those who have grievances, lose interest or do not have the time and money to devote to causes and move on with their lives.

In my view, the welfare of student-athletes would be served best if everyone connected with intercollegiate athletics returned to a set of basic principles—principles that place the welfare of student-athletes first. These principles should guide all decision making and the development and implementation of NCAA policies and rules.

To ensure that the welfare of student-athletes and related priorities are maintained clearly in focus, the presidents of the NCAA's

member institutions, the management council, and the national office staff of the NCAA need to define and to enact the basic rights and privileges of every student-athlete.

## ■ Key Issue—Access to Opportunity for Participation

### STUDENT-ATHLETES' RIGHT #1

**Each student-athlete shall have the right to participate in intercollegiate athletics at a member institution provided the athlete (a) has the talent to compete at the level desired by each team, (b) is in good standing with his or her school and team, (c) follows team, school, conference, and NCAA rules and regulations, and (d) is academically eligible and otherwise qualified to participate and compete in NCAA-sanctioned events.**

The right to access to the opportunity to participate in intercollegiate athletics is listed first in the Student-Athletes' Bill of Rights because it is the fundamental principle and necessary requirement that relates to every sport. The NCAA should provide the opportunity for qualified college students with athletic talent the right to participate in the sports programs sponsored by its member institutions.

### Title IX and Increased Participation for Women

Prior to the women's World Cup final in soccer in 1999, the most exciting international team championship in my mind took place in the 1980 Olympic Games. It was there that the United States men's team beat Russia to win the gold medal in ice hockey. I'll never forget the excitement of America beating the best in the world with a team so young and so inexperienced.

For me, no other U.S. team competition has generated that kind of excitement and national interest until the summer of 1999, when American women beat Brazil in the semifinals and China in the finals to repeat as World Cup Champions in soccer.



Mia Hamm of the University of North Carolina provides an outstanding example of the positive side of Title IX. Hamm was a member of the U.S. women's World Cup soccer team that defeated China for the World Cup in 1999. The match was seen by millions of people around the world and was athletic competition at its finest. (Photo courtesy of University of North Carolina.)

Our women had it all—fantastic spirit, great teamwork, and spontaneous enthusiasm. Inspired by enormous crowds, they displayed outstanding talent and unrelenting competitiveness in providing wonderful memories of a very special moment in sport. **Much credit goes to the opportunity provided women by Title IX. Without such legislation having been enacted by Congress, this great accomplishment would most likely not have taken place.**

During 11 years of high school coaching in Wichita, Kansas, I also coached boys and girls in nonschool, age-group swimming and diving programs as well as age-group track and field for both genders.

At that time, there was no interscholastic competition for girls in any sport in the state of Kansas. Although we tried to instigate girls competition at the high school level, we were unsuccessful during those years (from 1953 to 1964). Women's physical education teachers in Wichita argued that high school girls could not adjust to the stresses of the physiological or psychological aspects of interscholastic

sports and strongly opposed competitive sports for girls.

As a result, high school girls were forced to continue competing outside of schools or join “pep” clubs where they cheered for boys’ teams that competed for their schools.

I have always felt sports competition for girls and young women at the local, state, national, and international levels is very important. As a matter of fact, I coached high school girls in volleyball from 1992 to 1996. From 1994 to 2000, I coached girls in junior high school track and field.

I am thrilled with the wonderful progress that has been made in women’s athletics since Title IX came into existence.

### **Title IX and Decreased Access for Men**

However, the most pervasive problem relating to equal access in athletics flows from the language of Title IX, and it is a consequence of efforts over 20 years to comply with its requirements. Even with my enthusiasm for women’s athletics at all levels, I am concerned about problems caused in sports programs for men at the college level in order to provide greater opportunities for women.

**Limiting the opportunity to compete and a narrowing of competitive offerings for men as a result of the interpretation of Title IX has not been caused by policies of the NCAA.** Even so, the NCAA should be the leader in a drive to overcome the problems—such as capping quotas and squad size reductions—currently caused by present Title IX policies and interpretations. It is true that no individual nor any organization affiliated with the NCAA can cause changes in present policies and interpretations. **It is also true that nothing significant will occur if college presidents are not willing to ask Congress to bring about needed changes in Title IX.**

No other set of issues in intercollegiate athletics and university administration today—including funding of sports programs—is so difficult, controversial, highly charged, and

prone to litigation than issues related to the opportunity to compete and compliance with Title IX. While the law was well intended at the time, Title IX has now caused widespread distortions of the system.

The distortions affect student-athletes (particularly men), their coaches, as well as a number of great programs, many of which have been major contributors to sports in the United States, including the Olympics.

### **An Example—University of California, Los Angeles**

For example, after guiding UCLA gymnastic teams to conference championships and two NCAA national team titles, Art Shurlock’s collegiate coaching career came to a sudden end in 1995 when men’s gymnastics was dropped by UCLA in order to comply with the requirements of Title IX.

Shurlock’s athletes at UCLA had won 23 NCAA individual titles, 113 had All-American honors, 47 conference event titles, 9 Pac-10 titles, and 2 NCAA team championships. Shurlock also coached 9 Olympians who won 4 gold, 2 silver, and 3 bronze medals in Olympic competition.



Art Shurlock, UCLA’s highly successful gymnastics coach, lost his job when the Bruins dropped the sport of men’s gymnastics in 1995 as a result of Title IX. (Photo courtesy of UCLA.)

UCLA's great tradition in gymnastics is being carried on by its women who won the NCAA national championships in both 2000 and 2001.

In addition to men's gymnastics, men's swimming was also dropped by UCLA in order to comply with Title IX requirements. Both programs had made outstanding contributions to the quality and prestige of their sports, both at the national and international level. Again, during the three decades prior to 1995, the UCLA men's swimming program produced a number of national champions, world record holders, and Olympic team members.

### An Example—Providence College

Another example is the experience of Providence College. During the spring of 1999, Providence College dropped men's baseball while its baseball team was advancing through the NCAA national championship tournament. The reasons cited were Title IX and NCAA scholarship allocations.

It is amazing to me that after the long, arduous, and costly legal battles that have been fought in the legal system of the United States in the area of civil rights—equal access to educational opportunity, of discrimination in employment, and so forth—that there should be any need for the NCAA to protect the rights of student-athletes seeking to gain equal access to athletic opportunity in 2001. And yet such protection is urgently needed.

### 1992 Gender Equity Study

The effects of the language of Title IX and the efforts to implement it have been opening new opportunities for women while at the same time diminishing, and in many member institutions eliminating, opportunities for men.

The NCAA conducted its first Gender Equity Study in 1992. The five-year follow-up study published in 1997 showed a disturbing downward trend for male student-athletes. During the five-year period covered by the study, more than 350 men's teams were dropped

from NCAA collegiate sports programs. With colleges and universities dropping teams and others developing quota (capping) systems, the number of men who have either been dropped or have been prevented from participation totaled more than an estimated 20,000. Over those same five years, the number of women student-athletes increased by only 5,800; that is, nearly four men were dropped out of intercollegiate athletics for every woman added.

These figures should cause strong positive action by Congress. If something is not done in the near future, many more men's sports programs will be restricted by school-imposed quotas, and unfortunately, more schools will drop some of their men's sports altogether.

It is widely known that there is a growing national backlash against the destructive effects of Title IX on men's athletics, particularly dropping of men's programs. This is understandable considering the numbers involved, which are only partly indicated in Figure 3.1.

**FIGURE 3.1** Summary of Men's Intercollegiate Athletic Programs Cancelled, 1993–1999

Sport	I	II	III	Total
Baseball	9	2	5	16
Fencing	6		3	9
Football	4*	7	2	13
Golf	6	19	28	53
Gymnastics	17		2	19
Ice Hockey	3		1	4
Lacrosse	6	2	3	11
Rifle	6	3	2	11
Skiing	6	5	3	14
Swimming	13	3	7	23
Tennis	13	15	11	39
Track—CC	7	10	8	25
Track—ID	16	14	9	39
Track—OD	8	12	7	27
Volleyball	2	2	3	7
Water Polo	4	1	1	6
Wrestling	18	7	18	43
Total	144	102	113	359

\*Two programs in I-A and 2 in 1-AA.

Source: Summary compiled using 1999 data supplied by the Independent Women's Forum.



Yet cancellations reveal only part of the story. One also needs to take into account major budget reductions that also have been imposed on some men's programs.

### **PBS Investigative Report**

The growing problems associated with Title IX were revealed in a news program on the Public Broadcasting System's *National Desk*, titled "Title IX and Women in Sports: What's Wrong with This Picture?" This program aired on April 23, 1999. The reporter was broadcaster and columnist Larry Elder, a respected journalist. The program contained many revealing interviews with athletes, coaches, educators, federal officials, civil rights activists, and others on both sides of the various issues.

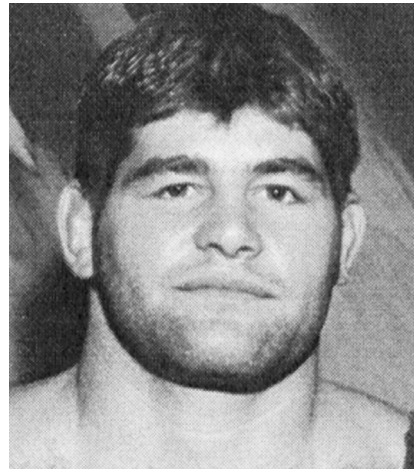
As Elder pointed out in his report, the problems are the unintended consequences of legislation passed nearly 20 years ago. **On the basis of what is happening today, it appears highly likely that the U.S. Congress will find it necessary to revise the language of Title IX in some way in the foreseeable future.**

### **Interest in Participation Cannot Be Legislated**

Meanwhile, the U.S. Office of Civil Rights, in interpreting gender equity requirements of Title IX, has required the amount of financial assistance, the number of scholarships awarded, and participation numbers to match the on-campus enrollment ratios of males to females.

While calling for the allocation of funds spent for financial assistance and the number of scholarships allowed to be in proportion to male-to-female enrollment ratios is certainly justified, there is no way to legislate levels of participant interest among athletes in men's and women's sports.

The injustice occurs when men's programs are cut based on gender quotas even though NCAA member institutions have men who are eager and willing to "walk on" in most sports



Steve Neal, 1999 World Heavyweight Wrestling Champion, is from California State University at Bakersfield, a school that may be forced to drop men's wrestling because of gender-equity problems under Title IX. (Photo courtesy of CSU, Bakersfield.)

(without receiving any financial aid) and women who are not. It seems that fewer college women than men will participate without financial assistance.

Since it is participation numbers that must be in proportion, when participation by women declines—even through the opportunities for participation for women have not—opportunities available to males must also decline. Resources and opportunities for men to compete dwindle when fewer women are willing to compete.

Because only a few sports have been provided with an adequate number of scholarships to meet their competitive needs, most sports (all equivalency sports as well as some head-count sports) depend on walk-on athletes (nonscholarship athletes) to fill positions on teams.

These walk-ons deserve an equal opportunity to compete if qualified to do so. After all, all students at an NCAA member institution receive essentially the same bill for tuition and fees. **It is only reasonable that any student who pays the same tuition and fees be provided the**

**same access to athletic opportunity if he or she wishes and is otherwise qualified.**

Leaders of colleges and universities have been placed in a no-win situation. In their efforts to comply with the interpretation regarding gender equity requirements of Title IX by the Office of Civil Rights, a number of NCAA member institutions have dropped some of their men's sport programs.

**In addition, in the last few years many schools have developed quotas in order to restrict the number of participants in men's sports. Yet quota systems based on gender, race, and other factors beyond a student's control have been declared unconstitutional in court decisions and cannot be used for admission policies. Why then is it fair to use an arbitrary gender-based allocation formula to determine student-athletes' rights and basic access to athletic opportunity in college sports?**

### **Dedicated Athletes**

Title IX and gender-based allocation issues can be particularly unfair for some men. Consider, for example, a male student-athlete who has been training for a long period of time in a particular sport and who has risen to become one of the best in the nation in that sport. As a result of Title IX, his career opportunities can be reduced drastically if allocations are changed or ended if his men's program is cancelled. Clear examples can readily be found in NCAA men's wrestling, tennis, golf, and gymnastics, which have been essentially devastated by this problem. Others also hit by reductions between 1993 and 1999 are the sports of cross country, skiing, and indoor and outdoor track and field.

### **Looking to the Future**

The basic rights of men and women to participate in intercollegiate athletics are a most serious concern. There is no easy answer at the moment. However, something clearly must be done. In recent years, there have been a grow-

ing number of clear examples of the unintended consequences of Title IX on men's sports.

**Most of the problems related to gender equity are not the fault of the NCAA but result instead from the language of Title IX, the history of litigation relating to Title IX by aggressive advocacy groups, and a lack of understanding concerning the complexities of NCAA athletics by those in the U.S. Office of Civil Rights and by the courts.**

Surely, Congress didn't foresee that its efforts to bring about equity for women would create a backlash of unfairness and the destruction of equal access to opportunity to participate for large numbers of men in some aspects of intercollegiate athletics. It is doubtful that any congressional member would have voted for this bill if he or she had known its interpretation would lead to reduced opportunities for men.

**I believe that every effort should be made to build women's programs to the level of the men's sports programs, particularly in terms of equal opportunity to compete. However, the elimination of men's teams or reduction of men's sports programs to a level of mediocrity in an effort to build women's sports programs does not seem to be compatible with the NCAA's stated Principles for Conduct of Intercollegiate Athletics.**

Meanwhile, the NCAA has a key role to play. I believe that policies of the NCAA set the tone and signal the direction that member institutions and athletic programs are to follow. The role of NCAA, therefore, should be to devise and facilitate a workable solution to this difficult issue.

**Providing for student-athletes' welfare is one of the most important responsibilities of the NCAA. Therefore, cutting participation in either men's or women's sports should be a last consideration, not among the first.** Forced reduction in the number of male participants or the elimination of men's sports programs may bring gender balance and save money, but those methods do not reflect the constitutional purposes of the NCAA, which should be to

provide opportunities for all interested qualifiers, regardless of gender.

The NCAA should strongly support and enforce rules and policies that address equal access to the opportunity to compete for every student-athlete, regardless of gender. The first step should be adoption of the Student-Athlete's Bill of Rights. New rules and regulations related to gender equity should be enacted with great care until Title IX and related issues are revisited by the U.S. Congress.

One way of determining gender-based interest in sports at local institutions could be to compare the number of men and women who participate in intramural sports activities on the campus of each member institution. As an example, intramural participation data at KU for the years 1997–2000 (see Figure 3.2) points out the lack of participation by women as compared to that of male students.

Focus at the NCAA should also be squarely on devising effective policies and creative solutions to problems related to Title IX. For example, **I believe that new approaches, ideas, and answers to some of the financial problems caused by gender equity could be partially solved by asking for thoughts and suggestions from each NCAA-affiliated collegiate coaches association.** Seeking their input would be most enlightening and would give coaches a sense of participation in the NCAA policies that dictate the direction and quality both in their professional lives and in the competitive lives of student-athletes.

**FIGURE 3.2** Estimated Intramural Participation at the University of Kansas, 1997–2000

Academic Year (Fall & Spring Semester)	Total	Men	Women
2000	7,921	6,225 (79%)	1,696 (21%)
1999	7,913	6,289 (79%)	1,624 (21%)
1998	8,090	6,373 (79%)	1,717 (21%)
1997	7,798	5,994 (80%)	1,804 (20%)

## ■ Key Issue—Protection against Excessive and Arbitrary Rules and Penalties

### STUDENT-ATHLETES' RIGHT #2

**Each student-athlete shall have the right to be governed by a penalty system that (a) protects a student-athlete's participation opportunities if he or she is not charged with violations of NCAA rules, (b) requires every student-athlete to comply with the rules and policies of the NCAA and punishes those individuals who violate its rules, (c) punishes guilty parties commensurate with the severity of the infractions and strives for consistency when penalties are needed, (d) does not impose institutional sanctions that deny participation opportunities for entire sport teams to participate in post-season competition when few or none of the current student-athletes are charged with rules violations, and (e) is compatible where possible with the minimum due process standards of the Constitution of the United States.**

To those outside organized intercollegiate athletics, the need for protection from excessive, arbitrary rules may seem a bit odd. However, Right #2 addresses a set of wrongs that have existed for many years.

Behind the NCAA rules system is a philosophy of group punishment. This basic group-punishment philosophy of the NCAA rules system is in many ways arbitrary, unreasonable, and unjust. On the one hand, the system requires that all student-athletes comply with all NCAA rules. On the other hand, the system does not protect those student-athletes who are totally innocent of any wrongdoing and who yet have the misfortune to happen to be on a team or at a member institution where a rules violation is committed.

Out of the 476 penalty cases involving NCAA member institutions that were resolved prior to January 1997, 344 called for post-season bans of entire teams. As only a small

number of student-athletes were charged with rules violations, these figures indicate that, in 72.3 percent of these cases, an entire team of innocent student-athletes was punished.

Punishment that prevents individuals or an entire team(s) from post-season participation, even though few, if any, student-athletes have been charged with violations of NCAA rules is a devastating experience. Mass punishment seems blatantly unfair and completely unforgivable.

Such penalties began to be imposed during the 1950s. It seems to me that it is time to punish those who break NCAA rules and to penalize institutions in which rules are broken. Most of all, it is time to start protecting the innocent.

Those who now govern the NCAA must realize that the NCAA emphasizes sportsmanship in media coverage of its events on television and in print. **How does the punishment of the innocent student-athlete fit the NCAA's sportsmanship goals?**

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#### **STUDENT-ATHLETES' RIGHT #2(A)**

**Each student-athlete shall have the right to be governed by a penalty system that . . . (a) protects a student-athlete's participation opportunities if he or she is not charged with violations of NCAA rules, . . .**

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That each student-athlete should have the right to be governed by a penalty system that protects the student-athlete's participation opportunities if he or she is not charged with a rules infraction is a very serious matter. Effective political leaders and leaders of business, military, government, academic, and nonprofit organizations avoid the use of mass punishment in their discipline systems.

#### **An Example—University of Tulsa**

In November 1992, the University of Tulsa received a three-year probation for NCAA rules violations that had occurred in the men's and women's track and field programs. The NCAA



Melissa McNamara of the University of Tulsa led her team to the 1988 NCAA national golf championship. In 1992, Tulsa's women's golf team was required to forfeit that national title and return their medals after the NCAA ruled against Tulsa in an unrelated matter. None of the Tulsa women golfers were ever charged. (Photo courtesy of University of Tulsa.)

Committee on Infractions banned every sport from post-season competition for one year.

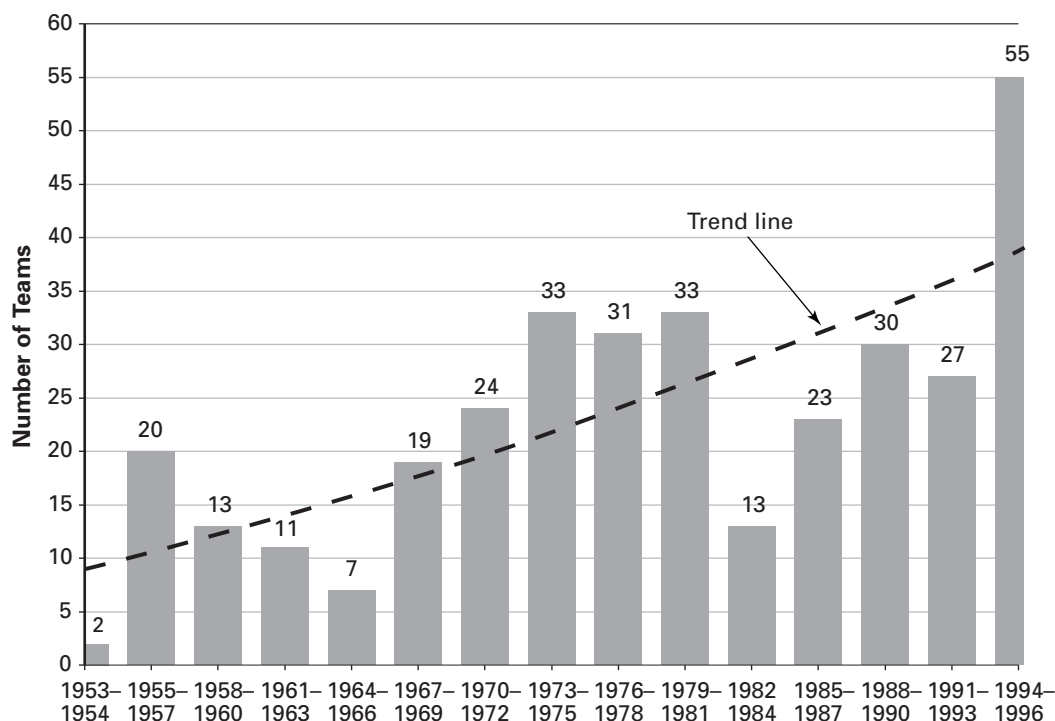
As a result, four years after winning the title, Tulsa's women's golf team was required to forfeit its 1988 National Team Championship.

Tulsa's Melissa McNamara had won individual honors and was only the second individual ever to have won an NCAA title for Tulsa. She and her teammates found it difficult to understand the reason for the penalty since no one on their team had been charged with a rules violation.

All the violations at the University of Tulsa occurred in track and field, but the track and field program received the same penalties placed on Tulsa's other sports programs. Why wasn't Tulsa sanctioned with an institutional penalty—such as an appropriate monetary fine—instead of having its golf team's 1988 National Team Championship taken away?



**Figure 3.3** Institutional Penalties—Number of Times Men Declared Ineligible for Post-Season Competition, January 1953 to January 1997



#### DECADE

1950s	1960s	1970s	1980s	1990s
	1960 4	1970 6	1980 14	1990 11
	1961 4	1971 4	1981 12	1991 9
	1962 6	1972 14	1982 5	1992 11
1953 2	1963 2	1973 11	1983 5	1993 5
1954 0	1964 4	1974 13	1984 3	1994 17
1955 4	1965 1	1975 6	1985 8	1995 19
1956 3	1966 2	1976 11	1986 8	1996 20
1957 18	1967 7	1977 11	1987 7	
1958 3	1968 8	1978 9	1988 12	
1959 6	1969 4	1979 9	1989 7	
36	42	94	81	92

### The Magnitude of the Problem

The facts show that the NCAA has unjustly harmed thousands of student-athletes since it imposed its first post-season ban of competi-

tion in 1953. This can be seen in Figures 3.3 through Figure 3.5, which summarize the NCAA's efforts to enforce its rules and penalty system and the toll enforcement has had on individual student-athletes.

**FIGURE 3.4** Number of Times Men's Sports Teams Banned from Post-Season Competition, January 1953 to January 1997

Sport	Total Number of Teams	Size of Squad (1995/96)*	Number of Teams Banned	Total Number of Years Teams Banned	Total Number of Student-Athletes Banned	Percentage of Total Athletes
Football	228	89.8	128	197	17,691	73.94%
Basketball	306	15.9	127	177	2,814	11.76
Track—ID	237	31.0	20	33	1,023	4.28
Track—OD	253	30.7	20	33	1,013	4.23
Baseball	277	29.5	10	14	413	1.73
Wrestling	95	24.7	10	12	295	1.23
Ice Hockey	50	28.9	4	6	173	0.72
Cross Country	292	12.9	6	9	116	0.49
Tennis	274	10.3	7	10	103	0.43
Soccer	193	25.0	4	4	100	0.42
Gymnastics	27	14.7	3	4	59	0.25
Golf	277	10.6	2	5	53	0.22
Swimming & Diving	155	20.4	2	2	41	0.17
Lacrosse	54	31.4	1	1	31	0.13
Fencing	22	18.3				
Rifle	29	10.6				
Rowing	27	41.2				
Skiing	11	14.4				
Volleyball	25	14.2				
Water Polo	25	21.4				
Totals	2,864		344	507	23,926	100.00%

\*"1995–1996 Participation Study, NCAA Men's Sports," *NCAA News*, 2/24/97.

Source: NCAA Committee on Infractions—Summary of Cases, printed 2/7/97.

These data show that during 43 years since post-season bans were first imposed, that is, from 1953 through 1996, the NCAA's enforcement of its rules has caused 344 men's teams to be banned from post-season competition. The first case of post-season bans in women's athletics occurred in 1986. From 1986 up to and including 1996, 40 women's teams were banned from post-season competition.

The real impact of these bans has been felt by the individual student-athletes and their families. For practical reasons and because of the passage of time, the precise numbers of student-athletes involved will never be known, but we can make a reasonable estimate. Assuming that 10 percent of the individual student-athletes banned were in fact charged with rule violations and that 90 percent were

not charged, **more than 21,000 men and more than 900 women were banned without violations charged against them as individuals.** For these unfortunate student-athletes, the only error they made was to attend the wrong school at the wrong time.

### Mission Statement of the NCAA's Enforcement Program

On June 4, 1992, the Special Committee to Review the NCAA Penalty Structure held its first meeting in Dallas, Texas. This 14-member committee was composed of university presidents; athletic directors; conference commissioners; several past and present members of the NCAA Committee on Infractions; Dick Schultz, Executive Director of the NCAA; 2

**FIGURE 3.5** Number of Times Women's Sports Teams Banned from Post-Season Competition, January 1986 to January 1997

Sport	Total Number of Teams	Size of Squad (1995/96)*	Number of Teams Banned	Total Number of Years Teams Banned	Total Number of Student-Athletes Banned	Percentage of Total Athletes
Track—ID	248	24.7	9	13	321.0	29.35%
Track—OD	262	24.1	9	13	313.3	28.64
Basketball	297	13.9	10	11	152.9	13.98
Cross Country	299	12.1	4	7	84.7	7.74
Soccer	181	21.4	1	2	42.8	3.91
Field Hockey	72	21.3	1	2	42.6	3.89
Volleyball	286	13.3	1	2	26.6	2.43
Tennis	293	9.6	2	2	19.2	1.76
Softball	203	17.1	1	1	17.1	1.56
Golf	155	8.3	1	2	16.6	1.52
Gymnastics	67	14.4	1	1	14.4	1.32
Fencing	24	13.1				
Ice Hockey	10	20.1			13.1	
Lacrosse	49	22.3				
Rowing	50	43.5				
Skiing	13	11.4				
Squash		16.7				
Swimming & Diving	164	20.2				
Synchronized Swimming	4	14.5				
Water Polo	11	22.9				
Totals	2,694		41	58	1,093.8	100.00%

\*"1995–1996 Participation Study, NCAA Women's Sports," *NCAA News*, 2/24/97.

Source: NCAA Committee on Infractions—Summary of Cases, printed 2/7/97.

members of the director's administrative staff; 2 members not associated with the NCAA—Mike Maddox, an outstanding basketball player at Kansas and at that time a recent University of Kansas law school graduate; and myself.

At the first meeting, Dick Schultz presented the committee's two charges:

- To review the current penalty structure that had been established by the membership at the 1985 Special Convention
- To review the issue of the "innocent" student-athlete and specifically the issue of institutional penalties that deprive student-athletes from participating in post-season competition

The committee met on four occasions during 1992 and completed its assigned charges on January 22, 1993, at which time a mission statement was formulated.

In January 1994 the NCAA adopted the following mission statement for its Enforcement Program:

#### 19.01 GENERAL PRINCIPLES

##### 19.01.1 Mission of NCAA Enforcement Program.

*It shall be the mission of the NCAA enforcement program to eliminate violations of NCAA rules and impose appropriate penalties should violations occur. The program is committed to fairness of procedures and the timely and equitable resolution of infractions cases. The achievement of these objectives is essential to the*

*conduct of a viable and effective enforcement program. Further, an important consideration in imposing penalties is to provide **fairness to uninvolved student-athletes**, coaches, administrators, competitors and other institutions. (Adopted: 1/11/94) [My emphasis (bold and underlined) added.]*

The key words here are “appropriate” and “fairness to uninvolved student-athletes.” At the time the Mission Statement was formulated, I was concerned about how it would be implemented because I had misgivings as to whether it would really protect uninvolved student-athletes who were innocent of wrongdoing. I was hopeful but concerned that if an infraction occurred, the NCAA Enforcement Program would continue to punish the innocent, simply saying the infraction resulted in “harm to other institutions.”

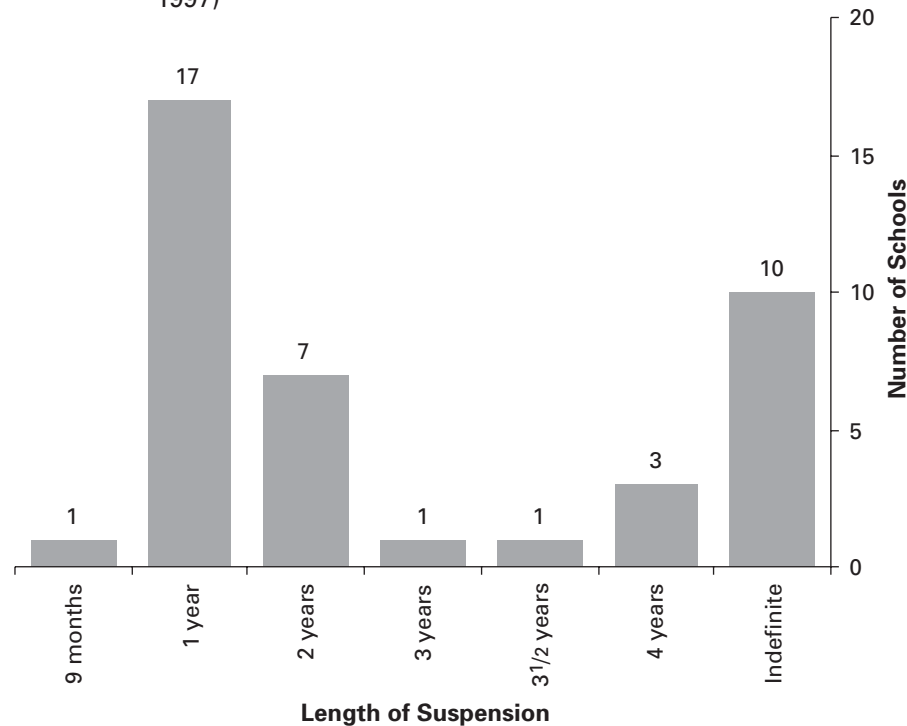
In fact, from the adoption of the Mission Statement in 1994 to and including all of 1996, more innocent student-athletes lost their rights

to compete in post-season competition in national championships or football bowls than in any other 3-year period in the 44 years since the NCAA penalty system was established in 1953. From 1994 through 1996, approximately 3,597 men and 1,036 women student-athletes lost post-season eligibility.

Of the institutional cases brought before the NCAA Infractions Committee between 1964 and 1996, 58 percent resulted in innocent student-athletes losing from one to three years of eligibility to compete in post-season competition.

Further, Figure 3.6 summarizes, for 40 cases involving member institutions, the number of schools in which **every student-athlete in every sport lost at least one season (or year) of eligibility to compete in post-season competition between 1953 and 1997. Those 40 cases are the pinnacle of unfairness. How could such a thing happen to so many innocent student-athletes?**

**Figure 3.6** Number of Schools Suspended in Every Sport from All Post-Season Competition by Length of Suspension (1953 to January 1997)



### **An Example—University of Nevada, Las Vegas**

The infraction case of the University of Nevada, Las Vegas, is a clear example of the continuation of unfair penalties placed on innocent student-athletes. On January 2, 2001, the *NCAA News* reported that the Division I Committee on Infractions had placed UNLV on probation for four years, imposed a one-year post-season ban in men's basketball, and reduced financial aid awards because of two years of violations of NCAA legislation. Because of the nature of the violations, their similarity to a 1993 case involving UNLV, and a significant failure to monitor, the Committee on Infractions imposed additional penalties.

The alleged rules violations related to and centered around a highly recruited, prospective student-athlete. In addition, a member of the basketball squad was charged with unethical conduct for providing false information to the NCAA's enforcement staff.

With no reference to other penalties placed on UNLV or with no individual having been found guilty of rules violations, the Division I Committee on Infractions punished UNLV. Although not unexpected, it is most disturbing that UNLV's basketball team was banned from post-season competition in 2001.

The student-athlete, who was a member of the basketball team, was charged with "unethical conduct" and should have been punished based on the severity of his infraction of the NCAA's rules and policies.

Yet, isn't it possible that the punishment of other members of the basketball squad, because of unethical conduct by one of its members, is in itself in conflict with and is a distortion of the Principles for Conduct of Intercollegiate Athletes spelled out in Article 2.4 of the NCAA Constitution?

Is there a reason these high principles for conduct should not apply to the decisions of the Committee on Enforcement relative to its dealings with penalties applied to student-athletes who have not been charged with rules violations?

### **The Assumption of Guilt**

The matter is further complicated by the fact that the NCAA's penalty system has the reputation of assuming that those charged with rules violations are guilty and must prove their innocence to avoid punishment. The negative impact of this unfair assumption of guilt on innocent athletes is not reflected in the numbers presented in this discussion. In a court of law, a person charged with breaking a law is considered innocent until proven guilty. Personally, I am most thankful for the system adhered to in our courts and upset and confused by the system that exists in the NCAA's penalty program.

The NCAA Committee on Infractions continues to punish student-athletes who are not charged with rules violations.

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#### **STUDENT-ATHLETES' RIGHT #2(B)**

**Each student-athlete shall have the right to be governed by a penalty system that . . . (b) requires every student-athlete to comply with the rules and policies of the NCAA and punishes those individuals who violate its rules, . . .**

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Rules are not always applied consistently. For example, many foreign student-athletes come from extremely poor families who can't pay for the high costs of travel to attend colleges and universities in the United States. In order for these students to attend schools in our country, outside financial help is needed to pay for travel expenses. However, NCAA rules prohibit using financial aid to pay travel expenses.

NCAA Rule 15.2.5.5.2 spells out the following requirements related to financial aid.

**15.2.5.5.2 Eligibility Effects of Improper Aid From Outside Organization.** *It is not permissible for a student-athlete to receive financial aid, directly or indirectly, from a source outside the institution (e.g., a foreign government, a sports association, or a high-school boosters club) for expenses related to attendance at a member institution, if the award of such financial aid is based in any degree upon the recipient's athletic ability,*

*except as permitted in 15.2.5.3 and 15.2.5.5.  
Receipt of financial aid from such a source renders the student-athlete ineligible for all intercollegiate athletics participation.*

Presently, a large number of foreign student-athletes attend schools in the United States, but many could not do so without violating Rule 15.2.5.5.2.

It is doubtful that the NCAA has ever punished foreign student-athletes because they received financial aid from their governments or from sports associations in their countries; yet American student-athletes have lost their eligibility because they violated this rule.

If the rule regarding financial aid and travel expenses is unfair, it should be rescinded so every student-athlete is treated the same. If the rule is fair and has merit, then foreign student-athletes need to be punished for the rules violations in the same way U.S. student-athletes are punished.

NCAA rules should apply to everyone in the same way, no matter what the U.S. government's relations are with a foreign country. Every student-athlete should be required to comply with this rule and other rules of the NCAA. However, the NCAA is not always consistent in its application of rules with respect to every student-athlete. **Are there legitimate reasons why the NCAA doesn't follow all of its own rules and policies?**

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#### STUDENT-ATHLETES' RIGHT #2(C)

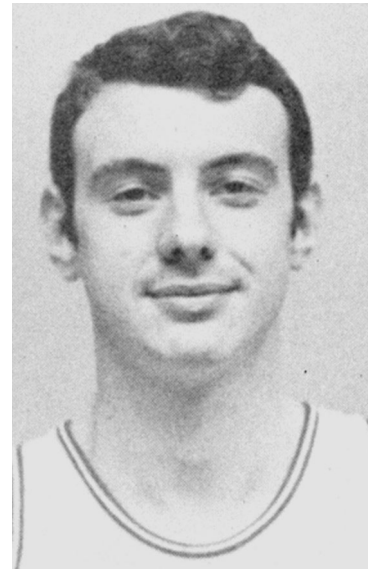
**Each student-athlete shall have the right to be governed by a penalty system that . . . (c) punishes guilty parties commensurate with the severity of the infractions and strives for consistency when penalties are needed, . . .**

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Punishment needs to be appropriate and applied consistently.

#### An Example—Yale University

In 1970, Yale University was placed on probation for allowing Jack Langer, a Jewish basketball player, to return to play for Yale after



Jack Langer of Yale University was disqualified from NCAA competition after he returned to Israel to compete in the Maccabian Games for his country. Langer had obtained prior approval from Yale, both Langer and Yale were punished after the fact by the NCAA (Photo courtesy of Yale University.)

having gone to Israel to compete in the Maccabian Games.

Langer's home was in Tel-Aviv. He obtained permission from Yale to compete in the games prior to leaving school for Israel. Following that competition, the NCAA requested that Yale disqualify Langer, but the administration at Yale refused to declare him ineligible because it had given him permission to go in the first place.

Yale was placed on probation in every sport for two years. Three hundred innocent varsity athletes—every student-athlete in its sports programs—were prevented from participating in any NCAA championship for two years. In addition, no teams were allowed to play in televised contests during that period.

The NCAA made a determination that Yale should be punished. However, the innocent student-athletes should not have been punished. **Couldn't Yale have been punished with institutional fines or other institutional**



penalties that would not have hindered participation opportunities of those student-athletes who had no violations charged against them?

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**STUDENT-ATHLETES' RIGHT #2(D)**

**Each student-athlete shall have the right to be governed by a penalty system that . . . (d) does not impose institutional sanctions that deny participation opportunities for entire sport teams to participate in post-season competition when few or none of the student-athletes are charged with rules violations, . . .**

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This part of Right #2 addresses the issue of institutional sanctions that deny participation opportunities for entire sports teams.

**An Example—Indiana University**

In 1960, Indiana University was charged with recruiting infractions in football. No other sport was charged with any violation.

Two hundred and fifteen innocent varsity athletes in ten sports programs were prevented from competing in post-season competition for four years. This four-year post-season ban took away opportunities to compete in NCAA post-season competition from an entire generation of student-athletes in every sport sponsored by Indiana.

Included in this ban were some of the greatest swimmers in U.S. history—swimmers who went on to become world record holders and Olympians. Among these were Chet Jastremski and his teammates, Mike Troy, Fred Schmidt, Ted Stickles, Tom Stock, and Larry Schulhof. These men won more than 30 NAAU individual and relay titles. Troy won two NCAA titles as a sophomore in the year prior to Indiana's ban from post-season competition. It should be noted that Indiana's men's teams of this era were coached by the legendary Doc Councilman and are widely regarded among the greatest men's swimming teams in collegiate history.



Chet Jastremski of the University of Indiana broke 9 world records and was a gold medalist in the 1963 Pan American Games. He won 13 NAAU championships but never was allowed to compete for the NCAA national championships because of a four-year NCAA sanction placed on every student-athlete in every sport at Indiana (Photo courtesy of Indiana University.)

Furthermore, this particular ban diminished the NCAA championships for those swimmers who did compete. What was the real worth during this period of a medal from an NCAA national championship or the designation of All-American when the best swimmers in the United States (that is, from Indiana University) were not allowed to compete? Top level athletes themselves have a very keen sense of honor and sensitivity to the worth of a so-called national championship when the best athletes are not present or not allowed to compete.

Few coaches have knowledge about how other sports programs in their institutions are conducted, and virtually no coach controls policies outside his or her own sport. Thus, there is little chance that any of the coaches of other sports could have governed or could have been responsible for the actions of anyone involved in the football program at Indiana.

It is difficult to understand any penalty system that knowingly and intentionally punishes innocent parties when they have not been charged with a violation of rules.

### **An Example—Louisiana State University**

In November 1998, infractions occurred in recruitment for men's basketball at Louisiana State University, and LSU was placed on probation. These infractions included provision of cash and rehabilitation treatments and an excessive number of phone calls to a prospective student-athlete. With one exception, all of the violators were related in some way to that prospective student-athlete.

In response, LSU proposed four self-imposed penalties. The NCAA added six additional penalties. Among those was the banning of the men's basketball team from post-season competition following the 1998/99 season.

Three of the NCAA penalties, including the one concerning the ban from post-season competition, were appealed. The NCAA Division I Infraction Appeals Committee upheld two penalties and vacated the one concerning post-season competition. The committee determined that the post-season ban was an inappropriate penalty because there was no finding of lack of institutional control. Nor was there a finding of unethical conduct on the part of the former basketball coaches.

To punish entire schools and squads with the loss of post-season competition when few, if any, members of that team have been charged with violation of rules is most unfair.

The LSU case again points out the fact that, even though it ultimately vacated the ban, the NCAA Infractions Appeals Committee feels that certain rules violations (lack of institutional control) justify the punishment of innocent student-athletes. This is a holdover from the very earliest days of the NCAA's enforcement system. **What does lack of institutional control have to do with punishing innocent student-athletes?**

### **An Example—University of Alabama**

On February 18, 2002, the NCAA news reported on an infraction case concerning the University of Alabama, Tuscaloosa.

There were 12 self-imposed corrections and penalties by the University, and the NCAA placed 8 additional penalties on Alabama. Among those listed was the following:

*"The institution's football team will end its 2002 and 2003 seasons when it plays its last regularly scheduled in-season contest and will not be eligible to participate in any bowl game or take advantage of the exemptions provided in Bylaw 17.10.5.3 for preseason competition."*

From what I could determine, only one active student-athlete at Alabama was charged with a rule violation, but an entire football squad of innocent student-athletes paid the price for the one who did not follow the rules and policies of the NCAA.

The Mission Statement for the NCAA enforcement program adopted in January 1994 (rule 19.01.1) was designed to protect "uninvolved student-athletes." Was there a valid reason to disregard this rule?

It is interesting to note that there were no monetary penalties placed on the institution and that Alabama will be permitted to play a full regular-season schedule that will provide an enormous financial return for its Crimson Tide.

### **Mass Punishment Does Not Work Elsewhere**

One must wonder how those who govern the NCAA would view the adoption of enforcement policies similar to those practiced by the NCAA elsewhere in our society.

Would those who govern the NCAA feel it justifiable to imprison an entire neighborhood because one of its members was found guilty of a major crime? Or would they feel that it would be fair to fine every member of a family because one of its members was charged with a



traffic violation? Would they agree that a father should punish all four of his children when he knows which one is at fault? Certainly, punishment is fair for the guilty, but most unfair for the innocent.

If these enforcement policies would not work on a smaller scale within a neighborhood or a family, how can these policies, which punish entire sports programs whether individual team members are guilty or not, be justified by the NCAA?

The NCAA continually studies its enforcement policies, but there have been few positive changes in the group-based, mass-punishment policies that take away post-season competition from student-athletes who are not charged with rules violations. As stated in the discussion of participation opportunities, penalties can be imposed on institutions to punish member schools without punishing innocent student-athletes for violations of NCAA rules by other people.

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#### **STUDENT-ATHLETES' RIGHT #2(E)**

**Each student-athlete shall have the right to be governed by a penalty system that . . . (e) is compatible where possible with the minimum due process standards of the Constitution of the United States, . . .**

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The following example is drawn from my firsthand experience, and it is only one of a long line of cases in which NCAA penalties are imposed late and student-athletes are not provided adequate due-process considerations.

#### **An Example—University of Kansas**

In 1972 the University of Kansas was placed on probation, and sanctions were imposed in the sports of football, basketball, and track. The penalties placed on the track and field program were imposed four years after the alleged infractions and took away post-season participation opportunities for the team.

No student-athlete was ever charged with any infraction. Yet the entire track team of 57

innocent student-athletes was disqualified from opportunities to compete in both the NCAA National Indoor Track and Field Championships and the National Outdoor Track and Field Championships.

The ban was placed on the KU team solely on the basis of the testimony of two disgruntled former track and field student-athletes, who had been dismissed from the team for their failure to comply with team rules and policies. KU was not permitted to cross-examine either of those student-athletes.

Further, the Infraction Appeals Committee of the NCAA turned down a personal request by one of the team captains to appear before the Committee to register an appeal. **KU and the student-athlete were told that "these were institutional penalties and were not the concern of student-athletes."**

A formal appeal was requested by Wade Stinson, Director of Athletics at KU, to the 18-man NCAA Governing Council, of which he was a member. KU's written request was turned down because the appeal did not present "new evidence."

After the formal session of the Infraction Appeals Committee ended and at the request of David Swank, a member of the Infraction Appeals Committee, the NCAA Governing Council asked Stinson to separate the KU infractions in track and field from those of football and basketball and then allowed him to make an appeal for track and field. Finally, after hearing what Stinson had to say about the infractions charged to track and field, the Governing Council immediately lifted the sanction on the team.

Cross-examination of the two disgruntled athletes would have prevented the ban, the loss of time and money, and the embarrassment to the coaches, team, and university. Because I was the head coach, I should have been held responsible for the alleged violations, but I was not charged with any violation. None of the student-athletes were charged with a single rules violation, but all were punished. And, the individuals who had caused the problem in the first place were long gone.

Justice becomes worthless if it is not timely, has no due process, and is not perceived to be fair and equitable. Unlike individuals who work in and deal with businesses in other industries, student-athletes do not have collective bargaining agreements with the NCAA, and they have no locals or shop stewards to protect their interests. Without checks and balances, major abuses can and do happen.

## ■ Key Issue—Freedom from Discrimination and Equal Rights at NCAA Member Institutions

### STUDENT-ATHLETES' RIGHT #3

**Each student-athlete shall have the right to be free from discrimination, including the right to receive benefits and privileges generally available to the institution's students who do not participate in intercollegiate athletics.**

This issue begins with the definition of "extra benefits." The definition by the NCAA is stated as follows:

**16.02.3 Extra Benefit.** *An extra benefit is any special arrangement by an institutional employee or a representative of the institution's athletics interests to provide a student-athlete or the student-athlete's relative or friend a benefit not expressly authorized by NCAA legislation. Receipt of a benefit by student-athletes or their relatives or friends is not a violation of NCAA legislation if it is demonstrated that the same benefit is generally available to the institution's students or their relative or friends or to a particular segment of the student body (e.g., foreign students, minority students) determined on a basis unrelated to athletics ability. (Revised: 1/10/91)*

**Conversely, why should other students be allowed benefits not available to student-athletes competing in sports governed by the NCAA?**

If intercollegiate athletics is truly an extracurricular activity—an activity like debate, cheerleading, intramural sports, "pep" band, and so forth—shouldn't it be governed, as

much as possible, by similar rules? Shouldn't institutional policies apply to the student-athlete and nonathlete alike?

Member institutions of the NCAA are obligated to comply with NCAA rules and policies, and with 16 principles in the NCAA Constitution. Those 16 principles point out the ideals and enrich the philosophy of intercollegiate athletics. They are listed as follows:

### *NCAA Constitution, Article 2*

**2.01 General Principle** *Legislation enacted by the Association governing the conduct of intercollegiate athletics shall be designed to advance one or more basic principles, including the following, to which the members are committed. In some instances, a delicate balance of these principles is necessary to help achieve the objectives of the Association.*

- 2.1 *The Principle of Institutional Control and Responsibility*
- 2.2 *The Principle of Student-Athlete Welfare*
- 2.3 *The Principle of Gender Equity*
- 2.4 *The Principle of Sportsmanship and Ethical Conduct*
- 2.5 *The Principle of Sound Academic Standards*
- 2.6 *The Principle of Nondiscrimination*
- 2.7 *The Principle of Diversity Within Governance Structures*
- 2.8 *The Principle of Rules Compliance*
- 2.9 *The Principle of Amateurism*
- 2.10 *The Principle of Competitive Equity*
- 2.11 *The Principle Governing Recruiting*
- 2.12 *The Principle Governing Eligibility*
- 2.13 *The Principle Governing Financial Aid*
- 2.14 *The Principle Governing Playing and Practice Seasons*
- 2.15 *The Principle Governing Postseason Competition and Contests Sponsored by Noncollegiate Organizations*
- 2.16 *The Principle Governing the Economy of Athletics Program Operation*

### **Many Rules**

Most of the topics related to the principles of the NCAA are covered in great depth in the NCAA's manuals that include rules which

either directly or indirectly control the lives of student-athletes long before they attend college. **Starting when a youngster is 13 or 14 and in the ninth grade, through high school, after graduation and prior to enrollment in college, and through his or her entire college career, a student who desires to become a student-athlete at an NCAA institution is affected by rules of the NCAA. Student-athletes who graduate from NCAA member institutions are obligated to comply with certain NCAA rules for the rest of their lives.**

The NCAA Division I Manual for 2000/01 contains 492 pages, of which 260 pages are related in various ways to student-athletes. It is an enormous 8½-by-11-inch publication, with each page being twice the size of its counterparts 23 years ago that covered rules and policies for Divisions I, II, and III. For example, in comparison, the 1977/78 Division I Manual contains 148 pages, excluding a case book of 92 pages. (The case book is no longer included in NCAA manuals).

When combined, the Division I, II, and III Manuals total 1,228 pages. After taking account of the difference in page size, the Division I, II, and III Manuals for 2000/01 are almost 17 times larger than the NCAA Manual of 1977/78.

The reason is that some of the topics covered in Article 2 of the NCAA Constitution have created vast complications of unwieldy, misunderstood, and oftentimes unfair rules governing student-athletes. Students not involved in intercollegiate athletics have few such confining restrictions in their lives. However, most institutions associated with the NCAA require members of the student body, including student-athletes, to comply with certain standards of conduct, to adhere to laws of city, county, state, and nation; and to fulfill necessary academic obligations.

Contrasting the rules and governing policies for student-athletes with those of the student body in general shows a wide divergence in the rules governing intercollegiate athletics and the basic educational policies governing other extracurricular activities.

One might counter those observations with the argument that comparing student-athletes to nonathletes in terms of rules of governance is like comparing apples to oranges. Yet, NCAA Rule 16.02.03 seems to unify both student groups with one policy. Even so, the NCAA denies, with restrictive rules that relate to participation opportunities and welfare, to student-athletes many of the benefits available to nonathletes.

Admittedly, many of the ever-expanding rules governing NCAA sports and the ever-increasing size of NCAA manuals are mainly the result of the actions of a few coaches and/or alumni, who have tried to circumvent rules.

Obviously, most of the NCAA's rules and policies are needed, but many rules could be simplified, some should be deregulated, and a few eliminated altogether. What is being done to relieve student-athletes of some of these unneeded and overcomplicated and often misunderstood rules?

Since the statement called the Fundamental Policy and Basic Purpose of the NCAA has been drastically revised, it is time to consider deregulating other rules and policies of equal or even greater importance to those related to the amateurism/professionalism issue.

### **An Example—Intercollegiate Debate**

The policies governing programs in intercollegiate athletics and those governing such activities as intercollegiate debate differ greatly. The controls that govern the participants in competitive debate seem limited, while the controls placed on student-athletes in every conceivable aspect of college athletics are confining and rigid.

In fact, rules and policy requirements for students who compete in intercollegiate athletics and those for students who compete in intercollegiate debate are so enormously different that it is difficult to realize that both activities are sponsored by the same collegiate institutions throughout our country.

Intercollegiate debate has no limitations concerning the number of competitions allowed during its season. Any officially enrolled student can participate provided he or she is in good standing and is an undergraduate. Practice time is not limited in any way. Instead, practice and research are encouraged and expected.

The two organizations that govern intercollegiate debate, the National Debate Tournament and the National Cross Examination Debate Association, work together in such a way that students at colleges and universities can participate in the competitions of either or both organizations. The regulations related to student eligibility in either organization are less than two pages long.

Almost all the information contained in the 40-page official organization paper is technical information related to the hosting of the national championship. The three manuals of the NCAA do not include any of the technical information related to national championship competitions in any of its sponsored sports programs. There are 466 pages in the 2001/02 NCAA Division I manual, 382 in Division II, 326 in Division III for a total of 1,174 pages that cover each division's constitution, operating bylaws, and administrative bylaws.

### **Standardized Tests Administered in High School**

In a speech delivered to the American Council on Education in mid-February 2001, the University of California's president Richard Atkinson proposed that the state of California drop the use of the SAT, which is used for admissions to measure students' capabilities in its state schools.

The SAT has long been a key admissions tool, particularly at selective schools. But amid a backlash against public schools' reliance on standardized tests, Atkinson echoed concerns that the SAT has little relationship to what high schools teach and is biased against minority and economically disadvantaged students.

Also, the SAT may not predict future success. On April 13, 2001, the *Los Angeles Times* published an article about standardized tests such as the SAT and the question of whether they are good predictors of success in business. The article cited a survey by the National Urban League of 200 executives in Fortune 500 companies. The survey found that only 4 percent of the respondents considered standardized tests important to long-term success. Asked what traits they favored in job candidates, the executives placed far more importance on such subjective qualities as leadership, integrity, and communication skills.

The SAT and ACT are the heart of the NCAA screening process used to classify student-athletes academically. Those tests, plus high school grade point averages, are used to determine which students are eligible to receive financial aid, which can practice with their teams, and which can compete for their schools during their freshman years.

Those classified as "partial-qualifiers" or "non-qualifiers" are not provided the opportunity to compete as freshmen. In addition, partial-qualifiers lose their fourth year eligibility unless they graduate at the end of four years while non-qualifiers are never given the opportunity to compete for 4 years at member institutions. Even high academic achievement does not provide them with the opportunity to compete.

The NCAA claims that the SAT and ACT testing programs do not discriminate, and Rule 2.6 covers educational programs and the policy on discrimination.

**2.6 The Principle of Nondiscrimination** *The Association shall promote an atmosphere of respect for and sensitivity to the dignity of every person. It is the policy of the Association to refrain from discrimination with respect to its governance policies, educational programs, activities, and employment policies, including on the basis of age, color, disability, gender, national origin, race, religion, creed or sexual orientation. It is the responsibility of each member institution to determine independently its own policy*



*regarding nondiscrimination. (Adopted: 1/16/93,  
Revised: 1/11/00)*

### **An Example—Practice Time for an Olympic Champion**

Another example of a student-athlete being discriminated against by unfair rules is swimmer Janet Evans, winner of the 400 and 800 meter freestyle events and 400 meter individual medley in the 1988 Olympic Games in Seoul, South Korea. Because of limitations on practice time, Janet gave up intercollegiate swimming at Stanford to train for the 1992 Olympic Games. She felt it would be impossible to achieve her goals if she couldn't match the training time of major opponents from foreign countries.

NCAA rules allow athletes attending a member institutions 20 hours per week of practice time during the in-season and 8 hours during the off-season. Opponents from other countries have no such restrictions on training time. Many of the best athletes train 5 or 6 hours per day at least 6 days a week.

In swimming, in addition to practice time in the water, opponents from other countries have



Olympic champion and world record holder, Janet Evans of Stanford and the University of California, withdrew from NCAA competition because of the NCAA's restrictive rules governing the amount of practice time allowed. (Photo courtesy of Stanford University.)

extensive weight training programs, and most do cross-training activities that include circuit training and other conditioning exercises.

Evans had achieved a grade point average above 3.0. Shouldn't her grade point average have qualified her, and other NCAA student-athletes with comparable academic achievements, for additional practice time during the school year?

Those who govern the NCAA need to consider the fact that student-athletes with world-class talent have goals that reach far beyond the NCAA championships and that talent alone doesn't guarantee a gold medal in the Olympics. One of the most needed ingredients for success in every area of worthwhile endeavor is the element of time. Achievement at the Olympic level calls for the expenditure of vast amounts of time.

Admittedly, student-athletes need to be protected from the requirements of overly ambitious coaches.

Having been a coach who tended to hold long practice sessions, I now realize and agree that limiting practice time to 8 hours per week in the off-season is reasonable for those who have other obligations, interests, and goals—and especially so for those who struggle with academic deficiencies.

**However, current NCAA rules and policies have the effect of putting student-athletes at member institutions into positions where they do not have the same rights, privileges, and opportunities as other students who are in other respects equal.**

There are many reasons additional practice time should be made available for deserving student-athletes. For one, there are no limitations on time spent by students in other extracurricular activities. In fact, it is difficult to imagine that a school would devise policies to limit the amount of time a person could spend in practice or studying in order to increase knowledge or achieve true excellence in any academic or extracurricular activity offered by that school. It is doubtful that students involved in research, art, music, debate, or cheerleading are limited to a certain number of

hours of practice per week in any college or university.

*Sports Illustrated for Women* ran an article in its March/April 2002, publication concerning the achievements and training programs of women athletes who are among the best in the world in their respective sport.

Here are their names, achievements, and average training days as they were listed in *Sports Illustrated for Women* (March/April 2002).

**Shea Sydney Ralph**—1996 USA Today High School Basketball Player of the Year; UConn '96-'97 Rookie of the Year; Big East Player of the Year; Final Four Most Outstanding Player in 2000 when UConn won the national championship. Member of the Springfield Spirit in the NWBL and the Utah Starzz in the WNBA. **Average training day:** Lifting for an hour, conditioning for an hour, shooting or five-on-five pickup game for two hours.

**Michelle Smith**—Two-time Olympic gold medalist, fast-pitch softball; five-time Japan Professional Softball League champion; five-time Japan League MVP. **Average training day:** "I'll spend 5½ hours on the field and about 1½ in the weight room. Three times a week I'll ride the bike for about 40 minutes."

**Jennifer Rhimes**—Member of the 2000 U.S. Olympic track and field team, 10,000 meters; member of the 2001 U.S. world championships track and field team, 10,000 meters; member of three U.S. world championship cross-country teams. **Average training day:** Anywhere from 10 to 18 miles. "I have twice-a-day runs on three or four days of the week and spend 30 minutes stretching every day. I lift for my upper body twice a week and my legs once a week."

**Kristy Kowal**—2000 Olympic silver medalist, 200-meter breast; eight-time U.S. record-holder; world record-holder; two-time world champion; seven-time NCAA champion. **Average training day:** "I swim about 54 miles a week, which amounts to more

than 20 hours in the pool. After swimming, I'll lift weights or do dryland exercises."

**Heather Fuhr**—Winner of the 1997 Ironman Triathlon World Championship. Has also won Ironman races in Japan ('95, '96, '97), Brazil ('98, '99), Switzerland ('98), Lake Placid, N.Y., ('99, '01), Germany ('00), and California ('00). **Average training day:** Anywhere from four to more than seven hours of work, including swimming, biking, running, weights and yoga.

Many outstanding collegiate student-athletes aspire to compete with those athletes in world and Olympic competitions. How can they achieve their high goals with rules that limit practice to 8 hours per week in the off-season?

**College presidents and professors rightfully extol high achievement in all aspects of student life. Outstanding accomplishments are encouraged and recognized in every field of endeavor, and most of those students have done so because of the extra effort and time dedicated to reaching their goals.**

For example, Melanie Hadley, KU pianist, concentrates on classical music and aspires to play in the Van Cliburn International Piano Competition as well as the Tchaikovsky International Piano Competitions in Russia.

She has been honored by the White House Commission on Presidential Scholars as a Presidential Scholar in Arts, performed at the Kennedy Center, and received the Presidential Scholars Medallion from President Clinton. She has been a prizewinner in national competitions in New York and Chicago. As a recitalist, she has performed in over ten cities nationwide in a recital series. She has toured in Russia appearing as a soloist with prestigious orchestras in St. Petersburg and Samara and in recitals in Moscow.

Melanie is a sophomore at the University of Kansas and has been playing piano since age 6. She plans to pursue a performance career and to teach at the collegiate level. She practices more than four hours per day, seven days a week, throughout the year and maintains a 3.56 GPA.



Melanie Hadley, award-winning concert pianist, from the University of Kansas practices four hours per day, seven days per week, throughout the year. (Photo courtesy of the *Lawrence Journal World*.)

Jack Winerock, Hadley's professor at KU, praises her talent and has said, **"There are many talented people, but talent by itself is really meaningless without hard work and she has a combination of both."**

Wouldn't it be a shame if Melanie was limited to eight hours of practice time per week during the nonconcert season in the same way that student-athletes are limited to eight hours of practice time per week in the off-season.

Student-athletes are motivated to succeed in the same way as other students. Present rules discriminate against those involved in competitive sports since the rules limit the opportunity for high-level achievement.

Those student-athletes who demonstrate their ability to meet NCAA academic requirements at the end of their freshman year should be permitted additional practice time in the off-season during the remainder of their career, provided that they continue to reach academic standards required of the NCAA and have a personal desire to do so. A written request to the director of athletics should be made by the student-athlete seeking extra practice time and coaching if it is available. Additional practice would not be allowed until written permission

is received from the director of athletics.

Many student-athletes' career goals center around sport-related activities, and in some cases, those careers are influenced by their college achievements in athletics. Many go into health care, sports psychology, physical education, coaching, exercise science, sports administration, sports information, and other sports-related fields.

For large numbers of student-athletes from disadvantaged circumstances, achievement of high levels of excellence in intercollegiate athletics represents an important opportunity to demonstrate character, gain visibility and access to sources of personal opportunity, and thereby escape poverty.

## ■ Key Issue—Health and Safety of Student-Athletes

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### STUDENT-ATHLETES' RIGHT #4

**Each student-athlete shall have the right to expect the NCAA to establish NATIONAL rules, regulations, and policies that protect the health and safety of the student-athlete, as well as athletic officials, athletic department personnel, and sport spectators.**

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High levels of physical risk, including risk of major injury and even death, come with the territory in certain kinds of sports, particularly football, basketball, soccer, lacrosse, baseball, gymnastics, diving, alpine ski racing, as well as in throwing events, pole vaulting, and distance running in track and field. It also is a fact of life that each of these potentially dangerous sports has its own unique rules, equipment requirements, and contest mechanisms to maximize safety. Safety measures appropriate for football, for example, do not necessarily apply to alpine skiing, gymnastics, or wrestling.

Student-athletes have the right to expect that they will be competing in events in which safety is a primary consideration.

The principle of protecting the health and safety of athletes is well established in the NCAA. For example, under the Principle of

Student-Athlete Welfare, Rule 2.2.3 calls for the following:

**2.2.3 Health and Safety.** *It is the responsibility of each member institution to protect the health and provide a safe environment for each of its participating student-athletes."*

This is a good policy in most cases where health and safety problems can be and are addressed at the institutional level. Certain risk factors are inherent in certain sports, and real expertise is required to address them. **Here again, I believe that the coaches belonging to governing sports associations in each sport should be asked to develop policies to protect the health and safety of student-athletes in their specific sports. Trainers and team physicians should also be included in these policy decisions.**

The administration of a member institution might disagree with a coach, trainer, or team physician on some vital safety issue and/or might not want to fund needed changes. **National policies concerning issues of health and safety would force a minimum standard of compliance by all member institutions. Why shouldn't compliance with national safety policies, along with those presently set out in Rule 30.3, be a part of CERTIFICATION for every school ?**

*Bylaw, Article 22*

*Athletics Certification*

#### **22.01 GENERAL PRINCIPLE**

*The central purpose of the certification program of the Association shall be to validate the fundamental integrity of member institutions' athletics programs through a verified and evaluated institutional self-study. The involvement of peer reviewers external to the institution shall provide the verification and evaluation of the methodology and results of the self-study. (Adopted: 1/16/93 effective 1/1/94)*

**22.2.4.3 Student-Athlete Welfare.** *Conducting the intercollegiate athletics program in a manner designed to protect and enhance the physical and educational welfare of student-athletes is a basic principle of the Association. Consistent with this fundamental principle, the institution shall;*

- (a) Demonstrate a commitment to the fair treatment of student-athletes, particularly in their academic role as students;*
- (b) Provide evidence that the welfare of student-athletes and the fairness of their treatment is monitored, evaluated and addressed on a continuing basis;*
- (c) Have established grievance or appeal procedures available to student-athletes in appropriate areas; and*
- (d) Provide evidence that the institution has in place programs that protect the health of and provide a safe environment for each of its student-athletes. [My emphasis added.]*

There is a responsibility to provide programs, facilities, and equipment that protect the health and safety of each of its student-athletes. Member institutions should be required to comply with **NATIONAL** policies in each of the sports it sponsors to qualify for certification and to maintain compliance with its continuing requirements.

#### **Rationale**

- Items (a), (b), and (c) concern fairness in the way student-athletes are treated.
- The consequences of failure to comply with (d) are far greater since they concern health and safety situations that could relate to life and death.
- Health and safety of student-athletes is so important that it will take knowledgeable experts in each sport to determine the broad ramifications of issues related to certification.
- Panels should be composed of team physicians, plus trainers and coaches appointed by their respective national governing bodies.
- Selected coaches who are charged with certifying should be confined to judgment in their specific sports only.

#### **An Example—Physical Examinations**

For example, one area that has not been adequately addressed by the NCAA is a required annual physical examination.



A request was made in a letter dated July 20, 1977, to Kenneth S. Clarke, Chairman of the NCAA Committee on Medical Aspects of Sports, that his committee consider the adoption of a rule that would require every member institution to provide for annual medical examinations for all student-athletes involved in intercollegiate competition.

That same year the same request was also made of the NCAA Council by the United States Track and Field Coaches Association. The Coaches Association based its request on the following reasoning:

- Individual institutions now have the option of giving physicals to their athletes or not. These individual institutions may decide that physicals are warranted in some sports but not in others. This can lead to poor morale within athletic departments and to different priorities in the treatment of similar injuries, depending upon the sports in which student-athletes participate.
- The physical welfare of every student-athlete should be as important as that of every other student-athlete, no matter what sport a student-athlete is involved in. One way for the NCAA to assure concern for all athletes is to eliminate the opportunity for institutional options with regard to physicals. The NCAA should require that every member institution have the results of annual physicals on file for all of its student-athletes.
- Every aspect of the annual physical deemed important for the protection of athletes should be included on a special form designed and distributed by the NCAA, as recommended by its physician representatives.
- An annual physical examination should be required of every athlete prior to being allowed to participate in practice or contests.
- As of January 1975, 40 State High School Athletic Associations have required that physicals be performed every year, so there should be little or no resentment by

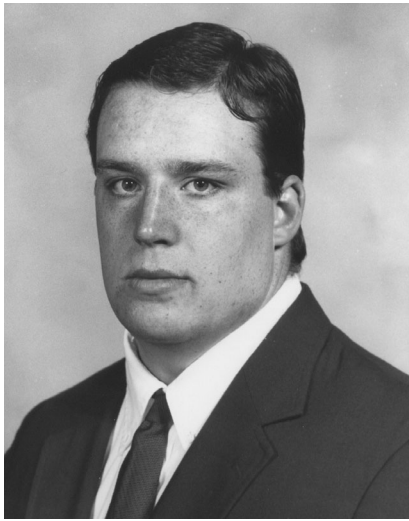
student-athletes of the implementation of such policies at the collegiate level.

- Required physicals would protect student-athletes, and this rule would be an outward indication that the NCAA cares about the physical welfare of all of its participating athletes.
- Besides the obvious physiological and psychological reasons for requiring physicals, there is much to be gained by the NCAA from the standpoint of public relations.
- With all the complex and intricate rules that are a part of the NCAA program, it would seem that the incorporation of such a sound rule would be a basic goal of the Committee on Competitive Safeguards and Medical Aspects of Sports.
- With the influx of lawsuits related to almost every aspect of health and safety, requiring physicals is an economic consideration and is vital for the protection of coaches and athletic departments.

Neither Clarke nor the NCAA Council responded to either request, but a year later the NCAA's answer was relayed by Ted Tow, an Assistant Executive Director of the NCAA. The NCAA Council had reviewed the recommendations of the track and field coaches. Tow made the following statement about the council's decision:

*"The Council was not interested in the suggestion that the annual physical examination should be made an NCAA bylaw rather than a recommended policy, in view of the changes made in that policy at the 1978 Convention and the fact that the Association's best medical advice recommends against a mandatory annual examination."*

Although the NCAA's best medical advice did not recommend mandatory annual physical examinations, the stance taken expressed what the NCAA thought best for itself, not necessarily what was best for the welfare of the student-athletes, and it did not address the concerns of coaches for the health and safety of student-athletes.



Anthony Bates, a 20-year-old junior defensive tackle for Kansas State University, died August 2, 2000, of hypertrophic cardiomyopathy, an enlargement and thickening of the heart muscle.

**Coaches should know that their student-athletes are physically fit and capable of handling the vigorous demands of workouts and competition in their sports. Thorough annual physicals can help relieve their concerns about possible overexertion during workouts and competition.**

A study by the Minnesota Heart Institute published in August 1995 reviewed the sudden death of 158 young athletes from 1985 to 1995. The study found that 134 died from cardiovascular causes and that of those, 48 were determined to have suffered from hypertrophic cardiomyopathy.

A news release made by the Associated Press from Chicago on March 22, 2000, reported the results of a survey done by researchers from UCLA and the Minnesota Heart Institute. This survey reported inadequacies in screening programs that are aimed at detecting dangerous heart problems in college athletes. More than 800 schools were involved in the survey of athletes attending NCAA member institutions.

According to the survey, the current screening programs do not screen for athletes with

hereditary weakness of the heart. Vital background information has not been made available because the questionnaires used presently do not reveal that information.

If a student-athlete should die during a workout or in competition—because of overexertion—isn't it likely that blame will be placed on the team physicians, trainers, and coaches, in addition to the athletic department and university?

Why not help protect everyone associated with intercollegiate athletics by calling for NCAA legislation that would require annual physicals? Such action could reveal a number of life-threatening situations that exist because of hereditary weakness if physical questionnaires provide that information.

The NCAA has a number of standing committees continually working on issues related to the health and safety of student-athletes. **But from the standpoint of safety, the most knowledgeable and concerned are coaches, trainers, and team physicians. They should have input into this aspect of their sports, including input into developing the rules and regulations that are a part of their everyday responsibilities and concerns.**

In this day of nationwide efforts to hold high school and college athletic departments liable for damages from wide and varied types of accidents and injury, there is value in preventing injuries and accidents instead of reacting to threats of lawsuits after accidents have occurred.

### **Rules Books**

Article I of the NCAA Constitution declares one of the purposes of the NCAA to be the following:

*1.2.d. Formulate, copyright, and publish rules of play governing intercollegiate athletics.*

Safety also can be improved by requiring an up-to-date rules book for each sport in which a national championship is held. Policies established for national championships are more comprehensive than those established for

regular-season competition; these are unfortunately only available at the national championships, and only a small percentage of the total coaching membership attends those competitions and is aware of these policies.

A primary consideration should be to ensure that safety standards for practices and competitions keep pace with advances in athletic facilities, equipment, athlete size, and so forth. **If each national collegiate sports association affiliated with the NCAA were required to include a safety section in its rules book for its sport, the requirement could have far-reaching benefits for all concerned.**

Among other things, rules books should present minimum policies for practice, for sanctioned contests, and for championship competitions and should address at least preventive policies and regulations that protect student-athletes, officials, and fans from possible injury during practice and competition.

For example, although the *2002 Track & Field Rules* contains 274 pages, it makes limited references to the following:

- Safety measures for running or jumping events.
- Conditions under which competition should be delayed or cancelled because of adverse or dangerous weather conditions.
- Policies regarding emergency situations and crowd control.

Rules that are needed in the sport of track and field include rules that (a) set heat and humidity limits for long-distance running events in all practices and regular season meets, **not just the nationals**, (b) eliminate faulty and/or dangerous equipment, (c) mandate the upgrading of unsafe facilities, (d) strictly control the impact area and surrounding areas in the throwing events, and (e) require supervision of student-athletes during practice and training, especially in the pole vault and throwing events.

The *2002 NCAA Track & Field Rules Book* does not mention any safety measures for the

pole vault other than landing-pit specifications and padding requirements around the base of the vault standard. New rules that emphasize safety could help alleviate the growing concern about major injury and death in the pole vault that led the State High School Athletic Association in Iowa to ban competition in that event. It is possible this great event will eventually be phased out of our nation's high schools if severe injury and accidents resulting in death cannot be reduced.

### **Penn State Vaulter's Parents ask for Safety Reform in Pole Vault**

Kevin Dare, a Penn State pole vaulter, died February 23, 2002, while competing in the Big 10 Indoor Track and Field Championships. Dare fell headfirst into the vault box and died of head injuries. Only days before Dare's death, a 16-year-old vaulter from Florida, Jesus Quesada, had died of a head injury, and one week after Dare died, a 17-year-old vaulter at Southeast High School in Wichita, Kansas, died of injuries from a fall in that event.

Dare's parents are seeking major reforms in safety for that event.

### **Need for Greater Safety in the Pole Vault**

Although there have been wonderful improvements in pit construction, it seems to me it is time for everyone concerned with this event to unify their thoughts and efforts to develop better safety features.

There is no way to completely eliminate every danger that is inherent in the event, but here are thoughts about possible ways to help overcome some of the problems.

An in-depth study should be made to seek information from the following:

- College and open vaulters.
- Vault coaches from all levels: high school, college, and open competition.
- Past situations that resulted in major injury and/or deaths.

- Rules that apply to the event, including present high school rules concerning safety.
- Pole specification and requirements.
- Pit designs, with greater emphasis on problems related to stalling out and falling into the box, and runway in front of the box.
- Vaulting pole and pit manufacturers.
- Runway construction and location.
- Vault standards.
- Crossbar composition.
- Inclement weather conditions during competitions or practice.
- Required certification of school vaulting facilities by each of the following associations: NCAA, NAIA, NJCA, and State high school activities associations
- Certification of coaches to coach the pole vault
- Facilities inspectors

Moreover, some sports do not have NCAA-organized rules books. When rules books were published in baseball, basketball, football, ice hockey, lacrosse, riflery, cross-country, soccer, softball, swimming and diving, track and field, water polo, and wrestling, the NCAA must have seen a need to separate college rules and regulations from those of open and professional competition.

The following list presents sports for which NCAA rules books are not published and the years in which national team championships were first held in the sport:

- Fencing, 1941
- Field Hockey, 1981
- Golf, 1887
- Gymnastics, 1938
- Rowing, 1997
- Skiing, 1954
- Tennis, 1948
- Volleyball, 1981

Coaches read the rules books for their sport, and most would follow safety regulations if they were included in those publications. Since every school has competitions dur-

ing the regular season, safety rules would be better adhered to if they were spelled out in the rules book of each sport rather than tucked away in the national championships manual, which few coaches ever see.

Understandably, the NCAA has not had sufficient time to publish rules books for certain emerging sports, and there probably is no need for it to do so until the sports meet qualifying requirements for holding national team championships. Even so, coaches of the emerging sports—archery, squash, synchronized swimming, and team handball—need to develop written safety policies for their sport.

### Testing of Coaches

Coaches would become more aware of rules and policies that govern their sports if they were required to take annual open-book tests of their knowledge of the rules in their sport. Testing has been required of coaches who are a part of the sports programs sponsored by the National Federation of State High School Associations. Such testing has been an important contribution to interscholastic athletics nationally.

## ■ Key Issue—Reinstatement of Eligibility

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### STUDENT-ATHLETES' RIGHT #5

**Each student-athlete who is otherwise qualified for NCAA competition shall have four years of athletic eligibility during a consecutive five-year calendar period. Student-athletes classified academically as "non-qualifiers" or "partial-qualifiers" shall be entitled to receive full reinstatement of their fourth year of eligibility if satisfactory progress toward graduation is made by the end of their fourth year of enrollment.**

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The issue of eligibility is once again one of basic fairness and equity; the issue is over reinstatement of eligibility for "non-qualifiers" and



“partial-qualifiers.” These are student-athletes who have failed to meet one or more of the following NCAA requirements for eligibility in their freshman years: graduation from high school, successful completion of a required core curriculum consisting of a minimum number of courses in specified subjects, a specified minimum grade point average in the core curriculum, and a specified minimum SAT or ACT score.

In theory, NCAA Propositions 48, 42, and 16—rules that hold non-qualifiers and partial-qualifiers out of competition during their freshman years—are basically fine, well-intended rules. Holding a student-athlete out of competition is a justifiable and wise policy when it is applied to student-athletes who need to establish a solid academic base.

However, to prevent these student-athletes from being given the opportunity to earn a fourth year of competition by performing well academically is most unfair. Why should so-called Prop 48 athletes be punished with the loss of a year’s eligibility?

There are many reasons why these student-athletes fail to meet requirements in their freshman years. Many student-athletes have earned high grade point averages in high school and continue to achieve in college, but they scored poorly on standardized tests.

Others have low grade point averages in their first two years of high school but then, realizing the opportunities offered by a college education, improved their averages greatly—but not by enough to meet initial eligibility requirements.

It also is a fact of life in the United States that large numbers of children in schools are products of poverty or dysfunctional families. These situations are almost always totally beyond a child’s or adolescent’s control.

The policy is self-defeating. Instead of being rewarded for achievement, a Proposition 48 student-athlete is instead arbitrarily penalized with the loss of one year of eligibility.

The policy begs such questions as the following: Is a high score on either the ACT or SAT a better prediction of academic success

than a high grade point average? Does either the ACT or SAT better evaluate such character attributes as determination, perseverance, dedication, attitude, or other character traits so necessary for success in college? While a high score on the ACT or SAT may indicate intelligence and potential, doesn’t a high grade point average indicate outstanding academic achievement? When students graduate from college, are employers interested in scores on the ACT or SAT test scores taken when they were juniors or seniors in high school, or are employers more interested in demonstrated achievement as measured by college grade point averages?

One wonders why the NCAA opposes the reinstatement of the fourth year of competition for non-qualifiers and partial-qualifiers who have maintained their eligibility for the previous three years and made satisfactory progress toward graduation. If one were a cynic viewing the situation from afar, one might conclude that the NCAA opposes reinstatement of eligibility because of some of the following concerns.

- Is there a concern with coaches recruiting athletes who are so weak academically that they should not be allowed to enroll in member institutions?
- Is it believed that university and college professors give grades to student-athletes that they have not earned?
- Is it believed that non-qualifiers and partial-qualifiers do not deserve a fourth year of college competition, no matter how high their level of academic achievement?
- Is it believed that student-athletes who have academic deficiencies in high school should not be forgiven under any circumstances?
- Was this done to remind coaches, high school administrators, and prospective student-athletes and their parents that these student-athletes are not qualified and should not attend NCAA member institutions?
- Is it believed that a college education is for good students with high test scores on the

ACT or SAT? Student-athletes need to know in advance that academic success in college does not excuse academic deficiencies at the high school level.

- Is it believed that high school athletes can not become proficient college students through changes in attitudes and effort or that the college environment can not cause them to become dedicated students with the same goals and aspirations as nonathletes?

A rule passed by the NCAA in January 1997 (Rule 14.3.3.1) allows student-athletes classified as partial-qualifiers to compete in their fifth year, provided they graduate in four years. Although it is a positive step in the right direction, it is still inadequate. Further, there is no such provision for student-athletes who are classified as non-qualifiers.

To require partial-qualifiers to graduate in four years is not a good policy. First, this requirement is more strict than that imposed on other students. In fact, most “qualifiers”—even those who are honor students—do not graduate in four years. Wouldn’t most academic counselors recommend that a student-athlete with a classification of non-qualifier or partial-qualifier take a reduced academic course load during his or her freshman year?

Some member institutions have degree programs with extended requirements. For students majoring in these fields, there is virtually **no way** they can graduate in 4 years. For example, the following majors are mandatory 5-year and 6-year programs at the University of Kansas:

- Architecture (5 years)
- Architectural Engineering (5 years)
- Industrial Design (5 years)
- Interior Design (5 years)
- Education (5 years)
- Pharmacy (6 years)

It would be more appropriate to allow student-athletes classified as non-qualifiers or partial-qualifiers to be allowed to compete in

their fifth year, provided they make satisfactory progress toward graduation by the end of their fourth year.

The NCAA policies do not seem to address the changes of heart nor changes in goals, attitudes, or achievement that normally takes place in the lives of student-athletes during the last two years of high school. As a result, what happened when the student was 13 or 14 years old can forever prevent him or her from earning that fourth year of competition. It is a shame students are forced, without consideration to their GPA in college, to give up their last year of competition for something that might have been so simple and excusable as low scores on the SAT or ACT.

Being unable to earn reinstatement of eligibility is insult added to injury. It also is well known that being labeled a “Prop 48 athlete” by the news media, fans, and general public is degrading. These student-athletes are treated as if they have done something terribly wrong. Yet, these young men and women are not criminals, nor have they been charged with cheating or unfair activity.

**In contrast, even a student-athlete with a criminal record would not be prevented from playing for four years if he or she fulfilled the initial academic requirements for eligibility, was academically eligible, and was within the age limit during that time frame.**

Non-qualifiers and partial-qualifiers are not eligible as freshman, but most serve their university through three years of competition and have fulfilled the academic requirements needed for eligibility, only to be turned away in their fifth year of school.

**High academic emphasis is an understandable goal for an institution or conference that is seeking to enroll high-level students. But if a student is allowed to enroll in an NCAA member institution, he or she should start with a clean slate unless enrolled on a temporary-restriction basis. Those restrictions should be withdrawn at the time the student completes the required deficiencies.**

To encourage high academic accomplishment on one hand and yet to punish a non-

qualifier or a partial-qualifier who achieves academically during his or her college career seems to be a most unfair way of discriminating against certain participants in intercollegiate sports. **Preventing a fourth year of competition for those who make above-average grades shows a lack of caring and concern on the part of the NCAA. It strikes at the very essence of what college is all about—learning, personal achievement, and character development.**

The NCAA rightfully puts much emphasis on student-athletes and graduation rates. Wouldn't those rates go up considerably if non-qualifiers and partial-qualifiers were allowed a fourth year of competition when they meet specified academic requirements?

Not allowing Proposition 48 student-athletes a fourth year of competition encourages early signing by the NBA of high school basketball players and of college basketball players prior to their graduation from college. The number of high schoolers classified as non-qualifiers or partial-qualifiers signing with the NBA will increase each year. High school graduates want to play immediately, and they want a chance for four years of competition.

Allowing those student-athletes who make satisfactory progress toward graduation at the end of four years of college a fourth year of eligibility would affect the attitudes of high school athletes with low grades and/or low test scores. Realizing that they could play for four years if they made a concerted effort in the classroom would help promote academic achievement.

Presently, talented high school basketball players who are classified as non-qualifiers or partial-qualifiers know they cannot play as freshmen and will only get three years of participation, even if they excel academically. With the enormous salaries paid to professional athletes in the NBA, staying in college for a fifth year when they cannot compete doesn't make much sense. If they are not eligible and they do not have adequate financial help, for many there really is not much of an incentive to continue college.

The NCAA must show those student-athletes, as well as parents and fans, that it cares about their futures by encouraging academic achievement for those struggling to get degrees. What would be more inspiring than seeing a non-qualifier or partial-qualifier graduate in five years while competing in an intercollegiate sport for four years?

## ■ Key Issue—Scholarship Allocation System

### STUDENT-ATHLETES' RIGHT #6

**Each student-athlete shall have the right to NCAA review on a timely and regular basis the number of athletically related financial aid scholarships for student-athletes, and an equitable across-the-board award system that is fair and consistent for the student-athletes who compete in each of the sports it sponsors.**

It is not being suggested that present scholarship allocations in the sports that show up on the plus (+) side in the accompanying figures on pages 40–43 be reduced. Instead, those sports registering on the minus (–) side should be considered for an increase in the number of scholarships they now receive. It is possible that some of those plus-side (+) sports also are in need of additional scholarships.

The numbers of high school athletes participating in high school in certain sports and then feeding into NCAA sports programs are not properly reflected in the number of scholarships allotted the various NCAA sports. Nor are the number of high schools both sponsoring and participating in NCAA-sponsored sports reflected in the number of scholarships allotted. Further, the number of athletic scholarships allowed in certain sports is not related to the number of athletes needed to field teams. (These imbalances are shown in Figure 3.7 on page 40 through Figure 3.10 on page 43.)

The issue of athletically related financial aid for student-athletes is very complex because of the unique requirements of each sport, and it gets even more complicated when the following differences in various sports are considered:

- Revenue and nonrevenue sports
- Team sports and individual sports
- Men's and women's sports
- Head-count and equivalency sports
- Established and emerging sports
- Olympic and non-Olympic sports
- Large- and small-participation sports
- Sports played in different NCAA divisions (Divisions I, II, and III)

Even so, across-the-board criteria concerning the number of athletic grants per sport needs to be developed. This new system should involve universal principles that encompass a systematic approach to providing sport-by-sport limitations on athletic grant awards and show a pattern of fairness and consistency when sport-by-sport comparisons are made.

Any new system needs to take into account the following for each NCAA-sponsored sport at member institutions:

- Number of athletes needed to field a team in each sport
- Number of athletes needed to play each sport as it was designed to be played without adjustments that change the objectives of that sport
- Type of athletic aid (head count or equivalency) for each sport
- Sports holding national championships
- Number of member institutions sponsoring each sport
- Number of collegiate athletes competing in each sport
- Number of high schools participating in each sport
- Number of high school athletes competing in each sport at the high school level

The best way to reconsider changing numbers in the scholarship-allocation program is by

seeking the expertise of the various coaching associations affiliated with NCAA-sponsored sports.

Each of the sports associations should be asked to submit its recommended needs, backed by appropriate rationale, to its governing council.

Representatives appointed by each of the coaches associations should then be permitted to present the findings of that sport to the NCAA. By doing so, many of the numerous inequities in the current financial aid system related to scholarship allocation will be revealed. Such a plan would be important to coaches and would lead to a better relationship between coaches and the NCAA.

Present sport scholarship numbers should be adjusted to fit the revised system that hopefully will be established by the NCAA. Those sports that show a real need for additional scholarships should be provided numbers that are fair and consistent with the new criteria. Any new sport that is eventually added for either men or women should fall in line with those criteria.

The number of high school participants in each sport should be favorably reflected in the number of scholarships awarded each NCAA sport.

Scholarship allotment needs to be studied since many teams do not have sufficient numbers of scholarships to field teams with the required number of contestants. Present allotments make it impossible to play most men's and some women's sports without nonscholarship (walk-on) student-athletes filling needed positions. They are absolutely vital to the success of almost every sport. Walk-ons are in a sense "true" student-athletes for they are students who also compete in sport without receiving financial assistance.

For example, 16 of the 18 men's sports sponsored by the NCAA cannot field teams without walk-ons. In track and field, the allocation of only 12.6 scholarships for men's track and field has resulted in most NCAA schools having to drop dual, triangular, and quadrangular meets



**FIGURE 3.7** Comparison of Number of Scholarships Provided and Estimated Number of Athletes Needed in a Contest in Various Men's Sports, 1999

Sport	Number of Positions Needed to Start a Contest	Estimated Number of Athletes Needed in a Contest	Number of Athletic Scholarships Allowed	Percentage of Athletic Scholarships Provided Over/Under Number Needed in a Contest	Number of Division I Schools Sponsoring Sport	Number of High Schools Sponsoring Sport	Number of High School Athletes Participating
Football 1-A	11	55	85	+55% OVER	112		
Basketball	5	10	13	+30 OVER	302	16,763	549,499
Football 1-AA	11	55	63	+15 OVER	120		
Wrestling	10	10	9.9	-1% UNDER	95	9,022(h)	235,973
Baseball	9	12	11.7	-3 UNDER	279	14,486	455,305
Ice Hockey	6	19	18	-5 UNDER	52	1,150	29,866
Golf	5	5	4.5	-10 UNDER	278	12,251(h)	167,781(h)
Rifle	4	4	3.6	-10 UNDER	5	203	2,039
Tennis	6	6	4.5	-25 UNDER	274	10,180(g)	142,953(g)
Cross Country(f)	7	7	5	-29 UNDER	34(f)	11,855	181,915
Skiing	5	10	6.3	-37 UNDER	11	808(b)	11,982(b)
Soccer	11	16	9.9	-38 UNDER	193	9,041	321,416
Gymnastics	12	12	6.3	-48 UNDER	23	203	2,948
Lacrosse	10	24	12.6	-48 UNDER	52	722	32,371
Fencing	9	9	4.5	-50 UNDER	5	38	752
Volleyball	6	9	4.5	-50 UNDER	22	1,587	35,630(h)
Water Polo	7	10	4.5	-55 UNDER	25	549	13,763
Swimming & Diving	36(a)	24	9.9	-59 UNDER	151	5,234	83,411(h)
Track & Field	34(a)	32	12.6	-61 UNDER	260(c)	14,620	707,631(e)
Cross Country(i)	7	7	0.0	-100 UNDER	296	11,855	181,915

Notes:

- (a) Duals, Triangulars, Quadrangulars  
 (b) Alpine and Nordic combined  
 (c) Number schools participating in OD track/field  
 (d) Includes 11, 9, 8, 6 player in football  
 (e) Number of participants in CC, ID, OD track/field  
 (f) Number schools with CC but no ID or OD track/field  
 (g) Boys tennis and boys and girls team tennis combined  
 (h) Includes girls playing on boys' teams  
 (i) Number scholarships provided CC when sport is combined with ID and OD track/field

Source: *NCAA Participation Study, 1999*, National Federation of State High Schools Association, 1999.

**FIGURE 3.8** Comparison of Number of Scholarships Provided and Estimated Number of Athletes Needed in a Contest in Various Women's Sports, 1999

Sport	Number of Athletes Positions Needed to Start a Contest	Estimated Number of Athletes Needed in a Contest	Number of Athletic Scholarships Allowed	Percentage of Athletic Scholarships Provided Over/Under Number Needed in a Contest	Number of Division I Schools Sponsoring Sport	Number of High Schools Sponsoring Sport	Number of High School Athletes Participating
Archery	3	3	5	+67% OVER	0	1	24
Basketball	5	10	15	+50 OVER	302	16,439	456,873
Tennis	6	6	8	+33 OVER	295	10,044	156,505(f)
Volleyball	6	9	12	+33 OVER	292	13,019	380,944
Golf	5	5	6	+20 OVER	165	6,771	52,589(g)
Team Handball	6	9	10	+11 OVER	0	0	0
Bowling	5	5	5	0 EVEN	0	816	8,781
Gymnastics	12	12	12	0 EVEN	67	1,637	21,556
Softball	9	12	12	0 EVEN	222	14,015	367,843
Squash	9	12	12	0 EVEN	0	0	0
Rowing	23	23	20	-13 UNDER	55	36	1,150
Badminton	7	7	6	-14 UNDER	0	404	9,397
Lacrosse	10	15	12	-20 UNDER	56	578	23,521
Water Polo	7	10	8	-20 UNDER	14	506	11,628
Field Hockey	11	16	12	-25 UNDER	73	1,507	57,980
Soccer	11	16	12	-25 UNDER	222	7,931	257,586
Cross Country(d)	7	7	5	-29 UNDER	34(d)	11,341	155,529
Sync. Swimming	7	7	5	-29 UNDER	5	0	0
Skiing	5	10	7	-30 UNDER	13	791	9,554(h)(g)
Ice Hockey	6	19	12	-37 UNDER	16	312	3,554
Swimming & Diving	36(a)	24	14	-42 UNDER	168	6,450	133,235
Fencing	9	9	5	-44 UNDER	24	34	621
Track & Field	34(a)	32	18	-44 UNDER	273(c)	14,545(b)	603,938(c)(d)
Cross Country(i)	7	7	0(i)	-100 UNDER	309	11,341	155,529

**Notes:**

- (a) Duals, Triangulars, Quadrangulars  
 (b) Number schools participating in OD track/field  
 (c) Number of participants in CC; ID, OD track/field  
 (d) Number schools with CC but no ID or OD track/field  
 (e) Girls tennis and boys and girls team tennis combined  
 (f) Includes boys playing on girls teams  
 (g) Includes some combined teams  
 (h) Alpine and Nordic combined  
 (i) Number scholarships provided CC when sport is combined with ID and OD track/field

Source: NCAA Participation Study, 1999, National Federation of State High Schools Association, 1999.

**FIGURE 3.9** Comparison of the Number of High School Participants and the Number of NCAA Division I Scholarships Provided in Various Men's Sports, 1999

Sport	Number of High Schools Participating	Number of High School Participants	Number of NCAA Schools Sponsoring Sport	Total Athletic Scholarships Possible	Number of High School Athletes Vying for Each NCAA Athletic Scholarship	Percentage of High School Athletes Receiving Athletic Scholarships	Maximum Number of Athletic Scholarships Allowed	Estimated Number of Athletes Needed in a Contest	Percentage of Scholarships Athletic Provided Over/Under Number Needed in a Contest
Football 1-A			112	9,520			85	55	+55% OVER
Football 1-AA			120	7,560			63	55	+15% OVER
Total Football	14,147	1,007,670(d)	232	17,080	59	1.70%			
Track & Field	14,620(c)	707,637(e)	260	3,276	216	0.46	12.6	32	-61% UNDER
Basketball	16,763	549,499	302	3,926	140	0.71	13	10	+30% OVER
Baseball	14,486	455,305	279	3,264	139	0.72	11.7	12	-3% UNDER
Soccer	9,041	321,416	193	1,910	168	0.58	9.9	16	-38% UNDER
Wrestling	9,022	235,973(h)	95	941	250	0.40	9.9	10	-1% UNDER
Golf	12,251	167,781(h)	278	1,251	134	0.75	4.5	5	-10% UNDER
Tennis	10,180	142,953(g)	274	1,233	115	0.86	4.5	6	-25% UNDER
Cross Country(f)	11,855	181,915(f)	34(f)	170			5	7	-29% UNDER
Swimming & Diving	5,234	83,411(h)	151	1,495	55	1.79	9.9	24	-59% UNDER
Volleyball	1,587	35,630(h)	22	99	359	0.28	4.5	9	-50% UNDER
Lacrosse	722	32,371	52	655	49	2.02	12.6	24	-48% UNDER
Ice Hockey	1,150	29,866	52	936	31	3.13	18	19	-5% UNDER
Water Polo	581	13,763	25	113	103	0.82	4.5	11	-59% UNDER
Skiing	808	11,982(b)(h)	11	69	98	0.58	6.3	10	-37% UNDER
Gymnastics	203	2,948(g)	25	158	19	5.36	6.3	12	-48% UNDER
Rifle	203	2,039	5	18	113	0.88	3.6	4	-10% UNDER
Fencing	38	752	12	54	8	7.18	4.5	9	-50% UNDER
Cross Country(i)	11,855	181,915	296	?	?	0	0(i)	7	-100% UNDER

**Notes:**

- (a) Duals, Triangulars, Quadrangulars  
 (b) Alpine and Nordic combined  
 (c) Number schools participating in OD track/field  
 (d) Includes 11, 9, 8, 6 players in football  
 (e) Number participants in CC, ID, OD track/field  
 (f) Number schools with CC but no ID or OD track/field  
 (g) Boys tennis and boys and girls team tennis combined  
 (h) Includes girls playing on boys teams  
 (i) Number scholarships provided CC when sport is combined with ID and OD track/field

Source: NCAA Participation Study, 1999, National Federation of State High Schools Association, 1999.

**FIGURE 3.10** Comparison of the Number of High School Participants and the Number of NCAA Division I Scholarships Provided in Various Women's Sports, 1999

Sport	Number of High Schools Participating	Number of High School Participants	Number of NCAA Schools Sponsoring Sport	Total Athletic Scholarships Possible	Number of High School Athletes Vying for Each NCAA Athletic Scholarship	Percentage of High School Athletes Receiving Athletic Scholarships	Maximum Number of Athletic Scholarships Allowed	Estimated Number of Athletes Needed in a Contest	Percentage of Athletic Scholarships Provided Over/Under Number Needed in a Contest
Track & Field	14,545(c)	603,938(e)	273	4,914	122	0.81%	18	32	-44% UNDER
Basketball	16,439	456,873	302	4,530	101	0.99	15	10	+50 OVER
Volleyball	13,290	380,944	292	3,504	109	0.92	12	9	+33 OVER
Softball	14,015	367,843(d)	222	2,654	139	0.68	12	12	0 EVEN
Soccer	7,931	257,586	222	2,664	97	1.03	12	16	-25 UNDER
Tennis	10,044(g)	156,505	295	2,360	66	1.51	8	6	+33 OVER
Cross Country(i)	11,307	155,529	275				0(i)	7	-100 UNDER
Swimming & Diving	6,450(h)	133,235	168	2,352	57	1.77	14	24	-42 UNDER
Field Hockey	1,507	57,980	73	876	66	1.51	12	16	-25 UNDER
Golf	6,771(h)	52,589	165	990	53	1.88	6	5	+20 OVER
Gymnastics	1,637	21,556	67	804	27	3.73	12	12	0 EVEN
Lacrosse	578	23,521	56	672	35	2.86	12	15	-20 UNDER
Water Polo	506	11,628	13	104	111	0.89	8	11	-27 UNDER
Skiing	791(h)	9,418(b)	14	98	96	1.04	7	10	-30 UNDER
Badminton	404	9,397	0	-	-	0	6	7	-14 UNDER
Bowling	816	8,781	0	-	-	0	5	5	0 EVEN
Ice Hockey	312	3,554	16	192	19	5.40	12	19	-37 UNDER
Rowing	36	1,150	55	1,100	1	95.65	20	23	-13 UNDER
Fencing	34	621	24	120	5	19.32	5	9	-44 UNDER
Archery	1	24	0	-	-	0	5	3	+67 OVER
Squash	0	0	7	84	-	100 up to 84	12	12	0 EVEN
Synchronized Swimming	0	0	0	-	-		5	7	-29 UNDER
Team Handball	0	0	0	-	-		10	9	+11 OVER
Cross Country(f)	11,307	155,529	34(f)	170	-	0.11	5(f)	7	-29 UNDER

**Notes:**

- (a) Duals, Triangulars, Quadrangulars  
 (b) Alpine and Nordic combined  
 (c) Number schools participating in OD track/field  
 (d) Fast pitch and slow pitch combined  
 (e) Number participants in CC, ID, OD track/field  
 (f) Number NCAA schools with CC but no ID or OD track/field  
 (g) Girls tennis and girls and boys team tennis combined  
 (h) Includes some combined teams  
 (i) Number scholarships provided CC when sport is combined with ID and OD track/field

Source: *NCAA Participation Study, 1999*, National Federation of State High Schools Association, 1999.

for both men and, consequently, for women as well, because in many university competitions, men and women compete in the same meets. Most teams are so distorted (specialized) because of lack of balance and so depleted because of lack of numbers that few large meets score team results anymore. As a result, track and field no longer provides the kind of team competition that was traditionally designed for meets below the level of conference and national championships.

Women's sports have fared better regarding scholarship allocations because of Title IX. Ten of the 23 women's sports sponsored by the NCAA have adequate numbers of scholarships to field teams. To its credit, the NCAA continues to award financial aid to attract women athletes to women's programs to balance the large squads in football.

However, it would seem that the NCAA should upgrade already established women's programs with additional financial aid before providing women with scholarships in sports that have little or no competition at the high school level.

**For example, the NCAA has awarded squash 12 athletic scholarships, synchronized swimming 5, and team handball 10. Team handball has NO national collegiate participation, nor is there competition in squash or team handball at the high school level.**

Figures 3.8 and 3.9 point out the wide range of inconsistencies in the number of high school athletes vying for each NCAA scholarship. In men's sports, a high school athlete has 1 chance in 359 in volleyball for a scholarship, 1 in 250 in wrestling, and 1 in 216 in track and field. In women's sports, those opportunities are 1 in 139 in softball, 1 in 122 in track and field, and 1 in 111 in water polo.

Another example of this inconsistent allocation is found in the sport of rowing. Rowing has 20 scholarships—the most awarded to any NCAA-sponsored sports program for women. In addition, the NCAA has allowed rowing to compete with two teams of eight members each and one team of four members.

However, to score a second varsity eight has implications beyond the financial one. It means that these second teams are allowed to compete for points at the national championship. No other team sport allows such competition. Would those who govern the NCAA allow basketball, soccer, or football two varsity teams to represent a single school? How is the present policy for rowing fair to other team sports? Even individual sports like track and field and swimming and diving do not allow a second relay in its national championships.

Also, because so few high school programs feed into the sport at the collegiate level (compared to most other sports), rowing coaches must, of necessity, recruit student-athletes who in most instances have never competed in the sport at the high school level. In 1999, only 36 high schools, with a total of 1,150 athletes, participated in rowing.

Several of the emerging sports in the NCAA boost the U.S. Olympic Program and could help our national effort for the Olympic Games. But the number of scholarships provided to student-athletes in those sports is completely out of balance with the number provided other established sports activities that have much larger participation at the high school level.

Wouldn't it be more appropriate to award a greater number of athletically related scholarships in sports that have high participation in our nation's high schools rather than allocating a number of scholarships in new sports programs in which there is little or no competition at the high school level?

It is important to provide sufficient numbers of scholarships for student-athletes. How can any line item of a member institution's annual athletic budget be used more effectively than in establishing proper funding for the welfare of its student-athletes?

**The only way to determine accurately the true needs of scholarship allocations is through the coaches associations that represent each of the NCAA's sponsored sports programs.**



### Competition in Cheerleading Could Help Balance Out Scholarship Numbers in Football

Almost every junior high school and high school in our country has cheerleading programs for young women supporting local school sports. Many of those young women go on to college where they continue to provide similar athletic programs with time, energy, and enthusiasm. They make a very important contribution to football and basketball, and serve other sports and school activities as well.

The 2000/01 National Federation of State High School Associations All Sports Participation Survey shows that 26 states provided high school competition for young women in cheerleading. There were 3,262 high schools and 88,561 women who participated on those competitive spirit squads.

Most of these young women, even those not in competitive cheerleading, are fine athletes and perform difficult routines that call for the physical and athletic talents needed for their gymnastic and dance routines. Both require teamwork and training much like some of the NCAA's most popular and demanding sports.

Every NCAA member institution has cheerleaders and pompon squads and provides uniforms, equipment, coaches, and financing for some or all travel expenses. It would seem to be an ideal activity to add to women's sports.

In other words, why create a new sport when cheerleading is already in place and has been for many years? High school young women and collegiate women would be thrilled if it could be treated in the same way as a competitive sport.

Wouldn't it be more logical to provide scholarships to cheerleaders coming from every high school than to provide financial aid to sports that don't presently exist at the high school level? Why not recognize the importance of spirit squads by establishing intercollegiate competition at the end of the basketball

season. Teams could attend regional competition with the qualifiers going on to compete for the national championships.

### ■ Key Issue—Ability to Work and Keep Reasonable Earnings

#### STUDENT-ATHLETES' RIGHT #7

**Each student-athlete shall have the right to work and receive earnings up to a full grant, plus a reasonable but limited amount above that grant for the semester or term.**

The cost of living and especially of attending colleges and universities has increased. Since 1980 increases in tuition and fees at colleges and universities in the United States have consistently exceeded the national inflation rate. This means the real cost of a college education has increased dramatically. For those students attending NCAA member institutions,



Xerk White of the University of Kansas played football and ran track for KU in the early 1970s. He had a wife and young child to support. At the time, NCAA rules limited student-athletes to full scholarships and \$15 per month for living expenses. White obtained a part-time job, played sports, and graduated.

the real cost of a four-year college education is four times what it was in 1980. Needy student-athletes—even those who receive full athletic scholarships—have real trouble supporting themselves.

NCAA Rule 15.2.6.1 allows student-athletes in Division I to work part-time and earn up to the full cost of attending his or her institution plus \$2,000 during an academic year.

New rules passed by Division II during the 2001 NCAA Convention have provided student-athletes with the opportunity to work off-campus during vacation periods and on-campus during the school year. Division III athletes are also allowed to work part-time.

Although the Division II provisions are an improvement over previous policies, there may not be sufficient on-campus employment to provide every student-athlete seeking employment with the remuneration needed to attend or continue his or her education at a specific member institution. There is also a need for some type of institutional control, such as policies placing limits on earnings, and so forth, for off-campus employment if personal monetary needs cannot be met on campus.

The limit on financial returns from work should be raised in the cases of married student-athletes who have children so that they can properly support their families. Provisions should also be made for a single student-athlete with legally dependent children. The limits on earnings should reflect the level of support needed for each child.

If it is not possible to gain sufficient employment earnings, needy Division II student-athletes with full athletic grants have five rather stark choices to solve their financial problems. These are to

- apply for welfare.
- borrow and go into debt.
- break NCAA rules by working off-campus at a part-time job.
- quit the team, work, and continue going to school.
- quit school.

## ■ Key Issue—New Rules and Policies

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### STUDENT-ATHLETES' RIGHT #8

**Each student-athlete shall have the right to NCAA rules and policies that apply fairly to every student-athlete—in all areas that concern their welfare and participation opportunities.**

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Policies for the submission of new rules and/or amendments concerning the general welfare or participation policies of student-athletes should be applied to all sports across-the-board. Proposals seeking benefits or restrictions for a single sport should not be considered for acceptance if the benefits or restrictions do not relate to all student-athletes who compete in each of the NCAA-sponsored sports.

The NCAA has considered proposals that allow bonus scholarships for academic achievement that relate to graduation percentages in men's football and basketball. This is a fine proposal, but would such a policy be allowed in other team sports, such as volleyball, soccer, and rowing?

The idea of disallowing freshmen basketball players from competition has also been considered by the NCAA. Adoption of such a policy could cause many complications. Such a plan for a single sport within the NCAA should not be considered. It would cause major problems because of its unfairness to student-athletes in other sports. Equally important, many of the most outstanding high school graduates would go to the NBA instead of attending college.

As mentioned earlier, a college or university that sponsors rowing is allowed two teams of eight and one team of four in its national championships. Since no other sport is permitted similar privileges, one wonders about the rationale for such a policy.

Similar situations could be avoided if decisions about policies for one sport are not made independently of those for other sports. **If special privileges and benefits are provided the**

participants of one sport only, those provisions can cause much concern in member institutions, could lead to unfavorable publicity in the news media, and may eventually end with litigation.

There is a definite need for NCAA policies that promote consistency and fairness for every student-athlete, including opportunity for participation for those who are athletically and academically qualified to compete.

### **Present NCAA Academic Incentive Considerations Need Careful Study**

There are several positive factors in present plans to create strong academic incentives that can provide additional or reduced scholarship numbers in the sports of football and men's basketball. Tied to these incentive scholarships is an additional plan to penalize entire teams by preventing participation in post-season competitions for academic shortcomings on the part of a specific percentage of its senior class members.

- Thoughts about those plans for incentive scholarships will create much concern in every NCAA member institution if the policies only apply to football and men's basketball.
- Why should high academic achievers pay the price for teammates who do not meet the academic requirements of the NCAA? Isn't it just another avenue for punishing "innocent student-athletes" who have not been charged with rules violations. Such policies are in direct conflict with NCAA Enforcement Principles and violate the spirit of its mission statement (Rule 19.01).
- Prevention of post-season opportunities in the sports of football and men's basketball will cause talented college athletes to leave school for earlier careers in the NFL and NBA.
- Why do those who govern the NCAA think student-athletes need to graduate in fewer years than students who do not com-

pete in intercollegiate athletics? Don't such policies unfairly discriminate against student-athletes?

### **Why Not Make Post-Season an Earned Bonus**

Here is an alternate plan that might be considered instead of present proposals since it protects participation opportunities for the most deserving student-athletes.

- Why not view post-season competition as a **bonus** for those student-athletes having earned the right to compete by being qualified academically as well as athletically.
- The NCAA should only declare those student-athletes who have not met predetermined academic standards ineligible for post-season competition.
- Present eligibility policies required for regular season participation should be continued, but only those student-athletes who have met the required progress standards toward a degree should be allowed to compete in the post-season.
- In that way, serious students in team sports are not unfairly punished for the failure of teammates who may not have earning a degree as a primary goal for attending college.
- Should a conference or the NCAA decide to change academic requirements, enough lead time should be provided so that student-athletes who are enrolled at the time such changes are enacted are not unfairly punished by the new policies.

## **■ Key Issue—Need for a System of Surveillance**

### **STUDENT-ATHLETES' RIGHT #9**

**Each student-athlete shall have the right to a system of surveillance to deal with unfair rules and policies of coaches' committees or appointed administrators controlling procedures at NCAA national**

**championships or those of conferences affiliated with the Association as they relate to issues concerning the welfare and participation opportunities of student-athletes.**

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The NCAA's national championship in an individual sport should be organized in such a way that the best athletes in that sport or in specific events are allowed the opportunity to qualify for those championships. Once qualifying standards and procedures are finalized and published by the NCAA, they should be adhered to for the duration of that season.

Unnecessary and/or unfair restrictions that prevent student-athletes who meet the qualifying standards from competing in any of the NCAA's national championships should be prevented. Along the same lines, rules and policies that prevent a qualified student-athlete from competing because of some administrative failure on the part of his or her coach or school administration should be eliminated.

Coaches' associations should be prevented from establishing quotas for schools with respect to the number of individual qualifiers allowed to participate in the national championships.

In addition, from time to time, rules of different conferences restrict participation opportunities of student-athletes in ways that might be deemed to be unfair by the NCAA. Some conference rules take away student-athletes participation opportunities—opportunities that are allowed by NCAA policies. This is unfair and inconsistent with the often-quoted NCAA saying that collegiate sports policies should provide for “even playing fields.”

For example, rules of the Big 10 Conference prevent student-athletes from receiving athletically related financial aid if they transfer to another Big 10 institution. There may be legitimate reasons for transferring to another conference school, such as major internal problems in the student-athletes' sport or reasons unrelated in any way to athletics.

Another example is a rule in the Big 12 Conference that prevents academic non-qualifiers

from ever becoming eligible to compete in any of its member institutions if they attend one of its schools as entering freshmen.

Further, present policies in the NCAA national Swimming and Diving Championships only allow a maximum of 18 entries per school, and each student-athlete must have met the qualifying standard in his or her event(s). In an individual sport, the nation's best collegians should not be prevented from competing simply because they happen to be members of a strong team.

These student-athletes work hard to achieve these difficult standards and all who do have earned the right to compete and should be allowed to do so. This is the most prestigious collegiate meet of the year and might be the only time a specific student-athlete ever qualifies for the NCAA championships.

Added to the unfairness of a qualifier being denied the opportunity to compete is the dilemma faced by the coach, who has a team that has more than 18 qualifiers and who is required to decide which qualifier(s) is to be left out of the national championship.

Since neither member institutions nor affiliated conferences can legislate rules that are less demanding, severe, or restrictive than NCAA rules, the rules must, of necessity, be as stringent or more stringent. In some cases, they are much more stringent than NCAA rules. Who is to determine if these rules are so severe that they are truly unfair and should be amended or eliminated?

**The most important people who have a need for even playing fields are the student-athletes who compete on them. When conferences embellish NCAA rules with discriminating restrictions, it disadvantages athletes and unfairly penalizes them with rules not adhered to by other conferences.**

Every member institution should provide a positive atmosphere in which each student can achieve his or her maximum potential in academics and extracurricular activities. When student-athletes and/or teams achieve the standards the NCAA requires for participation, they should be allowed to do so.



To forever prevent such participation is a disservice to the educational ideals and goals of a university or athletic conference. It indicates a lack of concern for and recognition of student-athlete achievement.

## ■ Key Issue—Regular Review and Simplification of Rules

### STUDENT-ATHLETES' RIGHT #10

**Each student-athlete shall have the right to periodic reviews of all NCAA rules regarding student-athletes, and elimination of those that would be held unfair or illegal if subjected to review under constitutional standards of the federal government.**

### Conflicts between NCAA Rules and Court Orders

It is a reality that laws and litigation have fundamentally altered modern intercollegiate athletics. Member institutions now need expert legal advice to help them through the confusion that exists. Situations have arisen where NCAA member institutions, as well as their individual student-athletes, have had to decide between defying court orders or accepting additional sanctions by the NCAA.

### An Example—University of Kansas

In 1978, Clifford Wiley, an outstanding sprinter from Baltimore, Maryland, was charged by the NCAA with breaking its rules when he used a government grant (then called a BEOG and now called the Pell Grant) for personal living expenses and for traveling to and from home during holiday and vacation breaks.

There were nine children in Wiley's family, and his parents had separated when Wiley was six years old. His mother's financial burden was too great for Wiley to receive financial help from home, so he applied and qualified for BEOG funds. Since Wiley was also on a full athletic scholarship, the NCAA called for KU



Clifford Wiley of the University of Kansas won a court case involving his rights to receive and use a government grant but subsequently lost his NCAA eligibility after following a court order requiring his reinstatement into meet competition. (Photo courtesy of University of Kansas.)

to declare him ineligible for further competition because of violations of NCAA rules.

When KU declared him ineligible, Wiley took his case to the Federal District Court in Topeka, Kansas. There, the judge ruled in his favor and ordered that Wiley, a senior at the time, be reinstated and allowed to compete in KU's remaining meets. After the judge's decision, an NCAA administrator threatened KU with additional penalties if Wiley continued to compete for KU and if he lost his case on appeal by the NCAA. KU's attorney informed me that KU had no choice but to allow Wiley to compete as ruled by the Court. Wiley went on to score points in both the Big 8 Conference Indoor and Outdoor Championships, as well as in the NCAA's national meets.



The NCAA's appeal went to the U.S. Circuit Court of Appeals in Denver, which ruled in their favor. Therefore, the proposed penalties were reinstated.

Consequently, Wiley was stripped of his points, awards, and honors by the NCAA. In addition, the University of Kansas had to forfeit two conference team championships because Wiley had scored the winning points in those meets.

The lost points, awards, and honors are not as important as the principles their loss represents. It is difficult to accept the idea that KU was punished for carrying out a court order—a court order in a case KU did not instigate. Nor do I accept the idea, then or now, that a conference or the NCAA should be more powerful than the federal court system.

Coaches and athletic administrators need to know how to resolve these conflicts and still be able to comply with court orders—without being charged with contempt of court or without having additional penalties placed on them by the NCAA. **We have all been told that nothing or no one is above the law. If this premise is correct, it should be the responsibility of the NCAA to adjust its policies in such a way that court orders can be followed by member institutions and by individual student-athletes without fear of NCAA retribution.**

### Implementation of New Rules

So that undue or unfair hardship is not placed on any individual or any educational institution, there is an urgent need to avoid having new regulations and amendments to rules become effective until student-athletes have been properly notified. Every high school should be notified and this notification should be given enough in advance so that they can comply with new academic policies of the NCAA.

Also, during the process of devising rules and amendments, more thought and consideration needs to be put into the relationships the NCAA wants with our nation's high school principals, coaches, counselors, and student-athletes.

For example, the National Association of Secondary School Principals has a long-standing committee that was specifically organized to "promote school and college relations." Yet neither that committee, nor its executive director, Dr. Scott Thompson, was consulted prior to the passing of Proposition 48. When one considers the responsibility and additional work created for high schools to comply with such a rule, it is difficult to understand why the President's Commission of the NCAA did not consult those affected most by the administration of this rule. Many of the problems that have developed in the implementation of Proposition 48 might have been avoided and there might have been a mutual feeling of good will if there had been a unified effort to include representatives of national high school administrations in the policy-making process.

### Friday Night Football

This past year NCAA member institutions have considered plans to hold intercollegiate competitions in football on Friday nights. Friday night competition in that sport has always been traditional in most of our nation for high schools. Since collegiate football is the major benefactor from high school athletes, it seems unfair and unwise for the NCAA to encroach on this important tradition.

These plans were considered and announced without any input from the National Federation of State High School Athletic Association prior to such consideration.

## PART 4

## CLOSING THOUGHTS

## ■ The Primary Mission of the NCAA



Repeating my statement concerning the mission of the NCAA and the Student-Athletes' Bill of Rights at the beginning of this paper,

*I feel the primary mission and priority of the NCAA should be to facilitate the educational process, to create and protect sources of participation opportunities and the physical and educational welfare of student-athletes.*

## ■ The State of the NCAA

### The Association in 2001

On January 7, 2001, NCAA President Cedric Dempsey delivered his State of the Association speech during the opening session of the 2001 National Convention. He presented a broad analysis of present-day intercollegiate athletics as they relate to the NCAA.

He covered the NCAA's successes, and he discussed a number of the problems the NCAA must solve. Covered were many diverse topics such as amateur deregulation, the 16 principles of the association, participation of more than 360,000 student-athletes, the financial health of NCAA athletic programs, sports wagering, distrust among coaches, out-of-control commercialization, the Knight Commission, CEO's and governing boards, revenues exceeded by expenses, and many other aspects of sports programs related to the Association.

President Dempsey seemed to agree with the goal of the NCAA Student-Athletes' Bill of Rights when he concluded his speech:

*"The task before us is to examine our culture, our principles, our values, our processes—to align them with what we and our public know to be our mission—and then find the discipline and the strong heart to achieve success on the only thing that matters—the total development of student-athletes."*

### The Association in 2002

Mr. Dempsey expressed the following evaluations and opinions in his address in the opening session of the NCAA Convention, January 13, 2002:

*"We spend so much time and energy in the governance of intercollegiate athletics over recruiting advantages and disadvantages, over competitive equity and level playing field, and over marketing to maximize our revenues. But if addressing those issues is all we believe our mission is, we are selling ourselves and our student-athletes far short."*

Mr. Dempsey then spoke about the public perception of the NCAA:

*"Our publics believe us when we say our priority should be the support of student-athletes, but they also believe that we are paying more attention to making money than educating young people. We know that because we've done the research. The media, the general public, and even those of us involved in the administration of college sports all have said that the NCAA and intercollegiate athletics give real service to*

*raising revenue and lip service to supporting the best interests of student-athletes."*

## ■ Input from Coaches and Student-Athletes

It would be advantageous if those who govern the NCAA were to know the opinions of coaches as they strive to solve the many varied problems that confront college athletics.

Think of the problems that would be encountered by hospital administrators if they were to make all the policies and decisions governing the treatment of patients without input from physicians, nurses, and technicians. As those who know most about the needs and welfare of their hospital patients, physicians' thoughts and suggestions are strongly sought out. Decisions are then made and implemented into hospital programs and procedures. Progress is made by the exchange of contrasting ideas from doctors, nurses, and technicians in every field of medicine.

Of all the contacts student-athletes have with school personnel, the strongest bonds are generally with the coaches who work with them on a daily basis. For that reason, input about the thoughts and concerns of student-athletes from coaches associations could make a wonderful, positive contribution to the welfare of student-athletes.

## ■ The Problem of Financing Sports Programs

The financial needs and monetary demands of today's college athletics are enormous. Because of numerous articles written about this most important and complex issue facing the future of college athletics, I feel it is not necessary to do any more than mention those problems.

Even so, I am aware of and respect the NCAA's rightful concern with solving present financial problems related to increased costs of

scholarships, ballooning travel expenses, the yearly need for athletic equipment, mounting everyday expenses, and the need of member institutions to maintain and/or to upgrade facilities.

Since present income does not offset expenses in most athletic departments of the Association's membership, time may be running out on ways to solve the upward spiral of expenses. Member institutions will not be able to provide for in the future without drastic changes, visionary ideas, and the concerted effort to implement workable plans.

## ■ Tomorrow May Be Too Late

Today's methods used to solve financial problems may not be enough to save intercollegiate athletics for student-athletes who compete in nonrevenue sports in tomorrow's world. As a matter of fact, during the month of March 2001, three member institutions of the Big 12 Conference dropped a combined total of five men's nonrevenue sports. It has been rumored more may follow in the near future.

Will the other nonrevenue sports of the NCAA become club sports, or will they just dwindle and eventually die off completely?

**It is not beyond the imagination of anyone observing college athletics to speculate that NCAA Division I institutions will be reduced to sponsoring football and basketball for men and six to eight sports for women if present methods of dealing with financial problems do not change.**

What are the long-range goals of the NCAA with respect to nonrevenue sports? Are there plans in place for solving the financial problems before they become overwhelming by the year 2010? Will any of the NCAA's new 6 billion dollar basketball contract be used to protect the future of nonrevenue sports? Is there a standing committee actively working on this vital issue which will eventually confront every member institution of the NCAA, even those that are presently financially solvent?

## ■ In Closing

I have observed the workings of the NCAA for 38 years and, like others, have tried to promote ideas and projects that I thought would benefit intercollegiate athletics and, most importantly, the student-athletes themselves. But, except for the American Football Coaches Association, National Association of Basketball Coaches, and the Black Coaches Association, no coach, nor any sports association, has made any significant progress with having their thoughts or concerns accepted by the NCAA with respect to association policies regardless of the cause or the extent of their benefits.

The NCAA continues to become more remote in its dealings with coaches, and there is a greater need than ever before for open communications between coaches and those who govern the NCAA. Coaches should be given the opportunity to make meaningful suggestions, and they should play a part in determining the direction of intercollegiate athletics in the future.

The NCAA needs to develop an atmosphere in which everyone will want to be included in its projects and programs. The only people who now say “we” when referring to the “NCAA” are its administrative staff, the college presidents who govern the Association, and the members of its management council.

Presently, a growing number of directors of athletics and a great majority of coaches and most student-athletes, say “they” when referring to the NCAA. Yet, the same people use “we” when referring to their institutions, their conferences, or their specific sports associations. There are legitimate reasons for these differences of feelings.

Coaches participate in all phases of school and conference activities and have opportunities for input into policy decisions in those organizations. But coaches’ associations have little or no input in the NCAA concerning governing policies related to the welfare of their

student-athletes, or to areas of concern outside of specific technical rules that govern competition in their sport. So most feel they are outsiders in their relationship to the NCAA. Because of this, coaches have a resentment of the NCAA that will not be resolved unless their thoughts, opinions, and participation are included and they can participate in meaningful ways in the NCAA’s planning and decision-making process.

Yet, from the student-athlete’s point of view, much progress has been achieved since the formulation of the Student-Athletes’ Advisory Committee. These young men and women have made the NCAA more aware of problems that confront student-athletes. Even so, the issues taken up by this Student-Athletes’ Bill of Rights either have not been presented or have not received the attention they deserve.

My goal is to somehow cause changes in NCAA rules and policies that adversely affect the lives of student-athletes. My thoughts are being submitted to each of you with the idea that you will see reasons to instigate legislation for a Student-Athlete’s Bill of Rights **WITHIN THE NCAA.**

I realize you may take exception to some of the thoughts about some of the specific rights presented in this paper. Even so, I hope you will consider making changes in the rules and policies you feel need to be revised.

**In my opening letter I suggested that the NCAA put more emphasis into the Association Rule 2.2 which states “intercollegiate athletic programs shall be conducted in a manner designed to protect and enhance the physical and educational welfare of student-athletes.”**

My hope is that you will encourage your fellow presidents who serve on the President’s Commissions to develop a Student-Athletes’ Bill of Rights for the students who compete in intercollegiate athletics because

**YOU ARE THEIR PROTECTORS.**

## PART 5

## ORIGIN OF MY CONCERNS



For those who may be interested, some of the troubling situations involving injustices for student-athletes that I have seen over the years are described in the following pages. They have led me to conclude that it is time for the NCAA to adopt a Student-Athletes' Bill of Rights.

Here I recount just seven first-hand experiences at the University of Kansas in the sport of track and field. Other coaches and student-athletes in other member institutions could add hundreds, if not thousands, of additional examples to my list.

My purpose is to show how the Student Athletes' Bill of Rights evolved in my mind from the real-world problems and issues I observed over the years—many of which continue to this day. I hope that this collection of specific situations and background information will serve as a starting point for thoughtful study and a wider public awareness of the growing problems in modern college athletics.

Hired as an assistant track and field coach at the University of Kansas in 1964, I became head coach a year later. Almost immediately I encountered instances where problems with NCAA rules were resolved in a manner that seemed unfair to student-athletes at KU.

At the beginning of my career at KU, it appeared to me that most of the issues involving the NCAA concerned penalties that were placed on student-athletes who did not have rules violations charged against them. However, I soon realized that there were other problems concerning the welfare of student-athletes that were resolved in ways that were equally as unfair as the punishment of innocent student-

athletes. With each passing year, I became more and more concerned about the way the NCAA controlled the lives of student-athletes.

Based on an extensive collection of data accumulated over these years, I have concluded that there are many reasons for changing the rules and policies of the NCAA—valid reasons to provide student-athletes with a Bill of Rights.

### ■ Background Examples

Here are a few examples of situations in which NCAA rules and policies caused problems in my sport or for my student-athletes at KU:

#### *Example 1*

KU hosted the NCAA National Championships in Cross Country in 1965 and 1966. As host coach representing KU, I had responsibilities for the construction of the race course and related particulars. During the coaches meeting preceding the nationals in 1965, Alex Wilson, the cross country coach from the University of Notre Dame, made an oral appeal concerning one of his runners whose name had been inadvertently left off his team's entry list. Wilson faulted himself for the error. His appeal was turned down by the games committee, and as a result, the athlete watched the meet as a spectator and returned to school without participating in the national championships.

I didn't feel it was a fair decision at the time. Nor was I aware that such policies would be followed many times in the future.



### Example 2

In January 1966, three KU student-athletes, each of whom had won one award at indoor track and field meets on returning to school, were asked by the NCAA to return their award (a parka coat, a typewriter, and a television set, respectively.) Since the award was the first each had won in major competition, each student-athlete was disappointed but willing to return the award when told the monetary value of the award made it illegal to accept. All of us were concerned, however, because no other student-athletes were required by the NCAA to return their awards. The meet directors expressed surprise when we returned those awards since it did not occur with any other college award winners.

### Example 3

During the mid-sixties, conflicts between the NCAA and Amateur Athletic Union (AAU) got so heated and vindictive that Congress was eventually needed to arbitrate some of the controversial issues involved in the administration of amateur athletics.

Since there was such a strong bond between the AAU and the United States Olympic Committee, the NCAA established the United States Track and Field Federation (USTFF) to offset the combined power and control of track and field by the AAU-USOC. This new organization was designed to host collegiate competitions and attempted to avoid unfair restraints of athletes. The USTFF held National Championships in cross country and indoor and outdoor track and field during the years from 1966–1978.

An example of unfairness took place at the USTFF's National Championships which were held in Terra Haute, Indiana, June 10, 1966. At this meet, Jim Ryun, a freshman at KU, broke the world record in the 880 yard run. Prior to the meet, which was held in Terre Haute, Indiana, there were many harsh and threatening words hurled back and forth between the USTFF and the AAU. All this was about the



A world record in the half mile by Jim Ryun of the University of Kansas was not certified because of battles between the USTFF (NCAA) and the AAU. (Photo courtesy of University of Kansas Athletic Department.)

USTFF's failure to request a sanction from the AAU. The AAU claimed that because it was the national governing body for track and field in the United States, the USTFF was obligated to request a sanction; the USTFF didn't feel it necessary to request a sanction for its own national meet.

This was another of the many battles of the so-called Alphabet Wars between the NCAA and the USTFF, and the AAU and USOC. In fact, it was a battle in a long war concerning power and control of an important Olympic sport. Even with threats of being thrown out of the AAU, officials, athletes, and coaches went ahead with the meet in 1966. However, the late Bob Giegengack, one of the leaders in the AAU and the head coach at Yale, refused to present Ryun's record to the International Amateur's Athletic Federation (IAAF). A year later, during the AAU's national championships held in Bakersfield, California, officials threatened to walk out of the meet unless Giegengack would promise to submit Ryun's world record at his

earliest opportunity. Giegengack relented and made that promise, the meet was completed, and Ryun's record was acknowledged and recognized by the IAAF.

The real losers in those battles were the student-athletes who were defenseless pawns in the war—a war that adversely affected the lives of all student-athletes who competed in the sport of track and field during the 1950s to the mid-1970s. While it would be unfair to hold any of the four organizations solely responsible for those awful times for track and field, each should carry its share of the blame for its lack of concern for the welfare of the student-athletes who competed during those years.

#### *Example 4*

In 1971, the late Xerk White transferred to KU from the New Mexico Military Institute, a junior college, and he competed in both football and track and field. He brought his wife and baby with him. He received the usual \$15 per month given to full-scholarship student-athletes at that time but found the amount to be inadequate for 3 people to live on. Since his wife needed to stay home with their baby, White asked if he could work part-time. When I told him that it would be a violation of NCAA rules, he told me he needed to work or quit school.

#### *Example 5*

In 1972, the University of Kansas track and field team was disqualified from competing in both the NCAA National Indoor Championship and the NCAA National Outdoor Track and Field Championships for alleged rules violations.

The probation and punishment of KU's student-athletes is discussed in more detail on page 24.

#### *Example 6*

In 1975, the NCAA passed a rule that reduced track and field scholarships to 14 equivalency awards. The NCAA labeled funds

made available in any of the following areas as chargeable to the financial aid equivalency of the 14 total scholarships allotted track and field.

1. Scholarships
2. Grants
3. Loans
4. Work-study assistance
5. On-campus employment
6. Aid from government or private sources for which the institution is responsible for selecting the recipient or determining the amount of aid, or providing matching or supplementary funds for a previously determined recipient.
7. Off-campus employment earnings.
8. Other sources of aid during the academic year for which the athletic interests of the institution intercede in behalf of the recipient; except that legitimate loans, based upon a regular repayment schedule, available to all students and administered on the same basis for all students shall not be considered accountable financial aid.

It made no difference whether the student received aid for academic achievement, worked at a job downtown, or participated in sport as an unrecruited student-athlete. No matter what his financial aid totals, it had to be counted against the maximum 14 allowable equivalencies unless that help was administered by the federal government.

To ask honor students who had earned academic scholarships, needy students who couldn't afford to attend college without jobs or loans to drop their scholarships or quit their jobs was a most unreasonable request, since it would force many to leave school. Even so, that is exactly what the governing quota rules called for.

Nor did it seem fair to prevent walk-on students, who had a desire to compete in college sports, from participating because they fell under one of the above categories of the NCAA's quota rule of 14 equivalency scholarships for track and field.

### Example 7

In 1977, George Poland graduated from William Jewell College in Liberty, Missouri, and enrolled at KU to pursue a degree in law. He was a walk-on student-athlete. NCAA rules required that in order to be eligible for a fourth year of competition following graduation from college, a student-athlete must attend graduate school at the same institution from which he or she received an undergraduate degree. Since Poland's school had no graduate degree program in any educational field, he had transferred to KU, thinking he could continue to compete in track and field. Unfortunately, Poland was not allowed to compete at KU.

I discussed this case (and other cases where the NCAA had unfairly treated student-athletes) with Walter Byers and others at NCAA headquarters without any success.

## ■ My Appeal to You

I have cited these cases because they are diverse and because I was not able to bring about a timely solution to the problems caused by NCAA rules and policies.

I have not presented every unfortunate situation my student-athletes encountered. Nor were student-athletes in my sport—men's track and field—the only ones suffering NCAA rules, policies, restrictions, and penalties. Please realize that the situations described above simply reflect the kinds of problems faced in every sport in every athletic department in every member institution of the NCAA.

While some of the NCAA rules governing situations like those cited above have finally been changed, at the time the rules were applied, the rules, their interpretation, and their

application seemed to me to be very unfair. For each of these student-athletes, the changes came too late. Each individual case (and others not described here) added fuel to my drive to cause the NCAA to develop its own Student-Athletes' Bill of Rights.

For more than 30 years, I have been expressing my concerns about the NCAA's penalty system and the need for providing a number of specific rights for student-athletes to Walter Byers, Dick Schultz, and Cedric Dempsey. Each of these executive directors of the NCAA has listened to my thoughts and concerns with patience and with seeming interest. The atmosphere was always friendly, and I was never uncomfortable or felt like an adversary.

The issues mentioned above were examined by personnel at the NCAA's national offices. Several studies were conducted that resulted in correspondence being exchanged over a period of time. Each time, things eventually just faded away, and at the end of each investigation, I was always reminded that NCAA committees had been assigned to study and make recommendations on each topic about which I had expressed concerns. I was led to believe that either there were no problems elsewhere, or if there were, they were in the process of being solved by the NCAA.

I have finally come to the realization it is the duty of the paid staff of the NCAA to carry out the wishes and decisions of the presidents of member institutions; it is not their duty to change rules or to make new policies.

So after all these years I now realize that in order to change policies, these issues need to be submitted to you who, as presidents of the NCAA's member institutions, run the NCAA and instruct how policies are carried out by the Association's staff in Indianapolis.

## PART 6

## ACKNOWLEDGMENTS



The NCAA Student-Athlete's Bill of Rights is not mine alone. It has evolved over the past three decades, and it reflects numerous conversations that I have had with student-athletes and their parents, coaches, athletics directors, college administrators, and NCAA professional staff and officials about issues related to student-athletes and college athletics.

In addition to those mentioned above, I would also like to thank those of you who have participated at NCAA member institutions and the many others who have contributed to this Bill of Rights—secretaries and other staff members, professors, fans, attorneys, and members of news media.

I especially wish to thank Pam Kueffer, who has struggled with my drafting, spelling, punctuation, and penmanship in order to type untold revisions of this paper over the last 11 years.

I also am indebted to John Van Slyke, Jr., who reignited my enthusiasm for *finishing* the

Student-Athletes' Bill of Rights and for providing his time and expertise in improving the logical organization and style of this paper. John's wife, Bonnie Van Slyke, also contributed many hours and made important contributions to improving the appearance of this document.

I especially appreciate the sound advice and guidance given to me by Ron Miller and attorneys Wint Winter and Dick Zinn. Their thoughts have been very important to me.

Finally, I want to thank my wife, Pat, and our four children for their patience with a husband and dad who has at times been weighed down and preoccupied with thoughts, plans, and frustrations related to trying to develop this Bill of Rights for student-athletes.

I thank you all.

Bob Timmons  
Lawrence, Kansas

## PART 7

## ABOUT BOB TIMMONS

BY JOHN R. VAN SLYKE, JR.



Bob Timmons was my swimming coach for an eleven year period that began when I was about seven years old and continued through my career at Wichita High School East. Each of these years consisted of a outdoor season in the summer and an indoor season during the winter. At East, Bob also asked all of his swimmers if we would be “willing” to run cross country in the fall and track in the spring. During the summer outdoor season, Bob was the coach of the Wichita Swim Club. All of the swimmers at East High were members of WSC. Consequently, those of us who were swimmers at East High School were under Bob’s constant influence 12 months of every year during the most important formative years of our lives.

This is a huge amount of time for an athlete to be with a single coach. Furthermore, competitive swimming was a family activity in our household. From an early age, my brother Tom and my sister Suzie also spent similar numbers of years and similar amounts of time as Bob’s athletes. This was the case in a large number of households in our community.

Like hundreds of other athletes during the 1950s and 1960s when Bob coached swimming, football, cross country, and track in Wichita, Kansas, we were proud to be known as “Timmie’s Kids.” I remain one of Bob’s kids, and over the years, Bob has remained my mentor.

Bob’s years in Wichita were magical. An unusually large number of exceptional, high-achieving people grew up and came of age in our town. It was a joyous time and a setting that was straight out of *American Graffiti*. Bob



Coach Bob Timmons

Timmons was the centrally important catalyst to happy, raucous family life, the collective joy, and countless individual and team achievements in Wichita during that era.

Looking back, I can see that Bob and my father, the late John R. Van Slyke, Sr., set the personal examples that I try to keep in mind as I lead my own life. The core values that Bob and my father gave to me have served as my compass and anchors to windward during challenging times.

Each of us owes a personal debt to Bob. Bob was centrally important in the development of



our characters and core values. He was our teacher, and he remains one of the most remarkably influential person any of us have ever known.

Bob is a wellspring of boundless positive energy and optimism. He motivates people through gentle, positive reinforcement. He has a gift when it comes to helping athletes excel both in sports and as human beings.

At the same time, Bob is incredibly demanding. To train under Bob Timmons is to learn what concepts such as positive mental attitude, goal orientation, hard work, personal best and relentless pursuit of excellence really mean.

To this day, each time I complete a task or meet some challenge in my life, I find myself asking the question Bob taught me to ask, “Do you think this is the best you can do?” Invariably, the answer will be “Not yet.”

This question comes up so often in our lives because Bob taught us how to set our own standards. He helped us to see beyond our past accomplishments, to envision the future at a higher level, and to understand that it is rarely possible for people with very high goals and high personal standards to say with certainty exactly when we have done the best we can do. Today, maybe, but what about tomorrow?

The way he did all this was subtle and deceptively simple. Bob Gates, former Director of the Central Intelligence Agency, recalled,

*“It was amazing to me how Timmons was able to influence his athletes. He never raised his voice. He never used coarse language. He got results by tapping into and developing each person’s sense of self worth and by getting them to establish and achieve higher and higher goals.”*

In fact, Bob led by example. He worked very hard at his job, and he put in very long hours. He kept meticulous records. He knew exactly when each of his athletes had achieved a personal best, including in the classroom.

Attitude was everything. Bob accorded the highest amount of personal respect and praised

those who worked hard and achieved personal bests in training and in competition. Likewise, he communicated (always in a private setting) his gentle, but clear disappointment to those who violated team rules or dogged it in the classroom, in training, or in competition. Failing to finish was taboo. Barring serious injury, all of Bob’s athletes were expected to finish each and everything they started both in training and in competition. Any thought of failing to finish was absolutely out of the question.

Bob helped us understand that we had a higher level duty to our teams, to our families, to our school, and to those who supported us and provided us with the use of the facilities and resources that we used. He also helped us understand the duty we had to ourselves to do the very best we could with *whatever skills and opportunities we had*.

In short, Bob Timmons is a person who could find a way to coach the Boston telephone book in the pool, on the track, or in any other sporting venue if called upon to do so.

Bob’s professional accomplishments provide the evidence that he is one of the gold standards against which other coaches, teachers, and mentors can be compared. Bob’s record in the coaching profession—in the NCAA, in high school athletics, and in age group programs—is truly distinguished. To begin with, during his coaching career, Bob has coached several sports, including basketball, cross country, football, swimming and diving, tennis, track and field, and volleyball.

His career is remarkable for the large number of truly exceptional athletes and high achieving individuals who can trace the roots of their core values and characters to Bob’s many teams and programs.

## ■ NCAA Coaching Record

Bob Timmons is probably best known in the coaching profession as the head coach of the University of Kansas from 1965 to 1988. Hired

as assistant coach in 1964, he subsequently replaced the legendary Bill Easton as head track coach at KU in 1965. Twenty-three years later, Bob retired from collegiate coaching.

He helped produce athletes who compiled an outstanding record in track and field. Here is a short list of what his athletes achieved in the NCAA:

- 1966—NCAA Indoor Championship.
- 1969—NCAA Indoor Championship.
- 1970—NCAA Indoor Championship.
- 1970—NCAA Outdoor Co-Championship.
- Twenty-nine Big 8 Conference Titles in cross country, indoor track and field, and outdoor track and field.
- Ninety-seven individual and 16 Relay All-American rankings.
- Sixteen indoor and outdoor world records.

Several of Bob's athletes who went on from KU to become national AAU champions represented the United States in the Olympic games and competed in the world championships and/or other international meets. Some also played professional football in the NFL.

One of these student-athletes is Jim Ryun, arguably the greatest miler and middle-distance runner ever from the United States. Through Bob's mentoring, Jim Ryun also came to epitomize the ideal student-athlete. He was self-effacing and humble about his accomplishments, which were considerable. Ryun was a member of three Olympic teams and was the silver medalist in the 1500 meters at the Mexico City Olympic Games. While at KU, Ryun broke NCAA, U.S., and world records in the half-mile, 1,500-meter, and mile runs and was a member of three relay teams that held U.S. and world relay records.

While a member of Bob's track team at Wichita High School East, Ryun was the first high school miler to break four minutes. His 1500 meter and mile records established at East High in 1964 and 1965, were broken in the spring of 2001. Today, Jim Ryun serves as a member of the U.S. House of Representatives.



Representative Jim Ryun (R) of Kansas is currently a member of the U.S. House of Representatives

## ■ High School Coaching

Before coaching at KU, Bob made a name for himself nationally as an outstanding coach of swimming and track and field at Wichita High School East. During the late 1950s to the mid-1960s, Bob's teams at Wichita High School East dominated their sports at the state and regional levels.

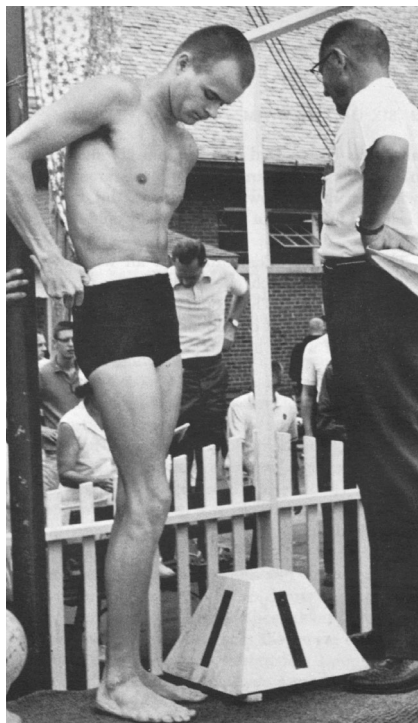
In each of these sports, Bob produced a number of high school All Americans and several who became legends.

One of Bob's early swimmers at Wichita High School East was Jeff Farrell. Jeff tied the national high school record in the 220-yard freestyle, later became an NCAA All American at the University of Oklahoma, and then became a world record holder and Olympic champion.

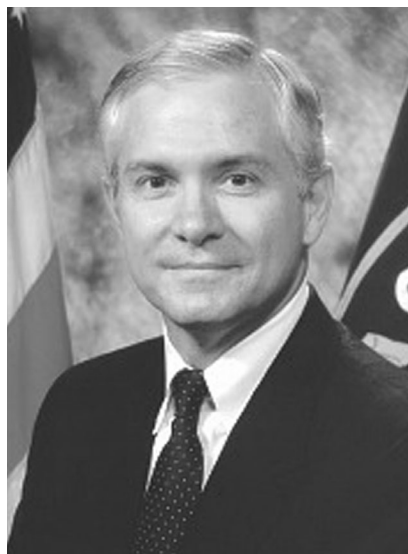
While it was not planned, Jeff Farrell also became immortal in the history of the Olympic games because of his performance at the U.S.

Olympic trials and subsequent results at the Olympic Games in 1960.

Viewers of ABC's *Wide World of Sports* at the time may recall that Jeff competed in the U.S. Olympic trials in 1960 only six days after undergoing emergency surgery to have his appendix removed—a remarkable display of character, personal courage, and physical and mental toughness. (Remember, this was long before modern noninvasive surgery. At the time, an appendectomy required a substantial incision across a patient's abdominal muscles.)



Moments before swimming the 100-meter freestyle at the 1960 Olympic Trials in Detroit. Jeff Farrell adjusts the bandage covering his appendix incision. At right is Ray Daughters, the men's Olympic Swimming Chairman, who conferred with Jeff concerning accepting a free berth on the U.S. Olympic Team. Jeff declined the offer, preferring instead to make the team by swimming, the same way as everybody else at the trials. (Sports Illustrated Photo by Arlie Schardt.)



Robert Gates, Director of U.S. Central Intelligence Agency (Retired)

Jeff made the U.S. Olympic team and went on to become a two-event Olympic gold medalist by anchoring the 400 meter medley relay and the 800 meter freestyle relay to help win both in world record time. Following the Olympic games in Rome, Jeff received several national awards for his display of sportsmanship and inspirational courage prior to and during the 1960 Games. Jeff was inducted into the International Swimming Hall of Fame in 1968.

Bob's influence in Wichita went well beyond athletes. Others who were involved with Bob's teams as managers also were exposed to his value system. Some have been exceptional achievers

An example from Wichita High School East is Robert Gates. Bob Gates rose through the ranks of the Central Intelligence Agency. Nominated by President Bush, he became Director of Central Intelligence. During his distinguished career with the CIA and National Security Council spanning three decades, Bob advised five presidents.

## ■ Age-Group Coaching

In the early 1950s, Bob founded the Wichita Swim Club. He did this by engaging the parents of his athletes, including my father and mother, to build and sustain the club. The WSC grew rapidly, and Bob's athletes in the WSC dominated age-group competition in the region.

Today in 2002, more than forty years after Bob started the organization, the WSC is still going strong.

In the WSC, Bob coached dozens of young boys and girls who became successful collegiate swimmers and All Americans or contributed in an important way to the sport of swimming as coaches following their competitive careers.

## ■ Coaching Protégés

One such protégé is Richard Quick, currently head women's swimming coach at Stanford University and Head Coach for the U.S. Olympic Women's team for the 2000 Olympiad in Sidney.

Richard has coached for 22 seasons overall at the collegiate level. As head coach of Stanford's women's swimming and diving program for 10 years, Richard has guided Stanford to six NCAA championships, including five of the past six national titles and all nine Pacific-10 Conference crowns.

Before coaching at Stanford, Richard led the University of Texas to a then-unprecedented five straight NCAA titles (1984–1988). To put this in perspective, of the past 14 NCAA titles awarded through 2000, Richard's squads have captured 11 of them. Richard has coached in the past five Olympic Games, and in May 2000, he was inducted into the International Swimming Hall of Fame. It is no surprise to me that, when I see television coverage of Richard Quick and his programs at Stanford and programs at other schools where he has coached, I see clear evidence of the demanding core values, standards of excellence, and humility that



Richard Quick, Stanford University

Bob worked so hard to teach all of his athletes. These qualities could easily be seen in the sportsmanship, grace, dignity, and personal examples that were set by women from Stanford University who were leaders of the U.S. Olympic swim team in Sidney.

## ■ Rim Rock Farm

Since retiring from college coaching, Bob has continued working on KU's cross country course on Rim Rock Farm. The project has occupied a special place in Bob's priorities. Located outside of Lawrence, Kansas, Rim Rock Farm was the site of the 1998 NCAA Division I and Division II cross country championships. The Rim Rock Farm course is generally considered to be one of the most exciting and challenging running courses in the United States. The University of Kansas has again made a bid to host the National Cross Country Championships in 2004.

## ■ Other Activities

Bob currently lives in Lawrence, Kansas, with his wife, Pat. Since retiring from college coaching in 1988, Bob has continued to be very active and very involved in athletics.





Scenes from 1998 NCAA Division and Division II national cross-country championships at Rim Rock Farm



He coached a junior high school girls track team during a six year period prior to 2000. He also has coached, with a missionary and his wife, volleyball and track and field in the Republic of South Africa during two short-term missions. In addition, Bob devotes a great deal of time to church and community affairs.

Next, if all this were not enough, in retirement, Bob has become a very fine sculptor. Two of his bronze statues—Al Oerter, four time

Olympic discus champion and Jim Ryun—are permanent exhibits in KU's Allen Field House and those of Gale Sayers, Lynette Woodard, and Wilt Chamberlain are presently in clay form.

Finally, it is most fitting that a portrait of Coach Bob Timmons hangs in the KU Athletic Hall of Fame among portraits of Ryun, Oerter, Sayers, Chamberlain, Billy Mills, and the rest of the immortals of KU athletics.