

Structure Change in the NCAA: An Analysis and Recommendation

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Abstract

This thesis is primarily an analysis of the NCAA in its current structure. By examining the history, structure, stated goals and values, and current climate of the organization, it is made apparent that the practices of commercialization have become a central focus for the organization and its procedures as it currently stands. The author comes to the conclusion that the structure of the NCAA must change in order to continue to perpetuate the concept of amateur and collegiate sport. Several suggestions for structure amendments are examined through a meta analysis. From this data, three new structural models are suggested for the organization and are examined in terms of their strengths and weaknesses in both practice and implementation. Directions for future research are briefly discussed at the end of the analysis.

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Introduction

The NCAA exists as the primary governing body for intercollegiate athletics and claims to be an organization that is meant to maintain and uphold the ideals of amateurism and the collegiate model for sport (Governance, 2015, NCAA Core Values, 2015). A substantial portion of the reasoning for the current structure of the NCAA stems from the organization's stated value of the unique moral and social benefits that participation has for student athletes (McCoullough and Subketkaew, 2014). However, there are several issues at hand in collegiate sport that dwarf these benefits in comparison. In recent years the NCAA has come under fire regarding antitrust violations, infringement of intellectual property, and academic scandals at notable member institutions (Grantham, 2015). As these situations arise and continue to tarnish the reputation of the NCAA, stakeholders of the organization have been forced to reckon with and acknowledge the need for change (Wolken, 2014).

While changes that have taken place in recent years, such as the establishment of autonomy for the bigger conferences, seem to most notably affect the way the organization operates in terms of business and profitability (Cyphers, 2014), another primary concern is the well-being of individual student athletes (NCAA Core Values, 2015). Throughout the history of the NCAA changes have taken place to respond to needs and issues that arise for the organization. This has included increased need safety standards, the growth and diversification of revenue streams, and lawsuits from current and former stakeholders (Smith, 2000). As these changes came to fruition, they established not only the status as an organization capable of change, but also a precedent for the manner in which change should take place (Brewster, 2014). Although the NCAA has continued to change throughout the course of its history, it seems that recently the organization has lagged behind the pace in which an entity with its visibility could

afford to operate without exposing itself to increased attention in a negative manner. In order to accomplish an increased sustainability, it has become apparent that the NCAA must take action and change the way it goes about the production of the amateur sport product (Frankel and Alexander, 2016).

Moving forward, this thesis will examine several facets of the NCAA in an effort to analyze the organization and ultimately illustrate the need for structural change. Chief among these are the history of the organization as well as its goals and current overall structure. An analysis of recent events is shown to give a current state of the organization and bring failures of the current structure to light.

History of Intercollegiate Sport

Collegiate sport has history and roots so extensive that they have become closely entwined with the universities themselves. This association has become strong enough that many people identify schools and are aware of university presence because of that school's athletic department, often referred to as the "front door of the university" (Brewster, 2014). However, that has not always been the case. Prior to intercollegiate sport, college presidents and deans acknowledged the need for physical activity in the educational regimen, but encouraged students to fulfill this need through forms of physical, manual labor such as farming (Thelin and Edwards, 2015). While these activities filled a portion of the void and accomplished an economic advantage for the university as they maximized on the availability of a sizeable and inexpensive labor force, it did not take long for students to seek out other, more gamesmanship filled, sources of activity. Soon the concept of intramural sport was developed and laid the groundwork for an athletic presence in university life. Intramural sports on university campuses were formed, in large part, to offer various team and individual sport experiences that can aid in the development

of psychological and physical skills for participating students (Webb and Forrester, 2015).

Originally these elaborately established games had a violent flavor to them and established a precedent for needing some sort of governance in order to produce a safe and beneficial event.

While these events were soon made to accept, for lack of a better term, a refereed look to them, university officials would prove to be reluctant in accepting athletic events that they thought to be a distraction to the importance of scholarly pursuits (Thelin and Edwards, 2015). As these intramural games expanded and became a means by which universities could compete with one another, the need for regulation became even more prominent. Attempts at commercialization and establishment of unfair advantages have essentially been present since the onset of these contests. These corruptions led to a transfer of power from participants to representatives of each school's faculty; a move meant to curtail these movements as well as lending a protective hand to the student participants (Smith, 2000). The first university that made this transfer of power, Princeton, led the struggle in a realm that they felt was quickly becoming dire and in need of control. It took them some time to gain the support necessary to transfer this power, but this change would prove to be a sign of things to come across the world of interscholastic competition as several universities followed suit (Barr, 2008).

As collegiate sport became more widespread, the dangers of unregulated games proved to be fatal for these intercollegiate games as well as some of the game's participants. Stemming from the deaths of collegiate football players and no real way to currently inhibit the risk of its continuance, President Theodore Roosevelt stepped in to be a vehicle for change. At the urging of the President, leading university officials came together to form a governing body and make interscholastic sport, specifically football, safe for those participating in the game. Thus, the NCAA was formed in 1910 (Treadway, 2013).

Early Years: 1910-1951

The early life of the NCAA was marked by a distinct lack of power and a gradual effort by leadership to change this. The organization originally had little to no influence on the world of collegiate athletics outside of rule development for football until it developed national championship events in a variety of the sports sponsored by the association (Smith, 2000). Mirroring the development of higher education in the United States, collegiate sport was nurtured in the Northeast. Ivy League schools dominated early competition on the field and led collegiate sport in a more commercial direction as Harvard and Yale dedicated a substantial amount of funds to the development of their athletic department and facilities (Thelin and Edwards, 2015).

By the 1920's, interscholastic athletic competition had become a key part of life in higher education. While public interest had always been high, leading to increased commercialization and need for structure; it began to increase with intensity as education became more accessible in the wake of World War I (Smith, 2000). This increased interest again led the powers that be to look internally at collegiate sport and evaluate the current direction of amateurism. In 1929 the Carnegie Foundation for the Advancement of Education reported that:

“change of values is needed in a field that is sodden with the commercial and the material and the vested interests that these forces have created. Commercialism in college athletics must be diminished and college sport must rise to a point where it is esteemed primarily and sincerely for the opportunities that it affords to mature youth” (Smith, 2000 pg 13).

This report also called for campus presidents to seize control even further than the example set by Princeton in the 1890's. They challenged school administrators to seize control of athletics and diminish the stranglehold gained by alumni boosters, local businessman, and commercial interests (Thelin and Edwards, 2015). While the NCAA made minor rule changes to salvage the integrity of the collegiate game, their efforts were often insufficient to keep pace with the

growing popularity and commercialization of collegiate sport. The concept of recruiting students to universities based on athletic prowess became an overwhelming trend without any real power to diminish or hinder any activities that would later become illegal or illicit in terms of the ability to gain an unfair advantage (Smith, 2000).

The end of World War II ushered in another era of collegiate sport and thus more concern over the current direction of amateurism in the forum of sport. As servicemen came home from war, the United States government ensured that education would be made available to all those who had sacrificed for their country in a time of war and for the first time, included university tuition as part of the G.I. bill (Smith, 2000). Many of these former soldiers took what had become an ample opportunity to better themselves in terms of higher learning and, for better or worse, often joined varsity athletic squads at their respective schools. The sudden surge of willing participants allowed the ranks of several teams, most notably football, to swell on many college campuses. This trend paired with the fact that there were no limits on athletic scholarships for individual schools again led to an increase of commercial interests in collegiate sport. From 1948 to 1952 investigations that unearthed a prevalence of gambling and point shaving in collegiate sport led to congressional hearings and once more a call for college presidents to seize a larger share of control in intercollegiate sport (Thelin and Edwards, 2015). When university presidents failed to come forward with any substantial changes to the structure or rule of governance, the NCAA was given the power to step forward and issue new rules to curtail these behaviors. This new established governing power was the first big step toward the development of the organizational structure of the NCAA today (Smith, 2000).

This new increase in power was met with an overall lack of direction for the organization and led to the development of the Sanity Code. The Constitutional Compliance Committee

championed the Sanity Code, meant to alleviate the exploitation of college athletes throughout the recruiting process. However, this early attempt at structure was often ineffective as the only punishment it was capable of giving was expulsion. The committee was reluctant to give this penalty thus giving them no real power. The Sanity Code was repealed in 1951 and the Infractions Committee, a group with broader sanctioning powers, replaced the Constitutional Compliance Committee. Finally, the NCAA had grounds to exercise the powers afforded it by member institutions (Smith, 2000).

Increased Power 1951-1983

The 1950's were marked by great changes in terms of economics for the NCAA. The advent of mainstream television and radio broadcasting as well as professional sport leagues gaining ground in terms of popularity offered the organization its first threat outside of gambling and player safety. These new factors were sure to shake up the way athletic departments made money as it changed the way that fans consumed the sport product. These changes led to many schools opting out of football over the next two decades due to the bleak economic outlook of the sport in comparison to competing schools and professional teams (Thelin and Edwards, 2015). This competition led to a need for a more centralized mission and locus of control for the organization. They achieved this goal with the hiring of Walter Byers as their Executive Director. Byers strengthened rule enforcement in the organization and contributed to the growth of collegiate sport by negotiating the first million dollar television contract; an event that opened the door for more widespread revenue potential in the realm of amateur athletics (Smith, 2000).

The 1970's ushered in more structure in collegiate sport and thus increased power for the NCAA. This power often went unchecked and the organization had what seemed to be absolute control over collegiate sport and all of its constituents. However, the second half of the decade

saw the NCAA met with challenges to this power for the first time since its increase in response increased commercialization (Thelin and Edwards, 2015). These critiques put the organization in an interesting position as it was criticized for lack of response to the increase of commercialization caused by television contracts as well as being too strict in the way that it disciplined member institutions. At this time many college presidents came out to publicly oppose the NCAA, as the organization encouraged increased spending on athletic departments despite the fact that for the first time in decades university attendance had witnessed a decline or leveling off rather than the explosive growth evident after each World War (Smith, 2000). The NCAA had earned a reputation as a bully and to date had yet to be adequately challenged, but that would all change in 1983.

Since the conception of televised sporting events, the NCAA had possessed sole bargaining power in terms of marketing its member institutions. This bargaining power paired with the lack of an adequate revenue sharing structure had made the NCAA a multimillion-dollar non-profit organization that had legitimate power in the marketplace of sport consumption. As college football increased in popularity, more athletic departments began to realize the true value of a high-level collegiate football team. This realization led these schools to the conclusion that they were not profiting adequately from the product they had produced on the field. This led to the University of Oklahoma bringing suit against the NCAA citing the Sherman Act and Antitrust Law. Ultimately the Supreme Court ruled in favor of the school. This ruling afforded individual schools the right to bargain for their own television rights and transferred a substantial portion of the NCAA's profits to the individual member institutions (Scully, 1985). This suit established a precedent for challenging the power of the NCAA and opened the door for much of the public discourse faced by the organization for the last thirty years.

Challenges Increase 1984-1999

While higher education went through economic turmoil in the 1980's, collegiate athletics had grown to an economic status that caused concern for university presidents. In response to this financial boom, these presidents came together in an effort to add more structure and take a collective role in the governance of the NCAA. In order to do this they formed the Presidents Commission. While some of the moves and recommendations made by the commission had no effect on collegiate sport and were ultimately ineffective in achieving any stated goals, the commission made a significant amendment to the overall governance structure of the organization by creating the Executive Committee and Board of Directors for each of the various divisions and comprised of presidents or chief executive officers (Smith, 2000).

In 1988, the Supreme Court decided in a case that will hold great bearing as the NCAA goes forward, the case of Jerry Tarkanian v. NCAA. After the NCAA found Tarkanian and UNLV guilty of several rule infractions, he was suspended from coaching the team for two years. During initial appeals of the suspension legal representation was present for both UNLV and Tarkanian, but the NCAA chose not to send a representative. The appeals committee upheld the suspension and coach Tarkanian chose to sue both the NCAA and UNLV alleging that he was denied due process because he was not able to face all of his accusers (Sharp et al, 2014). Both trial courts and the Supreme Court of the State of Nevada ruled in the favor of coach Tarkanian and the NCAA filed an appeal to the Supreme Court of the United States. In what would become a landmark decision, the Supreme Court ruled in favor of the NCAA deeming the organization a private actor. This decision meant that that the NCAA was not a government agency and thus not subject to rules that guide agencies laid out in the Constitution. This ruling

marked the first time that a court had held that the NCAA was not a state actor and thus changed the landscape of the governance of collegiate sport forever (Sharp et al, 2014).

The decision in *Tarkanian v. NCAA* was landmark in many ways and afforded the NCAA substantial protection from suit for almost three decades without a legitimate challenge. The rest of this era in the history of the organization was marked with challenges to the economic and governance structures of the NCAA, but none with the teeth and significance of the *Tarkanian* case. Increased commercialization, a theme that occurs over and over throughout the history of the NCAA, continued to be a concern and ushered the organization into a new millennium and a new era for the realm of amateur athletics. The past two decades have been marked by challenges to the power of the NCAA and claims of corruption that will form the basis of this thesis moving forward.

Recent Developments 2000-2015

Collegiate sport has seen a steady increase in popularity throughout the whole of its history, and with that, revenue generation has also skyrocketed. However, the same cannot be said for member institutions. While the NCAA made over 800 million dollars in 2011, many of its members are forced to seek subsidies from their respective university (Treadway, 2013). As a whole, the organization has earned a reputation of being an outdated and poorly run cartel meant to limit the rights of its workforce. The NCAA has made the argument time and time again that their enterprise is all-together separate from the student athlete experience and that the academic mission of the organization trumps any profit-maximizing notions the organization may have (Otto and Otto, 2013). In recent years, the NCAA has faced suit for rights to the use of student athlete images, fielded an attempt at unionization, botched investigations of institutional control, and been forced to pay out a larger portion of costs to student athletes. Each of these events will

be laid out and examined further in section three, but must be considered in the way that they have affected the NCAA in a historical sense. The NCAA has been framed as an evil corporation with the sole purpose of profit maximization at the cost of exploiting and mistreating its work force, or student athletes, the sole grouping that the organization was formed to protect (Treadway, 2013). Moving forward, I will consider the structure and stated goals of the NCAA in order to determine if their actions align with these ideals.

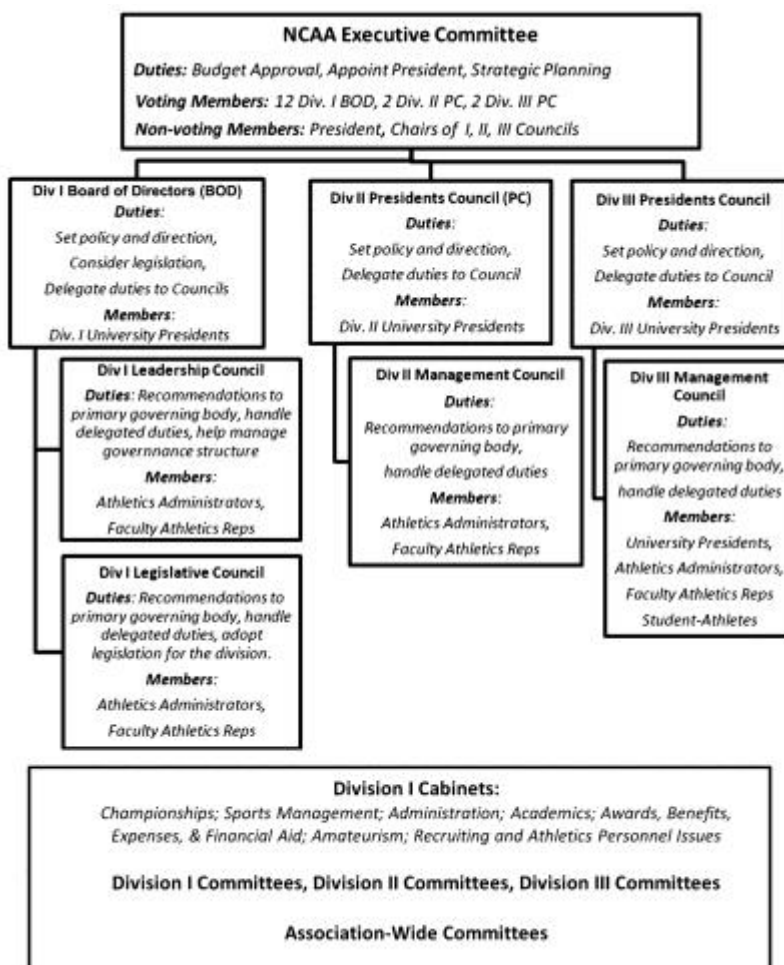
Structure of the NCAA

The shape of an organization is dictated by its manager's span of control. By definition, this is a measure of the number of people, units, or operations that they are in direct command of or are responsible for. Most scholars and pundits alike agree that the most appropriate structure for a large firm is to have a narrow span of control at the top that flows wider and more expansive as it reaches the lower level managers (Packianathan and Chelladurai, 2014). The NCAA has a structure that aligns well with this recommendation. The governance structure of the organization consists of legislative bodies tasked with monitoring member institutions. These bodies are each focused on a defined domain and consist of volunteers from member institutions (Governance, 2015). Primary goals of these committees are to be the forefront authorities and leaders on subjects such as championships, compliance, and finance. While the legislative bodies control several committees and those committees govern individual representatives, there is an overarching executive committee that controls the action of all working members. The Executive Committee consists of elected presidents and chancellors from each division that meet and develop policy regarding rules and protecting the integrity of stated core values (Governance, 2015). The Board of Governors and president Mark Emmert lead this committee. While the president provides a face for the organization, he does not have the voting power as a member of

the Board of Governors. This board is charged with ensuring that each division operates consistently with the basic purposes, fundamental policies, and general principles of the organization (NCAA Board of Governors, 2015).

Below is a chart of this structure showing a basic flow of responsibilities as well as members of each party. Through each level is a transfer of power, illustrating the widening of spanned control as the diagram flows downward.

Figure 1: Organizational Structure of the NCAA



Stated Goals of the NCAA

As an organization meant to protect the rights of its constituents and provide guidance to member institutions, the NCAA has a set of stated core values. These values revolve around the development of student athletes, giving member institutions the proper tools to govern themselves, and encourage all stakeholders to continue acting in a way that aligns with the original concept of amateurism. The core values of the NCAA are to maintain the collegiate model of athletics, encourage and operate under the highest levels of integrity and sportsmanship, encourage the pursuit of excellence both academically and athletically, accentuate the supporting role that interscholastic sport plays in the overall mission of higher education, foster an inclusive culture of equitable opportunity, exhibit respect for institutional autonomy, and provide for presidential leadership throughout the organization (NCAA Core Values, 2015). Each of these values are positive and worthy directives for an organization such as the NCAA. It is pertinent to examine each of these goals as they are stated and determine not only why they are in place, but also what they may look like in practice. To close each goal section, I have included an evaluation of whether or not the goal has been achieved.

Maintain the Collegiate Model of Athletics

The NCAA defines a collegiate model of athletics as a forum of sport that features students participating as an avocation as well as balancing their academic, social, and athletics experiences (NCAA Core Values, 2015). This value is primarily meant to aid in differentiating the collegiate, amateur experience from that of professional sport. By stating that sport is an avocation, the organization seeks to prove that a student's participation in their chosen activity does not constitute a job or requirement for the student athlete. Rather it is characterized as an experience or hobby much like a vacation or riding a bike (Paule and Gibson, 2010). Further, this

value suggests an intentional balance in the lives and pursuits of student athletes between their sport and the rest of the academic experience as well as their personal life. As this directive acknowledges a necessity for balance in the lives of student athletes for the model to work, it is safe to assume that the NCAA would create provisions by which this could be readily and easily accomplished by any athlete representing any member institution (Kulics et al, 2015).

The primary wording in this goal has to do with interscholastic competition as an avocation or hobby rather than a job or career (Core Values, 2015). This goal is kept primarily to help illustrate the unique and fragile nature of intercollegiate sport. However, there are some troubling characteristics of the NCAA that contradict this value. To begin, the NCAA allows for grants-in-aid to be distributed by member institutions based on athletic prowess, constituting what seems to be compensation based on the student's ability to compete in sport at the collegiate level (Petr and McArdle, 2012). If the NCAA had suggested that it is a pure amateur model this fact alone would destroy their structure, but this is an example as to how their language and verbiage has continued to protect them. Throughout stated goals and values of the organization, not once is the word "amateur" or the concept of amateurism discussed.

However, flow of capital causes damage to their stated model as it damages the idea that student athletes are participating in their sport as a simple hobby. Many athletes, specifically those that do not plan on playing their sport professionally, state their biggest reason for participation in sport is the potential to receive funding for their education (Kulics et al 2015). While student athletes do not receive these funds directly, the aid that they receive has substantial monetary value. Because this value is allocated to them based on prowess and skill in their chosen activity, it is within reason to say that they receive compensation because of their participation in that activity. This exchange mimics that of professional sport or any other career

for that matter. While this stream of money damages the collegiate model, it does not destroy it. Other students receive funding based on prowess in a given activity and are not considered a professional. Thus it is not totally damning to the collegiate model to do the same for athletic competition.

Encourage And Operate Under The Highest Levels Of Integrity

This value is ultimately meant to set a baseline for standard of conduct by student athletes, member institutions, and the organization itself. The NCAA seeks to achieve this goal through strong and well-defined governance. In order to make the span of control narrower and thus conducive to their existence as a large firm in charge of many smaller entities (Packianathan and Chelladurai, 2014) the NCAA has developed legislative bodies that monitor the behavior of constituents. Committees consist of volunteers and elected officials from member institutions and are tasked with heading several departments set forth by the organization such as championships, membership, and most important for the analysis of this goal, infractions (Governance, 2015). To ensure that student athletes and member institutions maintain the highest levels of integrity and sportsmanship that the NCAA has set for them, the Committee on Infractions monitors their behavior and punishes those actions that fall outside the accepted and established nature of the organization. Through these sanctions, the organization seeks to modify the behavior of those who have deviated from the standard that the NCAA has established for intercollegiate sport and usher them into a state of compliance with the guidelines and rules set forth to augment this value and achieve the goal of a clean program or individual record (Yong et al, 2008).

Since its creation, the NCAA has sought to be an organization that levels the field of play in order to encourage the ideal of fair competition and encourage competition for all member

institutions. As the organization was afforded more power by members and given the right to shape behavior based on established rules and directives, the NCAA has used these powers more and more. However, they have only placed emphasis on the development of coercive power. This power stems from an individual or organizations ability to punish those under their control (Robbins and Judge, 2013). While this is a legitimate source of power and can be effective in most scenarios, it does not lend well to the image of the NCAA as an organization. This has been made particularly clear throughout their organizational investigations. The NCAA has a history of punishing those member institutions that fall outside of the realm of acceptable behavior, but this is not the reason that they have faced ridicule over the years. Rather, it is the nature in which they conduct these investigations and carry out penalties that have called the organization into question. Punishments arise out of a need to coerce compliance and encourage institutional integrity among member institutions. While the NCAA makes efforts to encourage this ideal, they make no efforts to practice it. This was clear in the organization's handling of the Tarkanian case at UNLV. In this particular circumstance, the NCAA forced a member institution to act in a way that stripped them of their most famous coach on their most successful athletic team. UNLV suspended Jerry Tarkanian in an effort to be compliant with the extreme wishes of the NCAA due to fear of further, university wide sanction (Green, 1992). While the threat of punishment may aid the NCAA in keeping member institutions compliant with their wishes and overall goal, it does not show a high level of individual integrity.

Encourage The Pursuit of Excellence Both Academically and Athletically

This value is easy to understand in comparison to many other goals. In order to make this value a reality and truly ensure balance and pursuit of excellence in both academic and athletic pursuits the NCAA has established standards by which they feel this can be accomplished.

Among these are eligibility standards, rules for when a team and individual can practice their sport, and measures of academic progress by which the organization monitors and measures the sponsored athletic teams of member institutions (Nite, 2012). These standards and how the NCAA interprets them are often at the forefront of the organization's image.

This value is really an extension of the next stated value; placing focus on the role of interscholastic competition as a supporter of the overall mission of higher education. At its core, collegiate sport operates as a vehicle by which great things can and should be accomplished. Through athletic grants-in-aid, young men and women who otherwise would not be afforded the opportunity to pursue an education are afforded the ability to do so based on their athletic potential (Carter et al, 2013). By this established standard, the athletic experience acts as an integral ingredient of higher education for these individuals.

The issue lies in when this role is magnified and taken too far. Although at times it may seem hard to believe the collegiate experience can exist without the presence of sport. Several institutions have survived and thrived without sponsoring any high level athletic programs (Casper et al, 2012). Why then has the role of sport been construed as something essential to the collegiate experience? While this stated value makes efforts to paint the existence of sport as something that is a small part of the higher education experience, the role it plays has been made larger by the organization and member institutions. If the NCAA seeks to achieve these goals and truly show that these values are something they wish to make evident, behavior and frameworks for achievement must be modified.

This value lies at the core of the mission stated by the NCAA, as the rules for collegiate competition require that those who participate be enrolled as students in the college they represent. However, the current structure of the NCAA has led to trends that are troubling to the

actual occurrence of this ideal. Rules and bylaws that require student athletes to meet a standard academically before they compete in their sport are a positive step toward this goal's achievement, but these standards do not really push student athletes to the "excellence" they to strive for. Rather, academic reform packages only require that student athletes finish eighty percent of their required coursework by the end of their four-year eligibility (Kulics et al, 2015). This figure is troubling as it holds student athletes to a different and lower standard of achievement than those students in the general population of each respective college or university. Further, when students run out of eligibility and are still a year shy of earning their degree, they often choose not to pursue it further as they have lost the source of funding that had existed for the attainment of the degree (Petr and McArdle, 2012). It is hard to look at these standards and suggest that they lead to or even support the achievement of excellence in the classroom.

When you strip the claim of excellence from the stated mission of the NCAA, you must then examine what the standards of the organization really encourage. While standards do not really demand high achievement, they are in place for a reason and in theory could further the mission of the collegiate model for interscholastic competition. However, these standards paired with the existence of institutional coercive power as the only means to modify behavior have made member institutions more creative in the way they meet established standards. These standards could lead to student athletes choosing majors for athletic purposes and could discourage them from changing courses of study, leaving them in a program that they are not passionate about. This in turn has led to the trend known as clustering, or grouping athletes into a certain program of study because it is easy or less demanding than other degree programs.

Eleven percent of student athletes reported that they were ushered into an area of study upon enrolling at the university that had committed to for athletic competition (Kulics et al, 2015).

All of these trends are troubling when you truly consider the overall mission of the NCAA. As stated earlier in the paper, the true divider between collegiate sport and those leagues that are similar is the addition of the educational experience. If this experience continues to be stripped and fall short of established standards, this differentiating factor will be in jeopardy and lines between professional and collegiate models will continue to blur.

Foster an Inclusive Culture Of Equitable Opportunity

As stated in the prior section, the existence of the grant-in-aid provides individuals with an opportunity to attain an education that they otherwise would not be afforded without the existence of collegiate sport (Carter et al, 2013). This extends the potential for higher education to people from several diverse backgrounds. Speaking from experience, sport is often the first forum by which individuals can be exposed to people who have differing backgrounds. I grew up in a small town in southeast Kansas and did not interact with any person of color until I was in middle school and competed against them in athletics. With many student athletes having an experience similar to mine, the realm of intercollegiate competition can open the door to meeting people of different races, religions, creeds, or sexuality. The beauty of athletic competition is that all are equal on the field of play before the whistle sounds. Athletics is one of the only fields to offer individuals of differing backgrounds the opportunity to work closely together and allow each other to stand out based on different criteria than a readily observable characteristic that differentiates them (Carter et al 2013). Due to the nature of the athletic scholarship and the desire of coaches and administrators to win, prospective student athletes are judged solely on their ability to compete at a high level in their chosen sport and contribute to the program. Over the

years the emphasis on this inclusive culture paired with the overwhelming need to win, has increased the number of minority participants in collegiate sport (Yong et al, 2008). While this ideal has been used for the benefit of athletic programs and individual student athletes, it has been proven harmful at times.

The NCAA, much like any other large public organization, has made strides and efforts over the last several decades to create a culture that is more inclusive and tolerant of minority parties. This is an incredibly noble directive that was set forth by organizations to provide equal opportunity to an individual that has exhibited the desire and work ethic to achieve and gain placement in the organization. The NCAA has several figures that show relative success in terms of inclusion on the field of interscholastic competition. However, there have been some notable changes to rules and bylaws that have had disparate impacts on minority demographics and cancel out any standard of inclusion that the entity can strive to attain. Most notable among these are academic standards. By raising certain academic standards, particularly those regarding scores on entrance exams, the NCAA has impacted the ability of some student athletes to compete at the collegiate level (Kulics et al, 2015). Higher standards for entrance have made the inclusion of students from low socioeconomic backgrounds diminish in recent years. These students are stripped of their chance to compete at this level and pursue an education simply because they grew up in the wrong neighborhood and were not afforded the same educational opportunities as their peers from other areas and backgrounds.

To combat these claims the NCAA and its member institutions have provided student athletes with academic and career counseling while they are competing for the member institution. Student athlete welfare was introduced as a concept in 1995 and afforded athletic departments the ability to give certain services, including academic support and development, to

student athletes as needed (Yong, 2008). However, studies have shown that these programs focus more closely on those athletes that participate in revenue sports (football and men's basketball) and focus primarily on helping student athletes remain eligible rather than achieving excellence in the classroom (Carter et al, 2013). While eligibility is likely a goal of the individual student athlete as well, it is the responsibility of the NCAA and its member institutions to inspire more and push for what is best for the young adult. Rather, the organization allows a structure that seems to show that the organization only values the individual based on their existence as an asset to the organization rather than as a person that they can develop like the mission of the organization clearly states.

Respect for Institutional Autonomy

The NCAA is a member-based institution governed by elected representatives from member schools and would fail to exist without the agreement and existence of member institutions. For that reason, the organization seeks to give these member schools the power and ability to make their own choices in most matters. Members of the organization are given the right to elect their own representatives and these officials are paired with the Executive Committee to make rules and bylaws, amend constraints that are ill-found or outdated, monitor the activities of member institutions, and sanction those members that have failed to adhere to established standards (Governance, 2015). These elected officials, like in any form of governance, provide members with the ability to more effectively pursue individual and group interests. Because of this structure, the NCAA can make a legitimate claim at decisional autonomy for members as a collective unit. However, they must also make efforts to give individual institutions autonomy in proceedings in order to achieve this stated goal.

To establish this, the NCAA has often granted individual institutions the right to conduct their own investigations regarding alleged rule infractions. In these scenarios the organization allows the institution to make their own assumptions of guilt and the ability to punish their own athletic department (Dawson, 1989). While this leaps and bounds ahead of similar organizations in regards to freedom and autonomy, this is not really the whole story. The NCAA often interjects itself into investigations and passes judgment on the member as well as making heavy “suggestions” as to the direction the school should go in terms of punishment. An example of these proceedings would be the recent investigation of the University of Miami athletic program as the NCAA, for lack of a better phrase, interjected itself into the investigation and ultimately made a mess of things (Fusco, 2011).

When setting the standards for institutional autonomy, the NCAA states that respects for institutional decision-making as well as the differences between member institutions that naturally exist are items that they wish to support and accentuate through governance structure. As established earlier in this section, the NCAA often uses appropriate verbiage in order to frame their own agenda as the choice directive for member institutions (Green, 1992). This paired with the propensity of the organization to interject in matters that they claim to give individual schools the power to investigate and rule on their own (Fusco, 2011) establishes a lack of concern by the NCAA in protecting the decision making power of individual universities. Further, the NCAA seems to avoid dealing with the differences of member institutions. Most people know that different colleges and universities have different standards for entrance and for gaining and maintaining scholarship funds. For example, the University of Kansas and Stanford require different prerequisites, specifically different scores on entrance exams, for acceptance into their school. However, the NCAA has set one standard across the wide scope of its

organization for competition. These scores and academic standards are admittedly lower than those standards for admission into a school like Stanford, but in order to compete for the Cardinal, you must gain entrance into the school. Athletes that compete at the highest level of revenue sports statistically score lower on these entrance standards and are thus unable to truly go wherever they want to continue their athletic competition and education (Carter et al, 2013). This becomes an issue as schools like Stanford are expected to compete in their conferences and at the national level, yet do not have access to a substantial stream of gifted athletes that are not necessarily up to snub according to their high academic standards. At this point institutions are forced to make a decision based on what ideal they will compromise going forward; athletic competition at the highest level or academic standards that they have set for themselves. I do not know if there is a way that this could be fixed, but the NCAA has not responded to this issue and has an apparent disconnect in regards to respect of institutional differences among member schools.

Presidential Leadership Throughout the Organization

The final stated core value of the organization is to provide for presidential leadership throughout the organization from top to bottom. Explicitly this goal sets out to allow for presidential leadership not only within the NCAA, but also in their sponsored conferences and schools (Core Values, 2015). As stated before, a large organization such as the NCAA often seeks to narrow the span of control. This value seeks to do that as well as establish a unity of command for the enhancement of member experience. Unity of command springs from the idea that no man, or in this case, institution can serve two masters and is meant to unify the stream of messages that flow throughout the membership and governance of the NCAA (Packianathan and Chelladurai, 2014). This presidential alignment ensures that while power is not limited to a

central party, there is a potential for presidents and officials at each level to communicate and unify a message of leadership to all qualifying constituents. While this ideal continues to lend to the member leadership culture, the actualization of decision-making power for these individual presidents and officials stays a step behind.

NCAA Mission

“Our purpose is to govern competition in a fair, safe, equitable and sportsmanlike manner, and to integrate intercollegiate athletics into higher education so that the educational experience of the student athlete is paramount” (NCAA Strategic Plan, pg 3, 2004). This is the stated mission statement of the NCAA. Most major organizations have mission statements. A mission statement is sometimes referred to as a statement of purpose, a statement of philosophy, or a statement of what business one is in. These statements provide foundation for setting priorities, developing strategies, and setting goals for the organization (Sack, 2011). When considering whether any organization has been successful, it is important to examine these values and missions as they provide a baseline for measurement of achievement. The mission of the NCAA, when examined at face value, is a positive one meant to enhance the experience that coincides with participation intercollegiate sport. In short, the NCAA’s basic purpose is to maintain intercollegiate athletics as an integral part of the educational program and the athlete as an integral part of the student body. In doing so, they maintain a clear line of demarcation between professional and collegiate sport (Sack, 2011). This experience that the NCAA places so much value on is the true divider between professional and collegiate sport models. The wording of all these values and mission statement ensure that under close observation, there is a distinguishable difference between the two very similar worlds. However, verbiage is often not

enough to create this divide. The NCAA must carry out these directives in practice to be truly effective in terms of goal achievement.

The stated mission of the NCAA places emphasis on the integration of collegiate sport into the higher education experience. While I concede that the two entities are integrated and rely upon each other to fulfill certain goals, I do not believe that the purpose of collegiate athletics is to add to the higher education experience. This is made evident by the actual actions of the NCAA that do not align with the values and stated goals of the organization. First among these is the addition of midweek, primetime games. These games are slated on the schedule to be later in the day and on days of the week that they will not have to compete with other events and will demand large viewership from demographics other than fans and alumni of the school. Because of the time at which these games are held and the nature of travel within the collegiate ranks, these games often require student athletes to miss at least two days of class (Sack, 2011). While there are other university activities that demand time outside of the classroom and off campus, athletic competition is the only activity that publicly requires absence from class in order to participate. In order for students to meet standards in higher education, it is advisable for them to be in class, and their sport is keeping them from that. Further, the primary reason for accepting these games is to increase exposure and revenue for the athletic department. This change paired with several others has caused explosive growth in terms of revenue but jeopardizes the overall mission of the organization (Sack, 2011).

Another portion required for the advancement of collegiate sport as an integral part of the higher education experience is the inclusion of multiple demographics. The NCAA considers this directive important enough that they list it as a core value. However, the NCAA has allowed for the pursuit of revenue to take precedent over the ideal of inclusion. Due to the fact that many big

time “revenue” sport programs operate at a loss, some university athletic programs have been forced to eliminate Olympic sport teams in order to funnel more funds to the public good that is their main program (Cooper and Weight 2011). The elimination of these programs has presented a model that affords fewer students the potential to continue their academic and competitive careers to the college ranks and thus threatens the ideal of inclusion.

A final example for how the NCAA is failing in the achievement of their stated mission is the individual rights that they continue to infringe upon in respect to the student athlete. As the NCAA grew and became more commercialized, more potential for profit based on the use of player image became available. Before a prospect ever sees the field for their chosen institution, they are required to sign a contract that gives the NCAA and its member institutions the right to profit from the use of their image in perpetuity. This issue would come to the forefront in the case of O’Bannon v. NCAA as the courts ruled that this specific caveat for participation was in direct violation of antitrust law. (Birren, 2014). This exemplifies the organization’s overall pursuit of monetary reward over the pursuit of its stated mission and provides a bleak outlook for those that wish to defend the NCAA as an institution of high integrity.

Current Climate of the NCAA

Recent developments in the realm of collegiate sport will play a major role in the way that that the NCAA functions moving forward. Now more than ever, the organization seems to be at a crossroads or breaking point. Decisions in the O’Bannon case and lack of institutional control in the mishandling of the case at Miami are examples of recent scenarios shaping policy change that have already been discussed. Moving forward, I will examine the case of the Northwestern Football Union, Academic Issues at North Carolina, and the landmark decision to

change the value of a full grant-in aid and determine how each circumstance could shape the organization as time marches on.

Northwestern Football Union

In March of 2014 a regional section of the National Labor Relations Board (NLRB) found that football players at Northwestern were essentially school employees and were thus entitled to organize a union (Tarm, 2015). This initial decision would have provided student athletes the teeth and legal means to collectively bargain for the value of their scholarship, insurance benefits, and more substantial hourly limits for team activities. This decision was reversed in August 2015 on the grounds that allowing unionization at Northwestern would threaten the existence of competitive balance as it could allow for certain schools with more financial means than others to compensate athletes more adequately than other schools (Tarm, 2015). To be sure, this decision was a blow for the All Players United campaign to give rights back to student athletes, but examination of each decision will show that the door is still open for unionization and proper benefits for athletes in the future.

In the initial case that was heard at a regional NLRB, the student athletes argued against Northwestern as the school was attempting to block the union from forming or acknowledging it as a sovereign representative or bargaining party. Northwestern's central argument was that student athletes did not qualify as employees under the National Labor Relations Act. Regional directors determined that Northwestern had not carried the burden of proving this status against a definition of employee that centers on the exchange of payment in return for a service (D'Aquila and Rudolph, 2014). According to the decision, players perform a valuable service for the university and its athletic department and that the scholarship they receive constitutes compensation for the duties that they perform. At the time, athletes received a full scholarship,

which constituted the payment of tuition, books, student fees, and room and board as well as a monthly stipend to alleviate other living expenses (Scholarships, 2015). Northwestern also provided other benefits to athletes out of a “Student Assistance Fund” that included health insurance and clothing to these football players. In regards to these benefits the Regional Director found that while student athletes were not paid in the traditional manner of having a check to cash for their services, they were receiving a substantial economic benefit for playing football. A final note by the board showed that the football team at Northwestern had been extremely profitable for the school and had allowed them to maintain many of the athletic facilities as well as subsidize other the school’s other sports (D’Aquila and Rudolph, 2014).

A primary factor in the Regional NLRB decision was the amount of control exercised by the athletic department over its football players. When examining the schedule of these athletes, it was overwhelming clear that the schedule set out for them was strict and lacked flexibility throughout the entire year. These schedules provided that these athletes would be “working” 40 to 50 hours per week during the regular season and even more during training camp. To further implicate the amount of control, coaches and administrators hold a certain amount of dictation when it comes to the student’s personal life as well as they maintain the right to punish them if their behavior deviates from the accepted standards set forth by the team (D’Aquila and Rudolph, 2014). The Regional Director also hinted at the concept of academic clustering by stating, “the players are controlled to such a degree that it does impact their academic pursuits to a certain extent,” (D’Aquila and Rudolph, 2014, pg 39).

When the case went before the NLRB, the regional decision that deemed student athletes receiving scholarships as employees was thrown out. This conclusion was formed not due to the absence of an employee-employer relationship, but because in the circumstance, the formation of

a union would fail to promote uniformity and stability between the players and university. As this is set to be the main goal of a union and the overarching goal of all labor relation law, it would ultimately block the formation of the Northwestern Football Union. A primary tenet of the argument against unionization by Northwestern, the Big Ten Conference, and the NCAA is that a union would have an adverse effect for the student athlete rather than the positive outcomes that often are listed in terms of collective bargaining (Tarm, 2015).

While the reversal of this decision did no favors for the student athlete in terms of satisfaction of basic demands such as increased insurance benefits and the ability to bargain for increased financial subsidies, it did not ultimately close the door on unionization in the future. Many legal pundits covering the case made not of how vague the decision was worded and the painstaking efforts that were made to ensure that this ruling applied only to this instance with Northwestern and its football players (New, 2015). The open-ended nature of the decision has left the door open for further challenges in the future, and I believe that was done intentionally. As stated before, the reason for reversal was not due to a lack of a relationship justifying employment, but rather because of the implications of what would happen if only Northwestern were allowed to unionize. To be sure, other private institutions would follow suit, but this right would not be extended to public institutions. This would have an adverse effect and could keep them from competing with those schools that were able to extend further rights to athletes based on a collectively bargained issue (New, 2015). This case has already had an impact on the landscape of collegiate sport and will surely be looked at for years to come in terms of the apparent implications by the original decision.

North Carolina Academics

As stated earlier, student athletes are often ushered into academic programs that do not necessarily represent their own interests or are easier all in the name of remaining eligible for competition, and thus retaining their value to the university and athletic department (Kulics et al, 2015). While this trend has long been a part of higher education in terms of how it relates to athletics, no real work had been done to expose these transgressions. That all changed when two former student athletes from the University of North Carolina brought suit against the school and NCAA alleging that they were denied their right to adequate education due to the nature of athletic participation (Svrluga, 2015).

In a suit that will make efforts to be a class action, the plaintiffs are accusing the NCAA of negligence, as the organization likely knew of instances where academic misconduct had occurred among member institutions, yet continued to support an infrastructure that allowed for such activities to take place. Primary in this case is the existence of several “paper classes” otherwise known as independent studies where students were given a grade based on little instruction and minimal work (Svrluga, 2015). The suit goes even further to say:

“UNC’s bogus classes once again reveal the great hypocrisy of college athletics in America. The NCAA and its member schools insist that their mission and purpose is to educate and to prevent the exploitation of college athletes. Yet it is the schools, the conferences, and the NCAA that are engaging in exploitation, subverting the educational mission in the service of the big business of college athletics — and then washing their hands of college athletes once they have served their purpose,” (Rashanda McCants and Devon Ramsay v. the NCAA and UNC, pg 3).

In the opinion of the plaintiffs, the quality of their education is an indictment of the NCAA failing to fulfill a stated mission and core value. Further the organization stands as a hypocrite as it seeks to protect the model that they built themselves. Commercialization has created a need for a shift in value structure if the organization is to survive.

Cost of Attendance

January 2015 saw the NCAA Board of Governors make what is perhaps the biggest decision in the history of the organization as it approved the appropriation of organizational funds to member schools in order to help pay for a student athletes entire cost off attendance. The money will be distributed evenly among Division I members and constitute around \$55,000 of what will be paid to athletes at each institution (Berkowitz, 2015). This decision stemmed from the decision of the Power Five Conferences (Big 12, Pac 12, SEC, ACC, and Big Ten) exercised their right of autonomy to approve new levels of support to student athletes (Hosick, 2015). Prior to this move, schools were only required to pay a full scholarship as laid out by the NCAA (Scholarships, 2015).

The vote to pay full cost of attendance was made in the first ever business autonomy meeting, an addition to the NCAA structure. This sect of the NCAA consists of voting members from 65 Division I schools as well as three student athletes from each represented conference and has the power to propose and adopt rules to govern themselves in a certain set of approved categories (Hosick, 2015). The committee voted to enact these rules but laid forth that other Division I schools outside of these conferences could make this change, but would not be required to do so. Further the committee voted to increase student athlete access to food and to increase concussion protocol in all represented schools (Berkowitz, 2015). In order to keep all things equal in terms of monetary benefits given to the student athlete, the autonomy committee stipulates that the cost of attendance would be determined by the federal definition of cost of attendance and would be the original full scholarship with the addition of transportation, school supplies, and other similar items (Hosick, 2015).

In a recent decision however, an appeals court found that the NCAA and member schools under current structures would not be forced to pay anything past cost of attendance (MacLean

and Novy-Williams, 2015). For now, this halts the conversation concerning student athlete compensation, but does not ultimately close the door. Student athletes have come a long way in terms of earning funds that more closely resemble their worth to the institution that they attend and the athletic department that they represent, but many believe there is yet further to go. There is currently a case being brought by a plaintiff that states that the current model and restrictions on earnings are far too overbearing and unnecessary to the advancement of amateur athletics. This suit has moved that all caps and restrictions be pulled from the earning potential of student athletes and that they be compensated in a manner that more closely resembles a free market for their services (MacLean and Novy-Williams, 2015).

In summary, all three of these circumstances, among others from the organization's past, have been used to break down the current model of the NCAA and challenge the concept of amateur sport as a whole. While the NCAA has responded to recent suits by changing parts of its structure and allowing for more autonomy to member institutions (Hosick, 2015), many argue that this change is not enough to salvage the concept of amateurism. Rather, these critics believe that the NCAA must restructure completely if they wish to remain the sole governing body for high-level intercollegiate sport. While many have suggested that widespread change is needed for the organization, there is not a consensus as to how that change should occur. This dissension provides the basis for the study of this thesis.

Methods

For the data portion of this thesis I chose to perform a meta-analysis, a statistical method used to combine pertinent qualitative or quantitative data from select studies to develop a conclusion and establish greater statistical significance than any of the individual studies could achieve standing alone (Meta Analysis, 2011). This method is most often used to determine the

effectiveness of a particular drug or healthcare intervention, but can be used to determine the validity of abstract ideas such as individual suggestions for amendments or changes to a given circumstance or design (Crombie, 2009). A meta-analysis meant to combine ideas or suggestions would be classified as a qualitative analysis. These studies are conducted to combine the knowledge on a given subject and present the data or ideas in one larger study with several participants rather than presenting the findings or opinions of one author or editorial source. This combination of knowledge allows authors to establish themes in their research and move closer to a consensus or commonly held notion among knowledgeable sources in the field. (Neill, 2006). The purpose of this particular analysis was to synthesize the viewpoints of journalists and scholars that have published works or responded to interviews on the topic of NCAA reform and identify any emerging patterns from their individual pieces to determine trends in the topic of structural change to the organization.

Data Collection

Initial searches were performed through computer databases SPORTDiscuss and Google Scholar to identify and extrapolate data from relevant research and case studies pertaining to structural change in the NCAA. Primary searches included terms like reform and structure change to build an academic background for information going forward. These databases returned fifteen academic journals that gave explicit recommendations for structural amendments or reform processes for the NCAA and built a base to move forward with periodical sources from reputable publications such as the Huffington Post or the Atlantic. These sources were used to provide a sample of media recommendation and speculation as to how the organization could change and remain the governing body over collegiate sport. While many sources were read, for the purpose of the analysis I limited the study to twenty-five periodical sources. These twenty-

five were chosen based on qualifications from two criteria: an explicitly stated opinion by the author of the piece and publication in a reputable periodical. For the establishment of whether or not a publication was reputable enough for use in the analysis, I used personal experience in reading from these sources as well as recognition of both the publication's brand and author of the given article.

Initial searches returned several sources both from academic and popular media publications. In order to give a more central focus to the sources returned by initial sources, the sample was put through the standards and criteria established by Dr. Allen Sack. This added tool for evaluation was used to give a more central focus to the analysis. This new tool for evaluation lowered the size of the sample to forty publications (fifteen journal articles and twenty-five from popular media). The pieces chosen for the sample were chosen based on their propensity to align with Dr. Allen Sack's model for reformers as described in the next section. I chose these forty publications from a larger pool based on their ability to align with Sack's model and be divided into a given group of reformers. For a study to be considered a meta-analysis, those performing it need only compare the results of more than one study and combine them to present their data in a bigger picture. However, it becomes apparent that the larger the data set is, the more reliable its findings can be considered (Crombie, 2009). I felt that the sample, while kept small to fit a more refined data set, was large enough to convey how opinions differ among advocates for structural change in the NCAA and give data that would be representative of the population thus being able to convey how each distinctive subset of reformers goes about suggesting change.

Data Analysis

In order to synthesize the information from all sources, I sought out a model that could explain the fundamental differences in the thought process of those calling for reform. Primary

among these differences is often the stakeholder most benefitted by the suggested amendment.

Dr. Allen Sack of the University of New Haven published a work that broke reformers into three groups.

1. Intellectual Elitists (Group 1)– A group characterized by the notion that commercialization has a negative effect on higher education. These reformers often suggest that the power shift back to the university so that will academic standards should be raised and more strictly enforced. Further they argue against the institution of athletic scholarships preferring that financial aid be distributed based on need alone (Sack, 2009).
2. Academic Capitalists (Group 2)– Reformers that approve of university governance emphasizing the importance of profit maximization. Members of this group believe that amateurism defines the participants, but not the game as a whole. They view the athletic scholarship as valuable currency needed to further education, but advocate for lowering admission standards; instead suggesting the need for increased academic aid (Sack, 2009).
3. Athlete’s Rights Reformer (Group Three) – This group focuses suggestions primarily on shifting power to the student athlete. Believing that commercialized entertainment is a deeply imbedded notion for the NCAA, they think the only way to fix the organization is to afford these participants fair compensation and employee rights (Sack, 2009).

Using this model, data was placed into these groups based on where the author most closely leaned. For example, if the changes suggested by the author dealt primarily with athlete rights or well-being such as increased compensation or the right to profit from individual endorsement, then that writing was placed into the data set of group three, Athlete Right Reformers. Certain writings seemed to be able to fit into more than one school of thought. In this case, they were included in both data sets as well as an additional set made to include the variation that they represented. Further, some authors presented an ultimatum. In these circumstances they offered reform that would fit one of two categories, but not both. Pieces that

fit this description were included in the data for each individual group as well as an additional group representing the either or scenario. Some key terms and phrases that were used in the categorization process were employee, compensation, commercialization, profit maximization, institutional autonomy, and academic standards.

Results

Intellectual Elitist

Nineteen of the forty writings aligned with the Intellectual Elitist group from Sack's model. These authors agreed that the commercial nature of collegiate sport is negative and detracts from the mission of the NCAA and higher education as a whole. Some themes that emerged from this group were increased responsibility from university presidents and faculty, increased academic standards, elimination of freshmen eligibility, and elimination of the athletic scholarship. Each of these themes were exclusive to the Intellectual Elitist reformers. Further, ten of the writings representing "academic" sources from databases and journals fit this model of reform while eleven of the twenty-five popular media sources held this viewpoint.

The primary argument among these writings is that the current landscape of collegiate sport involves far too many commercial aspects and that the NCAA should place more emphasis on the academic experience of student athletes. One author representing an academic journal argued that NCAA should return to earlier models of the organization. In particular, he called for diminished scholarship funds, increased academic standards, and a removal of commercialization and profit maximization by the NCAA itself (Oriad, 2012). Another journal author harkened back to the stated goals of the organization and suggested that the actions and current structure is not necessarily congruent to these goals, particularly the encouragement of academic pursuits (Peachey and Bruening, 2012). Simply, this author called for more strict eligibility criteria and

less emphasis on the athletic experience, notably calling for better academic sources to be made available for student athletes. Increased faculty presence in collegiate sport was another theme that emerged in this group. One journal author in particular stated that while faculty members have been hesitant to involve themselves in changing the sport landscape in the past, they must be at the forefront of NCAA reform if amateurism is to survive with its current definition (Ridpath, 2008).

Author's from popular media sources that fell within the parameters of the Intellectual Elitist reform group were often speculative as to whether the NCAA could change or would be willing to change and sacrifice the revenue potential that results from the current landscape of high level amateur sport. One of the common themes that emerged from these popular media publications was the limitation of practice hours and time spent in sport activity during the week. These changes were often suggested with the notion that less time away from the classroom would positively affect their academic pursuits. One author listed ten steps for NCAA reform, but chief among these were the elimination of midweek games and freshmen eligibility to accomplish academic pursuits. They even went so far as to suggest that postseason eligibility and revenue sharing should be impacted by the academic performance of a team's student athletes (O'Brien 2012). Much like the theme that emerged in the academic sources, a few authors from the media stated a need for university faculty to champion the reform cause within the NCAA. One source held the opinion that the organization must avoid the potential of becoming a minor league system for the professional sport leagues by maintaining its strong academic connection and allowing the faculty to play a larger role in future reform (Bacon, 2013).

Academic Capitalists

Eight of the forty works fit the Academic Capitalist grouping. This group seemed to believe that the NCAA could and should remain largely the same, as an amateur enterprise in terms of the athletes yet prioritizing profit maximization for the organization and individual athletic departments. Reoccurring items for reform included streamlining the current government structure and seeking antitrust exemption for NCAA and conference activities to increase the potential earnings stemming from revenue sharing. Academic Capitalists accounted for five of the pieces written for academic journals and just three of those written by members of popular media.

As evidenced by the above figures, this is an unpopular opinion. While these authors felt that the NCAA should remain largely the same, they did offer a few suggestions for how the current structure could be improved. Academic sources dealt primarily with who should be the primary members of organizational governance. One source suggested that this could be achieved by taking what would essentially be another step away from the university. This would be accomplished by decentralizing the athletic department from university involvement, eliminating faculty representation completely (Weight et al, 2015). Another author suggested that a more streamlined governance would make the NCAA more efficient. This would be accomplished by a consolidated version of the current governance structure (Archibald, 1996). Additionally, one author suggested that the NCAA look outside of the current structure and university setting to find members of a governing body. This would mean that the organization would essentially contract out leadership positions to successful individuals from other fields to come in and lead the organization (Rudderman, 2012).

Even fewer authors from reputable media sources have published works that hold true to this reform group. Among those that did, themes emerged that were similar to the academic

sources. One author maintained that power should be taken from university presidents as their personal interests have become far too closely intertwined with NCAA legislation (Dodd, 2013). Much like some of the noted academic sources, this piece suggested that outside governance would be the best way for the organization to move forward. One author in this group went so far as to suggest that the federal government take control of the NCAA. They argued that with government control and an antitrust exemption, the organization could continue to best serve the same stakeholders it currently benefits and insulate themselves from future lawsuits and differing reform efforts (Lopiano and Gurney, 2014).

Athlete's Rights Reform

Twenty of the forty writings stated that the athletes in collegiate sport deserved better compensation or more protection, thus fitting into the Athlete's Right group for reform. Some suggestions that were popular among the sources included paying student athletes in revenue sports, allowing athletes the right to earn money from endorsements or profiting from their image, separation of revenue sports from the other teams into another athletic division, and allowing athletes to seek counsel without losing eligibility. Just one of the academic sources in this analysis fit within the model for Athlete's Rights while nineteen of twenty-five writings from popular media supported this framework of thinking.

While this was the most popular reform group for those authors from the media, scholastic sources very rarely supported this school of thought. In fact, just one academic source used in this analysis was classified as a member of this reform group. This is likely due to the fact that making changes most often favored by this group, like paying the athletes, would directly contradict the amateur model as it currently exists. This author held the view that the NCAA is in direct violation of antitrust law and is anticompetitive in nature. To amend this, they

suggested that the organization allow athletes to unionize and collectively bargain for their individual rights (Kreher, 2006). This change would give the largest group of stakeholders, the student athletes, the most power they have ever had in the history of amateur sport and give them a voice for the first time.

Popular media sources occupied the Athlete' Rights reform group in greater number than any other group. This statistic is not really that surprising when you consider all of the vocal media personalities that have taken up for this cause in recent years. The most commonly held belief was that student athletes should be compensated more appropriately for the contribution they make to the university, but several other opinions were held within this group as well. One author held that that the NCAA could and should be doing much more in terms of student athlete welfare. They called for a lift on transfer restrictions, more forgiving rules when it comes to the amateur draft, the elimination of a scholarship limit, and better healthcare standards (Miller, 2015). He felt that each of these improvements were part of the duty of care owed to individual athletes by both their schools and the NCAA as a whole. These changes would, in theory, increase standard of living during and after competition for each athlete at the collegiate level. One author, existing in the minority of this group, held that athletes should not be paid, but they should still have better care and standard of living. They suggested that this could be achieved through increased healthcare standards and the ability for athletes to seek individual counsel (Zimbalist, 2011). The ability to seek counsel is currently a right that is denied student athletes that remain under scholarship at a particular school. If they were to be afforded this right, the number of suspensions for actions that took place before the student came to campus would have a lesser effect on that individual's eligibility to compete when they finally get to campus.

Combinations and Either – Or

Seven of the forty works fit into more than one of Sack's reform groups. Most commonly this came in the form of these authors advocating for reform that would benefit the academic side of collegiate sport as well as personal welfare for the individual student athlete. This generally presented as concern for the amount of time spent participating in their chosen sport. Those reformers that suggested that practice time and midweek travel be limited did so because of the academic benefits (as the student could devote more time to their studies), but also to improve the general well-being of each athlete. Further, two authors presented their reader with an either-or scenario. Interestingly enough, these individuals argued that you could not have elements from both schools of thought (Intellectual Elitist and Athlete's Rights). This was in direct contrast to those who created a sort of hybrid model involving both.

Discussion

The thing that became overwhelming clear throughout the process of this analysis was that, in the eyes of many, the NCAA must change. While the groups for reform differed in the way they thought this change would occur, each group pointed to commercialization as the factor that has forced the organization's hand and ruined the prospect of truly amateur sport at the collegiate level. These groups agreed that left under the current model and rule interpretation, the NCAA would collapse and a new governance structure would emerge. Further, seven authors (17.5%) suggested that the best way for college sport to improve would be to eliminate the NCAA and start over using the failings of the old order as a line to avoid when making rulings in the new model.

While the other groups advocated for sweeping changes to the structure of the organization, group two was represented by writers that largely believed the NCAA could remain fundamentally the same. This group was fine with the current commercial state of the athletic

world because they felt the academic side of the university was following suit. This group felt that a big, profitable athletic department was good for the university as a whole as they sought to increase applications and enrollment in the undergraduate population. Group two preferred smaller reform that would open the door up to more commercialization, addressing the issue of commercialization in direct contrast to the method used by groups one and three. This is the group I believe Mark Emmert to be a part of. Emmert has often endorsed the idea of reform, but been limited in his scope for doing so. In his regime, we have seen several changes that have improved the well-being of all student athletes, but much of that was brought about by the newfound autonomy of the Power Five conferences (Hosick, 2015). To date, Emmert has done nothing to address commercialization in collegiate sport, a lack of action in direct opposition to every model for reform.

Not surprisingly those works that came from academic journals largely supported the concepts of group one. As stated before, this group supports the notion of a bigger academic presence in collegiate sport. As these journals are published from the university setting often by professors, it lends to reason that they would support the idea that higher education should be at the forefront of the lives of potential students seeking a degree. In comparison, the majority of model three reformers published their works in popular media. Another reason for this disparity in the groups could be that authors feel more comfortable publishing the seemingly radical idea of paying student athletes better suited for a mainstream audience rather than an academic one. Another reason they may choose to publish in popular media is to gain support for their cause. Paying student athletes was virtually unheard of in the past, but has come to the forefront thanks in part to these published works.

In analyzing these works, I was presented with several ideas for how the NCAA should be changed. Using these recommendations, I developed my own models for how the organization could restructure in order to be more solvent and improved over the current model. Each model is presented with a description as well as perceived strengths and weaknesses.

Model One: Separation of Revenue and Non-Revenue Sports

My first suggested model for the NCAA is to separate revenue sports in Division I from non-revenue sports. Prior sections of this paper listed and examined the goals and values of the NCAA and ultimately critiqued these directives. With evidence from real life scenarios and other studies, I have found that the NCAA is ineffective in the achievement of their stated goals and mission. However, I believe that by separating these two divisions within the governance of Division I, the amateur model may be salvaged.

Revenue Division

The primary change that must occur in order to support the branch of the organization that governs the activities of revenue sport is an amendment to the mission statement. It was established earlier that one of the reasons that the current mission statement was failing was the apparent pursuit of financial gains over the value of the educational experience (Sack, 2011). Moving forward, the mission of this branch of the NCAA must include this need for monetary gains, as this has become the defining characteristic of big time college sport (Birren, 2014). In addition to this mission change, the teams will be tasked with being self-sustaining as they will no longer receive money from the athletic department or university. Rather, they will be tasked with paying all costs coinciding with their sport, yet will be able to keep all profits they may accrue.

However, an emphasis on higher education must remain if these sports wish to be a part of the university experience. Participants will still be required to enroll in classes and be a part of the member institution, but now these schools will not have to act like the student athlete is there for any other reason than to develop and capitalize their skills and student-athletes can knowingly acknowledge that the school sponsors their given sport because of the money to be had by doing so. Prior models of the NCAA maintained that commercialization and the distribution of revenue could not exist as a major function of the NCAA, as a clear line of demarcation was required to distinguish collegiate sport from professional sport (Kulics et al, 2015). I do not believe this to be the case. It is evident that there is a lot of money to be had in the realm of athletic competition, so why should an organization that has a primary purpose of sponsoring this competition deny the existence of and for revenue generation? Rather, revenue sports within the NCAA should formulate directives based on maximizing profits just like every other organization in a billion dollar industry. This branch could focus its time and efforts on the marketing of individual schools and players rather than fielding suit after suit pertaining to their closeted exploitation of the past. The O'Bannon suit will bring necessary change to collegiate athletics in regards to the use of player images and the flow of revenue to student athletes (Birren, 2014). This change in structure will allow for a freer flow of funds to those sports that produce profits and afford athletic departments the ability to profit maximize.

A final, key change to the revenue side of the new collegiate model is that individual earnings will no longer be capped by the federal cost of attendance. Rather, this branch should operate under the original decision of the Regional NLRB and encourage the student athletes that they govern to unionize across this portion of the organization. While this union would cost the NCAA initially as these athletes would be able to collectively bargain for the amount they can

earn and are ultimately given by the NCAA and member institutions, it could save the organization money down the line. The ultimate goal of unionizing was for the student-athletes to be recognized as employees by the federal government (Farrey and Munson, 2014). The model put forth by professional athletics lends well to the one desired by the NCAA. For example, the NFL is a private actor and limits the right to bring suit against them by collectively bargaining with the players' union. Any rule, action, or proceeding that the NFL carries out is given statutory exemption as long as that action was collectively bargained (Collective Bargaining, 2015). Because of this, the NFL has rules that limit player salaries, player movement, team movement, and just about any other limitation you can think of. The NCAA currently does all of these things, but could lose the ability to do so if the student athlete is deemed an employee and thus a protected class.

There are several studies and pieces that show a general and historical under-compensation of student athletes. Given a forum by which to bargain for the first time in their entire existence, it stands to reason that the student-athlete union will likely be an inexperienced one and would be more likely to fall short of maximum value in initial negotiations. Likewise, the current structure of the NCAA has greatly limited the rights and power of student-athletes. A new structure that afforded the athletes the ability to collectively bargain with the organization would likely gain more trust than the NCAA has had in recent years.

Olympic Sport (Non-Revenue) Division

If the mission of the NCAA were ever made to apply to anything, it would be the Olympic sports division of major institutions. These sports operate with smaller budgets, needs, and revenues than the football and men's basketball programs at member institutions. NCAA rules and the scheduling of events by member institutions have allowed those competing in these

sports to truly embody the role of student-athlete as defined by the NCAA. Many of these participants are not afforded full athletic scholarships. Rather they are given partial aid based on athletic performance and are given the option to retain aid based on other merits (Paule and Gibson, 2010). These athletes have higher graduation rates and score higher in terms of academic achievement in almost every measure (Petr and McArdle, 2012). For these reasons, I suggest that the current model for collegiate athletics continue to be used for these sports.

Almost every time we see an issue in collegiate sport reach the news, this is inevitably due to a problem with the current structure as it applies to revenue sports. In contrast, the majority of athletes that participate in the other, Olympic sports report that all the inputs they have invested in the participation of their collegiate sport and sacrifices they have made to get this level are ultimately worth it for them as they are afforded the opportunity to extend their playing career as well as their academic pursuits (Paule and Gibson, 2010). A primary theme throughout this thesis has been the increased commercialization of collegiate sport, but this problem has yet to fully extend to the Olympic sports of major institutions, and I doubt it ever will to the extent of their revenue sport counterpart. Moving forward, I will now examine the strengths and weaknesses of this model.

Strengths of Model One

The strength in this model is that it allows for both new branches to fulfill their apparent mission. While the Olympic sport section will continue to perpetuate the ideals of amateurism and afford those student athletes the ability to extend their athletic career while pursuing academic pursuits as well, the revenue distinction will be able to profit maximize and adequately compensate their athletes for the services that they offer the university. The Olympic sport section will be able to receive a larger subsidy from the NCAA, athletic department, and

respective university as they will no longer be forced to distribute funds to teams in the revenue division. Rather, all money to be had by the athletic department would be attributed to the Olympic sport teams.

By extension, revenue sport teams would be afforded the opportunity to retain all of the income that they generate. This money would be needed when it comes to properly compensating their athletes and coaches. Ultimately this need would diminish the tendency of highly profitable schools build new facilities and effectively end the arms race. Many critics of this model would argue that paying these athletes would diminish competitive balance as highly successful teams would be able to pay their athletes more than those schools who have not been as successful on the field of play, but this would be curtailed by an effective collective bargaining agreement. Set forth in the agreement would be caps on spending and even a requirement for all schools to compensate their student athletes equally.

Weaknesses of Model One

The biggest weakness of this model, in my opinion, is the lack of funding available for the Olympic sport branch. While some teams in this branch are able to generate enough revenue to sustain themselves, it is safe to assume that the majority does not. Rather these teams would have to rely heavily on subsidies from the student body and athletic department. However, the athletic department as a whole would have a financial base that is greatly depleted by the lack of money coming in from the revenue branch that has now been afforded the right to keep all funds generated. To supplement the lack of these funds, the athletic department would be allowed to charge rental fees to the revenue branch for use of their facilities. While some teams may choose to build new arenas to avoid this rental cost, many will choose to stay in the historic venues that

they have enjoyed in the past. While this subsidy will not be big enough to fund these programs, it will put a dent in what will be the biggest issue for this model.

Another issue in this model would be the decision as to where and how to classify a baseball team. Some baseball programs could prove to be profitable over time and eventually be a self-sustaining entity. Further, some baseball student athletes could reach a similar level to that of basketball and football student athletes in terms of individual worth to an athletic programs as well as provide themselves with a future of high earning potential. While the proposed model provides adequate opportunity for student athletes in revenue sports to profit from the use of their image, the athletes in other sports are not afforded that luxury. This model would not allow for fluidity between the branches and relies heavily upon equitable experiences of student athletes within the individual branches.

A final weakness would be the reluctance by member institutions to accept such a model and the threat of losing a substantial amount of members to the change. Throughout its history the NCAA has sought to limit the earning potential of student athletes (Kulics et al, 2015), so it is safe to assume member institutions would be against transitioning to a model that would not only acknowledge this potential, but also try to maximize and capitalize on it. Further some schools would most likely argue that they could not feasibly make the switch in terms of finances and drop out of Division I competition. While this is a substantial fear in the implementation of this model, I believe that those members that dropped from the highest level would most often be those that do not necessarily compete at a very high level anyway and would not have a substantial effect on the world of collegiate sport, other than diminishing the amount of “Cinderella Stories,” a group that a profit maximizing upper division can live without.

Model Two: The Elimination of the Full Scholarship

My second recommended model for Division I sports is to mirror the Division III model and eliminate scholarships based on athletic performance. In this model, student athletes would be required to secure funding for their education from other forums such as academic merit, subsidies from family, or student loans (Herzberger, 2015). This change would align well with the original mission of the NCAA (NCAA Strategic Plan, 2004).

In switching to this model, I would encourage professional leagues to allow prospective athletes to have an opportunity to enter the professional ranks after completing high school. This change would allow students that cannot afford school as well as those that do not qualify academically to pursue a career in their sport if that is what they wish to do. I do not believe many athletes would choose this option, but think it would be necessary for the model to be widely accepted.

In order to make the model work, the change in Division I would have to be made to extend to Division II as well, but the distinction would have to remain between divisions rather than combining them. The distinction must remain in order to keep the concentration of talent as it currently is. This model's success depends largely on a prospect's value of the tradition and level of coaching that they can receive in the now unfunded Division I.

Strengths of Model Two

First and foremost, this model works. We have a proven example of it working and can expect similar results if the model were made to extend past Division III. Division III is the largest division of the NCAA both in terms of members and student athlete participants. Further 80% of their athletes receive funding based on academic merit (Herzberger, 2015). One would make the argument that those who participate in sport without the potential to gain a monetary benefit from doing so, play for the love of the game. In turn this accentuates other benefits of

sport participation like the physical and psychological health (Webb and Forrester, 2015). When athletes are no longer concerned with the monetary matters of their athletic participation, it allows for these benefits to come to the forefront and provides those athletes that are further seeking these benefits a greater opportunity to play as those that are pursuing a professional career alone have already left the game.

Weaknesses of Model Two

The most glaring weakness of this model is the lack of acknowledgement or allocation of increased funds due to the commercialization of collegiate sport. Division I sport has been subject to increased commercialization in every single stage of its history (Smith, 2000). As such, there is an increased availability of funds in comparison to the Division III level. Where then will this money go? As there is no advantage in terms of benefits given to student athletes, I assume that the money would be spent trying to gain an advantage elsewhere, most notably among these would be the construction of new facilities. Inverse to model one, the facilities arm race would increase in this model and create disparity that otherwise would not exist if money were to be spent on other pursuits.

Second, the talent pool could shrink due to athletes avoiding the collegiate circuit or become too widespread as there is no longer any difference across divisions. For example, a student athlete with a high level of skill but not ready to play professionally could choose to attend a lower divisional school so they can stay close to home or ensure victory during their collegiate career. This new model would decrease incentive to go to the traditional schools and could cause competitive balance to suffer due to this lack of incentives. In order to combat this, the NCAA would be forced to market themselves and frame Division I as the premier division despite the lack of a tangible difference among the divisions.

Another weakness is the issue of what to do with athletes that are currently receiving aid based on athletic achievement. They signed with their current school under the assumption that they would receive academic funding and it would be unfair and possibly illegal to take that funding away during their competitive years at the institution. Rather, this model would have to be phased in and could not be fully instituted for up to six years. This seems like a short time in the grand scheme of things, but in terms of an overhaul of an organization such as the NCAA, it would be far too long to truly work. It would be impossible to evaluate the new structure until many had already made the decision to abandon it.

Finally, this new model has a disparate impact on those that come from a less advantaged background. With the burden of funding an education now sitting squarely on the shoulders of the individual student athlete, those that cannot score high enough on tests to receive academic aid as well as those that come from low-income areas and families are suddenly excluded from the Division I academic and athletic experience unless they commit themselves to substantial levels of personal debt. While this is no different from any other student in a similar economic, the difference lies in the visibility of the student athlete and value to the school and athletic department. The individual student cannot have the same effect on a university as does the individual student athlete. A move to this model would exclude several student athletes with great value of an educational experience as well as depriving individual athletic departments of athletes that could represent substantial financial assets.

Model Three: Third Party Governance

My third and final model has to do with changes in the governance of collegiate sport rather than the way it is structured per se. The NCAA is currently led by committees and a Board of Governors that are elected to their position as representatives from member institutions

(NCAA Board of Governors, 2015). In this new model third party members would replace these representatives with no strong affiliation to any member institution. In theory, new representatives would be able to best represent the concepts of amateurism and fair play, as they would see no benefit or personal gain from voting in either direction in any given matter. These new representatives would likely have to come from a background familiar with the concept of both business and lobbying. Ideally these positions would be filled with retired business professionals or politicians and be elected by member institutions every two years. In order to keep member institutions and conferences from being corrupt and pushing an agenda to get a specific representative elected, there should be a pool of worthy candidates that are both up to the task and approved by the previous board as members that will show little to no bias toward any institution.

Strengths of Model Three

The biggest strength of model three is the potential to more adequately represent the interests of every school in Division I. Throughout the highest plateau of collegiate sport there is a significant revenue gap and a disparity between those with substantial operating budgets and those without them. As such, the schools with a larger budget were often more easily and better represented by NCAA governance of the past. With a new governance structure that eliminates all representatives from member institutions, it would no longer just be the interests of those at the top being perpetuated by decisions and rulings. Rather a neutral third party would be afforded a better opportunity to vote in a way that would take every opinion into account and make an informed decision based on the circumstance.

Another strength is the repair that this new governance could perform for the image of the organization. In the past the NCAA has been called a cartel or evil empire on several

occasions. With events like the Miami athletic scandal, where the NCAA greatly mishandled a situation (Fusco, 2011), the organization has received a lot of negative attention in recent years. This new structure would not clear the organization of all scandal, but rather would give them greater protection when a scandal arises. This is due to the fact that a truly neutral voting member would always make the decision that represents the best interests of the organization. Whether that is to punish a member institution or to issue a warning based on a rule infraction or to increase spending paid to student athletes, a neutral governance would face less scrutiny when coming to a decision than the current set of representatives.

Weaknesses of Model Three

The most glaring weakness of this model is the likelihood of finding people with no ties or bias to any individual school. It would be hard to for anyone to disregard their allegiance to a school where they are an alumnus or lifelong fan. Further, as suggested earlier, many of these individuals would come from a political background and thus have represented a certain constituency in the past. In doing so, they made efforts to represent the best interests of this area over all else whether or not those interests represented what was best for the whole of the affected area or not. As a representative in the new structure of the NCAA they would be tasked with voting in a manner that represented the best interests of an entire organization. While this change would not be a fatal one by any means, it could prove to be an adjustment for the manner in which the individual votes.

Another weakness would be finding representatives that were up to the task of governing the NCAA. In this model, the NCAA would still be an enterprising organization with an emphasis on commercial activities. As it stands now, it is hard for voting members to balance this emphasis with their mission and I cannot imagine that would be much different if the voters

came from a third party. While they would have no individual stake in the monetary success of the organization, they would be forced to hear upon several cases and scenarios that would pertain to these monetary situations. In doing so, they would be required to interact with constituents from member schools and, as they are human, could be swayed to vote in a manner that only represents the ideals of one side of the spectrum. This would most likely be the will of those schools and conferences with the most available resources or the most to lose if a decision does not go their way. While it would be nice to believe that a structure such as this could not be corrupted, this is simply not the case.

Limitations and Future Study

This analysis was limited in that I only used forty works to conduct the study. While I do believe that this sample is representative of the population, it would be more substantial if more sources could be found. Further, more recommendations existed outside of the spectrum of Dr. Sack's groups. If a study were done to cover this topic in the future, I would include these works in addition to those that support the grouping model. In conducting this analysis, it was often difficult to find academic works that were explicit in their recommendations to change the NCAA. They were far more likely to issue a list of problems than a list of solutions. In contrast, several writers have tackled the topic of NCAA reform in popular media, but I made efforts to not include those that were not published on a reputable site. Future study of this topic could also include more information regarding non-revenue sports. As men's basketball and football have ruled headlines, they have also ruled reform efforts. It would be interesting to see a study that further addressed the sports that will be affected by any of these changes, but are often not addressed in published works.

Conclusions

The NCAA is an imperfect organization, but has been able to monitor and organize collegiate sport at the highest level with relative success for many years. However, amateur sport has evolved to a point that demands fundamental change if the organization is to survive. This change could come in form from any one of the groups suggested in Sack's groups for reform. Commercialization, the concept that each group addresses with its suggested change, must be in the forefront of any change that takes place. If the NCAA is able to restructure, I would look for something that resembles one of the three models suggested above. While certainly imperfect, I feel these models offer the organization the best opportunity for survival.

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