

The effect of title ix on sports assignment



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By contrast, many male student-athletes encounter a weak or nonexistent support system that hinders their ability to balance both academics and athletics. When they intensely pursue athletics, they discover that they must sacrifice their academic goals. Many do not graduate from college; others graduate without substantive degrees or [*peg 1 1 27] even the ability to read. Their memories of roaring crowds cheering for them are insufficient tools with which to build a future. The Female Experience In proper proportions, being an athlete and being a student can be synergistic this is more likely to be the case in women is sports.

As a whole, female student-athletes are more well-rounded than male student-athletes, because when they enter college they are given the opportunities and the support systems that enable them to balance athletics, academics, and even community involvement. In 1990, Barbara Bedded Meyer conducted a study of female student-athletes' feelings concerning their roles as student-athletes. She found that the female athletic subculture offered support for both academics and athletics. Female student-athletes pushed each other to maintain respectable grade point averages.

Female student-athletes also did not experience "anticlimactic" or "anti-intellectual" pressures from their peers. This study suggests that these women go to college to be students first and to be athletes second. For most women, once their NCAA eligibility expires, their organized athletic careers are over. Coaches have recruited these female athletes by not only stressing the quality of the institutions' athletic programs but also their academic strengths. Once women are on campus, they also provide a support system for each other academically, athletically, and socially.

For example, Meyer found that some women's teams were very concerned about academic performance, creating a contagious atmosphere wherein all the players tried to do their best in addition to helping their companions to achieve. " Such a support system enables female athletes to succeed on both academic and athletic levels. The 1 985 Adler and Adler study examining the relationship between athletic participation and academic performance among male student-athletes found that male student-athletes also enter college optimistic about their academic prospects .

However, their athletic, social, and classroom experiences lead them to become progressively detached from academics. For example, one male student-athlete was ridiculed for earning a " B" on a test; the rest of his teammates received " Ad's" and " If's" Like their female team counterparts, during recruitment male team coaches stressed the positive aspects of a college education and the importance of graduating. However, once the veneer wore off, athletes found that their coaches subordinated academics to athletics.

Graduation-rate statistics support the findings of these two studies. Female student-athletes, as a whole, are more likely than their male counterparts to graduate from college. In 1 999, the NCAA reported that 68% f female student-athletes graduated compared with 52% of male student- athletes. More specifically, 62% of female basketball players graduated, while 41 % of male basketball players graduated. Even in less demanding sports like cross-country and track, female student-athletes still graduated at a rate 10% higher than male student-athletes (63% versus 53%).

Interestingly, the female student-athletes graduation rate was 12% higher than the total student body graduation rate of 56%, whereas the male student-athletes graduated at a rate 4% lower than the total student body. Three recent graduates of NCAA Division I member institutions are prime examples of female student-athletes who not Only graduate but retain outside interests and lead well-balanced lives. First, Vanessa Webb was a triple major at Duke university and the 1 998 NCAA singles champion in women's tennis.

Rather than turn professional after her junior year at Duke, Webb decided to complete her senior season: “ The reason I came back to school was to get my degree. A three-year education isn't going to get me anywhere. And if didn't come back I would have been letting the team down. The Tour would wait one more year; that was my last chance to be at Duke. Second, Liana Skips was a co-captain of the University of Southern Californians (LESS) women's volleyball team who graduated with a perfect grade point average in psychobiology.

While at CICS, she found time to work with HIVE-positive children. Her well-balanced approach to being a student-athlete paid off; she now is a medical student at Harvard University. Third, Phyla's Whaley, a former basketball player for the University of Oklahoma and now a member of the Women's National Basketball Association's (WAND) Minnesota Lynx, found time for more than athletics. Whaley was a two-time All-Big 12 academic team member, and she laundered for Meals on Wheels, Sooner Big Sis, and the Special Olympics.

As a student, an athlete, and an active member of the community, Whaley learned how to balance all the demands, on and off the court, that a Division I athlete must face. Whaley recognized that she could not achieve such balance without a strong support system: “ With the help of the coaching staff, my determination and support from my family, I became an educated woman who learned she has something to offer others and who learned the value of giving back to whatever community I belong to. ” As impressive as their achievements are, Webb, Skips, and Whaley are not alone.

Every year the NCAA “ Woman of the Year Award” honors a female student-athlete in each state who has been successful at athletics and academics and who has been a leader in her community. These women recognize the importance of being physically fit, exercising their minds, and giving back to their communities. The NCAA does not have a comparable award for men. When questioned about why the NCAA does not have such an award, NCAA officials explained that male student-athletes generally do not lead such balanced lives.

Another example of the emphasis placed on women leading well-balanced lives is the recent promotion of the WAND. Advertisements for the league stress how these professional women basketball players are not only athletes but are also doctors, lawyers, and teachers. They are involved in community youth education and other service projects. They are able to balance this service and these careers with basketball, and they take time off to have children.

The concern now is that with the development of the WAND and other professional women's sports, more women will change their priorities and will adopt a one-dimensional mentality. There is evidence that such a shift is already occurring. At a panel discussion during the spring of 2000, women's basketball coach Gail Extensors of Duke University discussed how, for the first time in her coaching career, she sat in a recruit's home and could not sell Duke academics to a high school student-athlete.

Rather, this student-athlete wanted to know what type of system Coach Extensors had in place to assist her players in becoming professional athletes in the WAND. While such female student-athletes are focusing more on professional leagues, they still need to be attuned to the educational aspect of their college careers, because they are not receiving financial rewards comparable to their male counterparts. For example, with the new collective bargaining agreement, WAND player salaries averaged around \$42,000 for the 1999 season. The average NAB player earned \$2.2 million during the 1996-97 season.

Additionally, in the Women's World Cup, each member of the victorious U. S. Women's soccer team earned between \$40,000 and \$50,000 in bonuses. In contrast, each U. S. Male player would have received a bonus of \$400,000 in the 1998 World Cup. Such figures demonstrate the need for women to pursue careers outside of professional athletics. The Male Experience In contrast to the well-balanced women, men tend to be pushed in one direction, focusing on one sport, sacrificing their academic success for the dream of becoming a professional athlete. If they are talented or have potential, college coaches recruit them heavily and early.

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The courtship may start as early as junior high at summer camps and off-season tournaments. When Sebastian Atelie completed the eighth grade he was being watched by college and even professional coaches. He was said to be the best eighth-grade player in the country. The coaches showered the athlete with attention, and the young man became so inebriated by the dream of playing college and professional sports that he forgot about academics. Increasingly, college athletes relinquish their academic eligibility prior to graduation in pursuit of professional athletic careers.

In 1980, only seven college basketball players left early to enter the National Basketball Association (NBA) draft. In contrast, twenty-nine players left early in 2000. In the spring of 1999, three Duke men's basketball players all sacrificed their NCAA eligibility and a chance to receive a degree from one of the nation's finest universities to become professional athletes. Duke had previously been unique among Division I schools in its ability to keep its male basketball players through graduation. At the time, only one player expressed an intent to complete his education.

When players leave college early, many critics and fans wonder why. Perhaps the players are pursuing a lifelong dream; perhaps the players are attracted to the financial rewards; or perhaps the players never belonged in college in the first place. They may have been admitted to an academic institution because of their athletic abilities even though their coaches and possibly the athletes themselves knew they did not meet the minimum academic standards and could not survive academically, with or without the demands of the sport.

For example, James Brooks, former Cincinnati Bengal and All-Pro running back, was admitted to Auburn University even though his coaches were aware of his difficulties in reading and writing. Brook's coaches enrolled him in remedial classes. His progress in those classes went unchecked, and classmates allegedly took Brook's tests and completed his assignments. Brooks now works a \$10 per hour construction job through his work release program he is on probation for failure to pay child support.

The Notre Dame admissions policy for its football team offers another example of these practices. In 1995, the average SAT score for a Notre Dame football player was 890; the average SAT score for the entire Notre Dame student body was 1260. Such students are fish out of water, and it is difficult to blame them for wanting to leave early. When players leave without a degree, they challenge the integrity of the amateur system and may call into question the "student" element of the student-athlete.

The fact that good basketball players are not staying in college has a destabilize effect on the team, of ours, and also denigrates education and indicates there's no reason to be serious about it. If coaches are going to recruit high school athletes by promoting education, and if the NCAA is going to maintain its commitment to both academics and athletics, schools need honestly to provide student-athletes with the opportunities, resources, and time to pursue academics. Let them be both athletes and students.

Some male student-athletes are focused on their education. However, such focus is not sufficient to ensure that they will receive a quality education if they are in an unsupported environment that penalizes them for placing

academics ahead of athletics. For example, in *Taylor v. Wake Forest University*, Gregg Taylor brought suit for wrongful termination of his athletic scholarship. In accepting his scholarship, Taylor agreed to maintain his eligibility both academically and scholastically. At the conclusion of his first semester at Wake Forest, Taylor had a 1. Grade point average. Taylor informed his football coach that he would not participate in the spring practice season until his grades improved. By the end of the spring semester, Taylor had raised his grade point average to a 1. 9, which was above the minimum required grade point average for Wake Forest. Recognizing that although he had made academic improvements, his grade point average was still extremely low, Taylor chose to continue to focus on academics and refrained from playing football during the fall of his sophomore year.

The Wake Forest athletic department terminated his scholarship, and the North Carolina Court of Appeals upheld the termination. Taylor argued that he should determine what constitutes “reasonable academic progress,” but the court disagreed. While Taylor did agree to participate in the athletic program at Wake Forest, to penalize a student cause he wants to achieve some minimal academic goals runs contrary to the stated goals of the NCAA and the presumed goals of secondary educational institutions. Setting a student grade point average below a 2. 0, even in the third year, is an insult to higher education.

Perhaps the larger issue is the school’s decision to admit Taylor. If Wake Forest knew that Taylor Was not qualified to attend the university and admitted him regardless, it should have provided Taylor with the support

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necessary for him to not only survive at the university but also to maintain a grade point average that would give him opportunities beyond athletics in the future. In contrast to Taylor's experience, Tom McMillan, a star basketball player at Maryland in the early 1980s, was supported for being a student first and an athlete second.

He was a chemistry major who had mandatory laboratories in the afternoon and, as a result, arrived late to practice. His coach never punished him for his tardiness. Mescaline's experience may be evidence of how the emphasis on academics has shifted over time or it may be an anomaly in Division I athletics. In either case, Mescaline's experience should be a model for coaches at ND universities who want to ensure the success of all their students. One of the major obstacles to academic success for student-athletes, according to several studies, is the demand made by athletics on the students' time.

The Knight Commission, an organization created to study problems in intercollegiate athletics, noted that "football and basketball players at Division I-A institutions spend approximately 30 hours a week on their sports in season, more time than they spend attending or preparing for class." Other scholars report that student-athletes spend an average of thirty to fifty hours per week on sports, in contrast to the maximum twenty hours per week students receiving federal work-study aid may work. Additionally, 70% of Division I basketball players admit that the time requirements often sport cause their grades to suffer.

The NCAA has attempted to alleviate the time pressures on student-athletes by limiting the amount of time student-athletes may spend on athletic activities to a maximum of four hours per day and twenty hours per week during the season. Schools also are required to give athletes one day off per week during the playing season. However, this requirement does not take into account travel time, nursing injuries, and mental preparation, nor the possibility of strongly encouraged optional workouts. Fortunately, examples of coaches and institutions that emphasize academics do exist.

Drake University, for instance, has altered its policies so that its student-athletes are required to meet the same academic standards as the regular students. Student-athletes now must achieve the higher Drake academic standards rather than NCAA standards, and the university provides tutorial assistance to ensure that student-athletes can continue to meet these standards. Additionally, if a coach tells a prospective student-athlete during the recruitment process that athletics are first and academics are second, that coach will immediately be released.

Coaches and universities are sending a negative message to their student-athletes regarding academics. When a professor is fired for protesting the preferential treatment given to student-athletes, there is cause for alarm. In *Kemp v. Ervin*, English Professor Jan Kemp was fired for speaking out when nine student-athletes were "exited" from the developmental studies program at the University of Georgia even though each had received a "D" in English during their fourth quarter. The students were required to "achieve a minimum grade of 'C' in English during the fourth and final quarter of the program.. At the same time that these nine student-athletes

were “ excited,” a non-athlete student who received a “ D” in English during the fourth quarter was dismissed from the university. Kemp eventually was awarded over 52. 5 million in compensatory and punitive damages. Texas Tech was involved in an academic scandal in the early sass, when an assistant football coach was caught completing a defensive enema’s work for which the lineman received correspondence-course credit. The University of Tennessee also allegedly engaged in academic fraud when tutors wrote college papers for football players.

As is evidenced by these current scandals, academic advisers will do whatever it takes to ensure that the star athlete attends an early-morning class or passes a test. The NCAA recognizes that these academic fraud problems exist; David Beret, the Nana’s longtime chief investigator, estimates that every day at least ten member institutions are involved in a major infraction of NCAA rules. Past Chairman of he Nana’s Committee on Infractions David Swank has observed that academic fraud is one of the more serious violations because it really goes to the whole heart of the student-athlete and the athletic program.

REMEDIES Measures need to be taken to remedy this system that is working well for women but is failing for men. The NCAA has attempted to ameliorate the situation by enacting stricter entrance requirements and by publishing graduation reports, but such measures are not enough. As a result, male student-athletes have sought judicial remedies under an educational negligence theory, but these too have failed. It is too soon to give up hope for a judicial solution. Either the courts need to reevaluate the educational

negligence cause of action, or these male student-athletes may have a solution under Title IX.

NCAA Eligibility Requirements The NCAA strives to maintain intercollegiate athletics as an integral part of the educational program and the athlete as an integral part of the student body. The NCAA has attempted to reverse the erosion of academics for student-athletes by requiring that the admission, academic standing and academic progress of student-athletes be consistent with the policies and standards adopted by the institution for the student body in general.

The NCAA also has mandated that universities regulate the time required of student-athletes for participation in intercollegiate athletics to minimize interference with their education. Procedures are also in place for institutions to conduct their own self-studies at least once every ten years to evaluate services for student-athletes and to participate in peer reviews. In response to the growing concern over the increased centralization of collegiate athletics and the abandonment of academic standards in major athletic programs, the NCAA reposed Proposition 48 in 1983.

Proposition 48 stipulated that a potential student-athlete had to achieve a 2.0 grade point average in eleven core courses and had to earn a 700 combined score on the math and English portions of the Scholastic Aptitude Test (SAT) or an American College Test (ACT) exam score of fifteen in order to participate as a freshman and receive athletically related financial aid. Proposition 48 also included a “partial qualifier” provision in which a student-athlete who met either the 2.0 Grade point average standard in all

high school courses or the 700 SAT requirement as eligible for financial aid but could not participate during the freshman year. Unfortunately, the NCAA quickly realized that Proposition 48 did not effectively increase the academic standards of many student-athletes. These students simply enrolled in “ gut courses” to meet the 2.0 grade point average cutoff and skipped taking the SAT or ACT. They did not mind sitting out one year because it gave them the opportunity to gain experience and become stronger.

A student could avoid standardized tests entirely by enrolling in junior college for two years and maintaining a “ C” average by taking easy rouses. In response to these abuses of Proposition 48, the NCAA passed Proposition 42 in 1989. Proposition 42 attempted to ban full scholarships for partial qualifiers, but the overhelping and immediate denunciation of this provision forced the NCAA to modify the proposition so that partial qualifiers could receive full scholarships as long as the funding source was not the athletics department.

These propositions were reformed once again, in the form of the current Proposition 16. It requires that incoming Division student-athletes have a minimum high school grade point average of 2.5 in hearten core courses and an SAT score of 820 or sum ACT score of 68. Proposition 16's sliding scale permits universities to offset a deficient grade point average with a higher standardized test score. This student will still qualify; he may compete as a freshman and receive full athletic aid.

If a student-athlete does not meet the minimum standardized test requirement but has a grade point average higher than the minimum 2.5,

the student-athlete is considered a partial qualifier. Partial qualifiers can still receive financial aid and can practice as freshmen, but they cannot compete unless they show academic progress. Although these eligibility requirements are commendable efforts by the NCAA to assist in maintaining the academic integrity of collegiate athletics, too many institutions have found methods of bypassing the requirements.

Universities matriculate students who would not otherwise be qualified to attend the institution. Cheating is widespread at NCAA member institutions because they are driven by financial success and must attract the best athletes in order to maintain or increase revenues. During the 1980s, the NCAA censured, sanctioned, or put on probation 57% of 106 Division I-A football schools. Not only do many universities admit student-athletes with low academic predictors, they also fail to provide adequate academic support services.

Many institutions will carry student-athletes academically until they have exhausted their eligibility and then abandon the student-athletes without an education, a degree, or the financial resources to attain one. Such practices are appalling, and the admission by a university of a youngster solely to play ball without any hope, chance, or prayer that the athlete can perform college-level work represents a failure on the part of the college, the recruit, his family, his high school, junior high, and grade school.

Recently, the focus has shifted from ineffective NCAA regulations to creating public pressure for change by exposing bad practices by university athletic departments. In 1990, Congress passed the Student Right to Know Act,

which requires institutions to disclose the graduation rates of their general student bodies and their student-athletes. Proponents of this Act hoped that by making one aspect of the academic records of student-athletes public it would help return the academic integrity to college athletics.

However, because a high graduation rate does not necessarily correlate with a quality education, this Act also has failed to regain the academic integrity for intercollegiate athletics. Even though Division I student-athletes as a whole have higher graduation rates than the general student body (58% compared to 56%), such statistics do not demonstrate that these student-athletes are receiving a better quality education than the average student, because the student-athletes may be enrolling in easy majors or easy courses.

Graduation rate statistics do not speak to the quality of education, the student-athletes' field of study, the means by which the few passed their courses, or admission tankards. Additionally, the nature of the sport, the type of institution, the student-athlete's gender, and the level at which the student-athlete competes affect graduation rates. For example, the typical student-athlete performs as well or better academically than other students; the majority of academic difficulties arise with male basketball and football players.

The NCAA reported in 1999 that the graduation rate at the Division I level for male student-athletes in general was 52%. The graduation rates for male basketball and football players were lower, at 41% for basketball and 50% for football. At least half of all male student-athletes in Division do not

graduate from college. To raise the graduation rates of male student-athletes, the NCAA established a degree-completion program for student-athletes who have exhausted their Division eligibility for institutional athletic financial aid. Full-time students receive full-tuition grants if they are within thirty hours of their degree requirements.

The National Consortium for Academics and Sports also requires institutions to fund any former scholarship athlete in a revenue sport who did not obtain a degree. In this program, former college athletes have ten years to complete their degrees, tuition-free, in exchange for volunteer participation in outreach programs, such as lecturing at local schools regarding the importance of education. In 1991, the NCAA also created the CHAMPS/Life Skills Program (Challenging Athletes Minds for Personal Success), which is a total development program for student-athletes.

The program supports efforts of every student-athlete toward intellectual development and graduation and enables student-athletes to make meaningful contributions to their communities by promoting ownership by the student-athletes of their academic, athletic, personal and social susceptibilities. However, the NCAA does not fund this program. Member institutions must identify a full-time staff member as the coordinator and must provide the financial resources needed to fund and implement the program. The Student Right to Know Act and these NCAA programs partially reflect a commitment to college athletics reform.

Some scholars insist that universities should take some legal and moral responsibility for educating student-athletes. These scholars argue that

universities have a moral obligation to assist and to mentor student-athletes to ensure that they succeed as students, in part because they have lowered the academic tankards in order to admit some of these students. The Knight Commission, in its 1991 report, placed increased responsibility on university presidents to assist in reforming the current state of disarray in collegiate athletics and academics.

It also charged faculty members with the duty to maintain academic standards and to protect the curriculum, and coaches with the responsibility to emphasize to their student-athletes the importance of a college degree. The Commission's basic premise was that athletes are students as well. It also directed its message to student-athletes, reminding them that when your athletics eligibility has expired your playing days are over and that they must create a future for themselves in the classroom, the library, and the laboratory.

Desiring to make the student-athlete indistinguishable from other undergraduates in the classroom, the Commission called for four academic integrity goals: (1) refusing to admit student-athletes who are unlikely to graduate; (2) requiring "no pass, no play" policies for academic progress; (3) basing eligibility on continuous progress toward graduation within five years of enrollment; and (4) ensuring that the graduation rates of student-athletes are similar to the graduation rates of other students.

The Knight Commission wants to return the focus of collegiate athletics to the student-athletes as students by forcing the universities to fulfill their promise of educating its student-athletes. While the Knight Commission

reiterated that the primary purpose of the university is to educate, some scholars have been disappointed with the outcome of reform committee meetings such as the Knight Commission.

In response to the Knight Commission's report, Drake University Professor Jon Ericson published booklet criticizing the report for telling the presidents and faculty to solve the problem when presidents and faculty have shown no interest in doing so and, in many cases, are complicit in the corruption.

Programs such as the NCAA CHAMPS/Life Skills Program and elements of the Knight Commission Report are frustrating, because they do not encourage coaches and institutions to emphasize academics.

Male student-athletes need coaches and universities to focus time and energy on academics. For example, a university could require its coaches to set aside time for mandatory study halls, or the coach could set team GAP goals. With more time to spend on academics and more support systems to make that time worthwhile, male student-athletes can succeed both academically and athletically. Unfortunately, these programs fail to provide male student-athletes with academic opportunities.

Without such an emphasis on academics, male student-athletes will continue to leave college without substantive degrees or basic learning skills.

Conclusion While male student-athletes may have a cause of action under Title IX, it remains to be seen whether it will be enough to protect academic integrity in allege athletics. The outlook does not seem positive, because the NCAA has failed with its eligibility requirements and graduation reports, and

because courts continue to refuse to recognize an educational negligence remedy.