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NEW POLICIES, NEW STRUCTURE, NEW PROBLEMS?  
REVIEWING THE NCAA'S AUTONOMY MODEL

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INTRODUCTION

In August 2014, the National Collegiate Athletic Association (NCAA) Board of Directors adopted a new structure that allowed the sixty-five schools in the NCAA's five highest-resource conferences (the "Power Five") the autonomy to vote on rule changes related to the wellbeing of their student-athletes.<sup>1</sup> The new model grants tremendous flexibility to schools in the Atlantic Coast, Big 12, Big 10, Pacific 12, and Southeastern conferences to self-govern and distance themselves from the other twenty-seven conferences that make up Division I college athletics.<sup>2</sup> As such, the Power Five wasted little time adopting student-athlete wellbeing legislation.

At the 2015 NCAA Convention, the Power Five specifically established policies to provide more financial resources to the Division I student-athlete.<sup>3</sup> Schools outside of the Power Five can elect to adopt similar legislation; however, many other Division I programs will either decline or simply be unable to dedicate more resources to their stu-

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<sup>1</sup> Michelle Brutlag Hosick, *Board Adopts New Division I Structure*, NCAA (Aug. 7, 2014, 11:49 AM), <http://www.ncaa.org/about/resources/media-center/news/board-adopts-new-division-i-structure>.

<sup>2</sup> Bill Bender, *Power 5 vs. Group of 5: College Football's Split Decision*, SPORTING NEWS (June 13, 2014, 1:06 PM), <http://www.sportingnews.com/ncaa-football/story/2014-06-09/power-5-conferences-autonomy-ncaa-group-of-5-nick-saban-mike-slive-division-iv-split>.

<sup>3</sup> Michelle Brutlag Hosick, *Autonomy Schools Adopt Cost of Attendance Scholarship*, NCAA (Jan. 18, 2015, 6:58 AM), <http://www.ncaa.org/about/resources/media-center/autonomy-schools-adopt-cost-attendance-scholarships>.

dent-athletes.<sup>4</sup> Because the new structure leaves the choice to schools, these policies will inevitably divide Division I membership based on schools that want to adopt the policies and those that reject them or lack the financial resources to commit. Although some see great benefit in the new structure and the implementation of these policies,<sup>5</sup> it only perpetuates the increasing divide among Division I schools.

This article will focus specifically on two parts of the legislation adopted in January 2015 by the Power Five. First is legislation permitting Division I schools to provide athletic scholarships covering the cost of attendance. This legislation allows schools to cover tuition, room, board, textbooks, and other costs, such as travel and miscellaneous living expenses. Second is a policy that would prevent schools from eliminating athletic scholarships on the basis of athletic performance.<sup>6</sup> Many viewed the 2015 NCAA Convention as “historic” because of the new governance structure and the aforementioned legislation that afforded student-athletes more rights and resources, benefits many felt they long deserved.<sup>7</sup>

Although this may be a small step in granting Division I athletes specific rights, challenges are sure to arise due to these policies. If history is any indicator, the implementation of new legislation is only the beginning of additional changes from NCAA member institutions as they react to the new standards. Furthermore, new policies have, at times, created unintended consequences that create a ripple effect among NCAA members calling for additional legislation. Finally, the establishment of unprecedented regulations, such as the cost of attendance stipend and the multiyear scholarship, creates the perception of a healthy environment, often masking underlying problems that have not been addressed. In fact, former Princeton University Athletic Director Gary Walters suggests that the public has been fooled into thinking that the payment of student-athletes is truly beneficial to

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<sup>4</sup> Jake New, *Autonomy Faces First Test*, INSIDE HIGHER ED. (Jan. 14, 2015), <https://www.insidehighered.com/news/2015/01/14/power-five-members-flex-new-legislative-muscles-ncaa-convention>.

<sup>5</sup> Hosick, *supra* note 3.

<sup>6</sup> *Id.*

<sup>7</sup> Mike Sherman, *Full Cost of Attendance Passes 79-1*, ESPN (Jan. 18, 2015), [http://espn.go.com/college-sports/story/\\_/id/12185230/power-5-conferences-pass-cost-attendance-measure-ncaa-autonomy-begins](http://espn.go.com/college-sports/story/_/id/12185230/power-5-conferences-pass-cost-attendance-measure-ncaa-autonomy-begins).

improving student-athlete wellbeing.<sup>8</sup> He stated, "I believe the desire to pay student athletes is a bait-and-switch tactic, which is taking place now under the name of student-athlete welfare."<sup>9</sup>

The purpose of this article is to (1) discuss major policy implementations that divided NCAA members in the past; (2) highlight additional NCAA bylaws that need reexamination in order to improve the welfare of student-athletes; and (3) discuss some unintended consequences likely to stem from the new cost of attendance and multi-year athletic scholarship legislation.

## I. HISTORY

### A. *Three Divisions*

In the past, when the NCAA membership made adjustments to the rules governing different levels of play, a "market correction" followed. Schools would have to decide at what level they would like to play based on the new regulations implemented. Some argue another market correction is starting to take place, as schools outside the Power Five decide if and how they will fund the cost of attendance.<sup>10</sup> The University of Alabama at Birmingham, citing a lack of financial resources to keep up with the changing landscape, eliminated its football program within weeks of the decision.<sup>11</sup> Other ramifications are still to come, as the extent of the new autonomy remains unclear to many administrators associated with college athletics.<sup>12</sup> However, 2015 is hardly the first time that new NCAA regulations have created a divide between those that have and want to spend more money on athletics and those that want to support athletics but are unable to keep up financially with those at the higher level. Ironically, there once was a time when it was nearly impossible to distinguish between college athletics programs.

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<sup>8</sup> Jerry Carino, *Athletes, Administrators Debate Scholarship Stipends*, USA TODAY (Sept. 28, 2013, 11:24 PM), <http://www.usatoday.com/story/sports/college/2013/09/28/athletes-administrators-debate-ncaa-scholarship-stipends/2890117>.

<sup>9</sup> *Id.*

<sup>10</sup> John Talty, *UAB President Roy Watts Believes Cost-of-Attendance Reinforces Decision to Drop Football*, AL.COM (Jan. 30, 2015), [http://www.al.com/sports/index.ssf/2015/01/uab\\_president\\_ray\\_watts\\_believ.html](http://www.al.com/sports/index.ssf/2015/01/uab_president_ray_watts_believ.html).

<sup>11</sup> *Id.*

<sup>12</sup> Luke Cyphers, *Why You Should Care About This Year's NCAA Convention*, ESPNW (Jan. 14, 2015), <http://espn.go.com/espnw/news-commentary/article/12168580/why-care-year-ncaa-convention>.

Although the NCAA was created in 1910, the use of the NCAA as a regulatory office did not begin until the creation of the Committee on Infractions in 1951.<sup>13</sup> That same year the NCAA appointed an Executive Director, Walter Byers, who was charged with two major goals: enforcing rules and negotiating television contracts.<sup>14</sup> The NCAA, and college football in particular, grew rapidly in the 1950s and 1960s, creating a lucrative revenue stream for the NCAA and its members. As the commercialization of college football increased, so too did the need for more regulations and a need to separate schools based on their athletic successes and competitive abilities.<sup>15</sup> As some schools began to place an emphasis on college football and basketball, members decided it was necessary to separate schools into distinct categories. Prior to 1973, NCAA schools participated either in the University Division or the College Division.<sup>16</sup>

In 1973, the NCAA membership voted to establish three divisions: Divisions I, II, and III.<sup>17</sup> At the time, the 126 members playing “major” college football felt that some of the rules specific to recruiting and academics were hurting their sport.<sup>18</sup> These members wanted to be able to protect their sport and not provide too many academic and financial restrictions on what had become a revenue generator for these institutions. As former Southeastern Conference commissioner Boyd McWhorter stated, “We must make certain that restrictions don’t put any coach in an impossible position or create conditions where our game is unattractive to our patrons.”<sup>19</sup> The NCAA allowed schools to choose whether they wanted to participate in Division I, II, or III, with one major exception: football.<sup>20</sup> Only the 126 institutions classified as “major” were allowed to remain in that classification.<sup>21</sup> At the time, the

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<sup>13</sup> Rodney K. Smith, *A Brief History of the National Collegiate Athletic Association’s Role in Regulating Intercollegiate Athletics*, 11 MARQ. SPORTS L. REV. 9, 15 (2000).

<sup>14</sup> *Id.*

<sup>15</sup> Rodney K. Smith, *The National Collegiate Athletic Association’s Death Penalty: How Educators Punish Themselves and Others*, 62 IND. L.J. 985, 993 (1987).

<sup>16</sup> *History of Division II*, NCAA, <http://www.ncaa.org/about/history-division-ii> (last visited Apr. 14, 2015).

<sup>17</sup> *Id.*

<sup>18</sup> Bill Ross, *SEC’s McWhorter Pleased with NCAA Reorganization*, TUPELO, MISS. J., reprinted in NCAA NEWS, Sept. 1, 1973, at 2, available at <http://fs.ncaa.org/Docs/NCAANewsArchive/1973/19730901.pdf>.

<sup>19</sup> *Id.*

<sup>20</sup> *First Special Convention to Decide Reorganization*, NCAA NEWS, July 15, 1973, at 1, available at <http://fs.ncaa.org/Docs/NCAANewsArchive/1973/19730715.pdf>.

<sup>21</sup> Jack Waters, *Five Institutions Reclassified Major*, NCAA NEWS, July 15, 1973, at 2, available at <http://fs.ncaa.org/Docs/NCAANewsArchive/1973/19730715.pdf>.

classification of schools as major was based heavily on scheduling criteria.<sup>22</sup> An eight-member NCAA Football Statistics and Classification Committee determined the classification on an annual basis.<sup>23</sup> To be considered major, a team must have played at least six games against major teams for at least two consecutive seasons.<sup>24</sup> Each division was given the chance to vote on regulations that would impact only their division without the approval of the others “unless delegates at the regular Convention object[ed] by a two-thirds majority in unicameral session.”<sup>25</sup>

The ability for Division II and III schools to object to unfavorable regulations would play a significant role in at least slowing down the separation of schools. However, autonomy was increasing, and the classifications began to force schools to determine how they wanted to invest in college athletics. Many schools already facing financial pressures decided that dropping out of Division I may be in their best interest. For instance, the eight members of the Big Sky Conference petitioned to move all sports to Division II with the exception of basketball.<sup>26</sup>

### B. *Division I Is Transformed*

The idea of a unified NCAA membership was short-lived. In 1976, the College Football Association was formed on behalf of schools involved in major college football and “as a result of a frustration that ha[d] been born out of the inability to get a meaningful reorganization from the NCAA.”<sup>27</sup> By the 1976 NCAA Convention, there was discussion among eighty-one of the major football schools that it was time to separate themselves by moving all other Division I schools to a lower level.<sup>28</sup> The eighty-one major football schools would form what was rumored to be a “super-conference” that would include schools from the

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<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Special Convention Approves NCAA Reorganization*, NCAA NEWS, Aug. 15, 1973, at 1, available at <http://fs.ncaa.org/Docs/NCAANewsArchive/1973/19730815.pdf>.

<sup>26</sup> *Big Sky Conference Cuts Competition in Five Sports*, NCAA NEWS, June 1, 1974, at 5, available at <http://fs.ncaa.org/Docs/NCAANewsArchive/1974/19740601.pdf>.

<sup>27</sup> Rich Sambol, *CFA 'War' Not Imminent*, KANSAS CITY TIMES, reprinted in NCAA NEWS, Jan. 31, 1980, at 2, 7, available at <http://fs.ncaa.org/Docs/NCAANewsArchive/1980/19800131.pdf>.

<sup>28</sup> Bill Beck, *Media Analysis of Convention*, ST. LOUIS POST-DISPATCH, reprinted in NCAA NEWS, Feb. 1, 1976, at 3, available at <http://fs.ncaa.org/Docs/NCAANewsArchive/1976/19760201.pdf>.

Big 8, Big 10, Southeastern, Southwestern, Pacific 8, Western Athletic, and Atlantic Coast conferences.<sup>29</sup> Much of the rationale behind the split was based on the fact that some schools labeled Division I were not able to offer a true Division I football product.<sup>30</sup> Schools that were interested in this super-conference clearly wanted to be able to put more money into their football programs, while the others welcomed financial restraint.<sup>31</sup>

Several issues divided the group, including financing athletic scholarships, revenue generation, and success on the football field,<sup>32</sup> the latter of which had become a major expense, particularly for the large football rosters. For instance, many programs outside of the major football schools wanted to control aid by using a need-based, rather than a talent-based, approach to awarding scholarships.<sup>33</sup> In order to keep the NCAA together, a fourth classification, Division I-AA, began in 1979.<sup>34</sup> Schools that wanted to pursue major college football would remain in Division I-A, and schools that wanted to reduce resources or could not keep up financially would join I-AA.<sup>35</sup> John Underwood summed up the rationale in a 1978 *Sports Illustrated* article: "Well, that is exactly what the big football schools want: an end to having every NCAA meeting turned into an exercise in nitpicking by schools with which they have nothing in common; an end to having to face a threat a year. They want autonomy."<sup>36</sup> Although football regulations related to attendance, scholarships, and scheduling made it more difficult to become a member of Division I-A, it was still not completely autonomous, as the NCAA continued to operate on a one-school, one-vote process.

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<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Delegates Complete Assignments, Keep Key Economy Limitations*, NCAA NEWS, Feb. 1, 1976, at 1, available at <http://fs.ncaa.org/Docs/NCAANewsArchive/1976/19760201.pdf>.

<sup>33</sup> Bob Galt, *Media Analysis of Convention*, DALLAS TIMES HERALD, reprinted in NCAA NEWS, Feb. 1, 1976, at 3, available at <http://fs.ncaa.org/Docs/NCAANewsArchive/1976/19760201.pdf>.

<sup>34</sup> *Delegates Realign Division I Football*, NCAA NEWS, Feb. 15, 1978, at 1, available at <http://fs.ncaa.org/Docs/NCAANewsArchive/1978/19780215.pdf>.

<sup>35</sup> *Id.*

<sup>36</sup> John Underwood, *The NCAA Splits Its Decision: The Big Boys Didn't Score a Knockout over the Smaller Schools, but They Did Take a Cautious Step Toward Autonomy*, SPORTS ILLUSTRATED, Jan. 23, 1978, available at <http://www.si.com/vault/1978/01/23/822328/the-ncaa-splits-its-decision-the-big-boys-didnt-score-a-knockout-over-the-smaller-schools-but-they-did-take-a-cautious-step-toward-autonomy>.

### C. Proposal 7: Membership Restructuring

In 1996, another restructuring of the NCAA took place, and Division I-A membership made another attempt at a higher degree of power and autonomy. Proposal 7 allowed the NCAA to eliminate the one-school, one-vote policy and give more authority to college presidents at the Division I-A level.<sup>37</sup> At the time, then-NCAA executive director Cedric Dempsey called the restructuring “the most significant legislation that we’ve had in the history of the association.”<sup>38</sup> Proposal 7 established a new voting structure led by a sixteen-member executive committee and three separate boards representing each of the three major NCAA divisions. The executive committee would be made up of twelve members from Division I, including eight from the I-A level.<sup>39</sup> The essence of this round of restructuring was to give college presidents “direct control of NCAA policy.”<sup>40</sup> However, Proposal 7 was important for other reasons not lost on the rest of the membership.

The NCAA would remain intact, even though the restructuring plan gave a high degree of autonomy to each level, as the separate boards would vote on their own division issues.<sup>41</sup> Also, due to the weighted executive committee, more power would now be in the hands of those at the highest level, Division I-A.<sup>42</sup> The ability to give more power to the Division I-A schools was important because of the threat major football schools presented to the rest of the membership. “Some schools [in Division I-A] have made it clear that in the absence of restructuring, they are gone,” said Patty Viverito, then-commissioner of the I-AA Gateway Football Conference.<sup>43</sup> “So in some sense you’re seeing smaller schools negotiate the best deal they can, holding their noses, and saying yes.”<sup>44</sup>

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<sup>37</sup> Elliott Almond, *Pivotal NCAA Convention Starts Today*, L.A. TIMES (Jan. 7, 1996), [http://articles.latimes.com/1996-01-07/sports/sp-21927\\_1\\_ncaa-convention-today](http://articles.latimes.com/1996-01-07/sports/sp-21927_1_ncaa-convention-today).

<sup>38</sup> *Id.*

<sup>39</sup> Thomas O’Toole, *Restructuring Dominates NCAA Agenda/Schools That Make Most Money Will Wield the Most Power If Proposition 7 Passes*, ROCKY MOUNTAIN NEWS (Jan. 7, 1996), <http://www.highbeam.com/doc/1G1-67757132.html>.

<sup>40</sup> *Higher Education Groups on Board for Restructuring*, NCAA NEWS, Jan. 8, 1996, at 1, available at <http://fs.ncaa.org/Docs/NCAANewsArchive/1996/19960108.pdf>.

<sup>41</sup> *Id.*

<sup>42</sup> HAROLD J. VANDERZWAAG, POLICY DEVELOPMENT IN SPORT MANAGEMENT 169 (2d ed. 1998).

<sup>43</sup> Randall Mell, *Big Schools Flex Muscles on Issue of Restructuring*, SUN SENTINEL (Jan. 7, 1996), [http://articles.sun-sentinel.com/1996-01-07/sports/9601060373\\_1\\_board-i-aaa-schools-college-presidents](http://articles.sun-sentinel.com/1996-01-07/sports/9601060373_1_board-i-aaa-schools-college-presidents).

<sup>44</sup> *Id.*

The two subdivisions were once again reclassified, this time as the Football Bowl Subdivision (FBS), formerly I-A, and Football Championship Subdivision (FCS), formerly I-AA.<sup>45</sup> Recently, sixty-five schools at the FBS level have pushed to have more authority to establish policies that create separation or autonomy.<sup>46</sup>

#### D. *Twenty-First Century Autonomy*

Although the autonomy discussion has many similarities to the restructuring plans of the past, the latest effort is unique in that it is based on providing financial support to the student-athlete. The push for this round of autonomy started after a 2011 proposal to provide stipends to student-athletes was rejected.<sup>47</sup> Since then, the effort to provide student-athletes with some form of compensation has become a point of emphasis. Many speculate that it was directly related to the financial transparency that has existed over the last decade, as the public has become more aware of the large college coaching salaries and the amount of revenue generated from college football and basketball.<sup>48</sup> Although paying student-athletes has created tremendous debate, the reality is that this round of legislation will once again create separation between the haves and the have-nots.<sup>49</sup>

The most recent round of NCAA policies creating autonomy for the Power Five conferences may appear to represent a modern, twenty-first century approach to college athletics by providing much-needed financial support to student-athletes. Although, on the surface, policies that provide a cost-of-living stipend and guaranteed scholarships appear to be beneficial to the student-athlete, there is still cause for concern. Do the new policies establish a quid pro quo situation where student-athletes are now expected to give more because they have been given a little? Supporters of the new policies believe that the stipend finally provides student-athletes with money that is rightfully

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<sup>45</sup> *History of FBS (I-A) vs. FCS (I-AA)*, FOOTBALL GEOGRAPHY (Aug. 27, 2014), <http://www.footballgeography.com/history-of-fbs-i-a-vs-fcs-i-aa/>.

<sup>46</sup> Jon Solomon, *NCAA Adopts New Division I Model Giving Power 5 Autonomy*, CBS SPORTS (Aug. 7, 2014), <http://www.cbssports.com/collegefootball/writer/jon-solomon/24651709/ncaa-adopts-new-division-i-model-giving-power-5-autonomy>.

<sup>47</sup> Ron Clements & Joe Rodgers, *Power 5 NCAA Schools Pass New Scholarship, Concussion Proposals*, SPORTING NEWS (Jan. 18, 2015, 8:01 AM), <http://www.sportingnews.com/ncaa-football/story/2015-01-17/power-5-ncaa-schools-vote-new-scholarship-concussion-proposals-autonomy>.

<sup>48</sup> See Carino, *supra* note 8.

<sup>49</sup> New, *supra* note 4.

theirs.<sup>50</sup> However, the question is, does this open up more opportunities to take advantage of student-athletes' time and increase possibilities for more unethical behavior? Unintended consequences such as these are lost in the victory of Power Five autonomy and legislation that improves student-athlete wellbeing. This highlights an ongoing need for the NCAA membership to address existing policies still requiring its attention.

## II. UNINTENDED CONSEQUENCES

The combination of the cost of living stipend and the restriction on institutions being able to eliminate scholarships purely based on athletic performance is, on the surface, a step in the right direction, as many believe athletes have long been exploited. Although the subject has been and will continue to be debated, these policies may have unintended consequences for college athletics in the years to come.

First, the policies increase the intensity of recruiting, as the flexibility to make a mistake and "miss" on a recruit has decreased. In the past, a coach would recruit a student-athlete knowing that any athletic scholarship offered was not guaranteed for more than a year. Not being able to remove a student-athlete for athletic reasons means he or she could remain a member of the team even when not performing athletically. In order to improve quickly, coaches routinely over-recruit student-athletes each year.<sup>51</sup> If coaches can no longer remove the scholarships of underperforming athletes, recruiting efforts may become more intense. The pressure not to make mistakes is bound to force more financial resources into the recruiting process as coaching staffs examine each student-athlete with even more rigor.

Second, time demands on the student-athlete appear to be at an all-time high. Do the policies now place even more pressure on the student-athlete to commit to his or her sport because failure is not an option? In essence, did the NCAA just buy more time for the coaches? Even before the stipend, student-athletes were spending over forty

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<sup>50</sup> See generally *White v. NCAA*, No. CV-06-0999-RGK, 2006 WL 8066803 (C.D. Cal. Oct. 19, 2006).

<sup>51</sup> See Jim Hoffman, *The Recruiting Process in College Athletics Needs to Change*, KNOW IT ALL FOOTBALL (Feb. 4, 2015), <http://www.knowitallfootball.com/2015/02/04/recruiting-process-college-athletics-change/>.

hours a week on their sport.<sup>52</sup> One could speculate that that number could easily go higher.

Third, since student-athletes cannot be removed for underperforming athletically, they may be forced out by coaches, a process commonly known as being “run off.”<sup>53</sup> Usually a student-athlete is run off a team when a coach has been fired or replaced or if the player is not performing as well as the coach who recruited him had hoped. Because the scholarship was only good for a year, there was no financial commitment made by the institution beyond the year. Now, there will be a multiyear commitment to the student-athlete unless he or she leaves the team. Coaches and teammates could make the experience so miserable that a student-athlete is practically forced to transfer.<sup>54</sup>

The NCAA membership has tried in the past to work with multi-year scholarships and failed. By 1952, schools were granting athletic scholarships from one to four years in duration while offering a four-year “no-cut” scholarship as the most competitive package.<sup>55</sup> Although this worked out well for student-athletes, schools became frustrated by the large investment in scholarship dollars overall, in particular to those that accepted the athletic scholarship but then chose not to compete.<sup>56</sup> In an effort to control athletic debt, Division I members voted in 1973 to turn the four-year offer into a one-year renewable offer with no guarantees for the future.<sup>57</sup> Administrators were reacting to the increasing financial commitment made to athletic scholarships for males and the recent passage of Title IX in 1972, which would increase scholarship dollars for female athletes.<sup>58</sup> Title IX also shifted power to

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<sup>52</sup> Lynn O’Shaughnessy, *Do College Athletes Have Time to Be Students?*, CBS NEWS (Feb. 18, 2011, 10:56 AM), <http://www.cbsnews.com/news/do-college-athletes-have-time-to-be-students/>; Steve Wieberg, *Study: College Athletes Are Full Time Workers*, USA TODAY (Jan. 13, 2008, 1:45 PM), [http://usatoday30.usatoday.com/sports/college/2008-01-12-athletes-full-time-work-study\\_n.htm](http://usatoday30.usatoday.com/sports/college/2008-01-12-athletes-full-time-work-study_n.htm).

<sup>53</sup> Doug Segrest, *College Athletes’ Rights: Some Athletes Lose Their Single-Year Scholarships to Better Players*, BIRMINGHAM NEWS (Oct. 24, 2011, 10:32 AM), [http://www.al.com/sports/index.ssf/2011/10/college\\_athletes\\_rights\\_some\\_a.html](http://www.al.com/sports/index.ssf/2011/10/college_athletes_rights_some_a.html).

<sup>54</sup> *See id.*

<sup>55</sup> Neil Gibson, *NCAA Scholarship Restrictions As Anticompetitive Measures: The One-Year Rule and Scholarship Caps As Avenues for Antitrust Scrutiny*, 3 WM. & MARY BUS. L. REV. 203, 219–20 (2012) (citing WALTER BYERS, UNSPORTSMANLIKE CONDUCT: EXPLOITING COLLEGE ATHLETICS 69–76 (1995)).

<sup>56</sup> *See id.* at 220.

<sup>57</sup> *Id.*

<sup>58</sup> *See* Michael Sanserino, *Despite Title IX, Female Athletes Trail in Aid: 100,000 More Men Than Women Played Varsity Sports*, PITTSBURGH POST-GAZETTE (Aug. 15, 2010, 12:00 AM),

coaches and administrators to take away future monies from a student-athlete for various reasons.<sup>59</sup> As the pressure to win increased, so did the rate at which coaches declined to renew athletic scholarships, in some cases even as student-athletes entered their junior or senior years.<sup>60</sup> Reintroducing the four-year scholarship, on the other hand, will increase peace of mind and financial stability for the average student-athlete. However, it may not be long before coaches begin complaining about “troublemakers,” just as they did when the multiyear scholarship existed in the past.<sup>61</sup> To protect against troublemakers, coaches may increasingly resort to the sort of unseemly behavior already seen in the era of the one-year commitment.<sup>62</sup>

#### A. Coaching Contracts

To avoid depending on another coach's players to win, coaches in Division I basketball and football programs often get at least a four-year contract.<sup>63</sup> For instance, of the 108 public schools that played FBS football in 2014, only two head coaches had contracts of less than four years.<sup>64</sup> This time frame allows a coach to have one full recruiting cycle and compete with his or her own players. Under the one-year scholarship commitment, if a new coach did not like the current makeup of his team's roster, the coach could rescind any player's scholarship, even if only because the student-athlete did not fit the coach's style of play or the coach simply thought the team needed better athletic talent. Moving forward, if new coaches have to commit to their predecessor's recruits while those student-athletes continue to enjoy four-year scholarships, future coaches may insist on lengthier contracts beyond the customary five- or six-year deals common today. The new coach

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<http://www.post-gazette.com/sports/duquesne/2010/08/15/Despite-Title-IX-female-athletes-trail-in-aid/stories/201008150251>.

<sup>59</sup> Ben Strauss, *Colleges' Shift on Four-Year Scholarships Reflects Players' Growing Power*, N.Y. TIMES, Oct. 28, 2014, [http://www.nytimes.com/2014/10/29/sports/colleges-shift-on-four-year-scholarships-reflects-players-growing-power.html?\\_r=0](http://www.nytimes.com/2014/10/29/sports/colleges-shift-on-four-year-scholarships-reflects-players-growing-power.html?_r=0).

<sup>60</sup> See Jon Solomon, *Schools Can Give Out 4-Year Athletic Scholarships, but Many Don't*, CBS SPORTS (Sept. 16, 2014, 10:15 AM), <http://www.cbssports.com/collegefootball/writer/jon-solomon/24711067/schools-can-give-out-4-year-scholarships-to-athletes-but-many-dont>.

<sup>61</sup> Strauss, *supra* note 59.

<sup>62</sup> William C. Rhoden, *Sometimes It's the Coaches Who Should Stay in School*, N.Y. TIMES (Jan. 13, 2007), <http://www.nytimes.com/2007/01/13/sports/ncaafotball/13rhoden.html>.

<sup>63</sup> *College Football Coaches Salaries*, NEWSDAY, <http://sports.newsday.com/long-island/data/college/college-football/coaches-salaries> (last visited Apr. 12, 2015).

<sup>64</sup> *Id.*

might argue that, for his own job security and to build the team based on his coaching philosophy, a longer and perhaps more expensive contract is warranted. If the coach has to wait longer to bring in better talent, would a reasonable request be a longer contract?

### B. *Reduction of Non-Revenue Generating Sports*

Like many other business models, Division I athletics traditionally has made an effort to support programs that have the opportunity to generate revenue.<sup>65</sup> Ever since higher education administrators realized the potential return on investment in football and men's basketball, the majority of the financial resources have been given to those sports.<sup>66</sup> This, along with the ongoing commitment to comply with Title IX regulations, has forced administrators to reexamine financial resources, which usually impacts non-revenue-generating sports.<sup>67</sup>

Recently, the University of North Carolina at Wilmington (UNCW) eliminated all four of their running programs, an effort that administrators have termed "right sizing."<sup>68</sup> UNCW's reaction to budget problems is to cut non-revenue-generating sports rather than reduce athletic spending across the board, including spending on its highest profile sport, men's basketball.<sup>69</sup> This practice has become commonplace as schools reevaluate the quality and quantity of their Division I offerings.<sup>70</sup>

As schools provide more resources to fund the cost of attendance for select student-athletes, other teams may have their budgets reduced, and in some cases, programs may be eliminated.<sup>71</sup> For instance,

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<sup>65</sup> Kristi Dosh, *Does Football Fund Other Sports at College Level?*, FORBES (May 5, 2011, 9:02 PM), <http://www.forbes.com/sites/sportsmoney/2011/05/05/does-football-fund-other-sports-at-college-level>.

<sup>66</sup> *Id.*

<sup>67</sup> Katie Thomas, *Colleges Cut Men's Programs to Satisfy Title IX*, N.Y. TIMES, May 1, 2011, [http://www.nytimes.com/2011/05/02/sports/02gender.html?\\_r=0](http://www.nytimes.com/2011/05/02/sports/02gender.html?_r=0).

<sup>68</sup> Dan Spears, *UNCW to Cut Four Running Programs*, STARNEWS ONLINE (Dec. 8, 2014), <http://www.starnewsonline.com/article/20141208/ARTICLES/141209746?Title=UNCW-to-cut-four-running-programs>.

<sup>69</sup> See UNIV. OF N.C. WILMINGTON, REPORT OF THE INTERCOLLEGIATE ATHLETIC REVIEW COMMITTEE 6 (2013), available at [http://www.uncw.edu/iarc/documents/UNCWIARC\\_Recommendations.pdf](http://www.uncw.edu/iarc/documents/UNCWIARC_Recommendations.pdf).

<sup>70</sup> See Nancy Madsen, *Jim Moran Says Only 20 Colleges Make a Profit from Sports*, POLITIFACT (Dec. 22, 2014, 12:30 PM), <http://www.politifact.com/virginia/statements/2014/dec/22/jim-moran/moran-says-only-20-colleges-make-profit-sports>.

<sup>71</sup> Lois Elfman, *Limbo Name of Game for Non-Revenue Generating Collegiate Sports*, DIVERSE (Jan. 18, 2015), <http://diverseeducation.com/article/68896/>.

some schools outside of the Power Five, such as those in the basketball-centric Atlantic 10 Conference, have decided to pay the cost of living stipend for members of both the men's and women's basketball teams. As athletic resources become scarce, the reaction by some Division I programs could be to offer less sports, which would have a negative impact on the non-revenue-generating programs. Although reaction to the new structure and subsequent policies might create unintended consequences, there are current policies that need immediate attention because they have the potential to diminish the overall quality of a student-athlete's experience.

### III. IMPACT

As more money begins to change hands and student-athletes receive cash stipends, the demands placed on the student-athlete by the coach may very well increase. Is it possible that the Power Five conference members just paid for more time from each student-athlete receiving a cost-of-attendance stipend, adding to what is already a heavy commitment? Research already indicates that student-athletes on scholarships feel a tremendous amount of pressure to provide value to their coaches.<sup>72</sup> Although many agree that the stipend is long overdue, it is concerning that additional conversations about reducing workload have not been addressed. In addition to providing more resources and rights to student-athletes, other existing NCAA policies should have been reevaluated in conjunction with the decision to provide a stipend as an answer to the over-commercialization of the Division I student-athlete. The increased time demand on student-athletes is a specific area the NCAA should address. Although there are many reasons time demands have increased, this paper focuses on two areas of concern: the number of games played and excessive travel.

#### A. *Time Demands*

In an open letter to their fellow presidents at Power Five conference schools, Pacific 12 school presidents outlined ten points of emphasis that needed to be addressed, including awarding full cost of attendance, guaranteeing scholarships for enough time to earn a degree, and ongoing medical assistance, all of which were adopted at the

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<sup>72</sup> See, e.g., Aimee Kimball & Valeria J. Freysinger, *Leisure, Stress, and Coping: The Sport Participation of Student-Athletes*, 25 LEISURE SCI. 115, 121 (2003).

2015 NCAA Convention.<sup>73</sup> However, the NCAA has yet to address the increasing time demands placed on student-athletes, both in and out of season.

More games have led to more practices and more time committed to a student-athlete's sport. The NCAA has policies that limit the amount of time a student-athlete can participate in her sport during the season. According to NCAA bylaw 17.1.7.1, "[a] student-athlete's participation in countable athletically related activities shall be limited to a maximum of four hours per day and [twenty] hours per week."<sup>74</sup> However, now more than ever, student-athletes are dedicating more and more time to their athletic endeavors.<sup>75</sup> In fact, a big part of the push for student-athletes to receive a stipend is because, in a sense, they are already working "full-time jobs" by committing as much as sixty hours a week to their sport.<sup>76</sup> This, along with their academic requirements, affords student-athletes no time to earn income, leaving them with no money to travel, enjoy leisure time, and, in some cases, eat.<sup>77</sup> The recent concern for the lack of time given to student-athletes away from their sport seems long overdue, as the time-restriction bylaw was originally adopted in 1991.<sup>78</sup>

So how is it that discussions persist about the excessive amount of time student-athletes spend on their sports? The problem with the twenty-hour weekly limit is that it does not account for many of the activities required to be a successful athlete at the FBS level. The NCAA manual provides bylaws that allow for some interpretation. For instance, the NCAA allows student-athletes to use their discretionary time to work on athletic activities, defining "discretionary time" as the time during which a "student-athlete may only participate in athletics activities at his or her own discretion."<sup>79</sup> The NCAA also allows stu-

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<sup>73</sup> *Reforms Include Stipend for Athletes*, ESPN (May 20, 2014), [http://espn.go.com/college-football/story/\\_/id/10961521/pac-12-presidents-ask-major-conferences-back-ncaa-reforms](http://espn.go.com/college-football/story/_/id/10961521/pac-12-presidents-ask-major-conferences-back-ncaa-reforms).

<sup>74</sup> NAT'L COLLEGIATE ATHLETIC ASS'N, 2014-15 NCAA DIVISION I MANUAL 226 (2014), [hereinafter NCAA MANUAL], available at <http://www.ncaapublications.com/product/downloads/D115.pdf>.

<sup>75</sup> See O'Shaughnessy, *supra* note 52.

<sup>76</sup> See, e.g., Josh Kelly & Chris Heady, *NCAA Passes Rule for Some Student-Athletes to Receive \$3,600 Stipend*, DAILY NEBRASKAN (Jan. 21, 2015), [http://www.dailynebaskan.com/news/ncaa-passes-rule-for-some-student-athletes-to-receive-stipend/article\\_239716d4-a132-11e4-b8cb-c3548c31ad5f.html](http://www.dailynebaskan.com/news/ncaa-passes-rule-for-some-student-athletes-to-receive-stipend/article_239716d4-a132-11e4-b8cb-c3548c31ad5f.html).

<sup>77</sup> See O'Shaughnessy, *supra* note 52.

<sup>78</sup> NCAA MANUAL, *supra* note 74, at 226.

<sup>79</sup> *Id.* at 224.

dent-athletes to voluntarily participate in athletic activities, provided they are not directed by a coach.<sup>80</sup> Determining a student-athlete's discretionary time or volunteer participation can be very difficult considering the relentless pressure to excel. Time spent outside of practice and in the weight room has increased over the years, and the NCAA has responded with specific policies to address skill-related workouts, conditioning, review of game film, vacation periods, and summer workouts.<sup>81</sup> However, the pressure to succeed athletically, and in turn keep their scholarships, will keep student-athletes committed to the specific and implied time demands of their sports.<sup>82</sup>

Past research has shown that excessive time demands present considerable challenges to the student-athlete experience.<sup>83</sup> College coaches expect a great deal of their players' time to be spent on sports, including practices, travel, team meetings, and midweek game schedules.<sup>84</sup> Time and effort devoted to athletics has also led to mental fatigue, physical exhaustion, and nagging injuries, all of which tremendously detract from the overall student-athlete experience.<sup>85</sup>

### B. Increased Number of Games

One reaction to the increased exposure of Division I athletics has been the addition of games to the schedule. As ratings for televised football and basketball games increased (first on network television and then in the 1980s with the growth of cable sports channels), the NCAA leadership has responded by adding more games.<sup>86</sup> For instance, in 1970, sixty-six of the 118 major football schools increased their schedules to eleven games in order to give "institutions the opportunity to break out of traditional scheduling patterns and meet opponents they couldn't have played until a considerable time in the future."<sup>87</sup> However, Charles Maher of the *Los Angeles Times* provided

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<sup>80</sup> *Id.* at 225.

<sup>81</sup> *Id.* at 227–29.

<sup>82</sup> See Wieberg, *supra* note 52.

<sup>83</sup> See, e.g., Christopher J. Jolly, *Raising the Question #9: Is the Student-Athlete Population Unique? And Why Should We Care?*, 57 COMM. EDUC. 145, 146–48 (2008).

<sup>84</sup> Vaughn A. Calhoun, *Division I Student Athletes and the Experience of Academic Clustering* 37 (Jan. 1, 2012) (unpublished Ed.D. thesis, Northeastern University), *available at* <http://hdl.handle.net/2047/d20002761>.

<sup>85</sup> *Id.* at 129.

<sup>86</sup> *Game No. 11: 66 Colleges Add Game—Stat Changes Necessary*, NCAA NEWS, Sept. 15, 1970, at 3, *available at* <http://fs.ncaa.org/Docs/NCAANewsArchive/1970/19700915.pdf>.

<sup>87</sup> *Id.*

another reason. As he stated in *The NCAA News*, members allowed football programs to add an additional game to “raise money needed by many athletic departments.”<sup>88</sup> College football schedules have only continued to grow ever since.

In 1970, Ohio State University played nine regular season games and lost a tenth game in the Rose Bowl.<sup>89</sup> During the 2014–2015 season, the Buckeyes played fifteen games, including three postseason games.<sup>90</sup> Ohio State won the Big Ten Championship Game and the two Bowl Championship Series playoff games to capture the 2015 National Championship.<sup>91</sup> An examination of Division I football schedules shows that regular season play in the 1970s did not start until mid-September.<sup>92</sup> On today’s schedules, it is not uncommon for regular season games to run from the last week of August through the second week of December.<sup>93</sup> Depending on postseason opportunities, the season for FBS schools could now stretch into the second week of January.<sup>94</sup>

In the other major revenue-generating sport, men’s basketball, schedules have also increased to an excessive level. College basketball teams are allowed to start playing games during the second week of November, as the growth of preseason tournaments has filled cable television schedules.<sup>95</sup> Years ago, teams started their seasons during the first week of December and finished their seasons by the end of February.<sup>96</sup> Conference tournaments, which included fewer teams than today, started shortly thereafter and finished the first week of

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<sup>88</sup> Charles Maher, *An 11th Game Bonus—More Scholarship Revenue*, L.A. TIMES, reprinted in NCAA NEWS, Oct. 15, 1970, at 2, available at <http://fs.ncaa.org/Docs/NCAANewsArchive/1970/19701015.pdf>.

<sup>89</sup> *1970 Ohio State Buckeyes Stats*, SPORTS-REFERENCE C. FOOTBALL, <http://www.sports-reference.com/cfb/schools/ohio-state/1970.html> (last visited Apr. 17, 2015).

<sup>90</sup> *2014–2015 Schedule*, OHIO ST. FOOTBALL, <http://www.ohiostatebuckeyes.com/sports/m-footbl/sched/osu-m-footbl-sched.html> (last visited Apr. 17, 2015).

<sup>91</sup> *Id.*

<sup>92</sup> *1970 Schedule and Results*, SPORTS-REFERENCE C. FOOTBALL, <http://www.sports-reference.com/cfb/years/1970-schedule.html> (last visited Apr. 17, 2015).

<sup>93</sup> *Big Ten Announces 2015 Conference Football Schedule*, BIG TEN FOOTBALL, <http://www.bigten.org/sports/m-footbl/spec-rel/060313aaa.html>.

<sup>94</sup> See *College Football Playoff Schedule*, FB SCHEDULES.COM, <http://www.fbschedules.com/ncaa/college-football-playoff-schedule.php> (last visited Apr. 17, 2015).

<sup>95</sup> See Mike Rutherford, *2014 College Basketball Tip-Off Marathon Schedule Released*, SB NATION (Aug. 4, 2014, 3:50 PM), <http://www.sbnation.com/college-basketball/2014/8/4/5968311/2014-college-basketball-tip-off-marathon-schedule-espn>.

<sup>96</sup> *The Season’s Too Long in College Basketball*, NCAA NEWS, Feb. 24, 1988, at 4, available at <http://fs.ncaa.org/Docs/NCAANewsArchive/1988/19880224.pdf>.

March.<sup>97</sup> During the 1970s, teams played approximately thirty games, including those played during the postseason.<sup>98</sup> Today, teams that play in postseason tournaments will play into the high thirties, with all teams playing approximately twenty-nine regular season games during the year.<sup>99</sup> With official team practices starting in mid-October, the basketball season is an intensive five-month drain on the student-athlete over two semesters.<sup>100</sup> Having a slight reduction in the number of contests would allow student-athletes additional time to satisfy their academic requirements and improve their overall college experiences.

Unfortunately, this problem is not just common among Division I revenue-generating sports. Other programs have also added games, either in the form of regular season contests or increased participation in lengthy postseason tournaments.<sup>101</sup> This serves to keep teams away from campus more than ever before.

### C. Excessive Travel

Along with the increased number of contests, student-athletes are being asked to travel more, leading to more time away from their academic work. Many of the high-profile sports have stretched their schedules out to accommodate further travel and preparation time between games, forcing student-athletes further away from the classroom.<sup>102</sup> Basketball teams are now playing in nonconference games that take them across the country (or in some cases, abroad) at the start of the year.<sup>103</sup> Football nonconference scheduling has continued to be committed to the same philosophy that existed in the 1970s, playing a variety of opponents. However, unlike in years past, the confer-

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<sup>97</sup> James M. Van Valkenburg, *Division I Basketball Leagues Grow Seventy-Eight Percent Since 1975*, NCAA NEWS, Dec. 18, 1985, at 1, 4, available at <http://fs.ncaa.org/Docs/NCAANewsArchive/1985/19851218.pdf>.

<sup>98</sup> Cork Gaines, *Chart: Evidence That the College Basketball Season Is Way Too Long*, BUS. INSIDER (Feb. 26, 2014, 1:55 PM), <http://www.businessinsider.com/college-basketball-season-too-long-2014-2>.

<sup>99</sup> *Id.*

<sup>100</sup> See NCAA MANUAL, *supra* note 74, at 239.

<sup>101</sup> See Jon Morse, *Division II, Division III, and NAIA Football Playoff Bracket Breakdowns*, SB NATION (Nov. 17, 2014, 9:21 AM), <http://www.sbnation.com/college-football/2014/11/17/7232767/d2-d3-naia-playoffs-bracket-2014>.

<sup>102</sup> See Laura Pappano, *How Big-Time Sports Ate College Life*, N.Y. TIMES, Jan. 20, 2012, [http://www.nytimes.com/2012/01/22/education/edlife/how-big-time-sports-ate-college-life.html?\\_r=0](http://www.nytimes.com/2012/01/22/education/edlife/how-big-time-sports-ate-college-life.html?_r=0) (“Students are required to board a flight at 2 a.m., arriving back at their dorms at 4 or 5 a.m., and then are expected to go to class, study and otherwise act as if it were a normal school day.”).

<sup>103</sup> See *id.*

ence schedule is also replete with excessive travel.<sup>104</sup> In 2010, college athletics experienced a round of conference realignment that inevitably forced many schools to travel further than ever before.<sup>105</sup> Conferences used to be based on a like-minded institutional philosophy and geographic proximity. Thus, conference schedules were filled with schools that had similar resources, appreciated travel limitations, and worked together to reduce travel time. Since the latest round of conference realignment in 2010 and the commitment to fill television time, conference members are forced to play conference games on almost any night of the week and must travel further distances to play.<sup>106</sup> By creating a “wider geographic footprint,” realignment increased both television revenues for member institutions and average distance between opponents, making travel not only more expensive but also a detriment to the wellbeing of student-athletes.<sup>107</sup>

#### IV. CONCLUSION

Examining the history of the NCAA, it is apparent that policy has been driven by members with the most financial resources, namely the major football schools now organized into the Power Five conferences. With each round of past restructuring, common themes have emerged. First, autonomy is not a new concept to NCAA restructuring. It has been used in past restructuring plans to provide a rationale for why a greater separation is needed. Policy has been used to either provide more power to the haves or to take back power that perhaps was lost slowly but surely. The message has been clear: FBS members would prefer to stay within the existing NCAA structure but use the threat of leaving to gain additional powers and create more levels of autonomy. Second, since the 1970s and the increasing revenue stream created by television broadcasts, the threat of a super-conference has

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<sup>104</sup> See *id.*

<sup>105</sup> See, e.g., Paula Lavigne, *Collegiate Sports: Realigned Revenues*, ESPN (Oct. 8, 2014, 6:00 PM), [http://espn.go.com/college-football/story/\\_id/11592735/financial-winners-ncaa-conference-realignments-begin-take-shape](http://espn.go.com/college-football/story/_id/11592735/financial-winners-ncaa-conference-realignments-begin-take-shape); Tony Manfred, *The College Football Realignment Frenzy Explained in One Wild Map*, BUS. INSIDER (Jan. 24, 2012, 5:37 PM), <http://www.businessinsider.com/college-football-realignment-map-2012-1>; NCAA *Conference Realignment and Travel Mileage*, WINTHROP, <http://winthropintelligence.com/2012/03/01/conference-realignment-and-travel-mileage/> (last visited Apr. 15, 2015).

<sup>106</sup> See sources cited *supra* note 105.

<sup>107</sup> *Id.*

been hanging over NCAA members' heads.<sup>108</sup> Each round of restructuring through the decades has been centered on this theme.<sup>109</sup> It appears that, in 2015, the super-conference has taken another step toward reality. Third, the schools that benefit most from NCAA restructuring and autonomy legislation appear to be decreasing with each new round of legislation.

Prior to the 1970s, one could argue that everyone in the University Division appeared to be in an exclusive category. By the end of the 1970s, the Football Coaches Association was formed to create more autonomy in the NCAA and support the needs of approximately eighty schools.<sup>110</sup> Moving forward, it appears that the sixty schools comprising the Power Five will benefit the most from this latest round of autonomy-focused policies. However, not all schools within the Power Five seem to be on board, raising the question that perhaps the benefit may not outweigh the cost. Boston College, a member of the Atlantic Coast Conference, voted against the legislation on full cost of attendance due to concern over increased costs and how the cost of attendance would be determined.<sup>111</sup> Although Boston College was the only school to vote against the legislation, the future of the Power Five is uncertain. Among these sixty-five schools, the ability to support athletics in the future could cause yet another divide.<sup>112</sup> If the past is any indicator, additional legislation could provide exclusivity to an even smaller group in college athletics who wish to have a greater level of autonomy.

Although there are benefits to the new NCAA structure and subsequent legislation related to improving student-athlete wellbeing, there

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<sup>108</sup> See, e.g., Ty Duffy, *College Football in 2034: Existential Threats Could Bring About Sweeping Changes* (Feb. 20, 2014, 4:11 PM), <http://thebiglead.com/2014/02/20/college-football-in-2034-existential-threats-could-bring-about-sweeping-changes/>.

<sup>109</sup> See, e.g., Dennis Dodd, *From Reform to Restructuring: How NCAA Messed Up, How It Will Change*, CBS SPORTS (Oct. 30, 2013, 1:40 PM), <http://www.cbssports.com/collegefootball/writer/dennis-dodd/24162178/from-reform-to-restructuring-how-the-ncaa-got-somessed-up-how-its-going-to-change>.

<sup>110</sup> See Sambol, *supra* note 27.

<sup>111</sup> See Andrea Adelson, *Boston College Raises Concerns About Cost of Attendance*, ESPN (Jan. 23, 2015), [http://espn.go.com/blog/acc/post/\\_/id/79687/bc-raises-concerns-about-cost-of-attendance](http://espn.go.com/blog/acc/post/_/id/79687/bc-raises-concerns-about-cost-of-attendance); Sherman, *supra* note 7.

<sup>112</sup> Mark Tracey, *Boston College Seeks to Give Others Pause in the Overhaul of Scholarships*, N.Y. TIMES, Mar. 17, 2015, <http://www.nytimes.com/2015/03/17/sports/boston-college-lone-dissenter-on-scholarship-overhaul-wanted-people-to-pause.html?rref=sports&module=ArrowsNav&contentCollection=Sports&action=keypress&region=fixedLeft&pgtype=Article>.

are still concerns that the new changes may have unintended consequences adverse to the student-athlete experience. In order to continue to improve Division I athletics, additional changes need to be made to existing policies in order to reduce time demands on student-athletes. If NCAA leadership is in fact committed to “providing a better student-athlete experience,” then, as Harris Pastides, president of the University of South Carolina, suggested,<sup>113</sup> the NCAA has much work left to do.

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<sup>113</sup> *How the NCAA Plans to Change*, U. S.C., [http://www.sc.edu/about/our\\_leadership/president/speeches/2014\\_04\\_ncaa\\_governance\\_chicago\\_tribune.php](http://www.sc.edu/about/our_leadership/president/speeches/2014_04_ncaa_governance_chicago_tribune.php) (last visited Apr. 15, 2015).