

Amateurism concept needs NCAA review

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The time has arrived to examine with new and fresh eyes the issue of amateurism as it relates to NCAA student-athlete eligibility.

It is instructive to begin an examination of amateurism from the vantage point of some representative, modern-day examples of student-athletes in the NCAA. Each situation that follows describes an individual, who having participated in an athletics activity that for all intents and purposes seemed "professional" in nature, applies to the NCAA for restoration of eligibility (read "amateur" status) to participate as a student-athlete in the Association:



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■ **Men's soccer** — A student-athlete participated in 20 contests as a member of two semi-professional soccer club teams in the now-defunct National Soccer League of South Africa, which was supported by professional organizations. He received approximately \$2,800 to cover actual and necessary expenses, and neither he nor members of his team signed a contract. His request for restoration of eligibility was approved by NCAA staff after his university withheld him from the equivalent of 10 percent (two contests) of regularly scheduled intercollegiate contests of the 1997-98 season.

■ **Women's basketball** — A student-athlete signed a contract to play basketball for the Australian National Basketball League, which is professional in nature. She received expenses for housing and transportation and a \$3,000 playing fee for the 1996 season and signed a contract to participate in a basketball league during the 1995 season. Her request for restoration of eligibility was approved after her university agreed to withhold her from the 1996-97 season, and she was charged with loss of a season of competition. In addition, she was required to donate \$3,000 to a charity of choice as repayment of her playing fees.

■ **Baseball** — Prior to enrolling at the institution, a prospective student-athlete signed a contract to play professional baseball. Under the terms of the contract, he was to receive compensation as a professional baseball player. However, he participated in only five contests with the team during the summer of

1995, and he did not receive any compensation for his participation, with the exception of the receipt of one baseball cap and two baseball bats valued at \$70. His request for restoration of eligibility was denied.

■ **Men's tennis** — Prior to enrolling at a collegiate institution, a prospective student-athlete signed three contracts, one with a tennis coach for the purpose of developing his tennis skills and two with sports management organizations contractually charged with promoting his professional tennis career abroad and in the United States. He traveled to the United States and trained under a coach for approximately six months while his expenses (valued at \$4,000) were paid by sports management companies. However, in June 1995, all contracts were ruled null and void with the consent of all parties because of irreconcilable disputes between those involved. His request for restoration was denied, and his subsequent appeal to the NCAA Eligibility Committee was turned down.

Here we have four examples. In each case, the student-athlete received compensation for participation in a sport; and in each case, save one, he or she was a member of a professional association. Yet, in two cases, eligibility was restored, while in the other two, restoration was denied.

In determining eligibility to participate as a student-athlete, the NCAA applies a two-part test. The first is to determine whether the student-athlete received compensation for participation in a contest(s) and, if he or she did, whether or not the compensation exceeds actual and necessary expenses related to that competition.

The second test is what the NCAA refers to as the "intent to professionalize" test. That is to say, would a reasonable person conclude that an athlete's actions, behavior or associations within a sport constitute an intention to become a professional? Intent to professionalize includes, but is not limited to, the following sorts of considerations: Was there direct evidence of an intent to professionalize through the signing of a contract with a professional team, signing with an agent or checking "professional" on, say, a tennis expense reimbursement form? Did he or she play with a professional team, and if so, at what level of participation?

What was the amount of the financial compensation, and from whom did he or she receive it?

Ongoing examination

During the past several years, the NCAA has reviewed issues related to amateurism. Most recently, in June 1997, the Division I Academics/Eligibility/Compliance Cabinet, newly created as part of governance restructuring, established a Subcommittee on Amateurism and Agents. The purpose of the subcommittee (which I chair) is to continue the work of two former NCAA committees: the Special Committee on Agents and Amateurism (appointed by the NCAA Council in February 1996) and the Eligibility Subcommittee on Amateurism Issues, established by the Eligibility Committee in December 1994.

During the course of our deliberations, the Subcommittee on Amateurism and Agents has reached two important conclusions. First, we have come to recognize that the issue of amateurism is not really about defining what con-

stitutes "amateurism" status but rather is fundamentally an issue of delineating who is (and is not) eligible to participate in NCAA sports. Second, we have concluded that future considerations of this issue should strive for less rather than more NCAA regulations. There is a need for greater regulatory clarity and consistency, not only for individuals but for institutions as well.

There are, I believe, at least three interdependent features of modern life that contribute to the growing difficulty in distinguishing the "amateur" from the "professional" athlete: increased specialization, increased commercialism and increased internationalism. Put another way, more opportunities, more money and greater diversity.

The increasing specialization of sports among school-age children, reflected in the rapid growth of youth sports camps, clubs and other programs, has changed the nature of the engagement of our children in athletics pursuits. Children begin a sport earlier and are more likely to focus on a particular sport than their counterparts two or three generations earlier.

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Growing opportunities

Related to burgeoning youth programs and the increased athletics specialization of our young people are the growing opportunities for athletically related benefits at the pre-college level. It is certain that athletes entering colleges and universities in the future will have many more opportunities to participate in athletics activities that have certain features ordinarily associated with being a "professional." As a result, the NCAA will see more prospective college matriculants who have had athletics experiences that, in some sense, are "professional" in nature.

Nowhere is this more evident than in the case of international student-athletes — many of whom have had athletics experiences in their home countries that in America are considered "professional." As the international diversity of the student-athlete population increases, so has the number of requests for NCAA eligibility restoration grown.

In a two-year period, 1994-96, the NCAA staff processed more than 100 eligibility restoration cases involving international tennis student-athletes who had won prize money based on place finish. These were students who were considered "amateurs" in their home country and who had used competition on the tennis circuit to finance, among many things, their training expenses such as, say, American students use scholarships to finance their educational expenses. In addition to these and the four examples cited above, there are many more situations (equally complex and bewildering) that involve student-athletes seeking "amateur" sta-

tus after having had "professional" experiences.

The fundamental question is not "Who is an amateur?" or "Who is a professional?" — distinctions that no longer exist in most athletics national governing bodies — but "Who is eligible to play in NCAA intercollegiate programs?" Our focus should be on eligibility rather than amateurism, while, at the same time, preserving those aspects of amateur athletics that are so important in our society: respect for personal honor and fairness, placing the love of the sport above benefits received, and the desire and will to compete for the sheer joy and thrill of competition.

Powerful statement

From the turn of the century, as the nation's colleges and universities were seeking to distinguish the "amateur" from the "professional," one can hear representative voices. Palmer Pierce, one of the founders of the NCAA, was one of the leading advocates of his day of the need for a national organization to govern intercollegiate athletics that would embrace characteristic values that distinguished amateur sports from professional sports. He said that an

association should be established to "disseminate throughout the great mass of college students of our land true ideas of what amateur sport really is, to establish well-defined notions of its principles and to obtain strict adherence to them. 'Sport for Sport's Sake' might well be its motto. This organization wages no war against the professional athlete, but it does object to such a one posing and playing as an amateur. It smiles on the square, manly, skillful contestant, imbued with love of the contest he wages; it frowns on the more skillful professional who, parading under college colors, is receiving pay in some form or other for his athletic prowess." (NCAA: The Voice of College Sports).

Pierce's words represent a very powerful statement about the special place that amateurism has in American culture and our personal belief systems. Pierce's description outlines the received values that inform much of our contemporary notions of amateurism and intercollegiate athletics. His words were meant to bring clarity to the management of intercollegiate athletics, which, at the turn of the century, had begun to discuss ways to organize amateur athletics competition as distinct from professional sports.

However, it is important for us to distinguish between amateurism as a social ideal and "amateur status" as a function of NCAA athletics eligibility. For I believe that the failure to delineate "amateurism" from "amateur status" hinders, rather than helps, us to answer the fundamental question of who is eligible to participate in NCAA intercollegiate athletics programs.

Toward this end, the Academics/Eligibility/

Compliance Cabinet has voted to approve a motion from the Subcommittee on Amateurism and Agents to direct NCAA staff to identify in the NCAA Manual those places where it would be appropriate to substitute and replace references to "amateur" with language related to "eligibility," while preserving those instances in the NCAA Manual where "amateurism" is represented as an expression of a social construct. Thus, it has asked the staff to identify those places where references to "amateur" might be clarified and made consistent by substituting appropriate "eligibility" language. By taking this step, the cabinet believes that it will then be able to engage in a more fruitful and relevant discussion that delineates the social ideal ("amateurism") from the realities of eligibility ("amateur status") to participate in NCAA programs.

Three assumptions

As the Academics/Eligibility/Compliance Cabinet begins to take up in earnest issues of amateurs and amateurism, I believe that three basic assumptions should inform and shape these discussions:

Most important is the preservation of the notion that athletics competition should be primarily for the sake of competition itself rather than for financial gain. It should recognize as a fundamental principle that athletics effort and competition are desirable and that, though nothing may come of them, they are treasures and a sufficient remuneration of years of labor. That is to say, participants should not receive financial benefits for performance unrelated to the enhancement of the student-athlete's educational experience, knowing, of course, that it will always be difficult to define a "benefit" and oftentimes difficult to define precisely what we mean by "educational experience."

Second, whatever we do, we should always keep in the forefront of our considerations the welfare of the student-athlete. They deserve our support and guidance, while acknowledging that an inevitable tension exists between the principle and the need to maintain competitive equity among NCAA institutions.

Finally, we should never lose sight of the fundamental ideal that individual intercollegiate athletics competition always should be connected to the educational enterprise. Athletics should broaden, rather than narrow, the educational experience. It should contribute to the emotional and personal growth of student-athletes and make real on the playing fields and arenas many of the classroom lessons that contribute to the education of young women and men. It should help them to make choices and take responsibility for those choices; it should increase confidence as they grow in competence; it should teach them flexibility, adaptability and how to work and get along with others. And at its very best, it should teach them to be leaders — on as well as off the playing fields — thus preparing them to assume their roles as effective citizens of the larger world beyond the dusty arenas and green playing fields of athletics competition.

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