



NCAA Board of Governors

Background Guide



EagleMUNC

Model United Nations
Conference
March 20-22 2020

Chair:

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Website:

www.EagleMUNC.org

NCAA Board of Governors

Introduction

Letter from the Chair:

Hello delegates!

I am thrilled to welcome you all as participants in EagleMUNC VIII. My name is Lexi Evangel and I will be your chair for the NCAA Board of Governors committee. I am a sophomore in the Morrissey College of Arts and Sciences at Boston College studying Political Science, Sociology, and History on a pre-law track. I am from northern New Jersey and my high school unfortunately did not have a Model UN club so I focused my attention on Mock Trial. After filling in for a paralegal at a law firm this summer, I have reaffirmed my interest in debate and its connection to the social sciences. EagleMUNC VII was my first MUN experience and sim staffing in the heart of Boston is a highlight of my freshman year that exceeded all expectations. I hope that this conference will do the same for all of you.

This committee is the *National Collegiate Athletic Association*, a non-profit organization that regulates student athletes from colleges and universities all across North America. The NCAA headquarters are in Indianapolis, Indiana. You delegates will be representing 25 present day members of the NCAA Board of Governors, the majority of which are presidents of respective universities apart from the official NCAA President and a former Surgeon General of the United States. Each sports conference has a representative on the Board. Topics of debate will range from college admissions scandals regarding illegal scouting and bribery to gender and racial discrimination to the inappropriate handling of brain injuries.

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I hope you all fall in love with this city as I have and are able to tactfully and wholeheartedly perform to your best abilities for the events we have planned. We are the voice of the future, and what better way to practice than to tackle our day's most prevalent issues. Feel free to reach out with any questions, comments, or concerns. Best of luck delegates--we will see you in March!

Sincerely,

Lexi Evangel

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Historical Background



The National Collegiate Athletic Association is currently comprised of 1,117 colleges and universities, 100 athletic conferences, and 40 affiliated sports organizations. Its mission is to promote well-being and success throughout the lives of college athletes, as well as to prioritize fairness and academics to further their success off the field, court, etc. This member-led organization is comprised of college presidents leading their schools and the NCAA, athletic directors who oversee the athletic staff's decisions regarding campus and guide policy, faculty athletic representatives who bridge the gap between athletics and academics, compliance officers who act on campus to manage NCAA rules and policies, conference staff who lead the governing bodies which organize competition between schools, academic support staff who provide assistance to help athletes in the classroom and further their career paths, coaches who work to develop athletic skills, sports information directors who act to record and share the achievements of teams and players, and health and safety personnel who support the well-being of college athletes. Almost half a million college athletes comprise 19,750 teams in 24 different sports. Across 3 divisions, 52,000 athletes compete in 90 NCAA championships.¹

The need for the regulation of college athletics in the United States has been prevalent for over a century and a half. Harvard and Yale participated in one of the earliest inter-school athletic competitions, a regatta in which Harvard sought to utilize a

¹ "What is the NCAA." NCAA, <http://www.ncaa.org/about/resources/media-center/ncaa-101/what-ncaa>

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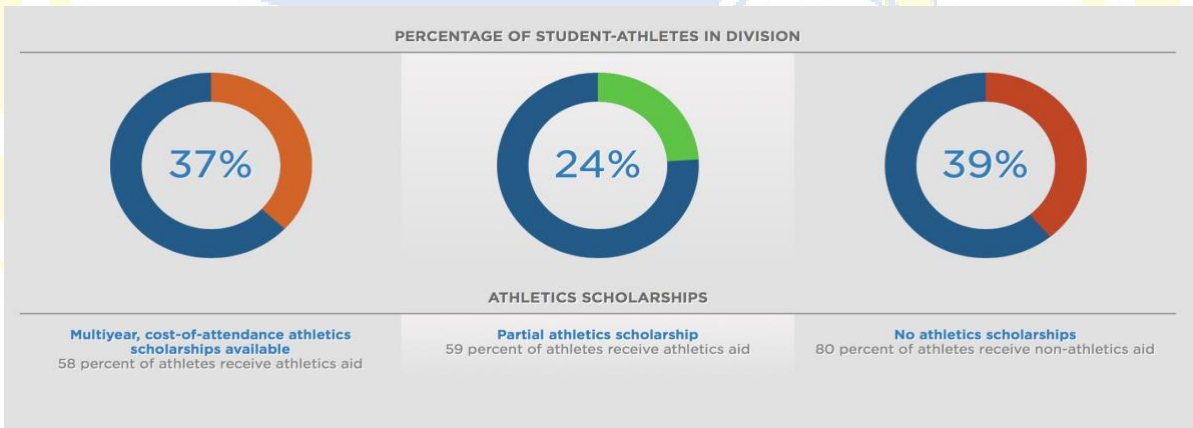
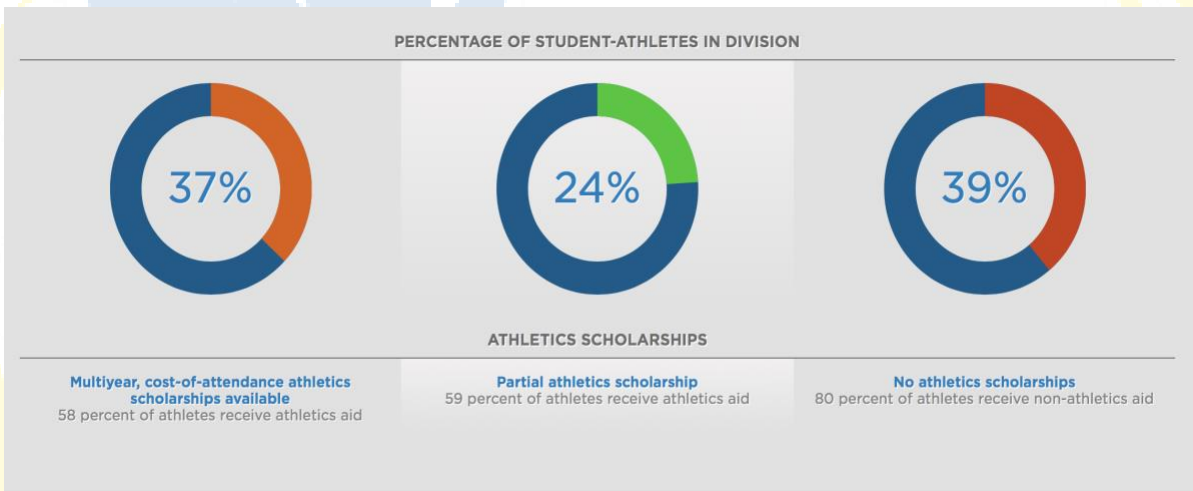
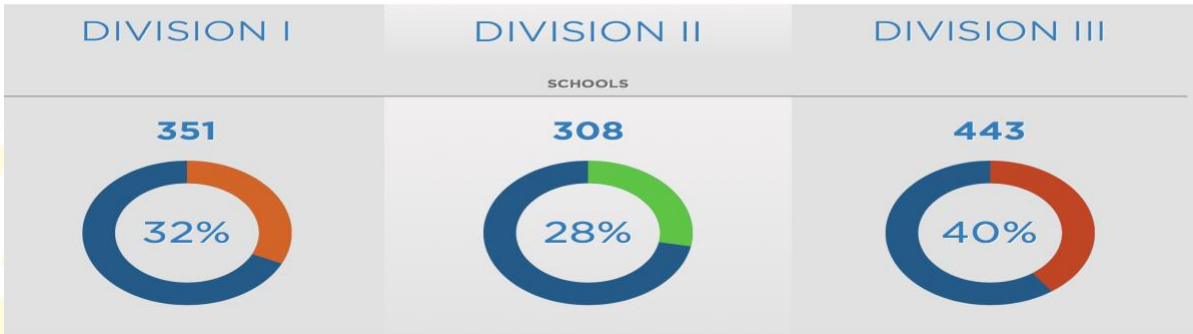
coxswain who was not a student at the university. The commercialization of seeking unfair advantages has existed since the beginning of intercollegiate athletics. Cheating was also a problem of concern. The presidents of Harvard and the Massachusetts Institute of Technology at the end of the 19th century were voicing fears that intercollegiate athletics were out of control. Even with a shift of faculty oversight, substantial concern was still present. In 1905 alone, there were over 18 deaths and over 100 major injuries in football at the college level. National attention was turned towards the matter when President Roosevelt called for a conference at the White House to review the rules of football. Officials from all major programs were invited to participate. Following this conference, deaths and injuries still persisted. The chancellor of New York University called for a national meeting of representatives of the nation's major football programs at the college level to determine regulations. Later, participants were invited to meet with the new rules committee at the White House. The combined effort led to the formation of the Intercollegiate Athletic Association in 1906, renamed the National Collegiate Athletic Association in 1910.²

The three divisions of the NCAA were created in 1973. The purpose of the division is to align like-minded campuses and provide equal opportunity.

² Rodney K. Smith, A Brief History of the National Collegiate Athletic Association's Role in Regulating Intercollegiate Athletics, 11 Marq. Sports L. Rev. 9 (2000). pp 10-13.
<https://scholarship.law.marquette.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1393&context=sportslaw>

OUR THREE DIVISIONS

The NCAA's three divisions were created in 1973 to align like-minded campuses in the areas of philosophy, competition and opportunity.



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At a Division I or Division II school, students looking to compete must meet standards set by the NCAA. At a Division III school, the admissions standards are set by the school. Groups of presidents and chancellors lead each division in regular meetings.³

With regards to wellness and insurance, the NCAA's Sport Science Institute claims to promote the safety and health of athletes through training and research on concussions and other injuries, drug testing, mental health, and sexual assault prevention. In 1906, this organization was founded in order to provide safety for college athletes. The NCAA claims to provide the best care possible through the Institute. The NCAA partnered with the US Department of Defense in May 2014. This alliance was launched to increase the safety of athletes and service members through more accurate prevention, diagnosing, and treating of concussions. Twenty-six participating universities enrolled their student athletes in the study managed by the Concussion Assessment, Research and Education Consortium. The alliance also includes the Mind Matters challenge, calling for increased education and research submissions from schools to shift the culture of reporting concussions as well as increasing management practices and their benefits. The NCAA also collaborates with leading medical organizations to promote education and the best practices to make colleges and college sports as safe as possible. This includes multidisciplinary teams, specialized experts, top medical organizations, and member universities which have led to the endorsement and development of inter-association guidelines which increase health and safety. The

³ "Our Three Divisions." NCAA. <http://www.ncaa.org/about/resources/media-center/ncaa-101/our-three-divisions>

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leading medical cause of death in college athletes is sudden death from a heart condition. The NCAA Sports Science Institute is dedicated to researching the best practices around cardiac health. All schools must affirm the autonomous and unchallengeable authority of team physicians and athletic trainers to medically manage athletes and determine when it is safe for a student athlete to return to play. They also must designate one campus representative to oversee the health care administration in the athletic department of the school. Since 1986, the NCAA has administered drug testing for banned drugs to promote fair competition. Along with educational programs, a campus environment promoting healthy choices is maintained. Mental health is also managed by the NCAA's partnerships with leading organizations to develop the best practices and training to support the mental well-being of student-athletes and encourage a culture where it is acceptable to reach out for help. Division I and Division II schools are permitted to provide unlimited food to fuel student athletes. Additionally, hydration, sleep and science driven strength and conditioning are promoted. Safety guidelines and playing rules provided by the NCAA are put in place in order to minimize risk and increase the likelihood of a healthy college playing career. Sexual assault and interpersonal violence are also important issues that the NCAA supports campuses to develop collaborative programming to increase a safe environment for student-athletes.⁴

The NCAA has a catastrophic injury insurance program in place to cover athletes who are catastrophically injured while participating in an inter-collegiate athletic activity.

⁴ "Well Being." NCAA. <http://www.ncaa.org/health-and-safety>

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There is a \$90,000 deductible for this policy and it provides benefits and access of all other insurance. Simply having medical expenses which exceed \$90,000 will result in this programs coverage-- the injuries themselves do not have to be catastrophic.⁵

The NCAA President is Mr. Mark Emmert. He emphasizes that in order to preserve the character and quality of collegiate athletics athletes must not be paid, in reference to the decision in *Alston v. NCAA* which reignited the debate around the professionalization of college sports. The decision was consistent with the U.S. Supreme Court 1984 decision regarding the endorsement of college sports. Any benefits received by players must be tied to educational endeavors. The President of the NCAA disagrees with the assessment of Judge Wilken and the NCAA's rule-making authority. Precedent has been set by the Supreme Court and the 9th U.S. Circuit Court of Appeals stating the NCAA should have "ample latitude" to apply its rules. The president states that NCAA schools are in the best position to strengthen and revise rules which are instrumental to the mission of the organization. Therefore, this decision has been appealed by the NCAA.⁶

Initial eligibility standards set by the NCAA for Division I and Division II schools take into account standardized test scores, core courses from high school and grades earned, and GPA. Division III schools hold student-athletes to the same standards as all of their students with regard to admission. Beginning in 2019, the shared revenue for

⁵ "NCAA Catastrophic Injury Insurance Program." NCAA.

<http://www.ncaa.org/about/resources/insurance/ncaa-catastrophic-injury-insurance-program>

⁶ "Office of the President." NCAA. <http://www.ncaa.org/about/who-we-are/office-president>

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Division I schools will be tied to academic achievement. Student-athlete graduation rates in Division I schools track those who enter with financial aid and graduate within six years and do not penalize a school when a student athlete transfers to another school if that student was in good academic standing at the time of transfer. Division II academic success rates are measured with the success of all student-athletes. Division III schools do not have NCAA mandated measurements.⁷

One word which the NCAA claims to embody their purpose is “fairness.” In September 2017, the announcement of the federal investigation into fraudulent recruiting for college basketball made it clear that there needed to be significant changes. In response, the NCAA Board of Directors and the Division I Board of Directors implemented changes such as providing student athletes more freedom to decide about playing professionally and finishing a degree later, minimizing harmful outside influences on recruits, making NCAA investigation processes more efficient and binding, setting stronger penalties for rule breaking, utilizing independent investigators and decision makers, and adding public voices to the NCAA Board of Governors which provides a fresh perspective. Guaranteeing scholarships regardless of injury or athletic performance was implemented in 2015 for Division I autonomy conferences. Scholarships may still be revoked for behavioral issues but no longer based on athletic performance or injury. Athletes are involved in certain NCAA decision making processes. For Division I schools, three college athletes from each of the five conferences vote as part of a governance, in addition to further representation on all other subcommittees.

⁷ “Academics.” NCAA. <http://www.ncaa.org/about/what-we-do/academics>

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Division II allows two members of the national Student-Athlete Advisory committee to have a vote on the management council, similar to Division III. The NCAA's Board of Directors created the Pledge and Commitment to Promoting Diversity and Gender Equity in Intercollegiate Athletics in order to achieve ethnic and racial diversity as well as gender equity within hiring sports practices. This was created due to a concern for the low representation of racial and ethnic minorities as well as women and coaching and administration levels. Over 700 University presidents have signed on since 2016. There is also an Emerging Sports for Women program, with the number of female student athletes nearly doubling to more than 211,000 participants since 1994.⁸

⁸ "Fairness." NCAA. <http://www.ncaa.org/about/what-we-do/fairness-and-integrity>

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Topic 1: College Admissions

The college admissions scandal rocked the media and the country in early 2019. Officials from the justice department as well as the United States attorney revealed that 50 defendants were facing charges for partaking in fraudulent schemes which included bribing coaches of athletic teams at elite universities. This scandal was later dubbed “Operation Varsity Blues.” The mastermind behind the scandal, Rick Singer, used contacts among coaches and university administrators to ensure his clients’ children would be accepted to the school of their choice through “side door” recruiting. These bribes totaled \$25 million from 2011 to present. Elite universities involved included Yale, Georgetown, and USC. Students would be labeled athletic recruits but would not be athletes, securing a spot at the school under the guise of playing a sport. Fictitious athletic profiles of these children would be created, with staged images and fictional athletic honors. This scandal goes far beyond sports, reflecting privilege and the willingness of parents to take illegal steps to further their children success. The verification claims of athletic achievement for recruits must be reevaluated, as well as the monitoring of coaches and athletic administrators.⁹

Topic 2: Gender Discrimination

⁹ McCann, Michael. “Potential Fallout From The Latest FBI-Investigated College Sports Scandal.” Sports Illustrated. March 12, 2019.

<https://www.si.com/college-football/2019/03/12/admissions-scandal-fbi-investigation-ncaa-violations-felicity-huffman-lori-loughlin-rick-singer>

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The NCAA has a history of favoring men's teams over women's teams. An average of twice as much money is spent on men's programs as compared to women's in Division I athletic departments, although schools without football spend nearly equal the amount.¹⁰ The men's basketball tournament provides a value of victory at \$1.56 million. Contrastingly, a win in the women's tournament brings a reward of zero dollars. Women's sports have been viewed in a significantly less level of worth than men's, a policy that perpetuates the history of discrimination against women at universities. Title IX requires equal opportunity for men and women in activities, including athletics, sponsored by institutions of higher education that are recipients of federal funding. The NCAA, however, is a nonprofit which makes money off of tickets, corporate sponsorships, and selling television rights. It is not considered by the courts as a state actor and does not receive federal funding; therefore, it does not have to follow the rules of Title IX. The NCAA put a moratorium on the certification process of complying with Title IX in 2011 and there are now no gender equity compliance reviews considered adequate in college sports. Members of the NCAA engage in accounting chicanery, permissible under federal guidelines, which allows schools to overstate their number of female athletes. For example, male basketball players who practice with a women's basketball team may be counted as female athletes. Women who run track can be counted as athletes on three separate teams and therefore as a greater number. Female rowing teams may list up to 100 members, as extremely high number used to offset the

¹⁰ Meredith, Luke. "NCAA Title IX report: Spending up, gender gaps remain." AP News. June 21, 2017. <https://www.apnews.com/7b4e53eb40094a3b8337f322b715e57a>

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average size of a 120 man squad for Division I football teams. There are not enough resources for the Office for Civil Rights at the Department of Education to enforce Title IX and address all complaints that are entered for specific programs, let alone compliance reviews with university athletic departments. Gender equity has greatly lacked in college athletics with neither this department nor the NCAA applying proper investigation and pressure. There is an idea that if men bring in the money, then men should get the money. This has been disapproved as women's tournaments also bring in money, being broadcast by ESPN and selling out many games. Additionally, collegiate athletics are not meant to be treated as purely commercial activities. The NCAA constitution considers college athletics amateur activities with redeeming educational and social values. Title IX does not include a gender revenue generation clause.¹¹

There is also a great disparity between the amount that female coaches earn in comparison to their male counterparts. For example, the coach of the University of Kansas women's basketball team made \$505,000 in a season whereas her male counterpart earned close to \$5 million pre-bonuses. The Equal Pay Act of 1963 stipulates that salaries of both genders must be equally tied to the profit that respective programs gains. However, differences in compensation are often tied to money received outside of the contracts of the school. It is statistically proven that the percentage of female coaches when the athletic director is male is lower than that of when the athletic director is female.¹²

¹¹ Zimbalist

¹² Ross, Terrance F. "What Gender Inequality Looks Like In Collegiate Sports." The Atlantic. March 18, 2015.

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Topic 3: Fiscal Scandal

A main source of corruption in NCAA sports is the controversy over players being compensated fiscally. In 2017, at least four NCAA Division I men's basketball coaches, one sports agent and an executive at Adidas were charged in connection to funneling high school athletes to basketball programs in the NCAA affiliated with Adidas. Colleges and their business partners make billions of dollars of collegiate athletics while denying their athlete labor force the opportunity to earn meaningful pay. Collegiate athletics in the United States is an industry worth \$11 billion. The majority of this money stems from football and men's basketball. The guise of amateurism is used to prevent compensation. This provides for an ideal breeding ground for individuals to scheme and defraud college athletes, exploiting their labor. There are many other examples of the NCAA's no-pay rules inviting in forms of black market behavior, such as in exchange for physical relations at Louisville University. It is proposed that in order to combat bribery and corruption, the NCAA's no-pay rule should be overturned as a restraint of trade under the first section of the Sherman Act.¹³

Preferential fiscal treatment for college sports provides benefits in many forms. Examples include the lack of taxes on revenues generated by football and men's basketball, exemption on interest payments for bonds for arenas and stadiums,

<https://www.theatlantic.com/education/archive/2015/03/what-gender-inequality-looks-like-in-collegiate-sports/387985/>

¹³ Edelman, Marc. "Corruption Will Continue In NCAA College Basketball Until Schools Can Openly Pay Their Players." Forbes. September 27, 2017.

<https://www.forbes.com/sites/marcedelman/2017/09/27/corruption-will-continue-in-ncaa-college-basketball/#7bae84ae3315>

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individual donations' deductibility for good seats, a lack of requirement for player payroll taxes for unemployment insurance, etc.¹⁴ Recently, Republican tax bills have blown whistles on sports deductions. The House and Senate have proposed to eliminate breaks that benefit college and professional sports. This will take away the deduction for college athletics seating rights, donations that fans are required to make in order to buy season tickets for premium seats for high profile college games. Many universities such as Stanford require these "gifts" on premium season tickets for football and men's basketball. The Senate is looking to tax the royalty income that nonprofits earn from the sale of merchandise with logos. Cities may be prevented from issuing tax exempt municipal bonds to renovate professional sports stadiums. Bills look to impose a 20% excise tax on all compensation that exceeds \$1 million paid by nonprofit and government employers for their five highest paid members, targeting coaches who often are among the five highest paid employees of universities. Even President Trump has supported the end of tax breaks for college and professional sports leagues. Take for example the deduction of college athletics seating rights. Donations are on top of the ticket price itself, and none of the payment is deductible. There is controversy as leagues claim that preventing the sale of tax exempt bonds to finance stadiums, facilities improvement, etc. will have a large impact on a small number of teams.¹⁵

14 Zimbalist, Andrew. "The N.C.A.A.'s Women Problem." The New York Times. March 25, 2016. <https://www.nytimes.com/2016/03/26/opinion/the-ncaas-women-problem.html>

15 Pender, Kathleen. "Republican tax bills blow whistle on sports deductions." San Francisco Chronicle. November 18, 2017. <https://www.sfchronicle.com/business/networth/article/Republican-tax-bills-blow-whistle-on-sports-12367253.php>

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Another big question that has come to the forefront is how much is considered too much to pay football coaches not to coach. Contractual buyout bills reached a collective \$70 million by the end of November 2018. Former Louisville and Arkansas football coach Bobby Petrino signed \$60mil and 20 years worth of contracts to be head coach for 3 separate organizations within the span of 4 years, not once being fired or even telling any of the other organizations. Why is there not intervention by NCAA? Could they have stepped in? Economics can prevent changes in football coaching from being made. A situation exists where both sides can be stuck with one another, with the coach not wanting to give up money he is owed while also being unable to gain matching compensation at a similar program. A bind such as this can damage fan support, attendance, and team recruiting. It also makes it more difficult to retain top assistance. Increased salaries have lead to greater expectations and a greater pressure to win, and tenuous job security is conflicting with increased by outs of public institutions where tuition is also climbing.¹⁶

Topic 4: Racism and Lack of Racial Diversity Among Coaches and Athletes

The ban of 15 HBCU teams from postseason play in the 2017-18 season by the NCAA has been deemed polite racism. HBCU, or historically black colleges and universities, are being banned for low graduation rates. The NCAA does not demand the same accountability from majority white Division I athletic programs. The

¹⁶ Estes, Gentry. "How much is too much? Buyouts taking center stage in college football." Courier Journal. October 16, 2018.

<https://www.courier-journal.com/story/sports/college/football/2018/10/16/college-football-coaching-buyouts-season/1650162002/>

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organization refuses to sanction schools who forge graduation rates to appear acceptable by harboring disparities between black and white players. Many schools from California to Florida show below 50% of African-American athletes in sports such as football or women's track graduating. There is a debate over whether it is fair to demand holistic improvement from HCBUs when predominantly white colleges do not fear penalties for largely disparate academic performance. Schools such as UCLA, a predominantly white university, had black basketball players' graduation rate at 17% compared to 80% for white players on the same team. However, there is a far greater lack of interest shown towards this statistic.¹⁷

The NCAA Rule 48 is another practice that brings up a debate of racism or reform. Rule 48 requires student-athletes to earn a minimum grade point average of a 2.0 over a specified curriculum, obtain a minimum SAT score of 700 or an ACT score of 15 in order to compete in an athletic activity during freshman year at the Division I NCAA school. There is a call for colleges and universities to accept or at least share responsibility for improving secondary and post-secondary education quality.¹⁸

In 2017, white athletic directors composed 86% of Division I schools, 87% of Division II schools, and some 93% of Division III schools during the 2016-17 season. Additional statistics of the season are that white males comprised 56.8% of Division I athletics while only 22.3% of African-American males did the same. White females

17 Jackson, Derrick Z. "NCAA ban of 15 HBCU teams from postseason play is polite racism." The Undeclared. May 21, 2017.

<https://theundefeated.com/features/ncaa-ban-15-hbcu-teams-postseason-play-is-polite-racism/>

18 Clark, Vernon L., Horton, Floyd, Alford, Robert L. "NCAA Rule 48: Racism or Reform?" The Journal of Negro Education. 1986.

https://www.jstor.org/stable/2294879?seq=1#page_scan_tab_contents

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comprise 64.9% while African-American females comprised only 12.5%. Only 7.2% of Division 1 basketball coaches were people of color. The percentage of women coaching men's teams was higher than African-Americans coaching men's teams. Twenty-eight of 30 commissioners of all Division I conferences were white.¹⁹

Topic 5: Inappropriate Handling of Injuries, Particularly Concussions, and Lack of Brain Injury Education

There is a great stress on athletes to perform well - especially at the collegiate level - and an athlete never wants to be benched or experience injury. It is not uncommon for athletes to lie about the extent of pain or injuries endured during training or competition to avoid losing playing time. However, a wave of concussion lawsuits in recent years stands to test the liability of the NCAA. Over 300 lawsuits from former college football players claiming they had concussions which were mistreated and led to medical problems ranging from headaches to depression and even Alzheimer's disease has hit the organization in recent years.²⁰ The sports community as a whole has focused on improving mental health much more in recent years with events such as the suicide of University of Pennsylvania Runner Madison Holleran shocking the nation. Young women in college sports are the most vulnerable for depression, anxiety and eating disorders. According to the National Association of Anorexia Nervosa and Associated

¹⁹ Lapchick, Richard. "College sports racial and gender report card." ESPN. March 1, 2018. https://www.espn.com/mens-college-basketball/story/_/id/22602600/the-ncaa-continues-struggle-2017-racial-gender-report-card

²⁰ Russo, Ralph D. "Wave of concussion lawsuits to test NCAA's liability." AP News. February 7, 2019. <https://www.apnews.com/4a4ed68e4c3a426abc4e34606ae4a399>

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Disorders, anorexia or bulimia are twice as common among women who are athletes versus women who are not. There is a great pressure to uphold the societal standard of beauty outside of sports and additionally to gain the best shape for sports. More women have eating disorders than have breast cancer, however major sports showcase pink ribbon campaigns while maintaining a silence on mental health issues. In 2013, Dr. Brian Hainline, Chief Medical Officer, declared mental health the number one health and safety concern in the NCAA, with over 200 pages of mental health documents deeply buried in the website of the organization. A quarter of these documents focus solely on women's issues. Despite these resources, not one student-athlete that was interviewed was aware of the access. When questioned, Mary E. Wilfert, Associate Director of the NCAA Sports Science Institute, stated that no intervention could come from the organization as they are not a medical organization. A call for an end to the stigma surrounding seeking help for mental health as well as exposing issues the NCAA works to cover up has come to the forefront of the organization in the media.²¹

21 Ching, Justin. "Mental health issues a huge challenge for NCAA in regard to student-athletes." Fox Sports. October 8, 2018.
<https://www.foxsports.com/other/story/madison-holleran-ncaa-student-athletes-mental-health-issues-032515>

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Topic 1: College Admissions Scandal

- How well do we vet coaching staff/monitor recruits?
- Who is to be held accountable and how do we get to the root of this issue?
- How does this reflect our country's upper class and their notions of superiority and privilege?
- What should occur with the children involved in these scandals?
- Will the legal system continue to work to uncover information regarding other possible side door processes and criminals?

Topic 2: Gender Discrimination

- How should funding be divided amongst men and women's sports?
- Should the NCAA comply with Title IX?
- How should the compensation disparity be addressed?

Topic 3: Fiscal Scandal

- Should college athletes receive compensation?
- How do we prevent underground market exploitation?
- Should university sports programs continue to receive tax breaks?

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- How should contract buyouts be handled?

Topic 4: Racism and Lack of Racial Diversity Among Coaches and Athletes

- How should graduation rates be sanctioned?
- How can the NCAA prevent HCBUs from being targeted?
- What can the NCAA do to share responsibility for improving education quality?
- Is Rule 48 racist or reform?
- How can the NCAA race report card be improved?

Topic 5: Inappropriate Handling of Injuries, Particularly Concussions, and Lack of Brain Injury Education

- How can the NCAA improve the monitoring of injury handling?
- How can the NCAA encourage athletes to be honest about injuries?
- How can the NCAA aid in ending the stigma around receiving help for mental health?
- How can the NCAA work to reform factors which hurt mental health?

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"Our Three Divisions." NCAA. <http://www.ncaa.org/about/resources/media-center/ncaa-101/our-three-divisions>

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