Distribution Agreement

In presenting this thesis as a partial fulfillment of the requirements for a degree from Emory University, I hereby grant to Emory University and its agents the non-exclusive license to archive, make accessible, and display my thesis in whole or in part in all forms of media, now or hereafter now, including display on the World Wide Web. I understand that I may select some access restrictions as part of the online submission of this thesis. I retain all ownership rights to the copyright of the thesis. I also retain the right to use in future works (such as articles or books) all or part of this thesis.

Gebereal Baitey April 9, 2019

Educational Malpractice and the Economic Exploitation of Black Student-Athletes

by

Gebereal Baitey

Dr. Michelle Gordon

Adviser

Department of African American Studies

Dr. Michelle Gordon

Adviser

Dr. Tim Dowd

Committee Member

Dr. Vanessa Siddle Walker

Committee Member

2019

Educational Malpractice and the Economic Exploitation of Black Student-Athletes

By

Gebereal Baitey

Dr. Michelle Gordon

Adviser

An abstract of
a thesis submitted to the Faculty of Emory College of Arts and Sciences
of Emory University in partial fulfillment
of the requirements of the degree of
Bachelor of Arts with Honors

Department of African American Studies

2019

Abstract

Educational Malpractice and the Economic Exploitation of Black Student-Athletes

By Gebereal Baitey

This thesis draws on the experiences of black student-athletes at Division I NCAA institutions to argue that these young men are economically exploited by the NCAA for the highly-profitable labor they produce and simultaneously under-educated by their respective universities. Amateurism statutes that enable such exploitation are predicated on a notion that these student-athletes are not to be paid because they are students above all else, but the frequent occurrences of academic misconduct and the plight of black student-athletes at the Division I level reveal that such notions are patently false. I first argue this point by way of a literature review which recounts the inception of the conflation of amateurism with morality, the use of the Southern industrial school as a means of exploiting black people through faux educational training, and Southall and Weiler's (2014) company-town metaphor as a lens through which to view the current Division I NCAA model. Next, I move on to a case study of two student-athletes in the 1980's who matriculated through their respective universities despite being functionally illiterate, using educational malpractice theory to advocate for their institutions to take responsibility for their adverse life outcomes. Lastly, I provide an analysis of five interviews I conducted with student-athletes at NCAA Division I institutions. Invoking Adler and Adler's (1990) role engulfment theory, I shed light on the bolstered role of academic advisors on Division I football and basketball teams, the primacy of athletic performance in developing player-coach relationships, and the isolation of student-athletes from the general student body. I use my findings to make suggestions for improving the holistic development of student-athletes within the NCAA Division I athletics model going forward.

Educational Malpractice and the Economic Exploitation of Black Student-Athletes

By

Gebereal Baitey

Dr. Michelle Gordon
Adviser

A thesis submitted to the Faculty of Emory College of Arts and Sciences
of Emory University in partial fulfillment
of the requirements of the degree of
Bachelor of Arts with Honors

Department of African American Studies

2019

Table of Contents

Introduction

Every year, sixty-eight Division I men's basketball teams advance to the all-important NCAA Tournament. The ensuing frenzy, affectionately referred to as "March Madness," is an annual testament to the American public's adoration of sports, specifically at the collegiate level. In the thirty-four games that unravel over the following three weekends, it seems as though nothing matters but the outcomes of these college basketball games. Spectators from all over the world flock to the regional match-ups, fans bet absurd amounts of money through various avenues, social media is flooded with clips of riveting blocks, dunks and buzzer-beaters, and the games are streamed virtually everywhere. Young men from all over the country put their skills to the test while the entire nation watches eagerly, and while the stakes are high, the payday for some is even more staggering. The National Collegiate Athletic Association (NCAA) reports that its championship television and marketing rights and ticket sales combine to account for $950.8M, more than 90% of its annual operating budget (NCAA, "Where Does the Money Go?"). This means that in just three weekends, the NCAA and its member institutions generate nearly enough revenue to carry them through the year. NCAA institutions, employees, coaches, sponsoring apparel companies, television networks, and even local hotels will all see the pecuniary benefits of this wildly profitable endeavor.

As for those whose talent is on display, the predominantly African-American men, who range from their late-teens to their early twenties do not see any financial compensation. In fact, they are barred from reaping any sort of financial benefits on basis of their tremendous talent and work ethic throughout their NCAA careers. This is troubling, seeing as those young men are the ones sacrificing obscene amounts of time and pushing their bodies to the limits day-in and day-out. College athletes dedicate hours upon hours to their craft, missing out on much of the

socializing, studying, and the overall undergraduate experience that most students enjoy. To add to that, in many cases, their sports generate enormous profits for the universities they attend but are not able to fully experience. Unfortunately, this reality represents the fundamental nature of amateur athletics. The only issue is, there is nothing "amateur" about these athletes' ability nor their dedication. In fact, for many Division I athletes within the most renowned athletic programs, playing in the NCAA simply provides a means through which to hone their craft, play against elite competitors, and gain national acclaim so that they can proceed to pursue professional sports opportunities. Instead, this phenomenon represents an ongoing pattern of structural racism and an extremely profitable method of exploitation that provides a handsome payday for a wealth of different parties at the expense of young black men.

In this thesis, I argue that the NCAA exploits its majority black Division I athletes, and the way that it intentionally subjugates and commodifies black bodies is reminiscent of previous American models of doing so. NCAA Division I is the highest level of intercollegiate athletics in the entire country. Institutions that boast a Division I athletics profile typically have large student bodies, hefty budgets for their athletics departments, extravagant facilities intended for athlete use, and the ability to offer more athletic scholarships than both Divisions II and III (NCAA, "NCAA Division I"). I develop my analysis by examining multiple instances of the NCAA's prioritization of profiteering over the education, well-being, and overall development of its profit-athletes. In order to substantiate my claims, I have focused in on the NCAA's exploitation of black Division I student-athletes in terms of the immense profits that student-athletes generate on behalf of their universities by laboring without pay, and on the merit of the education that those student-athletes receive in return. I consult statistical data that speaks to the adverse effects of the college athletics model on student-athletes of color in the major profit-producing sports. I

also examine some case studies that reveal the effects that this system of profiteering has on the students who leave its institutions physically exhausted and intellectually ill-prepared. Highlighting the plights of Dexter Manley and Kevin Ross-- two athletes who attended their respective universities despite being well behind their peers in terms of their intellectual ability and preparedness-- I reveal how the academic rigor of their college experiences left much to be desired. Taking into consideration their own accounts of navigating the college sports landscape given the nature of the education they received, I will speak more to the lack of genuine concern for the education and well-being of black athletes in college football and basketball. Lastly, I supplement those case studies with firsthand information gathered through five interviews I conducted with student-athletes all at different Division I institutions ranging from the Northeast to the Upper South. Engaging with these interviews that reflect upon their experiences as student-athletes at esteemed institutions, I will tease out several recurring themes with a special focus on keys to academic success, athletic performance, and social standing of athletes on campus, which are useful for evaluating the successes and the shortcomings of the NCAA's collegiate sports model.

Numerous scholars have undertaken similar research, highlighting how this system reflects past methods of labor exploitation, the NCAA's strategic extraction of wealth, the subjugation of education at high-major athletic institutions and the effects of the NCAA's policies on its student-athletes. Some especially relevant existing research highlights the differences in graduation rates among black student-athletes and the larger population of full-time male students (Southall et al 2014). This study found that black athletes in football and basketball at the most successful Division I schools graduate at lower rates than the male student body (2014). While this may not come as a surprise to many, it is actually quite interesting

considering the fact that the student-athlete graduation rate at NCAA institutions is higher than that of the regular student body (NCAA, "College Athletes Graduate at Record High Rates"). Further, the gap between black student-athletes and the rest of the male student body increases in concert with the athletic success of the university in question. Southall calls this phenomenon the "Adjusted Graduation Gap" (AGG), a measure of success that compares student-athletes to full-time males of the same race at their respective schools to gather more accurate data on the disparity in graduation rates. Southall describes the existing pattern linking contemporary Division I athletes to nineteenth and twentieth century black laborers who migrate to predominantly white institutions (PWI's) and work sites to provide their labor. Athletes who, for the most part, hail from disadvantaged, urban backgrounds are sought out for their talent and brought to universities where they are often woefully unprepared and underrepresented. Not only do they arrive at their universities without the same academic training that their white counterparts benefit from, they also find that—along with their teammates and other student-athletes—they are among the very few black men on campus. Southern states such as Georgia, Alabama, and Texas have long been recruiting hotbeds for Division I football and basketball. These states are also routinely the most poverty-ridden and bottom out the United States' educational attainment rankings (Southall et al 2014). Promising athletes who come from these backgrounds are viewed as objects of profit-production, extracted from their communities, and made to use that talent to serve the interests of their universities. The academic standing of many student-athletes who embody this situation and the continued dilapidated state of their communities clearly evince the NCAA's concern for revenue rather than addressing the academic disadvantages its students have and the sources of those disadvantages.

The company-town model is useful for exploring the NCAA's commodification of black bodies because it presents a backdrop against which to compare the experiences of Division I athletes and company-town laborers, both of whom are deprived of meaningful compensation among other things. These experiences mirror each other in a number of ways. Primarily, profit-athletes and company-town laborers have similar migration patterns, whereby they alternate between home and work sites with the intention of reaping benefits at work with which they can return home. For many athletes, "The pressure to succeed athletically to improve their family's economic status is a primary motivational factor" (Southall & Weiler, 2014). Further, the lack of racial representation for black profit-athletes in the university setting is staggering. Southall and Weiler report that, "In addition to home and work sites often being geographically distant, they are often culturally distinct" (2014). Routinely encouraged to migrate to PWI's for the best educational resources and pre-professional opportunities, profit-athletes are usually a very small minority in their university settings despite their representation on Division I football and basketball teams. Additionally, profit-athletes are scrutinized heavily by university administrators. Driven by "protecting the athletic department brand," athletic department staff have taken to monitoring athletes' social media accounts and even their spending habits (Southall & Weiler, 2014).

Noncash compensation is another theme common to both company-towns and the NCAA. Referring to the popular practice whereby company-towns paid employees in "scrips" that are only eligible to be used in stores owned by the company, the NCAA's use of athletic scholarships and strict rules about amateurism ensure that college athletes are not to be paid money for their labor. Considering the next link between the NCAA and company-towns-- associated health risks-- the issue of noncash compensation is concerning. For many athletes who

are talented enough to play professional sports upon graduating from high-school, rules that prohibit them from doing so lead them right to NCAA institutions. While Division I sports certainly serve as a viable option for these athletes to perfect their training habits, hone their skills, and gain more exposure, the fact of the matter is that many of them are having the lucrative professional sports contracts they seek withheld from them unnecessarily. Presenting Division I athletics as the premier ticket to the professional ranks allows the NCAA to step in as a sort of middle-man so that they, too, are able to profit off of the name and likeness of athletes who are sure to become breakout superstars. The downside to the many benefits that participating in NCAA sports has for athletes is that every day they spend practicing or competing at that institution, they are putting themselves at risk of sustaining an injury and potentially costing themselves unforeseeable amounts of money in the process.

For many who argue on behalf of the NCAA, the draft stock of its student-athletes is of no concern. After all, the point of going to college is not to leave early and play professional sports, but to attain a degree. According to Southall and Weiler, however, part of the justification for the NCAA's model is that it provides student-athletes with the best opportunity to pursue their professional dreams. On account of the aforementioned reasons, the NCAA is portrayed as the most surefire way for students to improve their families' means, as so many of them are looking to do. As previously stated, a very significant number of NCAA Division I football and basketball players hail from some of the most impoverished states in the country. The collegiate model offers a symbiotic relationship with those student-athletes, whereby the athletes have a chance to reach professional status, attain a degree, and provide for their families, and the university receives revenue and marketing opportunities generated by their phenomenal athletes (Southall & Weiler, 2014). I will speak to each of these themes in more detail in chapter 1, but

Southall describes the prevailing themes of the literature: “NCAA profit-athletes are disproportionately recruited from areas with lower socioeconomic and educational-attainment statistics, clustered in specific majors to maintain eligibility, graduate at lower rates than other college athletes, and do not graduate at rates comparable to other full-time students” (2014).

The terminology that Southall introduces to the field is also helpful for my research. In addition to Adjusted Graduation Gaps (AGGs), Southall introduces the concept of “profit-athletes” or, scholarship players in NCAA Division I football and basketball, the two sports that generate the most revenue and are dominated by black student-athletes. The term “profit-athlete” is unique in that, because of the aforementioned qualifiers, it primarily refers to black student-athletes. Throughout this thesis, I will use the term “profit-athlete” to evoke those same meanings delineated by Richard Southall. That term highlights a key aspect of my argument which is that these modes of exploitation are uniquely fixated upon black people in whatever arena they are thought to excel in at the time. Be it working laboriously, running fast, or jumping high, black men are routinely situated as being innately gifted at various objectives that just so happen to be profoundly profitable for everyone but themselves.

A key term that will be more thoroughly explained in chapter 2 comes from the efforts of numerous individuals who have sought to hold their institutions accountable for providing students with a meaningful education (Peter W. v. San Francisco Unified Sch. Dist., Donohue v. Copiague Free Sch. Dist., Sain v. Cedar Rapids Sch. Dist.). The term “educational malpractice” refers to an institution’s negligence in appropriately educating students whereby the institution fails to ensure that a student is provided with a meaningful education through adequate instruction and other tools that will aid their educational and professional goals (Moore v. Vanderloo). Educational malpractice claims are frequently brought up on the grounds that the

institution in question did not provide the student with adequate skills, misdiagnosed or failed to diagnose the student's learning disabilities, or demonstrated an ethic of carelessness in supervising the student's training (Moore v. Vanderloo). Much like medical malpractice claims aim to acquire restitution for the negligent acts of healthcare professionals, educational malpractice claims are brought up on the grounds that the instruction provided to students was erroneous or even altogether missing. Such claims also imply that, as a result, some type of harm was done to the students. That harm might take the form of undue stress, lack of preparation for future educational and professional opportunities, or even loss of the ability to pursue those opportunities.

The third chapter of this thesis will involve role engulfment, a sociological theory in identity salience. Drawing on the work of Patricia and Peter Adler who described athletic role engulfment as a process whereby "individuals found the demands and rewards of the athletic role overwhelming and became engulfed by it" (27), I illustrate how profit-athletes' self-perception is dominated by their athletic role, leading them to withdraw from or altogether abandon other roles such as that of "student." Due to circumstance beyond their control like the over-representation of black men in college and professional sports, notions of innate athleticism among African-Americans, and highly-structured and demanding sports schedules, profit-athletes learn to increasingly identify as athletes above all else. While the effects of athletic role engulfment are not entirely negative, some of the resulting difficulties can be harrowing. For instance, student-athletes have reported experiencing depression when faced with disengaging from their sport, especially due to injury (Brewer, Raalte, and Linder 1993). Another pervasive effect of role engulfment is social isolation accompanied by a withdrawal from social activity (Horton and Mack 2000). In essence, student-athletes oftentimes sacrifice other forms of self-fulfillment in

order to focus their minds and bodies on athletic achievement, causing them to experience growth that becomes increasingly one-dimensional as they ascend to more elite levels of competition (Harrison Jr. et al. 2011).

Numerous studies advocate for a variety of changes in policy and practice to help black student-athletes navigate their university experiences. One such example proposed by Joseph N. Cooper (2017) is the development of positive student-faculty relationships to ease the transitional period and provide academic and emotional support for the stress induced by college athletics. Cooper also found that while the highly stressful nature of college sports was disenchanting for many student-athletes, focusing on non-athletic benefits of student-athlete status provided a sense of balance that ultimately enhanced many of their experiences (2017). This result runs contrary to the popular notion that student-athletes will optimize their college experiences by prioritizing improving in their sports and allowing their performance to dictate to what extent they enjoy their universities.

While these findings do represent groundbreaking research in the field, little attention has been paid to the extent to which turning a profit takes precedence over education in the college sports industry. In addition, there has not been enough emphasis on how this current model affects the psyche of the student-athletes who matriculate through it. My research adds to the extant literature on this subject in that it is two-fold. Not only do I examine the patterns of exploitation present in this model, I also call attention to the fact that, for many student-athletes in NCAA Division I, the educational rigor is severely lacking. I highlight the lapses in enforcement of educational standards that plague the NCAA and its member institutions. I utilize the case study method to draw attention to the plight of some NCAA student-athletes who were passed along on the basis of their athletic ability and paid the price for it in different ways. I will

also examine more closely how the NCAA's structure allows its member institutions to maneuver academic requirements while simultaneously maximizing profits. Keeping with this theme, there are a few questions that must be asked in order to demonstrate how Division I NCAA athletes are relegated to mere materials for the generation of revenue. The primary research question I seek to address is: how exactly does the structure of the NCAA reflect historical models of the commodification of black bodies? I am interested especially in the relationship between miseducation and the exploitation of black bodies for various forms of profit. My inquiry into the overarching NCAA model begs another significant question stemming from the fact that the education the players receive is touted as the recompense for profit-athletes. If that is the case, then what patterns does a more critical look at that education reveal? Looking into these questions critically reveals just how much money student-athletes of color are providing for predominantly white officials, and why the current state of the education that they receive in return is a wholly insufficient means of compensation. Finally, I conduct a series of interviews with Division I athletes at a variety of NCAA institutions. I use those firsthand accounts to provide a new perspective on these issues, as the voices of student-athletes should be privileged in this discourse as much as anyone's even though they are largely absent from media discussions about this issue. I use these interviews to gather more information about the intricacies of this system of exploitation, and to learn more about the resources in place to help student-athletes navigate their college experience-- if such resources exist.

The first chapter of this thesis provides an overview of the NCAA's structure. In that overview I link the NCAA's structure to the company-town model, demonstrating how it allows for the commodification of black bodies and talent by predominantly white officials. I also scrutinize the education that the athletes within this system receive by using data such as student-

athlete graduation rates and Adjusted Graduation Gaps. I argue that the NCAA is intentionally structured to prioritize profiting off of the labor of black student-athletes rather than educating them and that drawing comparisons between NCAA institutions, industrial schools and company-towns highlights the racist ideologies that undergird them.

Two particularly egregious cases in which NCAA institutions prioritized profit from athletics over the education and wellbeing of its athletes come in the early 1980's. Dexter Manley and Kevin Ross were remarkable athletes from Houston, TX and Kansas City, KS, respectively. As promising athletes, both earned full college scholarships. Manley got an opportunity to play football at Oklahoma State University, while Ross played basketball at Creighton University. While they differentiated in their respective sports, their hometowns, and eventually their ultimate career success, what these two young men had in common was that they both somehow were able to gain admission to their respective universities despite being functionally illiterate. The second chapter of this thesis examines more closely the cases of these two athletes. I note the similarities and differences between how Dexter Manley and Kevin Ross's academic disadvantages were managed as well as the possible reasons for those differences, and evaluate the contemporary significance of their particular cases. I present those findings against the backdrop of the issue of educational malpractice in order to accentuate the significance of holding institutions accountable for educating student-athletes.

Finally, the third chapter of this thesis analyzes interviews conducted with student-athletes of color at multiple Division I institutions. In that chapter, I gather qualitative data about the experiences of black profit-athletes in the college setting. Those interviews bolster the implications of my findings. Some accounts reinforce my previous assertions, serving as a testament to the pervasive nature of the issues at hand. On the other hand, some schools have had

moderate success in circumventing a number of these issues, meaning that there is a way for the NCAA to hold its member institutions accountable for under-educating their student-athletes. Among the findings from those interviews were that academic advisors play a major role in the day-to-day lives of profit-athletes, athletic performance determines the nature of player-coach relationships, and profit-athletes are isolated from their non-athlete peers. In the third chapter I describe the phenomenon of role engulfment as an overarching theme that runs concurrently through the sentiments shared by the interviewees. I conclude the chapter with my own suggestions for how to combat the issues raised by the interviewees and ones that resulted from the previous chapters.

My research is crucial because of the racist overtones of how the NCAA's exploitative model disproportionately affects black student-athletes—they account for 48% and 56% of Division I football and basketball players, respectively (NCAA, 2018). It seems counterintuitive that here, in contemporary "post-racial" America, we would see such an egregious model of exploiting the labor of black people, where the young men who make millions of dollars for their white counterparts lack a legitimate form of compensation. The predatory practices of the NCAA are showing no signs of stopping. Athletes are becoming increasingly more talented, more hours are being dedicated to developing them, and the game is becoming more marketable as we delve deeper into the digital age. The billion-dollar industry that is NCAA sports will keep growing, monetizing, and exploiting the ability of its profit-athletes, and denying any liability on basis of their status as students. Until the NCAA is held accountable for the educational outcomes of the students that it recruits across states, nations, and even continents, they will continue to discard those athletes after their four years of eligibility come to an end, whether they are in position to graduate or not. By getting to the root of the problem and thinking critically about these

foundational issues, we can gain a more nuanced understanding of their effects, as well as how to devise solutions going forward. For example, the low graduation rates of black men in Division I sports, the overwhelming presence of low-income black athletes who play these sports, and the lengths to which some universities will go to ensure the continued influx of revenue by making sure that athletes remain eligible, are all multi-faceted issues that have major implications for the lives of thousands of profit-athletes that matriculate through NCAA institutions.

Another testament to the importance of such research is the numerous instances of academic misconduct perpetrated by NCAA institutions that continue to come to the fore in recent years. Weber State, Georgia Southern, Ole Miss, Southern Methodist University, Minnesota and Oklahoma all come to mind as athletics programs that have come under fire for violations of the NCAA's rules in terms of player academic performance. These offenses range from altering transcripts, to turning in other people's work, to submitting fraudulent test scores. NCAA investigations of these cases have resulted in various forms of punishment. The verdicts passed down by officials are usually loss of scholarships, bans on postseason play and vacated seasons, but no recourse is taken to supplement the educational content that the students miss out on as a result of such academic and ethical violations. A prime case in point is the University of North Carolina at Chapel Hill. A premier institution of higher education, the University of North Carolina (UNC) has been fortunate to enjoy unparalleled success on the basketball court as well. Besides producing legendary NBA players like Michael Jordan and Vince Carter, the Tar Heels have brought home six national championships, the third most in Division I NCAA basketball. Basketball is the university's main athletic attraction, as its basketball program alone raked in $19,512,506 in 2016, a down year compared to their three-year average of $21,174,115 (Wiggins, "The 25 Schools That Make the Most Money in College Basketball"). Mind-boggling

numbers such as these obviously bode well for the university. They give the administration the means to bolster their program but also to tend to the needs of the general student body and the administration. On the other hand, numbers like these often mean that those who benefit from them will go to great lengths to keep the money flowing.

That is what happened in 2017, when the NCAA concluded an extended investigation of an academic scandal at UNC which entailed instances of student-athletes benefiting from hundreds of fabricated African and African-American Studies courses that dated all the way back to 1997. Students enrolled in these "paper" courses were known to receive high marks, despite the fact that the classes "required little attendance and almost no work" (Norlander, "NCAA Ruling in North Carolina Academic Investigation: No Penalties for UNC"). Greg Sankey, the Committee of Infractions chief hearing officer, reported, "it was 'more likely than not' that UNC had student-athletes use African and Afro-American Studies courses to help their eligibility" (Norlander, "NCAA ruling in North Carolina academic investigation: No penalties for UNC"). Students, administrators, and officials within the athletic department not only were aware of the lack of rigor of these courses, they collaborated to use them because they were aware of their potential for boosting the athletes' GPA and helping them remain eligible for competition (Norlander, "NCAA Ruling in North Carolina Academic Investigation: No Penalties for UNC").

To add to the outrage, UNC faced absolutely no repercussions. After concluding the investigation, the NCAA reported that passing down judgment on the university was not within their jurisdiction as the "paper" classes were offered to any UNC student who knew about them, not just the student-athletes. Because this meant that student-athletes were not benefiting on basis of the fact that they were athletes, the NCAA, for fear of overstepping its boundaries, concluded that the issue was to be handled internally by the university. Despite the fact that these courses

were well-known amongst the athletic department, frequently used by student-athletes, and in commission for almost two decades, there were no consequences for UNC-- not a single win vacated, scholarship taken, nor a postseason ban. And after the conclusion of the investigation in 2017, they hung the banner for their most recent National Championship up in the rafters.

Although it is a nuanced and highly debated topic, the overall purpose of higher education should remain the same for profit-athletes and non-student-athletes alike. Student-athletes in any educational setting should be held to the same academic standards as their non-athlete counterparts. Previous notions that held that access to education should be limited to certain people or that education was only good for its economic value have largely disappeared from discourse. In his, *Idea of a University Defined and Illustrated: In Nine Discourses Delivered to the Catholics of Dublin*, renowned theologian and academic Cardinal John Henry Newman writes:

> "and the man who has learned to think and to reason and to compare and to discriminate and analyze, who has refined his taste, and formed his judgment, and sharpened his mental vision, will not indeed at once be a lawyer, or a pleader, or an orator…but he will be placed in that state of intellect in which he can take up any one of the sciences or callings I have referred to…with an ease, a grace, a versatility, and a success, to which another is a stranger. In this sense then…mental culture is emphatically useful" (195).

Operating from this definition of the purpose of higher education is useful for understanding what today's NCAA Division I universities should provide for profit-athletes. College education should offer a sort of refinement, a holistic framework through which to receive and actively pursue knowledge that is valuable in its own right. Newman vehemently refutes the utilitarian notion that knowledge is only useful for its potential to be monetized, a theory that contributed to the strong American sentiment to limit black people to receiving industrial training. Today, it is

commonly held that we have overcome such obviously racist rhetoric, but the approach that we take to educating black student-athletes in the premier commercial sports industries reflects that there is still much work to be done.

Chapter 1: "*Student*"-athletes

On September 12, 1970, the University of Southern California (USC) football team squared off against perennial powerhouse Alabama. With a customary all-white roster, legendary Alabama head coach Bear Bryant sought to add another victory to his astounding win-loss record in front of a staggering home crowd in Birmingham, Alabama. The implications of this game, however, were far more consequential than Coach Bryant's legacy. This USC football team was of rare form. Not only was it desegregated, as the landmark Brown v. Board decision would have dictated, it was truly integrated. Black and white players took the field together, black players occupied positions typically thought to be suitable only for whites, and it seemed as though coaches awarded playing time based on skill rather than color. Bear Bryant's all-white Crimson Tide football team served as a new "Great White Hope," tasked with defending the superiority of the white race in the face of wretched desegregation. Much like Jack Johnson's famous triumph over the original "Great White Hope" of boxing just decades earlier, the results of this matchup shattered pre-conceived notions about black athletes. USC routed Alabama 42-21. To make matters worse for Bear Bryant and other segregationists, the difference-makers proved to be USC's black players. Quarterback Jimmy Jones, fullback Sam Cunningham, and even Alabama native Clarence Davis sparked the Trojan offense to victory in an undeniable display of dominance. Needless to say, this would be Bear Bryant's last all-white team. The remarkable performance of black athletes like Sam Cunningham forced segregationists to come to terms with the harsh reality: despite their vehement opposition to the inclusion of black people in their schools and on their sports teams, they needed black players to fill stadium seats and, ultimately, to win. Making sure to give credit to who he thought to be the true catalyst of integration and hero of the Civil Rights Movement, Alabama assistant coach Jerry Claiborne remarked that Sam

Cunningham's 135 rushing yards and pair of touchdowns "had done more for integration in two hours than Martin Luther King Jr. had accomplished in more than a decade" (Rhoden, 135). Claiborne's comment reflects that "the basis for integration—in the minds of many white people—was not to embrace quality, but to seize an opportunity for exploitation" (Rhoden, 135). The rapidly growing sports-industrial complex presented yet another realm controlled by whites through which profit could be extracted from the labor of black people, and the collegiate sports model was clearly no exception.

The NCAA has grown tremendously since USC showcased the profitability of integration on college football's biggest stage. Today, there are almost half a million athletes enrolled in the NCAA's institutions of higher education every year (NCAA, "Student-Athletes"). Those student-athletes are participating at more than 1,100 schools across three divisions, ranging from larger Division I programs such as the University of Alabama to smaller Division III programs like Emory University. For my purposes, I will focus on larger Division I institutions, because that is where most issues involving profits come into play. It is those schools that have followings with the most fans, the most successful programs in terms of winning, and generate the most revenue on basis of ticket sales, broadcasting, and marketing rights. I will also limit the scope of my research to discussing Division I football and men's basketball. My rationale for doing so is that the revenue generated and the athletes that comprise these two sports at the Division I level are unparalleled. The Division I college football and basketball playoffs are a valid case in point. Both generate hundreds of millions of dollars in the span of just two or three weeks. Further, African-American males, though comprising only a very small proportion of all college-enrollments, make up the largest demographic of Division I football and men's basketball players. To add to that, African-American males, who are just a small minority among all

demographics of NCAA athletes, graduate at the lowest rate of them all at just 55% (NCAA, "Graduation Rates"). I propose that all of these facts are inextricably linked, and that they can be connected to demonstrate that the role of education in the case of black NCAA student-athletes is secondary to that of profit-making. To be sure, there are certainly student-athletes of color who are earning a sound education at their respective colleges. However, my scrutiny of the value of the education afforded black student-athletes is not unwarranted.

Roughly 350 NCAA Division I schools contain about 170,000 student-athletes. Many of these athletes are on athletic scholarships, as Division I schools generally have the highest enrollments, athletics budgets, and the most scholarships to offer. In Division I football and basketball, the sports that house the most student-athletes of color, the ethnic make-up of those student-athletes is quite staggering. Out of 29,029 football players, black men are the most plentiful demographic at 14,069 (NCAA, "Sport Sponsorship, Participation, and Demographics Search."). The numbers are even more disproportionate in men's basketball, where 3,125 of the 5,537 athletes identify as African-American. While these number do not mean much by themselves, they paint a more complete picture when compared to the overall college enrollment rates reported by the National Center for Education Statistics (NCES) for 2016. Whereas they comprise roughly 48% and 56% of Division I football and basketball teams respectively, black males between ages 18-24 were enrolled at a rate of just 33% in 2016—the worst among their white and Hispanic counterparts of both genders (NCES, "College Enrollment Rates"). High participation on sports teams coupled with low overall enrollment describes the case for black male students at a slew of Division I schools, especially the powerhouse programs. The University of Georgia, for example, boasts 13 black players on its 15-man basketball roster while only about 8% of the overall student body identifies as African-American. While the "true

integration" of athletics programs has occurred for teams like the 1970 USC Trojans, that same devotion to recruiting black students is yet to follow.

One way in which many people seek to justify this truth is in the dissemination of scholarships. In NCAA Division I and Division II sports, athletic scholarships are offered to student-athletes to aid them in covering the cost of attending school and to further incentivize them to bring their talents to a certain program. The availability of athletic scholarships is key considering the fact that, at least in the case of Division I football and basketball, these are athletes who, for the most part, hail from disadvantaged, urban backgrounds. They are sought out for their talent and encouraged to attend universities that have the potential to lift them out of those unfavorable circumstances. There are, however, a number of issues with the role that scholarships play in the collegiate sports model. Namely, profit-athletes are encouraged to attend these schools not because of the educational opportunities they'll receive in four years, but often because it will aid them in becoming professional athletes and leaving school to provide for their families. In addition, the universities that these athletes attend often do not hold them to maintaining academic standards, and there is a noticeable lack of support systems in place to supplement the fact that students who hail from the backgrounds I've described are often woefully academically unprepared and underrepresented within their respective institutions. With all that being said, at the end of the day, those students do gain an opportunity to attend college. The system has deeply-rooted flaws, but its upside is that on an annual basis it enables thousands of students to attend college in cases where they otherwise might not have the chance to. This give-and-take approach is applied to explain away the lack of concern with low enrollment and graduation rates among black college students.

Another troubling aspect of the NCAA's model is the revenue generated from it. Much like the nearly billion-dollar industry that is the Division I NCAA Basketball Tournament, Division I College Football Playoff tells a similar story. The benefactors of this major payday are not the NCAA, but the schools that are selected to play for a National Championship along with the athletic conferences that they come from. The "Atlantic Coast Conference" (ACC), the "Big Ten" and the "Southeastern Conference" (SEC) were all awarded at least $70 million dollars for their participation in various postseason competitions last season (Dosh, "College Football Playoff Payouts by Conference for 2017-18."). In any event, however, it is no secret that billions of dollars are accrued on the backs of profit-athletes, all while the NCAA maintains its tax-exempt status as a non-profit organization. The issue with this model is not, however, the profitability. Instead, it is the fact that due to amateurism statutes, profit-athletes that account for such tremendous revenue are not compensated for their contributions.

Because the revenue generated by the athletes is so crucial to keeping the institution running, there is much concern over the fact that, due to rules in the NCAA about amateurism, student-athletes cannot be paid. Especially considering the fact that there are rules in professional football and basketball that incentivize athletes who might otherwise already be professionals to play in the NCAA, there has been considerable backlash questioning the ethics of this model. Every year there are graduating high school seniors who are physically ready to play professional sports and earn money for themselves and for their families, but these athletes are incentivized to play in the NCAA for exposure, competition, and an education. Those same athletes run the risk of suffering an injury while continuing to play for free when they could be getting paid millions of dollars. So, the prevailing narrative surrounding the ethics of this model has stated that, since

athletes are sacrificing unforeseeable amounts of money and, instead, earning that money for the NCAA and for their colleges, the student-athletes should be compensated financially.

To get a sense of the amount of money student-athletes are sacrificing, take current Duke basketball star Zion Williamson for example. Williamson, who was pinpointed early on in his high school career as a future NBA prospect enjoyed unparalleled media attention in high school. Numerous NBA analysts projected that, if the rules would have allowed him to do so, he could have been the first pick in the NBA draft directly out of high school. Keeping with NBA custom, he enrolled in an NCAA institution where he has been identified as a "one and done" or, a basketball player who will leave school and declare for the NBA draft at the conclusion of their first year. All season, draft boards have had Williamson at the top of their lists as the number one overall pick, but in a basketball game against ACC rival North Carolina, Williamson sustained a knee injury early on. Reacting to the excruciating pain he seemed to be in upon falling to the hardwood, many feared the worst. Here was an unpaid basketball player who was getting ready to make millions of dollars, playing in a televised game that cost at least $2,500 to attend (Medcalf, "UNC-Duke Tickets Approaching Super Bowl Prices Because of Zion Williamson"), who stood to lose all of the money that everyone was so positive he was about to get. The following day, the SportsCenter Twitter account tweeted a graphic with Zion's picture that depicted the projected salary earnings through four years for the first, second, and third picks in the NBA draft. Whereas the first overall pick was set to make $44.2 million dollars over that span, the third pick would only make $35.5 million (@SportsCenter. "A lot could be on the line for Zion if he falls in the draft."). That means that if the first two teams decided to pass up on drafting Williamson for fear that his knee troubles were not yet over, he would miss out on almost $9 million dollars. And if that knee injury were more serious than it turned out to be, his

projected earnings over that span could drop from upwards of $40 million to $0. Making college athletes risk such a tremendous net loss just to fill the pockets of other individuals is telling of the NCAA's greed. If nothing else, the prospect of sacrificing so much money over the course of one forty-minute basketball game should provide a rationale for why the fleeting profits of their potential sports careers is not enough compensation for student-athletes.

Prior to the turn of the century it was a widely held notion that competing in sport for money called one's character into question. One of the earliest definitions of the term amateurism comes from the Amateur Athletic Club of England which, in 1866, required that athletes had "never taught athletics for pay or competed for prizes" (Fitt 2009). Even before English athletics clubs attempted to codify it, amateurism was thought to be a key tenet of the original Olympic games held by the Greeks. Although there is no evidence that the original Olympians did not receive some sort of pay (in fact, there is strong evidence that suggests that they did), the earliest days of athletics competitions are thought of as a time before sport had been sullied by compensation (Shropshire 1991). Arising out of these nostalgic, idealist and oftentimes flat-out wrong notions is the NCAA's conflation of amateur status with morality and ethics. Joshua Senne describes the NCAA's rationale for maintaining its amateurism statutes as an "open acknowledgement (that) the adoption of professionalism would result in a loss of respectability for the university as a bastion of academia. Therefore, the resolution to this dilemma has been for institutions to claim amateurism, but operate under a professional mode of operation" (2016). Section 2.9 of the 2017-18 NCAA Division I Manual states that, "Student-athletes shall be amateurs in an intercollegiate sport, and their participation should be motivated primarily by education and by the physical, mental and social benefits to be derived" (4). The NCAA attempts to clearly distinguish collegiate sports from professional ones on basis of the

primary nature of education in the former. Further, strict rules are in place to ensure that student-athletes abide by this definition of amateurism. An NCAA athlete can lose their amateurism status if he/she:

a) Uses his or her athletics skill (directly or indirectly) for pay in any form in that sport;
b) Accepts a promise of pay even if such pay is to be received following the completion of intercollegiate athletics participation;
c) Signs a contract or commitment of any kind to play professional athletics, regardless of its legal enforceability or any consideration received, except as permitted in Bylaw 12.2.5.1;
d) Receives, directly or indirectly, a salary, reimbursement of expenses or any other form of financial assistance from a professional sports organization based on athletics skill or participation, except as permitted by NCAA rules and regulations;
e) Competes on any professional athletics team per Bylaw 12.02.11, even if no pay or remuneration for expenses was received, except as permitted in Bylaw 12.2.3.2.1;
f) After initial full-time collegiate enrollment, enters into a professional draft (see Bylaw 12.2.4); or
g) Enters into an agreement with an agent. (NCAA, "2017-18 Division I Manual")

The contradictions are numerous. For example, given the aforementioned instances of NCAA rule violations, it is obvious that even in the minds of many coaches, administrators, and team officials, education is not always at the forefront. Yet athletes are the only ones excluded from enjoying the fruits of labor to which they are the most integral pieces. Additionally, since athletes are not to be paid, the profits accrued from their competitions go directly into the pockets of the NCAA, their member institutions, and athletic conferences. All of those enterprises market using the likeness of student-athletes. Brands are built upon household names that emerge from college athletics. Athletic programs seek out lucrative contracts with apparel companies like Nike, Under Armour and Adidas, who are all vying to have their products worn by the most electrifying college athletes. Section 2 of the Division I Manual further states that "participation in inter-collegiate athletics is an avocation, and student-athletes should be protected from exploitation by professional and commercial enterprises" (4). But it would seem that of all the exploitative enterprises that these rules are in place to protect student-athletes from, the NCAA is the largest one.

The disproportionate effects that this exploitative model has on student-athletes of color has blatantly racist overtones. The overrepresentation of black student-athletes in Division I football and basketball juxtaposed with their underrepresentation in their general student bodies does not just have negative connotations surrounding the role of black students in the university setting. It also mirrors the intent of the industrial schools that spread throughout the South in the early 1900's which raises questions about persisting social values about black education and economics. Industrial schools and their supporters communicated that the primary reason for enrolling black men in colleges was to teach them skills that would make them active contributors to the Southern economy (DuBois, 93). Since they first arrived in the United States, black people have been tasked with serving and enriching others by providing labor and entertainment. Black people have historically been thought to be useful solely for the back-breaking work that took place on plantations and in Southern economies, but in this day and age, mainstream society recognizes African-Americans as being superb athletes, capable of feats that did not seem possible at the inception of the sports industrial complex. However, although their perceived area of expertise has changed, their utility has not. Lucrative commercial enterprises are still being built on the backs of African-Americans. To coincide with that transformation, there has been a shift not in the purpose, but in the method of black education. Whereas the current model would be known for teaching black students how to be running-backs and point guards rather than sharecroppers and blacksmiths, there is a parallel in that both models categorize any kind of education that they cannot immediately monetize as an education that is not worth providing for young, black men. I argue that the linkages between our contemporary collegiate sports model and these Southern educational visions are not coincidental. They are both purposive and unconscious embodiments of a structurally racist system and reflect

disturbingly similar racial attitudes. Despite the fact that some black student-athletes have the opportunity to earn millions of dollars and achieve a sense of fame, in looking past the surface level, the commodification of their talent clearly reflects previous ways in which black bodies have been exploited here in the United States of America.

The company-town metaphor I previously described is a similar method of exploitation whereby laborers who were primarily people of color toiled under strenuous circumstances that served to further enrich the companies that employed them. Proposing that Division I football and basketball athletic departments are like company towns, Southall and Weiler contend that athletes are similar to these laborers who, despite being the main source of revenue in their respective arenas, are exploited (2014). There are quite a few rationales that support this claim. For one, despite the NCAA's vehement opposition to this claim, profit-athletes are essentially employees. Following a 1953 Supreme Court Decision in which the Colorado Supreme Court ruled that a football player at the University of Denver was to be considered an employee of the university, then NCAA Executive Director Walter Byers crafted a term to replace that terminology (Byers 1995). The result was a word that we use almost exclusively to describe NCAA players in modern discourses: student-athlete. Pultizer-Prize winning author Taylor Branch proposes that the term is intentionally unclear because:

> College players were not students at play (which might understate their athletic obligations), nor were they just athletes in college (which might imply they were professionals). That they were high-performance athletes meant they could be forgiven for not meeting the academic standards of their peers; that they were students meant they did not have to be compensated, ever, for anything more than the cost of their studies ("The Shame of College Sports" 2011).

The term has become so embedded in our language that we rarely question its use or its origins, but looking at its conception reveals its true intentionality. While many would agree with Byer that NCAA players are not employees due to the nature of their labor and its secondary status to

education, McCormick and McCormick argue that the National Labor Relations Board (NLRB) can be used to guide what is considered an "employee" (2006). A key piece of determining whether one can be considered an employee is called the "right of control" test, which refers to the amount of control that one maintains over his employee's exploits. The test, McCormick and McCormick write, "examines the degree to which the employer controls the daily lives of its putative employees, including the manner in which they carry out their work" (2006). So, under this definition, it is reasonable to equate the student's athletic performance being done for the university and dictated by a coach in exchange for an athletic scholarship to an employee performing labor for another under contract and subject to their right of control (McCormick & McCormick 2006).

The control that Division I athletics programs maintain over the lives their athletes lead is more evidence of the mirrors between athletics departments and the company-town. Besides being subjected to excessively invasive tactics such as monitoring of social media accounts and even spending habits, profit-athletes are often physically, culturally, and socially isolated from other students much like company-town laborers were separated from other citizens on basis of their professions (Southall and Weiler 2014). By providing separate housing for sports teams, coordinating meals and class schedules, scheduling study halls, and calling for obscenely early wake-ups, coaches and athletics departments work in tandem to provide an extremely artificial college experience for profit-athletes, one where they spend the majority of their days in the company of coaches and teammates rather than students and faculty. While coddling them in this sense does ensure that profit-athletes are in tune with one another and aware of their responsibilities, it also gives them a rather homogenized support system and precludes them from enjoying many of the aspects of the university setting in which their peers engage. This theme

became apparent throughout the interviews I conducted, as most of the athletes reported that their support systems consisted of their teammates, their roommates (who were also their teammates), and the team academic advisor who devised their schedules.

Furthering Southall and Weiler's position, the profit-athletes' migration patterns also echo those of company town laborers. Athletes, who are most often black, migrate from both rural and urban backgrounds to attend PWI's and compete in exchange for athletic scholarships. The fact that these athletes hail largely from southern states (Louisiana, Florida, Alabama, Georgia, Texas, and Mississippi are among the top-ten FBS-football producers in the country) likens their experience to company-town laborers who migrated largely from rural southern backgrounds to their work sites (Southall and Weiler 2014). In many cases, the physical distance between school and home for profit-athletes is matched by equally distinct cultural backgrounds. As previously mentioned, many athletes migrate to PWI's where the student body makeup (outside of their football, basketball, and track teams) is vastly different in terms of factors like race and class. Their overwhelming presence in Division I athletics communicates to students, faculty, and the athletes themselves that the primary purpose for black people in higher education is to win games. Many profit-athletes only withstand this culture shock for the pre-professional opportunities Lastly, much like company-town laborers migrated to work sites with the hopes of accruing funds with which to return home and provide for their families. Competing for PWI's at the NCAA Division I level is the primary way that athletes make it to the NFL and NBA and land the lucrative contracts that they ultimately seek.

Perhaps the most clear-cut comparison between the company-town and athletic departments is the link between company-town scrips and athletic scholarships. Not being legal currency, the value of a scrip is determined by the organization issuing it. In many company-

towns, scrips allowed companies to retain cash assets, mark-up goods at their own discretion, and monopolize goods and labor in a way that left many company-town laborers in debt to the company following the completion of their work (Southall and Weiler 2014). Much like scrips in their intention, athletic scholarships that provide an opportunity to receive a free college education are frequently touted as adequate compensation for the labor of NCAA profit-athletes. However, considering the dismal graduation rates among black male student-athletes and the commonality of academic misconduct scandals, there are reasonable grounds to argue that the value of a scholarship is not all it's chalked up to be, especially when it's hampered by factors like practice and game schedules that limit educational access, high concentrations of athletes in certain majors, and a remarkably less strenuous admissions process (Southall and Weiler 2014). Advocates for the NCAA scholarship model argue that profit-athletes view scholarships as a chance to receive professional-level training and exposure all while earning a degree that will put a cap on their ensuing pro careers, but only an extremely discouraging proportion of Division I athletes will make it to one of those leagues in any given year and many profit-athletes will not graduate in the first place (Southall and Weiler 2014). The use of non-cash compensation shuts the very vehicles of the NCAA's success out of a billion-dollar industry that coaches, administrators, brands and even fans are able to take part in, all while their own compensation is of questionable real-world value.

Finally, the parallel between the health-related risks associated in employment in company-towns and college athletics exemplifies that money is the chief concern within the NCAA model by incentivizing student-athletes to put their bodies and their professional hopes on the line by participating in Division I sports. During the heyday of the company-town model, coal-mining was one of its most essential, and also its most dangerous industries. Between 1880

and 1910, thousands of coal-miners died from disasters like explosions and cave-ins, but also from slower killers such as “black lung” disease (Southall and Weiler 2014). To be sure, the exploits of college football players have not proven to be nearly as deadly as that of coal miners in the nineteenth and twentieth centuries, however the health risks that they face are no less legitimate. Aside from sustaining the most injuries among all college sports, football players are increasingly suffering from life-threatening head trauma brought on by frequent high-speed collisions (Kerr et al., “College Sports Related Injuries”). Chronic traumatic encephalopathy (CTE) is the degenerative brain disease that has taken the football world by storm since 2015, leading to innumerable lawsuits against the National Football League by players and families whose lives have been significantly affected by the deadly disease. Although not so similar to football in the gravity of their injuries, basketball players are also affected by the remnants of injuries sustained during their physically taxing college careers. The damage accrued by years of repetitive running and jumping on hard surfaces can be downright destructive to one’s knees, and lead to years of an abnormal gait accompanied by medical bills if not taken care of. Division I athletics programs do, in many cases, provide immaculate health services to circumvent such issues. But, as Huma and Staurowsky put it, these services “can also be viewed as capital expenditures to protect universities’ investments in the labor-force that drives the collegiate model” (2012). Because their worth is determined by their athletic contributions, it is in the best interest of any athletic department to provide training and rehabilitation services that maximize a players’ output. Regulations that prevent high school prospects from entering the professional ranks naturally funnel elite athletes into NCAA Division I competition. As a result, they are barred from being immediately able to reap the benefits of their skills, and risk sustaining injuries that might keep them from attaining professional status altogether. The sports industrial

complex shows a blatant disregard for the wellbeing of profit-athletes by requiring them to continue to compete without pay for up to four more years at their respective universities, where they might establish or exacerbate health issues that can remain with them for the rest of their lives.

The opportunism and exploitation of black student-athletes in the NCAA has its roots in the arrival of enslaved Africans on American shores. Since then, black people have been employed en masse as tools of profit and entertainment for mainstream American society. In the context of the NCAA in particular, the desegregation of college sports teams established that this method of exploitation did not have to stop despite the fact that outright racism was no longer acceptable. Even in the midst of the Civil Rights Movement, the integration of college sports was, to many, no more than another opportunity to exploit black bodies. Amateurism statutes, though of questionable origin, maintain that the university setting is a haven for learning, and that paying student-athletes would undoubtedly corrupt the relationship between academics and athletics. Thus, the NCAA upholds these statutes as a paternalistic veneer of protection that serves their own interests by allowing them to commercialize the likeness of student-athletes while simultaneously barring those athletes from reaping the benefits. The parallels drawn in this chapter between the plight of NCAA profit-athletes and company-town laborers detail the extent to which profit takes precedence over education in NCAA Division I institutions. The emphasis on the academic endeavors of so-called “student-athletes” is not reflected in the education that profit-athletes receive, it is merely a farce used as a rationale to ensure that college athletes remain amateurs, and that the NCAA remains a non-profit organization. The framing of Division I sports as a necessary step for professional sports hopefuls allows the NCAA to benefit from the talent of extraordinarily gifted young men, and it helps them to secure lucrative contracts with

television networks, clothing brands and memorabilia peddlers. Using the company-town metaphor to liken profit-athletes to employees without pay, certain facets of the profit-athlete experience such as noncash compensation, geographically and culturally distant migration patterns and associated health risks demonstrate the ways college athletes are treated as expendable actors upon which to achieve extraordinary wealth. The prioritization of money over learning is clear, as the purpose of this vicious cycle of exploitation is to maximize the profitability of each individual athlete. Understanding the aspects of Division I athletics that make profit-athletes so commercially valuable is crucial for recognizing the role of educational malpractice in upholding the NCAA's collegiate sport model.

Chapter 2: Educational Malpractice

As previously mentioned, educational malpractice claims involve a failure on behalf of institutions to sufficiently educate students. These violations occur at various institutional levels and take many different forms. One successful claim involved an institution in Montana (a unique case in that Montana has a statute which places a duty of care upon educators) misdiagnosing a student with a learning disability and placing them in a "special education program" where they were not adequately challenged (B.M. v. Montana). Another successful claim involved a student-athlete who was advised to take a high school course that was not recognized by the NCAA and subsequently lost his athletic scholarship, rendering him unable to attend college that Fall (Sain v. Cedar Rapids Sch. Dist.). Despite these victories, educational malpractice claims are overwhelmingly unsuccessful in U.S. legal practice for four major reasons:

(1) The lack of a satisfactory standard of care by which to evaluate an educator;
(2) the inherent uncertainties about causation and the nature of damages in light of such intervening factors as a student's attitude, motivation, temperament, past experience, and home environment;
(3) the potential for a flood of litigation against schools; and
(4) the possibility that such claims will embroil the courts into overseeing the day-to-day operations of schools (Standler, "Educational Malpractice Law in the USA").

It is clear that there is a tendency for cases like these to fail partly due to lack of uniformity in educational standards and student ability, and partly because of precedence. Yet, the fact remains, whether it be due to an absence of ability or of concern, both teachers and institutions repeatedly fail to provide student-athletes with the tools to be successful in school and beyond. At times, however, it can be unclear whether or not an institution's failure to educate a student is intentional, especially in the case of profit-athletes.

There are many instances where holding profit-athletes to rigorous academic standards is simply not profitable. Since doing so would give schoolwork the potential to sideline talented players, lose games and funding, coaches and athletic departments sometimes elect to sacrifice genuine academic rigor in order to maintain a winning culture and to secure funding. The act of passing student-athletes along on basis of their unique physical talent does not only happen within the NCAA. It is certainly a part of why many universities relax their admission standards for incoming high-schoolers in order to acquire gifted players for their athletics programs. What is unique to the NCAA, however, is the profitability of this exploitative practice. The willingness that universities within the NCAA show to void their academic standards entirely illustrates that winning games and making money takes precedence over properly educating profit-athletes. This form of malpractice, then, is not an honest mistake. It is a calculated method of exploitation that is perpetrated time and time again. It communicates to profit-athletes that their primary contribution to their schools and to the world is their ability to generate immense amounts of revenue for other people by playing a sport.

Part of the malpractice at play in the context of the NCAA stems from the sheer dishonesty about the role of money in driving universities to ensure that their athletes remain eligible at all costs, regardless of how little they are learning in the classroom. The case of the academic misconduct that took place at the University of North Carolina surely garnered many quizzical looks from spectators, but the fact of the matter is it does not make sense for the NCAA to come down hard on its major programs. Banning a school like UNC from postseason play or stripping the program of wins and scholarships would surely cause a decrease in ratings and revenue. Instead, the NCAA's approach is to feign a concern for the holistic development of profit-athletes while allowing the money to flow at their expense.

The case of UNC is a clear instance in which genuine and holistic development was clearly not a priority for the university or for the NCAA. Student-athletes were not just enrolled in false courses, what is especially striking is the department that provided the courses. These student-athletes were deprived of legitimate African and Afro-American Studies classes, which is a factor that cannot be overlooked considering the high representation of student-athletes of color among UNC's premier athletics program, the men's basketball team. It is a most unsettling case of irony that the classes being deprived from student-athletes were ones that were so pertinent to their own experiences, and that undoubtedly would have touched on America's history of commodification to which their college experience as student-athletes contributes.

UNC serves as a microcosm for the frequent acts of depravity committed by NCAA member institutions. Student-athletes, mainly African-American ones, become so engulfed in their roles as athletes that they prioritize athletic performance over their academic goals within their institutions of higher education. Within the NCAA's corrupt system, however, those students almost have no choice. Student-athletes quickly learn the cutthroat nature of Division I sports, where, simply put, production means more than anything. Universities abandon their commitment to students in order to meet the demands of profit and production. The lofty goals of higher education propagated by UNC are in its mission statement, where it states that they aim to:

> teach a diverse community of undergraduate, graduate, and professional students to become the next generation of leaders. Through the efforts of our exceptional faculty and staff, and with generous support from North Carolina's citizens, we invest our knowledge and resources to enhance access to learning and to foster the success and prosperity of each rising generation… the University has charted a bold course of leading change to improve society and to help solve the world's greatest problems (UNC, "Mission and Values").

These noble goals surely sound good to potential donors, and prospective students, but to compare them to the experience of actual student-athletes at this specific institution is to

highlight the blatant contradictions. A leader in education, it is not out of UNC's reach to aspire to educate future leaders and to improve society for the better. Student-athletes, however, were barred from receiving an education that would give them the tools to catalyze such change when they were encouraged to enroll in "paper" courses. Rather than increasing access to learning, UNC effectively inhibited its student-athletes' ability to learn, and stunted the growth of the next generation's potential leaders. The mission statement also claims that UNC aims to allay societal ills, and to essentially make the world a better place. However, one pertinent social issue that comes to mind is differential access to education along racial lines. UNC actively contributed to that problem by encouraging basketball players to enroll in false Afro-American Studies courses and effectively depriving black student-athletes of academic rigor, and knowledge of their own historical plight. To espouse a commitment to solving the great problems of society and of the world is not enough. UNC, and other institutions like it, should maintain the same resolve for empowering students to enact meaningful change in regard to its profit-athlete population, especially since many of the social issues that profit-athletes are routinely forced to confront are linked to their racial identity as black men.

The perception of student-athletes on campus as being athletes above anything else contributes to the phenomenon of role engulfment. Professors, coaches, administrators, and even other students become so fixated on sports that on any given day a student-athlete may feel that they are no better than their statistics, their highlights, or their ranking. The athletic identity that profit-athletes take on supersedes all others because of the vast amount of their lives that college sports consumes, and a preoccupation with school is often among the first things to be sacrificed. Lacking the ability to meaningfully explore other roles from the beginning of their college experience, many student-athletes struggle to find a healthy balance between the increasingly

centralized role of athletics and the over-stimulating experience of residing on a college campus. With such tremendous pressure on them, it is so easy for student-athletes to resort to taking "paper" courses or engaging in other forms of academic misconduct. What facilitates those poor decisions is when shortcuts are presented as opportunities by coaches, team officials, and other players who have benefited from them, much like in the case of UNC basketball.

When considering the predatory practices of the NCAA, it is hard to think of the athletes who successfully made it into the professional ranks as being exploited since their professional salaries are often so staggeringly high. Like NFL Defensive End Dexter Manley's former academic advisor Dale Roark once said, "Coaches further their careers with players like Dexter, and players in turn groom themselves for pro ball" (Jacobson, "Manley Finally Gets a Read on Education He Missed"). Roark has a point. Athletes simply don't know how good they have it. They get to do what they love and some make millions of dollars for it. To top it all off, they get to bypass educational requirements because they're so talented. The best athletes don't have to score as highly on standardized tests, don't have to maintain impressive GPA's and don't have to spread themselves thin by getting involved in copious extra-curricular activities. And if you're an extraordinary talent like Manley was, you may graduate college without ever having to pick up a book. But does having all that talent make the value of an education null and void? Are we to believe that a professional sports contract and a meaningful educational experience are interchangeable? Many would argue that since we pass athletes along, praise them for going "one-and-done" and then gawk at the endless amounts of "0's" on their paystubs, that that must be the case. Unfortunately, at least for Dexter Manley, it's not all that simple. Manley, a one-of-a kind football player from Texas, employed endless ruses to ensure that he could remain eligible

to play football. He sat in the front of his classes, carried books with him everywhere, and even got girlfriends to do his homework. One could argue that all the energy he expended on keeping up the elaborate charade that he could read might have been better allocated toward actually learning to read and write, but after falling behind and being moved into remedial classes, he found that the gap between him and his peers kept increasing. Discouraged, Manley resolved to do whatever it took to save himself the embarrassment of revealing that he was illiterate. As long as he kept dominating on the football field, he figured that people would still like him, teachers would still pass him, and colleges would still recruit him. And he was right. After receiving thirty-seven scholarship offers to play college football, Manley elected to attend Oklahoma State University. There, he had an illustrious football career and graduated in four years, despite reading at just a second-grade level (Jacobson, "Manley Finally Gets a Read on Education He Missed"). Manley was fortunate enough to be drafted to the NFL by the Washington Redskins in 1981, but his problems were not over. His illiteracy plagued him in more settings than he could have imagined. Aside from not being able to read his first NFL contract, Dexter could not even order from the menu when he went out to eat, and disclosed to one *SB Nation* reporter that he got lost driving home on multiple occasions because he could not read street signs (Kogod, "Cocaine, Illiteracy and Football Could Not Stop Dexter Manley"). The façade eventually became impossible to maintain and teammates, no longer fooled by the daily *Washington Post* newspapers he kept on his person, began to ridicule him for things like being unable to read the team playbook. To make matters worse, Manley's plentiful disposable income began to facilitate a drug habit that he picked up from some of his teammates. It seemed as though a confluence of factors were cooking up a storm cloud that Manley simply could not shake. Witnessing a teammate's career-ending injury in 1985 inspired Manley to enroll at the Washington Lab

School in 1987, where he would begin learning how to read and preparing for life after football. Unfortunately, life after football came earlier than Manley anticipated. Following a fourth and final failed drug test, Manley was banned from the NFL for violating its substance abuse policy. He officially retired in 1991, at which point he still had not managed to kick his cocaine habit. Consequently, he went broke in 1995, and he continued to struggle with his cocaine use and with his marriage. Manley reached rock bottom in 2005, when he was arrested and escorted to a hospital where a cyst roughly the size of a quarter was discovered on his brain (Kogod, "Cocaine, Illiteracy, and Football Could Not Stop Dexter Manley"). Following the ensuing procedure to have that cyst removed, Manley has been drug free; but to this day, he has a hard time coming to terms with the years he lost and the career he squandered due to substance abuse.

For Dexter Manley, achieving the professional status he coveted was not the end of his problems; it was only the beginning. A well-liked and well-paid figure, his lifestyle proved difficult to manage for a variety of reasons. The basic literacy skills he never learned did not disappear, instead they were magnified until they became a source of insecurity. One can only imagine what the effects of a more authentic academic environment would have done for Dexter Manley. Not only could he have avoided having to jump through hoops to hide the shame of lacking basic reading skills, he might have learned some financial literacy as well. Perhaps more importantly, he could have grown in an environment where he truly had to answer to authority and be held accountable for his actions. These aren't just facets of college education, they're essential to education and to schooling as a whole. Not only that, but they had the potential to give Manley the tools to combat his insecurities about his intellectual deficits, his substance abuse, and the moral and financial bankruptcy that accompanied his drug addiction. The way Manley was treated throughout his time at Oklahoma State (and even while he matriculated

through secondary education) runs counter to the professed values of higher education. Rather than providing him with faculties that would aid his holistic development and prepare him to deal with the various challenges of adulthood, Oklahoma State's education of Dexter Manley mirrored the utilitarian approach that is afforded to many black student-athletes in Division I football and basketball. The potential that Manley had to generate unforeseeable revenue for his institution and for himself meant that he did not have to know how to read and write. For athletically gifted black men like him, the extravagant professional contract that he might, one day, sign was a stand-in for his missing education. Additionally, the success that Oklahoma State's football team had during his time there was grounds for the university to ensure that he remain eligible to play regardless of the severity of his miseducation.

Just as important for the scope of this thesis is the case of Kevin Ross. While Manley reveals what can happen even in the unlikely case that a college athlete reaches professional status, Ross's situation is perhaps more representative of that of most athletes in that he did not continue to dominate his sport in the same way once he reached the Division I level, and the professional opportunity that he was awaiting simply never came. Manley's athletic prowess meant that Oklahoma State would aid him in putting off addressing his intellectual deficits until he was forced to confront them, but Kevin Ross did not receive the same academically dishonest support from Creighton University because his athletic output indicated that he was not worth his coaching staff's time and energy. Both men's tales emphasize the importance of higher education beyond serving as an athletic training ground and they each demonstrate the social and personal tragedies of the exploitation of black athletes for profits and prestige.

Early one Thursday morning in July, 1987, a television set was discarded from the balcony of the Quality Inn on Halsted Street in downtown Chicago. A few minutes later,

someone discharged a firearm. The potentially fatal spectacle of appliances and bullets falling from the sky prompted passers-by and hotel employees to make a call to the Chicago Police Department concerning a disturbance being caused by a resident. The disgruntled tenant was none other than Kevin Ross, a man who was already no stranger to the media. After going public in 1982 with his decision to return to primary school after leaving Creighton University, Ross achieved national acclaim. He was able to learn how to read and write, enroll at a university in order to attain a meaningful degree, and even use his platform to become a public speaker, advocating for student-athletes not to take their education for granted (Curry, "Suing for a 2nd Chance to Start Over"). During that five-year period after leaving Creighton, however, Ross struggled with depression. And just when it seemed as though he had begun to get his life back on track, one of his most troublesome vices reared its ugly head. When he realized that he was being discarded from Creighton University after a career of sub-par athletic performance with no hopes of further pursuing basketball, no insight about finding gainful employment, and nothing to show for what was surely a frustrating four years, Ross turned to substance abuse as a coping mechanism. Battling with suicidal thoughts, nightmares about his college experience and a seriously difficult time trusting people, Ross saw drugs and alcohol as an escape from his painful reality. At times, his alcohol abuse led him to explode, resulting in fallouts that usually ended much like the one that Thursday morning.

Officers arrived on the scene to block off Halsted Street at about six am, after hearing that well-known former Creighton basketball player Kevin Ross reportedly threw a television set out of an eighth floor window and discharged a firearm (Wattley, "Cops Subdue Ex-Basketball Player Kevin Ross After Hotel Rampage"). After hotel staff denied his request for four more television sets to be brought to his room, Ross proceeded to throw out his bed and bed frame.

The bathroom sink, and mounted air-conditioner followed shortly thereafter, both of which caused irreparable damage to police vehicles parked on the street. Responding to the police officers' encouragement to surrender by adding the telephone to the list of items whisked from the balcony, Ross finally asked to speak with one of the few people he trusted: his old friend and Westside Preparatory School principal, Marva Collins. After an exhausting standoff, Collins finally convinced Ross to come out into the hallway where he was subdued by fifteen police officers with the aid of handcuffs, leg straps, and a stretcher. Though he ended up serving no jail time, Ross was charged with two counts of criminal damage to property, two counts of assault, and one count of trespassing. Perhaps the most daunting detail of this whole fiasco was that it was Ross's second big implosion in that week alone. The Monday before, Ross was arrested for refusing to pay his bill at a local tavern. After a scuffle with a band of police officers, Ross was arrested and charged with theft, another blemish on a rap sheet that had been squeaky clean up until he left Creighton (Wattley, "Cops Subdue Ex-Basketball Player Kevin Ross After Hotel Rampage").

After years of struggling to assimilate into adult life and the workforce without a proper education that had adequately prepared him for it, the scene at the Quality Inn was Ross's breaking point. After reaching unimaginable heights like enrolling in college, testifying before Congress about illiteracy, and even being able to deliver an address at Harvard University, Ross and those around him never anticipated that he would reach rock bottom again in such dramatic fashion. The incident prompted him to seek out legal counsel so that he could begin to make his case for receiving reparations from Creighton for his nightmarish experience there. His search led him to Marty Schwartz, a Chicago attorney who assisted Ross in filing his breach-of-contract lawsuit against Creighton on the grounds that the university "failed to teach him adequately"

(Curry, "Suing for a 2nd Chance to Start Over"). While there is certainly something to be said about the fact that Ross was able to make it through the Kansas City school system without ever learning to read (all while averaging 20 points and 20 rebounds per game), Schwartz cited a faux college admissions process as the beginning of the exploitative relationship between Creighton University and Kevin Ross (Curry, "Suing for a 2nd Chance to Start Over"). His central argument was that Ross should never have been admitted nor offered a scholarship to attend Creighton in the first place. Further, when Ross began his official relationship with the University by signing his National Letter of Intent, Creighton became responsible for his education-- an education that ultimately failed to equip him with the tools to become a functional, democratic citizen or even an employable adult.

In March of 1991, Ross and Schwartz finally appeared before the Cook County (IL) Circuit Court to argue their case, the core of which speaks to the failures of American universities to educate its black student athletes. Through dredging up records that showed his poor academic performance before and during his time at Creighton, Ross revealed the true extent of his lack preparation for a rigorous college environment. As if his 2.0 GPA were not evidence enough that his application to Creighton was well below the standards of the average student, it was reported that Ross "scored in the bottom fifth percentile of college-bound seniors taking the American College Test, while the average freshman admitted to Creighton with him scored up in the upper twenty-seventh percent" ("Kevin Ross, Plaintiff-appellant, v. Creighton University, Defendant-appellee"). Ross also achieved a "D" average during his time at Creighton, only managing to complete 75% of the credits he would have needed to graduate by his senior year (Curry, "Suing for a 2nd Chance to Start Over"). The considerable amount of credits he would have needed in order to graduate was one of the key factors in the University's

decision to shell out $6,500 for Ross to attend Westside Prep Elementary and improve upon the fourth grade language skills and seventh grade reading skills with which he departed ("Kevin Ross, Plaintiff-appellant, v. Creighton University, Defendant-appellee"; Curry, "Suing for a 2nd Chance to Start Over"). Statistics like this provided credence for Schwartz's argument that Creighton was well aware of Ross's academic profile and should have anticipated that their institution was not the right one for him as a student. Ross also disclosed that his coaching staff tempted him to turn in plagiarized work by offering to write a term paper for him, further evincing that that was clear wrongdoing on behalf of the university (Standler, "Educational Malpractice Law in the USA").

Ross and Schwartz argued that Creighton was negligent to Ross and that they had breached their contract with him ("Kevin Ross, Plaintiff-appellant, v. Creighton University, Defendant-appellee"). Their argument for negligence was built on three key tenets. The first was that Creighton committed educational malpractice by failing to provide a meaningful education and prepare Kevin Ross to enter the labor force following graduation. Their second claim was that the university's negligence caused him emotional distress by enrolling him in a competitive academic environment for which he was woefully unprepared, and for not providing classes that were appropriate for his skill level in order to help relieve that stress. The tertiary claim for negligence was coined "negligent admission," a tort for which Ross prompted the court to adopt a new cause of action ("Kevin Ross, Plaintiff-appellant, v. Creighton University, Defendant-appellee"). This would refer to the practice of an institution accepting a student whose academic profile is far below that of the average student within that institution, and then failing to provide that academically-disadvantaged student with adequate support. Finally, Ross alleged that Creighton entered into contract with him by claiming that they would provide him with "an

opportunity… to obtain a meaningful college education and degree" ("Kevin Ross, Plaintiff-appellant, v. Creighton University, Defendant-appellee"). According to his testimony, Creighton came up short on this promise by failing to provide sufficient tutoring, not giving him a chance to utilize tutoring services or mandate that he attend tutoring sessions, barring him from adjusting to the academic rigor by "redshirting" (a common practice which would have provided Ross the opportunity to sit out of basketball games for a season and focus on academics) and not paying for him to complete his college education ("Kevin Ross, Plaintiff-appellant, v. Creighton University, Defendant-appellee").

Following roughly a year of deliberations, the court eventually moved to grant Creighton University's motion to dismiss the case on the grounds that Ross failed to state a claim ("Kevin Ross, Plaintiff-appellant, v. Creighton University, Defendant-appellee"). The court held that Ross's negligence claims were invalid for a variety of reasons. His claim of educational malpractice, for example, was deemed insufficient largely because of precedent. Not only did it raise the difficulty of determining that the institution's educational malpractice is what caused a student to receive an inadequate education (and what an "adequate education" would even look like in the first place), but it also had the potential to open up the floodgates for claims of educational malpractice by students who decided that they did not get all that they could have out of their educational training. As for Ross's claim that Creighton's negligence caused him emotional distress, the court ruled that the negligent act must have caused him physical harm to be recognized ("Kevin Ross, Plaintiff-appellant, v. Creighton University, Defendant-appellee"). The last of Ross's negligence claims, the one he called "negligent admission", was dismissed on account of the burden it might cause universities to consider that admitting students who did not necessarily meet all of their academic standards might result in tort damages, as well as the

disproportionate effects that such a burden might have on students who come from academically-disadvantaged backgrounds ("Kevin Ross, Plaintiff-appellant, v. Creighton University, Defendant-appellee"). Regarding Ross's claim that Creighton had entered into and breached a contract with him by not fulfilling their promises, the court did acknowledge that, in some respects, the relationship between a university and a student is contractual. However, they arrived at the conclusion that "a breach of contract action could be maintained only for the breach of a specific contractual promise that did not require the court to assess the general quality of the education" ("Kevin Ross, Plaintiff-appellant, v. Creighton University, Defendant-appellee").

Although the court did ultimately dismiss his complaints, Ross's contributions to this discourse cannot be ignored. For instance, many of the decisions that the court made were based on the premise that it was not the court's duty to "take on the job of supervising the relationship between colleges and student-athletes or creating in effect a new relationship between them" ("Kevin Ross, Plaintiff-appellant, v. Creighton University, Defendant-appellee"). This notion, however, is subject to change. In recent years, courts have taken considerable steps in mediating the relationship between student-athletes and universities, even siding with those athletes at times (NCAA v. White; NCAA v. O'Bannon; NCAA v. Alston). Ross's case also introduced some ideas like negligent admission, breach of contract and educational malpractice that, while not serving him in winning his case, have forced people to think more critically about the goals of education and a university's duty to its students. Lastly, and perhaps most importantly, Ross proved that the NCAA's exploitative practices are not victimless, and that its claims of prioritizing academics really serve the purpose of maximizing profits all while using athletes as its unpaid labor force. His story was publicized in a way that was unprecedented during his era.

The image of a 6 foot 9 inch, 250-pound man squeezed into a desk and surrounded by children half his age appeared on television sets throughout the nation, evoking ardent responses from viewers who wondered how something so outrageous could happen. Despite the eventual dismissal of his case, the wrongdoing by Creighton University was clear to many, and now it is well-known. Ross's progression from a promising recruit who averaged statistics reminiscent of that of Kareem Abdul-Jabbar to a 4.4 point-per-game player with an abysmal grade point average showed how players who did not produce on the court were not taken care of in the same way as their teammates who enjoyed more athletic success. Further, following Ross's lackluster basketball career and consistently poor academic performance, Creighton did not even take steps to make good on the promises that they allegedly made to Kevin Ross. Simply put, no degree was earned and no support was provided. When his time was up, Ross was discarded and sent to an elementary school where he became someone else's problem. In their eyes, Creighton had washed its hands of Kevin Ross. Seeing Ross leave college totally empty-handed illustrated a side of Division I collegiate athletics that many had not seen. When his professional dreams were clearly out of reach and his educational training was non-existent, Ross had nothing to show for the four years he spent at Creighton. While his academic limitations may be a bit drastic for many Division I profit-athletes, Ross managed to become the face of a cause that would progress tremendously in the following decades. And though Creighton's mistreatment of his situation may have cost him an opportunity to live the lifestyle he hoped to live, he is a crucial part of the rationale for why we must scrutinize the education being provided to young black men and women who matriculate through the conveyor belt that is collegiate athletics.

Ross and Manley certainly differed in their experiences with college sports as well as what those experiences meant for life after college. For Ross, failure to play professional

basketball coupled with the fact that he was ill-equipped to do anything else led him to an elementary school classroom, and to struggling for years to make up for lost time in regards to the education that he did not receive. As for Manley, his time at Oklahoma State did result in a professional stint, but it was also hampered by his inability to read and his trouble with authority, and Manley only managed to delay the existential crisis that occurred as he came to realize that he could not play football forever (and even if he could, he still had to figure out how to function without basic reading skills). The experiences of these two men converge in that they were not cared for as young men and as students at their respective institutions. They were recruited for their potential to assist their respective sports programs in winning games and to aid their universities in making money. The results were vastly different. Dexter Manley did for Oklahoma State what he was recruited to do. Him being drafted into the NFL is evidence of the fact that he played well and was instrumental to their on-field success. Because of that, his intellectual deficits had no bearing on his standing at the university. He passed his classes with no problems, and graduated without ever having to address his illiteracy. Ross, on the other hand, had a totally unique experience. Not living up to expectations on the basketball court, the support that he was promised was not provided. Not only that, the university did not even attempt to put up a farce for him. Though he was perhaps no less prepared for college-level courses than Dexter Manley was, Ross did not get passed along at Creighton the way he did throughout high school. When his athletic output sputtered, so did his academic standing, and his hopes of ever graduating from Creighton University.

Despite the fact that he attained a degree and entered the professional ranks, Manley did not manage to avoid altogether the trap into which Kevin Ross fell. If anything, he only delayed it. Soon enough, however, it became apparent that he would have benefited seriously from a

more academically attentive and rigorous environment, or even the sincere concern of just one educator. Kevin Ross and Dexter Manley's universities both wronged them. Their athletic prowess, their academically-disadvantaged backgrounds, and their blackness communicated that they were not to be educated, they were to be used to fill seats and to collect profit.

Further, the ways that they were treated as they navigated the collegiate sports model was not unique to the schools they attended. Universities like Creighton, Oklahoma State, and North Carolina are not the only ones at fault here. And though they all operate under the umbrella of the largest and most powerful intercollegiate athletic association in the world, even the NCAA cannot be held entirely accountable for the ways profit-athletes are managed in their interactions with school systems. The actions of the NCAA and its member institutions stem from societal norms that seek to perpetuate historical understandings of the utility of black bodies. Similar to the early twentieth century industrial schools mentioned in the previous chapter, efforts to provide profit-athletes with only what is societally agreed upon as useful reflects the racist and paternalistic tendencies of mainstream actors to dictate the consumption of black culture and black people. In doing so, they continue to maintain the hegemony that they've built by gatekeeping access to the best institutions, repeatedly failing to provide profit-athletes with tools to succeed once they arrive at or leave those institutions, and communicating to young black men from an early age what their existence in those spaces is meant to achieve.

Whereas a court may not be able to determine what the social value of education is, it is clear that it does not fit with these societal understandings of professional athletic aspirations sufficing as a substitute for education. Dexter Manley's rollercoaster of an experience at Oklahoma State, in the NFL, and eventually in and out of jails, hospitals, and rehabilitation centers, illustrates that passing young black men through school, lauding them for their athletic

ability and paying them millions of dollars without ever resolving to teach them anything is not what is best for those young men. And though many view such a situation as the best-case-scenario for talented profit-athletes, it turns out that it can actually be wholly detrimental to the development of the young men who hope to become fully-participating democratic citizens, public figures, and even fathers. Failing to challenge student-athletes in the classroom and jettisoning them along the educational pipeline in hopes that they will one day be able to monetize their skills is only truly beneficial for the larger organizations that extract obscene amounts of wealth from their labor. Operating within the framework of educational malpractice provides a means through which institutions can be held accountable for treating student-athletes the way they treated Dexter Manley and Kevin Ross. The negligence that institutions at various levels demonstrated in educating both of these young men is downright criminal, and the eventual toll that it took on their lives is devastating. This is significant when considering the education of profit-athletes because they are constantly treated as illegitimate students who would benefit more from simply passing on to the next grade than they would from receiving educational training that would adequately prepare them for life beyond athletics. Educational malpractice claims offer a new perspective which would encourage institutions to take responsibility for educating student-athletes with as much attentiveness and rigor as they would afford their non-athlete counterparts.

Chapter 3: More Than Just Athletes

Role engulfment refers to a process whereby student-athletes elevate the significance of their athletic identity to the detriment of other facets of their identity (Harrison, Sailes, Rotich, & Bimper, 2011). Profit-athletes are uniquely faced with a personal dilemma that is fueled by issues of race, class, and profit. They have been told from an early age that sports, rather than education, are their ticket to achieving upward mobility. That message is reinforced not only by stereotypes about innate African-American athletic ability, but also by media portrayals that glorify the "rags to riches" journey of many professional athletes who ascended to stardom out of abject poverty. Then, as profit-athletes climb the ranks to reach Division I athletics, that athletic identity is intensified by a confluence of factors. The fact that Division I sports is often the gateway to achieving their professional goals is a cause of athletic role engulfment that cannot be ignored, but the way coaches structure their schedules around practices, games, and team-building activities also drives profit-athletes to think of themselves primarily in terms of their sport. To coaches they are players, to fans they are superstars, and to the NCAA they are vehicles upon which to accrue profit. In every regard, their identity as students becomes a mere afterthought. The centrality of athletics in the lives of these young black men restricts them from developing other aspects of their identities, especially in academic and social endeavors. The control that coaches have over their day-to-day routine communicates to them that their primary objective in college is to play sports rather than to learn. That notion is supported by a 2011 study conducted at the University of Texas which revealed that compared to their white counterparts, African-American football players were "more internally focused on their sport, felt that others perceive them only as athletes, and see sport as the focal point in their lives" (Harrison, Sailes, Rotich, & Bimper, 2011). Some might attempt to rationalize this finding by

positing that finding other activities to get involved in is the sole responsibility of the players, but looking at the power that coaches, institutions, and the NCAA exercise over the lives of profit-athletes reveals that the choice is not truly theirs.

Much of the literature surrounding the failures and successes of the NCAA's model have involved interviewing profit-athletes and analyzing their perspectives (Cooper, 2018; Carter-Francique et al., 2015). There is good reason for this practice, as earlier and even some contemporary research has ignored the experiences of the athletes themselves. In order to contextualize those experiences and seek to address them, however, we must privilege the voices of those who have witnessed firsthand how today's intercollegiate athletic model impacts the lives of student-athletes. Further, while the NCAA is the larger umbrella organization, the member institutions that it is comprised of are largely heterogeneous in their specific ideas about their duties to student-athletes. These varying ideologies reflect a disconnect in what these universities might deem to be the social value of an education which, in turn, dictates what resources each university feels responsible for providing to student-athletes. Gathering qualitative data from profit-athletes themselves is therefore a way to learn about the nuances in the structure of education for profit-athletes at different universities across the nation that have their own agendas based on their personnel, locale, and reputation. Not only can profit-athletes speak to the shortcomings of their universities, they can also highlight the successes. It is clear that in terms of resources that promote the success of profit-athletes, there is much to be desired. There are also, however, many practices that should be popularized so that the successes resulting from them can be replicated elsewhere. In this chapter I use the accounts gathered from a series of interviews to expand on some of the themes that I have discussed in the previous two chapters and how they manifest in the experiences of profit-athletes today. I also employ their

perspectives on the quality of the systems put in place to enable them to succeed, or the lack thereof. The positive practices of universities and successful tactics employed by profit-athletes will then be expanded upon as possible policy considerations.

The profit-athletes I spoke to all identify as black men. All of them attend different Division I colleges with strong academic reputations located as far South as Virginia and as far North as upstate New York. Those universities ranged in size from a student body population of 68,000 to just over 2,000. All but two of the interviewees attended private institutions. The interviewees ranged in age from nineteen to twenty-two, with a modal age of twenty-two years. Three of the interviewees played varsity basketball while the remaining two played football. Both football players and one basketball player reported that they were on full athletic scholarships, whereas the remaining two basketball players reported that they were on their teams in walk-on capacity. All five interviewees are full-time students at their respective institutions and New Jersey natives. The five interviews ranged in length from fifteen to forty-nine minutes. Keeping with the framework used by Joseph N. Cooper (2017) I organized interview questions into my own three key content areas (academic success, athletic performance, and social experience). After conducting the interviews over the phone, recording the conversations, and transcribing them, I organized the data into emergent themes which corresponded to the three content areas (Biddle et al., 2001).

The interview subjects portrayed a slew of different academic backgrounds coupled with nuanced experiences on their college sports teams given factors regarding their universities such as the geographical location, the racial/ethnic make-up of their respective student bodies, the social climate, and their own subjective academic and athletic performance. It follows, then, that these interviews revealed a confluence of factors at play making the results largely

heterogeneous. Despite this wealth of subjective experience, the accounts the interviewees shared converged in a number of different ways. Some recurring themes that arose involved the role of academic advisors, the primacy of athletic performance in establishing relationships with coaches, isolation from other students, and concern over how profit-athletes used the platforms they were given.

When asked about the systems in place that were most crucial to assisting profit-athletes off the field/court, interviewees routinely reported that their team academic advisors were vital. Bryan, a junior basketball player at a university located in New Jersey, reported that the basketball team's academic advisor was like the "team mom." Among her duties was devising the players' academic schedules and posting them in their lockers weekly. Aside from that, Bryan's team is provided with tutoring and psychological counselors who are always available to talk, but he could not downplay the importance of his academic advisor. As a transfer student from a Division II college in West Virginia, Bryan insisted that none of these services were offered to him at his previous school. Additionally, for a few weeks after his transfer his status with the new team was in limbo, so he had to navigate his university as a regular student. "Most (athletes) don't know how good they have it" he added. "We're really spoiled." Dealing with his academic course load by himself gave Bryan an appreciation for how difficult it was to navigate the university setting alone. When he got onto the team, however, that was all taken care of for him. Not only did being a member of the basketball team allow him to play the sport he loved, using its resources put him in a better position to succeed in the classroom. Devin, another upperclassman basketball player, reported that his team's academic advisor occupied a similar role. A walk-on at a smaller university located in Washington D.C., Devin offered that his team's academic advisor was the most crucial instrument to the team's performance in the classroom.

Although in his case the advisor could not enroll athletes in classes as Bryan reported, they were allowed to essentially instruct the players as to how to structure their class schedules and manage their time so that they could complete their educational requirements. To add to that, Devin claimed that his academic advisors are also "the gateway and they can link you to all the things other students have access to and may be more aware of." Advisors, then, play a key role in bridging profit-athletes from their athletic duties and resources to their academic ones.

Perhaps a more daunting theme resulting from the interviews was the primacy of athletic performance in profit-athletes' relationships with their coaches, and how their performance shaped interactions even outside of the sports arena. A number of the profit-athletes I spoke to reinforced that the one-dimensional relationship between them and their coaches was a phenomenon that they could attest to. More specifically, athletes did not report that their interactions with coaches were ever negative, but that if they were not primary contributors to the team's success, coaches did not express concern with their other endeavors and did not interact with them frequently. Football players in particular seemed susceptible to this issue. Desmond, a freshman scholarship player at a college in New York, spoke to this:

> I've never had a conversation with my head coach about what I want to do in life besides football... I don't really have conversations with them now even if it's about football, let alone my hopes and dreams... There probably is a genuine concern as you get older and if you're *that guy* on the team… They care about that stuff if you're producing for them on the field.

Desmond's perspective is interesting because he notices that those who do not play as much do not receive very much attention. Further, he rejects the notion that coach might not be giving any players attention by positing that upperclassmen who perform better might get that genuine concern from coaches about their endeavors off of the football field. Desmond was not the only player who felt this way. Joe, a redshirt sophomore from another institution in New York

claimed, “Off the field I just hang with the team. I don’t really see (coaches), I don’t talk to them.” What Joe and Desmond both have in common is that they are underclassmen who are not primary contributors to the team’s immediate success. If they were older or if they were playing more, one might suspect that their relationship with coach might improve in the form of increased interaction with coaches and more support from them in terms of not only football, but also their academic and career goals.

Though some might propose that the fact that this phenomenon appears within football teams is merely a result of their large numbers compared to most sports (College football teams frequently feature rosters of over one hundred players), the experiences of the basketball players I spoke to seem to refute that claim. Bryan and Devin, the aforementioned interviewees are both walk-ons in their respective programs. Because walk-ons are players who did not receive scholarship offers to play for their colleges, they are typically deemed as less essential to the program’s success, and therefore play less minutes. Much like Desmond and Joe (both of whom are scholarship players), Bryan and Devin have both seen little in-game action for their basketball teams. As a result, their descriptions of their interactions with coaches are not much different. For example, Devin stated that coaches are only concerned with a player’s development if that player is either getting into trouble, or if they are producing for the team. In both of these cases, He also highlighted how the seemingly altruistic concerns of coaches toward players was actually more reflective of self-serving interests to protect the reputation of the program and to win more basketball games. Devin also reported that this method of intervention by coaches was always reactionary. Whereas coaches were quick to step in when they saw a player getting into trouble, they were never asking beforehand “if you need help looking for jobs or looking for tutors… or just making sure that you’re developing as a person.” While coaches

tout this as a "hands-off approach" which allows basketball players to develop a sense of independence and responsibility, Devin has also seen the negative effects of it. Aside from seeing teammates who simply weren't prepared for the coupling of freedom with academic rigor that college brings, Devin also claimed, "Since I've been here, there have been seven failed drug tests on my team." Two of those drug tests resulted in players being kicked off of the team. Though it certainly allowed for young men to have an opportunity to learn how to manage their time and resources, the guidance that would have helped them develop those skills was altogether missing.

Bryan, on the other hand, spoke from experience to offer that coaches did genuinely care about him despite the fact that he did not play very much. In his first semester on the basketball team, Bryan struggled to make the adjustment and performed rather poorly in his classes. When his coaches noticed that he was not living up to expectations in the classroom, they did approach him and let him know that he had to do better, and pointed him in the direction of the academic advisor so that they could work together more closely to fix the issue. Though this would seem like a direct contradiction to what the other interviewees proposed, Bryan did offer a rationale for the way the coaches treated his academic shortcomings. Apparently, one coach let Bryan know "You have to protect the team GPA, especially because you're a walk-on." As a player who did not see very many minutes, Bryan was expected to have an easier time focusing on his studies, and was therefore one of the players tasked with boosting the team GPA by performing well in the classroom. Not only does the feigned concern for Bryan's schoolwork reflect a self-serving interest to uphold the reputation of the program, it also highlights that coaches fully expected those who played more minutes to perform poorly in class, and hoped that Bryan would be among the players to contrast their low marks with his own high scores. Across the interviews I

conducted, the idea that coaches were more holistically invested in their key players was a recurring theme. Further, the interviewees who were not on their coach's radar were more readily able to identify inconsistencies in treatment of players and insincerity in their coaches' intentions, whereas those who received more minutes reported interacting with coach more frequently and did not scrutinize those interactions in the same way.

Profit-athletes who perceived there to be a dearth of interactions with their coaches had to resort to going elsewhere for help with issues pertaining to their courses, career goals, social life and overall wellbeing. More often than not, they confided in teammates. Every interviewee reported that their teammates were their most crucial support system at school. Through practices, competitions, workouts, team meals, traveling, and dorming, teammates spend the vast majority of their time together. It follows, then, that they look to each other for help navigating life in college and preparing for life after it. Although the unique experience of having such a strong network of similarly-situated individuals certainly has the potential to be positively impactful, it also reveals just how isolated profit-athletes are from the general student body. Because their schedules are structured so that they are dominated by team activities, many student-athletes do not get the opportunity to establish networks outside of their own teams. The nature of the student-athlete experience dictates that they will miss out on some of the most beneficial aspects of the college experience. For example, their ability to build networks outside of their own teams is limited and they often struggle to diversify their social circles and engage students from distinct cultural and class backgrounds. When asked if coaches make efforts to help their athletes familiarize themselves with those other facets of the college experience, most interviewees responded that no such efforts existed. Omar, a senior basketball player and team captain for his program in Virginia, offered, "It's kind of on us to look at other things on campus

that peak our interest and to pursue that." While some subjects did say that coaches attempted to get them to do things outside of basketball, those activities were usually centered around their status as student-athletes, and reflected more of a desire to increase engagement with the team as opposed to development of team members. Bryan, for instance, cited a team-building event where players met with students, took pictures and signed autographs in order to bolster school spirit. He added that prior to the season, the team's head coach could be seen on various parts of campus hoping to rally students to support the basketball team during their upcoming season. Other than these brief interactions, however, student-athletes are largely isolated from the rest of the student body, effectively truncating their opportunities to engage in extra-curricular activities other than their respective sports.

A final finding resulting from the interviews was particularly illuminating, especially considering the athletic role engulfment that many profit-athletes fall victim to. Due to some of the aforementioned factors, the role of "athlete" is often one of the most salient identities that profit-athletes hold. In addition to the tendency for young boys to glorify athletic ability from an early age, their athletic identities are constantly reinforced because they are wildly talented, their talent earns them considerable acclaim, and their skills are profitable. Those factors make it quite simple for one to prioritize their athletic ability, as it has the potential to shape their social networks and earn them a living. But perhaps a more salient identity that most profit-athletes hold is blackness. While height and muscle definition are often used as indicators that one may be more inclined to play a particular sport, they are not as immediately identifiable as blackness, a phenotypic trait that is both inescapable and undeniable. Because blackness carries with it such a long, complex and unique history in the United States, it has become an identity that many hold dear. So much so that it often supersedes other salient characteristics such as class or gender.

Because profit-athletes are primarily African-American males, the intersection of these two identities was a particularly tantalizing subject in my research. What I found through a number of interviews was that when profit-athletes had other aspects of their identity invoked (particularly blackness), they were still thinking in terms of their athletic identity, and were careful to act in the best interest of that role at all times.

Devin shared an anecdote that illustrated this point quite well. When his university elected its first African-American student body president some students had qualms with the outcome of the election. In a clear act of racial intolerance, a group of students responded by stringing up a number of bananas around campus, accompanied by pictures of the newly-elected president. Needless to say, many students were up in arms about the volatile display of ignorance. One of those groups, the Black Student Union, was a group that Devin and a number of his teammates were part of. The Black Student Union promptly organized a protest in response to the display and students specifically requested that some of the black players on the men's basketball team be present. The student-demonstrators felt that basketball players should take part because they had a platform. They perceived the basketball players to be particularly visible as well as crucial to the school's administration since basketball was the most popular sport at the school and, therefore, produced the most revenue in the athletics department. As members of the black community, black basketball players had a duty to be present at the protest and to use their elevated status to challenge the racism that students were experiencing on campus. When a group of friends reached out to Devin during the protest to inquire as to the whereabouts of him and his teammates, he regretfully informed them that they would not be taking part in the demonstrations. Their decision led to a number of arguments with members of the black community that were upset about their absence, but Devin and his teammates felt that it

was best for them to stay as far away from the protest as possible. He rationalized their decision by claiming, “If we go to that and we’re seen then we’re going to get questioned, then we’re going to be asked to speak about it, and now we’re involved…and that’s something you never want to get into… I don’t think a lot of people understand that.” Devin and his teammates feared that the same visibility that would have made them such crucial assets to the protest would also get them into trouble. His fear stems from a plethora of instances of star athletes receiving considerable backlash for speaking out on social injustices. Colin Kaepernick is a pertinent example. The former San Francisco 49ers quarterback led an unassuming team to the Super Bowl just a few years before he began his protest against the police killings of a slew of unarmed black people that swept the country. NFL owners, coaches, players and fans attacked Kaepernick and his views vehemently. Many argued that a man making millions of dollars to play the sport he loved had no business complaining about injustices that did not directly affect him. Amid the backlash Kaepernick continued to play, but the negative publicity surrounding his protest and the dismal performance of his team ultimately cost him his job. Shortly thereafter, Kaepernick was effectively blackballed from the NFL, and even his stellar career resume could not save him. It is well-known in the sports world that coaches prefer athletes who do not “rock the boat” the way Kaepernick did. And in an era where reporters feel comfortable telling star athletes to “shut up and dribble,” the idea of challenging injustice can be rather daunting. There is a lot at stake for profit-athletes in this regard, as any ill-perceived comment can cost them their minutes, their scholarship, and the reputations of themselves and their programs. To add to that, many of them are on the brink of preparing to pursue a professional career, and the effects of losing precious time playing their sport because of an unpopular opinion can be devastating. So, because it is well-documented that the mainstream media do not respond well to hearing about the cruel

injustices of racism that plague African-American life, many profit-athletes resolve to keep those unpopular opinions to themselves.

What pains Devin is the fact that many of his friends do not understand his dilemma. While protesting racism may be unpopular among consumers of mainstream media, it is what his friends in the Black Student Union and the larger black community would urge him to do. They acknowledge that Devin and his teammates have a platform as athletes who bring considerable revenue into their institutions. What they do not understand is that it's not quite that simple. Devin described how he had to let some of his friends know, "Yeah I might have a little bit of a voice over here but that's not doing anything… I can go out and protest but that's only going to get me in trouble, that's not gonna help y'all as much as you think." While his friends saw that the basketball players were uniquely positioned to have their voices heard by the school's administrators, they did not see all that the team members could be sacrificing by doing so. Doing so could surely jeopardize their playing time, but on a larger scale it could cost the program and the university the funds provided by fans, alumni, and boosters. While there are certainly student-athletes of color who do not feel so inclined to identify with the black community, Devin highlighted that he and his teammates do feel an intrinsic desire to align with their communities:

> When things like that happen it affects the whole community and I'm a part of that community so it's like… how do I sit here and tangle with these social injustices? You know I have my opinions and I feel the way I feel but even if it is aligned with whatever protest is going on… as an *athlete*, I can't be there.

For Devin, a walk-on player who does not have to concern himself with losing minutes over his social activism, to state that he feels his status as an athlete precludes him from taking part in

such activities demonstrates how deeply ingrained it is in the psyche of African-American athletes to remain apolitical for their own good.

Although the interview subjects' accounts were certainly nuanced due to a variety of factors, the themes that came up over and over again throughout the interviews were in many ways connected to the ideas highlighted in chapters 1 and 2. To recap, interviewees touched on the importance of academic advisors to their teams' success in the classroom, the one-dimensional nature of their relationships with their coaches, multiple forms of disassociation with the general student body, and the primacy of their athletic identity in all of their endeavors on campus.

A very uniform response category was pertaining to the role of team academic advisors. Every interviewee reported that the advisors appointed to them by the team were their primary point of contact for all academic issues, and the most important support system that they had in place to ensure that they were handling things well in the classroom. Reports about the role of the advisors were resoundingly positive. Among their duties in many cases were suggesting what classes the players should take (or in some cases, actively enrolling students in those classes), ensuring that players knew their class schedules, helping to circumvent potential conflicts, monitoring the student-athletes' grades, facilitating study hall sessions, and when necessary, finding people to tutor the players. With all of these responsibilities, it is plain to see why every interview subject reported that their teams had academic advisors. They are a coach's best friend in that they ensure that players are remaining eligible so that coaches do not have to. Is it possible, however, that academic advisors exercise too much power over the players' lives outside of the sports arena? Some players do not even get to create their class schedules for

themselves, a luxury which, though helpful, can also be viewed as alienating them from exercising agency over how they go about attaining their own degrees. To be sure, there are likely players that truly need such active guidance from their academic advisors. Kevin Ross, for example, would probably have benefitted from such overbearing intervention. However, for many players, the result is that they are simply coddled. In a paternalistic effort to ensure that student-athletes have all they need, the players are robbed of their own decision-making and problem-solving ability. The role of the academic advisor should not be to schedule classes, mediate conflicts and hunt down students, it should simply be to advise. A happy medium must be reached whereby academic advisors still facilitate the success of student-athletes without stunting their development as capable leaders and self-advocates.

A more harrowing theme that arose out of the interviews was the one-dimensional nature of the relationship between players and coaches. Desmond, Joe, and Devin all expressed a common sentiment: that they had limited interaction with their coaches outside of the sports arena and, therefore, felt as though the coaches were not particularly concerned with things that were happening in their lives aside from sports. Coaches are certainly responsible for getting the best performance out of their players and establishing a winning culture within their programs, but the reality is that coaching is so much more than that. Simply on account of the fact that coaches spend such vast amounts of time with their athletes, the nature of their positions is that they are molding young minds, whether they intend to or not. In their late teens and early twenties, college athletes are at a pivotal point in their lives. Many of them are figuring out how to cope with the demands of physically and mentally taxing schedules. To add to that pressure, there is the sheer uncertainty of their lives after sports, as a lot of Division I student-athletes are tasked with discovering career paths that don’t involve professional sports at the tail-end of their

collegiate careers. Magnifying the stress of those challenges is the fact that collegiate sports is, simply put, a business. Young men, who are often touted as once-in-a-lifetime talents in their hometowns, arrive in an environment where they must now compete to earn their keep. Players who produce the most will earn more playing time, accolades, professional opportunities, and, evidently, more attention from coach. The pressures of Division I athletics can surely lead to a tumultuous college experience for profit-athletes in particular, and the reasons behind that are often much more significant than sports. When players feel as though they cannot speak to their coaches about anything that does not pertain to their sport amidst this hectic transitional stage into adulthood, it can lead them to feel both alienated and isolated.

Not only did players feel isolated from their coaches, their experiences revealed that they were, in many ways, isolated from the general student body as well. Profit-athletes practice together for hours on end, eat meals together, attend team study halls, meet with private tutors, and live with one another. Desmond even recalled days where he woke up as early as five a.m., to practice, attended classes, and returned home so exhausted that he took mid-day naps that lasted as long as five hours. The demanding schedules that profit-athletes are forced to adhere to do not leave much time for socialization, especially not with other students. Some interviewees did share that they had interactions with other students, but those interactions were centered around their identity as student-athletes. Events were held in their honor to bolster school spirit, and they were the most popular attendees at parties, but these ephemeral points of contact did not foster real connections. Nor did they assist profit-athletes in building the strong, multi-faceted and diverse networks that many students graduate with.

The short-lived and inauthentic engagement that profit-athletes had with other students demonstrated that, no matter what they were doing on campus, they were identified as athletes before anything else. That label changed the way they experienced their daily lives at their respective universities, and that change was not always for the better. Some interviewees expressed that they felt they were held to a higher standard than other students because of their high visibility on campus. Omar, for instance, had a late evening class right after practice in which he struggled to stay awake. When he did fall asleep in class, he recalled, "They (would) tell coach, and now it's like a big problem. But, like, a regular student could fall asleep in class and no one knows about it." Omar's story illustrates how profit-athletes felt as though anything they did could be blown out of proportion, in part due to the popularity and the revenue generated by their sports. Devin's hesitance to attend the Black Student Union's demonstration at his school is another pertinent example of how the scrutiny that profit-athletes are subjected to can be crippling, limiting the avenues through which they can express themselves. While all student-athletes represent their teams no matter where they go, that idea takes on a new meaning with profit-athletes. Their visibility on campus is unparalleled. Aside from being easily recognizable as tall basketball players or broad-shouldered football players, profit-athletes at many PWI's make up a generous percentage of the African-American student body. This makes their visibility inescapable. Being tasked with representing your team in all of your endeavors can be an added responsibility that serves to facilitate the maturation of these young men, however it also puts even their most miniscule missteps under a magnifying glass.

The effects of role engulfment are present in all of the themes the interviewees discussed. In more ways than one, the NCAA and its member institutions communicate to their profit-athletes that their primary purpose is to compete, despite their efforts to stress the "*studen*t-

athlete" misnomer. The bolstered role of academic advisors who know no boundaries communicate that profit-athletes are not to be held responsible for their own academic endeavors, and the result is that some team members are coddled in a manner reminiscent of the carelessness with which teachers passed along Dexter Manley and Kevin Ross. The lack of effort on behalf of coaches to develop these young men by concerning themselves with the multi-dimensional identities of their players illustrates that many coaches in this system only believe their players to be as good as their next big game. The lengths to which athletics programs go in order to isolate profit-athletes demonstrates that the promises of a holistic college experience that includes networking, extra-curricular focus, and exploration do not apply to profit-athletes. Lastly, the way the beneficiaries of this system scrutinize the activities of profit-athletes evinces a desire to protect their financial investment in the players through an over-bearing method of monitoring that hinders young, black men from expressing their subjective selves, and simultaneously places them on a pedestal as athletes.

The findings from these interviews have major implications for what the NCAA and member institutions can do to improve upon the experiences of their profit-athletes and to supplement the value of their education. My primary suggestion is to limit the role of the academic advisors. The purpose of the academic advisor should be to advise students on how to get the most out of their courses, not to take such liberties on the student-athletes' behalf. Academic advisors are crucial components to the academic success of many student-athletes. They withhold knowledge concerning matters like degree requirements, course credits, tutoring services, and class schedules. However, they are often encouraged to handle those matters for athletes rather than imparting them with the knowledge to handle them on their own. Limiting the role of academic advisors serves a two-fold purpose. On one hand, it would enable profit-

athletes to have agency over their educational and career pathway. It would allow them to be self-sufficient actors who advocate for themselves and act independently while using advisors as a resource for guidance rather than as a crutch. In addition, it would discourage advisors from overstepping their boundaries and engaging in increasingly invasive practices in order to ensure the success of the players. It is when advisors have the freedom to take matters into their own hands that we see instances of academic misconduct perpetrated in efforts to maintain eligibility rather than to educate profit-athletes.

A second suggestion is to systematize positive interactions between individual players and their coaches that are not oriented around athletics. A number of interviewees reported that they rarely ever spoke to their coaches, or that their coaches did not take an interest in the other facets of their lives besides athletics. Allowing players to have structured one-on-one time with their coaches in the form of periodic meetings would give profit-athletes an opportunity to enhance their relationships with their coaches by building a mutual understanding of one another that differs from their other interactions in that it is not centered around sports. Coaches would be able to establish a holistic ethic of care for their players, which could foster a mutual understanding within the player-coach relationship and enhance team culture. Such meetings would also put coaches in a position to assist players with their educational and professional needs simply through learning what those needs are and imparting players with knowledge and networks that will help them navigate adulthood more smoothly.

A similar suggestion would be to incentivize coaching staffs to foster the holistic growth of their profit-athletes by encouraging them to become active participants in other realms of campus life and to improve their academic performance. Adding such an incentive has the potential to alter the culture of a program by establishing that coaches care about and recognize

achievements that demonstrate academic excellence, humanitarianism, and growth and maturation. Holistic development of student-athletes would be demonstrated by parameters such as increases in GPA, academic accolades, engagement in research programs, declaration of majors and minors, dual degrees, community service, and extra-curricular club membership and leadership. Incentives could take the form of a pay-raise or of awards bestowed by the university or the NCAA.

A fourth suggestion is to integrate opportunities for profit-athletes to engage in educational and extra-curricular activities aside from sports. A number of interviewees reported feeling disconnected from the general student body and from the university as a whole. As a result, they lacked the diverse social networks that their peers had and sometimes felt alienated from the non-athlete population Building opportunities for profit-athletes to partake in activities for their own enrichment that are not contingent upon their student-athlete status would allow players to build meaningful relationships with other members of the student body and to enhance profit-athletes' sense of belonging at their respective universities.

University athletic departments might also consider surveying student-athletes on their holistic college experience, rather than just their experiences with their respective sports and coaching staffs. The interviewees I spoke to had a wealth of information to offer and seemingly no outlet through which to speak on their experiences. The topics of these surveys should cover profit-athletes' experiences with players and coaches, but also with students, faculty and administrators. The surveys should provide an opportunity for profit-athletes to confront the overall feelings that they have about their colleges, what they think they need to be successful, and what aspects of their time at school have been most beneficial.

A final suggestion is for support services for profit-athletes. These services should include, at the very least, counseling, career centers, mental health professionals, tutoring services. These services should also be external from the athletic department, as some interview subjects reported feeling uncomfortable disclosing information to counselors employed by the athletic department out of fear that it might find its way back to his coaches. Many universities offer all of these services for their general student body. If that is the case, then making sure profit-athletes are aware of them and know how to utilize them is paramount. A major deterrent for profit-athletes who sought out a variety of these services was that they simply did not know they existed, or how to get in contact with them. Normalizing the use of resources like counseling and career centers will ensure that profit-athletes are not disadvantaged by their unique circumstances, and will aid them in making the most out of what their universities have to offer.

A final suggestion is for the NCAA to abandon its amateurism rules altogether and finally agree to provide cash compensation for its Division I profit-athletes. This would be an open and honest acknowledgment of the immense profitability of Division I football and basketball as well as the countless hours of labor that profit-athletes pour into their respective sports. It would also abolish the self-serving and unfounded claims about the morality of amateurism. I offer this as a final suggestion for two reasons. Primarily, implementation of this practice would be daunting and sufficiently complicated. It would likely raise issues of fairness, as pay for players would probably vary across sports and conferences to reflect the differential revenue produced between universities. More importantly, however, I offer this suggestion last because it is not as crucial as the others in terms of providing a valuable educational setting for profit-athletes at their universities. While players should receive an adequate form of compensation for their labor, that

is not to say that doing so would provide a rationale for us not to address the educational shortcomings that have come to be characteristic of NCAA Division I sports.

This thesis has provided a unique approach to recounting and analyzing the experiences of student-athletes of color within the NCAA. Those experiences are wrought with instances that demonstrate the exploitative nature of Division I college football and basketball. To be sure, much of the current discourse concerning NCAA profit-athletes is similar to my own in that it argues that profit-athletes are used as vehicles of profit and should, therefore, be paid for their labor. This thesis, however, is not just about labor exploitation. It is two-fold in that it tackles both labor exploitation and miseducation. While I have suggested that profit-athletes should receive cash compensation, what is more crucial is that we scrutinize the quality of education they receive. In this thesis I have argued that the NCAA exploits the labor of black athletes in ways similar to what we have seen in the past. Not only that, but the amateurism statutes that enable such exploitation are predicated on the notion that these young, black men are not to be paid because they are students above all else. My thesis shows that such notions, though sound in theory, are categorically false in practice.

I set out to answer two central research questions that correspond to the issues of exploitation and miseducation. Not only did I seek to address how exactly the NCAA's structure reflects historical models of the commodification of black bodies, I also inquired about the patterns that a critical look at the education of profit-athletes reveals, given that the opportunity to receive a free education is supposed to be an adequate form of payment. Lastly, though this question was not explicitly posed, I sought to figure out what the primary purpose of higher education was for black men. I used a variety of methods to address these inquiries.

The literature review revealed that there is a great deal of sociological theory that addresses exploitation in sport, specifically in the context of the NCAA. The first chapter, then, took the format of a descriptive study in that I engaged the extant literature on the topic to answer the research questions I posed and to address the origins and nature of exploitation of black talent. I called on sociologists like DuBois, Southall & Weiler to provide the background for this chapter. Using the company-town metaphor and the industrial school model, I describe the exploitative nature of company-towns and how their laborers are similar to today's profit-athletes, as well as what the industrial school model shows about the purpose of education for people of color. Engaging these two models holds up mirrors to the plight of today's NCAA profit-athletes who, I argue, are treated more like employees upon which to accrue tremendous profit than they are students.

The second chapter of this thesis was a case study of two profit-athletes who address the educational concerns I raised involving instances of widespread academic misconduct at schools like the University of North Carolina. Dexter Manley and Kevin Ross are products of academic environments similar to the ones invoked in the introductory chapter, where the actions of the athletic department communicate that education is secondary to the profits to be made from sports. They embody the results of educational malpractice, as well as the rationale for why it is imperative that we scrutinize the education provided to student-athletes and hold institutions accountable for that education.

Finally, the third chapter consists primarily of the results from a series of interviews I conducted. My conversations with these profit-athletes help me to address the patterns that exist between the experiences of black student-athletes at NCAA Division I institutions. They also provide an opportunity to privilege the voices of actual athletes who are the most integral pieces

to this collegiate sports model. Those interviews further illustrate the extent to which not just education, but all other aspects of the college experience take a backseat to the major profit sports. In gathering firsthand accounts from current student-athletes, this thesis demonstrates how institutions and individual actors within the NCAA contribute to the role engulfment that many black student-athletes fall victim to.

My research draws on the racist notions embedded in the fabric of American institutions that situate African-Americans as tools of enrichment and entertainment, the macro-level sociocultural assumptions and micro-level social interactions that reinforce those notions, and the dire need for a rigorous and attentive educational environment to help address and deconstruct those ideologies. Through it, I show that models like the company-town and industrial school are not very different from the structure of the NCAA today in that they provide a means to exploit black bodies by extracting wealth without compensation and to provide black men with an educational experience that can be immediately monetized. This thesis also shows that, through educational malpractice, NCAA institutions repeatedly communicate that their primary concern is not developing these young men into thoughtful, functional democratic citizens, but profiting from their athletic ability. Finally, this thesis evinces that, at least in the context of Division I NCAA football and basketball programs, the ultimate goal of higher education for black men is to become prolific in a manner that benefits the commercial interests of the institution, the NCAA, and other corporations, rather than in the faculties of the mind.

Bibliography

Adler, Patricia A. and Adler, Peter. "*Backboards and Blackboards*." Columbia University Press, 1990.

Branch, Taylor. "The Shame of College Sports." *The Atlantic*, Oct. 2011, https://www.theatlantic.com/magazine/archive/2011/10/the-shame-of-college-sports/308643/. Accessed 20 Feb. 2019.

Biddle, S., Markland, D., Gilbourne, D., Chatzisarantis, N., & Sparkes, A. (2001). Research Methods in Sport and Exercise Psychology: Quantitative and Qualitative Issues. *Journal of Sport Sciences, 19*, 777–809.

Brewer, B.W., J.L.V. Raalte, and D. Linder. 1993. Athletic identity: Hercules' muscles or achilles heel? *International Journal of Sport Psychology* 24: 237–54.

Byers, Walter. "*Unsportsmanlike Conduct: Exploiting College Athletes*." University of Michigan Press, 1995, Print.

Carter-Francique, Akilah R., Geremy Cheeks and Algerian Hart. "Examining the Value of Social Capital and Social Support for Black Student-Athletes' Academic Success." *Journal of African American Studies*, vol. 19, 2015, pp. 157-177.

Cooper, Joseph N. "Strategic navigation: a comparative study of Black male scholar athletes' experiences at a Historically Black College/University (HBCU) and Historically White University (HWU)." *International Journal of Qualitative Studies in Education*, vol. 31 no. 4, 2018, pp. 235-256.

Curry, Jack. "Suing for 2nd Chance to Start Over." *New York Times*. 30 Jan. 1990. https://www.nytimes.com/1990/01/30/sports/suing-for-2d-chance-to-start-over.html.

Dosh, Kristi. "College Football Playoff Payouts By Conference For 2017-18." *Forbes*, Forbes Magazine, 2 Jan. 2018, www.forbes.com/sites/kristidosh/2017/12/30/college-football-playoff-payouts-by-conference-for-2017-2018/#4290d84c2704.

DuBois, W.E.B. "*The Souls of Black Folk*." University of Chicago Press, 1909. Print.

Fitt, Virginia A. "The NCAA's Lost Cause and the Legal Ease of Redefining Amateurism." *Duke Law Journal*, 59:3, 2009, pp. 555-593.

Harrison, C. Keith, JaVonte Mottley and Jeff Stone. "'Don't Call Me a Student-Athlete': The Effect of Identity Priming on Stereotype Threat for Academically Engaged African-American College Athletes." *Basic and Applied Social Psychology*, vol. 34, 2012, pp. 99-106.

Harrison Jr., Louis, Sailes, Gary, Rotich, Willy K., Bimper Jr., Albert Y. "Living the Dream or

Awakening From the Nightmare: Race and Athletic Identity." *Race Ethnicity and Education,* 14:1, 2011, pp. 91-103.

Hartman, Saidiya V. *Scenes of Subjection: Terror, Slavery, and Self-making in Nineteenth-Century America*. Oxford University Press, 1997. Print.

Hawkins, Billy C. *The New Plantation: Black Athletes, College Sports, and Predominantly White NCAA Institutions*. 1st ed. New York: Palgrave Macmillan, 2010. Print.

Horton, R.S., and D.E. Mack. 2000. Athletic identity in marathon runners: Functional focus or dysfunctional commitment? *Journal of Sport Behavior* 23: 101–19.

Hosick, Michelle. "College Athletes Graduate at Record High Rates." *NCAA*, 14 Nov. 2018. http://www.ncaa.org/about/resources/media-center/news/college-athletes-graduate-record-high-rates. Accessed 11 Dec. 2018.

Huma, R., & Staurowsky, E. J. (2012). *The $6 billion heist: Robbing college athletes under the guise of amateurism.* A report collaboratively produced by the National College Players Association and Drexel University Sport Management. Available online at http://www.ncpanow.org.

Jacobson, Steve. "Manley Finally Gets a Read on the Education He Missed." *The Baltimore Sun*. 8 Oct. 1992, https://www.baltimoresun.com/news/bs-xpm-1992-10-08-1992282145-story.html.

Kerr, Zachary Y., PhD, Marshall, Stephen W., PhD, Dompier, Thomas P., PhD, Corlette, Jill, MS, Klossner, David A., PhD, Gilchrist, Julie, MD. "College Sports Related Injuries." *CDC,* 11 Dec. 2015, https://www.cdc.gov/mmwr/preview/mmwrhtml/mm6448a2.htm. Accessed 2 Feb. 2019.

Kogod, Sarah. "Cocaine, Illiteracy and Football Could Not Stop Dexter Manley." *SBNation*. 23 Jun. 2015, https://www.sbnation.com/2015/6/23/8713273/dexter-manley.

Medcalf, Myron. "UNC-Duke Tickets Approaching Super Bowl Prices Because of Zion Williamson" *abc11*, https://abc11.com/sports/unc-duke-tickets-approaching-super-bowl-prices-because-of-zion-williamson/5145683/ Accessed 2 Feb 2019.

McCormick, Robert A. and Amy Christian McCormick. "Major College Sports: A Modern Apartheid." *Texas Review of Entertainment & Sports Law*, vol. 12 no. 1, Fall 2010, pp. 13-51.

National Collegiate Athletic Association "2017-18 NCAA Division I Manual" *NCAA*, 2017.

"Sport Sponsorship, Participation, and Demographics Search." *NCAA,* http://web1.ncaa.org/rgdSearch/exec/saSearch. Accessed 3 Dec. 2018.

"Graduation Rates." *NCAA.org - The Official Site of the NCAA*, 15 Nov. 2018, www.ncaa.org/about/resources/research/graduation-rates.

"Student-Athletes." *NCAA.org - The Official Site of the NCAA*, 2017, www.ncaa.org/student-athletes.

"NCAA Division I" NCAA.org – The Official Site of the NCAA, 2019, http://www.ncaa.org/about?division=d1.

"College Enrollment Rates." *National Center for Education Statistics*, Feb. 2019, nces.ed.gov/programs/coe/indicator_cpb.asp#. Accessed 8 March 2019.

Norlander, Matt. "NCAA Ruling in North Carolina Academic Investigation: No Penalties for UNC." *CBS Sports*. CBS, 13 Oct. 2017, https://www.cbssports.com/college-basketball/news/ncaa-ruling-in-north-carolina-academic-investigation-no-penalties-for-unc/.

Rhoden, William C. *$40 Million Slaves: The Rise, Fall, and Redemption of the Black Athlete*. 1st ed. New York: Crown, 2006. Print.

Senne, Joshua MBA, MS, SCPM. "A Review of the NCAA's Business Model, Amateurism, and Paying the Players." *The Sport Journal*, Dec. 2016, http://thesportjournal.org/article/a-review-of-the-ncaas-business-model-amateurism-and-paying-the-players/. Accessed 20 Feb. 2019.

Sheetz, Audrey C. "Student-Athletes vs. NCAA: Preserving Amateurism in College Sports Amidst the Fight for Player Compensation." *Brooklyn Law Review,* 81:2, 2016, pp. 864-894.

Shropshire, Kenneth L. "Legislation for the Glory of Sport: Amateurism and Compensation." *Seton Hall Journal of Sport Law*, 1, 1991 pp. 7-28.

Southall, Richard M., Eckard, Woodrow E., Nagel, Mark S., and Randall, Morgan H.. "Athletic Success and NCAA Profit-Athletes' Adjusted Graduation Gaps." *Sociology of Sport Journal*, vol. 32, no. 4, Dec. 2015, pp. 395-414.

Southall, Richard M. and Weiler, Jonathan D. "NCAA Division I Athletic Departments: 21st Century Athletic Company Towns." *Journal of Issues in Intercollegiate Athletics*. 7, 2014, pp. 161-186.

@SportsCenter. "A lot could be on the line for Zion if he falls in the draft." *Twitter,* 22, Feb. 2019, 10:10 a.m., https://twitter.com/search?q=A%20lot%20could%20be%20on%20the%20line%20for%20Zion&src=typd. Accessed 10 March 2019.

Standler, Ronald B. "Educational Malpractice Law in the USA" *RBS*. 19 March 2013. http://www.rbs2.com/edumal3.pdf. Accessed 3 March 2019.

"Mission & Values" *University of North Carolina at Chapel Hill*, Feb. 2014, https://www.unc.edu/about/mission/. Accessed 3 March 2019.

"Kevin Ross, Plaintiff-appellant, v. Creighton University, Defendant-appellee, 957 F.2d 410 (7th Cir. 1992)." *US Law Justia,* 2 Mar. 1992. https://law.justia.com/cases/federal/appellate-courts/F2/957/410/2117/.

Van Rheenen, Derek. "Exploitation in College Sports: Race, Revenue, and Educational Reward." *International Review for the Sociology of Sport*, vol. 48, no. 5, Oct. 2013, pp. 550-571

Wattley, Philip. "Cops Subdue Ex-Basketball Player Kevin Ross in Hotel Rampage." *Chicago Tribune*. 24 July 1987. https://www.chicagotribune.com/news/ct-xpm-1987-07-24-8702240109-story.html.

Webb, W.M., S.A. Nasco, S. Riley, and B. Headrick. 1998. Athletic identity and reactions to retirement from sports. *Journal of Sport Behavior* 21: 338–62.

Young, Harvey. *Embodying Black Experience: Stillness, Critical Memory, and the Black Body*. University of Michigan Press, 2010.