

one another and insist that they take some responsibility for the success of their teammates in the area of academics.

2. Involve coaches in the academic world of the athlete. Perhaps the faculty member/advisor who views his/her advising role from the perspective of student development would be the ideal person to approach coaches stressing the multiple roles they must assume with their athletic proteges.
3. Design interventions which would be offered throughout the athlete's freshman year, because students should immediately become involved in eligibility curriculums. The advisor who attempts to intervene after the athlete reaches late sophomore and junior standing may find little left to salvage.
4. When advising athletes for classes, remember they will be under tremendous pressure and physical burden during the playing season of their sport (of the six in this intervention whose grade point average declined from fall to spring semester, five were competing in basketball and track). At this time class schedules should be reduced in terms of course difficulty and time commitments. However, each semester's schedule should show some progression toward the degree.
5. Do not let the high risk athlete "con" you. Many are excellent at saying what you want to hear. Following through with this population by the advisor is critical—make sure they are taking advantage of resources available to them.
6. Find ways to draw on the support of parents and family members.
7. Be a source of emotional support to this population. They are abused in many ways and need both your caring and support—the relationship will have meaning for both of you.

This article has described an intervention used by one academic advisor when implementing the principles of developmental advising and the results of a survey indicating positive academic supports in the athletes' milieu. Advisors are encouraged to consider these results as they work with similar populations on their campuses.

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A Trilogy of Academic Concerns for the Academic Advisor of Student-Athletes: General Advising; Litigation; and NCAA Proposal Number 48

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GENERAL ADVISING

It is important for the academic advisor at an institution of higher learning to realize that there are students who require special advising because of unique conditions. They are:

- Students who come to the institution with limited exposure to classes in advanced mathematics, advanced laboratory sciences, and computer science. (These students must be carefully screened so that they are placed in the appropriate classes.)
- Students who come to the institution with learning disabilities and/or physical handicaps. (These students must be treated with skill and understanding.)
- Students coming from schools where they did not have an opportunity to make academic choices and have made very few decisions regarding their academic future. (These students must work with their academic advisor in order to make decisions concerning their academic future.)

Student-athletes also present a unique advising situation. Student-athletes, like students who have made few academic decisions, may have had little control over their educational development. In high school, student-athletes often take subjects recommended to them as "easy" so that they have more time to contribute to high school athletics. Like the students who have learning disabilities, student-athletes must be treated by the academic advisor with skill and understanding. The academic advisor must have special knowledge, understanding and empathy. The special knowledge of the advisor relates to being familiar with relevant regulations formulated by the National Collegiate Athletic Association (NCAA) and other athletic associations and conferences. Understanding and empathy of the advisor apply to the academic advisor's familiarity with the conditions and situations that apply to student-athletes. However, the academic advisor must assist student-athletes as students first and athletes second.

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The advisor must realize that student-athlete advisees may have an unrealistic picture of themselves, believing they are professionals with superhuman skills, and when their athletic prowess is questioned, they become disillusioned. This disillusionment often affects the student's academic behavior. Too often, athletes are in the limelight because of their athletic achievements rather than their academic achievements, causing them to place athletic goals above academic goals. Student-athletes may fail to recognize the importance of informed course selections and, if not properly advised, choose the path of least resistance and select inappropriate courses that are not related and provide no career preparation.

The advisor must be cognizant of the fact that many students who see themselves as professional athletes will not make that transition. Even if the student-athletes are identified as having outstanding physical and mental talents, the responsibility of the academic advisor must be to advise and counsel students toward meeting graduation requirements at a normal rate and through normal channels.

Student-athletes should be required to follow the same academic procedures that regular students follow. For example, they should be expected to register in-person for all classes, complete all forms personally and attend orientation meetings. It is not fair to student-athletes to be granted special favors because they are athletes. Like other human beings, when student-athletes are placed on pedestals, that is where they want to stay. A few athletes begin to believe that this is where they belong. Thus, an intolerable situation has begun; it will result in misunderstanding, hard feelings and gross educational overights with lasting repercussions.

When discussing the academic advising of student-athletes, there are two phases of advising which should be examined:

First, the advisor must understand that if student-athletes do not receive proper academic advising, they will suffer, and the institution could also face serious consequences as a member of the National Collegiate Athletic Association (NCAA), and legal problems may result.

Second, student-athletes are members of the university community and are entitled to the same care and attention given to any other student. Exceptions should not be made because students are athletes.

TWO PHASES OF ACADEMIC ADVISING

The *first phase* of academic advising may be considered the "threshold" of advising. There are no special rules at this stage of advising, but guidelines do exist. The academic advisor, when advising the athlete, should make no misrepresentations, no promises, nor give advice without careful thought since reckless disregard of truth might result in legal action. The academic advisor must be alert. If the academic advisor has been fair and has not misrepresented the facts or duties of the office, and if the knowledge, information, and authority of the advisor has not been misrepresented, courts of law have been reluctant to interfere. However, if there appears to have been arbitrary and capricious behavior by the institution and its agents (the advisors), courts will intervene to see that fairness prevails. Therefore, if the student-athlete received improper advising, and his performance and grades suffer, the advisor could become legally liable. The institution could also

be liable to the collegiate association (NCAA) if they allow student-athletes to play after they have lost their eligibility because of poor grades.

The *second phase* of academic advising is the individualized attention that must be given to the student-athletes. This statement appears to conflict with the remark made earlier that exceptions should not be made for student-athletes. Upon closer scrutiny it becomes obvious that after the athlete is advised as a regular student, some exceptions need be considered as is the general rule with all students. Particular attention ought to be paid to subjects in which a student is to enroll, and to the specific number of hours the student will be attending classes. Student-athletes have special needs that influence the choice of hours when classes can be scheduled. For example, it is very difficult for an athlete to take a science course which requires a laboratory session late in the afternoon. The advisor should be aware of the pressures of athletic practice, and travel, which makes academic scheduling difficult. There has been an impetus for stronger academic standards from a cross section of educators who concluded that high school athletes were able to secure the requisite grade point average of 2.00 by either taking "easy" courses or by enrolling in courses taught by sympathetic teachers. Since the belief was strong among these educators that academic standards had been lowered in order to retain the athletes, the higher educational institutions should make every attempt to avoid this same criticism. However, similar criticism does exist for higher education. Some authorities believe that the higher standards have been lowered in order to attract and retain top athletes. The academic advisor can help squelch this belief with proper advising.

An advisor who is an asset to the institution and the student-athletes is one who is aware of the special conditions and situations which concern the athlete-advisees. Also, the advisor must be familiar with institutional and conference regulations which affect the eligibility of student athletes. Some conditions which face student-athletes are:

1. They are expected to be at practice daily at a scheduled time;
2. They are required to memorize and study athletic-related information; and
3. They are required to be off campus on a regular basis.

It is impossible for an advisor to know all of the rules and regulations which govern student-athletes. At a minimum, however, the advisor should be aware that rules do indeed exist; that these rules are strictly enforced; and that there is someone at the institution who can be contacted for accurate information. The advisor should have access to manuals and other information which relates to the student-athlete's academic and athletic success.

Athletes bring money and prestige to the institutions they represent. They have a right to expect that the education they receive from the institution will be a value to them. The ultimate choice of classes is with the student-athletes; however, with informed and accurate academic advising, the institution can meet the student-athletes' expectations. Then, the final obligation is with the student-athletes to achieve the degree for which they strive.

THE ADVISOR AND ADVISEE

Many people profess to represent the institution when students are recruited. Alumni, faculty, coaches, students, high school teachers and friends want to play a part in a student's education.

dent's choice of attending an institution for higher education. This is particularly true if the prospective student is a talented athlete.

Generally, the academic advisor is the acknowledged agent of the institution insofar as academic advising is concerned. The academic advisor usually understands the relationship between the student and the institution. It is absolutely imperative that the institutional agent transmit to the student-athlete only that knowledge which the person is trained to provide.

Thus, the student-athlete presents a problem to the institution because the student-athlete is generally not recruited by an academic advisor, but by a coach-recruiter. As a rule, head coaches and assistant coaches recruit student-athletes. Coaches know the capabilities and limits of their own professional area, but may not know the academic requirements of the institution. Nevertheless, coach-recruiters sometimes hold themselves out as experts in the area of academic advising, professing to know the rules, regulations, and current requirements of the academic programs when in fact, they are unfamiliar with the regulations. Unless the institution publicly disclaims coach-recruiters as agents, the student-athlete has the right to rely upon the representations made by the coach-recruiters once they represented themselves to be legitimate agents of the institution.

The coach should make suggestions and statements based upon knowledge gained from special training sessions or based upon statements from institutional publications. Often, either of these criteria are met. Many coach-recruiters are not familiar with the institutional handbook or the catalog being used by the institution.

A coach-recruiter often identifies with the athletic skills of a student-athlete and in eagerness to recruit that particular athlete, the coach-recruiter becomes overly zealous in the recruiting endeavors. Promises are made, misrepresentations occur, and misinformation is distributed, resulting in confusion, chaos, and an ultimate breakdown in communication between the student, the coach, and the assigned academic advisor. This situation becomes a problem of the institution.

It is acknowledged that coaches are under pressure to win athletic contests. Misrepresentations may occur because of this pressure, and it is in recruiting where violations occur. Errors pertaining to academic information are transmitted. These violations happen because academic rules and regulations are circumvented in order to allow a student-athlete, who does not qualify, to participate. Winning is greatly influenced by a coach's successful recruitment of outstanding athletes. However, the fact that a student-athlete is recruited does not mean that the student will be eligible to participate in athletics during the freshman year. If during the freshman year a student-athlete does not meet eligibility requirements, it is not necessarily misrepresentation.

In today's educational surrounding, the trend is toward limiting enrollment. Academic requirements for entering students are beginning to be more stringent, and the pressure is on the coach to recruit exceptional athletes to win games; this is a dilemma for the coach-recruiter. Dr. H. Cross, former President of the National Collegiate Athletic Association (NCAA) and presently the faculty representative to the NCAA and Pac-10 Conference at the University of Washington, has acknowledged that there are pressures on the coach to produce a winning team. Because of these pressures recruiting will not disappear. Cross added:

Intercollegiate athletics must be based upon principles. Principles of governing bodies and those recruiting new athletes. They must be based upon purposes compatible with the purposes of higher education.

Cross believes that rules should govern the satisfactory progress of student-athletes toward graduation and good academic standing. This, he believes, protects the institutional integrity and the NCAA concerns for students' scholastic achievement.¹

To protect oneself and the institution represented, coach-recruiters should be alerted to the academic advising dilemma. Coach-recruiters, like academic advisors, are vulnerable when they represent the institution on one hand, and represent the athletic department on the other. To resolve the dilemma, the coach-recruiters should have current knowledge of institutional rules and regulations, and also current knowledge of athletic department rules and regulations. In a recruiting session, the coach-recruiter cannot afford to become careless or negligent and make misrepresentations to a prospective athlete.

The coach-recruiter should know the student-athletes' needs and limitations, and serve as a knowledgeable informant when the academic advisor assumes the advisor role. There must be no deceit, no fraud, and above all, no misrepresentations made by the coach-recruiter to either the student-athlete or to the academic advisor. The coach-recruiter is a member of the advising team and without full disclosure, there will be difficulties.

The coach-recruiter should not overstep institutional authority by misrepresenting to the student that his authority is greater than has been defined for that position. The student-recruit may rely on information presented if the student is led to believe it will help achieve future benefits. Sometimes the belief is that a professional career in athletics is probable. The student-athlete has often been highly recruited and is not one of the "average" students. The "average" student entering an institution for the first time has had only minimal contact with representatives of the institution, but the highly recruited student-athlete has probably had contact with many officials, and has been subjected to high-pressure sales talks and promises. Occasionally, career advancement expectations of student-athletes have been raised to impossible heights by coach-recruiters causing the student-athletes to have an inflated vision of the role the coach-recruiter actually plays. At this time the student is referred to an academic advisor.

Once the academic advisor assumes control of the advising responsibilities, it is necessary to ascertain the following:

- The student-athlete's academic goals, realistic or unrealistic;
- The chances of the student's success with self-made goals by assessing the student's record;
- The individual needs and possible problem areas which may prevent or block the student's progress toward a personal goal; and
- The proper program of study which is realistic and will advance the student toward an academic degree.

The academic advisor who has been assigned the responsibilities of advising the student-athlete is an agent of the institution, and should apply the NCAA rules when preparing the student's program of study. The NCAA rules state that a student participating in intercollegiate competitions must take a minimum number of twelve (12) credits each quarter,

¹Harry Cross, *The College Athlete*, LAW AND CONTEMPORARY PROBLEMS, 151, (1973).

or twelve (12) credits each semester, and the student must be advancing toward an academic degree legitimately granted by the institution.

To insure that student-athletes fulfil both the institutional requirements and the NCAA requirements requires a well-informed advisor. The student has the ultimate decision as to course load and courses taken; however, the student relies on the expertise of the academic advisor's recommendations. The advisor's recommendations should not be misrepresentations, and the student-athlete must be able to rely on them. The following section examines legal decisions and the student-athlete.

LITIGATION

LEGAL DECISIONS AND THE STUDENT ATHLETE

Courts have said that participation in athletics is an extra-curricular activity subject to regulations of eligibility. Engaging in these activities is a privilege which may be claimed only in accordance with the standards established for participation.¹

The member schools of an association or conference are in the best position to promulgate rules governing participation. These institutions are fully aware of the underlying reasons for such rules. A court should not interfere in such internal operations of the affairs of an association or conference.²

In another case, a court indicated that big time athletics in college may not be a total part of the educational process, like athletics are in high school. However, the opportunity to participate in intercollegiate athletics is a substantial economic value to many students.³ If it appears that an individual's economic value is not protected, courts must interfere.

Courts have also held that the possibility of economic gain from participation in college athletics is too speculative to recognize as a property right; however, if the college athlete receives a scholarship, then the interest is in the right to be eligible to participate in collegiate athletics. The scholarship is determinable and thus not speculative in nature and courts may intercede for the athlete.⁴

It should be noted that the relationship between a college athlete who accepts an athletic scholarship and an institution is contractual in nature. The institution agrees to give financial assistance to the athlete and the athlete agrees to abide by the rules and regulations formulated by the institution.⁵

A coach's future and success are often based upon winning seasons. It is inevitable that some coaches will become overly zealous by offering scholarships during their recruiting, and making false promises and misrepresentations. Coaches are generally honest profes-

sionals. They do not, ordinarily, intend to make false and misleading statements to prospective student-athletes, but the courts do not interpret the intentions of an overly zealous recruiter. Once the representations are made, and it appears to the court that the parties intended to contract, a contract is presumed to exist. The contract terms consist of the expressed terms as well as the implied terms. The courts will generally examine the terms in a light most favorable to the offeree, who is, in this case, the student-athlete.

It is important for the student entering the institution and the student's family to recognize fact from opinion. The mere relating of idle promises of future gains may be opinion. A little "puffing" is legal in most sales situations. The student-athlete, when being recruited, is similar to the consumer purchasing merchandise. "Puffing" during sales talks is allowed since it is almost impossible to prevent. The well-meaning alumni, friends, or teachers may claim an institution to be the "greatest." This is "puffing." These same people can make claims such as, "It has the best recreational major in the area." If a well-meaning alumnus drops a few names and claims that he or she can work a few favors in order to help a student along, these claims are generally "puffing." The point where puffing becomes a fact is when an acknowledged agent of the institution makes claims which appear to be fact. The more specific the claim, the greater the chance of a court finding that the claim was an express promise or condition of the contract. Nearly every state court which decided this issue has determined that the relationship created between a student and institution was a contractual relationship and both parties are held to its terms which included the claims made during recruiting by the coach-recruiter.⁶

In a contract there are expressed terms and implied terms. Expressed terms generally do not create problems. The implied terms are the problem areas. Thus, if an acknowledged agent of the institution alludes to something specific, courts may hold that the declaration was an implied term of the contract and as such becomes binding upon the institution. Then, when the institution fails to meet the terms satisfactorily, damages are sought and the courts of law must intervene. Judges prefer not to interfere since the right to contract is a basic fundamental right granted by the United States Constitution. Nevertheless, courts have in the past interceded in order that fairness prevails.

Courts are reluctant to interfere in academic conflicts between students and institutions because judges believe that those people familiar with the problem and those who are especially trained to cope with educational issues are the best judges. If the academic advisor (an agent of the institution) has not misrepresented the facts, if that person has not violated the duties of his advisory office, and if the information and authority of the advisor has not been misrepresented, courts will allow broad discretion in the academic decisions of an institution. However, if the actions of the agent of the institution have been arbitrary or capricious, courts will intervene on behalf of the injured student.

As a result of the possibility of court interference, it is of major concern to every institution to identify clearly and carefully their agents and advisors. The institution cannot afford to allow ill-informed agents to travel the countryside recruiting students at will. The liability is too great.

A Minnesota court has held that the athlete's interests in participation in athletics are so substantial that they cannot be impaired without minimum due process.⁷ But, a federal

¹Cott v. Kilpatrick, 352 So. 2d 1072 (AL 1977).

²Cott, 352 So. 2d 1072 (AL 1977).

³California State University — Hayward v. NCAA, 47 C.A. 3d 533 (CA 1975).

⁴Gulf Southern Conference v. Julian Boyd, 369 So. 2d 553 (AL 1979).

⁵Gulf Southern Conference, 369 So. 2d 553 (AL 1979).

⁶Gulf Southern Conference, 369 So. 2d 553 (AL 1979).

⁷Behagen v. Intercollegiate Conference of Faculty Representatives, 346 F. Supp. 602 (MN 1972).

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court in Nebraska failed to find a property interest in college athletics even though there may be a property interest in high school athletics. The court said that it could not equate the two situations. A student is automatically entitled to a high school education by state law and the public education program has elected to provide athletic opportunities for its students. But the court added, "There is no automatic entitlement to a college education."¹¹ Also, a Federal District Court in Illinois held that an expectation of an athletic scholarship interest does not amount to a property interest.¹² Accordingly, an entering freshman student or a transfer student who cannot meet the entrance requirements established by the institution or the governing body for athletics at that institution does not necessarily have the right to play or participate his first year. The courts have held that in order to have a constitutionally protected interest, the legal entitlement must not be too speculative. The athlete on scholarship has no more right to participate than the "walk on" athlete; thus, the heavily recruited athlete's interest is too speculative to warrant a constitutionally protected interest.¹³ Plaintiffs in *Colorado Seminary (Denver University) v. NCAA* declared that collegiate athletics provide a vital training ground for professional athletic careers. The court said this may be, sadly, an accurate description of the true significance of today's amateur athletics; however, the fact of professional careers existing in the future is too speculative and not protected by the Constitution.¹⁴

The coach-recruiter cannot ignore the rules of the institution nor can he ignore the rules and regulations of the athletic league or association which govern the institution. If the governing body or member institutions believe that a coach-recruiter has engaged in improper recruiting, they can penalize the institution. The courts take judicial notice that the governing bodies of college athletics police improper recruiting vigorously and impose heavy fines and penalties upon institutions found guilty of improper recruiting.¹⁵ The NCAA has repeatedly professed that a basic purpose of that Association is to maintain intercollegiate athletics as an integral part of the educational program and the athlete as an integral part of the student body.¹⁶ The NCAA encourages its member institutions to adopt rules to comply with satisfactory scholarship. It is of the utmost importance for coach-recruiters to understand that the athlete must also be a student; therefore, cooperation between recruiters and advisors is important and necessary for maximum success in complying with NCAA rules.

NCAA PROPOSAL NUMBER 48

Proposal Number 48, which was passed at the 1983 NCAA National Convention by Division I institutions, states that, effective August 1, 1986,

A qualifier as used herein is defined as one who is a high school graduate and

¹¹ *Walt v. University of Nebraska*, 489 F. Supp. 1194, 1203 (NB 1980).

¹² *Julovitz v. Illinois High School Association*, 462 F. Supp. 875 (IL 1978).

¹³ *Colorado Seminary (Denver University) v. NCAA*, 417 F. Supp. 885 (CO 1976).

¹⁴ *Colorado Seminary*, 417 F. Supp. 885 (CO 1976).

¹⁵ *ABC League v. Missouri State High School Activities Association*, 530 F. Supp. 1033 (MO 1982).

¹⁶ *McDonald and Pondexter v. NCAA*, 370 F. Supp. 625 (CA 1974) and *Howard University v. NCAA*, 367 F. Supp. 926 (DC 1973).

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at the time of graduation from high school presented an accumulative minimum grade-point average of 2.00 (based on a maximum of 4.00) in a core curriculum of at least 11 academic courses including at least three years in English, two years in mathematics, two years in social science and two years in natural or physical science (including at least one laboratory class, if offered by the high school) as certified on the high school transcript or by official correspondence, as well as a 700 combined score on the SAT verbal and math sections or a 15 composite score on the ACT.¹⁷

Students who enter an institution and do not meet the standards specified by Proposal Number 48 would be required to delay their involvement in varsity athletics for one academic year.

NCAA Proposal 48 does not interfere with the admissions policy of an institution. Although a student-athlete does not qualify immediately for athletic participation under this proposal, the student-athlete may still be admitted and attend classes. This student may participate in varsity athletics as a sophomore if he/she satisfies the "satisfactory progress rules" promulgated by the league and the individual institution. As long as satisfactory progress is made, the student-athlete has four years of eligibility to participate in varsity sport.

The adoption of Proposal Number 48 has given rise to a volatile and controversial situation where advantages and disadvantages have been created, and many questions remain unanswered. The advantages and disadvantages of Proposal Number 48 can be divided into two general categories: Advantages and disadvantages to the student and advantages and disadvantages to the institution.

With the implementation of Proposal Number 48 some apparent advantages to student-athletes are as follows:

1. Incoming freshmen must make adjustments to campus life. New students, especially those not well-prepared for the academic portion of college life, could benefit from the time if their participation in varsity athletics were delayed for one year; and
2. The student-athletes would benefit, both at the high school level and college level, from the increased attention focused on the need for quality education.

Many student-athletes view themselves primarily as athletes and do not realize the need for higher education. If those people to whom the student-athletes look for guidance would demonstrate and emphasize the need for education, young people would view themselves as students as well as athletes.

As previously stated, freshmen have a need to adjust to campus life, and participation in athletics by student-athletes helps them in their adjustment, and also in meeting other students with similar interests.

How would Proposal Number 48 affect a student-athlete's adjustment to campus life? Some of the rule's disadvantages to the student athlete are listed here:

- If students who need extra help in order to adjust quickly and adequately do not have the opportunity to associate freely and on equal terms with other students of

¹⁷ National Collegiate Athletic Association, *1983-84 Manual* (Mission, KS: NCAA, 1983) p. 79.
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similar interests and abilities, the adjustment process will be hindered. (A possible condition could result where student-athletes would believe that they are not of the same calibre as their peers, and would, therefore, retreat, both from the event as well as the other competitors in the event.)

- Another result of the lack of equal association could be that others, athletes as well as the general student population, would view the individual as deficient in some way. These students would be ostracized from the group to which the individual is most closely related and stigmatized by much of the student body.
- Because of either of these situations, a student-athlete may refrain indefinitely from the chosen sport or withdraw from the institution.
- If student-athletes who are not eligible to participate do not become ostracized by the team, they still must refrain from participating at the highly competitive level for one year while the eligible team members consistently compete and improve their athletic abilities. (This places the restricted student-athlete at a disadvantage when he has to earn a position on the team or in an individual event.)

Athletics provide an opportunity for student-athletes who could not otherwise attend college to do so. The athletic program provides these individuals with the opportunity to become involved in an excellent educational opportunity which could lead to a career decision that would otherwise not be made. In *Behagen v Intercollegiate Conference of Faculty Representatives*, the court stated that judicial notice is taken of the fact that, to many, the chance to display their athletic prowess in college stadiums and arenas throughout the country is worth more than the opportunity to obtain a college education.¹⁴

Advantages of Proposal Number 48 exist for the institution as well as the individual. Implementation of this rule will improve the attitude of faculty toward student-athletes and toward the athletic program. The institution, as a whole, would realize that the freshmen are ready, willing, and able to do well in areas of academic interest. Athletics could again be viewed as the extracurricular activity it was originally. Not only would the general attitude within the institutions improve, but public opinion would also change. The general public would once more view institutions of higher education as educational training centers rather than training grounds for professional athletes. The court in *Howard University v NCAA* remarked:

A rule which establishes a predictable grade is appropriately related to the purposes of the institution. It prevents, or at least reduces, the exploitation of young men recruited for athletics who are not representative of the student body, and it serves to foster the Association's objective of limiting athletic competition to bona fide students who are primarily engaged in academic pursuits.¹⁵

Institutions, like individuals, could also experience disadvantages with the implementation of Proposal Number 48. Mainly, they may lose athletes who would have attended the institution had they received a scholarship and/or been allowed to participate immediately in the sport. This could, in turn, cause the loss of some contests, and, perhaps, some prestige to the institution.

Apart from the disadvantages and advantages, there remain certain questions and

¹⁴Behagen, 346 F. Supp. 602 (MN 1972).

¹⁵Howard University, 367 F. Supp. 926 (DC 1973).

thoughts which must be examined. Such questions include, but are not limited to the following:

1. With the implementation of Proposal Number 48, will student-athletes be better prepared, academically, at the time they enter the institution of higher education? Proposal Number 48 is directed at high schools to strengthen their academic programs and force them to pay closer attention to their student-athletes. High schools perform a disservice to student-athletes if they treat them as VIPs. There is ample time for high school administrators to prepare for implementation of Proposal Number 48.
2. Will the required score of 15 on the ACT or 700 on the SAT be difficult to acquire if the high school student-athlete earns passing grades in the required courses?
3. If the student-athlete is better prepared academically, will this preparation significantly enhance the college academic experience?
4. Will the student-athlete be able to cope better with academic requirements, and therefore, be equipped to cope better with athletically related demands?
5. Is the individual more likely to graduate from the institution, or at the completion of one, two, and three years of study be in an academic position where he or she may elect to remain at the institution?
6. What is the fate of an athlete who takes both the ACT and SAT and meets the requirements on one examination, but does not meet the minimum requirement on the other examination?
7. And, is it fair that all student-athletes be dealt with under one general and comprehensive rule rather than as individuals?

Related to this is the question of cut-off scores on the ACT and SAT being discriminatory against minority students, particularly black athletes.

8. The question is, do the proposed cut-off scores on the ACT and SAT discriminate against minority athletes?

It is apparent and necessary that research be completed on Proposal Number 48. Presently, an NCAA select committee, along with an independent organization, is seeking to complete certain tasks. They are examining standardized test scores of student-athletes in relation to graduation from the institutions. They are also examining standardized test scores of student-athletes who complete a core curriculum in high school as defined by Proposal Number 48. And lastly, they are examining the relationship of test scores of student-athletes who took both the ACT and SAT to determine if the score of 700 on the SAT is comparable to a test score of 15 on the ACT.

Research on the topic of academic eligibility for college athletes has been conducted in the past; it is presently being conducted; and it will be conducted in the future. This topic is highly controversial and encompasses many ideas, views, and questions.

Answers to questions related to Proposal Number 48 will require years of experience with the rule, collection of accurate data and detailed analysis of that data.

SUMMARY

The student-athlete represents a complex person to coach-recruiters and academic advisors. The student-athlete presents unique challenges for the academic advisors attempting to meet ethical, legal and academic standards. The academic advisor who advises student-athletes should be knowledgeable concerning athletic regulations, academic rules and requirements. The advisor should have empathy, and understand the demands placed upon student-athletes.

A possibility of litigation is always present when advising students. However, when advising highly recruited student-athletes, the potential of litigation becomes greater. The academic advisor must be aware that the student-athlete was recruited and there may have been statements made by the coach-recruiter during recruitment that the student is relying upon.

The passing of Proposal Number 48 has created much concern and generated a multitude of questions among NCAA institutions. Many advantages and disadvantages can be identified from the implementation of this regulation. One major concern is the question, "Does this rule discriminate against minority athletes, particularly black athletes?" Only time, study and experience can answer this, and the numerous questions generated by the passing of the controversial resolution.

Comments on Advising Student-Athletes

MIKE LUDE, *Director, Intercollegiate Athletics, University of Washington*

Currently, no issue could be more important to an Athletic Director than "Advising the Student-Athlete." The introduction of accountability into education has brought about local and national concern over academic standards and the improvements that must be made if young people are to meet the demands of today's competitive and highly technological society. Higher standards for teachers; computer literacy; "back to basics;" increased graduation standards; more core requirements; and the President's call for better educational standards can be equated to the educational revolution caused by Sputnik in the 50's. Unlike Sputnik, however, every thread within the societal fabric is now being touched by this new educational emphasis with intercollegiate athletics being asked to be part of the vanguard of change.

The NCAA has long since set a path for academic performance of the student-athlete that has culminated in the landmark Proposition 48 which stresses higher secondary educational achievement. The University of Washington's commitment to excellence in education is evidenced by its high academic standards and concern for achievement in all areas of the University community. Equally committed to academic achievement is the Husky Athletic Department where student-athlete advising and counseling service has been a priority for over 13 years. The University and Athletic Department long ago recognized the varied backgrounds and educational environments from which student-athletes came and have made herculean efforts toward providing services commensurate with the special needs of these young people.

Our counseling and guidance personnel have developed a comprehensive program related to all areas of the student-athlete's academic life in order to formulate long-term and short-term objectives. The program, because of student-athlete concerns in the late 1960's, has developed from its embryonic stage of individual counseling for only football players to include:

- prospective recruit interviewing and counseling
- tutorial assistance
- study table
- academic skill workshops
- outside resource advising specialists
- "drop-in" specialty counseling
- course objectives and goals in academic areas of concern