

**INTERNATIONALIZATION IN COLLEGE SPORTS:
ISSUES IN RECRUITING, AMATEURISM, AND SCOPE**

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I. INTRODUCTION

This article examines the impact of international student-athletes (“ISAs”) participating in intercollegiate athletics in the United States.¹ Particularly in certain collegiate sports, the predominance, and frankly, the competitive success of ISAs—both men and women—is gaining the attention, and, in some cases, the concern, of college coaches, players, parents of junior players, member institutions, fans, and commentators. A primary concern is whether many of the ISAs, coming from varied education and athletic programs, are properly evaluated in meeting the academic and amateur eligibility standards set by the National Collegiate Athletic Association (NCAA). Many ISAs are also on athletic scholarships, and, as a practical matter, the competitive playing and education opportunities at the collegiate level

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1. The NCAA defines international student-athletes (ISAs) as “students who have completed any portion of their secondary education in a non-United States educational system.” See GUIDE TO INTERNATIONAL ACADEMIC STANDARDS FOR ATHLETICS ELIGIBILITY FOR STUDENTS ENTERING 2006, available at http://www.ncaa.org/library/membership/international_guide/2006/2006_international_guide.pdf [hereinafter “NCAA INTERNATIONAL ACADEMIC GUIDE”].

for local and domestic players, e.g., children of taxpayers, are commensurately diminished.² Should this trend be construed as an outsourcing of college athletics, or, as an opportunity to enhance the collegiate athletic experience by embracing international talent? While a focus on international students may be perceived, or misconceived, as politically insensitive or even xenophobic, the realities are undisputed – U.S. colleges are recruiting worldwide, and ISAs have been a major factor on several collegiate championship teams and account for some of the best performers in college sports. The American public has learned to accept the globalization of business through technological advances, so is it time to accept the international face of American college sports? In short, what are the benefits and costs of ISA participation in US collegiate sports?

It's All Good . . .

Today, player movement in international athletics is, essentially, sports' version of free trade. The global connection through sport and the increasing presence of international athletes are generally welcome and beneficial. The expanded market of talent increases the quality of competition for the consumer fan and the strength of athletic programs at colleges and universities. Individual players benefit from the educational, career, and economic opportunities. At the collegiate level, many coaches report that ISAs generally perform well in the classroom.³ International students, athletes or otherwise, can provide a valuable sense of diversity and a positive dynamic which enriches the team environment and educational experience.⁴ Particularly in the current age of political, social, and economic global

2. For every scholarship that goes to an ISA, one less scholarship and playing opportunity is available to a U.S. student-athlete ..

3. A 2000 NCAA graduation rates report stated that a "full 91 percent of *nonresident aliens* athletes (primarily ISAs) graduated within qualified time, nearly 30 percentage points higher than athletes of Asian or Pacific Island ancestry, who had the next best set of graduation rates. CHRONICLE OF HIGHER EDUCATION, Dec. 1, 2000, available at <http://chronicle.com/free/v47/i14/14a04701.htm>. Hawaii Pacific University staff remarked in 2003 that they thought all their foreign student-athletes graduated. THE HONOLULU ADVERTISER, Sep. 5, 2003, available at <http://the.honoluluadvertiser.com/article/2003/Sep/05/sp/sp08a.html>.

4. See Gary T. Brown, *Foreign Matter: Influx of Internationals in College Swimming Tugs on Bond Between Campus and Community*, THE NCAA NEWS, Dec. 6, 2004, <http://www.ncaa.org> (follow "The NCAA News" hyperlink; then find article by date). Here, Brown relates the benefits of ISA participation: "Coaches note better skills, a higher work ethic and a greater appreciation for the opportunity to compete as common among international prospects."

interdependence, fostering international relationships, exchange, and understanding is particularly invaluable not only to the educational experience, but to our country, community, and ourselves as individuals.

. . . But Sometimes Complicated and Controversial

Yet the rise in the number of ISAs also presents complicated, and sometimes controversial, eligibility determinations as well as policy and resource allocation issues. For example, the varied systems in countries throughout the world for measuring academic standards and for structuring and sponsoring sport activities present difficulties when seeking to ensure uniform academic eligibility and amateur athletic standing for international and domestic students. A student-athlete participating in intercollegiate athletics in the United States must meet specific educational academic standards, be classified as an “amateur,” and comply with the numerous regulations of the NCAA.⁵ A player does not meet the “amateur” status designation where the athlete has signed a professional contract, received compensation exceeding expenses, or competed with other professionals after the athlete’s first opportunity to enroll in college.⁶ The athletic structure in many other countries, such as Europe, is primarily club-based, separate from the educational system, and not demarcated by amateur and professional player status. International sporting clubs and league structures may include highly-paid athletes with substantial experience playing alongside junior members. The different international education programs and athletic systems, coupled with language barriers, varied standards, and inconsistent record-keeping, can lead to uncertain assessments of an ISA’s eligibility.⁷ Thus, determinations that ISAs conform to the “bedrock

5. The NCAA “is a voluntary organization through which the nation's colleges and universities govern their athletics programs. It comprises more than 1,250 institutions, conferences, organizations and individuals committed to the best interests, education and athletics participation of student-athletes.” About the NCAA http://www2.ncaa.org/portal/about_ncaa. See also Section III.A., *infra* (addressing NCAA standards in relation to ISAs).

6. David Pickle, *Division I Eligibility Standard Based on Professionalization: Prospect's Intent No Longer a Reinstatement Factor*, THE NCAA NEWS, July 21, 2003, available at <http://www.ncaa.org/news/2003/20030721/active/4015n01.html>.

7. Bob Knight, the legendary and oft-outspoken college basketball coach, stated that determining ISA eligibility proves difficult because “[f]our interns [might] have to sit and study some country they have no idea where the hell it is to begin with[sic]...and then determine that this kid is or is not pro.” Jeff Miller, *Foreign Amateur Status Can be Tough for*

principle” of amateurism are often erratic and difficult to confirm.⁸

The eligibility and amateurism status of international basketball players in U.S. collegiate competition has garnered attention for a number of years. More recently, the inquiry is expanding to other sports.⁹ The issue of international players in U.S. college tennis has become a topic of concern among a number of college coaches, students, and parents of junior players – both male and female– as well as university administrators. In an e-mail exchange among certain collegiate tennis coaches, one coach called “the proliferation and domination of foreign players in college tennis . . . [as] the number one problem . . . in junior tennis, bar none.”¹⁰ The coach further commented that:

When young junior players in this country look and see that the best 18 and under players in town or at their club can't get a scholarship or even make a college team, it chills junior tennis in that city. . . . American parents pay taxes to support these Universities and their sons and daughters can't play tennis there [T]his is not about professional tennis. It is simply about

Colleges to Document, THE DALLAS MORNING NEWS, available at <http://athleticscholarships.net/amateurforeign.htm> (last visited Aug. 13, 2006).

8. *See id.* (describing amateurism as a “bedrock” principle for the NCAA, and reporting that “[t]he Division I membership recently defeated proposals to significantly change its amateurism rules, indicating that the current rules need to be consistently upheld. An individual who pursues sport as a vocation, even if the individual fails at that pursuit, shall not be permitted to compete in Division I athletics.”).

9. *NCAA Eyes Overseas Recruiting*, THE NCAA NEWS, July 2, 2001, available at <http://www.ncaa.org> (follow “The NCAA News” hyperlink; then follow “NCAA News Archive;” hyperlink; then find article by date) (quoting NCAA Director of Agent, Amateurism, and Gambling Activities, Bill Saum, “as recruiting has increased internationally, so have inequities between domestic and international student-athletes We need to make sure we are addressing domestic and international student-athletes consistently. This is the issue that has been gaining momentum for several years. It’s time to address it head-on.”). *See also* Jack Carey, *Foreign Volleyball Players Come Under Increased NCAA Scrutiny*, USA TODAY, July 14, 2003, available at http://www.usatoday.com/sports/college/volleyball/2003-07-14-volleyball-eligibility_x.htm.

10. E-mail from Wayne Bryan to Larry Wiggins, Head Tennis Coach, Midwestern State University (Jan. 18, 2006) (on file with the author). This coach also candidly asserted the following:

Parents are pissed and our American youngsters are getting screwed. Big time. Why does college tennis have to be a world class sport? If they want to have one foreign player on a squad, fine, I’m all for it for international good will, but [five] or [six] on most teams in this country? What the hell are we doing?

Id. He continues asking: “Do local tennis fans want to watch youngsters from their *home state* or at least from the [U.S.] or do they want to watch a team comprised of *French and German* players?” *Id.*

American kids getting to enjoy college tennis.¹¹

While one tournament does not illustrate a decline in U.S. junior tennis, Wimbledon 2006 was left without an American playing in the quarter-finals for the first time since 1911.¹² Yet Benjamin Becker and Benedikt Dorsch, both from Germany and former winners of NCAA Singles Titles in 2004 and 2005, respectively, while playing for Baylor University, both qualified in their first attempt.¹³ In recent professional tennis rankings only two American men, and no women, were among the top 10 players.¹⁴

Yet few coaches, fans, or athletic program administrators would dispute that recruiting ISA talent can bring greater success to college programs.¹⁵ Some coaches contend that they are compelled to recruit from abroad in order to field a competitive team. Cid Carvalho, when coach of the Winthrop College tennis team, which consisted entirely of international players, acknowledged that recruiting Americans is a problem because “the level of American players I’m looking for want to go to big schools The top players dream of playing for schools like Clemson, South Carolina, North Carolina and Duke.

11. *Id.* See also Beth Rucker, *NCAA Urged to Toughen Rules on Foreign Tennis Players*, YAHOO! SPORTS, Apr. 13, 2006, <http://sports.yahoo.com/ten/news?slug=ap-ncaa-internationalplayers&prov=ap&type=lgn>.

12. *Last American is Ousted at Wimbledon*, ABC NEWS, July 3, 2006, available at <http://abcnews.go.com/Sports/wireStory?id=2148913&CMP=OTC-RSSFeeds0312>.

13. *Dorsch and Becker Advance to Wimbledon Main Draw*, CSTV, June 23, 2006, <http://www.cstv.com/sports/m-tennis/stories/062306aaa.html>. With these players, Baylor University men’s tennis team achieved the titles from the 2004 NCAA Championship and 2005 Runner-up. *Id.*

14. See *Indesit ATP Rankings*, ATPENNIS.COM, <http://www.atptennis.com/3/en/rankings/entrysystem/> (select “21-Aug-06”) (reporting that as of Monday August 21, 2006, the Association of Tennis Professional ranked James Blake at #5, and Andy Roddick at #10); SONY ERICSSON WTA TOUR, http://www.sonyericssonwtatour.com/rankings/singles_numeric.asp (last visited Aug. 21, 2006) (select “rankings”; select “Sony Ericsson WTA Tour Rankings”) (reporting that as of Monday August 28, 2006, Lindsey Davenport ranked at #11[Sony Ericsson WTA Tour Singles Rankings], no other U.S. women in the top 30) (last visited August 30, 2006).

15. See Joe Drape, *Foreign Pros in College Tennis: On Top and Under Scrutiny*, N.Y. TIMES, Apr. 11, 2006, at D1 (noting the success of the Baylor men’s tennis team due to the heightened participation of ISAs). ISAs comprised eleven of thirteen players on Baylor’s men’s tennis team, which won the national championship, and runner-up, titles in 2004, and 2005, respectively. See Associated Press, *Success Brings Scrutiny*, NCAA News, Aug. 2, 2005, available at <http://www.ncaasports.com/tennis/mens/story/8698654>. Two ISAs were also formidable forces in assisting Baylor’s 2005 Women’s Basketball Championship. Drape, *supra* at D1. ISAs constituted seven of ten team members on Pepperdine University’s men’s tennis national championship for 2005-06. See Pepperdine Men’s Roster available at <http://pepperdinesports.cstv.com/sports/m-tennis/mtt/pepp-m-tennis-mtt.html>

Nobody dreams of playing for Winthrop We don't overlook Americans. The Americans overlook us." Baylor University's men's basketball coach Scott Drew similarly reported, "If you don't recruit overseas, you're taking yourself out of a major market."¹⁶ The pressure on coaches to produce winning teams, and thus to recruit the best athletes, is unmistakable. Yet concerned that older foreign players, who may have some professional experience, dominate college tennis, Vanderbilt University Chancellor Gordon Gee comments that "[t]he purpose of intercollegiate sports in this country is not about professionalism, it's about amateurism."¹⁷

The "arms race" in college sports is on—and it is fueling efforts to recruit top talent internationally, therefore increasing competition among schools to search worldwide for talented players. The stated purpose of competitive intercollegiate athletic programs is to develop educational leadership and athletics participation as a recreational pursuit.¹⁸ Does the worldwide quest to recruit "the best" athletes to represent U.S. colleges enhance, accord with, or detract from this stated mission ?

This article examines the recruitment and participation of international student-athletes in U.S. college athletics. Part II briefly describes internationalization of sports in the Olympic Movement and in professional sports, noting the trend away from the amateur/professional distinction and the increased movement of players among countries. Part III focuses on internationalization in intercollegiate sports. It also sets forth the basic eligibility requirements and conduct rules for intercollegiate athletic participation. Additionally, it analyzes some of the practical challenges encountered by member institutions, coaches, and players in ensuring enforcement of uniform academic and athletic eligibility

16. Jason King, *Baylor Enjoys Success with Foreign Athletes*, KANSAS CITY STAR, June 14, 2006, at D6, available at http://www.kansascity.com/mld/kansascity/sports/colleges/big_12_conference/14811231.htm (last visited August 30, 2006) Baylor's men's tennis coach Matt Knoll went winless in conference play (with a mostly American team) in his first year of 1997, and makes no apologies for the reasons behind his program's recent huge successes. "We recruit the top American players, but when we started going head to head with Duke, Stanford, and UCLA [W]e can't beat them for these kids. So do we let Duke beat our brains in because we're taking third-tier Americans while they're picking from the first tier? Or do we get first-tier (foreign) kids and try to beat them? What would you do?" *Id.*

17. David Zinman, *The Foreign Flavor of College Sports: Colleges Import Athletes From Abroad to Compete*, THECOLUMNISTS.COM, 2005, <http://www.thecolumnists.com/zinman/zinman24.html>.

18. See, e.g., NCAA Manual, Constitution, art. 1.2(a).

standards and recruitment practices for domestic and international student-athletes, considering the varied educational and athletic systems. Part IV evaluates responses by the NCAA and member institutions to address the concerns regarding ISA eligibility and also highlights areas for further consideration. Among these are ensuring that international student-athletes are given adequate support to adjust to a new culture and educational environment. Second, it is incumbent to address the reasons underlying the actual or perceived need to recruit internationally; that is, to examine why domestic players are considered less competitive. This article calls upon the NCAA, member institutions, coaches, and players to articulate an institutional policy addressing the recruitment of international students, consistent with the stated mission of intercollegiate athletes and athletic scholarships, which reflects both the value of international exchange in athletic and educational programs and a commitment to the development of junior players domestically.

II. THE BACKDROP: INTERNATIONALIZATION IN OLYMPIC AND PROFESSIONAL SPORTS

A. *The Olympic Movement: Play for Your "Country"*

The Olympic Games are the most prominent and traditional forum for international sporting competition. Over 10,000 athletes from over 200 countries around the world represent their respective native countries and compete in individual and team sports as part of the Olympic Games.¹⁹ The stated goal of the Olympic Movement is “[t]o contribute to building a peaceful and better world by educating youth through sport practiced without discrimination of any kind and in the Olympic spirit, which requires mutual understanding with a spirit of friendship, solidarity and fair play.”²⁰

The Olympic Games had long been a contest among amateur athletes.²¹ However, in response to increasing criticism and

19. JAMES A.R. NAFZIGER, INTERNATIONAL SPORTS LAW 10 (2d ed., Transnational Publishers, Inc. 2004) (“Over 10,000 athletes from nearly 200 countries normally compete in the Summer Games. Some 400 events in 35 sports define The Olympics.”). In the Summer 2004 Games in Athens, Greece, over 11,000 athletes from 202 countries around the world, representing their respective native countries, competed in 28 individual and team sports. 2004 Summer Olympics, WIKIPEDIA, http://en.wikipedia.org/wiki/2004_Summer_Olympics.

20. OLYMPIC CHARTER, Fundamental Principles ¶ 6.

21. Nafziger, *supra* note 21, at 137 (“Rule 1 [1970] of the Olympic Charter used to read that “[t]he aims of the Olympic Movement are to promote the development of those fine