

# The NCAA and an Education in Ethics\*

## INTRODUCTION

College sports have a significant impact on the school's culture. This is especially true for the more successful and prolific athletics programs, such as Texas A&M or Notre Dame. Football in particular has increasingly become a big moneymaker for many colleges, with a significant amount of sports revenue coming from their football programs. As *ESPN* made an increasing number of deals to gain rights to air more football games, the influx of revenue created a shift in the duties of coaches. In many ways, they became the face of the team. Programs that show positive returns have coaches working hard to fill seats on game day and encourage college alumni to donate to the school. The more successful the team, the more visibility it is given in the media. This visibility leads to greater awareness of the college or university among the public, and schools with the best athletics programs often see a greater influx of applications from prospective students.

The collegiate athletics programs have an intangible influence within and outside their immediate surroundings. This is mainly seen in their fan base, composed of current students, alumni, staff, faculty, and local businesses. Athletics programs have the potential to generate not only profits but also a sense of loyalty among its fans. Many universities, such as the University of Nevada, Las Vegas, the University of South Alabama, and the University of Arizona have invested millions of dollars on building or renovating football stadiums. For example, the University of Alabama passed a \$600 million proposal called "The Crimson Standard" to update major athletic facilities, beginning with a \$92.5 million upgrade to Bryant-Denny Stadium.

Because of the financial support and widespread influence of athletics programs, the players, coaches, and administrators have to deal with a lot of pressure to fundraise, sell tickets, and win games. These pressures open up opportunities for misconduct to occur, and it is increasingly important that university administrators and program officials directly acknowledge opportunities for misconduct. While the university is ultimately responsible for the operation of each department and the behavior of its employees, it can be difficult for the administrators to have an objective view of incidents that occur, especially when it involves a successful program that benefits the entire university. The university administrators are often subject to the same pressures as those in the program to increase the level of revenue and reputation. This led to the development of a more objective institution to set and enforce rules

\*This case was prepared by Carrie Holt, Zachary Youngstrom, Kelsey Reddick, Jennifer Sawayda, Michelle Urban, Kathleen Dubyk, Ben Skaer, and Bethany Buchner for and under the direction of O.C. and Linda Ferrell, © 2022. It was prepared for classroom discussion rather than to illustrate either effective or ineffective handling of an administrative, ethical, or legal decision by management. All sources used for this case were obtained through publicly available material.

and standards: the National Collegiate Athletic Association (NCAA). The NCAA is a nonprofit organization that views ethical conduct as a crucial component to a college athletics program and works to promote leadership and excellence among student-athletes and the universities to which they belong. It also serves to protect the interests of student-athletes, ensure academic excellence, and encourage fair play.

In this case, we provide a brief history of the NCAA and examples of the rules they enforce. We then view how these rules relate to ethics. The next section covers some of the major college athletics scandals within the past few years, how these scandals were handled by the schools and the NCAA, and the community impact resulting from the scandals. It is crucial to note, however, that these scandals are not common to college sports as a whole. The majority of teams receive no NCAA infractions during the year, and those reported are usually minor. Universities have their own set of expectations for student-athletes, including showing up on time to practice and behaving responsibly, that go above and beyond NCAA rules. However, when NCAA violations occur, universities have a responsibility to report them promptly. Therefore, the next section covers examples of ways universities address unethical behavior in their sports programs through self-imposed sanctions, which signifies that they consider compliance to be an important component of their programs. We conclude by analyzing how effective the NCAA appears to be in curbing misconduct and preventing future unethical behavior from occurring. This case demonstrates that ethics and compliance are just as important for nonprofit organizations and educational institutions as they are for businesses.

## **OVERVIEW OF NCAA**

The NCAA was formed in 1906 under the premise of protecting student-athletes from being endangered and exploited. The Association was established with a constitution and a set of bylaws with the ability to be amended as issues arise. As the number of competitive college sports grew, the NCAA was divided into three Divisions—I, II, and III—to deal with the rising complexity of college athletic programs. Universities are given the freedom to decide which division they want to belong to based on their desired level of competitiveness in collegiate sports.

Each Division is equipped with the power to establish a group of presidents or other university officials with the authority to write and enact policies, rules, and regulations for their Divisions. Each Division is ultimately governed by the President of the NCAA and the Executive Committee. Under the Executive Committee are groups formed in each Division, such as the Legislative Committee, as well as Cabinets and Boards of Directors.

In the early 1980s, questions began to arise concerning the level of education student-athletes received. Some thought

these students were held to lower academic standards so they could focus more on their sport, which could be detrimental to the students' education and negatively impact future career success. As a result, the NCAA strengthened the academic requirements of student-athletes to ensure academics were taken just as seriously as athletics. It also established the President's Commission, composed of presidents of universities in each Division that collaboratively set agendas with the NCAA. Table 1 highlights six of the 16 Principles for Conduct of Intercollegiate Athletics that can be found in Article 2 of each division manual.

**TABLE 1 Principles for Conduct of Intercollegiate Athletics**

<b>Institutional Control and Responsibility</b>
<ul style="list-style-type: none"> <li>• Puts the responsibility for the operations and behaviors of staff on the president of the university.</li> </ul>
<b>Student-Athlete Well-Being</b>
<ul style="list-style-type: none"> <li>• Requires integration of athletics and education, maintaining a culturally diverse and gender equitable environment, protection of student-athlete's health and safety, creating an environment that is conducive to positive coach/student-athlete relationships, coaches and administrative staff show honesty, fairness, and openness in their relationships with student-athletes, and student-athlete involvement in decisions that will affect them.</li> </ul>
<b>Sportsmanship and Ethical Conduct</b>
<ul style="list-style-type: none"> <li>• Maintains that respect, fairness, civility, honesty, and responsibility are values that need to be adhered to through the establishment of policies for sportsmanship and ethical conduct in the athletics program which must be consistent with the mission and goals of the university. Everyone must be continuously educated about the policies.</li> </ul>
<b>Sound Academic Standards</b>
<ul style="list-style-type: none"> <li>• Maintains that student-athletes need to be held to the same academic standards as all other students.</li> </ul>
<b>Rules Compliance</b>
<ul style="list-style-type: none"> <li>• Requires compliance with NCAA rules. Notes that the NCAA will help institutions develop their</li> </ul>

compliance program and explains the penalty for noncompliance.
<b>Recruiting</b>
<ul style="list-style-type: none"> <li>• Promotes equity among prospective students and protects them from exorbitant pressures.</li> </ul>

Source: Adapted from National Collegiate Athletic Association, “The 16 Principles for Conduct of Intercollegiate Athletics,” <http://www.ncaa.org/about/16-principles-conduct-intercollegiate-athletics> (accessed August 10, 2020).

Throughout the division manuals, the NCAA emphasizes the responsibility each university has in overseeing its athletics department and being compliant with the terms established by its conferences. The NCAA establishes principles, rules, and enforcement guidelines to both guide the universities in its oversight of the athletics department as well as penalize those schools that fail to regulate and address misconduct. In Article 10 of the bylaws, a description of ethical and unethical conduct among student-athletes is provided, along with corresponding disciplinary consequences if any of the conditions are violated. Honesty and sportsmanship are emphasized as the basis of ethical conduct, while wagering, withholding information, and fraud are among the unethical behaviors listed. Article 11 describes the appropriate behavior for athletics personnel. Honesty and sportsmanship are again the basis for ethical behavior, but with an added emphasis on responsibility for NCAA regulations. Article 11 cites the Head Coach as responsible for creating an atmosphere of compliance and monitoring the behavior of his or her subordinates, including assistant coaches and players.

The NCAA takes the enforcement of rules seriously and tries to ensure the penalties fit the violation if misconduct does occur. The organization also makes sure the penalties are handed down promptly, not only to indicate the seriousness of the infraction but also to maintain a credible and effective enforcement program. This method tries to correct or eliminate deviant behavior while maintaining fairness and objectivity toward those members of the Association not involved in violations. Employees (coaches and other administrative staff) are exhorted to have high ethical standards since they work among and influence students. The NCAA makes it a requirement that each employee engage in exemplary conduct so as not to cause harm to the student-athletes in any way. They are also given a responsibility to cooperate with the NCAA.

The NCAA lays out three types of violations and corresponding penalties, depending on the nature and scope of the violation. Secondary violations are the least severe and can result in fines, suspensions for games, and reduction

in scholarships. For major violations, some of the penalties are the same as secondary violations, but the scope is far more severe. For example, suspensions will be longer and fines larger. However, some penalties are specific only to major violations, such as a public reprimand, a probationary period for up to five years, and limits on recruiting. The last type involves repeat violations that occur within five years from the start date of the initial violation. The penalties for repeat violations are the most severe, including the elimination of all financial aid and recruiting activities and the resignation of institutional staff members who serve on boards, committees, or in cabinets. Table 2 lists some of the more prominent unethical practices the NCAA lists specifically concerning college football.

**TABLE 2 Unethical Practices Prohibited in Football by the NCAA**

<ul style="list-style-type: none"> <li>• Use of the helmet as a weapon.</li> </ul>
<ul style="list-style-type: none"> <li>• Targeting and initiating contact. Players, coaches, and officials should emphasize the elimination of targeting and initiating contact against a defenseless opponent and/or with the crown of the helmet.</li> </ul>
<ul style="list-style-type: none"> <li>• Using nontherapeutic drugs in the game of football.</li> </ul>
<ul style="list-style-type: none"> <li>• Unfair use of a starting signal, called “Beating the ball.” This involves deliberately stealing an advantage from the opponent. An honest starting signal is needed, but a signal that has for its purpose starting the team a fraction of a second before the ball is put in play, in the hope that it will not be detected by the officials, is illegal.</li> </ul>
<ul style="list-style-type: none"> <li>• Feigning an injury. An injured player must be given full protection under the rules, but feigning injury is dishonest, unsportsmanlike, and contrary to the spirit of the rules.</li> </ul>
<ul style="list-style-type: none"> <li>• Talking to an opponent in any manner that is demeaning, vulgar, or abusive, intended to incite a physical response or verbally put an opponent down.</li> </ul>
<ul style="list-style-type: none"> <li>• For a coach to address, or permit anyone on his bench to address, uncomplimentary remarks to any official during the progress of a game, or to indulge in conduct that might incite players or spectators against the officials, is a violation of the rules of the game and must likewise be considered conduct unworthy of a member of the coaching profession.</li> </ul>

Source: Adapted from National Collegiate Athletics Association, *2019 NCAA Football Rules and Interpretations* (Indianapolis, IN: National Collegiate Athletic Association, 2019).

The NCAA incorporates a compliance approach to ethics by developing and enforcing rules to keep the games fair and respectful of student-athletes' rights. The NCAA Committee on Sportsmanship and Ethical Conduct identified respect and integrity as two critical elements in its rule book. The NCAA strives to keep games fun and entertaining without sacrificing the health and safety of the student-athletes participating. As previously mentioned, the NCAA places emphasis on the level of education student-athletes receive and encourages athletes to focus on their grades to ensure they have career opportunities post-athletics. The core of the NCAA concerns ethics. This organization takes not only key players into consideration but also other stakeholders, such as the college community and the sports society as a whole.

Aside from its involvement with student-athlete academics, the NCAA is likewise involved with other off-the-field activities to protect the best interests of student-athletes. According to NCAA guidelines, college coaches are not permitted to actively begin recruiting prospective players to their school until the prospective player is at least a junior in high school. These coaches have a limit on the number of phone calls and off-campus visits they are permitted to make to prospective students. These rules are in place to ensure student-athletes do not feel pressured by these colleges. Once the student-athletes are in college, a set of rules made between the NCAA and the individual college limit the types of gifts a student-athlete can accept. Parents of student-athletes, for example, can give any number and type of gifts to their own children but must be wary when it comes to other members of the team. Student-athletes generally cannot accept gifts at reduced prices (for example, a free tablet) and other gifts, such as practice uniforms for the team.

A major ongoing issue for the NCAA is player safety. It is common for injuries to occur in sports, especially football. Professional players have increasingly filed lawsuits as evidence has demonstrated that injuries such as concussions could lead to degenerative brain disease. College athletes have also gotten involved in the dispute, and former athletes filed a lawsuit against the NCAA seeking damages for injuries sustained during games. The NCAA spent \$30 million to track the impact of concussions on athletes and has changed its guidelines regarding how it manages concussion occurrences. This includes prohibiting players that suffered a concussion from playing again during the day and developing a medical monitoring program to assess whether self-reported symptoms might be indicative of a head injury. NCAA member schools are required to have a concussion management plan in place. Additionally, the NCAA collaborates with the Sport Science Institute to provide educational materials about concussions through the NCAA Sports Medicine Handbook.

Additionally, misconduct in college sports continues to be a challenge for the NCAA. Often other stakeholders

are involved in the misconduct. For instance, college sports games that have been “rigged” (managed fraudulently) have often been traced to wealthy sports boosters with inside knowledge of the sports in which they heavily invest. A majority of the time, this rigging is done to benefit gambling outcomes among these boosters. Flopping—a tactic common in the National Basketball Association (NBA)—is becoming more widespread in college basketball. Flopping occurs when a player exaggerates or fakes a blow so that the referee will call a foul. Despite anti-flopping measures adopted by the NCAA, this practice is hard to pinpoint exactly because it is hard to measure the intent of the player (that is, whether the player intentionally faked a blow).

When a college sports program is accused of misconduct that violates NCAA rules, the NCAA conducts an investigation to determine whether the allegations are true. If these schools are found to be in violation, the NCAA levies penalties against the team. However, the NCAA also receives criticism from those who disapprove of the severity and effectiveness of the sanctions meant to discourage misconduct. On the one hand, some stakeholders believe the NCAA sanctions are too tough. On the other hand, some feel they are not strict enough. They state some of the major college athletics programs hit by NCAA sanctions were able to recover from these penalties quickly and did not suffer much during the course of the sanctions. This argument implies that avoiding the risks of punishment is less costly to the team than the benefits of bending the rules. Whether NCAA sanctions are too harsh or not harsh enough, the pressure to maintain the sports programs provides the opportunity for misconduct in the college sports community, as well as creates significant challenges for the NCAA.

## **CHALLENGES FOR ETHICS AND COMPLIANCE**

For many universities, college sports is a business that brings millions of dollars to colleges all over the United States. Being a business, there are always ethical and compliance issues that take place. The question is whether schools ignore issues taking place because of the amount of money a program generates for the school. If so, this creates a significant conflict of interest. In the past decade, a number of highly publicized scandals have rocked the college sports industry and led to heavy criticism of the schools where the scandals occurred. The actions of the NCAA in response to these scandals received mixed reactions from stakeholders. However, a more serious concern for the NCAA is how to ensure college sports teams comply with ethical policies as well as combat the tendency for colleges to remain complacent because of the success of the sports team. The following examples describe recent college sports scandals, how the schools reacted to the scandals, and the sanctions, if any, that the NCAA took against the team.

## **University of North Carolina Chapel Hill**

A growing problem the NCAA is facing involves a rise in academic misconduct. Because sports bring a lot of money to the university, administrators and faculty are sometimes tempted to turn the other way when players engage in misconduct. It is not uncommon for coaches and professors to provide assistance to players that might violate NCAA rules or lower academic standards so they can continue to compete. For example, a massive fraud was uncovered at the University of North Carolina Chapel Hill when it was discovered that 3,000 students got credit for classes they did not attend, for which they did not do significant work, and/or were not supervised by a professor. The scandal took place over a 16-year period, and approximately half the students involved were athletes. Students were provided fake grades for fake classes. It is believed the misconduct largely occurred to keep athletes eligible to play and was exacerbated by a lack of institutional control. Ambiguous statements made to school personnel inexperienced with NCAA rules are also problematic. For instance, it is not uncommon for a coach to tell support staff to make sure a student is eligible to play without giving them directions on how to do so without violating the rules.

## **Oklahoma State University**

In 2017, the Federal Bureau of Investigation (FBI) arrested Lamont Evans, the former associate head men's basketball coach at Oklahoma State University. An indictment and a federal criminal complaint alleged that Evans accepted bribes in the form of cash from financial advisors in exchange for persuading student-athletes to retain the advisors when the students reached the NBA. In total, the coach accepted up to \$22,000 in cash bribes. He was sentenced to three months in prison. This behavior violated NCAA rules and resulted in a series of penalties for the university, including three years of probation and a 2020–2021 postseason ban for the men's basketball team, plus a \$10,000 fine and a temporary reduction of men's basketball scholarships.

The ruling was widely criticized for being too harsh as it punished student-athletes who were not involved in the ethical misconduct. The punishment included restrictions on recruiting though no recruiting violations were made in the scandal. In this ethics scandal, the team did not gain a competitive advantage from the misconduct, so some argued the harsh penalties could set a precedent for even harsher penalties when a competitive advantage is involved. Oklahoma State announced plans to appeal the ruling which it considered to be unjust.

## **The University of Kansas**

In 2019, the University of Kansas basketball program received a notice of allegations from the NCAA detailing a

number of major violations. Among these violations, Kansas is accused of three Level 1 violations (the most severe in the NCAA rulebook). Hall of Fame coach Bill Self also received a charge of lack of institutional control. These allegations stem from an FBI investigation into college basketball related to widespread allegations involving corruption and bribery. Kansas became involved in the investigation when a former Adidas consultant testified about funneling payments to families of a number of Kansas' high profile recruits. A decision is pending on possible punishment, which could include postseason bans, reduction in scholarships, and up to a year-long suspension for Bill Self.

## **University of Louisville**

The University of Kansas was just one of the many high-profile college basketball programs in hot water amid the FBI investigation. Programs such as North Carolina State University, the University of Louisville, the University of Arizona, Auburn University, and Louisiana State University all faced reports about a range of potential violations. At the University of Louisville, a sex scandal came to light in 2015 after a woman reported that Andre McGee, who served on the basketball staff, solicited her escort service, arranging for meetups between prospects, recruits, and prostitutes in an on-campus dorm. Though Rick Pitino, the former basketball coach, had no knowledge of the scandal, the NCAA found that the coach failed to properly monitor his staff for compliance with NCAA rules, allowing for a culture of unethical conduct. In 2018, the NCAA stripped Louisville of 123 wins and the 2013 National Championship. Separately, Pitino was implicated in a large bribery and corruption scheme, leading to his dismissal.

## **University of Mississippi**

In 2017, the NCAA charged the University of Mississippi's football team, the Ole Miss Rebels, with 21 college football violations. Accusations included alleged recruiting violations by staff, improper booster payments and benefits, and manipulating incoming student scores on ACT standardized tests. The NCAA also charged the university with a lack of institutional controls and the failure of head coach Hugh Freeze to responsibly legislate the players' conduct. In response, Ole Miss admitted its program had engaged in misconduct, although it contested some of the NCAA's claims. In the immediate aftermath, Ole Miss fired coaches alleged to have been involved in the misconduct. It also self-imposed a one-year bowl ban for the 2017 season. Later in the year, Ole Miss faced the NCAA's Committee of Infractions. The Committee of Infractions decides whether university teams accused of violations committed infractions, which helps determine the penalties levied against universities for violations. Penalties included a three-year probationary period, a \$5,000 penalty, and a postseason ban for the 2007 and 2008 seasons.

# **Saint Leo University**

Many ethical issues involve providing college athletes with special favors. For decades a pressing issue has been one of paying college athletes. There are various rules that must be followed to avoid the appearance of paying college athletes or providing them with special treatment. For example, after a student-athlete at Saint Leo University discovered her women's volleyball scholarship did not cover housing or books after she had already enrolled, the former head coach made payments to and on behalf of the student. According to the NCAA, the coach knowingly provided impermissible benefits and thus did not prompt the appropriate environment for ethics compliance. Punishment included one year of probation, a temporary limit on women's volleyball scholarships, and a fine of \$4,000.

## **SELF-REPORTING AND MONITORING STUDENT-ATHLETES**

Minor violations become scandals when the university, the athletic program authorities, or both cover them up for long periods of time. No matter where the cover-up begins or ends, the ultimate responsibility lies with the university to monitor the actions of the program. If the culture of the university fosters misconduct, minor violations will inevitably become scandals. On the other hand, universities that monitor their athletics programs and swiftly address minor violations, including reporting the infractions to the NCAA, are less likely to be involved in major scandals. This act of self-reporting demonstrates a concern with ethical behavior and accountability for their actions. Furthermore, the NCAA takes these measures into account when deciding on the appropriate level of penalties to impose for violations.

The integrity of the NCAA and collegiate athletics depends on transparency and a level playing field. The NCAA and universities are mindful that most collegiate athletes do not enter professional sports and will have to find a career outside of athletics. Therefore, any attempt to treat collegiate athletics like professional sports could be detrimental. The goal of all stakeholders should be to help young men and women develop the ability to have a career and contribute to society.

## **CONCLUSION**

The NCAA strives to prevent unethical behavior in collegiate athletics by objectively setting and enforcing standards of conduct. It also encourages and helps universities establish their own system of compliance and control since the

ultimate responsibility lies with the universities and the cultures they create. Even when colleges impose sanctions on their programs, the NCAA examines the sanctions objectively and either accepts the sanctions as sufficient or supplements them with more penalties that better match the misconduct. This should not discourage universities from self-reporting, however. While there is no guarantee a program will not be penalized for reporting misconduct or adopting self-imposed sanctions, the more proactive a program appears to be, the more consideration it may receive when the NCAA examines the situation. Additionally, a proactive ethical culture creates a reputation for ethics and compliance that may help the program bounce back quicker after a misconduct incident.

The NCAA stands as a compliance-oriented organization. At the same time, it promotes certain values the universities should adopt when developing sports programs. The NCAA rules should not be used as a sole source to build a complete ethics program but instead used as a minimum benchmark for ethical conduct. NCAA guidelines serve as a framework for how collegiate sports programs should behave and offer consequences for noncompliance. Universities involved in both minor and major violations have come to realize the importance of emphasizing ethics and compliance in their sports programs.

## QUESTIONS FOR DISCUSSION

1. How does the NCAA encourage collegiate athletics programs to develop a culture of ethics and compliance?
2. Is it a valid criticism that the NCAA is based more on compliance than ethical values?
3. How can student-athletes, coaches, and university administrators demonstrate a proactive response to ethics and compliance?

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