

TABLE 3 Unethical Practices Prohibited by the NCAA

- Use of the helmet as a weapon.
- 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.
- Using nontherapeutic drugs in the game of football.
- 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.
- 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.
- 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.
- 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.

Source: Adapted from National Collegiate Athletics Association, *Football 2013 and 2014 Rules and Interpretations* (Indianapolis, IN: National Collegiate Athletics Association, 2014).

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, are able to 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 iPod) and other gifts, such as practice uniforms for the team, must be cleared by the school first.

Despite the NCAA's wide array of rules and regulations, there have been many criticisms of the organization's practices. One of these criticisms has to do with a former NCAA investigator, Ameen Najjar, who worked on investigating reports of rule violations from the University of Miami. Najjar was promptly dismissed from the NCAA when it was found he was going outside the NCAA's rules of investigation in order to collect more evidence for the case. Not only was this a major embarrassment for the NCAA, but critics state Najjar followed orders from others within the organization and was put up as a scapegoat when the rule-breaking investigative techniques came to light. The NCAA was also sued for allegedly allowing the video game company EA to use the likeness of NCAA basketball players in its video games without giving the players any compensation. EA later stopped producing college football video games altogether. The NCAA paid \$20 million to settle these claims.

A major issue that has arisen for the NCAA is player safety. It is common for injuries to occur in sports, especially football. Over the past few years 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 fear is that concussion and other injuries could have long-term health impacts. The NCAA announced it would spend \$30 million to track the impact of concussions on athletes and has changed its guidelines in 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.

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 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 football 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, 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 IN COLLEGE FOOTBALL

College football is far more than just a sport. For many universities, it 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 football program generates for the school. If so, this creates a significant conflict of interest. In the past few years, a number of highly publicized scandals have rocked the college football 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 two major college football scandals, how the schools reacted to the scandals, and the sanctions, if any, that the NCAA took against the team.

Penn State Scandal

In 2011 accusations arose alleging that a former assistant coach of the Penn State football team sexually assaulted at least eight young boys over the course of many years. It was not long before the school itself was implicated in suspecting or knowing about the crime

but not taking adequate steps to stop it. Two university officials turned themselves in to authorities after being accused of covering up the crimes.

According to investigations, the first report of potential misconduct between the former assistant coach Jerry Sandusky and an underage boy came in 1998. The report came to University police and the Senior Vice President for Finance and Business, Gary Schultz. This matter was investigated internally and resulted in no criminal charges based on a lack of evidence. In 2001 a graduate assistant allegedly witnessed the perpetrator sexually assaulting a young boy in the Penn State football team's practice center. The graduate assistant reported the incident to Head Coach Joe Paterno, who staked his reputation on running a program known for ethics and integrity. While Paterno appeared to notify campus officials, the officials did not report the incident to police, allowing the crimes to continue. A later report conducted by former FBI director Louis Freeh indicated the coach and school officials covered up the crimes. This led to accusations that the school cared more about its reputation and the success of its football program than it did about the young victims. This case is even more serious as such misconduct does not just constitute an NCAA violation; it is a criminal act that harmed many people. Although Joe Paterno reported the crime to campus officials, some felt it was his responsibility to do more to ensure the crimes were reported to the proper authorities. The assistant coach continued to interact with young boys and be around the college campus after the reports were made.

The negligent behavior of Penn State officials, both within the administration and the football department, might be explained through the strength of the football program and the complacency of the university culture. Head Coach Joe Paterno had been at Penn State's football department for more than 60 years at the time of the scandal. The way he ran the department indicated a reliance on old football standards and an inability or unwillingness to adapt to new ones. Unfortunately, this culture had pitfalls that did not hold up to modern ethical standards. Some reports claim that on different occasions he advocated that football players should not be held to the same standards as regular students, implying football players should be treated differently than other students by the university. When football players got in trouble with the law, Paterno felt the university should not take action but rather let the police deal with it. Although he butted heads with many people when it came to these views, school directors were on his side of the argument. This is likely because of the large amount of revenue the program brought into the school. According to one accusation, Coach Paterno used this revenue as a threat to stop all fundraising if a certain director he disagreed with was not fired. If these allegations are true, then Paterno created a culture within the football department wherein members did not need to be held accountable according to school regulations. This in turn indicates a complacent university culture when it came to the football program.

The NCAA agreed the misconduct was partially the fault of the football program's and Penn State's complacency. In addition to the negative impact on the victims, Penn State suffered reputational damage and received a major blow to its football program. The NCAA imposed sanctions against Penn State costing \$60 million in fines, a four-year post-season ban prohibiting the school from being eligible for any post games until 2016, and a four-year reduction in scholarships amounting to 10 scholarships per year for the football program. The football team's wins between 1998 and 2011 were vacated; however, in 2015 the NCAA reinstated the wins after a legal battle. The 2015 lawsuit settlement also included a repeal of the 2012 NCAA sanctions and agreement by Penn State to spend \$60 million on programs intended to prevent child abuse. Indeed, the penalties imposed by the NCAA drastically hurt Penn State's football program's ability to compete against other teams. In total, there were seven penalties placed on the university and athletics program combined.

The NCAA's actions demonstrate its commitment to ensure the activities that took place at Penn State do not happen again. Although Joe Paterno died of lung cancer in 2012, close to two months after he was fired as head coach, the Paterno family filed a lawsuit against the NCAA and its President on behalf of Penn State, citing the investigation conducted by former director of the FBI Louis Freeh—a report the NCAA relied heavily upon in imposing sanctions against Penn State—was seriously flawed in its conclusions of blame.

The NCAA also put 10 corrective sanctions on Penn State formulated specifically for them. The main corrective measure was that the university must sign an Athletic Integrity Agreement. In doing so, this allowed the NCAA to require Penn State to take eight corrective steps. These steps include hiring a compliance officer for the athletics department, creating a compliance council and a full disclosure program, adding internal accountability and certifications for this accountability, implementing an external compliance review/certification process, drafting an athletics code of conduct, conducting training and education, and appointing an independent athletics integrity monitor. All of the steps will be continuously updated to ensure the internal and external controls stay relevant. The NCAA's goal for the corrective sanctions is to find and stop unethical behavior before it becomes a problem.

Ohio State

The Ohio State scandal was a result of rule violations from student-athletes and a subsequent cover-up of the violations by the coach. In December 2010, five players on Ohio State's football team were suspended for using the gear the football team supplied to barter for cash and tattoos. Under the NCAA rules, it is illegal for a Division I football player to receive any benefit, such as a discount or favor, that is not offered to the public. Head Coach Jim Tressel became aware of the violation and failed to report it to the school for a period of nine months. This enabled the team to continue to play in games they otherwise would have been ineligible to play. In addition to the suspensions, the NCAA also banned Ohio State from a bowl game for one year, took five scholarships away for the following three years, and put the team on a one-year probation. When it was discovered Tressel had prior knowledge of the violation, the NCAA issued a five-year show-cause order, forcing him to resign and virtually ending his career as a coach in collegiate athletics. A college can hire a coach who has an outstanding show-cause order, but it may also face penalties for doing so. In addition, if a coach with a show-cause order does in fact get hired and makes a subsequent violation, the consequences will be far more severe on both the coach and the university. Most colleges will not take the risk of hiring a coach with this kind of label.

This was not the only violation found among members of the Ohio State football team. After the bartering scandal, the NCAA suspended three other players for accepting money from a booster. A booster is a fan who has a significant amount of money and invests in the team to build better facilities, contribute to scholarships, and sometimes influence who the coaching staff will be. However, student-athletes are prohibited from accepting money or gifts from boosters directly and doing so is a direct violation of NCAA rules. Additionally, other players were suspended for being overpaid by the same booster for work completed during a summer job.

The NCAA placed these sanctions on Ohio State for failure to properly oversee its athletics program. Many of the administrators commented if they knew of the football players' conduct, they would have taken corrective action against it. Ohio State took responsibility for its actions and cooperated with the NCAA investigation. The university imposed its own penalties against the football program, including vacating the 2010 season. Yet the

but not taking adequate steps to stop it. Two university authorities after being accused of covering up the matter.

According to investigations, the first time Paterno died of lung cancer in 2012, close to Jerry Sandusky and the Senior Athletic Integrity Unit. This matter was investigated by the University of Pennsylvania. In 2001, a young boy reported the incident to the University of Pennsylvania. A later review of the school's athletic department, which took eight corrections, the Athletic Integrity Unit formulated specifically for an Athletic Integrity Unit to take eight corrections. A later review of the school's athletic department, which took eight corrections, the Athletic Integrity Unit formulated specifically for an Athletic Integrity Unit to take eight corrections.

Athletic Association Ethics and Compliance Program

ibility to know what Tressel withheld sanctions cost Ohio

FORING

If program authorities, or a cover-up begins or ends, the actions of the football program violations will inevitably lead to their athletics programs. Infractions to the NCAA, are reporting demonstrates a common. Furthermore, the NCAA appropriate level of penalties to

a Fairbanks for violations of regulations involved students who for their majors, or did not meet the University of Alaska Fairbanks disqualification. In 2011 and 2012, the university imposed penalties on the school for the violations occurred not because of student misconduct. The NCAA imposed penalties against the university, fewer scholarships for its hockey team, and the elimination of games deemed to be ineligible.

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. In 2014 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.

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. At Ohio State University, student athletes disobeyed the rules by trading athletic

NCAA made it a point to show the administrators it is their responsibility to know what is going on within their organization. Additionally, the NCAA also noted Tressel withheld information multiple times from NCAA investigators. In total, the sanctions cost Ohio State an estimated \$8 million.

SELF-REPORTING AND MONITORING STUDENT-ATHLETES

Minor violations become scandals when the university, the football 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 football 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.

In 2014 the NCAA penalized the University of Alaska Fairbanks for violations of eligibility requirements for college players. Most of the violations involved students who had not declared majors, did not have sufficient credits for their majors, or did not meet requirements for transferring from junior colleges. The University of Alaska Fairbanks discovered the violations had occurred over a five-year period. In 2011 and 2012, the university reported the violations to the NCAA and imposed penalties on the school for the infraction. The NCAA determined that the violations occurred not because of student misconduct but due to lapses in the school's compliance system. The NCAA imposed penalties against the university in the form of a \$30,000 fine against the university, fewer scholarships for its hockey team, and the elimination of wins for games deemed to be ineligible.

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. In 2010, 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.

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. At Ohio State University, student athletes disobeyed the rules by trading athletes

equipment for tattoos. Assistant coach Tim Moser of Colorado State University was hit with sanctions—including suspension from three games and a letter of reprimand—for providing extra benefits to two athletes on the women's basketball team. Todd Gurley, who now plays with the National Football League, was suspended for four games as a student at the University of Georgia for accepting over \$3,000 over a two-year period for signing autographs. Clearly compensation of players is a major issue. The main argument against athletes receiving compensation is that if the players were paid, then college sports would lose its appeal.

This issue gained even more traction in a 2014 antitrust lawsuit in which a federal judge ruled that the NCAA could not prohibit players from selling rights to their likeness and names. However, the judge did say that the NCAA could limit the amount paid to college athletes if the amount of compensation exceeded \$5,000 annually. In other words, players could receive up to \$20,000 over four years if they received the maximum \$5,000 per year in deferred compensation. The money players earn is to be placed in a trust fund and distributed after the athletes graduate. Although deferred compensation is a major step away from only permitting academic scholarships to student-athletes, the major issue still remains over whether the athletes should be paid a salary or reimbursed for expenses caused by sports-related activities and medical care.

Not surprisingly, there is a lot of controversy surrounding the restrictions on providing student-athlete salaries when the coaches earn six or seven salary figures. Some think student-athletes should be classified as employees of the school (just like the coaches are classified), especially since the students' commitment of practicing and playing games equates to a full-time job. Furthermore, some find it unfair that only universities benefit from the immense revenue created through college sports. For the time being it appears that the NCAA will continue prohibiting schools from paying salaries to student-athletes, but the recent antitrust litigation ruling in favor of providing limited player compensation for the rights to use their likeness demonstrates that opinions are evolving. The next few years could bring even more changes to restrictions on student-athlete compensation.

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 football 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 football program will not be penalized for reporting misconduct or adopting self-imposed sanctions, the more proactive a football 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 offers 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 football 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?

SOURCES

Zac Al-Khateeb, "Bama fans turn out en masse to celebrate the Tide's championship victory," *The Crimson White*, January 22, 2013, <http://cw.ua.edu/2013/01/22/bama-fans-turn-out-en-masse-to-celebrate-the-tides-15th-bcs-national-championship/> (accessed May 4, 2015); Associated Press, "NCAA Settles with Former Athletes," *ESPN*, June 9, 2014, http://espn.go.com/college-sports/story/_/id/11055977/ncaa-reaches-20m-settlement-video-game-claims (accessed August 11, 2015); Associated Press, "Penn State lists 1st director of ethics and compliance," *WITF*, March 8, 2013, <http://www.witf.org/news/2013/03/penn-state-names-1st-director-of-ethics-and-compliance.php> (accessed May 4, 2015); Rachel Axon, "NCAA has settlement agreement in concussion lawsuit," *USA Today*, July 29, 2014, <http://www.usatoday.com/story/sports/college/2014/07/29/ncaa-concussion-lawsuit-settlement-75-million/13309191/> (accessed May 5, 2015); Rachel Bachman and Matthew Futterman, "College Football's Big-Money, Big-Risk Business Model," *The Wall Street Journal*, <http://online.wsj.com/article/SB10001424127887324024004578169472607407806.html> (accessed May 4, 2015); Rachel Bachman, Kevin Helliker, and John Miller, "A Discipline Problem Paterno Fought Penn State Official over Punishment of Players," *The Wall Street Journal*, November 22, 2011, <http://online.wsj.com/article/SB10001424052970204443404577052073672561402.html> (accessed May 4, 2015); Thomas Bradley, "Breaking it down: 'Tattoo-Gate' scandal costs Ohio State almost \$8M," *The Lantern*, June 16, 2012, <http://thelantern.com/2012/06/breaking-it-down-tattoo-gate-scandal-costs-ohio-state-almost-8m/> (accessed May 4, 2015); Beth Bragg, "NCAA bans Nanooks from postseason, takes away victories," *Alaska Dispatch News*, November 5, 2014, <http://www.adn.com/article/20141105/ncaa-bans-nanooks-postseason-takes-away-victories> (accessed May 5, 2015); Chicago Tribune staff, "NCAA should punish the University of North Carolina for cheating scandal," *Chicago Tribune*, November 7, 2014, <http://www.chicagotribune.com/news/opinion/editorials/ct-north-carolina-sports-scandal-edit-1108-20141107-story.html> (accessed May 5, 2015); College Sports Scholarships, "NCAA and NAIA Sports Recruiting," <http://www.collegesportsscholarships.com/ncaa-recruiting-rules-contact-visits.htm> (accessed May 4, 2015); Brian Costa, "March's True Madness: Flopping," *The Wall Street Journal*, March 17, 2015, <http://www.wsj.com/articles/marches-true-madness-flopping-1426603260> (accessed May 5, 2015); Abby Davidson, "Why the N.C.A.A.'s Sanctions against Penn State Are Fair," *The New Yorker*, July 23, 2012, <http://www.newyorker.com/online/blogs/closerread/2012/07/punishing-penn-state-sandusky-scandal.html> (accessed May 4, 2015); Division III Commissioners Association, "Sportsmanship and Ethical Conduct Committee," <http://www.diiicom.org/>