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September 7, 2012

Alleged Academic Fraud at U. of North Carolina Tests NCAA's Reach

Myths surrounding the group's investigation cloud the controversy at Chapel Hill

By Brad Wolverton

More than a year after allegations of academic improprieties surfaced in the University of North Carolina's athletic department, we're still a long way from knowing the full extent of the problems and whether the NCAA might issue new sanctions.

But you wouldn't know that from a statement the university released last week, in which it said that the NCAA had yet to find any rules violations following an apparently extensive joint investigation. That assertion led to a chorus of unfair criticism against the NCAA for failing to act.

Several investigations still have yet to be completed in Chapel Hill, including one led by a former North Carolina governor. And the allegations—which include reports of players' enrolling in aberrant courses, unauthorized grade changes, and forged faculty signatures—could still lead to NCAA sanctions, say former enforcement and infractions officials at the NCAA, and others familiar with its investigation.

What once looked like an open-and-shut case of high-profile players' taking bogus classes to stay eligible is anything but straightforward. Let's explore a few myths surrounding the case, which could help explain the public's heightened expectations of penalties and give clues to where things might be headed.

1. Academic fraud constitutes an NCAA violation.

Academic impropriety would appear to strike at the heart of college sports and the NCAA's stated mission to be "an integral part of higher education and to focus on the development of our student-athletes."

Yet, despite being a cornerstone of NCAA rules, the term "academic fraud" is mentioned only once in the entire Division I manual, as a basis for postseason bans, says John Infante, a former compliance officer at Colorado State University.

As hard as it may be for the public to understand, the NCAA rarely gets involved in issues of academic fraud, instead leaving it up to colleges to police the integrity of their curricula.

In cases involving extra benefits for athletes, preferential treatment of them, or recruiting violations, the NCAA is and should be the sole arbiter, college officials say. But in situations that touch on academic irregularities, NCAA institutions have made it clear that they don't want the association to meddle.

Unless a member of an athletic department knowingly arranges for an athlete to receive fraudulent credit, knows about such fraud, or helps facilitate improper grade changes or other academic shenanigans, the NCAA usually stays away.

Likewise, if both nonathletes and athletes are enrolled in the sham classes, the NCAA often doesn't get involved. Its thinking: This goes beyond sports.

You can question the logic—some, in fact, have said any form of academic misconduct deserves the NCAA's attention—but it's hard to argue that the NCAA is better positioned to enforce academic standards than the faculty.

2. This is one of the biggest academic scandals college sports has ever seen.

Pat Forde, the national college columnist for Yahoo! Sports, was among several writers to weigh in on the problems in recent weeks, saying that North Carolina seems to have "made a mockery of its ballyhooed academic mission for a long time in order to gain competitive advantage in football and men's basketball." Its alleged violations, he argued, could call for the most severe of NCAA penalties, as it may have demonstrated a lack of institutional control.

A [university report](#) released in May found that Julius Nyang'oro, a former chair of the department of African and Afro-American studies, and Deborah Crowder, a former department manager, had been involved in creating at least 54 classes that had little or no instruction.

Through a public-records request, the Raleigh [News & Observer](#) determined that [athletes had accounted](#) for nearly two-thirds of the enrollments, with football players taking up more than a third of the seats.

Last month the [newspaper found evidence](#) that Julius Peppers, a former two-sport star at North Carolina who is now an all-pro player in the

NFL, had gotten D's and F's in many courses, but had received a B or better in some of the no-show ones.

According to the player's transcript, which the university accidentally posted on its Web site, he was allowed to take an independent-studies class the summer after his freshman year—a course typically offered to more-experienced students who have demonstrated academic proficiency. Those classes appeared to help Mr. Peppers maintain his eligibility in football and basketball. (In a statement released by his agent, Mr. Peppers said he had committed no academic fraud.)

It's hard to see how those alleged transgressions, which stretched back to the 1990s, didn't provide certain athletes with an unfair advantage. But are they among the worst ever, as some observers have claimed?

On the continuum of academic fraud in the NCAA, the worst violations usually involve accusations of academic dishonesty, in which someone else does the work for the athletes or they either buy or plagiarize papers or get access to exam answers ahead of time, says Mr. Infante, the former Colorado State compliance officer, who now works as an NCAA expert for Athleticscholarships.net, a Web site on recruiting.

On the opposite end, he says, are examples of athletes who cluster in easier majors or are directed into snap courses.

Somewhere in the middle are independent-study courses where there's less assurance that the players are actually doing the work.

Poorly supervised independent-study courses were part of the problem at North Carolina, the university's report says. But the university also found evidence that students had completed written work.

For those and other reasons, maybe this won't turn out to be one of the worst academic scandals we've seen, says Mr. Infante. But the North Carolina case could turn out to be one of the more important ones in pushing the NCAA and member institutions to take a closer look at how athletes progress through the system.

"The NCAA as a whole ... needs to move beyond [the Academic Progress Rate] and the awarding of degrees into regulating how athletes are educated," he says. "If it starts with stricter regulation of online and independent-study classes, that sounds like a good first step."

3. The NCAA went outside its typical judicial process to

punish Penn State. It should do the same with North Carolina.

Mr. Forde, the Yahoo! columnist, believes the situation demands a signal from Mark Emmert, the NCAA's president. "Will he and the NCAA Executive Committee cowboy up again?" he wrote last month. "Will they circumvent the rules manual and due process and go after Carolina on the basis of general principle, à la Penn State?"

Earlier this year the NCAA penalized North Carolina after members of its football team committed academic fraud and multiple athletes accepted \$31,000 in impermissible benefits. But as the academic problems there have widened, NCAA leaders have made it clear they're in no hurry.

They have also done what they can to distance the problems at North Carolina from those at Penn State, where a former assistant football coach serially molested young boys while top administrators reportedly worked to conceal the crimes. The alleged cover-up led Mr. Emmert to impose unprecedented penalties on the university, including a \$60-million fine and a four-year bowl ban.

But as recently as last week, Mr. Emmert called the Penn State situation extraordinary and said he hoped he never had to exercise that type of power again.

Asked whether his office might get involved at North Carolina and streamline the infractions process, as it did at Penn State, he declined to comment on the Tar Heels program.


"Certainly, my conviction is that we will always rely on our established investigative principles and our practices in our normal penalty structure in all but the most extraordinary cases," he told Tony Barnhart of CBSSports.com. "I think most everyone in the sports community recognizes that the Penn State case, as it came out and as the facts were established, was like nothing anyone has ever seen before."

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jbarman 13 hours ago

Curse those not-for profit diploma mills! Where is Tom Harkin to protect us?

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ridpath696 13 hours ago

Great article Brad and John makes some good points--but, the NCAA has gotten involved in academic issues and has punished schools for academic fraud (albeit primarily under unethical conduct and extra benefit bylaws). My issue is that there have been other schools with less pervasive athletic involvement than UNC that have been punished. What is clear to me is this benefit was created for the athletic benefit (high % of athletes, dept. administrator's close ties with athletic dept., academic advisors steering athletes to these specific classes, summer courses used for eligibility that solely had athletes and no "normal" students, etc) and it meets the "but for" test an NCAA investigator told me when a school I worked for was punished for academic fraud by the NCAA--even though other students received the same benefits. What he said was the fraud would not have occurred "But for" the presence of the athletes and the benefit to them. In other words it was created for the athlete's and other students were along for the ride but they were not intended recipients of the fraud/benefits.

This seems to be a mirror image of that. The NCAA's inconsistencies and failure to follow its own rules and apply them in an even handed manner is what is the most frustrating of all.

The NCAA should either punish all academic fraud or none at all--they cannot pick and choose what schools should be punished and who should not.

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22072358 13 hours ago

The NCAA can't seem to make up its mind on what it is actually supposed to do. They clearly had no problem deciding that Penn State should be punished before any due process had occurred. This is a criminal act and should be investigated and treated as such. Punishing the current players and students is ridiculous. The perpetrator is in jail and one report served as judge and jury for Emmert. The Freeh report is seriously flawed and was paid for by PSU's Board of Trustees - hardly an independent, third party opinion. The administration and board need to be investigated by criminal authorities to see what they did or didn't do to cover this up. The Board is hiding something and we are all waiting to find out what it is. Stay tuned.

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perplexed 12 hours ago

I guess one might be grateful that the NCAA is not yet listing the enrollment of athletes in non-existent classes on their best practices list.

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blesstayo 12 hours ago

"A university report released in May found that Julius Nyang'oro, a former chair of the department of African and Afro-American studies, and Deborah Crowder, a former department manager, had been involved in creating at least 54 classes that had little or no instruction", really???

When institutions such as UNC-H produce questionable graduates, why should people support diversity admissions??? And what is job prospect for graduates with A A-M studies degrees?

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**sand6432** 11 hours ago

The problem for the NCAA is that it rushed to judgment in the Penn State case and circumvented its normal procedures entirely, relying on a vague claim of lack of institutional control. The coverup is indeed just "alleged," not proven beyond any reasonable doubt, and Freeh himself refused to call it a coverup say that a court would find it to have been such. No evidence exists to show that Penn State received any competitive advantage from the failure to report Sandusky to outside authorities (after investigations had concluded that no criminal behavior had occurred), and it is that which the NCAA should principally be concerned about, not going around dispensing moral judgments ex cathedra. Having done so, however, the NCAA is on a very slippery slope and will look hypocritical every time it does not take action in the future when immorality exists on college campuses involving sports programs.---Sandy Thatcher

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**11186108** 8 hours ago

In order to ensure that there are never any classes which are filled entirely by athletes, and hence open to NCAA action if any improprieties are alleged, here is a simple solution.

A group of non-athlete students would be recruited and each is titled "designated non-athlete" after scrutiny establishes that the title is warranted. Then, for any class with a registration entirely of athletes, one of these designated non-athletes will be drafted into the class. (The Registrar can easily do this.) The designated non-athlete doesn't even need to attend or do any work, as a "late drop" can be arranged to have the class removed from the student's academic record. Problem solved.

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