

# Operating the NCAA Franchise

As we explore the development of intercollegiate athletics, the role of its governing organization is a key element in its success but also a constant reminder of the challenges college athletics has had to face since the early 20th century.

In this section we explore how the NCAA operates as college sports' primary organizing institution. We are interested in its power, its authority, its constraints, and its operating history.

Of particular interest is the recognition that the NCAA is a MEMBERSHIP organization that has no legal authority over the institutions, colleges and universities, whose sports programs it governs. Everything the NCAA does must reflect the general agreement of its members, and if an action or policy is significant, it must be approved by a complex legislative process that involves all affected institutions.

While some see the NCAA as a powerful corporate entity controlling college sports, it is best understood as a franchising organization to which the colleges and universities have given responsibilities. The franchising organization then establishes the conditions for a sports franchise that the universities and colleges can operate.

In the this set of slides, we'll construct the key elements of the NCAA franchise and show the way responsibilities and authority are managed for intercollegiate athletics.

### **University Assigns**

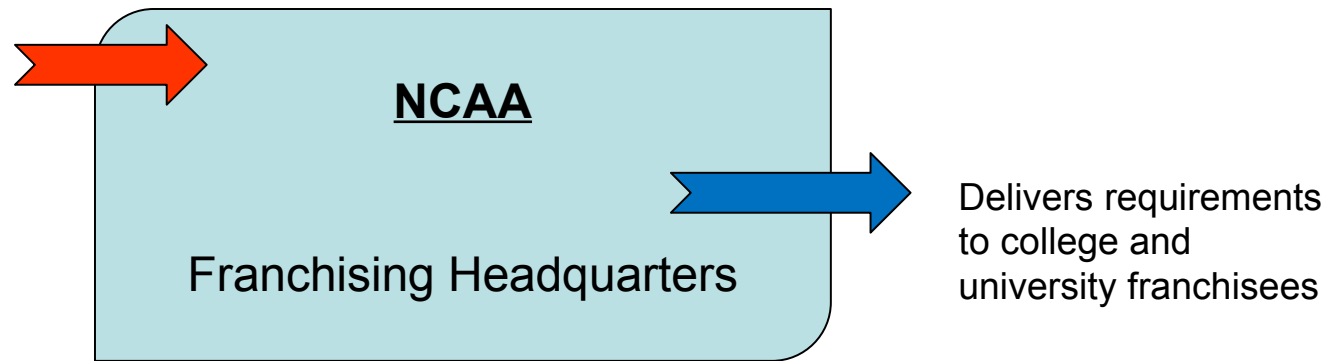
Part of its Authority over  
Intercollegiate Athletics  
to the NCAA Including:  
**RULES**

- Game Rules
- Championships
- Sports Rules
- Administrative Rules
- Academic Rules
- Financial Rules
- Alumni Rules
- Competition Rules
- Student Rules

The first element in this system is the agreement by the university, when it joins the NCAA and is accepted for members, to delegate part of its institutional authority to the NCAA. The university does not give up its authority because ultimately the institution's board of trustees retains its control, but instead, it delegates or assigns the responsibility for certain university functions to the central franchising organization: the NCAA. These responsibilities are extensive, and some are easily justified. For example the delegation of competition rules is obviously essential. But over time, the institutions also delegated core university functions related to students and their academic activities to the NCAA. These are functions that for all other students fall within other offices of the institution, but for astudent-athletes, a variety of academic rules are established by the NCAA.

Underlying all of the authority delegated to the NCAA is the purpose of ensuring fair competition among institutions within the rules of the games.

Authority from the  
Institutions



The NCAA as an organization creates a Franchising Headquarters and an administrative structure, and with the agreement of the institutions, establishes a set of governance procedures that will determine what and how the NCAA franchising organization operates and what it will require of the institutions who receive a franchise to operate an NCAA sanctioned intercollegiate athletic program..

Over the years, this organization has grown more and more complex and multi-dimensional as the business of intercollegiate sports has expanded dramatically. Nonetheless, the basic governance arrangements that require college and university agreement on the authority the NCAA franchising headquarters can exercise and the procedures it uses to exercise its authority.

Fundamentally, then, whatever the NCAA does in operating the franchising system is done with the agreement of the member institutions. This requirement often explains the relatively time consuming processes required for NCAA decisions about college sports management

When the NCAA awards an athletic franchise license to a university to operate an intercollegiate athletic program. The franchise includes a range of requirements.

The university receives and operates the franchise using its own authority within the franchise rules



One of the most significant is the guarantee that every franchise will produce a standardized product. For example, every franchisee's football team will compete with the same size roster under the same conditions so they will enter the field on an equal basis to produce a fair competition. The franchise requires many quality control and fairness guarantees that related to the acquisition of athletic talent, playing rules, practice rules, eligibility rules, and the like.

The goal here is to ensure a quality product, within standardized controls, for the many audiences of college sports.

The franchisee must obey the rules and accept any penalties.

The franchise headquarters provides a stable environment, political protection, fairness guarantees, and some NCAA branding.

**NCAA Awards a Franchise License to the University to Operate Intercollegiate Athletics**

**Franchise Includes:**

- Standardized Product
- Quality Control
- Competition Limits
- Fairness Guarantee
- Audience Satisfaction
- Political Protection
- NCAA Branding
- Operating Rules

**Franchise Requires:**

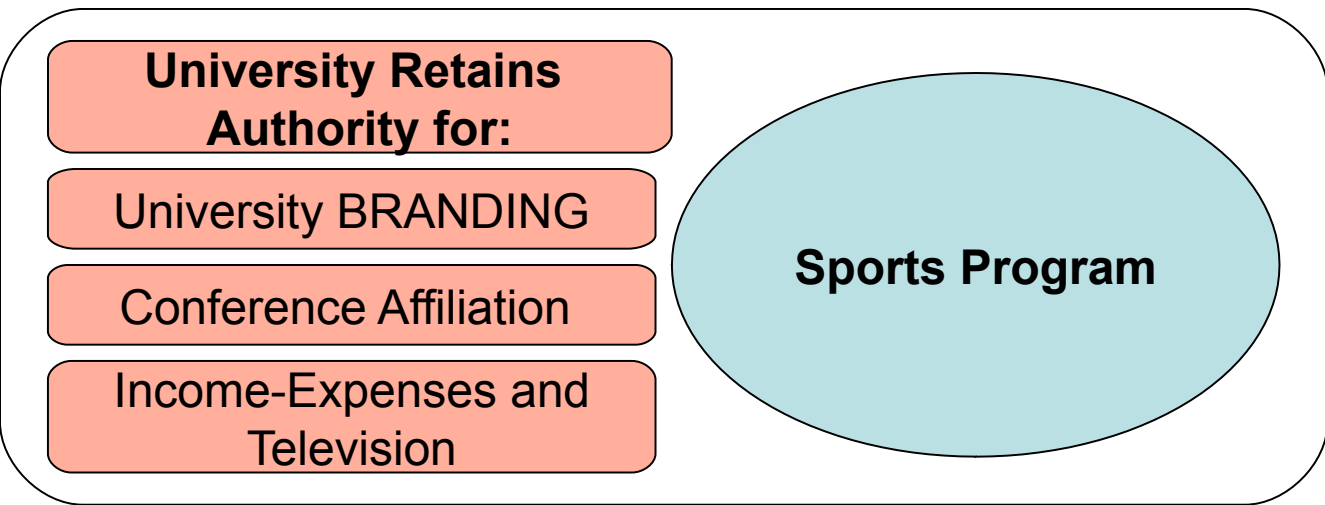
- Adherence to Rules
- Accept Penalties

This franchising system then delivers the franchise back to the university to operate the intercollegiate sports program in accord with all the rules and agreements associated with the conditions of the franchise. The Sports Program is an NCAA franchise, but the responsibility for its operation under the franchise rules belongs to the university. As a condition of the franchise, the university must follow the NCAA franchising rules to retain the authority to operate an NCAA authorized intercollegiate athletic program. The following are among the many responsibilities of the university.

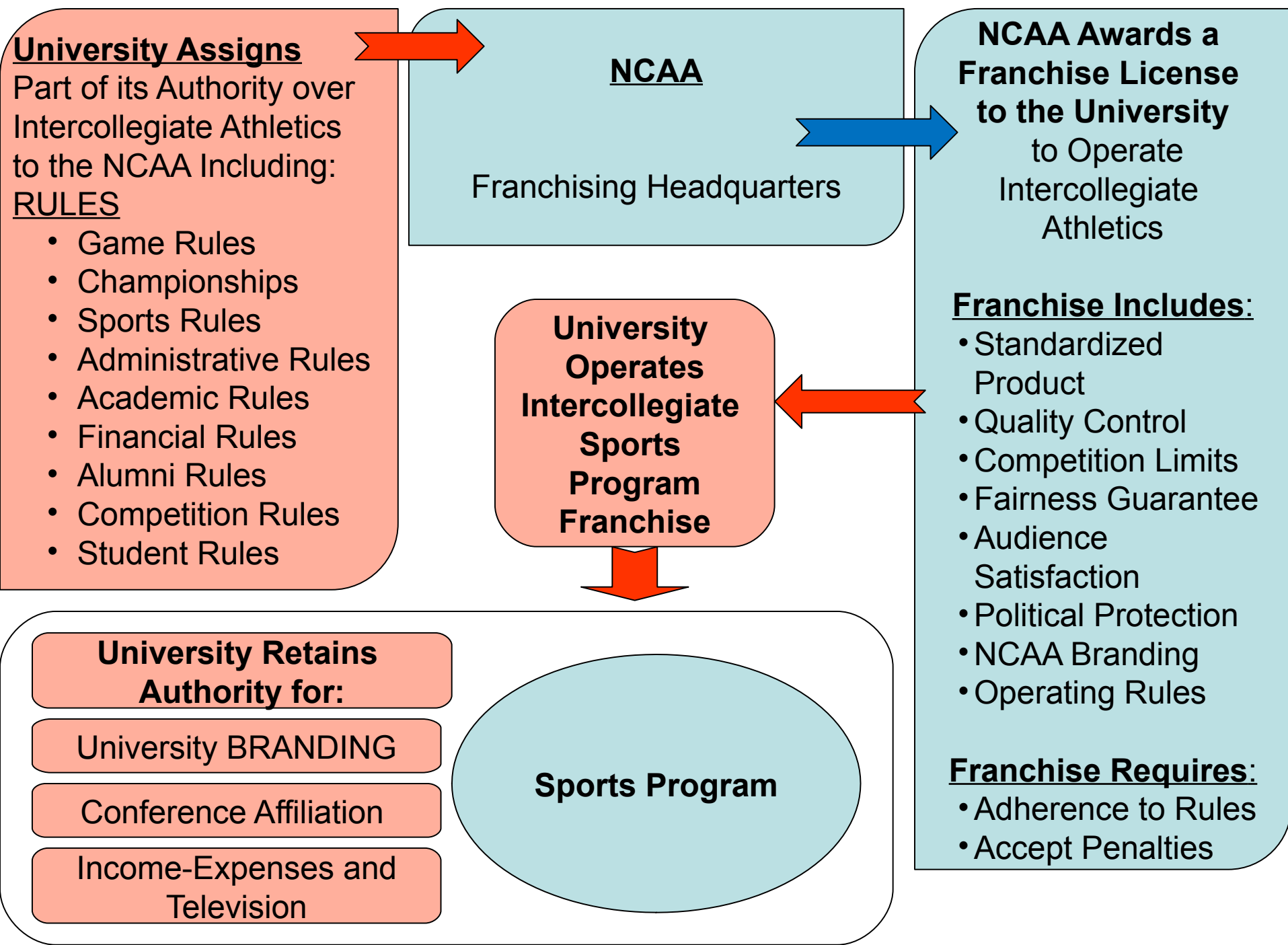
Universities also have full responsibility for the financial aspects of operating an NCAA sports franchise, including covering all deficits. And they control football television and bowl games.



Unlike commercial franchises which require a common branding (McDonalds for example), the NCAA allows each institution to create its own unique branding and publicity, one of the main values of a franchise.



Universities also control conference affiliations.



## The Questions that Define the Operation of the Franchise

- What Is the Purpose?
- What Are Member Obligations?
- Who is Responsible for Enforcing Rules?
- What are the Principles that Underlie the Rules?
- Who can be a Member of the Organization?
- How are the Members Divided into Categories?
- What Sports Are Franchised and Regulated?
- How Does the Franchise Enforce the Rules?
- How is the Money Distributed?

**The Official Purposes of the Organization**  
**[NOTE: Items in RED are Challenged and Disputed]**

**The competitive athletics programs of member institutions are designed to be a vital part of the educational system.**  
This is purpose that justifies all the NCAA academic requirements.

**To maintain intercollegiate athletics as an integral part of the educational program and the athlete as an integral part of the student body.**  
This purpose and the one above justify requirements that limit practice and game time commitments.

**Retain a clear line of demarcation between intercollegiate athletics and professional sports.** With the implementation various pay-for-play and other payment schemes, this distinction will become less and less relevant.

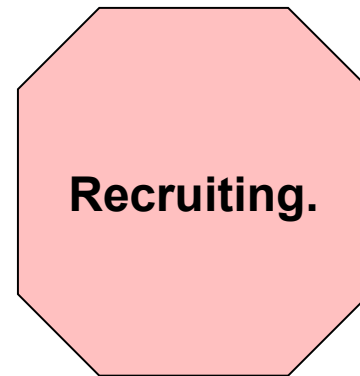
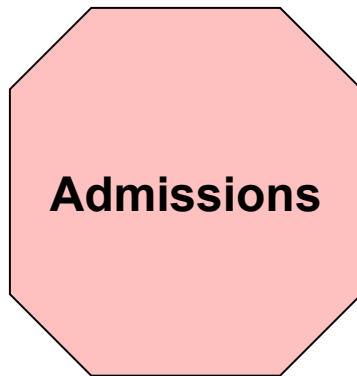


## Obligations of Member Institutions as Established by NCAA as Conditions for Operating a Sports Franchise

Legislation governing the conduct of intercollegiate athletics programs of member institutions shall apply to basic athletics issues. [This limits the scope of NCAA franchise requirements to sports.]

Member institutions shall be obligated to apply and enforce this legislation. [This asserts the authority of the NCAA to regulate sports on campuses.]

The enforcement procedures of the Association shall be applied to an institution when it fails to fulfill this obligation. [This asserts the NCAA's authority to discipline a university when it does not follow franchise rules.]

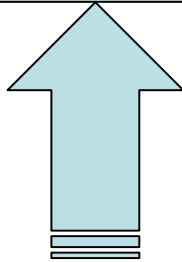


These are key areas for control because they deal with the acquisition of student athletic talent required for successful competition. The issue of compensation is, of course, currently under intense discussion and will likely be fundamentally changed in the near future.

# Obligations of Member Institutions: Responsibility for Control

## College or University

It is the responsibility of each member institution to control its intercollegiate athletics program in compliance with the rules and regulations of the Association [Franchise].



## The President or Chancellor

Is responsible for the administration of all aspects of the athletics program, including approval of the budget and audit of all expenditures.

One challenge over the years has been identifying the responsible university authority for enforcing NCAA franchise rules and conforming to NCAA principles. In some instances blame for failure to enforce the rules fell on the coaches, on athletic administration, on players, on donors, or others. In this statement the NCAA places responsibility on the president, and if other administrators are at fault. It is up to the president to enforce sanctions on personnel who fail, and if the university does not control its program, it receives a greater penalty for failure to manage the franchise.

## The Principles that Underlie Organization [Franchise] Rules

- Amateurism
- Recruiting
- Eligibility
- Financial Aid
- Playing and Practice Seasons
- Post Season Competition and
- Contests Sponsored by Non-Collegiate Organizations
- The Economy of Athletics Program Operation

[Items here are all under constant review, revision, and controversy]

In the following slides we'll look at each of these principles.

# Intercollegiate Sports Has Had **THREE Fundamental Requirements**


**I--Fair Competitions**

**II--Amateurism**


**II--Student Participants**

Everything Else Is Designed to Protect  
and Manage These Three Items

**This is not something institutions can control. Student motivation is up to the student and many students have complex motivations for participating in college sports.**



**What is exploitation vs. opportunity? Are TV contracts exploitation by professional or commercial enterprises? The revenue from shoe contracts and television are based on the performance of student-athletes.**



## **AMATEURISM**

**Student-athletes shall be **amateurs** in an intercollegiate sport.**

Their participation should be motivated primarily by education and by the physical, mental and social benefits to be derived.

**Student participation in intercollegiate athletics is an avocation.**

Student-athletes should be protected from exploitation by professional and commercial enterprises.

## RECRUITING

Defining the operation of this recruiting principle has been among the most difficult of all NCAA tasks since the beginning. The key provision is focused on ensuring equal opportunity for every institution to recruit any student athlete. Since athletic talent is the key ingredient for winning, equal access to and recruitment of highly talented students is a major concern for the fairness of competition.

The recruiting process involves a balancing of the interests of prospective student-athletes, their educational institutions and the Association's member institutions.

Recruiting regulations shall be designed to promote equity among member institutions in their recruiting of prospective student-athletes and

to shield them from undue pressures that may interfere with the scholastic or athletics interests of the prospective student-athletes or their educational institutions.

## ELIGIBILITY

Eligibility requirements shall be designed

to assure **proper** emphasis  
on educational objectives,

to promote competitive equity  
among institutions and

to prevent exploitation  
of student-athletes.

**Proper** is very difficult to  
define and has required  
constant revision in NCAA  
rules

Ensure that eligibility is equivalent in  
institutions of widely varying  
characteristics is designed to avoid  
competitive advantage for institutions  
with lower standards.

Many issues touch on the exploitation  
of student athletes: One-and-done,  
fake majors, loss of scholarship, APR,  
Tutors

## FINANCIAL AID

A student-athlete may receive athletically related financial aid administered by the institution without violating the principle of amateurism,

provided the amount does not exceed the cost of education authorized by the Association;

such aid as defined by the Association shall not exceed the cost of attendance as published by each institution.

Any other financial assistance, except that received from one upon whom the student-athlete is naturally or legally dependent, shall be prohibited unless specifically authorized by the Association.

**But,** Big Five Conferences can give more than the cost of attendance

**But,** Big Five redefine this to FULL Cost of Attendance

Not yet clear how NCAA will manage payments for video game and other appearances or endorsements or images. This will likely not survive movement to pay-for-play.



## **PLAYING AND PRACTICE SEASONS**

The time required of student-athletes for participation in intercollegiate athletics shall be regulated

to minimize interference with their opportunities for acquiring a quality education

in a manner consistent with that afforded the general student body.

Does not regulate strength training and any activities not supervised by a coach

Very difficult in many sports to major in lab science

Range in general student body is wide: Fine Arts, Lab Science, Music Performance, Student body President. These and many others have very extensive time demands that prevent their participation in other majors or student activities.

## POSTSEASON COMPETITION AND CONTESTS SPONSORED BY NONCOLLEGIATE ORGANIZATIONS

The conditions under which postseason competition occurs shall be controlled to assure that the benefits inherent in such competition flow fairly to all participants,

to prevent unjustified intrusion on the time student-athletes devote to their academic programs, and

**to protect student-athletes from exploitation by professional and commercial enterprises.**

Not clear how this applies to basketball tournaments, the many football bowl games, the regular season national travel schedules. The time commitment for post season in all sports are significant.

Hard to imagine that high visibility televised extravaganzas and player interviews, do not become exploitation by professional and commercial enterprises. Moreover the value of shoe contracts and other endorsements are related to student-athlete performance.

## **THE ECONOMY OF ATHLETICS PROGRAM OPERATION**

Intercollegiate athletics programs shall be administered

in keeping with prudent management and  
fiscal practices

to assure the financial stability  
necessary for providing  
student-athletes with adequate  
opportunities for athletics  
competition

as an integral part of a  
quality educational experience.

This is a principle without any substance. Since the financial aspects of college athletics are an institutional response the NCAA cannot enforce any financial rules as a condition of awarding a franchise. There is a very large variation in the financial conditions of NCAA athletic programs. For example, all but a couple of dozen out of the over 350 schools in DI lose money, all Division II and III lose money. Not clear what prudent means.

The following slides offer examples of the details of the operation of the NCAA franchising operation. They are particularly useful as illustrations of the care and attention to detail of the NCAA and the institutional governance system in defining what is meant by the rules and regulations.

These are all important because they define the context for competition and attempt to ensure fair competitions that will produce winners whose legitimacy is guaranteed by the effective application of the rules designed to ensure fairness.

We also need to remember that the games themselves are artificial constructs designed to provide an experience that is clearly structured, whose rules and dimensions of time and space are known to everyone, and whose participants enter the competition on an equal footing.

# **Who can be a Member of Our Organization?**

## **[How do I become a college athletic franchise operator?]**

### **NCAA Active Member Definition**

#### **[NCAA Franchise Owner Requirements]**

An active member is:

- a four-year college or university
- a two-year upper-level collegiate institution
  - accredited by the appropriate regional accrediting agency
  - elected to active membership under the provisions of the NCAA bylaws.

Active members have the right to:

- compete in NCAA championships,
- vote on legislation and other issues before the Association [Franchise]
- enjoy other privileges of membership designated in the constitution and
- bylaws of the Association [Franchise] .

**NCAA Member Conference** [Defined next slide]

A member conference is entitled to all of the privileges of active members:

- except the right to compete in NCAA championships.

## NCAA Member Conference Definition

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-

A member conference is:

- a group of colleges and/or universities that conducts competition among its members
- determines a conference champion in one or more sports (in which the NCAA conducts championships or for which it is responsible for providing playing rules for intercollegiate competition),
- duly elected to conference membership under the provisions of the by laws of the Association.

A member conference is entitled to all of the privileges of active members: except the right to compete in NCAA championships.

Only those conferences that meet specific criteria are permitted to vote on legislation or other issues before the Association :

Standards as : competitive and legislative bodies and  
Minimum standards: related to size and division status.

The following two slides display the complex difficulty of defining comparable institutions.

This is important because if the institutions are not comparable then their athletic programs will not be comparable, and the competition will be unfair because powerful universities will compete against weaker institutions.

The divisions of the NCAA franchisees into categories seeks to manage this problem, but the very wide range of institutional resources and size of student populations in general and more specifically, the range in revenue and expenditures on college sports are so wide that this notion of equal competitors has proved difficult to achieve.

Moreover, what is reasonable competitive circumstances for a small college makes no sense for a very large or rich university. The divisions exist to try and maintain the NCAA franchising system useful for institutions of all sizes and resources.

Absent the constant readjustment of divisions, some institutions believing their opportunities to compete are restricted by NCAA franchise rules, could choose to leave the NCAA and create their own franchise organization.

This, of course, is the origin of the latest invention of the Big Five Conference designation.

## Divide Membership Into Categories

**Division Membership:** Each active and provisional member institution and member conference is designated as a member of Division I, II or III for certain legislative and competitive purposes. In football, Division I was divided into Division I-A and Division I-AA for football only. (Now known as FBS--Football Bowl Subdivision, and FCS--Football Championship Subdivision)

**FBS (formerly DI-A)** shall be comprised of at least eight full Division I-A members that satisfy all FBS requirements. An institution shall be included as one of the eight FBS full members only if the institution participates in the conference schedule in at least six men's and eight women's conference-sponsored sports, including men's basketball and football and three women's team sports including women's basketball. **The Atlantic Coast Conference, Big 12 Conference, Big Ten Conference, Pac-12 Conference and Southeastern Conference have special authority over student-athlete issues. These are called the Big Five. The other Five Conferences do not have autonomy and are not automatically participants in the championship competition.**

**Big Five Conference autonomy includes:**

- Financial aid, including full cost of attendance and scholarship guarantees for four years;
- Insurance, including policies that protect future earnings;
- Academic support, particularly for at-risk student-athletes; and
- Other support, such as travel for families, free tickets to athletics events, and expenses associated with practice and competition (such as parking).



# What Sports Do We Regulate? What Defines the Franchise?

## **Application of Rules to All Recognized Varsity Sports**

The constitution, bylaws and other legislation of this Association, unless otherwise specified therein, shall apply **to all teams in sports recognized by the member institution as varsity intercollegiate sports** and that involve all-male teams, mixed teams of males and females, and all-female teams.

To be recognized as a varsity sport, the following conditions must be met:

- a) The sport shall be one in which the Association conducts championships, except as provided in Bylaw 20.9.4.2.1 or an emerging sport for women per Bylaw 20.02.5
- (b) The sport officially shall have been accorded varsity status by the institution's president or chancellor or committee responsible for intercollegiate athletics;
- (c) The sport is administered by the department of intercollegiate athletics;
- (d) The eligibility of student-athletes participating in the sport shall be reviewed and certified by a staff member designated by the institution's president or chancellor or committee responsible for intercollegiate athletics policy; and
- (e) Qualified participants in the sport shall receive the institution's official varsity awards.

## **Enforcing the Rules**

In the end, the effectiveness of the organization lies with its ability to fulfill its principles through the enforcement of its rules.

In the case of the NCAA, because it has no legal power but operates by the votes and governance structures approved by its members, enforcement of the rules is complicated and difficult.

The following series of slides illustrate the challenges of the enforcement process which is dominated by extensive hearings, committees, and appeals. The result is an enforcement system that is reasonably effective in keeping major violations at a relatively low level but that is regarded by almost everyone involved as inefficient and by many as unfair.

The descriptions that follow, and especially the record of the cases adjudicated by the NCAA process provide a clear indication that the enforcement system works as well as any other voluntary organization's enforcement, but it has many unresolved difficulties.

# Enforcing Rules: First Define Responsibility of a Franchisee

## Define the Responsibility of Institution

- Each institution **shall comply** with all applicable rules and regulations of the Association in the conduct of its intercollegiate athletics programs.
- It shall **monitor its programs** to assure compliance and to identify and report to the Association instances in which compliance has not been achieved.
- In any such instance, the institution **shall cooperate fully** with the Association and shall take appropriate **corrective actions**.
- Members of an institution's staff, student-athletes, and other individuals and groups representing the institution's athletics interests shall comply with the applicable Association rules, and the member institution shall be responsible for such compliance.

## Define the Responsibility of Association [The Franchising Entity]

- The Association shall assist the institution in its efforts to achieve full compliance with all rules and regulations and
- shall afford the institution, its staff and student-athletes fair procedures in the consideration of an identified or alleged failure in compliance.

## Enforcing the Rules: Discipline the Members

### Discipline of Members

Pursuant to directions  
of the Management Council  
or the annual Convention,

**active members shall refrain  
from athletics competition  
with designated institutions**

as required under the  
provisions of the Association's  
enforcement procedures

This is the key definition of membership in the NCAA and acceptance of the franchise obligations. If you are a member, you cannot compete against any institution that the association defines as removed from competition.

# A Look at The Cases

## Issues to consider

- - Is the organization serious?
  - Does it review famous institutions?
  - Does it have a process and procedure?
  - Is this process legal or administrative?
  - Is this process as good as similar processes in other such associations (Securities and Exchange Commission)?
  - Does it catch all offenders?
  - Are the penalties enough to deter repeat offenders?
  - What motivates the violators?
  - How are violations identified?
  - What powers does the NCAA have?

# Institution: University of Southern California

Date: June 10, 2010

**Violation Summary:** Violations of NCAA bylaws governing **amateurism**; failure to report knowledge of violations; **unethical conduct**; impermissible **benefits**; violations of **coaching staff limitations**; impermissible **recruiting contacts by a booster**; impermissible **inducements and extra benefits**; and lack of **institutional control**.

**Penalty Summary:** Additional penalties imposed by the committee were the following:

**public reprimand and censure**;

four year of **probation**; two year **postseason ban** in football;

vacation of all **records** in which an ineligible **football** student-athletes competed;

vacation of all **records** in which an ineligible **men's basketball** student-athlete competed;

vacation of all **records** in which an ineligible **women's tennis** student-athlete competed;

limited **initial grants-in-aid** in **football** to 15 and to 75 total for 2011-12, 2012-13 and 2013-14 academic years;

limited **initial grants-in-aid** in **men's basketball** to 12 for the 2009-10 and 2010-11 academic years;

financial **penalty** in the amount of **\$206,020** to be returned to the Pac-10 conference;

one-year **show-cause** order placed on an assistant **football coach**;

annual **compliance reporting** required

Institution: The Ohio State University

Date: March 10, 2006

Violation Summary: Violations of NCAA legislation in the **men's basketball program** involving **recruiting**, extra **benefits**, **academic fraud**, **unethical conduct** and failure to monitor.

Penalty Summary: Additional penalties imposed by the committee were as follows:

**public reprimand** and censure;

three years of **probation**;

● expense paid **visits** in men's **basketball reduced** one from the average over the last four years;

● reimbursement to the Association an amount equal to 90 percent of revenue resulting from the Big Ten Conference distribution for the 1999, 2000, 2001 and 2002 championships;

● vacation of **team and individual records** (to include the former head coach) for the **1999, 2000, 2001 and 2002** tournaments;

● **show cause** imposed on the former **head coach** for a period of two years;

● recruiting ban and **show cause** imposed on the former **assistant coach** until October 1, 2007;

● annual compliance reporting required.

**Facts Summary:** **Unethical conduct** by athletics student advisor; **extra benefits** provided **by representatives**, including **transportation, cash, meals, tickets to football game, employment and use of an automobile**; improper **recruiting contacts and inducements**.

**Violation Summary:**

**UNETHICAL CONDUCT:** athletics student advisor assisted student-athletes in obtaining **academic credit**.

**EXTRA BENEFITS:** athletics representatives provided cash, employment at a higher wage, meals, travel arrangements for family member, use of an automobile and assistance with an automobile rental.

**IMPROPER RECRUITING:** athletics representatives provided transportation, cash, tickets to football game, lodging, meals; improper recruiting contacts; two official visits to a prospective student-athlete.

**LACK OF INSTITUTIONAL CONTROL. SECONDARY VIOLATIONS.**

**Penalty Summary:** Public **reprimand**;

- **reduction** in initial awards from **25 to 23** during 1996-97 and from **25 to 18** for 1997-98; reduction of total awards from **85 to 79** during 1996-97;
- **reduction of eight official visits** from 56 to 48 during 1995-96; reduction by one coach allowed to recruit off campus during December 1995 and 1996 and during January 1996 and 1997;
- **disassociation of three athletics representatives**;
- assistant coach prohibited from recruiting off campus during December 1995 and from 5/1/96 - 4/30/97;
- **forfeiture of five football wins** from **1994** season; annual reports.

Public



**Institution:** University of California, Berkeley **Date:** 26-JUN-02

**Facts Summary:** Violations of NCAA bylaws governing ethical conduct (**academic fraud**), **academic** eligibility, the obligation to withhold ineligible student-athletes from competition, extra benefits, improper recruiting inducements and lack of institutional control. [APPEALED CASE]

**Violation Summary:** **Unethical conduct; academic fraud; academic ineligibility; failure to withhold ineligible student-athletes from competition; impermissible extra benefits; recruiting inducements and lack of institutional control.**

**Penalty Summary:**

- Public reprimand and censure;
- **five years of probation;**
- **post-season ban in the football** program for the 2002 season;
- **reduction of initial grants in football** by a total of nine during the 2002-03 through 2005-06 academic years, with no less than two grant cuts in any given year;
- **vacation of records** of the two student-athletes involved for the 1999 season;
- the NCAA president shall forward a copy of the public infractions report to the appropriate regional accrediting agency;
- annual compliance reports.

**Violation Summary:** The University of Miami **lacked institutional control** when it did not monitor the activities of a **major booster**, the men's basketball and football coaching staffs, student-athletes and prospects for a **decade**, according to findings by the Division I Committee on Infractions. Many of Miami's violations **were undetected by the university over a 10-year period**, and they centered on a booster entertaining prospects and student-athletes at his **home, on his yacht and in various restaurants and clubs**. Approximately **30 student-athletes** were involved with the booster. Several **football coaches**, three **men's basketball coaches** and **two athletics department staff** members were also involved in the case. These staff members had a poor understanding of NCAA rules or felt comfortable breaking them. Furthermore, some of the **coaches provided false information** during the enforcement staff and university's investigation. The former head men's basketball coach failed to meet his responsibilities as a head coach when he did not monitor the activities of his assistant coaches, and attempted to cover up the booster's threats to disclose incriminating information, according to the committee. Additionally, two assistant football coaches and one assistant men's basketball coach did not follow NCAA ethical conduct rules.

**Penalty Summary:** The committee acknowledged and accepted the extensive and **significant self-imposed penalties** by the university. Additional penalties in this case include a **three-year probation period; a reduction in the number of football and men's basketball scholarships; recruiting restrictions; a five-game suspension for the former head men's basketball coach; and two-year show-cause orders for two former assistant football coaches and a former assistant men's basketball coach**. If these individuals are employed at an NCAA member school during these two years, they and their current or future employer must appear before the Committee on Infractions to determine if the coach should have his duties limited. When determining the facts of the case and appropriate penalties, the committee only considered information obtained appropriately during the investigative process and presented at the hearing. The case involved numerous, serious violations of NCAA rules, many of which were not disputed by the university. Overall, it involved **18 general allegations of misconduct with 79 issues within those allegations**. These were identified through an investigation that included 118 interviews of 81 individuals. Additionally, the committee had the responsibility of determining the credibility of individuals who submitted inconsistent statements and information provided by a booster who is now in federal prison. In reaching its conclusions, the committee found, in most instances, corroboration through supporting documentation and the statements of individuals other than the booster.

## **For More Information on Infractions, Enforcement Process, and Appeals**

**NCAA Infractions reports available at:**

<https://web1.ncaa.org/LSDBi/exec/miSearch>

This is a search tool to find reports by name of institution,  
date, and other selection criteria

Once a report is identified, can search NYTimes or any sports section of any major newspaper, as well as local newspapers, for more information.

NCAA reports do not contain any names, but the newspapers identify everyone

## **What we can learn from the enforcement process**

As these cases illustrate, the great difficulty of the NCAA enforcement process lies in two dimensions. The first is that the NCAA is a voluntary organization without any legal power to compel the institutions or its people to participate in investigations. It cannot compel testimony nor is there any direct method of identifying when people do not tell the truth. The investigators can make a judgment, and the review committees can evaluate that judgment, but the tools of investigation are poor. Also, because student athletes are only on campus and part of the program for a very short time, four or five years, and the investigations often take several years, many student athletes who may have information relevant to an issue will be graduated or playing the professional sports leagues when an infractions case comes up. There is no way to compel such individuals to testify or to require them to testify under oath.

The second significant difficulty with enforcement is that the penalties available for various infractions are not as effective or as fair as everyone would like. Financial penalties, while easy to impose, have very little impact on programs with athletic budgets in the millions. Athletes can be declared ineligible to play, but by the time that happens most have graduated or left for other careers. Coaches can be penalized, and often are, but proving the coach's responsibility has proved difficult although not impossible. Often lower level coaches are tagged with the responsibility rather than the head coach. Loss of scholarships for recruitment is the most effective penalty although of course it penalizes mostly people who were not involved with the infraction. Inability to compete in postseason play is another penalty that is reasonably effective, but again punishes the innocent because the players now unable to participate in a tournament are usually not the players involved in any infraction.

In any event, the record of cases is well worth perusal, as the cases illustrate the exceptional effort the NCAA and its institutions make to provide a clear method of control and enforcement.