How Does the NCAA Define Academic Fraud?

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Topics of Discussion

- NCAA Bylaws and Interpretations
  - 16.3.1.1 Academic Counseling/Support Services
  - 10.1 Unethical Conduct
    - Academic Fraud Interpretation
  - 16.11.2.1 Extra Benefits
    - Academic Performance Testing Interpretation
  - 10.02.1 Sports Wagering
- Review of Previous Institutional Violations
  - Various Secondary Infractions
• **NCAA Bylaw 16.3.1.1** – Member institutions shall make general academic counseling and tutoring services available to all student-athletes. Such counseling and tutoring services may be provided by the department of athletics or the institution's nonathletics student support services. In addition, an institution may finance other academic and support services that the institution, at its discretion, determines to be appropriate and necessary for the academic success of its student-athletes.
Academic Counseling/Support Services

- **16.3.1.1.1 – Specific Limitations.** An institution may provide the following support services subject to the specified limitations.
  - Use of institutionally owned computers and typewriters on a check-out and retrieval basis; however, typing/word processing/editing services or costs may not be provided, even if typed reports and other papers are a requirement of a course in which a student-athlete is enrolled;
  - Use of copy machines, fax machines and the Internet, including related long-distance charge, provided the use is for purposes related to the completion of required academic course work;
  - Course supplies (e.g., calculators, art supplies, computer disks, subscriptions), provided such course supplies are required of all students in the course and specified in the institution's catalog or course syllabus or the course instructor indicates in writing that the supplies are required;
  - Cost of a field trip, provided the field trip is required of all students in the course and the fee for such trips is specified in the institution's catalog; and
  - Nonelectronic day planners.
Unethical Conduct

- **NCAA Bylaw 10.1** – Unethical conduct by a prospective or enrolled student-athlete or a current or former institutional staff member, which includes any individual who performs work for the institution or the athletics department even if he or she does not receive compensation for such work, may include, but is not limited to, the following:
  - Refusal to furnish information relevant to an investigation of a possible violation of an NCAA regulation when requested to do so by the NCAA or the individual's institution;
  - Knowing involvement in arranging for fraudulent academic credit or false transcripts for a prospective or an enrolled student-athlete;
  - Knowing involvement in offering or providing a prospective or an enrolled student-athlete an improper inducement or extra benefit or improper financial aid;
  - Knowingly furnishing or knowingly influencing others to furnish the NCAA or the individual's institution false or misleading information concerning an individual's involvement in or knowledge of matters relevant to a possible violation of an NCAA regulation;
Title: Academic Fraud
Date: September 6, 2000
Type: Official Interpretation

The subcommittee reviewed the application of Bylaw 10.1-(b) as it relates to academic fraud and agreed that the following guidelines generally should be used in determining whether an incident of academic fraud should be reported to the NCAA as a violation of Bylaw 10.1-(b) or should be handled exclusively at the institutional level in accordance with its policies applicable to all students.

- The subcommittee confirmed that an institution is required to report a violation of Bylaw 10.1-(b) any time an institutional staff member (e.g., coach, professor, tutor, teaching assistant) is knowingly involved in arranging fraudulent academic credit or false transcripts for a prospective or enrolled student-athlete, regardless of whether the institutional staff member acted alone or in concert with the prospective or enrolled student-athlete.
NCAA Interpretation

- The subcommittee confirmed that an institution is required to report a violation of Bylaw 10-1-(b) any time a student-athlete, acting alone or in concert with others, knowingly becomes involved in arranging fraudulent academic credit or false transcripts, regardless of whether such conduct results in an erroneous declaration of eligibility.
- If a student-athlete commits an academic offense (e.g., cheating on a test, plagiarism on a term paper) with no involvement of an institutional staff member, the institution is not required to report a violation of Bylaw 10.1-(b), unless the academic offense results in an erroneous declaration of eligibility and the student-athlete subsequently competes for the institution.

Finally, the subcommittee noted that in all cases in which a student-athlete knowingly engages in conduct that violates institutional policies, the institution is required to handle a student-athlete's academic offense in accordance with its established academic policies applicable to all students, regardless of whether the violation is reportable under Bylaw 10.1-(b)] or whether the student-athlete was acting alone or in concert with others.
Extra Benefits

- **NCAA Bylaw 16.11.2.1** – General Rule. The student-athlete shall not receive any extra benefit. The term "extra benefit" refers to any special arrangement by an institutional employee or representative of the institution's athletics interests to provide the student-athlete or his or her relatives or friends with a benefit not expressly authorized by NCAA legislation.
Date: October 26, 1988
Title: Institution paying for academic performance testing
Type: Staff Interpretation

Determined that Constitution 3-1-(h)-(4)-(i) [incidental benefits -- tutoring expenses] would permit an institution to pay for tests to determine the academic performance level of enrolled student-athletes in order to identify potential academic problems, inasmuch as such a diagnostic test is considered part of the tutoring process.
Sports Wagering Activities

- **NCAA Bylaw 10.3** – The following individuals shall not knowingly participate in sports wagering activities or provide information to individuals involved in or associated with any type of sports wagering activities concerning intercollegiate, amateur or professional athletics competition:
  - Staff members of an institution's athletics department;
  - Nonathletics department staff members who have responsibilities within or over the athletics department (e.g., chancellor or president, faculty athletics representative, individual to whom athletics reports);
  - Staff members of a conference office; and
  - Student-athletes.
Sports Wagering

• **NCAA Bylaw 10.02.1** – Sports wagering includes placing, accepting or soliciting a wager (on a staff member's or student-athlete's own behalf or on the behalf of others) of any type with any individual or organization on any intercollegiate, amateur or professional team or contest. Examples of sports wagering include, but are not limited to, the use of a bookmaker or parlay card; Internet sports wagering; auctions in which bids are placed on teams, individuals or contests; and pools or fantasy leagues in which an entry fee is required and there is an opportunity to win a prize.
Summary

- The case involved three former University Athletics Academic Support Services (AASS) staff members who gave improper assistance resulting in academic fraud to 61 student-athletes representing 10 different sport programs.
  - Academic Advisor
  - Tutor
  - Learning Specialist
Committee Findings

- The former academic advisor:
  - Instructed the former tutor to provide answers to exam questions for student-athletes who were enrolled in the online music course.

- The former tutor:
  - Arranged for 55 student-athletes to receive fraudulent academic credit when he provided student-athletes with answers to online exam questions or assisted them in correctly answering the online exam questions.
Committee Findings

- The former learning specialist:
  - Created a study guide, which contained previous exam questions for a music online course.
  - Asked the former tutor to review all the test answers in the study guide to ensure all answers were correct. The former tutor did as requested.
  - Maintained the binder in her office and provided it to student-athletes upon request.
  - Allowed student-athletes to use binder while they were taking exams in the course, even though the instructions from the online course stated that the exam was not to be taken using course texts or supplemental study guides.
  - Provided at least one student-athlete with the correct answers to some of the online exam questions for the music course.
Penalties

- Public reprimand and censure
- Four years of probation
- Reduction in scholarships based on the number of student-athletes involved per sport and by the fact that there was ineligible participation in the sports of football, men's and women's basketball, men's and women's swimming, men's and women's track and field, baseball, softball and men’s golf
- All 61 student-athletes were required to retake the course
- All 61 student-athletes had a 30% withholding from competitions
- Vacated all wins in which the 61 student-athletes in the sports of football, men's and women's basketball, men's and women's swimming, men's and women's track, baseball, softball and men’s golf competed while ineligible during 2006 and 2007.
  - Including regular season contests, post-season contests and any NCAA championship competition.
    - Coach Bowden wins, men’s track and field national championship
• Violations fell into three categories:
  ○ A former tutor committing academic fraud with student-athletes and providing impermissible benefits to student-athletes;
  ○ Impermissible benefits to student-athletes by various individuals, including sports agents and their associates;
  ○ Unethical conduct by the former assistant coach.
• **Tutor and Academic Fraud**
  - Constructed significant parts of writing assignments for three football student-athletes
    - Wrote paragraphs
    - Revised drafts
    - Composed “work-cited” pages
    - Researched and edited content
    - Inserted citations

• **Tutor and Extra Benefits**
  - Provided more than $4,000 in impermissible benefits including airfare and paying for outstanding parking tickets for 11 football student-athletes.
Facts:
- An academic tutor typed a paper for a football student-athlete (SA) without charging him the going rate for the typing services. The tutor contacted the football study hall coordinator to determine whether this was permissible and he indicated that it was. The tutor did not alter the content of the SA's paper and there were no violations of the NCAA academic fraud regulations.

Institution Action:
- A rules education session was conducted with the involved staff member(s). The football SA was rendered ineligible until the value of the impermissible benefit was repaid to a charity of his choice. A letter of reprimand was issued to the involved staff members.
Secondary Infractions

- **Facts:**
  - A current football student-athlete (SA) was late for his mentor appointment the night before his class paper was due. He had typed a majority of the paper but had not completely typed the final draft, although the SA had hand-written the entire paper. The mentor made corrections to the paper using the computer. She then preceded to type the remainder of the text as the SA read his draft to her. Due to the fact that the SA had hand-written the paper and had a learning disability, she did not believe it was against the rules to type the remainder for him. Other than assisting the SA with typing, the mentor did not do any academic work for the SA. The athletic academic counselor on duty noticed a mentor typing in the presence of a SA and reported it to the associate athletic director of academic services who reported the incident to the compliance office.

- **Institution Action:**
  - The mentor was immediately suspended from all mentor responsibilities and has since been terminated. The mentors attended an educational session held by academic services in which all NCAA rules were reviewed and re-emphasized. The SA made restitution for the value of the typing services received by the mentor.
Secondary Infractions

- **Facts:**
  - A tutor allowed a SA to reserve a new cell phone from a local store using the tutor's credit card inasmuch as the SA did not have a credit card. The SA provided cash to the tutor prior to using the card to make payment for the reservation charge.

- **Institution Action:**
  - The SA immediately reimbursed the tutor for the value of the card reservation. Rules education with tutoring staff. Letters of admonishment to responsible staff.
Secondary Infractions

Facts
- In 2011, the academic tutor placed three individual bets of $25, $25 and $50 on three National Football League teams while in Las Vegas. The academic tutor did not win any of the bets. The academic tutor understood college sports wagering was impermissible, but he was unclear whether professional sports wagering was impermissible. The violation was discovered by another tutor who saw the academic tutor’s gambling bet receipts on his Facebook page.

Institutional Action
- Tutor suspended without pay for two weeks; tutor required to participate/present to the tutorial staff information regarding sports wagering rules; letter of admonishment; rules education;