

# Bison Bulletin



Bucknell University Athletics Compliance Department

## Academic Misconduct in a Nutshell

With the current national spotlight on academic misconduct within the athletics programs at several high-profile institutions, it is important to understand what qualifies as an impermissible academic arrangement or assistance.

When a student-athlete enrolls at an institution, he or she agrees to uphold the ethical conduct standards set out in the NCAA Bylaws. Because the Bylaws do not set out specifics as to what is considered academic misconduct, an Official Interpretation from April 2014 affirmed that it is up to each institution to determine whether any academic misconduct has occurred by using the policies which apply to all students and prospective students. Specifically, the term "academic misconduct" refers to violations of an institution's policies related to academic honesty and integrity. Academic misconduct includes, but is not limited to, academic fraud, academic offenses, violations of the academic honor code, plagiarism, and cheating.

If an institution determines that a student-athlete has violated its academic policies, they must follow various steps depending on who is involved with the

misconduct and whether it is categorized as a "misconduct violation" or an "academic offense."

For example, anytime an institutional staff member is involved in arranging fraudulent academic credit or false transcripts, it is considered a "misconduct violation" and the institution must report it to the NCAA. On the other hand, unless a student-athlete is involved in arranging fraudulent academic credit or false transcripts, the misconduct is considered an "academic offense" and the institution may not be required to report it. Academic offenses include, but are not limited to, cheating on a test or plagiarizing a paper. However, if the academic offense leads to a mistaken declaration of eligibility, and the student-athlete subsequently competes, the academic offense must be reported to the NCAA.

Whether or not the institution is required to report the violation, it still must handle the academic misconduct in accordance with its established academic policies which apply to all students. If it is handled in any other manner, it



constitutes an extra benefit and can lead to additional violations. Additionally, even if an institution concludes that no academic misconduct occurred, it still may be the case that the student-athlete received impermissible benefits.

A recent Official Interpretation confirmed that the restitution provisions of Bylaw 16 do not apply to an extra benefit violation where a student-athlete receives an impermissible academic arrangement or assistance. Therefore, should a student-athlete be found guilty of receiving such a benefit, he or she would be required to undergo the full reinstatement process in order to be eligible to compete.

Sources: Official Interpretation, April 16, 2014; Official Interpretation, Nov. 13, 2014

## Voluntary Athletically Related Activities

With the end of the fall semester upon us, it is important to remember what constitutes a "Voluntary Athletically Related Activity" rather than CARA. In order for something to be considered "voluntary," four prongs must be met:

- (1) The student-athlete may not be required to report back to any coach or other athletics department staff member any information related to the activity, nor may any athletics department staff member report back to a coach;
- (2) The activity must be initiated and requested solely by the student-athlete;
- (3) The student-athlete's attendance and participation in the activity may not be recorded for the purposes of reporting; and
- (4) The student-athlete may not be subjected to a penalty if he or she chooses not to participate in the activity nor may the student-athlete be awarded for participation.

In short, there may be no reporting, recording, or penalty and it must be initiated by the student-athlete. Further, making something "optional" is not the same as voluntary. Please remember to always check with the Compliance Department if you have questions about what is or is not countable or voluntary. (Source: Bylaw 17.02.18)



## Proposals recommend more benefits for Division I student-athletes

December 4, 2014

Division I student-athletes could soon receive additional help for college-related expenses beyond what they already get through a scholarship.

The schools within five conferences – the Atlantic Coast, Big Ten, Big 12, Pac-12 and Southeastern – will vote in January on a proposal to change financial aid rules to further benefit student-athletes. It is one of four related proposals to be considered at the 2015 NCAA Convention in January.

These schools now have the flexibility to propose and adopt rules within a set of specific categories as part of the new Division I governance structure.

All five conferences sponsored the measure, which would redefine a full athletics scholarship to cover those expenses federally defined as “cost of attendance.” These expenses include supplies, transportation and related items in addition to tuition and fees, room and board and required course-related books. The value of these benefits can differ from campus to campus.

The SEC also has sponsored two amendments to the scholarship idea – one that would establish a national reporting system for annual variances in cost of attendance figures at each school and another that maintains a form of the current rule for determining team scholarship limits.

Other proposals include:

- An ACC-sponsored measure that would allow student-athletes to borrow against their future earnings potential to purchase loss-of-value insurance.
- Another ACC proposal that would prevent schools from failing to renew aid for any athletics-related reason.
- An SEC recommendation that would strengthen requirements for schools related to concussion management, including requiring submission and approval of every school’s concussion procedures to a Concussion Safety Protocol Committee.

The group will also consider two resolutions, one outlining a vision for the future of college sports and another setting priorities within that vision. The resolutions include concepts such as lifetime education for current and former student-athletes, as

well as comprehensive medical and academic support for student-athletes. The two proposed resolutions contain similar content and could be combined over the next few weeks.

Three student-athletes from each conference and the 65 individual schools will cast votes on the proposals and resolutions during a business session scheduled for the 2015 NCAA Convention in January. If approved by the five conferences, the schools in the remaining 27 Division I conferences can apply the new rules to their own programs if they or their conferences choose.

A subcommittee of the Division I Board of Directors will review the list of proposals, amendments and resolutions to be sure they fall within the specific categories in which the five conferences are allowed to make changes.

The complete proposals and resolutions will be published in an official notice available for membership comment by Dec. 15.

By: Michelle Brutlag Hosick

<http://www.ncaa.org/about/resources/media-center/news/proposals-recommend-more-benefits-division-i-student-athletes>

## Recent Violation: Extra Benefits and Impermissible Recruiting

In August 2014, the NCAA Division I Committee on Infractions sanctioned an institution when several coaches in one program, including the head coach, provided impermissible inducements and extra benefits to four student-athletes and one parent of a student-athlete. The coaches also engaged in recruiting activities that they should have known were not allowed.

The impermissible extra benefits included the coaches arranging for the student-athletes and the parent to stay at a booster's home and provide meals and transportation. Additionally, one coach purchased a \$936 round-trip ticket for one of the student-athletes to fly home during a holiday break. Another coach provided transportation from the airport to the institution after a break for two other student-athletes.

The Committee also found that the head coach failed to promote an atmosphere of compliance because he did not require his entire coaching staff to attend compliance education meetings which were scheduled on a monthly-basis. Additionally, he did not monitor the activities of the assistant coaches that provided the impermissible benefits. The coach also ignored recruiting rules when he sent impermissible text

messages and made impermissible phone calls to prospective student-athletes.

Aggravating factors were found to include the fact that a person of authority (the head coach) participated in the violations and that there was blatant disregard for the NCAA constitution and bylaws.

The committee also considered several mitigating factors as well, such as the institution's established history of self-reporting as well as its imposition of meaningful corrective measures and penalties prior to the NCAA sanctions being determined.

After everything was reviewed, the combined infractions were determined to constitute a Level II violation because while not substantial or extensive impermissible benefits, they were more than minimal. The coaches violated long-standing, well-established rules found in the NCAA Bylaws. As punishment, the program was put on probation for two years, was limited in the number of competitions allowed during their season, required show-cause orders for two of the coaches, and the coaches were not allowed to recruit off-campus without approval of the assistant director of athletics for compliance, the SWA, or the director of athletics. The institution also had to pay a \$5,000 fine and file annual reports with the Committee.

## Compliance Conundrum

Which of the following is true regarding an unofficial visit?

- Prospect can have contact with coaches and student-athletes at an off-campus practice/competition site without it counting as an off-campus contact.
- Prospect can have a meal at an off-campus practice site as long as the prospect pays for his/her meal.
- Prospect can receive transportation to an off-campus practice/competition site.
- All of the above.

The answer is D. **NCAA Staff Interpretation - 5/26/10 - Activities at an Off-Campus Practice or Competition Facility during an Unofficial Visit (I)** - states that the following activities at an off-campus practice or competition facility are permissible during an unofficial visit, provided the prospective student-athlete visits the institution's campus during the unofficial visit:

- The unofficial visit may begin or end at an off-campus practice or competition facility (e.g. golf course, boathouse);
- The prospective student-athlete is permitted to eat a meal at an off-campus practice or competition facility, provided he or she pays the actual cost of the meal; and
- Contact during the unofficial visit between institutional staff members or student-athletes and the prospective student-athlete at an off-campus practice or competition facility is not considered an off-campus contact.

NCAA Bylaw 13.5.3 states that during any unofficial recruiting visit, the institution may provide the prospective student-athlete with transportation to view practice and competition sites in the prospective student-athlete's sport and other institutional facilities to attend a home athletics contest at any local facility. An institutional staff member must accompany the prospective student-athlete during such a trip. Payment of any other transportation expenses shall be considered a violation. [R] (Revised: 1/11/89, 4/27/00, 3/10/04, 4/28/05, 1/9/06 effective 8/1/06, 4/27/06).

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Bucknell University, by virtue of its membership with the National Collegiate Athletic Association (NCAA), is responsible for ensuring complete compliance of all constituencies with all NCAA Rules and Regulations.

This newsletter serves as a way for the Compliance Department to educate and inform our coaches, sports administrators, and student-athletes about relevant rules and tips, hot topics in college athletics, and upcoming dates to remember.

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## December 2014/January 2015 Recruiting Calendars

### December Recruiting Calendar:

**XC/T&F** - Monday, December 15 - Thursday, December 18

**FB** - Monday, December 15 - Thursday, December 18 (*for all junior college prospective student-athletes who intend to enroll midyear*); Monday, December 22 - Saturday, January 3, 2015

**MBB, WBB** - Wednesday, December 24 - Friday, December 26

**MLAX** - Wednesday, December 24 - Sunday, January 4, 2015

**VB** - Wednesday, December 17 - Wednesday, December 31 (*Two exceptions: (1) Coaches attending the AVCA annual awards banquet may have incidental contact with two-year college prospective student-athletes being honored at the banquet, provided no recruiting conversation occurs, and (2) Authorized coaching staff members may evaluate on one day and may attend only one event within a 30-mile radius of the championship site on that day from the Thursday of the DI Women's Volleyball Championship through the Sunday immediately following the championship (Dec 18 - 21). Please see compliance department for full set of restrictions.*)

**SB** - Wednesday, December 3 - Sunday, December 7 (at 12:01 a.m.)



### January Recruiting Calendar:

**MBA** - Friday, January 2 - Tuesday, January 6, (at 12:01 a.m.)

**FB** - Monday, December 22 - Saturday, January 3, 2015; Monday, January 12 - Thursday, January 15

**MLAX** - Wednesday, December 24 - Sunday, January 4, 2015