

# Bison Bulletin



Bucknell University Athletics Compliance Department

## The New Rules on Academic Misconduct

The DI Council has adopted a proposal that clarifies academic misconduct violations. While academic violations have always been among the most severe violations, what constitutes an academic misconduct violation has not always been clear.

It is the NCAA's position that it is an institution's responsibility to decide whether or not misconduct involving current or future student-athletes or

school staff has occurred. In instances where it has occurred, it is up to the institution to make sure the case is handled according to its own policies and student-athletes are treated the same as the general student body.

Beginning on August 1, 2016, all institutions will be required to have a written policy that is accessible to all and applies equally to the general student body. A written honor code meets this standard.

If academic misconduct occurs, it should only be reported to the NCAA if an institutional staff member or booster is involved, a student-athlete or prospect is involved in arranging for false credit or transcripts, or a student-athlete competes while ineligible as the result of academic misconduct. Other forms of academic offenses,

such as cheating on a test or plagiarizing on a paper, should only be reported if they result in a student-athlete getting a grade he or she did not earn that makes him or her fraudulently eligible to compete.

Additionally, in the past, academic misconduct also generally constituted an extra benefit. Now, however, if the conduct is not found to be a violation under the written policy, it may still be considered impermissible academic assistance. In that case, the NCAA will look to see if the conduct was substantial academic assistance or an exception that is not generally available to the institution's students, if it is not permissible under Bylaw 16.3, if it was provided by a staff member or booster, and whether it resulted in a certification of eligibility.



## Initial Eligibility Changes

This fall will include some changes to the NCAA eligibility for Division I prospective student-athletes (PSAs). The main change requires that a PSA complete 10 out of the required 16 core-courses prior their seventh semester of high school, also known as the 10/7 rule. The start of the seventh semester will be based on three calendar years from the PSA's initial enrollment in ninth grade. Prior to this new rule, PSAs were only required to have completed 16 core courses at any time prior to high school graduation.

Additionally, under the new legislation, the grades obtained during these 10 core-courses must be used for the final academic certification and cannot be replaced by a repeated course for an increase in GPA. The PSAs cannot retake a course after the start of their seventh semester in order to replace a grade for a course that is being used in academic certification. No changes were made to the minimum core-course GPA allowed for the prospective athletes, which is a 2.300.

PSAs with a documented education-impacting disability (EID) are not exempt from the new standards. International PSAs whose final academic certification is based entirely on international credentials will not have to meet the core-course progression, however, they must still meet the NCAA international academic certification for their country.



## One idea for how to let college athletes have endorsement deals

May 10, 2016

WASHINGTON — A Tulane law professor who also serves as the university's associate provost for NCAA compliance has offered an extensive proposal under which college athletes could be allowed to use of their names, images and likenesses to make regulated endorsement deals while playing their sports in school.

In a white paper presented Tuesday in conjunction with his appearance before the reform-minded Knight Commission on Intercollegiate Athletics, Gabe Feldman argued that the NCAA's current prohibition of such arrangements is "unnecessary to the NCAA's core goals and may actually be counterproductive."

Feldman told the commission that while the NCAA's concern about the impact of this type of commercialization of athletes is legitimate, "commercialization is already happening" in college sports. And, he added, the association's restrictions that prevent athletes from making money off their names and images "don't prevent exploitation — they are exploitative."

Feldman's ideas were far from dismissed by some members of the commission, whose website states that its goal is to "ensure that intercollegiate athletics programs operate within the educational mission of their colleges and universities."

Commission member Len Elmore — a former college and pro basketball player who went on to become a lawyer — says there is a property right related to athletes' names, images and likeness, although he would prefer to see group licensing arrangements rather than individual endorsement deals.

Commission Chairman William E. Kirwan said, "I think it's too early to say that there's been an evolution in the commission's thinking about this," but noted Feldman's idea would allow athletes "to benefit from the use of the name, likeness and image like other students at the university are able to do if they have some form of notoriety. ... The ideas that he presented were quite thought-provoking, and it's something that we will continue to explore."

The proposal from Feldman — director of the Tulane Sports Law Program — is more complicated. In his paper, he wrote, "Education and (name, image and likeness) payments are not mutually exclusive. ... Commercialization and education can coexist ... as long as the NCAA, universities, and student-athletes increase their commitment to education. (Name, image and likeness) agreements, if properly monitored and regulated can enhance — not detract — from the educational experience."

For example, Feldman proposes that athletes be allowed to make these agreements or receive benefits of existing agreements only if they are in good academic standing and making progress toward a degree.

His proposal would not allow athletes to make deals for what he termed in-game use of their names and images like broadcasts, rebroadcasts or photos. (This type of usage, on a class-action basis, was part of the foundation of the Ed O'Bannon antitrust lawsuit against the NCAA.) But it would let athletes:

- Be involved in product endorsements, as well as receive pay for personal appearances and autographs, as well as for appearances on TV and radio shows.

- Contract with agents to assist with "pursuing, evaluating and negotiating" agreements.

- Enter into group licensing arrangements for items such as video games, trading cards and jersey sales.

All of these deals would have to be filed with the athlete's school and the NCAA and would be subject to the school's approval. Third parties wanting to make deals with athletes would be required to register with the NCAA. There would be a cap on the total number of hours an athlete could engage in endorsement activities during the school year and there would be limit on the total number of individual deals an athlete could have.

Feldman also proposes anti-circumvention rules designed to prevent sham deals that simply constitute pay for playing sports.

The idea, Feldman said, is change a system under which, for some athletes, "the only time their (name, image and likeness) has significant value is the only time they can't benefit from it."

And Oklahoma men's basketball coach Lon Kruger, also appearing before the panel, said he informally found that market value does exist for at least some athletes. He said that in preparation for his appearance, he spoke with five local business owners about whether they would be interested in making deals with Sooners athletes if the NCAA's rules allowed such arrangements. He said that all responded with a yes.

Still, he questioned the number of athletes to whom all of this would be applicable and whether the time, effort and money that would have to be devoted to the regulation that Feldman proposes would be worthwhile if it resulted in resources being taken away from other athletics programs.

"How do we help (elite athletes) recognize their value?" he said. "We should do everything we can to let elite athletes be treated fairly ... but not at the expense of the 98% (of athletes) who have a pretty good deal."

In addition to examining the name, image and likeness issue, the commission heard from a panel on the health and safety of athletes and issued a statement recommending that all of the revenue schools receive from the NCAA men's basketball tournament be restricted to supporting athletes' education and providing them with health and safety benefits.

Kirwan said that would mean these funds could be used to pay for athletic scholarships but not for coaches' salaries and facilities. At present, according to the commission, 25% of the more than \$540 million in tournament-related revenue is restricted to supporting education and other benefits.

"We have to act — not talk — forcefully," said Arne Duncan, the former U.S. secretary of education who has joined the commission as co-vice chair. "This is something the NCAA can act on quickly."

By: Steve Berkowitz, USA Today Sports

<http://www.usatoday.com/story/sports/college/2016/05/10/one-idea-how-let-college-athletes-have-endorsement-deals/84202550/>

## Recent Violations: Academic Fraud

The head coach and members of his coaching staff were found to have committed Level I violations of NCAA legislation when they engaged in a plan of academic fraud.

Shortly after being hired, the head coach devised a plan to assist several prospective student-athletes gain admission to the institution and to obtain and retain eligibility while enrolled. He directed one of his assistant coaches and two graduate assistant managers to complete online coursework for the prospects. These staff members completed the coursework for a total of seven prospects over the course of two academic years. A majority of these prospects used the credits earned through the fraudulent coursework to attain immediate eligibility when they transferred to the institution. Other members of the staff were aware of the fraud and one coach even helped to facilitate it.

In addition to the academic fraud committed by the coaching staff, the head coach also facilitated impermissible financial aid for two of the student-athletes. In this case, a high school coach and a prep school coach both sent money to help with the cost of tuition and room and board expenses for their former athletes serving years in residence after their transfer. The coaches would send the money to the head coach who would then pass it along to the student-athletes.

The NCAA found that Level I violations occurred when a plan was formed and executed to assist prospects with fraudulently obtaining credit for coursework. Additionally, the head coach provided false information and obstructed the investigation. The other members of the coaching staff committed Level I violations when they engaged in the fraud.

The head coach disagreed with the facts but instead contended that he merely failed to monitor his program.

Following the investigation, the program was penalized with three years of probation, a two-year postseason ban for the team, reductions in grants-in-aid, and reductions in recruiting opportunities. Each of the coaches involved also received show-cause penalties of various lengths for their involvement with the academic fraud.

Congratulations to the Class of 2016  
on your many accomplishments,  
both academically and athletically!

A special shout-out to Madison Loos  
for your help as our Compliance  
Intern this semester! We can't wait  
to see what you and your fellow  
classmates do next!

## Compliance Conundrum

Intha Rough is a golf student-athlete at Ocean State University. Intha had a bit of a rough season with his chip shots and wants to make sure he is doing the right thing over the summer to improve his technique. Intha asks the coach if he can set up a meeting with him one day this summer to discuss ways he can get better.

Is this permissible?

Yes, with conditions. **NCAA Official Interpretation– 11/7/91– Individual consultation with a coach initiated voluntarily by a student-athlete–** states that individual consultation with a coaching staff member initiated voluntarily by a student-athlete is not a countable athletically related activity, provided any discussion between the coach and the student-athlete is limited to general counseling activities and does not involve activities set forth in 17.02.12.1 (e.g., chalk talk; use of equipment relating to the sport; field, floor, or on-court activity). Reviewing video with the student-athlete would not be permissible unless it is counted as CARA.

[References: 17.02.1.2-(j)(noncountable athletically related activities); 17.02.12.1 (activities considered as practice)]

By Jennifer M. Condaras, Associate Commissioner, BIG EAST Conference. May 16, 2016.

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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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## Upcoming Dead Periods

### May 2016

**Men's Basketball** - Thursday, May 19- Friday, May 27

**Men's Lacrosse** - Friday, May 27 - Tuesday, May 31 (noon)

**Women's Lacrosse** - Friday, May 27 - Sunday, May 29

**Softball** - Tuesday, May 31 - Thursday, June 9 (noon)



### June 2016

**Cross Country/Track and Field** - Wednesday, June 8—Saturday, June 11

**Softball** - Tuesday, May 31 - Thursday, June 9 (noon)

### July 2016

**Men's Basketball** - Wednesday, July 6 (until 5:00 PM);

Sunday, July 10 (at 5:00 PM) - Wednesday, July 13 (until 5:00 PM);

Sunday, July 17 (at 5:00 PM) - Wednesday, July 20 (until 5:00 PM);

Sunday, July 24 (at 5:00 PM) - Sunday, July 31

**Women's Basketball**—Wednesday, July 13 - Friday, July 22; Saturday, July 30 - Sunday, July 31

