

Guilty Until Proven Innocent: Are Finances Guiding the NCAA's Decision Making with Respect to Infractions

Andrew Goldsmith, University of Florida

Kevin P. Cattani, University of Florida

Dr. Trevor Bopp, University of Florida

With the increased media coverage of NCAA Football Championship Subdivision (FCS), many pundits of college football have taken a stance that program's under investigation for rules infractions are invariably guilty. An observation often made is one of; where there is smoke, there must be fire. The media scrutiny surrounding allegations of bylaw violations, or infractions, has intensified in part due to the ever expanding, and innovative, technology changing the landscape of how sports are covered. For every respected journalist there seems to be twenty bloggers who are quick to opine. It isn't difficult to find a financial connection between these perceived "dirty" programs and the NCAA decision-making processes, as it is in the NCAA's best interest to allow universities who are successful on the field to continue to play, and henceforth earn more revenue.

Although public perception seems to be that there are a plethora of universities that have major rules violations, in the past five years there have been only ten violations for FCS programs. Of those ten teams, only five have been FCS Bowl eligible. In fact, many schools that are suspected to have committed violations, and are perceived as if they were already guilty during investigations, have their cases concluded to little acknowledgment or mention of their innocence. As a sporting society there seems to be an ever-present sense of schadenfreude every time a popular university is alleged to have committed a violation.

It is understandable why the NCAA and its' member institutions are looked upon in such an unflattering light by the media at large. The NCAA makes hundreds of millions of dollars with their contract for the Bowl Championship Series (BCS). Member institutions that play in a BCS game also stand to make millions of dollars. There have been many rules violations that have occurred that directly impacted the NCAA and BCS, most notably the Reggie Bush and the University of Southern California case. Most recently, Ohio State University was found guilty of an illegal benefits scandal prior to 2011 Sugar Bowl. The NCAA's actions in regards to these two situations highlight examples of the possibility of finances guiding their decision-making. In each case, the teams that were under suspicion were allowed to play in the bowl game, and in turn collect their appearance fees. Ratings for the bowl games were extremely high and helped generate additional revenue through commercials, ticket sales, and other avenues for the NCAA and BCS.

There are essentially four ways that teams can be penalized for violating NCAA bylaws. The first, and most ethical, way is through self-reporting. The University of North Carolina did this prior to the 2010 season when they became aware of possible academic violations. They took preemptive measures to suspend all players who were

believed to be involved pending an official NCAA investigation. A second, but less common way, is to self impose penalties prior to season starting, but after an investigation has begun by the NCAA. The University of Miami took this route after a booster alleged to give improper benefits over several seasons to Miami football players. The NCAA investigation is currently ongoing. A third, and common stance, is to wait for the NCAA to take action and impose penalties after the sanctions and findings have concluded during the season. Ohio State is the most recent example of this situation where players were found to have received improper benefits and were suspended following the BCS bowl game for five games the following season. This scenario is the example that sheds the most light onto the NCAA having their decision-making for financial reasons called into question. Lastly, it is not uncommon for the NCAA to conduct an investigation after a season has concluded and retroactively assess penalties for violations as was the case with the University of Southern California.

The latest, and most telling, scenario guiding the premise that the NCAA may be motivated by finances while investigating possible rules violations, in addition to the media portraying the university of being guilty, is that of the 2011 National Champion Auburn Tigers. During the 2010-2011 season, Auburn quarterback, Cam Newton, was under investigation for his father selling his son's services for an alleged price of \$180,000. Media members were quick to point to Newton's past NCAA violations and also his past legal issues to render him guilty before the investigation had even officially gotten underway. Auburn, in the midst of a successful season, decided to bench Newton prior to the game as the allegations were being reported. After conducting their own internal investigation, Newton was reinstated to the team, without missing a game, and remained a starter for the rest of the season. The NCAA was being criticized for not acting quickly enough to resolve the investigation prior to the SEC championship game, and subsequent BCS national title game, which Auburn would go on to win. Six months later the NCAA would release their findings of the investigation where they concluded that no violations had occurred. Nevertheless, the damage to Cam Newton and Auburn by the national media was irrevocably damaged and tainted their championship. The NCAA seems to have been vindicated for allowing Auburn to continue playing Newton during the season, without having to answer questions of their motives for the allowance. Had it been found that he was in fact guilty, the NCAA would have seen their second national champion found guilty and had their title revoked.

The aim of this poster is to present the various scenarios where the NCAA may have been financially driven to delay investigations, render punishment that favors their BCS agreement, and/or overlooks violations until after the season has concluded while also delving into whether it is financially responsible to be ethical for FCS member universities in self reporting possible NCAA rules violations.