Just Punishment? An Examination of NCAA Violations Across All Divisions

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Over the past few years, under the leadership of President Mark Emmert, the National Collegiate Athletic Association (NCAA) has been heavily criticized, with much of the scrutiny focusing on the integrity and consistency of its enforcement program. The NCAA states that their enforcement program is in place to “uphold integrity and fair play among the NCAA membership, and to prescribe appropriate and fair penalties if violations occur…The program is committed to the fairness of procedures and the timely resolution of infractions cases” (NCAA Handbook, 2012, 311). High profile incidents such as the Jerry Sandusky scandal at Penn State and the mishandling of the serious violations at the University of Miami (FL) have highlighted the admitted dysfunction of the program (Porter, 2013), and a deviation from its mission. This led to the NCAA launching an investigation into its own enforcement committee due to this improper conduct, namely at the Division I level. The result of the investigation was a tiered violation system, intended to both simplify and clarify the process. Lou Anna K. Simon, Michigan State President and Executive Committee Chair stated:

We heard members across Division I declare that we need clear, consistent and credible accountability…These membership-driven changes are a great first step in our ongoing effort to improve enforcement. The changes provide tough, fair consequences that communicate to universities, coaches, student-athletes and others that rule-breaking will not be tolerated. (Porter, 2013)

Currently, the NCAA enforcement program consists of three distinct segments: the enforcement staff, Committee on Infractions, and Infractions Appeals Committee. As the NCAA manual (2012) states, the enforcement staff members are paid employees of the NCAA whom investigate allegations of rule violations and present evidence of the violations at the infraction hearings. The Committee on Infractions (COI) consists of unpaid volunteers whom conduct infraction hearings, make findings of rules violations and impose penalties. Lastly, the volunteer group of the Infractions Appeals Committee hear appeals of institutions and individuals and determine whether the findings of the COI were contrary to the evidence or whether the committee abused its discretion in imposing “excessive” penalties (Bylaw 19, 2012). All three Divisions use the same enforcement committee structure, with the only difference occurring in the newly (as of August 1, 2013) implemented tiered infraction model for Division I. Both Divisions II and III remain administered by the major and secondary violation structure.

The theory of retributive justice, or punishment that concerns assessing penalties to rule violations (Greenburg et al., 1985), can be applied to the NCAA’s enforcement arm. The penalties used in sports fall into two categories: (1) those used for the restoration of equality, and (2) those used as a deterrent (Brickman, 1977). The penalties the NCAA assesses address both categories: They initially hand down punishments to deter institutions or individuals from breaking the rules. And, by dissuading participants from breaking rules, they are, in turn, maintaining a level playing field thus encouraging competitive balance (Depken II & Wilson, 2006). Since the COI’s decisions have such a large impact upon NCAA’s members, it is imperative that they stay true to their mission to “prescribe appropriate and fair penalties” (Bylaw 19, 2012) through this retributive justice process.

With over 37,000 teams spanning three Divisions (NCAA, 2013), the NCAA enforcement committee’s task is neither small nor trivial. While the public usually only hears about the infractions of large Division I institutions, infractions can be found at all levels. However, because of the varying dynamics of the Divisions (i.e., athletic scholarships, television deals, general fan interest), some have questioned whether or not the COI is punishing the respective violations similarly.

Research over the past decade has indicated that equity does not exist in NCAA enforcement (Clark & Batista, 2009; Depken II & Wilson, 2006; Otto, 2005; Parkinson, 2012). For example, Otto revealed programs classified as “powerhouses” were charged with more major violations and were 5.5 times as likely to be charged with a major violation. Researchers have pointed to the visibility and ability to generate money as potential reasons for increased scrutiny, or an increased feeling of the need to cheat (Clark & Batista, 2009; Otto, 2005). On the other hand, there is the stigma that the NCAA may be willing to look the other way if their cash cows are doing the violating.
As an ongoing exploratory study, this research intends to compare major violations and their corresponding punishments across all divisions over a ten-year period, from January 1, 2003 until October 1, 2013. Specifically, this research will examine the consistency of the Committee on Infractions’ decisions, both during and prior to President Mark Emmert’s tenure. Based on past research findings (e.g., Clark & Batista, 2009; Depken II & Wilson, 2006; Otto, 2005; Parkinson, 2012) it is hypothesized that a significant difference will be found between Division I FBS colleges and universities (i.e., “college powerhouses”) and Division I FCS, Division I no football, Division II, and Division III college and universities. Such a finding would be well supported within the second component of theory of retributive justice, as harsher punishments on more visible programs could be justified as a means to deter other colleges and universities.

Using the NCAA’s Legislative Services Database (LSDBi), data for all major violations/punishments was organized by Division (Division I FBS, 77 cases; Division I FCS, 31 cases; Division I no football, 15 cases; Division II, 33 cases; and Division III, 25 cases) and violation type (e.g., failure to monitor, academics, etc.). A two-way MANOVA will be utilized to examine if a significant difference exists between the number of violations within each violation type and to examine if a significant difference exists between the number of violations per division classification. A secondary two-way MANOVA will be completed utilizing the fixed factor of time, that is “pre-Emmert” (January 1, 2003 through October 31, 2010) and “post-Emmert” (November 1, 2010 – October 1, 2013), comparing differences in Divisions and punishments across these two time periods. Potential applications and suggestions for future research will also be discussed.