NCAA rules are becoming too complex

by Brent Schrotenboer

A college soccer prospect was visiting the University of Washington in 2004 when she was offered some free candy inside a nearby hospitality tent.

She accepted and took about $2 worth of treats.

Big mistake.

SIMPLY COMPLEX - In 1952, the NCAA rules were spelled out in a 25-page pamphlet. Today, it takes three books and 1,105 pages to contain the rules. CNS Photo illustration. Some violations come topped with pepperoni

What happens when a fight almost breaks out between a pizza delivery man and a top high school football recruit?

An NCAA rules violation, of course.

On Jan. 25, 2007, Fresno State football coach Pat Hill was making a recruiting visit at the home of defensive line prospect Tyrone Duncan, who had ordered pizza.

When the pizza arrived, Duncan, of Westlake Village, Calif., tried to give the delivery man a check for it signed by his mother. But the delivery man refused to accept it and demanded cash.

"An argument ensued at the door," according to a report made of the incident by Fresno State. "Coach Hill intervened as the argument quickly escalated and nearly became physical."

To defuse the situation, Hill gave the delivery man $24 to cover the cost.

Hill was "simply trying to prevent a fight," the report stated.

Hill reported the incident to his school's NCAA compliance office and said he knew it was not permissible to provide cash but thought it was necessary in this case. Hill tried to get Duncan to pay back the $24 to a charity of his choice but was unsuccessful. Duncan ended up signing with Washington.

As a result of the rules violation, Hill reviewed the appropriate recruiting rules, while Duncan was declared ineligible at Fresno State until the $24 is paid. Unless Duncan transfers to Fresno State, his eligibility there won't become an issue. It was a violation of NCAA rules, so she was busted for it.

"The prospect was not aware that NCAA rules would preclude her from receiving free candy during an unofficial visit," according to a university report on the incident.

She was forced to pay $2 in restitution. Two $1 bills were photocopied as proof of repayment. "The $2 will be donated to the charity of the prospect's choice," according to the university.

In 2005, a Washington State assistant golf coach bought condolence flowers for a recruiting prospect after the death of the prospect's mother. That's against NCAA rules. As a result, the prospect was declared ineligible temporarily.

In 2007, six sports at the University of California Berkeley were busted for using summer camp brochures that exceeded 17 by 22 inches. They were written up for it because it violates another bylaw in the NCAA, whose initials sometimes seem to stand for "Never Condones Anything Anytime."

The NCAA published its first rule book in 1952. It was 25 pages. Half a century later, the NCAA has three

separate rule books of 440, 349 and 316 pages, mostly governing off-the-field activity for its three divisions. Besides that, the NCAA has game rule books for football (255 pages), basketball (212) and other sports.

Such a surge has created hundreds of new jobs and new expenses for schools, whose increased vigilance has led to more violations being discovered, according to a survey and review of hundreds of violation reports obtained through open-records requests by The San Diego Union-Tribune.

More rule proposals and adjustments come up each year, which has led to double or triple the number of specialists being hired at schools to interpret them and keep track of them on campus.

This has led to more watchful eyes. From 2001-06, the number of minor violations reported to the NCAA, like those above, have increased 65 percent to more than 3,400, including a 20 percent increase since 2005. Major rules cases have gone up, too. From 1953-85 (32 years), there were 284 major infractions cases, according to the NCAA's database. In 23 years since, there have been 312.

Those who propose such rules say changing times and technology require new measures to address them and maintain the amateurism and integrity of college sports. On the other hand, critics say it's a power game designed to prop up the NCAA's "veil of amateurism."

"One of the ways to be a good policeman is to have a big rule book to throw at people periodically," said Richard Southall, the director of the College Sport Research Institute at the University of Memphis. "But I'm not convinced that is for the benefit of the athletes."

For example, by having so many rules devoted to maintaining the amateur status of its athletes, he said the NCAA disguises its rising commercial nature. The recent introduction of new rules devoted to making sure athletes keep up in the classroom also wouldn't be necessary "if students are really students," Southall said.

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In April 2005, a heavy snowstorm closed the Denver airport. Because of that, the Colorado State track and water polo teams couldn't return home from California within 36 hours of their events. That's a violation of an NCAA rule designed to restrict the travel expenses that student-athletes may receive. CSU reported the violation to the Mountain West Conference.

Later that month, the NCAA adopted an exception to that rule, giving more time for teams to return home if they faced weather delays. Adding such an exception appealed to common sense. But it also shows how new situations add more complexity of the rule book. It became the ninth exception to NCAA travel time restrictions under rule 16.8.1.2.1.1.

"There is no question in my mind that the job of doing compliance on campus, the severity of it, as well the technical aspect of it, and the difficulty of it, probably has increased tenfold in the 10 or 11 years I've been in this business," said Joe D'Antonio, associate commissioner for compliance and governance in the Big East Conference.

At the recent NCAA Convention in Nashville, more than 100 new legislative proposals were up for discussion.

But such proposals aren't dictated down by the NCAA bureaucrats in Indianapolis, as some might believe. Instead, they're sponsored and voted on by member school and conference representatives. At the recent convention, one proposal sought to help unlock revenue streams for schools in the digital age by letting sponsors use athletes' images in ads. Critics said it was an example of the NCAA trying to legislate its way to every nickel it could get and still justify not paying its athletes.

The NCAA's Kevin Lennon said "changes in technology required us to go back and look to see if some

of our rules make sense." The athletes-image proposal was referred to a committee for further study. Another vote upheld a rule banning coaches from text-messaging recruits on cell phones.

Meanwhile, the old rules can't just be eliminated because they might seem trivial, NCAA experts say. A line has to be drawn somewhere. Otherwise, they say, schools seeking recruiting advantages will provide even bigger summer camp brochures and more free candy.

"Nobody has been willing to say that there are some violations we'll just ignore,'" said Steve Morgan, a former NCAA official who now is a private attorney specializing in NCAA cases. "If it becomes OK to start giving student-athletes certain things of value as long as the value doesn't exceed 10 bucks, then all of a sudden, everybody better be getting their 10 bucks worth of stuff."

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A typical example of how this has affected schools is South Carolina. In the 1990s, the university had one full-time person committed to rules compliance, plus one full-time assistant. Today, you practically can't throw a stone in Columbia without hitting a rules staffer. The Gamecocks have five rules interpreters, plus two administrative assistants and an intern.

Almost all major schools had only one rules compliance person in the 1990s. Today it's at least two to four, an increase of about $100,000 to $200,000 in salaries per school.

Schools view this as an insurance policy that decreases the risk of embarrassing penalties and probation stemming from major rules violation cases, such as the academic fraud scandal at Minnesota or the recent recruiting scandal at Alabama.

But compliance offices still are grossly underfunded, said former Marshall compliance officer David Ridpath, now executive director of the Drake Group, which pushes for academic reform in college athletics.

"I don't see any end to it," Ridpath said. "Just to keep up with new (Academic Progress Rate) rules is a massive amount of work, and that just could be solved by kids going to class."

These compliance specialists even founded their own national association in 1998 with an estimated 75 members. Today, their membership is nearing 300.

The NCAA office has beefed up too. In the 1980s, the NCAA rules enforcement staff had six investigators, two supervisors and a department head. Today, there are about 20 investigators, about five supervisors and a department head. Their work centers on major violation allegations: Reggie Bush receiving cash and gifts at USC, for example.

In 1985, NCAA members schools voted to distinguish between major violations and secondary (minor) violations. The smaller stuff is left to the schools' compliance staffs, who work according to the honor system. They often self-report several minor violations a year, motivated by the possibility they could be in bigger trouble if it's later discovered they didn't.

"Some of the infractions cases you see now have at their root some kind of relatively modest violation that nobody bothered to report or check on," Morgan said. "If you fail to meet your institutional obligation to report them, then you may be seen as having failure to monitor, or lack of institutional control."

As a result, schools that rarely report minor rules violation can be viewed more suspiciously by the NCAA than those that do.

Which leads to more busts of more small things, such as $2 candy and summer camp brochures. But the increased vigilance on smaller stuff hasn't exactly led to a decreased rate of major infraction cases. It's been just the opposite.

"There probably has been an increase in findings of lack of control or failure to monitor because the expectations of schools have increased as their compliance offices become more sophisticated," Morgan said.

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Chuck Smrt, a former NCAA enforcement official, now works at a business in Kansas, The Compliance Group, which provides consulting expertise to schools and conferences on NCAA rules.

When he makes presentations, he tells clients the rule book isn't as complicated as it might seem, in principle at least. The main concepts haven't really changed: Athletes must pass a certain amount of class work, no extra benefits for athletes, no recruiting enticements.

"When I make presentations to coaching groups, I say that if you know two basic pieces of legislation, you're never going to be on probation," Smrt said. "If you know you can't give anything to a recruit at any time, you'll never have recruiting violations. Once an athlete enrolls, you can't do anything for him even though you can do it for the general student body."

There are the same amount of overarching operating bylaws (14) as there were 10 years ago. The NCAA's mission also has remained the same - to be a nonprofit organization that serves higher education.

But because of the increasing money and commercialism that surround it - and because many athletes don't enroll to get an education first - more adjustments and additions to the fine print of its rules often becomes necessary to force its members to be true to that model.

"It's incompatible," said Ridpath, a frequent NCAA critic. "To maintain it, you just keep throwing more and more rules on there, and it makes it almost impossible to get out of your chair and breathe without breaking a rule."

Southall of Memphis suggests that if student-athletes were considered employees and the rules were collectively bargained, the rule book would be much smaller and simpler. In theory, when only one side makes the rules, that side is tempted to make more of them to maintain power over the other.

In the NFL, where the owners collectively bargain with pro players, the joint agreement is 202 pages. The league's official playing rules fit on 125.

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