

Oklahoma Booster Pays Student-Athletes for Work Not Performed: NCAA Imposes Substantial Penalties

The Facts

In the Spring of 2006, allegations surfaced that a number of Oklahoma University football student-athletes were being paid by a local car dealership for work that was never performed. The allegations came in the form of an anonymous e-mail and triggered an investigation by the University and the NCAA.

The student-athletes involved were questioned by the University, and initially denied any wrongdoing. However, upon investigating the car dealership's payroll statements it was discovered that two football student-athletes were clocked in during times that directly conflicted with their practice schedules. They also discovered that a third student-athlete was clocked in at the dealership while participating in the football program's annual spring game.

When confronted with this evidence, the student-athletes confessed to receiving payments for times they did not work. Two of the student-athlete's disclosed that it was common practice for them to clock in during the morning hours; leave during the day; then return later to clock out.

Financial documents revealed that during the 2005-2006 academic year student-athlete "A" received an estimated \$7,400, student-athlete "B" received over \$8,100 and student-athlete "C" received almost \$1,500, bringing the grand total of the extra benefit to around \$17,000.

Before the allegations surfaced, the athletic department was not even aware that the student-athletes were employed at the dealership during the academic year.

The Committee's Rationale

The above facts undoubtedly support the Committee's finding that **impermissible extra benefits**, in the form of payment for work not performed, occurred in violation of Bylaws 12.4.1(a), 15.2.7(b) and 16.11.21. Due to the intentional nature of the violations, the value of the extra benefit involved and the fact that two-student athletes competed during the entire 2005 season while ineligible, the committee found these violations to be major in nature.

Also, by failing to follow established institutional procedures for monitoring student-athletes' employment, the institution was left

ignorant to the fact that football student-athletes were even working at the auto dealership during the 2004-2005 and 2005-2006 academic year. This error led the Committee to conclude that a **failure to monitor** (Bylaw 2.8.1) had occurred.

Specifically, the University did not timely collect gross earning statements for 12 football student-athletes after being made aware that they had worked at the auto dealership during the summer of 2005. Had these statements been reviewed immediately following the summer, the inconsistencies therein would have been apparent.

The Penalties

This major violation led to the following NCAA sanctions:

- *2 years probation (expires in 2010 due to previous violations).*
- *2 scholarship reduction during the 2008-2009 and 2009-2010 academic years.*
- *1 coach reduction in the number of coaches who may recruit off campus during the fall of 2007.*
- *The student-athletes involved were permanently dismissed from the institution.*
- *All wins during the 2005-2006 season are to be vacated. The institution shall make no public reference to these vacated contests, including the bowl victory.*
- *The institution must disassociate itself from the dealership's manager for a period of 5 years.*

The Lessons Learned

Per NCAA rules, each university is held responsible for the actions of their boosters. This case is yet another example of how one booster can inflict substantial harm upon a university, an athletic department, an individual athletic program and student-athletes. It is an unfortunate reality that each year a number of universities are handed significant penalties after their boosters are found to have disobeyed the NCAA extra benefit rules.

As athletics staff members, we all interact with our athletics boosters, whether it be at a game, luncheon, banquet, etc. Remember that we all can share the responsibility to educate our boosters on the NCAA rules, and we have a duty to report potential violations that we hear about.