

“Are the Punishments Consistent?”: A Quantitative Analysis of NCAA Enforcement

Khirey Walker¹, Brian Soebbing², and Chad Seifried³

¹Ball State University, ²University of Alberta, ³Louisiana State University

The present study focuses on the National Collegiate Athletic Association (NCAA) as a social control agent and the likelihood of the NCAA administering various types of penalties to Division I member institutions that participated in organizational misconduct (e.g., major/Level-I/Level-II infractions) between 2003 to 2015. Six probit regression models were employed in order to examine 4,589 university-year observations and the 148 documented instances of misconduct with subsequent punishments. The present study indicated that engagement in academic violations would increase the likelihood of probation and lead to a reduction in financial aid. Amateurism violations increase the likelihood of receiving probation, a postseason ban, reduction of financial aid, and the vacation of win-loss record. An athletic department’s participation in improper financial activities would increase the likelihood of receiving probation, a postseason ban, reduction in financial aid, and the vacation of win-loss record. Partaking in institutional control violations would decrease the likelihood of receiving probation, and increase the likelihood of a postseason ban and show cause penalty. Additionally, team-related violations would increase the likelihood to receive probation and result in a reduction in financial aid. Recruiting violations would increase the likelihood of probation, show cause, recruiting, and lead to reduction in financial aid sanctions.

Keywords: NCAA, Social Control, Infractions, Enforcement

In terms of understanding social-control agent behavior, the present study utilized the theory of social control. Social control is simply defined as the efforts practiced by leaders to ensure conformity to the norms (Goode, 2015). In other words, rather than society being self-governing or self-regulating, there are individuals or groups who are appointed to ensure that members act in an appropriate way (Goode, 2015). These individuals or groups, termed social-control agents, possess the legitimate authority to punish individuals or organizations who engage in activities deemed by social-control agents as misconduct. While social-control agents are recognized in the literature, the research understanding their behavior is limited (e.g., Greve, et



al., 2010). Furthermore, additional examination of social control agents is critical to fully comprehend the roots of organizational wrongdoing (Palmer, 2012).

The purpose of the present study aimed to analyze the likelihood of social-control agents handing down different types of penalties to organizations who commit misconduct. More specifically, we sought to understand any difference in behavior regarding social-control agents in the wake of a change in leadership as well as the influence of the media coverage concerning wrongdoing. By exploring social control agents, we realize an opportunity to better grasp the origins of organizational misconduct. Within the current study, the role of the National Collegiate Athletic Association (NCAA) as a social-control agent is examined.

Of particular interest was the punishment levied by the social-control agent [i.e., NCAA through the Committee on Infractions (COI)] in response to the misconduct of the organization (i.e., university). Division I-Football Bowl Subdivision (FBS) universities were chosen due to their popularity (athletics and overall institution), as well as amount of revenue the athletic department generates (Brown et al., 2007; Otto, 2005). Athletic departments within the Division I classification include member institutions within FBS, Football Championship Subdivision (FCS), and programs that do not sponsor football (NO). Of note, some of the historically prestigious athletic departments in Division I that achieved high levels of success in revenue-generating sports, such as football and men's basketball, saw increased donations to their institution (Chressanthis & Grimes, 1994) and to the athletic department (Humphreys & Mondello, 2007), more student applications (Chressanthis & Grimes, 1994; Pope & Pope, 2014), and more opportunities for state funding (Humphreys, 2006). However, some of these institutions pursued and sustained success through misconduct activities, especially revenue-generating sports, and likely prompted participation in misconduct by other peer institutions competing at their level (Fizel & Brown, 2014; Mahony et al., 1999; Otto, 2005; Walker et al., 2018a, 2018b).

In order to understand the likelihood of different penalty types assessed by a social control agent, a two-stage probit model was estimated in order to control for the inherent endogeneity of punishment type contingent upon an organization committing misconduct. Overall, the results from a twelve-year sample (2003 through 2015) find evidence that the type of violations committed in major infraction cases (e.g., amateurism, financial, institutional control, and team-related) are significant in determining the likelihood of sanctions. This present study examined the qualities which make up Division-I institutions and investigated whether the NCAA assesses penalties based upon the structure of each college and university.

Literature Review

In order to understand organization misconduct, an individual has to consider that an action by the organization is considered misconduct because an individual or a collective body assesses actions as misconduct. Greve et al. (2010) defined misconduct as "behavior in or by an organization that a social-control agent judges to transgress a line separating right from wrong; where such a line can separate legal,

ethical, and socially responsible behavior from their antitheses” (p. 56). They further defined social-control agent as “actor(s) that represents a collectivity and that can impose sanctions on that collectivity’s behalf” (Greve et al., 2010, p. 56).

Social-control agents have roots within social control theory (Greve et al., 2010). For example, Gibbs (1994) and Deflem (2015) framed social control as involving informal or formal power levied against or toward other person(s) or group(s) to foster or strengthen desirable behaviors. Goode (2015) similarly positioned social control as the selection and implementation of special behaviors employed by leaders to ensure conformity to the norms (Goode, 2015). Pollock et al. (2016) elaborated on the individual responsibility of social-control agents, stating that “social-control agents include various entities that differ in the formality of their constitution, the breadth of their jurisdiction, and the severity of the punishments that they can administer” (p. 240).

Formal social control power is established by third-party regulators and often surfaces with efforts to enhance or maintain commitments to established rules and regulations produced by a professional society (Hollinger & Clark, 2005). Formal social controls are necessary because, within institutions where competition is present, a professional society is not self-governing or self-regulating. Social controls like governing bodies and enforcement groups are necessary to ensure that members of society avoid misconduct and understand the consequences related to such behavior (Goode, 2015). Greve et al. (2010) offered several examples of third-party regulators (e.g., international governing bodies, national governing bodies, local governing bodies, and professional associations) responsible for such oversight.

The existence of social-control agents contributes to the usage of the sociological approach of defining wrongdoing, which simply states social-control agents punish the behaviors of individuals/organizations that they label as wrong (Palmer, 2012). In doing so, this approach places the power of enforcement directly upon the social-control agents. Like previous literature, the present study argues social-control agents make enforcement decisions about misconduct through sanctioning or penalty assignments (Greve et al., 2010; Palmer, 2012; Walker et al., 2018a, 2018b). Penalizing individuals and organizations for engaging in wrongdoing is common and well researched, but analyzing the punishments administered from social-control agents is still developing (Greve et al., 2010; Vaughan, 1999). The present research used the NCAA as its empirical setting to further understand how social-control agents punish misconduct or organizations.

Empirical Setting

Within the literature, the NCAA is recognized as a cartel (e.g., Fleisher et al., 1992; Kahn, 2007). Humphreys (2012) defined a cartel as

. . . a formal economic agreement among agents or organizations that would normally compete with one another to not compete in some dimension. Cartels engage in collusive behavior, and the success of a cartel depends on all members of the cartel abiding by the agreement (p. 710).

This incentive to cheat by organizations, to act in their own self-interest, threatens the strength and stability of the cartel over the long-term (Humphreys & Ruseski, 2009). Thus, the social-control agent's responsibility is to not only punish members who engage in misconduct, but to punish in such a way as to deter future organizational misconduct and to maintain the stability within the cartel agreement.

Since 2003, an increase in major violations committed by member institutions of the NCAA and subsequent penalty assignments has occurred, which prompted some scholars to associate the increase with the growth of commercialism in college athletics (NCAA, 2017; Otto, 2005; Parkinson, 2012; Walker et al., 2018b; Weston, 2011). A number of studies examined misconduct throughout the history of the NCAA from a variety of angles including sociology, law, and economics, such as Fizel and Brown (2014), Mahony et al. (1999), Otto (2005), and Walker et al. (2018b). Organizational misconduct is presented in the NCAA as several types of violations that include a breach of contract, such as lack of institutional control, academic fraud, failure to cooperate with the NCAA, unethical conduct, recruitment of student-athletes, and failure to monitor (Clark & Batista, 2009; Walker et al., 2018a). Research acknowledged the pursuit and effort to sustain success, especially with revenue-generating sports, can prompt participation in misconduct (Fizel & Brown, 2014; Mahony et al., 1999; Otto, 2005). Such examples of negative behavior associated with athletic departments result from individuals and/or groups that place more value on the servicing of self-directed interests (Agle & Kelley, 2001; Kelley & Chang, 2007).

Davis and Hairston (2013) argued some institutions and/or individuals also use a risk-reward analysis to engage in wrongdoing. More specifically, Cullen et al. (2012) surveyed a number of student-athletes asking about their behavior in violation of NCAA rules and regulations. Their findings suggest that many infractions committed by students are minor in nature. Broadly, the results suggest the reason for committing individual violations relates back to theories of social control more than to economic motives (Cullen et al., 2012). More recent research by Fizel and Brown (2014) found, over a 30-year period (1981-2011), there were a number of determinants of a university's football program that would lead to an increase in the likelihood that the program would engage in misconduct. Some of these determinants include current on-field team performance and conference affiliation. Fizel and Brown (2014) also looked at four specific time periods, finding that playing in the 1980s, an era where there was significant structural change in Division I processes and leadership, significantly impacted the likelihood of misconduct.

As it relates to behavior of the social-control agent, Cullen et al. (2012) stated that formal social control (i.e., punishment from the NCAA) is not effective; rather, informal social control is much stronger in reducing misconduct. In addition to Cullen et al.'s (2012) research, Humphreys and Ruseski (2009) sought to understand the likelihood of Division I-FBS football teams being put on probation due to their misconduct. Of specific interest is the change in behavior following a change in policy by the NCAA eliminating mandatory penalties for violations as it relates to the

recruitment of athletes. Their results showed changes in behavior by the Committee on Infractions (COI) as it relates to the determinants of punishment. For example, the more successful the football team was as it relates to its winning percentage in the previous year led to an increase in the likelihood of being placed on probation prior to the rule change in 1993. Following the rule change, recent performance is insignificant.

Winfree and McCluskey (2008) also sought to understand the incentives for a school to self-report their violations to the social-control agent. The rationale is that by pursuing this action, schools may be able to convince the social-control agents to punish them lighter than if the social-control agents uncovered the misconduct. Over a 20-year sample, Winfree and McCluskey (2008) looked at three common punishments by the NCAA: television ban, postseason ban, and probation. They found that self-report violations and punishment by organizations did significantly impact the likelihood that social-control agents would agree with that form of punishment.

In summary, the incentives are aligned within the NCAA's cartel agreement for organizations to engage in misconduct for their own self-interest. Further, the social-control agent within the cartel, the association and in particular the COI, has the legitimate authority to punish actions they deem to be misconduct. Still, while some research has looked at enforcement behavior of the NCAA, little research incorporates elements of social control theory to understand behavior by social-control agents. We analyze this behavior below.

Methodology

The present study focused on the actions by all Division I universities judged to be engaging in misconduct by the social-control agent (NCAA, COI) that subsequently received punishment. The sample period in our panel dataset was from 2003 to 2015, with the start year corresponding to the year in which Myles Brand began his tenure as the president of the NCAA. The dataset contains the six years of Brand's tenure (e.g., 2003 to 2008) and then the first six years of current NCAA President Mark Emmert (e.g., 2010 to 2015). Additionally, the interim tenure of Jim Isch in 2009 was included within this dataset as a part of Brand's tenure. The unit of observation was a university-year, and the sample period consisted of 4,589 university-year observations. The present research looked at punishments given by the social-control agent, which is the NCAA COI. Data on punishments delivered by the NCAA were provided by the NCAA Legislative Services Database (LSDbi). During the sample period, there were 148 documented instances of misconduct with subsequent punishments.

Examining these cases, punishments were coded into seven categories: probation (*Probation*), postseason ban (*Postseason*), show cause (*ShowCause*), recruiting (*Recruit*), reduction of financial aid (*FinAid*), vacation of on-field records (*Vaca*), and public reprimand (*PublicRep*). Each variable was equal to 1 if the

NCAA delivered the punishment in the observed year. There were many cases where multiple penalties were delivered by the social-control agent (e.g., probation and public reprimand). In these cases, all penalties are included.

The present study included a number of explanatory variables that were grouped in four categories: misconduct characteristics, environment, university characteristics, and social-control agent characteristics. The first group of variables consisted of defining the intensity and scope of organization misconduct. Similar to punishment, organization misconduct was also obtained through the LSDbi. The LSDbi includes the details of misconduct committed by the organization. From reading the description, misconduct was coded into six groups: academic (*Academic*), amateurism (*Amateur*), financial (*Finance*), institutional control (*Icon*), recruiting (*Recru*), and team (*Team*; Table 1).

In addition to the type of misconduct, other characteristics from the report were included. First, the present study included the total number of teams involved in each misconduct case (*#Teams*). The second characteristic was an indicator variable to establish if the university self-reported their violation (*SelfRep*). Previous research by Winfree and McCluskey (2008) found self-reporting violations could affect the punishment given to the university by the NCAA. Third, an indicator variable was included for if the institution was a repeat violator (*RepeatVio*). Consideration for being a repeat violator included identifying whether this was not the first instance of a major infraction case against the institution since 1953, the start of the LSDbi. Finally, a variable was included to indicate if at least one revenue generating sport contributed to the misconduct (*RevSport*). The Sport Industry Research Center at Temple University (2016) conducted research on NCAA major violations from 1953 – 2014 and determined that 82.9% of major violations in that time period involved the revenue generating sports of football and men's basketball. Similarly, this variable was equal to 1 if at least one of these sports were included, 0 otherwise.

The second category was labeled environment, which encompassed the coverage of misconduct in the external environment as well as the institutional environment for misconduct. The first variable was media coverage (*MediaCov*), which was an unduplicated newspaper count in the initial 30 days mentioning the organization's misconduct. This 30-day window began on the date of the initial notice of allegations by the social-control agent (i.e., NCAA) to the organization (i.e., university). The newspaper counts were done by searching "*institution name, major violations, year of infraction, sport involved*" within the Google News and Newspaper Source databases. The second variable in this category, *Similar*, is a count of the number of incidents in the same category as the original act of misconduct over the past 365 days of the initial notice of allegations. Finally, we included a count of all misconduct that occurred over the past year from the initial notice of allegations (*AllInc*). Both of these counts were obtained from the LSDbi database.

The third category was university characteristics, which were obtained from the Integrated Postsecondary Education Data System (IPEDS) and the Equity in Athletics Data Analysis (EADA) websites. The first variable was an indicator variable for if the observed school is a Historical Black College and University (HBCU)

Table 1
Summary Statistics and Examples of Violations Per University-Year (n=3,832)

Name & Description	n (%)	Mean	Std. Dev	Examples
<i>Academic</i> Academic Violations	33 (0.8%)	0.008	0.083	<ul style="list-style-type: none"> • Academic Fraud • Improper Administration of Pre-college Administration Tests • Academic Misconduct
<i>Amateur</i> Amateurism Violations	46 (1.2%)	0.012	0.098	<ul style="list-style-type: none"> • Amateurism • Eligibility • Usage of a Professional Talent Scout
<i>Finance</i> Financial Violations	79 (2.1%)	0.021	0.134	<ul style="list-style-type: none"> • Extra Benefits • Improper Financial Aid • Outside Funds
<i>Icon</i> Institutional Control Violations	86 (2.2%)	0.022	0.136	<ul style="list-style-type: none"> • Failure to Comply • Unethical Conduct/ Questionable Practice • Institutional Control
<i>Recru</i> Recruiting Violations	73 (1.9%)	0.019	0.127	<ul style="list-style-type: none"> • Excessive Official Visits • Improper Recruiting Entertainment • Improper Recruiting Inducements
<i>Team</i> Team Related Violations	57 (1.5%)	0.015	0.116	<ul style="list-style-type: none"> • Improper Competition • Improper Entertainment/ Employment • Improper Lodging/ Transportation

institution (*HBCU*). The variable was equal to 1 if the observed university was an HBCU, 0 otherwise. The second variable was an indicator variable for whether the observed university is a private university (*Private*). The third variable was a dummy variable for whether the observed university is a member of a Power Five or Bowl Championship Series (BCS) conference (*PowerConf*). For the present study, the following conferences were classified as power conferences: Big10, Big12, Pac12, Atlantic Coast, and Southeastern. If a university was a member of one of these conferences in the observed year, the variable was coded as a 1 (0 otherwise). The present research included two variables controlling for the size of both the athletic department (*SizeAD*) and university (*SizeUniv*). For the athletic department, the total number of athletes was included for the observed year. These data were retrieved from EADA. The size of the university variable was operationalized by the total number of enrolled first-year students on campus at the beginning of the fall semester of the observed year. These data were obtained from the IPEDS website.

The final category of variables was social-control agent. In the present research, there were three variables within this category. The first was an indicator variable equal to 1 in the years in which Myles Brand was president of the NCAA (*Brand*). Brand's tenure began in 2003 and lasted until his death prior to the 2009 school year. The second variable was an indicator variable equal to 1 in the years in which Mark Emmert was president (*Emmert*). His tenure began in 2010. The third variable was an indicator variable equal to 1 in the years where the NCAA classified penalties into four levels (*Level*). Prior to August 2013, the violation structure was separated into two categories: major and secondary (NCAA, 2015). Currently, the four levels are defined as: Level I – Severe breach of conduct; Level II – Significant Breach of Conduct; Level III – Breach of Conduct; and Level IV – Incidental Issues. (NCAA, 2015).

Model and Estimation Issues

Due to the dichotomous nature of the dependent variables, a probit model was estimated in the present research. Equation 1 outlines the probit model:

$$\text{Penalty}_{it} = f(\text{Academic}_{it}, \text{Amateur}_{it}, \text{Finance}_{it}, \text{Icon}_{it}, \text{Recruit}, \text{Team}_{it}, \text{\#Teams}_{it}, \text{SelfRepit}, \text{RepeatVio}_{it}, \text{RevSport}_{it}, \text{MediaCov}_{it}, \text{Similar}_{it}, \text{AllInc}_{it}, \text{HBCU}_{it}, \text{Private}_{it}, \text{PowerConf}_{it}, \text{SizeAD}_{it}, \text{SizeUniv}_{it}, \text{Brand}_{it}, \text{Emmert}_{it}, \text{LevelVio}_{it}, \epsilon_{it})$$

(1) where *i* indexes universities and *t* indexes years.

In the present study, there are a number of estimation issues to identify for transparency. The biggest estimation issue is the endogeneity associated with any penalty variable. When a social-control agent is thinking about what penalty, if any, to impose on an organization, the organization must first have committed some sort of misconduct. Thus, one must control for the likelihood that misconduct occurs.

In order to predict misconduct, the present study estimated an additional probit model with the dependent variable being misconduct (*Misconduct*). This variable

was equal to 1 if the observed university committed misconduct in the observed year, defined by appearing in the LSDbi database. A number of explanatory variables are included in the model. First, we controlled for the number of NCAA sports that were sponsored by the university in the observed year (*#Sports*). The second variable was the observed university's percentage of male coaches to overall coaches in the observed year (*%mcoach*). Research by Mahony et al. (1999) examined university misconduct and subsequent university impacts of that misconduct over a 45-year period. Their study highlighted previous research outlining the "male model", where male coaches would be more likely to commit misconduct. Thus, the *%mcoach* variable controls for this possibility.

The present study also included five university characteristics. The first was whether or not the observed school was a member of Division I-FBS (*FBS*) in the given year. The second variable was if the observed school was a Division I member with no football team (*NoFB*). It was anticipated that the *FBS* variable would have a positive and statistically significant increase in the likelihood to commit misconduct, while the *NoFB* would have a negative and statistically significant impact, based upon previous research by Smith (2015). Both of these impacts were in comparison to the reference group, a Division I-FCS university.

In addition to athletic membership, we included a variable for academic quality of the school. Previous research found that academic quality has a significant and negative impact on the likelihood of committing misconduct (e.g., Fort & Quirk, 2001; Humphreys & Ruseski, 2009). We operationalized academic quality as the average SAT Scores of the 75th percentile of their incoming freshmen (*TSAT*), similarly to Anderson (2012), Baumer and Zimbalist (2014), and Rooney and Smith (2019). The third variable, retrieved from IPEDS, was an indicator variable for whether or not the school was in a rural location (*Rural*). The rural variable was included within this study to examine whether there are differences in punishments administered from the NCAA dependent on the institution's degree of urbanization (Abney, 2003). The fourth variable, *Private*, was outlined above and included in the first stage model. The final variable was the number of sanctions imposed by the social-control agent in the previous year (*#Sanctions(t-1)*). It was anticipated the higher the total number of sanctions in the previous year would lead to a statistically significant lower likelihood of a university committing misconduct in the observed year. The rationale was the total number of sanctions would deter an organization to engage in misconduct. In addition, we included the variables for both the Brand (*Brand*) and Emmert (*Emmert*) presidencies.

This first stage probit model predicting misconduct was estimated. From the estimation, the Inverse Mills Ratio (IMR) was calculated and used as a control variable in Equation 1. In other words, the IMR was used to help predict the punishment contingent upon the organization engaging in misconduct. In addition to the endogeneity issue, the other estimation issue in the present study dealt with the equation error term. In Equation 1, the error term (ϵ) had two components, a random component as well as a university component. Thus, the error term in Equation 2 is clustered by individual universities using the "*vce(cluster)*" option in STATA.

Results

Table 2 presents summary statistics for the punishment categories. An average of 3.7% of university-year observations included probation, whereas 3.1% of university-year observations resulted in public reprimand. Within the results, 1.9% of the observations exhibited show cause penalties and the reduction of financial aid capabilities. Additionally, 1.4% of the observations represented the limitation of recruiting capabilities and the vacation of team record. A ban from postseason competition represented 0.6% of observations in the sample. As far as the acts of misconduct, 1.9% represented institutional control violations, 1.8% represented financial violations, 1.6% detailed recruiting violations, 1.4% specified team-related violations, 1.0% described amateurism violations, and 0.7% referenced academic violations.

Table 2
Summary Statistics of Punishments Per University-Year (n=3,832)

Name	Description/Definition	n (%)	Mean	Std. Dev
Probation	Probation Sanction	143 (3.7%)	0.037	0.179
Postseason	Ban from participating in Postseason Competition	24 (0.6%)	0.006	0.074
ShowCause	Show Cause Penalty	72 (1.9%)	0.019	0.127
Recruit	Recruiting Limitations	56 (1.4%)	0.014	0.113
FinAid	Reduction in Financial Aid	73 (1.9%)	0.019	0.124
Vaca	Vacation of Record	52 (1.4%)	0.014	0.110
PublicRep	Press Release from the NCAA regarding violation	120 (3.1%)	0.031	0.166

Table 3 presents the rest of the summary statistics including variables from the first stage regression. The total sample observations for the study are 3,832. Recall from above that the total population for the sample period was 4,589. This reduction for the overall population during this time period was due to missing data from the IPEDS database detailing the University category, such as SAT scores or total enrollment for Division I institutions. Within the misconduct category, 2.8% of the observations involved repeat violators of major infractions, 2.5% of the observations included self-reported major violations, 2.7% involved revenue-based athletic teams (e.g., men's basketball & football), and there was a maximum of 18 teams implicated in infraction cases.

In the environment category, there were an average of 10.4 violations in the previous year of observations with a minimum of 7 violations and a maximum of 16 violations. Media coverage of major infractions had a mean of 0.40 articles within the observations with a maximum of 31 articles detailing a major violation case. The similar violation types in the past year had a mean of 0.077 and a maximum total of 6. The University category contains HBCUs, which represent 6.3% of the observations. Furthermore, 36.2% of the observations are classified as private institutions in the IPEDS database. Power Five and BCS institutions are represented in 19.2% of the observations. The size of the athletic department, in terms of student-athletes, had an average of 489 student-athletes per institution with a minimum of 69 student-athletes, and a maximum of 1,488 student-athletes. The first-year student enrollment size of the institution in the fall semester of the academic year has a mean of 2,391 students with a minimum of 199 and a maximum of 10,835. The social control category included the executive directors, in which 44.7% of observations were under the guidance of Myles Brand and 47.5% of the observations occurred under Mark Emmert. Also, 15.8% of the observations transpired after the NCAA made alterations to the violation structure, changing from two levels to four levels.

Within the first stage regression results, the number of sport teams represented within each athletic department had an average of 15.99 teams with a maximum of 35 teams. The percentage of male coaches within a Division-I athletic department has a mean of 45.3% with a minimum of 28.6% and a maximum of 81.8%. The classification of athletic departments is also used in this category, with 37.5% of the institutions representing Division I FBS and 28.2% representing Division I athletic departments without the sport of football. The average SAT scores of incoming freshman students in the 75th percentile was 1,230 with a minimum of 840 and a maximum of 1600. Moreover, 12.2% of the institutions in this sample are located in a rural location, which is defined on the IPEDS database. The average number of sanctions distributed to member institutions of the NCAA was .08 with a maximum of 6 sanctions administered.

Table 3
Summary Statistics of Indicator Variables Used in the 2nd Stage Regression
 ($n=3,832$)

Variable	Mean	Std. Dev	Min	Max
#Teams	0.097	0.876	0	18
SelfRep	0.025	0.157	0	1
RepeatVio	0.028	0.164	0	1
RevSport	0.027	0.162	0	1
MediaCov	0.401	2.339	0	31
Similar	0.077	0.482	0	6
AllInc	10.410	2.363	7	16
HBCU	0.063	0.242	0	1
Private	0.362	0.481	0	1
PowerConf	0.192	0.394	0	1
SizeAD	489	200	69	1488
SizeUniv	2392	1673	199	10835
Brand	0.447	0.497	0	1
Emmert	0.475	0.499	0	1
Level	0.158	0.365	0	1
#Sponsor	16	4	5	35
%mcoach	0.453	0.047	0.285714	0.818182
FBS	0.375	0.484	0	1
NoFB	0.282	0.450	0	1
TSAT	1230	136	840	1600
Rural	0.122	0.327	0	1
#Sanctions(t-1)	26	11	0	45

Table 4 presents the first stage regression results with the dependent variable being misconduct committed by the organization in the observed year. Regarding the variables utilized in this model, both the number of sports the university sponsored in the observed year and the percentage of male coaches to overall coaches in the university's athletic department were statistically insignificant. The *FBS* variable was positive and statistically significant in comparison to the reference group, schools that are in Division I-FCS. The *NoFB* variable was negative and statistically significant in reference to the same group of universities. The average SAT score by the incoming freshman at the observed university was insignificant. Universities located in a rural setting were negative and statistically significant, while private institutions were negative and not significant. The number of different punishments delivered by the NCAA to member institutions in the previous year was not significant. Both variables controlling for the presidential eras of Brand and Emmert were not significant compared to the reference group, which was the interim presidential era of Jim Isch from 2009 through 2011.

Table 4

First stage regression results with the Dependent Variable being Misconduct

Variable	Description	Coef.	Std. Error
#Sponsor	# of Sports University sponsors	-0.001	0.012
%mcoach	% of university coaches that are male	-0.118	0.895
FBS	School is a member of DI-FBS	0.337***	0.101
NoFB	School is a member of DI-AAA	-0.261**	0.114
TSAT	Average SAT Score of the 75th percentile of freshmen	0.000	0.000
Rural	School is in a Rural Location	-0.257*	0.133
Private	School is a Private School	-0.103	0.104
#Sanctions(t-1)	# of Sanctions delivered by NCAA in previous year	-0.001	0.004
Brand	Myles Brand is President (1=Yes)	-0.020	0.176
Emmert	Mark Emmert is President (1=Yes)	0.005	0.163

Note. Significance at .1 level denoted by *, .05 level denoted by **, and .001 level denoted by ***.

Table 5 presents the second stage regression results across different penalty types. Recall the inverse mills ratio (*InvMillsRatio*) was calculated from the first-stage probit estimation. The first model details the probit regression model results

for the probation sanction only. The positive and statistically significant variables included academic violations, amateurism violations, financial violations, recruiting violations, team-related violations, self-reported violations, revenue sports, repeat violators, media coverage, the number of incidents in the NCAA in the past year, the size of the athletic department regarding the total number of student-athletes, the time under the leadership of Myles Brand, and the time under the leadership of Mark Emmert. Institutional control violations, the size of the university regarding the total number of incoming freshmen enrolled, the total number of similar NCAA incidents in a previous year, HBCUs, private institutions, BCS/Power Five institutions, and the violation levels were all negative, yet statistically significant.

The second model details the probit regression results for model with the postseason ban sanction as the dependent variable. In this model, within the types of punishment category, amateurism violations, finance-related violations, and institutional control violations were all positive and statistically significant. Additionally, the self-reported violation sanction was also positive and statistically significant. Finally, the variable for Myles Brand's presidency was negative and statistically significant in reference to the Jim Isch era.

The third model utilized in the second stage of the present study examined the probit regression results for the show cause sanction. The four positive and statistically significant variables included the institutional control violation, recruiting violation, repeat violators, and the total number of similar NCAA incidents in a previous year. The fourth model presents the probit regression results with the recruiting limitations sanction acting as the dependent variable.

Recruiting violations, self-reported violations, repeat violators, similar NCAA incidents in a previous year, and the number of incidents in the NCAA in past year were all positive and statistically significant. The implementation of the new violation levels variable was statistically significant and negative. The fifth model detailed the probit regression results for the reduction of financial aid sanction. The positive and statistically significant variables included academic violations, amateurism violations, financial violations, recruiting violations, and self-reported major infractions.

The sixth model examines the probit regression results with the vacation of record as the dependent variable. The variables which were positive and statistically significant included amateurism violations, financial violations, repeat violators, media coverage, and the number of incidents in the NCAA in the past year. The observations which were classified under the guidance of Myles Brand were also statistically significant, yet negative. The final model tests the probit regression results of the public reprimand sanction as the dependent variable. Within this model, there were three positive and statistically significant variables including self-reported violations, repeat violators, and media coverage. The observations which occurred under Myles Brand were negative and statistically significant.

Table 5
Probit Regression Statistics for Dependent Variables

Variable	Probation		Postseason		ShowCause		Recruiting		FinalId		Vaca		PublicRep	
	Coeff	StdErr	Coeff	StdErr	Coeff	StdErr	Coeff	StdErr	Coeff	StdErr	Coeff	StdErr	Coeff	StdErr
InvMillRatio	-1.295	0.807	-2.325**	1.139	-1.078	0.666	-0.076	0.657	-1.176	0.735	0.610	0.794	-0.349	0.470
Academic	8.039***	3.399	0.207	0.418	0.315	0.449	-0.411	0.420	0.995**	0.430	0.785	0.418	-0.650	0.821
Amateur	14.012***	3.013	1.293***	0.354	-0.036	0.357	0.410	0.327	1.207***	0.305	1.349***	0.355	1.159	0.635
Finance	8.110***	2.149	1.225***	0.341	0.416	0.311	-0.001	0.299	1.336***	0.327	1.416***	0.298	0.330	0.369
Icon	-4.822***	1.865	1.080**	0.516	1.604***	0.331	0.255	0.339	-0.183	0.317	0.376	0.346	-0.325	0.551
Recru	14.075***	3.648	0.239	0.437	1.002***	0.318	1.252***	0.295	0.683**	0.301	0.159	0.325	0.588	0.481
Team	12.481***	2.788	0.783*	0.444	0.536	0.340	0.468	0.337	0.677**	0.289	0.157	0.291	0.828	0.601
#Teams	-0.086	0.070	0.089	0.055	0.033	0.041	-0.035	0.046	-0.010	0.054	0.085	0.055	-0.013	0.073
SelfRep	2.501***	0.961	0.886**	0.407	0.035	0.345	0.880***	0.299	0.826***	0.268	0.107	0.310	0.888***	0.329
RepeatVio	5.311***	1.023	0.721	0.495	1.545***	0.396	1.064***	0.378	0.662	0.359	0.760**	0.367	1.539***	0.430
Revsport	8.832***	1.587	-0.326	0.425	-0.182	0.358	0.623	0.385	0.601	0.322	0.070	0.377	0.569	0.377
MediaCov	0.379**	0.172	-0.018	0.039	0.019	0.033	0.011	0.031	-0.002	0.026	0.106***	0.037	0.194***	0.052
Similar	-6.775***	1.384	(omitted)		0.234***	0.088	0.227**	0.109	0.077	0.139	0.006	0.254	-0.001	0.089
AllInc	1.020***	0.193	0.134	0.085	-0.009	0.041	0.270***	0.092	0.095	0.061	0.117**	0.058	0.081	0.076
HBCU	-11.102***	2.812	0.682	0.539	0.050	0.430	-0.705	0.663	0.437	0.356	-0.516	0.499	-0.211	0.202
Private	-11.390***	2.612	0.573	0.502	0.114	0.314	-0.309	0.378	0.043	0.393	-0.558	0.394	-0.228	0.329
PowerCont'	-1.333**	0.553	0.538	0.392	-0.515	0.282	-0.089	0.303	-0.068	0.296	-0.044	0.336	-0.442	0.429
SizeAD	0.003**	0.001	-0.003	0.002	0.000	0.001	0.001	0.001	-0.001	0.001	-0.002	0.001	-0.001	0.001
SizeUniv	-0.003***	0.001	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Brand	9.444***	3.036	-1.119*	0.662	-0.157	0.418	-0.493	0.367	0.090	0.474	-1.149***	0.339	-0.540**	0.259
Emmert	7.887***	2.894	-0.010	0.615	0.176	0.381	-0.544	0.408	-0.339	0.501	-0.458	0.309	-0.309	0.205
Level	-18.8935***	3.774	-0.149	0.518	0.248	0.256	-2.301***	0.710	-0.225	0.404	0.095	0.316	(omitted)	
Constant	-17.485***	4.600	-0.515	2.887	-1.331	1.498	-5.473***	1.892	-1.303	1.841	-5.567***	2.154	-1.891	2.059
Pseudo R ²	0.9744		0.7274		0.7565		0.7023		0.7450		0.7376		0.899	

Note. Significance at .1 level denoted by *, .05 level denoted by **, and .001 level denoted by ***. Standard Errors are clustered by university. POST is $n = 3,732$ observations. Similar was removed due to perfect predictions. PUBLICREP is $n = 3,227$ observations. Level was removed due to perfect predictions.

Discussion

The present study analyzed the likelihood of social-control agents handing down different types of penalties to organizations who commit misconduct and also sought to understand any change in behavior regarding social-control agents in the wake of a change in leadership, as well as, the influence of media coverage of wrongdoing. Previous literature (Greve et al., 2010; Palmer, 2012; Vaughan, 1999) acknowledged the punishments delivered from formal social-control agents to violating organizations, yet the strategies and sanctioning process utilized by social-control agents has been neglected. Within this section, an evaluation of significant variables and corresponding literature is completed as a method to conclude how social-control agents assess penalties to member organizations.

Table 4 presents some interesting findings as it relates to detecting misconduct. First, we find that both the number of sports sponsored and the percentage of male coaches to overall coaches are insignificant. These two results are surprising because one could anticipate that more sponsored sports means larger athletic departments with additional coaches, supplementary administrators, and student-athletes to supervise. In essence, the complexities, bureaucracy, and oversight could further increase the likelihood of misconduct. The insignificant results could also, in contrast, mean that as the athletic department grows in terms of the number of sports, this growth leads to better self-regulation by the university in terms of compliance education of its athletes and employees. The insignificant result as it relates to male coaching percentage refutes the male model outlined by Mahony et al. (1999) and other research. However, the findings in the present study do support Mahony et al.'s (1999) findings that the majority of NCAA major violations occur in revenue sports.

Finding that a FBS-member school and revenue sports are more likely to engage in misconduct intuitively makes sense. FBS members generate the highest revenues and, generally, receive higher attention within the media. The pressure for athletic success placed upon these institutions and revenue sports from a variety of internal and external stakeholders would make it likely for them to engage in misconduct because of the available monies and media attention that potential winning or success can provide. Similarly, a school that is a Division I member but does not have football would be less likely to engage in misconduct.

Academic quality, defined by the 75th percentile score on the SAT from each institution, was insignificant. This result is surprising due to previous research indicating that academic quality reduces the likelihood that a university engages in misconduct (e.g., Humphreys & Ruseski, 2009). The institutions located in a rural setting, defined by the U.S. Census Bureau's Population Division, shows a negative and statistically significant relationship. This result makes sense as individuals have less opportunity to engage in misconduct due to the small size of the location surrounding campus. Furthermore, previous research acknowledged how geographic identity can be instrumental in the enhancement of a team identity (Heere & James, 2007). Within a rural area, there could be more attachment to the local college sports team, thus the likelihood of reporting violations or acts of misconduct would be

minimal. The results in Table 4 show that there is no significance in organizations committing misconduct during the different presidential eras in the sample period. This finding is consistent with previous results in showing stability in terms of the focus of each president during the time period (Walker et al., 2018b). Even though anecdotal evidence shows increasing counts of misconduct (e.g., NCAA, 2017; Otto, 2005; Parkinson, 2012; Weston, 2011), there is no indication that a president's (or social-control agent's) policy or action leads to increase in misconduct. Finally, we do not find the number of sanctions handed down by the social-control agent in the previous year to influence the likelihood that an athletic department engages in misconduct. This does not support Cullen et al.'s (2012) research regarding the role of social-control agents in administering sanctions strong enough to deter organizations from future organizational misconduct.

The results presented in Table 5 provide other interesting findings regarding social-control agent behavior. First, the results find that media coverage statistically impacts the likelihood of the social-control agent delivering the punishments of probation, vacating of on-field performance records, and public reprimand. These findings are interesting considering the previous literatures reference to the media being an informal social-control agent (Pollock et al., 2016). Thus, the media's role as the informal social-control agent leads to an increased likelihood of these three punishments. The public reprimand should be the least surprising of the three punishments, as the public reprimand would garner increased coverage by the media in terms of reporting the punishment. When media outlets frame major violation case, the reports are generated from the frame alignment of the NCAA, but also include re-framing which provides more depth regarding the infraction, and counter-framing, which gives the violators a chance to defend themselves (Walker et al., 2018b). The vacation of record sanction is newsworthy considering the impact that the punishment has on former teams, which could have accumulated winning seasons and championships. Community members, especially those with genuine interest in the athletic department of the violating institution, would be intrigued to receive information about what behaviors led to the sanction. Even though probation occurs often, the details regarding the infraction case are published to inform readers on wrongful behavior, but also increase awareness that any additional acts of organizational misconduct would lead to harsher sanctions.

In addition to the informal social-control agent's impact, the present study looks at similar incidents that occur over the past year to understand behavior. One may anticipate the higher the similar incidents may lead to differences in the likelihood of punishments. From Table 5, the present study finds that show cause and recruiting penalties are more likely to occur as a result of a rise in similar incidents in the past year. However, probation is less likely to be given by the social-control agent in the wake of an increase of similar incidents of misconduct. The social-control agent may deem show cause and recruiting penalties to be the harshest, hence, are more likely to use these penalties in the wake of similar incidents in order to potentially deter similar misconduct in the short term (Peterson, 2014). Similarly, probation may be too broad of a penalty to send a message to other organizations.

An increase in the total number of incidents in the previous year leads to an increase in the likelihood of probation, recruiting, and the vacating of on-field records as punishments levied by the social-control agent. The increase in probation sanctions to NCAA members derives from the understanding that the majority of major infractions result in probation. The recruiting and vacation of records sanctions relate to the increase of unethical conduct and recruiting violations which have also increased throughout time as acknowledged in previous research (Walker et al., 2018a).

Examining presidential eras, we find that Myles Brand was less likely to vacate records, publicly reprimand universities, or use a postseason ban as punishments in comparison to the other presidents during the time period. The reason being that during Brand's tenure as President, the focus was on the enhancement of the academic experience of student-athletes, which meant examining cases of academic misconduct (Walker et al., 2018a). Participation of academic misconduct did not result in the vacation of records or postseason bans, unless the participating student-athlete was deemed ineligible. Public reprimand was neglected during Brand's tenure due to protecting the identity of the violating student-athletes. However, Brand was more likely to hand down a punishment of probation. As it pertains to Mark Emmert, he was also more likely to hand down a punishment of probation. However, he was not any more likely to hand down other punishments in reference to the interim president. Mark Emmert made a concerted effort to pay more attention to the other classifications (e.g., Division II & Division III) within the NCAA in order to assure fairness in rule enforcement. The probation sanction was used as a method with Division I institutions to provide a warning in infraction cases where the violation did not call for harsher punishments.

Finally, the change in NCAA protocol from two levels of violations (i.e., major and minor) to four levels of violations (i.e., Levels I, II, III, and IV) led to a decrease in probation and recruiting punishments. The results could be due to a couple of reasons. First, it could be that the social-control agents recognized those as insufficient in the new classification of violations. The NCAA manual specifically outlines each violation level and misconduct that would lead the social-control agent to classify actions as such. Thus, this specificity might lead to a more specific punishment. The second reason could be due to the limited number of cases under the new classification system in the sample. As more cases arise, one might get a better understanding of the behavior of social-control agent.

Other findings from the results in Equation 1 are interesting. This present study supports the results provided in Winfree and McCluskey's (2008) research regarding the incentive of reporting sanctions directly to the NCAA. As Winfree and McCluskey noted, generally when schools self-report and provide suggestions for the penalty, the NCAA goes along with these penalties. While we do not look at the penalties suggested by the universities engaged in misconduct, we could assume that the positive and significant variable coefficients for five of the penalty models would indicate the social-control agent agreeing with those penalties.

Academic violations were found to increase the likelihood of probation, postseason, reduction in financial aid, and vacation of records. These punishments, in particularly postseason bans, reduction of financial aid in terms of scholarships, and vacation of records intuitively make sense since the NCAA model revolves around amateurism. Given this model, one would expect an increase in recruiting penalties. However, this increase did not occur.

Regarding the conference affiliation of member institutions, prior research varied on whether larger conferences (i.e., BCS/Power Five) were investigated differently from smaller Division-I institutions (i.e., Non-BCS/Group of Five; FizeL & Brown, 2014; Otto, 2005). The present study supports FizeL and Brown's (2014) assumption that larger institutions and those highly recognized for their athletic achievement are not punished differently in comparison to other Division I athletic departments. The *PowerConf* variable was statistically insignificant within every model except probation, which differed from the results provided in Cox and Davis (2011), which determined that the odds of larger athletic programs with football teams receiving major violations were higher than other members. This could be attributed to the increased usage of the probation sanction for repeat violators and institutions that participate in acts of misconduct outside of academic fraud (Smith, 2015).

Conclusion

The present study looked to further understand the punishment role that a social-control agent plays within intercollegiate sport. There have been investigations on the impact of sanctions within organizations (Davis & Hairston, 2013), yet there has been minimal research exploring how social-control agents assess violations and determine proper sanctions to distribute to violators (Greve et al., 2010). Social-control agents are responsible for enforcing policies set within an organization and ultimately decide what conduct will be considered as wrongdoing. In addition, there is an opportunity to understand how the line has evolved through the examination of violations over a period of time. The present study acknowledges that the NCAA can hold member institutions accountable as a social-control agent by assessing cases of organizational misconduct, determining the type of violation committed, and distributing sanctions as an attempt to minimize future cases of organizational misconduct.

Utilizing data on punishments within NCAA Division I athletics, the results from a twelve-year sample indicated that various violation types impacted the likelihood of sanctions distributed in major infraction cases. The present study indicated that engagement in academic violations would increase the likelihood of probation and a reduction in financial aid. Amateurism violations increase the likelihood of receiving probation, a postseason ban, reduction of financial aid, and the vacation of win-loss record. An athletic department's participation in improper financial activities would increase the likelihood of receiving probation, a postseason ban, reduction in financial aid, and the vacation of win-loss record. Partaking in institutional

control violations would decrease the likelihood of receiving probation, increase the likelihood of a postseason ban and show cause penalty. Additionally, team-related violations would increase the likelihood to receive probation and a reduction in financial aid. Recruiting violations would increase the likelihood probation, show cause, recruiting, and reduction in financial aid sanctions.

The present study provides an opportunity for athletic departments to assess the enforcement strategies implemented by the NCAA as a social-control agent. The NCAA has been assessing cases of major infractions since 1953 and consistently attempts to update the evaluation process to remain current (NCAA, 2019). Yet, not all athletic departments have the same departmental structure regarding compliance considering that some Power Five institutions have larger administrative staffs compared to other institutions in the NCAA. As a result, a practical implication of this study is for NCAA administrators to examine and implement a consistent compliance structure for all Division I institutions. Currently, individuals are hired by the university to serve in the athletic compliance department. Yet, previous research has shown how the hiring process could lead to a future potential conflict of interest regarding reporting acts of misconduct (Chandler, 2000). To ensure rule compliance and to deter organizational misconduct, the NCAA could investigate hiring their own staff that would be placed within athletic departments and directly report to the Association rather than the Athletic Director or University President.

Although there were contributions to the literature, there were limitations with the data analysis. The first limitation of the study was the lack of information provided on the EADA and IPEDS database regarding the university characteristics. Both the EADA and IPEDS databases only began assembling specific data points utilized in this study in 2003 (e.g., SAT scores, total enrollment data, total student-athlete count in an athletic department). For example, the gathering of additional data regarding the university characteristics provides an opportunity to investigate the misconduct cases of each major violation after the introduction of the BCS conferences in 1998.

An additional limitation of this study was inconsistencies within the LSDbi database. Details regarding major infractions were collected from the case summary provided on the LSDbi database prior to March 2016. However, the database was reformatted shortly after and there were differences in the numbering of cases, as well as, the details of each case summary, including violation type, sanction distribution, and the length of sanctions. As a reinforcement, the public report of each infraction case was analyzed to determine essentials of each case. However, inconsistencies still existed and, in many cases, information pertaining to the case was gathered from NCAA press releases rather than the information provided on the database.

Future research should seek to understand further actions of the social-control agent and the consequences of punishments rendered by social-control agents on the broader organizational community. Two potential consequences are applications and donations. There has been some research conducted to understand the impact that NCAA punishments have on the university. For example, Grimes and Chressanthis (1994) found that sanctions administered by the NCAA do negatively impact alumni donations and resulted in a \$1.6 million dollar per year difference at Mississippi

State University from 1962 to 1991. Rhoads and Gerking (2000) assembled data on 87 universities regarding the effect of the men's basketball team receiving probation from the NCAA and how probation impacts alumni contributions. They discovered that because of an institution being on probation, alumni donations decreased by 13.6% per student. Goff (2000) found that the impact of the "death penalty" sanction administered to Southern Methodist University by NCAA led to a 12% decrease in the total number of applications while the school was serving their penalty and remained on probation. These studies, however, are limited in that they either investigate one school or one specific punishment. Future research should develop a more comprehensive understanding of the role that punishments have on outcomes of the organization that commits misconduct.

In addition to understanding consequences to the organizations that engaged in wrongdoing, it is also important to understand how potential wrongdoing and subsequent punishments by the social-control agent impact other organizations. As Greve and Teh (2016) remarked, "[t]he range of organizations that get punished is broad and, as a result of stigmatization, includes organizations that did not engage in the original misconduct" (p. 370). Hence, future research should further understand these dynamics and consequences.

Additionally, future research should further explore actions taken by social-control agents in terms of variation of punishment. For example, NCAA Division I institutions have a wide variation in terms of university size along with its status and reputation. Thus, future research should consider how different punishment decisions made by social-control agents are moderated by these factors. Finally, future research should explore reasons surrounding the duration between the uncovering of organization misconduct and the punishment by the social-control agent. This duration between misconduct and punishment would be of interest in understanding the social-control agent's role in deterring future organizational wrongdoing in addition to its legitimacy as an entity who decides what actions constitute misconduct.

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