Lightfoot

NEWS & INSIGHTS

LIGHTFOOT'S TAKE ON THE NEW NCAA BYLAW 14.9 – ACADEMIC MISCONDUCT

August 19, 2018

By: **Clinton T. Speegle**

On August 17, 2018, the Division I Committee on Infractions (COI) issued its first decision under the new Bylaw 14.9 in finding that an assistant men's basketball coach at the University of Louisiana at Monroe ("ULM") committed academic fraud, violated the principles of ethical conduct, and failed to cooperate during the course of the investigation.

BACKGROUND

During the summer of 2017, the former ULM assistant coach completed academic coursework for two student-athletes in online courses. During his NCAA interview, the coach admitted some involvement in the academic fraud but sought to minimize his role. The coach refused to submit for a second interview.

KEY TAKEAWAYS

1. "Academic misconduct" is now defined by Bylaw 14.02.1 as "any violation or breach of an institutional policy regarding academic honesty or integrity (*e.g.*, academic offense, academic honor code violation, plagiarism, academic fraud);"

2. Institutions should ensure that palatable, written policies are in place and publicized, because Bylaw 14 now imposes a "strict liability" standard whenever "academic misconduct" occurs;

3. Emphasizing the abandonment of the old "percentage of coursework" test that required a case-by-case analysis, the COI's decision makes clear that future academic misconduct cases will require nothing more than a simple showing that: (1) "the behavior violated institutional academic policy[;]" and (2) "involved a staff member"; and

4. The COI determined that neither the expediency nor efficiency of case processing were reasons to depart downward from Bylaw 19's core penalties in rejecting ULM's request for a deviation from the core Level I-Mitigated penalties.