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December 10, 2014

Mark A. Emmert
President
The National Collegiate Athletic Association
700 W. Washington Street
P.O. Box 6222
Indianapolis, IN 46206-6222

Dear Mr. Emmert:

We are writing to request additional information about efforts by the National College Athletic Association (NCAA) to conduct oversight of academic services provided to student-athletes in light of a report issued on October 16, 2014, from the University of North Carolina, Chapel Hill (UNC) regarding a “shadow curriculum” involving a “disproportionately high percentage” of student-athletes.¹

The UNC report concluded that for nearly two decades, academic officials maintained a system of paper or “no-show” classes that primarily benefitted student-athletes in revenue-generating sports programs such as football and basketball. According to this report, between 1993 and 2011, the Student Services Manager in the African and Afro-American Studies Curriculum at UNC developed the “no-show” classes because she “believed it was her duty to lend a helping hand to struggling students, and in particular to that subset of student-athletes who came to campus without adequate academic preparation for Chapel Hill’s demanding curriculum.”²

Although many students enrolled in these classes, the UNC report concluded that they were “especially popular among student-athletes.” The report included this finding with respect to identifiable enrollments:

47.4% were student-athletes, even though student-athletes make up just over 4% of the Chapel Hill undergraduate student body. Of those student-athlete enrollments, 50.9%

¹ *Investigation of Irregular Classes in the Department of African and Afro-American Studies at the University of North Carolina at Chapel Hill* (Oct. 16, 2014) (online at <http://advancingreforms.staging.wpengine.com/wp-content/uploads/2014/10/UNC-FINAL-REPORT.pdf>).

² *Id.*

were football players, 12.2% were men's basketball players, 6.1% were women's basketball players, and 30.6% were Olympic and other sport athletes.³

The UNC report concluded that many students participating in revenue-generating sports programs were referred to these classes by their academic counselors due to "pressure to maintain student-athlete eligibility."⁴

There have been similar allegations at other NCAA member institutions. For example, a 2006 New York Times report found that during the Auburn University football program's 2004 undefeated season, "directed-reading classes, which nonathletes took as well, helped athletes in several sports improve their grade-point averages and preserve their athletic eligibility."⁵ In 2008, the Ann Arbor News reported that University of Michigan student-athletes were steered into "independent studies for years to keep athletes with low grades eligible."⁶ According to Inside Higher Education, the NCAA has yet to levy sanctions against either institution as a result of these revelations.⁷

Despite these reports, the NCAA has maintained that such "shadow curriculum" arrangements do not violate NCAA rules as long as courses are available to all students. In response to a letter we sent previously on May 20, 2014, you wrote:

If a student athlete enrolls in a course through the standard enrollment process and is treated the same as all students, the NCAA is not empowered to interfere with an instructor's ability to teach the course how he or she sees fit. Around the country and at the institutional level, classes vary in their respective degrees of difficulty. **The NCAA will not penalize a student-athlete for taking a course available to all students.**⁸

The NCAA's response suggests that participation by non-student-athletes in "no-show" classes somehow inoculates NCAA member institutions from sanctions by their governing body.

³ *Id.*

⁴ *Id.*

⁵ *Top Grades and No Class Time for Auburn Players*, New York Times (July 14, 2006) (online at www.nytimes.com/2006/07/14/sports/ncaafootball/14auburn.html?_r=2&pagewanted=all).

⁶ *University of Michigan Athletes Steered to Professor*, Ann Arbor News (Mar. 15, 2008) (online at www.mlive.com/wolverines/academics/stories/index.ssf/2008/03/athletes_steered_to_prof.html).

⁷ *Academic Fraud, Athletes and Faculty Responsibility*, Inside Higher Ed (July 18, 2014) (online at www.insidehighered.com/views/2014/07/18/professors-must-take-academic-fraud-among-athletes-more-seriously-essay).

⁸ Letter from President Mark Emmert, National College Athletic Association, to Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, and Rep. Tony Cardenas (June 13, 2014) (emphasis added).

The NCAA, which generates revenue in excess of \$838 million annually from the performance of student-athletes, claims that its mission is to “maintain intercollegiate athletics as an integral part of the educational program and the athlete as an integral part of the student body.”⁹ Although the NCAA routinely legislates matters as mundane as meal quotas for student-athletes, its failure to sanction the use of “no-show” classes calls into question the NCAA’s commitment to its educational mission.

So that we may more clearly understand the NCAA’s position, we request that you provide responses to the following inquiries:

- (1) Please provide a list and description of any instances in which NCAA personnel have become aware that an NCAA member institution allowed student-athletes to enroll in fraudulent or “no-show” classes similar to those detailed in the UNC report.
- (2) Please describe what actions, if any, the NCAA took as a result of these occurrences, including whether any sanctions were levied against athletic programs and/or member institutions.
- (3) Will the NCAA be conducting investigations into UNC and other institutions based on these public reports?
- (4) What steps is the NCAA taking to ensure that its member institutions do not allow student-athletes to enroll in fraudulent or “no-show” classes similar to those detailed in the UNC report? What steps is the NCAA taking to ensure that the problems identified at UNC are not more widespread?
- (5) In your June 13, 2014, response, you wrote that the NCAA “will not penalize a student-athlete for taking a course available to all students.” Since the issuance of the UNC report on October 16, is this still the NCAA’s position? What changes, if any, are currently being considered to this policy?
- (6) What factors does the NCAA consider in deciding whether a student-athlete has gone through the “standard enrollment process” for purposes of determining whether NCAA rules have been violated?
- (7) How does allowing NCAA student-athletes to participate in “no-show” or paper classes, even if available to the student body at large, promote the NCAA’s mission to “maintain intercollegiate athletics as an integral part of the educational program and the athlete as an integral part of the student body”?

We would appreciate receiving your response to this letter by January 7, 2015. Thank you in advance for your prompt attention to this matter.

⁹ National Collegiate Athletic Association, *Form 990* (2010) (online at www.wral.com/asset/news/local/wral_investigates/2013/02/04/12063338/ncaa_990.PDF).

Mr. Mark A. Emmert
Page 4

Sincerely,



Elijah E. Cummings
Ranking Member



Tony Cárdenas
Member of Congress

cc: The Honorable Darrell E. Issa, Chairman