

# **Athletics NCAA Bylaws**

*Intercollegiate Athletics*

*February 2020*



---

**The University of Texas at Austin**  
**Office of Internal Audits**  
**UTA 2.302**  
**(512) 471-7117**

---



**OFFICE OF INTERNAL AUDITS**  
**THE UNIVERSITY OF TEXAS AT AUSTIN**

1616 Guadalupe St. Suite 2.302 · Austin, Texas 78701 · (512) 471-7117 · FAX (512) 471-8099  
[audit.utexas.edu](http://audit.utexas.edu) · [internal.audits@austin.utexas.edu](mailto:internal.audits@austin.utexas.edu)

February 28, 2020

President Gregory L. Fenves  
The University of Texas at Austin  
Office of the President  
P.O. Box T  
Austin, Texas 78713

Dear President Fenves,

We have completed our audit of National Collegiate Athletic Association (NCAA) Bylaws 10, 14, and 16 as part of our fiscal year 2019 Audit Plan. The objective of the audit was to determine whether The University of Texas at Austin (UT Austin) Intercollegiate Athletics (Athletics) has established effective controls for the tutor program to maintain compliance with relevant NCAA bylaws and departmental policies and procedures.

Overall, Athletics' tutoring program has effective controls to support compliance with NCAA Bylaws 10, 14, and 16, and departmental policies and procedures. However, improvements are necessary regarding the retention of tutors' signed disclosure forms.

Management has reviewed the report and provided their action plans and implementation dates. Please let me know if you have questions or comments regarding this audit.

Sincerely,

A handwritten signature in blue ink that reads "Sandy Jansen".

Sandy Jansen, CIA, CCSA, CRMA  
Chief Audit Executive

cc: Dr. Marnie Binfield, Director, Learning Support, Intercollegiate Athletics  
Mr. Chris Del Conte, Vice President and Athletics Director  
Ms. Lori Hammond, Senior Associate Athletics Director  
Mr. Carlos Martinez, Chief of Staff, Office of the President  
Ms. Christine Plonsky, Executive Senior Associate Athletics Director  
Dr. LaToya Smith, Senior Associate Athletics Director, Student Services



**Contents**

Executive Summary ..... 2

Audit Results ..... 3

Observation #1 Retention of Disclosure Forms ..... 3

Background ..... 4

Scope, Objectives, and Methodology ..... 4

Observation Risk Ranking ..... 6

Report Distribution ..... 6



# Executive Summary

## Athletics NCAA Bylaws

Intercollegiate Athletics

Project Number: 19.002

### Audit Objective

The objective of this audit was to determine whether The University of Texas at Austin (UT Austin) Intercollegiate Athletics (Athletics) has established effective controls for the tutor program to maintain compliance with relevant National Collegiate Athletics Association (NCAA) bylaws and departmental policies and procedures.

### Conclusion

Overall, Athletics’ tutoring program has effective controls to support compliance with NCAA Bylaws 10, 14, and 16, and departmental policies and procedures. However, improvements are necessary regarding the retention of tutors’ signed disclosure forms.

### Audit Observations<sup>1</sup>

Recommendation	Risk Level	Estimated Implementation Date
Retention of Disclosure Forms	High	September 1, 2020

### Engagement Team

Jason Boone, CFE, Internal Auditor III

Harry Lauhon, Internal Auditor I

Angela McCarter, CIA, CRMA, Assistant Director

<sup>1</sup> Each observation has been ranked according to The University of Texas System Administration (UT System) Audit Risk Ranking guidelines. Please see the last page of the report for ranking definitions.



## Audit Results

Overall, Athletics' tutoring program has effective controls to support compliance with NCAA Bylaws 10, 14, and 16, and departmental policies and procedures. However, improvements are necessary regarding the retention of tutors' signed disclosure forms.

Athletics educates staff and student-athletes on NCAA rules and regulations related to academic integrity and eligibility. They share information through manuals that include NCAA and institutional policies applicable to the tutoring program, compliance presentations at the start of each semester, monthly meetings to discuss rules related to tutors, and required training modules. Additionally, the department requires participating student-athletes to sign (now electronically) a tutoring agreement.

Consistent responses from interviews with student-athletes, tutors, learning specialists, and academic coordinators indicated the following:

- Those involved with the tutoring program understand expectations for their positions and responsibilities related to NCAA rules.
- Individuals understand departmental policies.
- Staff and student-athletes know the reporting process when academic dishonesty indicators are present.
- No student-athletes interviewed requested a tutor to complete work on their behalf.
- No tutor has committed or been asked to commit an act of academic misconduct.
- No one observed a culture of pressuring tutors or student-athletes to commit acts that jeopardize academic integrity.

### Observation #1 Retention of Disclosure Forms

#### Audit Issue Ranking: High

Athletics was unable to locate and provide signed disclosure forms for two (40%) of five selected tutors. Tutors must sign disclosure forms acknowledging their responsibilities related to NCAA compliance and departmental rules at the start of the fall and spring semesters. During the audit period, these forms were submitted electronically and stored on the Tutor Canvas page. The forms were inadvertently deleted during a redesign of this page for the transition to the next semester. In addition, there is no centralized document repository to store and retain these signed disclosure forms. Having no central location prevents authorized users from easily accessing these forms. Without effectively retaining the signed disclosure forms, Athletics may not be able to demonstrate that tutors are in compliance with NCAA and departmental rules to include: academic integrity, unethical conduct, and extra benefits.

**Recommendation:** Athletics should centrally manage and retain signed disclosure forms. Additionally, Athletics should track and reconcile signed forms with the list of tutors to ensure tutors' education and compliance with applicable departmental and NCAA policies remains consistent.



**Management’s Corrective Action Plan:** In Spring 2020, Student Services will continue to collect hard copies of disclosure forms from all tutors. Receipt of these forms will be tracked on a spreadsheet. Forms will be scanned and stored digitally on a shared file in UTBox. The folder will be accessible to employees within Student Services, Human Resources, and Compliance. This process is currently underway.

Beginning Fall 2020, tutors will receive disclosure forms digitally upon appointment to a tutor position. Once the tutor completes the forms, the forms will automatically route to a digital employee file for storage and retention. Tutor employee files will be accessible to Student Services, Human Resources and Compliance. Missing disclosure forms will be identified via a daily, automated audit for immediate resolution and continuous monitoring for compliance.

**Responsible Person:** Director of Learning Support  
**Planned Implementation Date:** September 1, 2020

## Background

All student-athletes have access to learning services programs, and the goal is to develop independent learners by helping student-athletes understand themselves as students. The learning services team helps student-athletes develop and implement effective learning strategies, design individualized study plans, and master course-specific knowledge and skills.<sup>2</sup>

In recent years, several Division I universities have received NCAA sanctions as a direct result of violations of academic integrity within their tutoring programs. Athletics Student Services and Athletics Compliance work together to improve processes for the tutor program and follow nationally significant cases to ensure UT Austin has appropriate controls in place. In the 2018-2019 academic year, Athletics Student Services scheduled over 19,000 tutoring sessions in the two academic centers.

## Scope, Objectives, and Methodology

The scope of this audit included NCAA legislation regarding Bylaws 10, 14, and 16, with an emphasis on tutoring services offered to student-athletes by Athletics during the 2018-2019 academic year. The audit objective was to determine whether Athletics has established effective controls for the tutor program to maintain compliance with relevant NCAA bylaws and departmental policies and procedures.

To achieve these objectives, Internal Audits:

- Reviewed the 2018 – 2019 NCAA Division I Manual and National Association for Athletics Compliance Reasonable Standards
- Identified the Athletics tutor program’s controls and procedures to support compliance with NCAA bylaws

---

<sup>2</sup> (<https://texassports.com/sports/2018/8/25/academics-and-student-services-what-we-offer.aspx>)



## OFFICE OF INTERNAL AUDITS REPORT: ATHLETICS NCAA BYLAWS

---

- Surveyed ways Athletics mitigates risks associated with student-athlete tutoring sessions such as online courses and courses taken at other institutions
- Evaluated how concerns and problems are internally reported and addressed within the Athletics tutor program
- Reviewed and verified the completion of required training
- Interviewed a random sample of student-athletes from five different sports, tutors, academic coordinators, and learning specialists for indicators of academic dishonesty or unethical behavior

The governing policies used as the criteria for this audit are as follows:

- NCAA Bylaw 10: Ethical Conduct
- NCAA Bylaw 14.01.4: Purpose of the Academic Performance Program
- NCAA Bylaw 14.02.1: Academic Misconduct – Post Enrollment
- NCAA Bylaw 16.3.1.1: Academic Counseling/Support Services
- UT Austin Athletics 2018 – 2019 Tutor Handbook



## Observation Risk Ranking

Audit observations are ranked according to the following definitions, consistent with UT System Audit Office guidance.

Risk Level	Definition
Priority	If not addressed immediately, has a high probability to directly impact achievement of a strategic or important operational objective of UT Austin or the UT System as a whole.
High	Considered to have a medium to high probability of adverse effects to UT Austin either as a whole or to a significant college/school/unit level.
Medium	Considered to have a low to medium probability of adverse effects to UT Austin either as a whole or to a college/school/unit level.
Low	Considered to have minimal probability of adverse effects to UT Austin either as a whole or to a college/school/unit level.

In accordance with directives from The University of Texas System Board of Regents, the Office of Internal Audits will perform follow-up procedures to confirm that audit recommendations have been implemented.

## Report Distribution

The University of Texas at Austin Institutional Audit Committee

Ms. Elizabeth Yant, External Member, Chair

Dr. Gregory Fenves, President

Dr. Maurie McInnis, Executive Vice President and Provost

Mr. James Davis, Vice President for Legal Affairs

Dr. Daniel Jaffe, Vice President for Research

Dr. Soncia Reagins-Lilly, Vice President for Student Affairs and Dean of Students

Mr. Darrell Bazzell, Senior Vice President and Chief Financial Officer

Mr. Jeffery Graves, Interim Chief Compliance Officer, University Compliance Services

Mr. Cameron Beasley, University Information Security Officer

Ms. Christine Plonsky, Chief of Staff/Executive Sr. Associate Athletics Director

Ms. Susan Whittaker, External Member

Dr. John Medellin, External Member

Mr. J. Michael Peppers, CAE, University of Texas System Audit Office

The University of Texas System Audit Office

Legislative Budget Board

Governor's Office

State Auditor's Office