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Organizational Misconduct within the National Collegiate Athletic Association

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ORGANIZATIONAL MISCONDUCT WITHIN THE NATIONAL
COLLEGIATE ATHLETIC ASSOCIATION

A Dissertation

Submitted to the Graduate Faculty of the
Louisiana State University and Agricultural
and Mechanical College
in partial fulfillment of the
requirements for the degree of
Doctor of Philosophy

in

The Department of Kinesiology

by
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Elon University, 2011
M.S., Louisiana State University, 2012
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DEDICATION

This dissertation is dedication to my brother A.J. III. Thank you for believing in me when I did not even believe in myself. I will continue to live my life in your honor and try to be the man you have always push me to be. I love you and miss you.

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Abstract

Prior research on organizational misconduct within intercollegiate athletics focuses on the penalties administered by the NCAA and types of violations committed by member institutions, rather than the engagement of misconduct and the role of the NCAA as a social-control agent. Consequently, the purpose of this dissertation is to analyze the relationship between social-control agents and potential wrongdoers (i.e., organizations), in addition to how the relationship affects the evolving line separating right from wrong. A three-paper multiple method examination has been conducted, including a historical analysis of NCAA enforcement, a qualitative framing analysis on the detailing of NCAA major infractions to the public, and a quantitative analysis on the likelihood of sanctions as a result of engaging in organizational misconduct. The historical chapter advances literature on social-control agents by investigating the concept of organizational layering which takes place when third-party regulators examine cases of organizational misconduct. The qualitative chapter expands literature on framing theory, specifically the analysis on the different framing techniques utilized by social control agents and media members when present cases of organizational misconduct to the public. The quantitative chapter consists of a two-stage probit regression model which found evidence that the type of violations committed in major violation cases are significant in determining the likelihood of sanctions. This study will contribute to intercollegiate athletic administration by providing an opportunity to better comprehend NCAA enforcement procedures, along with utilizing the findings to discover how the NCAA functions as a social-control agent.

CHAPTER 1.

INTRODUCTION

Within society, there are many stories which report on the misconduct by individuals and organizations; yet, how an individual or a collective defines misconduct varies. Greve, Palmer, and Pozner (2010) defined organizational 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 social responsible behavior from their antithesis” (p. 56). In comparison, Barnett (2012) defined misconduct as “any publicized disclosed firm action that, under some set of conditions, a stakeholder would deem illegal, unethical, or socially irresponsible and take action to punish” (p. 7). Comparing the two definitions, one notes two major similarities. The first is the activities that constitute misconduct are disclosed to some broader public. A broader public could be a particular industry, society, or some other governing body. The second is the subjective nature of what constitutes misconduct. Barnett (2012) for example notes that stakeholders identify action(s) by an individual/organization as misconduct; while Greve et al. (2010) specifies that a social-control agent is the individual/entity that judges an action to be misconduct. This second similarity is the focus of the dissertation, in particular, the notion of how social-control agent identifies, assesses, and enforces organizational misconduct.

Social-control agents are known as “an actor that represents a collectivity and that can impose sanctions on that collectivity’s behalf” (Greve et al., 2010, p. 56). The root of social-control agent is within social control theory, which suggests some individuals in a social group have the ability to control themselves and others with rules and regulations. Early research by Mead (1925) noted social control depends on the behavior of others and the willingness to work

together as a society. Later research by Janowitz (1975) and Gibbs (1994) noted that social control was imperative to have within society in order increase or decrease actions by individuals deemed desirable/undesirable. However, the previous implementation of social control theory led to conceptual disconnect between community members and those who enforced social control (Janowitz, 1975). For instance, considering that many organizations and governing bodies have differing opinions of what misconduct entails and that definitions of misconduct are not always clearly articulated, there may be an opportunity for an offender to take advantage of specific situations through risk-reward analysis or fail to understand how some behaviors are misconduct (Thorpe, 2011). In addition, failure for the social-control agent to articulate misconduct or punish effectively could de-legitimize regulatory behavior of the social-control agent itself and impose significant tangible and intangible consequences for organizations or individuals within society (i.e., institutional level or general society).

The purpose of the present dissertation is to explore the behavior of social-control agents not only in defining what action(s) constitute misconduct but also how misconduct is punished and regulated. To answer this question, the present dissertation explores at the National Collegiate Athletic Association (NCAA) as a social-control agent as part of their third-party regulator function. Palmer (2012) noted the examination of the role of social-control agents is important to comprehensively understand the causes of organizational wrongdoing. Thus, by focusing the present dissertation on the social-control agent, one also begins to understand the causes of organization misconduct.

The National Collegiate Athletic Association (NCAA) is the one of governing bodies that presides over intercollegiate athletics in the United States. Some of the regulations that the NCAA oversees include: recruiting, institutional control, eligibility, amateurism, and student-

athlete compensation (Koch, 1973). Originally, the NCAA was developed in order to promote safety for college athletics, chiefly football, in the early 1900's (Koch, 1973). However, vast literature demonstrated many activities shown by the NCAA serve to maximize profits for the Association and member institutions (DeSchrive & Stotlar, 1996; Fleisher, Goff, & Tollison, 1992; Kahn, 2007). For instance, Kahn (2007) presented the NCAA as an economic cartel because the organization attempts to control the inputs (i.e., athletes) that come into intercollegiate athletics and attempts to maximize profits from the institution. Humphreys (2012) stated that, in the NCAA, the cartel arrangement is established when the NCAA member institutions are competing for the commitment of athletes; however, the institutions have not agreed to compete in regards to the pricing (e.g., scholarship amount).

The NCAA uses mandates to regulate behavior by member institutions and attempt to create uniformity at all levels (Sawyer, Bodey, & Judge, 2008). Mandates are “the fundamental policy instrument utilized in the NCAA and determine which of the policy instruments are permissible” (Clark, 2010, p. 52). The mandates used by the NCAA attempt to create cohesion with the other rules of the governing organization, which is common from organizations that function as cartels (Fleisher et al., 1992; Grant, Leadley, & Zygmunt, 2008). These mandates also provide the legitimate authority to the formal social-control agents. In this setting, the social-control agent is the NCAA, broadly speaking. More specifically within the NCAA governance, a current social-control agent is the Committee on Infractions (COI).

Dissertation Chapters

This dissertation explores how the social-control agent (NCAA) defines, regulates, and punishes misconduct by member universities. In order to further understand social-control agents within a collective, the present dissertation incorporates multiple methods in the form of

historical, qualitative, and quantitative. Through primary documents provided publicly by the NCAA and secondary documents through the media and other scholarly works, the present dissertation is able to better understand the role, functions and behavior of the social-control agent.

The following is a summary of each of the three research papers that are present within the dissertation to fulfill the dissertation requirements of the Graduate Faculty. Using historical methods, Chapter 2 analyzes how multiple organizational layers emerged from misconduct occurring within various eras of Presidents/Executive Directors of the NCAA from the 1953 to 2016. Chapter 2 also investigates the type of infractions committed by NCAA member institutions and the resulting sanctions distributed to violators as a result. Chapter 3 compared the framing strategies implemented by the NCAA administration and media outlets regarding Division-I major infraction cases using qualitative comparative framing analysis. Using statistical techniques, Chapter 4 examines the likelihood of the social-control agent punishments controlling for a number of factors related to the specific misconduct, organization characteristics, prior behavior of the social-control agent, and role of the informal social-control agent. Those three chapters build on the literature of social control that can be used for future research. Chapter 5 presents a summary of the results of the three chapters, the working theory of social control, and the role of social-control agents, which can be expanded in the future by researchers examining the role of governing bodies within the community.

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CHAPTER 2.

A HISTORICAL ANALYSIS OF NCAA ENFORCEMENT

Introduction

Misconduct is defined as “behavior in or by an organization that a social-control agent judges to transgress a line separating right from wrong” (Greve, Palmer, & Pozner, 2010, p. 56). When misconduct occurs, the resulting sanctions (e.g., fines, suspension, expulsion, probation, and public reprimand) from social-control agents set the foundation of how that specific act of wrongdoing will be subsequently assessed and enforced. Social-control agents are groups that hold the responsibility of labeling behaviors as misconduct and disciplining those in a population or institutional field who participate in wrongdoing (Greve et al., 2010; Palmer & Yankey, 2015). Pollock, Mishina, and Seo (2016) suggested social-control agents “include various entities that differ in the formality of their constitutions, the breadth of their jurisdiction, and the severity of the punishments” (p. 240). McCarthy, McPhail, and Crist (1999) noted “[s]ocial control agents, whether civilian, military, or parliamentary, are by definition responsible for maintaining the status quo social order in general, and the public order in particular” (p. 71).

Studies on social-control agents primarily examined the relationship between informal and formal agents (Martin, Wright & Steiner, 2016) and their culture and community stereotypes (Mears, Stewart, Warren, & Simons, 2017). Little attention has been formally paid to social-control agents as a central feature of organizational misconduct (Greve et al., 2010; Greve & Teh, 2016; Palmer & Yankey, 2015). Further, minimal consideration has been given to the organizational layering that social-control agents create as a third-party regulator to address wrongdoing (Carter, 2016). A third-party regulator is a group that supervises and assesses relationships and/or behaviors with external parties they enjoy a contractual or non-contractual

relationship with to understand risk to the greater group and individual members (Carter, 2016).

The present study focuses on the National Collegiate Athletic Association (NCAA) and cases of organizational misconduct from 1953 to 2016 as a theoretical sample to examine evidence of organizational layering created by social-control agents (i.e., third-party regulator). The NCAA, like other intercollegiate governing bodies (e.g., National Association of Intercollegiate Athletics- NAIA and National Junior College Athletic Association- NJCAA) establishes and enforces rules and regulations for member institutions “to ensure that athletics are part of the educational process and to retain a clear line of demarcation between intercollegiate athletics and professional sports” (Weston, 2011, p. 559). Occurrences of wrongdoing (e.g., illegal recruiting and academic fraud) and the possible impact such misconduct can impose on an organization in the NCAA (e.g., decreased brand image and reputation) are often publicly documented (Davis & Hairston, 2013; Ribock, 2011-2012; Weston, 2011). Furthermore, the process of disciplining athletic departments is often characterized as a complex procedure or process (Davis & Hairston, 2013; Ribock, 2011-2012). Yet, the aforementioned scholarly works and those offered by others (e.g., Smith & Cho, 2017; Winfree & McCluskey, 2008) do not empirically connect the impact of wrongdoing to structure.

In this point, the NCAA has regularly reevaluated and adjusted its enforcement standards and procedures to respond to the dynamic landscape of its growing membership’s preferences (Davis & Hairston, 2013; Weston, 2011). Through its evolution, the NCAA created committees of individuals and layers of enforcement charged with creating rules and investigating, assessing, and punishing members who violate policies developed by the association. Within, it is also likely that individual social-control agents (e.g., Committee Chairs and Directors) used their position of authority to communicate their vision of wrongdoing to determine, impose, and

enforce punishments. Further, they may have been provided that office to achieve such a mission. Overall, the possibility of layering and individual influence of social-control agent should be studied, which the present research does by asking:

1. *Does organizational misconduct lead to future changes by a third-party regulator with respect to changes in policy and personnel?*
2. *What impact does an individual social-control agent have on future organizational policies and member behavior?*
3. *How do member organizations behave with respect to changes made by third-party regulators? Are instances of organizational misconduct deterred by sanctions in the future?*

The present study offers the following contributions. First, literature on social-control agents is advanced from the focus on organizational layering that may take place when social-control agents try to establish, evaluate, and enforce rules influenced by wrongdoing. Within, the present research features the emergent layering under each executive director/president of the NCAA and explores their impact on wrongdoing. Second, the present study employs applied history as a unique research approach because “it generates debate and additional discussion about the prospects of knowledge or theory building” (Seifried, Katz, & Tutka, 2017, p. 4).

Applied history encompasses research on events, identification of patterns or trends, and tries to appreciate how circumstances or environments of the past can assist practitioners and scholars of the present to be more efficient and productive with their practical and conceptual work (Brophy, 2013; Neustadt & May, 1986; Tosh, 2006; Wood, 2008). Trend assessment, particularly when conditions are similar, may offer the chance for practitioners and scholars to defend, validate, or ignore a specific decision or course of action in the present (Brophy, 2013; Neustadt & May, 1986; Tosh, 2006). Overall, the rich and diverse sources made available by or on the NCAA helps evade narrow points of view regarding the role of social-control agents in organizational misconduct and recognizes the likelihood of layering as an entity grows in size.

Theoretical Framework

This study utilizes the theoretical construct of social control in order to comprehend the following of norms, rules, and legislation set by social-control agents. Gibbs (1994) and Deflam (2015) defined social control as an individual's informal or formal power over another person or group to increase or decrease more or less desirable behaviors. Elsewhere, Goode (2015) similarly positioned social control as the effort by leaders to ensure conformity to the norms. Informal social control includes internal self-discipline and external smiles, ridicule, sarcasm, and disapproval displayed by individuals and groups within a community to promote conformity to norms and laws or to communicate disapproval (Hollinger & Clark, 2005). Formal social controls emerge when informal social controls are not adequate to assure conforming to the society's norms. In this case, social-control agents or third-party regulators emerge to enforce formally established rules and regulations of a society (Hollinger & Clark, 2005).

Goode (2015) suggested social-control agents are necessary because society is not self-regulating; thus, governing bodies and enforcement groups exist as formal social-control agents to ensure that members of society avoid wrongdoing. Other study on social-control agents presented them as capable of imposing sanctions on a "collectivity's behalf" for wrongdoing (Greve et al., 2010, p. 56). As an example, Greve et al. (2010) submitted several examples of third-party regulators such as: international governing bodies (e.g., International Olympic Committee), national governing bodies (e.g., United States Olympic Committee), local governing bodies (e.g., Louisiana High School Athletic Association), and professional associations (e.g., American Football Coaches Association) charged with this responsibility.

The discussion of social-control agents at the organizational-level is critical in analyzing misconduct to determine who should be held accountable for wrongdoing and how the

assessment process or sanctioning should be defined (Greve et al, 2010; Palmer, 2012). Similar to previous literature, the present study assumes that enforcement decisions, concerning misconduct, are decided by social-control agents (Greve et al., 2010; Palmer, 2012). However, the literature on social control presents notable contrasts on this point. For instance, individual social-control agents may offer a sole definition of wrongdoing for a membership or society; thus, the exactness of wrongdoing may be an expression of leader opinions and can change quickly. Next, social-control agents may be just as “responsible for creating wrongdoing as are the perpetrators of wrongdoing, albeit in a fundamentally different way than the perpetrators of wrongdoing create wrongdoing” (Palmer, 2012, p. 33). Within this point, the present research contends that the current management literature (e.g., Greve et al., 2010; Palmer, 2012) neglects to acknowledge the various layers of social control created for the assessing and enforcing of wrongdoing and whether they frame later behavior (i.e., type of wrongdoing and frequency).

Organizational Structuring

The present study assumes that determining the severity of the violations and distribution of potential sanctions depends greatly on the organizational structure and the quality of the communication process. Carpenter and Sanders (2009) defined organizational structure as “the relatively stable arrangement and division of responsibilities, tasks, and people within an organization” (p. 367). Within this point, Carpenter and Sanders argued for the possibility of wrongdoing influencing organizational layering by suggesting that organizational structures involve the use of systems, processes, rewards, punishments, and people as the implementation and social control arms of organizations to control and/or manage behavior. O’Brien and Gowthrop (2016) similarly speculated organizational layering occurs because organizational structure has two specific purposes: “1) facilitating control; and 2) enabling the coordination of

information, decisions and activities of organizational members at all hierarchical levels” (p. 39).

Organizational layering is constructed through the synergy of complexity, formalization, and centralization (Slack & Parent, 2006). Complexity focuses on how organizations are separated into various departments. The notion of complexity can be presented through three paths. First, horizontal differentiation can influence complexity through the creation and maintenance of functionally separate and specialized departments that operate with their own goals or responsibilities. Regarding specialization, O’Brien and Gowthrop (2016) argued the development and/or growth of unique departments will likely involve increasingly complex communication and coordination efforts. Second, vertical differentiation defines the number of subsystems (e.g., institutional, managerial, and technical) an organization supports to manage behaviors and business activities (Slack & Parent, 2006). Vertical differentiation is frequently related to horizontal differentiation in that as one grows so does the other (Slack & Parent, 2006).

Institutional subsystems establish the mission, goals, and objectives of the organization, which in turn provides the opportunity for them to hire and assess managers (Chelladurai, 2014). Managerial subsystems implement and supervise the agenda of the institutional leaders through enforcement and creating the technical subsystem (Chelladurai, 2014). The technical subsystem reflects the services and products (e.g., rules and regulations) associated with the nature of the sport organization (Chelladurai, 2014). Finally, spatial differentiation can be calculated by measuring the power gap between various vertical levels and horizontal subunits (Slack & Parent, 2006). Spatial differentiation may also refer to actual geographic distance between organizational members and offices supported by various vertical and horizontal groups. With over 1,100 members across three divisions, the NCAA is high-spatially differentiated and thus potentially complex to manage. Further, increased horizontal and vertical task differentiation

may create different expectations with respect to power, communication, and coordination.

Formalization builds upon complexity and involves the creation of rules and regulations to create a “formalized workplace” so that individual power does not ascend in importance over the collective group and that product and service expectations can be viewed similarly by internal and external stakeholders (O’Brien & Gowthrop, 2016, p. 42). Amis and Slack (1996) and Slack and Parent (2006) specifically described formalization as involving the establishment of behavioral expectations for organizational members or employees via written information (e.g., rules, policies, reports, and regulations) or through reoccurring events that are legitimized, even wrongdoing, by organizational members. Importantly for the present research, Bradish (2003) suggested formalization can be measured in some capacity through rules observation (i.e., how often rules are broken) and may create additional layers when rules are broken in order to improve behavior or reduce wrongdoing. Bradish further argued that formalization “is best prescribed for an organization when there is a need for consistent expectations, to maintain and monitor employee behavior, and in particular, when employees are less professionalized” (p. 17).

Centralization refers to the decision-making process that takes place within numerous levels of an organization (O’Brien & Gowthrop, 2016). Implicit in the notion of centralization is the level of involvement by specific authority figures or the concentration of power (Bradish, 2003; Slack & Parent, 2006). When institutional subsystem is the primary decision-maker in an organization, for example, the firm is classified as “centralized” and less complex (O’Brien & Gowthrop, 2016, p. 45). In contrast, a de-centralized organization, featuring task differentiation, is likely to be more complex because decision-making powers are spread across various levels of a managerial subsystem (Bradish, 2003; O’Brien & Gowthrop, 2016). A de-centralized type of structure is typical when the institutional subsystem prefers to focus more on policy development

and enhancing communication (Slack & Parent, 2006). However, such an approach requires more formalization and subsequently a larger technical subsystem to make sure subdivisions communicate effectively and understand each other's roles (Bradish, 2003).

Punishments

In the development of an organization, the synergy of complexity, formalization, and centralization creates the need for stability and to address potential wrongdoing that is not representative of the firm (O'Brien & Gowthrop, 2016). Organizational research on the NCAA reviewed various forms of punishment (e.g., fines, probation, and corporate incapacitation) as a source of stability to determine their effectiveness in reducing the amount of wrongdoing committed by employees or members (Porto, 2014; Weston, 2011; Winfree & McCluskey, 2008). Further, the threat of punishment, vicarious punishment, and actual punishment has been studied as possible deterrents (Cullen, Latessa, & Jonson, 2012; Davis & Hairston, 2013).

The usage of fines is common when organizations receive sanctions for participating in wrongful behavior. Previous research has expressed that fines, though common, are frequently ineffective in deterring misconduct, particularly when the size of fines tend to be small (Davis & Hairston, 2013; Trevino & White, n.d.). For fines to be effective, they must match the level of harm created (Davis & Hairston, 2013; Weston, 2011). Along with fines, the presentation of wrongful acts to the public is also quite common. Third-party regulators assign fines and publicize acts of misconduct to potentially embarrass and shame the organization for engaging in wrongdoing and to deter other organizations from participating in illegal behavior (Cullen, et al., 2012). Previous study on the financial impact of negative publicity and fining suggests they are small; however, intangible resources such as prestige, reputation, and morale may be adversely affected by public notice of wrongdoing (Kihl & Richardson, 2009).

Probation is also applied by third-party regulators to hold organizations accountable for their actions. When NCAA organizations receive probation, they lose their autonomy for a specified period of time under which they must adhere to specific guidelines and/or accept special conditions to reduce the likelihood of future wrongdoing (Porto, 2014; Trevino & White, n.d.; Weston, 2011). When organizations are placed under probation, there is an expectation for the institutional subsystems to review existing rule compliance structures and determine whether adjustments need to occur so misconduct can be reduced (Porto, 2014). Such activity generally emerges from consent decrees which request strong oversight by managerial subsystems and the possible creation of technical subsystems to report progress and contracts fulfilled.

The final type of punishment used by third-party regulators is corporate incapacitation, which addresses serious or continuous wrongdoing. Corporate incapacitation could involve a ban or removal of an organization from an association for a certain amount of time with the specific intention to also diminish their legitimacy and deter wrongdoing by others (Trevino & White, n.d.). For example, when the NCAA assigned the “death penalty” to Southern Methodist University’s football program for the 1987 season (NCAA, 1987), the school’s football program and the league (i.e. Southwest Conference- SWC) experienced irreparable harm. Fines, probation, and public reprimand given to SMU in 1958, 1965, 1974, 1976, 1981, and 1985 were not enough to deter continued wrongdoing (e.g., impermissible recruiting violations and maintenance of a slush fund). During and after the corporate incapacitation, attendance at SWC football games decreased roughly 50% from the early 1970s, SMU achieved one winning season over the next 20 years, and the SWC dissolved as a league (Seifried & Tutka, 2016).

Methodology

Many management researchers (e.g., Seifried & Katz, 2015; Seifried, et al., 2017; Suddaby, Foster, & Mills, 2014) recently argued the interpretation of events, actors, and

everyday behaviors and individual/leader decision-making within an organization can be improved through historical study. However, the need to be impartial when evaluating the influence of events, actors, and behaviors within an organization is critical for historians to produce legitimate discussion (Rowlinson, Hassard, & Decker, 2014; Seifried, 2010). To address this concern for objectivism, the present study adhered to the steps of Seifried (2010).

The initial step of this historical research required the gathering of primary and secondary evidence essential to understanding the time from 1953, the first documented cases of major violations by NCAA, through 2016. Primary documents assembled from an NCAA archival visit [e.g., NCAA public use documents (letters, memos, and reports), NCAA Executive Director reports, and NCAA official meeting minutes regarding infractions enforcement] provide insight into the role of the NCAA at the organizational-level as a social-control agent and perspective about the individuals leaders of the NCAA. The NCAA's own Legislative Services Database (LSD*bi*) is another primary source because it contains specific information regarding the major infractions committed by member institutions. Additional information included the meeting minutes and memos from Executive Directors and committees regarding decisions on impending sanctions and appeal letters from institutions. Various NCAA handbooks collected from the NCAA archives also provided additional and specific details regarding violations. Secondary sources utilized in this research comprised of an assortment of history books, scholarly peer-reviewed journal articles, and newspaper articles from media outlets including *The New York Times*, *Washington Post*, *Chicago Tribune*, *Los Angeles Times*, *Kansas City Star*, and *Indianapolis Star*. Newspapers and other publications gathered from media sources were utilized to gain perspective regarding how the media communicated infraction and sanctioning news to the public (Deephouse & Suchman, 2008).

Table 1 Sources of Data for the Historical Method

Data Type	Amount and Range	Use in Analysis
Primary Data		
<i>Organization Publications</i> NCAA News	54 Articles: Date Range: 1953-2016 (accessed NCAA News Archives and online)	Providing factual account (e.g., information pertaining to violations and impending sanctions presented to member institutions)
<i>Organization Documents</i> NCAA Proposals	15: Range: 1960-2016 (accessed via NCAA LSDbi Database)	Providing factual account (e.g., possible alterations to the current rules and regulations designated in the NCAA Handbook)
NCAA Legislations	13: (accessed via NCAA LSDbi Database)	Providing factual account (e.g., details regarding past and present regulations accepted by the NCAA Council.)
NCAA and other Organization Reports	7: Date Range: 1966-1996 (accessed via NCAA Archives)	Providing factual account (e.g., Reports which detail the new strategies implemented by the NCAA in order to keep rules updated)
NCAA Public Reports	753: Date Range: 1953-2016 (accessed via NCAA LSDbi Database)	Providing factual account (e.g., Specific details regarding the participation in major infractions including violation type, date, and number of occurrences)
Secondary Data		
History/Scholarly books	7: Date range 1893-2016	Providing interpretation (e.g., Impact of Prop 48 on recruiting violations)
Academic articles	63: Date range 1979-2016	Providing interpretation (e.g., Navigating the bylaw maze in NCAA major infractions cases).
NCAA Websites	1 (accessed online)	Providing factual account (e.g., NCAA.org infraction detail, including incident press releases)
<i>Newspaper Articles</i> (e.g., <i>The New York Times</i> , <i>Washington Post</i> , and <i>Los Angeles Times</i>)	34 articles/6 different newspapers (accessed online)	Providing interpretation (e.g., infraction perspective)

For example, analysis of how an institution committed acts of misconduct could differ between local newspapers and the publications administered from the NCAA, such as the NCAA

News and general public reports. The most outstanding works of historical study incorporate a variety of primary documents and secondary sources because collectively they offer context that is important to understand how decisions were made by organizations and individuals (Kippling, Wadwani, & Bucheli, 2014; Seifried, 2010). The present study recognized both primary and secondary sources are not immune from bias; however, when combined, they impart descriptions historians argue are data (Seifried, 2010).

In the second step of the historical research method, researchers test the authenticity of the sources used and analyze the observations through conducting a source or historical criticism (Seifried, 2010). Through testing the authenticity of the sources, the second step of the historical method allows for the researcher to reach precise conclusions regarding their findings (Booth, 2005; Seifried, 2010). Criticizing resources internally and externally allows for the validity of sources to be determined, which also helps to eliminate selection bias or partiality towards a particular point-of-view (Rowlinson et al., 2014; Seifried, 2010).

Internally, key points of analysis involve examining documents for the intended audience and whether or not the author was an expert (Golder, 2000; Seifried, 2010). External validation of the sources requires historical researchers to ensure each obtained resource was not falsified (Seifried, 2010). For example, questions asked in this part of the process sought to determine the authorship of the document, the relationship of the author to the data, and the methodology used to collect data (Golder, 2000; Seifried, 2010). Routine examinations for dependability also transpired through chronologically listing the dates of events and taking note of the arrangement of events detailed in memos, public reports, spreadsheets, letters, and meeting minutes (Booth, 2005; Seifried, 2010). For the documents to be considered reliable, certain components of each document were investigated, such as the time span between events, and eliminated if there were

any bias due to social, economic, religious, and/or political settings (Seifried, 2010).

The third step of this historical research involved the analysis and interpretation of the collected data as a means to establish a relationship between wrongdoing and social control themes. The goal of this step is the prevention of an inadequate inquiry through the classification and triangulation of data (Seifried, 2010). To assure the data is properly classified, a detailed timeline and spreadsheet was created to organize, compare, and contrast the linked themes that surfaced from the document analysis to produce an authentic and detailed narrative (Rowlinson et al., 2014; Seifried, 2010). The development of the timeline and spreadsheet was essential to compare details provided from NCAA sources to media reports. To conclude, the use of triangulation assisted with the overall organization of the data (Booth, 2005; Seifried, 2010).

Examples of data collected from the *LSDbi* database include the subdivision (i.e., Division I, II, III), type of penalty received (e.g., television and postseason ban, probation, reduction in financial aid, recruiting limitations, show cause action, and vacation of record), type of sports, and rule violation broken (e.g., Improper Administration of Financial Aid, Unethical Conduct, etc.). Additional information from the *LSDbi* database and other sources include: the institution name, the dates of the penalty, whether the institution received a public reprimand, number of years of probation and/or a postseason ban, number of years with a television ban, and amount fined.

Results

The present research determined there were five eras of the executive directors/presidents overseeing 783 major infractions committed from 1953 through 2016 and acknowledges the impact of new leader agendas and increasing complexity (i.e., vertical, horizontal, and spatial differentiation), formalization, and de-centralization as the NCAA membership grew. Since the

redevelopment of the enforcement structure in 1948, there have been 11 different committees or groups created to develop and assess rules and enforce policies of the NCAA (e.g., Constitutional Compliance Committee, Membership Committee, Committee of Infractions, and Enforcement Working Group). Next, it should be noted that there were 11.75 major infractions per year across several areas such as: extra benefits (270 cases), improper financial aid (221 cases), improper recruiting inducements (212 cases), unethical conduct (151 cases), and institutional control (141 cases). Administered sanctions typically involved a reduction in financial aid (291 cases), two-year probation (267 cases), show cause penalties (240 cases), recruiting limitations (229 cases), one-year postseason bans (203 cases), one-year probation (196 cases), and three-year probation (130 cases) (Table 2). The distribution of violations by classification included 618 violations for Division-I, 102 for Division-II, and 63 for Division-III. Lastly, the top five sports with cases of major infractions include men's basketball (368 cases), football (349 cases), women's basketball (91 cases), outdoor men's track (69 cases), and indoor men's track (68).

Table 2 Timeline of NCAA Executive Directors Table

NCAA President (years serving)	# of infraction cases (per year)	# of violations	# of punishments	Enforcement Committees Created	Strength of Complexity, Formalization, and Centralization
Walter Byers (1951 – 1988)	355 (9.4)	Imp. Rec. Ind. – 150 Cases Imp. Rec. Tran. – 143 Cases Imp. Fin. Aid. – 134 Cases Imp. Rec. Ent. – 109 Cases Ex. Benefits – 100 Cases	One-Yr Prob – 146 Cases One-Yr Post – 111 Cases Two-Yr Prob – 96 Cases Two-Yr Post – 63 Cases Red. Fin. Aid – 59 Cases	Constitutional Compliance; Membership Committee; Subcommittee of Infractions; Committee of Infractions; Special Committee on Enforcement and Reorganization	Complexity: Vertical (Strong), Horizontal (Emergent and Developing), Spatial (Prominent) Formalization: High Centralization: High centralized executive power but gradual de-centralization of enforcement through committee
Dick Schultz (1989 - 1993)	63 (13.0)	Ex. Benefits – 39 Cases Instit. Cont. – 36 Cases Imp. Rec. Tran. – 31 Cases Imp. Rec. Ind. – 28 Cases Imp. Transport. – 27 Cases	Show Cause – 44 Cases Red. Fin. Aid – 41 Cases Recruiting – 32 Cases Two-Yr Prob – 30 Cases One-Yr Post – 27 Cases	Presidents Commission	Complexity: Vertical (Transparent), Horizontal (Limited), Spatial (Present) Formalization: Low Centralization: Medium centralized executive power and maintain status quo on committee decentralization
Cedric Dempsey (1994 – 2002)	108 (10.7)	Uneth. Cond. – 67 Cases Instit. Cont. – 63 Cases Ex. Benefits – 59 Cases Imp. Fin. Aid. – 37 Cases Acad. Inelig. – 34 Cases	Red. Fin. Aid – 80 Cases Recruiting – 68 Cases Show Cause – 59 Cases Two-Yr Prob – 40 Cases One-Yr Post – 28 Cases	Special Committee on NCAA Enforcement and Infraction Process; Special Committee on Academic Standards;	Complexity: Vertical (Transparent), Horizontal (Specialized), Spatial (Present) Formalization: High Centralization: Medium centralized executive power and temporary decentralization
Myles Brand (2003 - 2010)	139 (18.1)	Uneth. Cond. – 62 Cases Ex. Benefits – 54 Cases Instit. Cont. – 42 Cases Imp. Fin. Aid. – 38 Cases Eligibility – 29 Cases	Red. Fin. Aid – 68 Cases Show Cause - 64 Cases Two-Yr Prob – 58 Cases Recruiting – 49 Cases Three-Yr Prob – 40 Cases	Division I Committee on Academic Performance	Complexity: Vertical (Culture Changing) Horizontal (Focused), Spatial (Present) Formalization: Medium Centralization: High centralized executive power and limited de-centralization
Mark Emmert (2011 – 2016)	119 (19.8)	Uneth. Cond. – 22 Cases Ex. Benefits – 18 Cases Imp. Fin. Aid – 12 Cases Eligibility – 11 Cases Imp. Rec. Con. – 11 Cases	Show Cause – 40 Cases Red. Fin. Aid – 31 Cases Two-Yr Prob.- 28 Cases Recruiting – 27 Cases Three-Yr Prob – 18 Cases	Rules Working Group; Enforcement Working Group	Complexity: Vertical (Broad Reaching) Horizontal (Revisionary), Spatial (Present) Formalization: Medium Centralization: Medium centralized executive power and high decentralization

NCAA Wrongdoing and Sanctioning Background

Shortly after the institutional subsystem of the NCAA was established in 1906, the 38 member institutions agreed to police themselves for wrongdoing under what was called the ‘home rule’ (“Chronology...”. 2013). In this system, there was little formalization but significant corruption (e.g., Savage, 1933, Savage, Bentley, McGovern, & Smiley 1933) in the absence of a managerial and well-defined technical subsystem; thus, a substantial lack of trust between members of the NCAA emerged because of its incapacity to police members and enforce rules (“On Influences,” 1936). As an example, in 1937, Gallico provided a contemptuous opinion on the nearly 200 members that made up the NCAA with a special emphasis on football “as the leader in the field of double-dealing, deception, sham, cant and organized hypocrisy” (p. 208). Specifically, Gallico argued football degenerated into “the biggest and dirtiest sports racket the country has ever known ...” and characterized college athletics’ amateur status as a joke (p. 11).

In 1940, the NCAA’s Executive Committee (i.e., pre-existing managerial subsystem) was given powers to investigate after data from a survey of university presidents suggested violations were rampant despite claims their own institutions were clean. One Executive Committee member said, “We are now confronted with the problem as to whether the college presidents have been fooled by the conditions of their own institutions or whether [they] intend that the code should be interpreted differently than most of us understand it ...” (“Problems in Connection,” 1940, p. 128-129). The power to enforce was still missing by the mid-1940s and gambling surfaced as a major concern with a membership ($n=216$) despite the fact that the NCAA half-heartedly condemned the activity in 1945. Suggesting it was more of media’s fault than any structural or integrity issue, the Association created a proclamation that suggested member schools *ought* only to: 1) bar gamblers from contests; 2) discontinue the issuance of

prediction charts; and 3) stop the publication of odds by newspapers (Williams, 2014).

Soon after the 1945 proclamation, five student-athletes from Brooklyn College were found to have accepted approximately \$1,000 from New York City bookies to suggest the NCAA needed a new approach to enforcement (Williams, 2014). A renowned basketball coach at the University of Kansas, Dr. Phog Allen, previously suggested such an episode was likely and that the NCAA needed to address the issue when he stated that it was his:

“desire is to awaken the college presidents of America to their responsibility in providing a source of power in fighting these professional gambling rodents...Only the college presidents can stop it by appointing an absolute czar such as baseball has in Judge [Kenesaw] Landis” (“Allen Furnishes Data,” 1944: para. 5-6).

Further, Dr. Allen blamed athletic directors, coaches, and faculty representatives for failing to protect intercollegiate athletics (“No News to Allen,” 1945). Specifically, Allen stated:

“Intelligent people have known all along that big-time gamblers were getting to college basketball players in the East. Instead of facing the facts and acting, our national athletic bodies, to save face, have been meeting and denying that these conditions exist when every well-informed person knew better” (“No News to Allen,” 1945: para. 3).

In 1946, the Big Ten, Pacific Coast, Southwest, and Southeastern Conference met to discuss how to become more compliant with the standards set by the NCAA and to address the gambling problem (Salaga, 2015; Smith, 1987, 2000). At the subsequent 1946 Special Convention, the NCAA created the Constitutional Compliance Committee to interpret rules and the Fact-Finding Committee (FFC) to investigate possible violations as the first managerial

subsystems to address wrongdoing. The NCAA also approved the Principles of Conduct of Intercollegiate Athletics (i.e., Sanity Code) as a technical subsystem. The Sanity Code included six principles focused on sound academic standards, amateurism, institutional control and responsibility, governing financial aids to athletes, recruiting, and implementation (Edleman, 2014). The Sanity Code was regulated strictly between 1948 and 1950 as several institutions (e.g., Boston College, Citadel, Maryland, Villanova, Virginia, Virginia Tech, and VMI) were found in violation of the code. In the case of seven aforementioned schools, a majority vote of from the growing association (n=387) members favored expelling them but the vote fell short (“NCAA told,” 1950). Collectively, these problems pressured the NCAA to designate a leader or add another horizontal segment to the institutional subsystem that could represent the organization and keep group members from corporate dissolution (Byers & Hammer, 1995).

Walter Byers (1951 – 1988)

In 1951, the NCAA appointed a sports reporter Walter Byers, formally of *United Press International*, as its first Executive Director following the positive recognition their competitor received from the media (i.e., NAIA’s ability to manage the gambling problem) after hiring their own czar in 1945 (Williams, 2014). As NCAA Executive Director, Byers was responsible for keeping intercollegiate athletics fair and helping to generate revenue for a growing membership of 415 schools (Byers & Hammer, 1995). Under Byers, the Sanity Code was lifted because “the only form of punishment available to the Compliance Committee was the termination of the violator’s NCAA membership [corporate dissolution]. [The] NCAA members deemed this punishment too draconian and stripped the Compliance Committee of its punitive role in 1951” (Depken & Wilson, 2006, p. 828). Byers won the job because he was focused on eliminating illegal recruiting and gambling by student-athletes and did not view all wrongdoing as the same.

Byers assessed some wrongdoing was worse than others but emphasized that recruiting was the “Achilles heel” of intercollegiate sport (Byers & Hammer, 1995). Specifically, Byers added that changes needed to be made in order “to enlist the support of true lovers of wholesome college athletics ... to reduce undesirable recruiting” (Crowley, 2006, p. 36). Evidence found in the present research supports Byers’ focus as three of the top five violations in the Byers era involved recruiting (e.g., improper recruiting inducements [150 cases], improper recruiting transportation [143 cases]; improper recruiting entertainment [109 cases]).

Interestingly, Byers held the position of Executive Director for nineteen days before facing a situation that would test the NCAA’s adjustments to improve member behavior. Some players on the University of Kentucky men’s basketball team took part in a point-fixing scandal and received illegal cash payments with the knowledge of the head coach (NCAA, 1953). The NCAA presented the infractions case against the University of Kentucky (LSD*bi* case no. 1) to a newly organized Membership Committee and Subcommittee on Infractions (Byers & Hammer, 1995). The Membership Committee operated as a managerial subsystem that would complete preliminary examinations regarding accusations of violations by other member institutions. The Subcommittee of Infractions similarly functioned to investigate allegations and presented a final report to the NCAA. Regarding Kentucky, the Subcommittee of Infractions found three players participated in point shaving, leading to a corporate dissolution penalty for the 1952-1953 basketball season (Byers & Hammer, 1995; NCAA, 1953).

In addition to the major infractions committed by the University of Kentucky, several other member institutions were also charged and assessed sanctions in the 1950’s. For instance, infractions committed by Arizona State University (e.g., football- improper financial aid, recruiting transportation, tryouts, and use of outside funds), University of Notre Dame (e.g.,

football and basketball- improper tryouts), Michigan State University (e.g., basketball- improper financial aid, tryouts, and use of outside funds), and Bradley University (e.g., basketball- improper financial aid and ineligible athletes) in 1953 all prompted the NCAA to reform the committees used to research violations and penalty aftermath (Byers & Hammer, 1995).

Byers implemented changes to the technical subsystem to make sure the institutions were held accountable for specific actions based on the level of perceived wrongdoing (Byers & Hammer, 1995). As an example, during the 1953 Convention, the NCAA Council and Byers utilized formalization to classify misconduct as either major or secondary in the search for fairness (Crowley, 2006). The NCAA classified major violations as those that provide “an extensive recruiting or competitive advantage” (NCAA, 2015, n.p.). Secondary violations were defined as violations that “isolated or inadvertent in nature, provides or is intended to provide only a minimal recruiting, competitive, or other advantage and does not include any significant impermissible benefit” (NCAA, 2015, n.p.). As a result of several infractions (i.e., improper tryouts, recruiting transportations, illegal usage of funds, and participation in uncertified postseason contests) committed by member schools (e.g., Seton Hall University, North Carolina State University, Western Illinois University, University of Miami-Florida, University of Portland, and Kansas State University), the NCAA Council and Byers organized the Committee of Infractions (COI) in 1954. Representing the centralization of previous responsibilities held by the Membership Committee and Subcommittee on Infractions, the COI serves presently as the “investigative and fact-finding body” that tracks and categorizes wrongdoing and “reports its findings to the NCAA, for action, including the imposition of penalties” (Wong, Skillman, & Deubert, 2009, p.4).

One of the early outcomes emanating from the COI to the NCAA Council and Byers

involved the formalization of show cause penalties in 1956 as part of the technical subsystem to curtail future misconduct by the 506 member schools (NCAA, 2013b; Parkinson, 2012). Show cause requires “any NCAA member institution that employs a coach subject to a show cause penalty to appear before the committee to ‘show cause’ why that institution should not be penalized if it does not take appropriate disciplinary or corrective action against the coach” (NCAA Manual, 2016; Parkinson, 2012, p. 217). Show cause penalties are administered to coaches that commit infractions in areas such as recruiting and impermissible benefits and frequently given to repeat offenders (NCAA Manual, 2016). The creation of show cause placed more responsibility on leaders within the athletic department, but also imposed more ownership on university administrators to assure there are quality individuals at the institution.

Even though the NCAA received positive acknowledgment from member institutions regarding the association's role as a third-party regulator, some of the member institutions considered the centralized enforcement structure used by the COI as unfair and inconsistent (Wong et al., 2009). The number of violations and penalties (e.g., probation, postseason ban, and reduced financial aid) continued to grow between 1956 through 1971, as there were 121 different major infractions, primarily committed by Division I ($n=101$) and within football ($n=76$) or men's basketball ($n=50$). To appease the growing number of members ($n=757$) and review the methods used in enforcement, the NCAA Council appointed a new special committee in 1971 focused on the enforcement and reorganization of the association (Wong et al., 2009). In 1973, the special committee reviewed claims by members that the COI and the NCAA's in-house staff were too interconnected and that an inadequate due process structure was responsible for the high “conviction” rate (Porto, 2012, p. 100). Regarding the relationship between the enforcement staff and the COI, Yeager (1991) reported one member stating,

“The same people [who] investigate cases serve as staff support for the committee that must eventually rule on the quality and outcome of those investigations. It’s as if the police officer [who] arrested you also clerked for the judge [who] tried you.” (p. 131)

The special committee ultimately recommended alterations to the enforcement division, including the COI (“First Special Convention”, 1973). The revisions included: (1) changing the method of assessing penalties by solely permitting the COI to evaluate violations and determine resulting sanctions; (2) limiting the NCAA Council’s involvement to the appeal process; and (3) requiring the COI to assure that members of the staff are following all of the proper rules and regulations when completing investigations (“First Special Convention”, 1973). The NCAA suggested their investigative process would follow a de-centralized “cooperative principle”- whereby the NCAA expected the enforcement staff and the accused institution would work together to determine whether the latter had indeed violated one or more Association rules (Porto, 2014, p. 1063).

Some schools like the University of Minnesota, in 1976, surfaced as early self-reporters and self-imposed penalties to reduce the amount of negative public perception and to lighten the possible punishment through such cooperation (Winfrey & McCluskey, 2008). However, University of Denver Faculty Athletic Representative Burton Brody testified to a congressional subcommittee reviewing the NCAA’s enforcement process that the assumption of de-centralized cooperation was incorrect because only NCAA staff members were involved as witnesses and typically they disregarded school sanction recommendations (Enforcement, 1978). Data from Winfree and McCluskey (2008) showed support for this point as they found self-imposed sanctions were accepted only 6% of the time by the NCAA.

In 1979, the NCAA membership count grew to 861 which compelled increased complexity through the provision of opportunities for the accused to “be represented by counsel at hearings before the COI, establish evidentiary standards for those hearings, and set a time limit for reviewing alleged violations (i.e., a statute of limitations)” (Porto, 2012, p. 109). While an improvement, Byers continued to reject calls for fairer enforcement with respect to due process and association-led entanglement. Such comportment against de-centralization led to criticism by journalists and academics throughout the remainder of Byers’ tenure that college athletics was out of control and the level of formalization was not sufficient but that complexity, interestingly, may have led to a decreased adherence to the rules (Porto, 2014; Yeager, 1991). For example, over Byers’ last ten years (1979 – 1988), there were 141 major violation cases involving NCAA member institutions, which represented 40% of the total number of cases under Walter Byers.

Dick Schultz (1989 – 1993)

When Dick Schultz stepped into the role of NCAA Executive Director, he acknowledged there was much to be done regarding enforcement and that the process would be on-going (Crowley, 2006). Schultz noted that mutual trust between the NCAA and all of the 1,017 member institutions needed to improve (Moran, 1993). Crowe (1989) highlighted that Schultz, in contrast to his predecessor, wanted more transparency for the organization. Schultz, a former baseball and basketball coach (Iowa) and athletic director (Cornell 1976-1981 and Virginia (1981-1987) suggested, “One of the complaints throughout the years has been (about) selective enforcement. I personally don't think that's happened, but that's been the perception. There isn't anybody that can say that now--not with some of the penalties that have been handed down lately, and to whom” (p. 3). For example in 1990, both the University of Missouri-Columbia (Division-I; LSD*bi* case no. 383) and Plattsburgh State University of New York (Division-III;

LSD*bi* case no. 373) were found in violation of extra benefits, improper aid and lack of institutional control infractions. Plattsburgh State received a one-year postseason ban, along with two years of probation, and a recruiting restriction. Missouri-Columbia received the same sanctions, as well as, a reduction in financial aid because this was their third major violation.

Schultz also wanted “more flexibility in the way we [NCAA] administer our rules, especially as they deal with the student-athletes. I think too many times...there are individuals[academically] that fall through the cracks” (Crowe, 1989, p. 2). Prior to the beginning of Schultz’ tenure, the Presidents Commission was established in 1984 with an immediate focus on assessing the current state of academic eligibility standards (Mondello & Abernathy, 2000). The Commission ultimately created a product as part of the technical subsystem called Proposition 48, which required a high school student-athlete to pass a set of core courses with a minimum 2.00 grade point average (GPA) and a 700-point combined verbal and math score on the Scholastic Assessment Test (SAT) or a 15-composite score on the American College Test (ACT; Mondello & Abernathy, 2000). If a prospective student-athlete did not meet the requirements, he/she was still able to receive a financial aid package but would be considered academically ineligible for one year (Mondello & Abernathy, 2000).

The creation of Prop 48 emanated out of perspectives that positioned the search for student-athletes as equivalent to a ‘gun’ for hire. For instance, some prominent cases in the NCAA (e.g., LSD*bi* case no. 363, 1989) involved student-athletes claiming educational malpractice, negligent admission/hiring, and fraud among other items. Expectedly, Schultz personal interest in academic integrity oversaw more cases ($n=18$) of violations involving academic fraud and academic ineligibility ($n= 4.5$ cases per year) than his predecessor ($n=.68$ cases per year). For example, in 1989, the University of Kentucky (LSD*bi* case no. 362) was

found to have committed academic fraud regarding a male basketball student-athlete (NCAA, 1989). In that case, the student-athlete was deemed eligible by the University and competed for a season before an investigation into the validity of his SAT scores occurred (NCAA, 1989). Rather than assess whether his test scores were genuine and classify the student-athlete as a partial qualifier, Kentucky categorized the student-athlete as fully eligible and was found having a lack of institutional control with respect to maintaining academic integrity (NCAA, 1989).

As Schultz transitioned into the Executive Director role, Prop 48 sparked outrage from many institutions and outside organizations, such as the National Association for Equal Opportunity (NAFEO) that represented many Historically Black Colleges and Universities (HBCU) (Crowley, 2006). The NAFEO believed that the proposition and the reliance on test scores would set African-American and other minority students at a disadvantage to earn a college education (Crowley, 2006). Luna Mishoe, former University President at Delaware State, expressed that “the SAT is a restraint that penalizes low-income students and does not indicate whether a student can perform college work” (Crowley, 2006, p. 65). Schultz dealt with Prop 48 through passive avoidance because he supported it as necessary to enhance the student-athlete’s readiness and overall academic experience once on-campus (Pentimone, 1997).

As the social-control agent, the NCAA implemented several other technical subsystem modifications to keep members satisfied. The infractions case and sanctions administered to the University of Nevada at Las Vegas (UNLV) in 1993 is one of the most researched enforcement cases in intercollegiate athletics history illustrating such modification (Crowley, 2006). The case involved former UNLV Men’s basketball coach Jerry Tarkanian and violations including impermissible recruiting inducements, improper contacts, extra benefits, and a lack of institutional control under Walter Byers administration (NCAA, 1993). Prior to arriving at

UNLV, Tarkanian was a head coach at California State University at Long Beach (LBSU) in 1968. Tarkanian assisted in establishing LBSU as a successful basketball program but he left LBSU to deal with the twenty-three violations presented by COI, which included a television ban and a postseason ban for the 1974 NCAA basketball tournament (NCAA, 1974).

The prior violations committed under Tarkanian's at LBSU increased the need of the NCAA to be vigilant in observing the recruits, players, and coaches affiliated with his teams. Interestingly, UNLV was also under investigation by the NCAA when they hired Tarkanian and three years after starting new job, UNLV was found in violation of thirty-eight regulations which included wrongdoing like: improper entertainment, financial aid, lodging, transportation, and benefits, illegal tryouts, excessive number of official visits, and academic fraud among others (NCAA, 1977). The majority of the violations were committed under the previous coach, but notably there were ten violations specified as occurring under Coach Tarkanian (NCAA, 1977). UNLV and Coach Tarkanian disputed the findings and appealed to the NCAA Council to conduct additional analysis on the case, which took several years and carried over into Schultz' tenure. UNLV and Tarkanian claimed the NCAA enjoyed too much of a procedural advantage:

“it [NCAA] controlled the flow of information during the enforcement process.

Tarkanian did not know what evidence the NCAA staff would present against him, and much of that evidence was the investigators' recollections, from handwritten notes, of their interviews with witnesses. Tarkanian did not have access to those notes.” (Porto, 212, p. 161)

The Council surveyed the findings and examined the appeal, yet supported the decision of the Infractions Committee (Green, 1992). The sanctions received by UNLV basketball included a two-year probation and the suspension of Coach Tarkanian. UNLV followed the

directions of the NCAA Council, but Tarkanian responded with a lawsuit against UNLV and the NCAA claiming that he was denied due process (Green, 1992). The case reached the United States Supreme Court, which ruled in favor of the NCAA stating the association has the authority to invoke any penalties as a third-party regulator (Green, 1992).

The occurrence and, in some cases reoccurrence, of institutions to commit violations, such as those associated with UNLV and others (e.g., Auburn University [4 cases], Clemson University [4 cases], Oklahoma State University [4 cases], University of Georgia [4 cases], University of Illinois [4 cases], University of Kentucky [4 cases], University of Memphis 4 cases], University of Oklahoma [4 cases], and Wichita State University [4 cases]), required the NCAA to explore new methods (e.g., complexity, formalization, and de-centralization) focused on maintaining the integrity of intercollegiate sport. The status quo was not working. As an example, the present research found the number of violations, particularly those associated with recruiting and improper benefits remained high and some types of penalties (e.g., probation and postseason ban) remained standard. However, the show cause penalty was re-introduced. Few schools ($n= 6$) ever received that penalty during Byers' tenure. The present study found over Schultz's time, he administered the show cause sanction with 44 cases, which represents 70% of all major violations. Further, recruiting limitations were imposed on institutions for the first time to deter wrongdoing.

The entire process involving Jerry Tarkanian also prompted the restructuring of the NCAA's enforcement process under Schultz. The Presidents Committee appointed a special committee solely committed to analyzing the state of the enforcement and infraction process implemented by the NCAA (Miller, 1993). The Committee proposed eleven changes including:

- (1) "Enhance the adequacy of the initial notice of an impending investigation and

assure a personal visit by the enforcement staff with the institution's chief executive officer; (2) Establish a 'summary disposition' procedure for treating major violations at a reasonably early stage in the investigation; (3) Liberalize the use of tape recordings and the availability of such recordings to involved parties; (4) Use former judges or other eminent legal authorities as hearing officers in cases involving major violations and not resolved in the 'summary disposition' process; (5) "Hearings should be open to the greatest extent possible; (6) Provide transcripts of all infractions hearings to appropriate involved parties;" (7) Refine and enhance the role of the Committee on Infractions and establish a limited appellate process beyond that committee; (8) Adopt a formal conflict- of-interest policy; (9) Expand the public reporting of infractions cases; (10) Make available a compilation of previous committee decisions; and (11) Study the structure and procedures of the enforcement staff" (Miller, 1993, p. 887-888).

Cedric Dempsey (1994 – 2002)

The NCAA continued to receive negative attention from University administrators, as well as, media and community members regarding the development of Prop 48 and Dick Schultz. Regarding Schultz, an independent investigator hired by the NCAA found he “had actual knowledge” of some improper loans made to student-athletes while serving as athletic director of the University of Virginia (Moran, 1993, para. 3). The University of Virginia received probation for two years (LSD*bi* case no. 417) and Schultz resigned shortly thereafter (Moran, 1993). Cedric Dempsey was hired away from the University of Arizona where he served as their athletic director (1983-1993). Dempsey was considered to be a man of “integrity” capable of addressing immediate concerns on membership misconduct (Pickle, 1993, p. 1). However, the record shows

member institutions continued to be engaged in acts of wrongdoing, specifically participating in academic fraud ($n=34$ cases) and allowing ineligible student-athletes to participate ($n=14$). For instance, Washington State University (LSDbi case no. 429) committed major infractions in various areas including improper financial aid, extra benefits, illegal playing seasons, lack of institutional control, and academic eligibility (NCAA, 1994). The violation of academic eligibility included a student-athlete on the Men's Track and Field team and provision of a full grant-in-aid even though he did not meet requirements set by Prop 48 (NCAA, 1994).

The implementation of Prop 48 eventually provided recruiting challenges for institutions and may have led to an increased rate in recruiting violations because some top athletes may not be prepared academically (Crowley, 1996; Gatmen, 2012). The Presidents' Commission met to reform and implement changes to Prop 48 by redefining initial eligibility. Proposition 16 was formalized as another representative of the technical subsystem and ultimately implemented during the 1995-1996 year to establish the initial eligibility index (IEI). The IEI allowed for prospective student-athletes to become eligible for competition with a 2.0 GPA in thirteen core courses, as long as the student obtained a SAT score of 1010 or an 86 combined ACT score (Waller, 2003). Student-athletes could also become eligible if they scored at least 820 on the SAT or a 68 combined on the ACT with a GPA of 2.5 (Waller, 2003). The Presidents' Commission and NCAA Council assumed that Prop 16 would afford more opportunities to potential student-athletes and possibly decrease recruiting violations, but few like the NAFEO and many HBCUs agreed with their sentiment (Waller, 2003).

Due to the large adverse reaction expressed from the application of Prop 16 to NCAA member institutions, the NCAA Council created a special committee at the 1999 Convention which concentrated on analyzing the academic standards presented in the proposition (Gatmen,

2012). The council also deliberated on other methods which could be implemented to enhance the academic experience for all involved with the association (Gatmen, 2012). Again, as mentioned previously, NCAA members ($n=1,041$) were still engaging in acts of academic misconduct, not only with the admission and participation of ineligible student-athletes, but with academic fraud cases centered on keeping current student-athletes eligible. For instance, Texas Tech University (LSDbi case no. 480) engaged in acts of academic fraud by having assistant football coach participate in the completion of student-athletes course work and permitting student-athletes to compete while ineligible (NCAA, 1998).

Myles Brand (2003 – 2010)

After resigning as President of the Indiana University (1994-2002), Myles Brand was hired by the NCAA to the president position to begin in January of 2003, shortly after the retirement of Dempsey. Again, the status of academic integrity within Division-I athletics continued to be questioned and many believed that those who participated in athletics were athlete-students rather than student-athletes (Petr & McArdle, 2012). Brand gained national attention for his calls to reform college athletics before the National Press Club. At that time, Brand suggested it was “time to scale back the basketball and football ‘arms race’” because they were a “threat to the academic integrity” of institutions (Rosenberg, 2002, n.p.). Brand focused on football ($n=241$ cases) and men’s basketball ($n=262$ cases) because the vast majority of all major violations occurred with them. Brand called on his colleagues to take an “academics first” approach “to the problems of over-commercialization, poor graduation rates and questionable academic standards used for athletes” (“NCAA hires Myles Brand,” 2002, para. 15-16).

Chairman of the Executive Committee and President of the University of Tulsa, Robert Lawless suggested “choosing a university president [i.e., Brand]” was by design because it

“sends a message that the NCAA is interested in the academic success of student-athletes” (“NCAA hires Myles Brand,” 2002, para. 6). Many other presidents of the Association also believed that the NCAA lacked a true academic atmosphere under former athletic directors and newspapermen and that hiring one of their own was in their best interest (Petr & McArdle, 2012). For example, James Duderstadt, University of Michigan President (1988-1996), stated that “major college sports do far more damage to the university, to its students and faculty, its leadership, its reputation and credibility than most realize – or at least are willing to admit” (Knight Commission, 2001, p.13).

In the seven-year span of Brand as Executive Director, there were 129 violations committed by member institutions, which represents 16% of the total number of major violations. The average of 18.4 violations per year is approximately 5 more violations per year than under Dick Schultz, who produced the previous average high (Table 2). Specifically, there were a total of 47 violations involving academic eligibility, with 30 occurring at the Division-I level between 1993 and 2010. Member institutions within the Division-I level committed the most acts of wrongdoing and were of the greatest focus during the Brand era (Davis & Hairston, 2013). As an example, in 2006, the University of Iowa, (LSD*bi* case no. 587) committed numerous academic violations including academic fraud, academic ineligibility, and permitting ineligible athletes to participate in men’s swimming (NCAA, 2006). Student-athletes were wrongly admitted to Iowa after falsifying admission documents, which was known by the head coach (NCAA, 2006). The COI presented Iowa with a two-year probation penalty, along with a reduction in recruiting and a show-cause penalty for the head coach (NCAA, 2006).

Such activity prompted the Knight Commission on Intercollegiate Athletics (2001) to investigate how commercialization and a lack of commitment to academics damaged the higher

education experience for student-athletes. Their subsequent report led to formalization of additional academic legislation by the NCAA Council to develop better communication regarding academic integrity and expectation towards members (NCAA, 2017a). With recommendations presented by the Knight Commission and public pressure to assure academic integrity, the NCAA decided to create a special committee on academic improvement (NCAA, 2017a). Under the guidance of former University of Hartford President Walter Harrison, the Division I Committee on Academic Performance was created and focused on improving academic principles within Division-I member institutions (NCAA, 2017a).

NCAA member institutions were not fulfilling their academic mission because they did not focus on the developing high-caliber students (Crowley, 2006). Academic issues, specifically with initial eligibility, needed to be addressed to assure that the NCAA was fulfilling its mission. In order for the NCAA to increase the value of academics in college sports and deter wrongdoing, another technical subsystem surfaced which required programs to record how student-athletes were prioritizing and progressing academically on a year to year basis. The resulting reform, introduced by the NCAA Board of Directors in 2004, became known as the Academic Performance Program (APP).

The purpose of the APP is to serve as an “incentive/discentive based program where the only current incentive is a public commendation by the NCAA. The disincentives range from a written warning to possible loss of NCAA membership” (Blackman, 2008, p. 227). The APP encompassed two different components: the Graduation Success Rate (GSR) and the Academic Progress Rate (APR). GSR is “an methodology developed by the NCAA that credits institutions for incoming transfers or midyear enrollees who graduate, and does not penalize institutions for student-athletes who leave prior to graduation if they leave in good academic standing” (LaForge

& Hodge, 2011, p. 221-222). GSR is utilized by the present 1,100+ member NCAA, in order to determine and observe the academic success of student-athletes over a period of time. APR is defined as a method “holds institutions accountable for the academic progress of their student-athletes through a team-based metric that accounts for the eligibility and retention of each student-athlete for each academic term” (NCAA, 2017b, p. 1). The utilization of APR is primarily focused on providing an accurate depiction of a team’s current academic status. The usage of APR is critical within the NCAA because APR provides a method in which the NCAA can track the academic development of student-athletes, but also hold NCAA members accountable for not meeting the expectations set by the Association (LaForge & Hodge, 2011).

Mark Emmert (2011 – 2016)

Following the death of Myles Brand in 2009 and service of Jim Isch as interim president (2009-2011), University of Washington president (2004-2010) Mark Emmert was hired to become NCAA president. One of Emmert’s first tasks involved holding a retreat for 50 college and university presidents to obtain their perspectives regarding the current state of NCAA enforcement and the diminished viewpoint of the public in general (Hosick, 2012). As a result of the retreat, the NCAA created five working groups that would each be designated towards a specific topic or area. Two working groups focused on rule development and governance: the Rules Working Group (RWG) (i.e., Legislative Initiatives) and the Collegiate Model – Enforcement Working Group (CMEWG) (NCAA, 2017c; NCAA, 2017d). The creation of both groups is an example of task differentiation considering that the NCAA utilized two different working groups with decision-making powers in order to assess and alter the current standing of policies in college sport.

The focus of the RWG is to create “a multi-level NCAA rules violations structure, an

enhanced penalty structure for rules infractions, and reestablishing a sense of shared responsibility between member institutions and enforcement” (NCAA, 2012a, para.15). The RWG echoed Emmert’s personal vision as a former university president to discover new methods that bolster academic principles and that can help conduct a full analysis into NCAA rules and regulations to assure “fairness, accountability, and integrity” (NCAA, 2012a, para.15). The RWG charged the NCAA to build awareness to the rules within the NCAA Manual, but also to minimize the rules that are deemed unenforceable.

The CMEWG assessed the two-level violation structure and strove to provide a new, updated model that sought to foster fairness, hold individuals and schools accountable, and improved the efficiency and effectiveness of the enforcement process (Davis & Hairston, 2013; NCAA, 2017d). More specifically, the charge of the working group was to:

“propose a multi-level violation reporting and penalty structure. Ensure that the enforcement efforts are focused on those infractions that clearly violate NCAA enduring values. In addition, the group shall consider the level and severity of penalties associated with the most egregious violations. Reestablish a sense of shared responsibility with clarified roles among those who participate in, lead and administer intercollegiate athletics at the campus, conference and national levels” (NCAA, 2017b, p.1).

The call for such changes emanated from a variety of locations. For instance, a membership survey suggested there was a desire for the Association to impose stronger penalties (e.g., television and postseason bans) on wrongdoing and to be more consistent in penalty assignment because risk-reward analysis suggested a lack of deterrence was prominent (Davis & Hairston, 2013). As an example, in 2009, the University of Memphis (*LSDbi* case no. 631) was

found guilty of participating in academic fraud for allowing a student-athlete to play for their men's basketball program during the 2007-2008 season (NCAA, 2009). The NCAA public report presented the University of Memphis was aware about a highly-rated student-athlete's questionable SAT score, yet the school did not investigate (NCAA, 2009). The University of Memphis men's basketball team proceeded to go undefeated in conference play and advance to the Final Four in the NCAA Tournament before contending with the investigation from the NCAA (NCAA, 2009).

In the first five years of Emmert's presidency, there were 128 major violation cases primarily on unethical conduct and extra benefits amongst other wrongdoing but only 20 resulted in postseason bans and notably zero led to television restrictions. Other opinions on wrongdoing centered on incentivizing "institutions and institutional personnel, particularly coaches, to comply" with regulations and investigations (Davis & Hairston, 2013, p. 985). Show cause penalties seemed to be the most prominent individual sanction between Emmert and Brand (i.e., 2003 – 2016) as there were 104 cases which resulted in that penalty assignment. Other assigned sanctions typically involved probation, reduced financial aid, and recruiting restrictions.

However, Ed Ray, the president of Oregon State University and chair of the CMEWG argued:

"[I]t was clear we needed to have stiffer and more predictable penalties, so that people who were doing the "risk-reward" calculation would think twice about whether it was in their interests to engage in bad behavior. Having penalty guidelines—and having penalties that are in those guidelines be more severe than what we have now—was a good way of sending clear signals to people" (Brown, 2012, para. 1).

Interestingly, fines and postseason and television bans were not present, but more

sanctions did get assigned to member institutions within Division-II and Division-III, suggesting broader supervision and accountability by the NCAA occurred under Emmert. Prior to Emmert, there were only 115 major violation cases against Division II and III. However, under Emmert 50 cases of major violations were processed involving Division II and III institutions largely involving football and men's basketball like their Division I peers.

The CMEWG also advised change due to the processing time associated with major violations. Prior to August 2013, there was a rise in major violations committed by NCAA member institutions, but the infractions included a wide array of situations from individual cases of academic fraud to athletic department scandals regarding illegal use of financial aid (Davis & Hairston, 2014). The CMEWG decided that predictable sanctions and quicker decision-making regarding violations were necessary in order to deter member institutions from committing violations. As the institutional subsystem, the NCAA acknowledged that the enforcement cases took too long to investigate and provided five reasons for this including:

“(1) the NCAA does not have the same legal authority as the court system; (2) more attorneys are involved in the enforcement process; (3) an investigation into one allegation can reveal the possibilities of other infractions; (4) the burden of complying with requests from investigators often falls on already-busy institutional representatives; (5) the volume of documents involved in investigations can be staggering” (NCAA, 2017c, para. 5-30).

The University of Miami (LSD*bi* no. 716) case serves as one example that took years before concluding (NCAA, 2013c). The University of Miami major infractions case surfaced when the University presented self-reported infractions to the COI in 2009 (NCAA, 2013c). The COI completed their initial investigation in February 2011, but details regarding other instances

of misconduct by the individuals in the athletic department were difficult to obtain because individuals begrudgingly participated, extending the case another two years. In order to adapt, the CMEWG recommended a new, four-level violation structure and a representative pool of individuals with “intimate knowledge of the day-to-day operation of college sports”, which including former coaches, presidents, university faculty, current athletic directors, and athletic administrators with compliance experience (Davis & Hairston, 2013, p. 991).

In August 2013, the NCAA updated how rule infractions are classified, considering the need to maintain the integrity of the rules set in the NCAA Constitution. The NCAA implemented a violation structure with four different levels (NCAA, 2013a). Level I violations are major:

“violations that seriously undermine or threaten the integrity of the NCAA collegiate model as set forth in the Constitution and bylaws, including any violation that provides or is intended to provide a substantial or extensive recruiting, competitive or other advantage, or a substantial or extensive impermissible benefit” (NCAAa, 2013, para. 3).

In October 2015, the University of Mississippi (LSD*bi* case no. 778) was found in violation of a Level-I violation by the women’s basketball program (NCAA, 2016j). An assistant coach, director of operation, and two members of the team participated in academic fraud in order to assist the athletes with eligibility requirements.

Level II violations are considered major when:

“violations that provide or are intended to provide more than a minimal but less than a substantial or extensive recruiting, competitive or other advantage; includes more than a minimal but less than a substantial or extensive impermissible

benefit; or involves conduct that may compromise the integrity of the NCAA collegiate model as set forth in the Constitution and bylaws” (NCAA, 2013a, para. 4).

In April 2015, Oklahoma State University (OSU) (LSD*bi* case no. 744) was found in violation of a Level-II violation by the football program (NCAA, 2015b). The OSU athletic department neglected to follow the drug testing policies of the NCAA and used illegal student hosts for official and unofficial visits for prospective student-athletes (NCAA, 2015b). The violations committed by OSU were classified as Level II violations since the actions did not provide a clear competitive advantage as other Level I violations might (NCAA, 2015b).

Level III violations are minor “violations that are isolated or limited in nature; provide no more than a minimal recruiting, competitive or other advantage; and do not include more than a minimal impermissible violation” (NCAA, 2013, n.p.). Level IV violations are similarly classified as “incidental infractions that are inadvertent and isolated, technical in nature and result in a negligible, if any, competitive advantage” (NCAA, 2013, n.p.). Overall, the CMEWG believes “the four-level violation structure allows the enforcement staff to resolve the infractions cases with minimal impact...” so the NCAA can be more efficient and “focus its primary resources on the most serious infractions cases” (NCAA, 2012b, p. 10). As of December 2016, the LSD*bi* database has only labeled 20 of the 68 cases of major infractions using the updated violation structure with eight cases associated with Level-I and twelve cases associated with Level-II.

Discussion/Conclusion

In their review on a possible history-policy relationship, Seifried et al. (2017) advocated for the use of history to help improve theory and efforts by opinion leaders (i.e., social-control

agents) to enhance their programs, policies, behaviors, and overall decisions. Consistent with applied history, the present study examined the possibility of organizational layering created by social-control agents from preceding organizational misconduct to understand the influence of sanctions and individuals as a third-party regulator to subsequent wrongdoing. Again, the current management literature (e.g., Greve et al., 2010; Palmer, 2012) neglects to acknowledge the various layers of social control created for the assessing and enforcing of wrongdoing and whether they frame later behavior (i.e., type of wrongdoing and frequency). In this section, several propositions emerged connecting third-party regulators to the synergy between complexity (i.e., horizontal and vertical differentiation), formalization, and centralization in an effort to contribute to the current literature and advise future practitioners.

The first question in the present study asked if *organizational misconduct leads to future changes by a third-party regulator with respect to changes in policy and personnel?* The present research showed supports for Goode's (2015) claim that governing bodies and enforcement groups exist because society is not self-regulating. Further, the present study confirms the suggestions of Carpenter and Sanders (2009) and O'Brien and Gowthrop (2016) that wrongdoing may influence the creation of organizational layers (e.g., the use of systems, processes, rewards, punishments, and people) to control and/or manage future behavior. Throughout the history of wrongdoing and NCAA enforcement, trends in rule violations and member dissatisfaction with the investigation and sanctioning process caused the Association to hire an institutional leader, develop various committees, and create rules to assess and enforce compliance, provide appeals, and promote due process. Further, these activities of the NCAA featured variation in centralization, increased formalization, and fueled complexity through expanding horizontal differentiation, vertical differentiation (e.g., institutional, managerial, and technical) and spatial

differentiation to regulate the daily business activities and behaviors within an organization.

The second question in the present study asked *what impact does an individual social-control agent have on future organizational policies and member behavior?* Palmer (2012) referenced that social-control agents can adjust the line of right and wrong behavior through their actions. The present research showed the draconian sanctions associated with the Sanity Code were eliminated by Byers in his early years. Moreover, recruiting violations and gambling emerged as the primary focus of the Byers and the NCAA Council. Centralization and formalization was strong at this time because the NCAA needed a stable social-control agent to clearly delineated infractions and impending sanctions. However, once the NCAA started tracking major violations and publicizing the wrongful behavior, the organization engaged in increased complexity and de-centralization through task differentiation. Additional managerial subsystems were put in place to reduce the individual power of the Council and Byers because the growing membership voiced concerns that the NCAA's enforcement arm was biased. The use of special committees and constant review of policies allowed for the NCAA to continue to grow and remain updated with the current state of intercollegiate athletics during Byers tenure.

After Byers, Schultz and then Dempsey became the executive directors and focused on building mutual trust within the member institutions while maintaining pre-established enforcement expectations. Schultz and Dempsey were former athletic directors (i.e., core stakeholder) and wanted to improve transparency for their peers through increased de-centralization and formalization. Further, both Schultz and Dempsey similarly focused on the academic development of student-athletes with additional technical subsystems exhibiting both limited and specialized horizontal differentiation (e.g., Prop 48, Prop 16, and due process improvement). Myles Brand, a university president, replaced Dempsey and primarily focused on

culture-changing redevelopment. Under Brand's leadership, various products of a technical subsystem (e.g., APP, GSR, and APR) held athletic teams/departments accountable academically through increased executive power provided to him in an attempt to 'take back the NCAA' from core stakeholders. Finally, Mark Emmert, another university president, succeeded Brand and concentrated on the broad reaching advancement of formalization (i.e., revision of the definition of major violation) and rules enforcement (e.g., RWG and CMEWG) to improve consistency with sanctioning and efficiency. Featured within Emmert's tenure was a focus on investigating and sanctioning Division II and III schools for wrongdoing.

Lastly, the present research study sought to understand *how member organizations respond/ behave with respect to changes made by third-party regulators and if instances of organizational misconduct are deterred by sanctions in the future?* Cullen et al. (2012) acknowledged the role of third-party regulators on an industry, specifically holding member organizations accountable for their acts of misconduct by imposing sanctions which would hopefully discourage other members to partake in such behavior. Organizational research on the NCAA reviewed various forms of punishment (e.g., fines, probation, and corporate incapacitation) as a source of stability to determine their effectiveness in reducing the amount of wrongdoing committed by employees or members (Porto, 2014; Weston, 2011). Further, the threat of punishment, vicarious punishment, and actual punishment has been studied as possible deterrents (Cullen, Latessa, & Jonson, 2012; Davis & Hairston, 2013). As a third-party regulator, the present study found the NCAA struggled with assessing cases of misconduct and assigning sanctions in a timely manner and at a level to deter future wrongdoing (i.e., many institutions committed violation and did so on multiple occasions). To address these concerns, the NCAA added to the institutional subsystem with the establishment of the executive director position and

established specialized committees assigned to look at field-level specific wrongdoing. Initially, institutional-level sanctions were prominent but individualize sanctions (e.g., show cause) were later employed to deter transgressions. None, however, seemed to be effective as the number of cases and violations increased over time. This was particularly true for the revenue sports of football and men's basketball and Division I. Overall, the results of the present study may be explained by Palmer (2012) who previously suggested social-control agents might be responsible for perpetrating wrongdoing through increased formalization and de-centralization efforts.

Propositions

In the development of an organization, the synergy of complexity, formalization, and centralization creates the need for stability and to address potential wrongdoing that is not representative of the firm (O'Brien & Gowthrop, 2016). In this section, several propositions connect third-party regulators to the synergy between complexity (i.e., horizontal and vertical differentiation), formalization, and centralization in an effort to contribute to the current literature and future practitioners. Amis and Slack (1996) found organizational size affects the structure and that the emerging structure is often a result of the maintaining or improving relationships between internal stakeholders. Because the present research also saw significant change based on membership growth, the subsequent propositions are framed through this lens.

Complexity. Slack and Parent (2006) alluded to how complexity details the diverse roles and responsibilities different departments perform as part of an organization. The NCAA initially began with a pre-existing institutional subsystem adding one managerial subsystem after another tasked with determining whether behaviors by member institution were major acts of misconduct. Subsequent changes to the institutional subsystem and additions to the managerial subsystem produced corresponding technical subsystems to identify, adjudicate, and sanction

wrongdoing. In essence, as the NCAA grew, the complexity of the organization grew, which prompts the present study to suggest:

Proposition 1: As a third-party regulator grows in size, complexity increases to address wrongdoing.

Featured within complexity are vertical, horizontal, and spatial differentiation. The present study also suggests:

Proposition 2: As a third-party regulator grows in size, vertical differentiation increases in an effort to address wrongdoing.

Proposition 3: As a third-party regulator grows in size, horizontal differentiation increases and becomes more specialized in an effort to address wrongdoing.

Proposition 4: As a third-party regulator grows in size, attempts to control spatial differentiation will increase when wrongdoing is present.

Formalization. As mentioned previously by Bradish (2013), formalization can be measured through recognizing the amount and frequency of rule violations. Further, formalization may emerge in additional layers when rules are broken in order to improve subsequent behavior or reduce wrongdoing. However, Brandish also suggested excessive formalization may be related to decrease rule following. The present study found that, as additional rules and committees were placed within the NCAA, the number of violations increased. In some cases, such as Southern Methodist University, the University of Memphis, and Oklahoma State University, member institution were engaging in multiple acts of misconduct, regardless of the rules that were in place. Collectively, this information suggests:

Proposition 5: Excessive formalization by an organization leads to decrease adherence to the rules.

Centralization. Regarding centralization, the present study shows the NCAA generally used a de-centralized structure when assessing acts of misconduct. Further, decentralization became more prominent (i.e., formalized and complex) as the association grew in membership. The de-centralized structure of the NCAA included the establishment of various managerial

subsystems committees asked to analyze situations and provide a decision or offer recommendations based on incidents of wrongdoing. Frequently, the expansion of the managerial subsystem led to development of products (e.g., rules, regulations, and reports) as part of a technical subsystem. In the present study, the growing NCAA membership frequently characterized the enforcement process as potentially biased (e.g., favoring big-time programs and leader institutional power). Based on the above information, the present research proposes:

Proposition 6: Products associated with the technical subsystem are more likely a part of an inverse relationship whereas the organization grows so does de-centralization.

Practical Implications

The findings of this study provide particular practical implications for social-control agents. First, it was previously mentioned that, for fines to be effective, they must match the level of harm created (Davis & Hairston, 2013; Weston, 2011). Similarly, the present study argues it is necessary to match prescribed punishment to wrongdoing committed by the institution.

However, it is also critical to deter individuals from engaging in acts of wrongdoing through assigning specific and strong penalties to individuals directly involved in misconduct cases. Third-party regulators should also review the possibility of administering strong individual punishments to upper level executives within the organization. Within, the contribution of the organizational leaders and the recognition of external factors in the production of new institutional strategies regarding organizational misconduct will be acknowledged over various stages of the NCAA's life cycle (Drori & Honig, 2013; Lounsbury & Crumley, 2007). Notably, this work highlights how a changing and challenging environment can influence the development of an interest-based association and what they define or perceived as organizational misconduct.

The present research revealed show cause penalties were one sanctioning method but this

alone was ineffective. In the future, social-control agents, like the NCAA should consider a combination of penalties such as fines, public reprimand, probation, and disbarment for the individual principal violator and possibly their supervisor. We have seen instances of this in the past. For instance, after Cincinnati Reds (Major League Baseball) owner Marge Schott was fined \$250,000 and banned from day-to-day operations during the 1993 season for making racist remarks about several minority groups, she was banned again three years later for an additional two years and essentially forced to sell the Reds (Mather, 2015). More recently, Donald Sterling, owner of the Los Angeles Clippers (National Basketball Association) made insensitive statements about blacks. Caught on audio, Sterling's remarks were played on various mass and social media platforms across the country. In addition to being fined \$2.5 million, the maximum allowed in the NBA, Sterling was banned for life and forced to sell his franchise ("Steve Ballmer," 2014).

Trevino and White (n.d.) mentioned the publicity component of announcing punishments was less significant in the past because acts of wrongdoing were limited to publications in newspapers. Today, various social media outlets (e.g., Internet, Facebook, Twitter, and Instagram) provide instantaneous information vastly more connected to the public. Appropriately, Greve et al. (2010) stated the media can

“impose public scrutiny and humiliation, which is a form of sanction; although it cannot impose punitive sanctions of the form that the state or professional bodies control, the media has the ability to frame behaviors as misconduct and put pressure on social-control agents to put such sanctions in place.” (p.57)

The mass and social media should be used to keep the public informed about the wrongdoing, and records about the outcome of wrongdoing should be maintained on a publicly available

database to help remind people of wrongdoer's permanent record.

Social-control agents should also provide opportunities for managers to comprehend how firms and individuals are evaluated in cases of misconduct. Organizations and individuals learn from the experiences of violating organizations within their association. Moreover, organizations and individuals come to understand how the social-control agent will punish them on similar acts of misconduct. In addition to the aforementioned public record, the NCAA shows that a publicly available database, which not only identifies transgressors but outlines penalties, should serve as a deterrent. Furthermore, as NCAA member institutions continue to engage in misconduct; harsher penalties should be assessed to violators beyond the individual show cause penalties. It appears post season and television bans have been underutilized. By distributing stricter sanctions for institutions with multiple occasions of violations, this may encourage members to create and implement new strategies to assure that participation in misconduct is minimal.

Lastly, the present research demonstrated the effectiveness of decentralization with respect to the growth of an association and the enforcement of wrongdoing. As organizations grow, representation for various internal stakeholder groups is critical to avoid bias in the decision-making process. Further, in order maintain fairness and remove bias, organizations should strive to gain a variety of opinions from areas surrounding sport in order to make the best decision possible.

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CHAPTER 3.

A COMPARATIVE FRAMING ANALYSIS OF MAJOR VIOLATIONS WITHIN THE NCAA

Introduction

Organizations have an opportunity to be recognized by the general public in a positive manner through success, a strong relationship with stakeholders, and/or the creation of a substantial rapport with community members (Bakker & Schaufeli, 2008). Yet, the probability of organizations receiving negative attention is just as likely when they engage in misconduct (Pozner, 2008). Greve, Palmer, and Pozner (2010) defined organizational misconduct as “behavior in or by an organization that a social-control agent judges to transgress a line separating right from wrong” (p. 56). As a social-control agent, the National Collegiate Athletic Association (NCAA) formally defines what behavior is designated as misconduct for member organizations (Palmer, 2012). Further, the NCAA acts as a social-control agent because it remains interested in “managing issues and crises” to achieve and maintain “stability, profitability, and popularity, as well as recovering from problems” (Pratt, 2013, p. 43).

To facilitate their social control objectives, the NCAA publishes reports (e.g., Legislative Services Database- *LSDbi*) and produces articles (e.g., *NCAA News*) to provide information on wrongdoing incidents and their resulting sanctions. In the case of the NCAA, organizational misconduct may be presented as several types of violations (i.e., major and minor) that include a breach of contract, lack of institutional control, academic fraud, failure to cooperate, unethical conduct, and failure to monitor, among other wrongdoing (Clark & Batista, 2009). The list of sanctions for wrongdoing can include fines, probation, suspension, and corporate dissolution among other possible options (Simpson, 2014; Weston, 2011).

As part of the reporting process to organizational members and the media, it is likely the

NCAA frames misconduct in specific ways “to marginalize such conflicts that result from the increased commercialization of big-time college sport” (Southall & Nagel, 2008, p. 520). In support of this assumption, Southall and Nagel (2008) previously highlighted NCAA leaders frequently attempt to frame the organization as capable of remaining “true to the organization’s identity and values while pursuing additional revenue” (p. 520). Framing also appears likely because businesses from all over the world attempt to build relationships with member institutions of the NCAA and the NCAA itself. Evidence of this overall point is strong as the NCAA made an estimated \$912 million during the 2015 fiscal year (NCAA, 2016a).

Rowe (2000) notably suggested the influence of framing by the media is equally supportive, different, strong and so much so that it is “implausible ... to try to uncouple the production, distribution, and consumption of sport from the media’s role in these processes” (p. 22-23). Expectedly, several scholars have examined the role of sports media framing to understand issues like the characterization and perceptions of race and gender (e.g., Angelini & Billings, 2010; Billings & Angelini, 2007; Giacobbi & DeSensi, 1999; Rada & Wulfemeyer, 2005; Wensing & Bruce, 2003). Further, sport-related framing studies on the media and organizations looked at issues regarding collective bargaining (e.g., Lewis & Proffitt, 2013), sport facility construction (Buist & Mason, 2010; Curry, Schwirian, & Woldoff, 2001; Foster, Soebbing, & Seifried, 2015; Hirshon, 2015), and mega-events (e.g., Barretta, 2016).

To a lesser degree, scholars commented on the framing of organizational misconduct by NCAA members (Dusek, 2006; Smith & Cho, 2017). Moreover, little to no study explored the contrasts in framing practiced by third-party regulators like the NCAA and the newspaper sports media as distinct social-control agents to better assess their differences and similarities when reporting on organizational misconduct. This is interesting because Yoo, Smith, and Kim

(2013) previously expressed it is necessary to analyze how specific organizations and/or individuals are represented by sport organization against those created by the media.

The lack of study on misconduct is also interesting because the concept carries with it a valence news frame. Valence news frames frequently cover values such as honesty, integrity, and competence which might bestow a positive or negative evaluation on to individual actors, events, and issues that can be used as permanent but contentious anchor points for public opinion (Von Sikorski, Schierl, Möller, & Oberhäuser, 2012). To study the contrasts and similarities between the media and the NCAA is further compelling because both engage in framing and may do so through cooperation or within contested financial, ethical, or socio-political interests (Lauella, 2009; Wallace, Wilson, & Miloch, 2011; Yoo, et al., 2013). Collectively, this information led the present study to ask: *What significant differences and similarities, if any, exist between how newspapers and formal social-control agents frame reports involving cases of organizational misconduct?*

In order to understand how the media may frame information on misconduct similarly or differently than the NCAA, the present study utilizes a textual analysis of reports and articles from the NCAA and various local and national newspapers. Prior research has acknowledged the value of utilizing newspapers in determining how reports can positively or negatively influence a community's interpretation of events (Buist & Mason, 2010; Franiuk, Seefeldt, Cepress, & Vandello, 2008). In order to analyze the relationship between acts of misconduct, social-control agents, and framing, the present study focused on reviewing major violations committed by NCAA Division-I institutions and resulting publication results between 1998 through 2016.

Major violations by Division I programs receive the most attention from the media and produce the most detailed documents from the NCAA (Brown & Billings, 2013). The present

research reviews this specific time frame because it respects the notion that “sports journalists often include historical events to elicit an emotional connection with readers and audiences” (Li, Stokowski, Dittmore, & Scott, 2016, p. 82). The year 1998 is a particularly good beginning point because the media designated programs in the Division I Football Bowl Subdivision (FBS) institutions as either BCS or non-BCS based on their access to the Bowl Championship Series, football postseason event. Starting in 2014, the BCS/non-BCS designation changed to Power Five and Group of Five with the start of the College Football Playoff (CFP). Establishing such a time span and classifications are also important because framing scholars suggest that the “choice of words or phrases, use of sources, and repetition of themes [i.e., lamented language]... persist over time, defining and structuring social relationships” (Kian & Hardin, 2009, p. 188).

Lastly, the present study makes the following contribution. First, this study enhances the literature on social-control agents through framing theory. Previous studies explored the media as a social-control agent, yet none have not examined the strategic frames used by the media and compared them against a third-party regulator regarding acts of misconduct. This study fills in this gap by investigating how the NCAA presents details concerning major infractions in comparison to newspapers. Second, the present research assesses the framing strategy used by newspaper media and the NCAA to understand how they speak to specific audiences (e.g., public and NCAA members). Within, the concept of conflict framing (i.e., frame alignment, counter-framing, and re-framing) is featured to review instances of thematic and episodic framing and to articulate their differences. Third, this study highlights differences and the importance of lamented language by newspapers and a formal social-control agent (i.e., NCAA) to understand how they emphasize consistency, transparency, and exactness when reporting on misconduct.

Literature Review

Before proceeding with a review on the concept of social-control agents and framing theory, it is important for the present study to outline how organizational misconduct is defined. Occurrences of organizational misconduct can be classified in two different categories: normal and abnormal (Palmer, 2012). Normal organizational misconduct is the result of wrongdoing from individuals that are considered a likely by-product of ‘doing business’ (Palmer, 2012). Normal organizational misconduct is recognized in the present study as Level-III and IV violations or secondary/minor violations. Specifically, Level-III infractions are “violations that are isolated or limited in nature; provide no more than a minimal recruiting, competitive or other advantage; and do not include more than a minimal impermissible violation” (NCAA, 2013, n.p.). Level-IV violations are “incidental infractions that are inadvertent and isolated, technical in nature and result in a negligible, if any, competitive advantage” (NCAA, 2013, n.p.).

Abnormal organizational misconduct is characterized as “wrongful behavior that is viewed as aberrant-a clear departure from the norm and thus implicitly rare” (Palmer, 2012, p. 7). Abnormal organizational misconduct also refers to their likeliness to deviate from the norm set by the organization in order to produce personal gains at the expense of others (Palmer & Yenkey, 2015). For the present study, abnormal organizational misconduct is recognized as Level-I and Level-II or major infractions. Level-I violations are:

“violations that seriously undermine or threaten the integrity of the NCAA collegiate model as set forth in the Constitution and bylaws, including any violation that provides or is intended to provide a substantial or extensive recruiting, competitive or other advantage, or a substantial or extensive impermissible benefit” (NCAA, 2013, para. 3).

Level-II violations are:

“violations that provide or are intended to provide more than a minimal but less than a substantial or extensive recruiting, competitive or other advantage; includes more than a minimal but less than a substantial or extensive impermissible benefit; or involves conduct that may compromise the integrity of the NCAA collegiate model as set forth in the Constitution and bylaws” (NCAA, 2013, para. 4).

Social-Control Agents

When the NCAA assesses the behavior of member institutions and determines if actions are instances of misconduct, the association is functioning towards developing social control. Deflam (2015) framed social control as an informal or formal power individuals or groups enjoy or impose on other people or groups to increase or decrease desired behaviors. Informal social control typically involves cues from body language such as smiles, ridicule, sarcasm, and disapproval to promote conformity or communicate disapproval with behavior connected to some desired community norm and/or social standard or law (Hollinger & Clark, 2005). Informal social control can be applied by groups within the community, such as media, considering the agenda setting of media outlets on misconduct cases. Agenda setting is “the idea that there is a strong correlation between the emphasis that mass media place on certain issues (e.g., based on relative placement or amount of coverage) and the importance attributed to these issues by mass audiences” (Scheufele & Tewksbury, 2007, p. 11). Formal social controls surface when informal social controls cannot alone control behavior or encourage conformity to societal or organizational norms (Hollinger & Clark, 2005).

Pollock, Mishina, and Seo (2016) described formal social control as monitoring, preventing, and sanctioning of any behavior that differs from the norm in organizations and/or

society at-large. Within this description, social-control agents evaluate the behavior of members and “judge the transgressions on the legal, ethical, and/or socially responsible line that separates right from wrong” (Palmer, 2012, p. 4). Further, as Greve et al. (2010) concluded, formal social-control agents serve as “actors that represents a collectivity and that can impose sanctions on that collectivity’s behalf” (p. 56). International governing bodies (e.g., Fédération Internationale de Football Association), national governing bodies (e.g., British Olympic Association), local governing bodies (e.g., Ohio High School Athletic Association), and professional associations (e.g., National Association of Basketball Coaches) all enjoy this type of responsibility.

When misconduct does occur within organizations, social-control agents are ultimately responsible for administering sanctions to match the severity of wrongdoing (Greve et al., 2010). The decision-making of social-control agents to match sanctions to the wrongdoing is very dependent on the concept of precedent (Greve & Teh, 2016). Thus, if an organization is found in violation of the rules, the subsequent punishment should rely on previously established sanctions assigned to others following similar acts of misconduct (Black, 2003; Greve & Teh, 2016; Palmer, 2012). Lawsuits, fines, probation, suspension, and corporate dissolution are amongst the social control sanctions available to agents that hold or assume the special responsibility to penalize an individual or group that engages in misconduct (Pollock et al., 2016). Still, other forms of sanctioning are available such as public reprimand. By publicizing acts of misconduct, formal social-control agents seek to potentially embarrass and/or shame organizations in order to punish and possibly deter future non-conforming behavior (Cullen, Latessa, & Jonson, 2012).

Previous research conducted by Kihl and Richardson (2009) offered support for the notion that public reprimand could adversely affect intangible items such as prestige, reputation, and morale. Public sanctioning can come from third-party regulators like the NCAA, however,

groups with no “formal authority” (e.g., newspapers) may also serve as social-control agents in cases of organizational misconduct (Pollock et al., 2016, p. 240). Media outlets function as a sample group with no formal authority, but they nonetheless have an instrumental role as a social-control agent, particularly in cases of organizational misconduct (Maclean, 2008; Pollock et al., 2016). Take for example the work of Sherry, Osbourne, and Nicholson (2016). In their work, they analyzed media coverage regarding the off-field behavior of numerous professional male athletes. Sherry et al. (2016) reported there was a higher frequency of media reports on wrongdoing committed by these athletes which ultimately prompted them to proclaim that the media influences how specifics of cases and various situations involving sport organizations are delivered to members of society. Other studies also acknowledged that cases of misconduct, including prominent sport figures, increase the likelihood of supplementary information being provided to the public and positions the media as a social-control agent (Osborne et al., 2016). Pollock et al. (2016) further referenced the authority the media enjoy when illuminating how various media outlets, receiving the same information on specific cases of misconduct, can shape future interpretation of events and/or individual behavior. Within this point, Pollock et al. (2016) argued the media can frame behavior as with or against societal and organizational norms. Still, the aforementioned studies do not examine the variation of details presented by the media and formal social-control agents like the NCAA to understand their similarities and differences.

Theoretical Frame

The theoretical lens used in the development of the present study embraces framing theory because frames are commonly noticed in situations involving misconduct (Dusek, 2006; Entman, 1993). Goffman (1974) established framing theory based on the tendency of journalists and media members to publish news stories that framed evidence from their perspective.

Specifically, Goffman (1959, 1974) and later Gitlin (1980) presented that individuals and organizations possess the ability to socially control how others view them through various impression management tactics (i.e., selection, emphasis, and exclusion) that direct, magnify, or shrink specific information. Entman (1993) extended this understanding by suggesting:

“To frame is to select some aspects of a perceived reality and make them more salient in a communicating text, in such a way as to promote a particular problem definition, causal interpretation, moral valuation, and/or treatment recommendation for the item described” (p. 52).

Overall, framing involves the defining of situations or events through specially selected language and/or purposive agenda setting (Dusek, 2006; Schmitt, 1993). Journalists and document authors frequently concentrate on specific attributes of a story, individual, or event and may employ sensationalized, personalized, or dramatic reporting in order to gain reader interest, which can encourage them to feel similarly or share the author’s opinion (Laucella, 2009; Sant & Mason, 2015). Frames should thus be seen as socially constructed through social interaction made available within various media and the timeliness of that interaction. Moreover, frames should be viewed as originating “within the media or from elite sources” and as designed to shape subsequent deliberation because research has demonstrated that a defined issue is difficult to reshape (de Vreese, 2005; Dusek, 2006, p. 19; Kian & Hardin, 2009; Laucella, 2009).

Within the notion of framing, Goffman (1974) proposed that the media and organizations may use a layered activity or a sequential presentation of facts through system-defined language to help build a picture for others to see and accept as reality. Schmitt (1993) introduced this type of layered activity as *laminated language* and presented it as a sequence that involves “protecting, rejecting, accepting, satirically extending, and integrating definitions through the creation of

appropriate linguistic laminations” (p. 136). Laminated language is anchored in the concrete and labels of the well-known through “power, social structure, the media, conflict, ambiguity, and social change” (Schmitt, 1993, p. 144). Framing devices such as “keywords, metaphors, concepts, symbols, and visual images” are often the markers used to highlight a specific reality (de Vreese, 2005; Entman, 1991, p. 7; Hirshon, 2015; Moore, Hesson, & Jones, 2015).

Regarding the NCAA, the association itself, media, members of a fan nation, and administrators create the language that helped frame the reality provided by documents and newspaper articles to enhance the experience (e.g., protect, reject, accept, and satirically extend).

Selection, emphasis, and exclusion are often connected to one of two primary types of framing strategies commonly used to create reports that detail specific situations: thematic and episodic (Aarøe, 2011). Iyengar (1991) defined thematic framing as a method which “places public issues in some more general or abstract context and takes the form of a ‘takeout’ or ‘backgrounder’, report directed at general outcomes or conditions” (p. 14). Thematic framing analyzes how situations occur on a larger scale rather than focusing on individual cases (Aarøe, 2011). Thematic framing is well-employed by scholars (e.g., Lee, Kim, & Love, 2013; Moore et al., 2015; Nicely, 2007) in the sport-based academic literature. For instance, Lee et al. (2013) conducted research on newspaper coverage regarding the Gay Games, an Olympic-type competition for gay men and women. Their investigation discovered evidence of thematic framing strategies used by journalists when publishing content about the competition from 1980-2012 (Lee et al., 2013). Elsewhere, Nicely (2007) studied the thematic framing techniques utilized in selected magazines (i.e., *Sports Illustrated*, *The Sporting News*, and *ESPN The Magazine*) when reporting on female athletes generally and their corresponding athletic events as compared to male athletes generally in their own events.

Iyengar (1991) argued that “the episodic news frames takes the form of a case study or event-oriented report and depicts public issues in terms of concrete instances” (p. 14). In stories involving episodic frames, “better pictures, can be told more briefly, are easier to prepare, and are less susceptible to charges of bias” (Farnsworth & Lichter, 2010, p.79). Episodic framing has also been prominently utilized by sport scholars (e.g., Frisby, 2016; Mastro, Blecha, & Atwell-Seate, 2011; Turner, 2014; Zaharopolous, 2007) to assess the framing techniques used by newspapers and television broadcasts. As an example, Zaharopolous (2007) conducted research regarding the news framing strategies within newspapers for the 2004 Olympic Games. The study concluded that over 80% of the newspapers contained an article or report of the 2004 Olympic Games which as evidence of episodic framing. Moreover, Turner (2014) analyzed the Sportscenter telecasts on ESPN and evaluated how the broadcast has evolved, in terms of framing strategy, between 1999 and 2009. That research determined that segments tended to use more episodic framing of sport stories versus thematic frames (Turner, 2014).

Some scholarly research also notably highlighted the potential use of conflict to create the impression of unbiased reporting in either thematic or episodic framing (Dusek, 2006). Known also as competitive framing, conflict framing is employed by the media as a special strategy to present disagreement between individuals, organizations, and potentially social-control agents (Curry et al., 2001; Dusek, 2006). The process of conflict framing frequently involves the use of frame alignment, counter-framing, and re-framing (Curry et al., 2001; Dusek, 2006). Frame alignment encompasses the “initial framing of an issue and re-framing can be defined as an adjustment to these original frames” (Dusek, 2006, p. 20). Both frame alignment and re-framing make use of activities such as bridging, amplifying, extending, and transforming (Snow, Rochford, Jr., Worden, & Benford, 1986). Counter-framing should not be viewed as the

same as re-framing as counter-framing as it may involve vilification and debunking (i.e., highlighting of false narratives and information) (Curry et al., 2001; Dusek, 2006).

Finally, it should be noted that when analyzing misconduct, researchers need to acknowledge the conflict between the reactivist and normative approaches (Wolf & Zuckerman, 2012). A reactivist approach aligns, counter-frames, and re-frames misconduct through the perspective of a specific society. In most situations, earlier cases of those who exhibited misconduct are used as example and current behaviors are compared to them (Wolf & Zuckerman, 2012). The normative approach explains how the example of misconduct fails to fit normal expectations of a society in general (Wolf & Zuckerman, 2012). The normative approach compels attempts to identify norms and considers differences in attitudes, cultures, and mindsets when frame aligning, counter-framing, debunking, and reframing (Wolf & Zuckerman, 2012).

Methodology

The present study uses textual analysis similar that employed by Buist and Mason (2010), Eagleman (2011), Laucella (2009), and Sant and Mason (2015) in an effort to determine the frames used by newspapers and the NCAA when reporting on organizational misconduct within the NCAA Division-I from 1998 through 2016. The textual analysis was chosen because it allowed for better comparison of how various newspapers and the NCAA frame information on misconduct and to acknowledge their similarities and differences. Determining and qualifying the relevance of information compelled the present research to incorporate a quantitative component. Riffe, Lacey, and Fico (2005) characterized the inclusion of quantitative content as requiring “the systematic assignment of communication content to categories according to rules, and the analysis of relationships involving those categories using statistical methods” and as useful to discover “typical patterns and characteristics” on a subject (p. 2). Neuendorf (2002)

similarly advocated for recording qualitative data or content units with quantitative-like purposes (e.g., calculate descriptive statistics related to the content) because like variables some information from qualitative studies can be considered “measurable concepts” (p. 95). Lastly, Riffe et al. (2005) advocated that these content units can contribute to theme development as intended in the present study.

Details regarding all violations committed by Division-I member institutions were first collected using the Legislative Services Database (LSD*bi*) provided by the NCAA to obtain not only the LSD*bi* case number but also institution name and date of public violation announcement to set the boundary for other NCAA and corresponding newspaper reporting. Publications of the *NCAA News* ($n=168$) were collected and examined, in addition to, the reports provided on the LSD*bi* databases (53 cases). Additional web-based public reports were used for the final four years of major violation cases, due to the lack of public access to the *NCAA News* archive. Text in the articles from the *NCAA News* and web-based public reports, included exact details similar to the LSD*bi* infraction cases. Specific information gathered on violations and sanctions as part of the quantitative textual analysis from the NCAA, LSD*bi* database, and newspapers included (i.e., institution name, violation type, sanction type, teams involved [revenue/non-revenue], and classification [BCS/Power Five, non-BCS/Group of Five, Non-Football, Football Championship Subdivision-FCS, and FBS] (Table 3). Schools were treated as a member of their specific delineation(s) during the time of their sanction.

Table 3: Violation Totals within NCAA Division-I Classifications

Classification	n
<hr/>	
Football Bowl Subdivision	
Power Five/BCS	84
Group of Five/Non-BCS	47

Football Championship Subdivision	64
Non-Football Athletic Departments	25

Newspaper articles were obtained from local and national print media sources which detailed reports of the infractions. Local newspapers (e.g., *Altoona Mirror*, *Bangor Daily News*, *Evansville Courier & Press*, and *Fairbanks Daily News-Miner*) published in a two-week span after the announcement were in addition to national newspapers (e.g., *Atlanta Journal-Constitution*, *Los Angeles Times*, *The New York Times*, and *Washington Post*). Details concerning each instance of misconduct were searched for on various news search engines (e.g., Google, Factiva, Lexis-Nexis, and America's Historic Newspapers) and the key terms used for each case included *NCAA*, *major*, and *violations*. Additional search terms varied for each individual major violation case, such as the year and name of the College/University guilty of the misconduct. As an example, to search for the 2011 major violations case against Texas Tech University (LSDbi case no. 663), the search terms used included *NCAA*, *major*, *violations*, *2011*, *Texas Tech*. Any violation acknowledgement in a newspaper needed to provide at least 50 words in order to be retained for this study. The initial search produced details for 221 cases of misconduct of Division-I member institutions in 152 different newspaper reports. Overall, the present study is confident that theoretical saturation was achieved (Gratton & Jones, 2004).

Role of the Researcher

As the first author, who conducted the research for the present study, I identify as an African-American male that is a doctoral candidate at a research-intensive institution in the Southeastern United States. In addition, I am a former NCAA Division-I student-athlete at a Division I-FCS institution in the Southeastern United States. This study was conducted under the notion that the NCAA serves as the primary governing body within intercollegiate athletics and

the Association should work with member institutions to build assure that student-athletes receive a quality educational experience. I comprehend, as a former student-athlete, that my perspective regarding the NCAA may differ from other individuals within the academic community as well as other external stakeholders without any affiliation. Given my own personal background, I understand my responsibility as a researcher to gather and analyze the data without manipulating the results based on my background.

Coding

Beamon (2010), Eagleman (2014), and Turman (2003) are all notable examples of qualitative analyses which have only one coder. Krippendorff (2004) specified that “qualitative studies tend to be carried out by analysts working alone, and replicability is generally of little concern” (p. 88). The collection of data within the aforementioned documents and the assessment of information in the present study are particular to a single researcher. To complete a single-researcher coding process, three critical steps were undertaken as advised by Stern (1996). First, the text of each distinct subject group (i.e., NCAA or newspapers) was read and then coded by identifying key terms, phrases, and the aforementioned categories. Second, the creation of sub-themes occurred through an emergent or inductive analysis because the various frames of laminated language were not always defined prior to a review of the various texts. Third, the present research grouped “the discourse into appropriate categories that could be further examined for underlying or implicit meanings” (Moore et al., 2015, p. 165).

In the present study, the units of analysis were the paragraphs of each document. Matthes and Kohring (2008) stated that, in some cases, the paragraph should be the primary unit of analysis within the research of media framing because “the basic idea is that specific words are the building blocks of frames” (p. 260). For newspapers, the newspaper name, date, title of the

article, journalist name, name/type of violations, and aforementioned themes presented within the article were recorded to build potential connections with the existing frames offered in other documents. After the completion of coding for each document used, the newspaper articles were coded again in order to identify individuals and/or job titles connected with each major violation.

Lastly, comprehensive frames were generated for each type of publication. Drawing from Altheide's (1996) research, it should be noted that the historical-cultural and social context are respected because the present study sought to understand violations through precedent and other past and other cultural-societal factors. Next, comprehending the distinctions between frames forced the creation of "mini-frames" that were separate "from other possibilities" (Altheide, 1996, p. 30).

Overall, the coding results involved understanding the selection, emphasis, and exclusion of information as outlined by Gitlin (1980). Next, coding involved asking whether episodic or thematic framing was present and if conflict framing (i.e., frame alignment, counter-framing, or reframing) was utilized using either a reactivist or normative approach. After the frames were identified, the results were compared to determine whether there are similarities or differences in how newspapers and the NCAA frame the same instances of organizational misconduct. It should be noted that a codebook was utilized in this study to assure that the coding process maintained consistency throughout and matched the overall purpose of this research.

Results

A total of 3,116 paragraphs were analyzed in NCAA and newspaper publications to determine the various framing strategies utilized by both newspapers and the NCAA across the 220 major violations (i.e., organizational misconduct) produced by NCAA member institutions from 1998 through 2016. There were 131 major violations committed by FBS members of which

84 emanated from Power Five/BCS institutions and 47 by Group of Five/Non-BCS institutions (Table 3). The remaining 89 major violations surfaced from the FCS ($n=64$) and Division I athletic departments without football ($n=25$). The units of analysis suggest through framing selection, emphasis, and exclusion that episodic framing was more prominent in both the NCAA and newspapers, (i.e., 86% or $n=2,678$) than were instances of thematic framing (i.e., 14% or $n=438$); thus confirming previous study. Specifically, the *NCAA News* articles and the public reports solely used episodic framing (i.e., 48% or $n=1,508$). Newspaper articles also represented a considerable number of episodic framing examples (i.e., 38% or $n=1,170$).

However, thematic framing was only found in newspaper articles. Lastly, under the umbrella of conflict framing, the present study determined multiple instances of frame alignment (i.e., 48% or $n=1,508$), reframing (i.e., 40% or $n=1,251$), and counter-framing through vilification (i.e., 7% or $n=242$), and debunking (i.e., 4% or $n=115$) (Table 4).

Table 4 Summary of Framing Strategies in Major Violation Publications

Publication Type	Episodic-Thematic	Counter-Framing	Frame Alignment	Reframing	Total
<i>NCAA News</i>	Episodic: 1485 Thematic: 0	Debunking: 0 Vilification: 0	1439	46	1485
NCAA Public Reports	Episodic: 69 Thematic: 0	Debunking: 0 Vilification: 0	69	0	69
Newspapers	Episodic: 1170 Thematic: 438	Debunking: 242 Vilification: 115	0	1,251	1,608

Note: Units of analysis are paragraphs

NCAA Publications

Selection. Collectively, the NCAA offered episodic framing through presenting specific facts about an individual case of misconduct. Next, the present study found the acts of

misconduct by member institutions compelled the NCAA to select a reactivist approach since the wrongful behaviors were promoted as violating the norms of the specific governing body for a particular time frame. The present study found the public reports and press releases on major violations displayed only frame alignment. As an example, in the major infractions case against the University of Notre Dame (LSDbi case no. 784), the public report includes a section focused on providing a summary of the case and then identifying the exact NCAA bylaws violated. Specifically, the public report acknowledged that in the case against Notre Dame that,

“the former student athletic trainer and two football student-athletes engaged in academic misconduct when the former student athletic trainer completed academic course work for the student-athletes over two academic years. Further, another football student-athlete committed academic misconduct without the involvement of an institutional staff member. The conduct constituted academic misconduct pursuant to NCAA Bylaw 10” (NCAA, 2016b, para. 2).

Vital facts and critical details pertaining to every case were also selected and placed in reports where specific components of the infractions and sanctions are elaborated on in a sequential order that followed a precedent or template-like reporting process. Purposely, information detailed in violation descriptions provided assessments of misconduct sequentially through including a general case history, findings of fact, infraction & bylaw analysis, and violation type.

Emphasis. The various NCAA publications emphasized three key elements when frame aligning acts of misconduct to the public: 1) attributing responsibility, 2) outlining transgressions, and 3) distributing sanctions to the member institutions. Each of these elements also represents lamented language because they contribute to a sequence of details in NCAA publications. As an example, Coastal Carolina University (LSDbi case no. 750), Southeastern

Louisiana University (LSD*bi* case no. 742), and Wichita State University (LSD*bi* case no. 738) all were found in violation of providing improper benefits to prospective student-athletes. Although the exact improper benefits varied in each individual case, the NCAA identically classified each institution as engaging in “improper recruiting inducements”. The NCAA compiles and delivers information utilizing such lamented language throughout every infraction case report and article; thus, emphasis contains consistency from the NCAA.

Regarding the attribution of responsibility, the present research discovered 517 paragraphs (i.e., 34%) focused on who played an instrumental role in the misconduct committed by NCAA Division-I member institutions. Whether current or former student-athletes, head coaches, assistant coaches, or administrators performed the infractions, the NCAA publications recognized individuals only by their job titles or positions and the specific infraction(s) classified in the NCAA handbook; names of individuals were never included. As an example, in the Level-I major violations case involving the University of California-Los Angeles (UCLA) football team in 2016 (LSD*bi* case no. 776), the public infractions decision released by the Division-I COI identified the attribution of responsibility by stating:

“In this case, the institution's associate head football coach knowingly arranged for and provided impermissible services to two then prospective football student-athletes. In doing so, the associate head football coach also violated the NCAA principles of ethical conduct. Additionally, the associate head football coach engaged in impermissible off- campus recruiting contacts with three prospective football student-athletes. Lastly, the institution impermissibly provided one prospective football student-athlete with a second official visit to its campus” (NCAA, 2016c, para. 1).

The public reports and *NCAA News* articles were nearly identical when recognizing those whom were responsible for the acts of misconduct. Again, emphasis contains consistency.

The outlining of major infraction cases was represented in 47% (n=715) of the paragraphs within the NCAA publications primarily through connecting the misconduct to a specific bylaw within the NCAA Manual. For instance, in the major infractions case of Weber State University in 2014 (LSDbi case no. 736), the COI detailed the process of determining the acts of misconduct by the institution in a section titled “Review of Case” or “Analysis”. Within this section each infraction is specified, but the exact bylaw which is violated within the NCAA Manual is provided as well. As an example, a portion of the analysis section from the Weber State University infractions report states:

“1. NCAA legislation relating to unethical conduct resulting in academic fraud. Bylaw 10.1 Unethical Conduct. Unethical conduct by a prospective or enrolled student-athlete or a current or former institutional staff member, which includes any individual who performs work for the institution or the athletics department even if he or she does not receive compensation for such work, may include, but is not limited to, the following: (b) Knowing involvement in arranging for fraudulent academic credit or false transcripts for a prospective or an enrolled student athlete.” (NCAA, 2014, p. 6)

Through directly detailing the wrongful behaviors of the member institutions by acknowledging specific bylaws, the NCAA emphasizes transparency to show the public and member schools what rule(s) were violated and the association’s subsequent punishment decision. Overall, the present study found 132 cases of recruiting violations, 111 cases of unethical conduct violations, and 62 cases of academic violations (Table 5). Further, the information presented by the *NCAA*

News and public reports was similar when outlining transgressions. However, the NCAA public reports tended to provide more direct links to passages from the NCAA Manual in order to further connect violations to the decision-making process of the NCAA as a third-party regulator.

Table 5 Summary of Key Themes in NCAA Publications

Key Themes	Number of Cases
Attributing Responsibility	<ul style="list-style-type: none"> • Student-Athlete misconduct: 207 • Prospective Student-Athlete misconduct: 186 • Head Coach misconduct: 178 • Assistant Coach misconduct: 151 • Administrator misconduct: 124
Outlining Transgressions	<ul style="list-style-type: none"> • Recruiting Violations: 132 • Unethical Conduct: 111 • Academic Violations: 62 • Financial Violations: 60 • Institutional Control Violations: 56
Revealing Sanctions	<ul style="list-style-type: none"> • Show cause penalty: 117 • Reduction in financial aid: 106 • Limitation in recruiting: 88 • Two-year probation: 84 • Three-year probation: 56

Note. Information was collected from the LSDbi database provided through the NCAA website at <https://web3.ncaa.org/lldb/>

Interestingly, the lamented language of the NCAA publications also provided insight into the process of enforcement in major violation cases through presenting how they collected information, conducted interviews with members of the athletic department, and their public notice regarding the distribution of punishments. NCAA publications also specify the sanctions presented to institutions and various areas within athletic departments (e.g., coaching staff, recruiting department, and compliance department). In comparison to the attributing responsibility and outlining transgressions elements within NCAA publications, the details regarding sanctions is not as obvious, only accounting for 18% (n=276) of the paragraphs within NCAA documents. The punishments are listed in regard to the level of the penalties (i.e.,

major/Level-I or II). For example in the Jackson State University major infractions case of 2016 (LSDbi case no. 770), the penalties referenced in the NCAA periodicals included:

- “1) One year of probation beginning July 1, 2016, and ending on June 30, 2017.
- 2) Financial penalty: The institution shall pay \$5,000 to the Association.
- 3) The former head men's tennis coach agreed that he violated NCAA recruiting, eligibility and benefits legislation.
- 4) Public reprimand and censure.
- 5) The institution shall vacate any records pertaining to the contest in which the student-athlete competed under an assumed name while ineligible” (NCAA, 2016d, p.7).

All NCAA publications include details about sanctions and the time frame of the distributed punishments. Again, individuals by name are not included.

Exclusion. The exclusion of individual names is important to recognize as another component of frame alignment. Unlike the newspapers, the NCAA excluded this information in the publication of their reports and press releases. NCAA Bylaw 19.5.2. refers to the public announcements of infractions cases by stating:

“The enforcement staff shall not publicly confirm or deny the existence of an infractions case before complete resolution of the case pursuant to this article. However, if information concerning a case is made public, the institution, enforcement staff and the involved individual may confirm, correct or deny the information made public.” (NCAA, 2015a, p. 309)

Once the NCAA presents details of the infractions case to the public, the association no longer has to be confidential in the information pertaining to the violation, especially with those individuals who engaged in the wrongful behavior. Yet, the NCAA remains consistent in only referencing the positions and title of wrongdoers, rather than publicizing their names (Table 5).

For example, in the major infraction case of Baylor University (LSDbi case no. 788), the violation summary on the LSDbi database states:

“Two Baylor University assistant football coaches exceeded the number of allowable recruiting evaluations for two prospects and had impermissible contact with one of the prospects. A third assistant football coach attended a game of a future opponent, which was prohibited off-campus scouting.” (NCAA, 2016e, para. 3)

Overall, the NCAA publications provided insight into why the wrongdoers received a certain punishment. However, precedent cases were notably absent in their reporting or communication process about sanctioning decisions. This is interesting because newspapers overwhelmingly utilized precedent cases to emphasize transparency, consistency, and exactness.

Newspapers

Selection. The collection of newspapers for this study included examples of both thematic and episodic framing. The instances of episodic framing included any articles published which solely focused on one case of misconduct by a member institution. For example, in the Southern Methodist University major infractions case in September 2015 (LSDbi case no. 751), the *USA Today* compiled data and published a story about what events took place when SMU was found in violation of a lack of institutional control (Auerbach, 2015). The article analyzed the behaviors of the institution by researching and reporting on characteristics of the players, assistant coaches, and head coach of the SMU men’s basketball program. There were no references to other major violation cases involving any other Division-I member institutions.

Thematic framing was also prominent in several newspaper articles about major violations and subsequent sanctioning. For instance, in 2015, the *USA Today* published an article

discussing the violations of major programs and whether there was a lasting impact on violating teams (Wolken, 2015). In the article, major violations cases of the University of Oregon (LSD*bi* case no. 709), the Ohio State University (LSD*bi* case no. 684), University of Connecticut (LSD*bi* case no. 665), and the University of Southern California (LSD*bi* case no. 649) were mentioned (Wolken, 2015). However, rather than emphasizing on one specific case, the article took a normative approach and connected each case while describing the implementation of new strategies after receiving sanctions from misconduct (Wolken, 2015).

At times, the information provided in newspapers regarding acts of misconduct by NCAA members was also delivered in a reactivist manner. Newspaper publications would re-frame or counter-frame the original information provided by the NCAA and allow for responses for those directly affiliated with the cases. As an example, the major infractions case of the University of Michigan football team (LSD*bi* case no. 658) led to the program being placed on three-year probation. The newspaper article referenced to the violations committed by stating,

“Among the rules violations the NCAA Committee on Infractions found that Rodriguez failed to monitor the duties and activities of the quality control staff members, the former graduate assistant coach and a student assistant coach, and the time limits for athletically related activities” (Baumgardner, 2013, para. 5).

However, the article also included quotes from the former head coach, which debunked the notion of the case being considered major. The former head coach declared,

"I get mad when I think about that, to me -- and I don't mind saying it -- I thought it was a bunch of BS. We got in trouble for, in the offseason, a strength coach putting a rubber ball on a stick for a get-off thing when (players) did their running. A rubber ball on a stick. "Now think about that, I could have put a hat on

a stick -- that was something I got in trouble for” (Baumgardner, 2013, para. 3)

Emphasis. The present analysis of newspaper articles on NCAA major infractions led to the observation of three key themes within the text emphasis: 1) the social impact of infractions on an institution, 2) the conflict between the violating institution and the NCAA, and 3) the reaction of community members to the major infraction(s). Each of the aforementioned elements represents an aspect of the text which was noticeable in many of the newspaper publications. The newspapers utilized the lamented language crafted by the NCAA by copying that in their publications in order to classify the acts of misconduct and resulting sanctions. Yet, newspaper articles tended to present more detail regarding the cases. Specifically, newspapers suggested that they provided more perspective, depth, and analysis through incorporating a variety of perspectives like those directly affiliated with the case, administrators from the NCAA, and those in the surrounding campus community.

The social impact of infractions is evident in many newspaper reports ($n=836$), especially with how journalists reflected upon the violations and the effect of impending sanctions within the campus community. The campus community included more than just the team, coaches, and administrators in the athletic department, but any individual or group that could be formally associated with the institution, such as students, faculty, and academic administrators. The social impact theme was more prominently reported with larger institutions when there were heavy sanctions distributed, such as what occurred with the basketball and football teams at the University of Southern California (USC) in 2010 (LSD*bi* case no. 649).

USC athletes were found guilty of accepting extra benefits from boosters and sport marketers while still competing for the University (NCAA, 2010). The NCAA imposed strong sanctions on to the institution including a one-year postseason ban, loss of scholarships,

recruiting constraints, vacation of records, and the return of revenue earned from participation in postseason play (NCAA, 2010). The *Associated Press* detailed the impact of infractions and sanctions on the institution and one specific quote included:

"I don't see why the actions of one person is basically spilling over the entire community," said USC student Warren Tichner. "Basically, it's affecting USC, it's affecting a lot of our image, our prestige, and I don't see why one little thing is going to go on and ruin it all for all of us" (Associated Press, 2010, para. 13).

Journalists use social impact to gain viewpoints which from those who may not be directly associated with a situation of wrongdoing, but endured the repercussions in some way. The usage of the social impact theme by newspaper media generates interest due to gauging the overall significance of infractions. Through the inclusion of various perspectives outside of the athletic department and a thorough investigation of acts of wrongdoing, newspapers strived to complete a comprehensive analysis of an infractions case before delivering a report to the general public.

Many articles also published information that focused on how members of the athletic department, violating sports teams, head coach, assistant coaches, etc., felt about receiving sanctions. Conflict emerged throughout many of the reports ($n=397$), specifically in cases where the institution does not agree with the sanctions presented from the NCAA. The use of the conflict frame surfaced in various ways by newspapers detailing violations, using either a thematic frame (i.e., 39% or $n=155$) or an episodic frame (i.e., 61% or $n=242$). For instance, articles detailed information provided by head coaches, assistant coaches, athletic directors, and in some cases NCAA personnel, who strongly disagree with the decision-making of the NCAA. The infractions case of Syracuse University's Men's Basketball team in 2015 (LSDbi case no.

741) exists as a superior exemplar of conflict framing in newspaper reporting. The NCAA found the men's basketball program in violation of academic fraud, extra benefits, and unethical conduct regarding the drug testing policy held at the University (NCAA, 2015b). After the public report and press releases from the NCAA were released to the public, Syracuse head coach Jim Boeheim expressed to the *USA Today* that:

“I am disappointed with many of the findings and conclusions as stated in the Infractions Report. The Committee chose to ignore the efforts which I have undertaken over the past 37 years to promote an atmosphere of compliance within the Men's Basketball Program. Much is also made in the Infractions Report regarding alleged academic violations that occurred within the Men's Basketball Program. As the Head Coach of the Program, I demand academic excellence from my student-athletes. However, under NCAA rules, I am not permitted to intervene in academic matters nor am I permitted to review academic work performed by student-athletes” (Prisbell, 2015, para.5).

The usage of the conflict by newspapers transpired through the development of counter-frames, especially with the perspectives which utilized debunking. Some of the articles included quotes from head coaches and/or athletic directors defending the behaviors of violators, even including proclaiming innocence. In 2016, the University of Louisiana at Lafayette football program (LSD*bi* case no. 757) committed major recruiting violations leading to a vacation of record from 2012 to 2014 (NCAA, 2016c). The athletic director of the University debunked the report of the NCAA declaring that, “Due to lack of credible evidence, the university respectfully disagrees with the NCAA's findings that Coach Saunders made cash payment to a student-athlete” (Buckley, 2016, para. 8). Yet, the only reason that the institution did not file an appeal

on the case was that “under the appeals process, even if the university were to prevail, the result would not likely change the sanctions” (Buckley, 2016, para. 9). With the usage of conflict framing, especially debunking, newspapers provided a platform for violating institutions to defend themselves (i.e., diminish the public reprimand) and to provide their perspective about what exactly had taken place subsequent to or after the infractions. The viewpoints of the institution likely do not change the consequences provided by the NCAA, but allows for the public to obtain statements from the violators’ point of view before making their own opinions.

Local publications rather than national newspapers were more likely to provide reactions from those not directly affiliated with a College or University found in violation of NCAA rules. There were 375 total public reaction paragraphs found in newspapers with 310 paragraphs (i.e., 83%) labeled as episodic frames and 65 paragraphs (i.e., 17%) classified as thematic frames. When colleges and universities are found guilty of violating rules and regulations of the NCAA, the public reaction on the case provides insight on how the non-campus community feels about a specific team or the entire athletic department.

One example includes when Baylor University committed a major violation involving recruiting in 2016 (LSDbi case no. 788) and the NCAA did not impose any further sanctions after the University disciplined the coaches that engaged in the wrongdoing (NCAA, 2016e). Even though the NCAA did not provide any additional sanctions, members from other peer institutions expressed resentment with the behavior of the Baylor Football coaching staff, such as Xavier University (Ohio) Athletic Director Greg Christopher, who stated,

“It is disappointing that the university's coaching staff was more interested in finding loopholes to exploit the rules instead of trying to follow the rules. The assistant coaches could have easily avoided these violations if their focus had

been following the rules rather than finding ways around them” (Associated Press, 2016, para.5).

Public reaction appears similar to the aforementioned social impact theme; however, the present study outlines public reaction as including the perspective of those in the community or not enjoying a formal status (e.g., student, faculty, and staff) with the violating institution. Through the utilization of public reaction, the counter-framing method implemented by newspaper reporters presented a possibility for the NCAA or wrongdoing individuals or institutions to be characterized as villains.

Exclusion. Newspaper articles detailing major violations of NCAA Division-I members tended to be very limited in regard to excluding information in their reports. As previously mentioned, newspaper media made a formidable effort to include as much detail and perspective in their analysis of violation cases. The reports would include the lamented language utilized in NCAA publications including the type of violations (i.e., lack of institutional control or academic fraud), yet newspapers would be more willing to disclose specific details, including the full name of those involved in wrongdoing. The only noticeable omission from the newspaper articles on major infractions was the lack of reference to the NCAA Bylaws and the NCAA Manual. The newspapers would describe the acts of wrongdoing by using the lamented language presented in the NCAA reports, but would not provide the section or correlating subsections to the public.

Finally, elements from the initial frame alignment provided by the various NCAA publications were also occasionally re-framed in newspapers ($n=1,205$) through exclusion. In 2016, Norfolk State University (LSD*bi* case no. 768) committed a level-II violation involving the improper compliance certification of 48 athletes representing six different teams (NCAA, 2016). The article re-framed the case stating that Norfolk State University “failed to monitor the

conduct and the administration of its athletic program in that the institution failed to establish proper systems and safeguards for ensuring that student-athletes' eligibility was certified according to NCAA eligibility standards" (Hall, 2016, para. 12). Re-framing occurred because the newspaper article excluded the specific bylaw section and/or subsection of the violation that categorized the violation; thus, facilitating beliefs that the case involved Level-I type violations such as a lack of institutional control.

Discussion/Conclusion

Utilizing the concept of framing theory, the present study investigates and contrasts the strategies of framing implemented by a formal social-control agent (i.e., NCAA) and newspapers reporting on acts of organizational misconduct. Previous management literature (e.g., Dusek, 2006; Smith & Cho, 2017; Yoo et al., 2013) has detailed information pertaining to organizational misconduct and resulting media portrayals, yet has neglected to address the role of social-control agents in the administration of facts regarding misconduct cases to the general public and institutional members. In this section, an assessment of each of the primary areas of episodic and thematic framing (e.g., selection, emphasis, and exclusion) are evaluated within the two sources of data (e.g., NCAA publications and newspapers) as a method to determine how misconduct is presented to organizational members and society at-large.

The present research demonstrated support for Farnsworth and Lichter (2010) and Turner's (2014) analyses that episodic framing is more widespread and involves the incorporation of prominent, precise information but that episodic frames are used differently for specific audiences. Next, the present study offers thematic framing as highly correlated to the normative approach and confirms Curry et al.'s (2001) and Dusek's (2006)'s recommendation that media outlets utilize assorted conflict framing strategies (e.g., frame alignment, counter-

framing, and debunking) to emphasize that information and perspective provided on cases was false, incomplete, correct, or filtered. Such results also support the appearance of impartiality which notably reinforces Rowe et al.'s (1998) and Pollock et al.'s (2016) assertion that the media, as an informal social-control agent, can be both supportive and contrasting.

Regarding general similarities in the presentation of information, the NCAA and newspapers, as social-control agents, sought to emphasize consistency, transparency, and exactness for their particular audiences. First, both sources provided general information relating to the major violation cases including the names of the violating institutions, specific violations, and sanctions distributed. The sequence of events (i.e., case history, findings of fact to infraction & bylaw analysis, violation type, and sanction) were reported similarly by both sources. Next, it should be noted that the usage of lamented language was featured throughout the description of a major infraction case, regardless of the source. For instance, if the NCAA acknowledged that a member institution displayed a lack of institutional control within the *NCAA News* or public report, then the newspaper would adopt the same terminology when describing a case to the public. In this instance, the NCAA established the initial frame alignment for subsequent newspaper articles. Further, through maintaining consistency with lamented language, it appears the membership and public at-large would be more likely to comprehend the wrongful behavior and acknowledge transparency within the NCAA decision-making and sanctioning processes. The present research also suggests frame alignment specifically occurred through bridging and amplifying. As an example, the formal language and well-defined social structure of the NCAA provided some exactness to each case. The newspapers, in contrast, differed significantly, particularly in the area of conflict framing.

As previously mentioned, the NCAA used precedent as a method for uniformity and

stability when providing news about major violations to the public. The results indicated that the NCAA incorporated a similar sequential structure and formal reporting strategy on infraction cases through emphasizing the attribution of responsibility, outlining of transgressions, and revealing of sanctions. The NCAA was also very specific with respect to identifying the position/job of those individuals committing misconduct. Further, the NCAA provided exact information about which bylaw(s) were violated and what sanctions were assigned. Again, this information provided by the NCAA publications importantly served as the initial framework (e.g., frame alignment) for newspapers. Specifically, newspapers made use of the information and aforementioned lamented language revealed in those documents to set the foundation for their own reports. However, newspapers were less formal and more specific in certain areas. For instance, newspapers frequently identified the names of individuals involved in instances of misconduct but frequently excluded the names of bylaw(s) violated.

The NCAA may have been strategic to avoid the provision of additional public sanctioning or embarrassment to the institution by putting a ‘face’ to the misconduct and subsequent sanctions. By this, the present study endorses the assumption of Southall and Nagel (2008) that the NCAA was intentionally formal to decrease the marginalization of the wrongdoer and thus the association itself. Again, the NCAA is likely interested in protecting members as best they can because their individual members and the Association itself frequently create and maintain relationships with businesses and their fan nations to keep revenues strong (Southall & Nagel, 2008). Still, formal social-control agents are tasked to enforce the behaviors of member organizations, but also deliver accurate information pertaining to the case to the public.

However, in the completion of this study, the NCAA removed the *NCAA News* archive from public access which detailed all former cases of major violations committed by NCAA

members. The removal of the archive served as a practical implication of this study considering that social-control agents function in transparency and should fully commit to easily accessibility for member organizations. Beginning with the presidential era of Dick Schultz in 1989, there was a strong effort towards making the rules, regulations, and decision making of the Association apparent to member organizations, but also individuals in the community (Crowe, 1989). The elimination of the *NCAA News* archive negatively impacts the NCAA as an institutional subsystem considering the concealing of details regarding past cases of organizational misconduct goes against the notion of being transparent in society.

Next, it should be noted that while the NCAA, as a formal social-control agent, maintained consistency due to precedent reporting processes, the Association did not demonstrate a reliance on precedent to make decisions and assign sanctions. Newspapers regularly used precedent decisions and sanction assignments to compare cases with similar instances of misconduct. Moreover, newspapers engaged in re-framing and counter-framing in order to provide additional insight (e.g., interviews, surveys, polls, etc.) to their communities. The NCAA exclusively used frame alignment; however, newspapers, specifically those closer in proximity to violating institutions, appear more likely to conduct an extensive analysis on a major infraction case that involved counter-framing and re-framing. The present study suspects this may be due to the probable association and personal connection that community or regional newspapers may have to the aforementioned institution. Overall, newspapers differed from the NCAA because they focused their emphasis on the social impact of infractions, conflict, and the reaction of community members.

Finally, the framing strategies of journalists determine whether the acts of misconduct would result in public disapproval (Buist & Mason, 2010; Clemente, Durand, & Porac, 2016;

Franiuk et al., 2008). The usage of counter-framing strategies, such as debunking and vilification, were prominent valence frames in newspaper articles and serve as another way to differentiate their products from that offered by the NCAA. In newspapers, those involved with the violation and receiving sanctions received an opportunity to defend themselves and their program or to criticize the decision-making process of the third-party regulator. The newspapers offered themselves as fully transparent with their partnering communities by disclosing any additional information left out of any initial frame alignment. Again, the NCAA tended to exclude certain details (e.g., violator or student-athlete name) from publications as a method to maintain a strong rapport with members. Still, the possibility of exclusion by newspapers is possible. For instance, if the media does not believe that major violations are mediated or representation of a deeper scandal, then the likelihood of the media to provide additional analysis or coverage decreases.

Future Research

Finally, some future research areas emerged as a result of this work. For instance, although the present study looked at major violations committed by Division I institutions, future research could look at framing differences with major misconduct committed by Division II and III members. Specifically, it would be interesting to see if the NCAA reports similarly in length and the use of lamented language. Further, it would be interesting to see if potential coverage demonstrates differences between local media from national media. Regarding media, it would also be interesting to see if the new burgeoning social media outlets by the NCAA and mass media engage in different framing techniques than that offered by newspapers. There are suggestions that social media platforms are rising in importance to communicate information to the public and institutional members (Sanderson, Snyder, Hull, & Gramlich, 2015). Next, future

focus could also look to see if specific instances of major violations or misconduct prompt different selections in framing strategies by the various mass media platforms. As an example, in the present study, infractions involving extra benefits presented to student-athletes could be compared to cases of academic misconduct across newspapers, radio, newsletters, tweets, blogs, and other media alternatives.

Also, another future research topic could focus on analyzing the media attention given to celebrity firms. Celebrity firms are classified as “social actors that attracts large-scale public attention: the greater the number of people who know of and pay attention to the actor, the greater the extent and value of that actor’s celebrity” (Rindova, Pollock, & Hayward, 2006, p. 50). In the present study, the NCAA Division I was described as supporting BCS/Power Five institutions. Rindova et al. (2006) referenced how celebrity firms are typically presented in a positive manner from society due to their perceived value. The present study demonstrates an opportunity to observe if there are differences in how infractions were detailed in media reports and the NCAA on cases of misconduct by BCS/Power Five schools.

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CHAPTER 4.

A QUANTITATIVE ANALYSIS OF THE NCAA'S ENFORCEMENT

In terms of understanding social-control agent behavior, the present study utilizes the theory of social control. Social control is simply defined as the efforts 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 are acting in an appropriate way (Goode, 2015). These individuals or groups, termed social-control agents, have 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, Palmer, & Pozner, 2010).

The purpose of the present study is to analyze the likelihood of social-control agents handing down different types of penalties to organizations who commit misconduct. More specifically, the study seeks to understand any change in behavior regarding social-control agents in the wake of a change in leadership as well as the influence of the media coverage of wrongdoing. The empirical setting in which the present research is using to examine behavior of social-control agents is the National Collegiate Athletic Association (NCAA). Of particular interest is the punishment levied by the social-control agent [i.e., NCAA through the Committee of Infraction (COI)] in response to the misconduct of the organization (i.e., university). Division I-FBS universities were chosen due to their popularity (athletics and overall institution) as well as amount of revenue the athletic department generates (Brown, Farrell, & Zom, 2007; Otto, 2005). For example, in some of the larger athletic departments in Division-I (e.g., Power Five Conferences), achieving high levels of success in revenue-generating sports, such as football and

men's basketball, can lead to increased donations to the institution (Grimes & Chressanthis, 1994), increased donations to the athletic department (Humphreys & Mondello, 2007), increased number of student applications (Chressanthis & Grimes, 1993; Pope & Pope, 2014), and an increase in state funding (Humphreys, 2006). However, other research acknowledged the pursuit and effort to sustain success, especially revenue-generating sports, can prompt participation in misconduct (Fizel & Brown, 2014; Mahoney, Fink, & Pastore, 1999; Otto, 2005).

In order to understand the likelihood of different penalty types, a two-stage probit model is 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) finds 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. The present study examines the qualities which comprise Division-I institutions and investigates 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 judges actions as misconduct. Greve, et al. (2010) defined misconduct as “behaviour 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 behaviour 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). Gibbs (1994) and Deflam (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, Mishina, and Seo (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). 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 uses 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, Goff, & Tollison, 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, so as 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 to deter future organizational misconduct 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 occurred, which prompted some scholars to associated the increase with the growth of commercialism in college athletics over the last 15 years (NCAA, 2017; Otto, 2005; Parkinson, 2012; 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 Fisel and Brown (2014), Mahony, Fink, and Pastore (1999), and Otto (2005). 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). Research acknowledged the pursuit and effort to sustain success, especially 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, Latessa, and Jonson (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 relate back to theories of social control than 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 examined four specific time periods during the sample. They found that playing in the 1980s, an era where there was significant structural change in Division I, 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 (2006) sought to understand the likelihood of Division I-A football teams are 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 of Infractions 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) sought to understand the incentives for school to self-report their violations to the social-control agent. The rationale is that 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) examined three common punishments by the NCAA: television, 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. 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. While some research has explored the enforcement behavior of the NCAA, little research incorporates elements of social control theory to understand behavior by social-control agents. This behavior is analyzed below.

Methodology

The present study focuses on the actions by Division I universities judged to be misconduct by the social-control agent (NCAA, COI) that are subsequently punished. The sample period in our panel dataset is from 2003 to 2015, which corresponds to the year in which Miles Brand began his tenure as the head of the NCAA. The unit of observation is a university-year, and the sample period consists of 4,589 university-year observations. The present research examines punishments given by the social-control agent. Data on punishments delivered by the NCAA was 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*). For each variable, the variable is equal to 1 if the NCAA delivered the punishment in the observed year. There are many cases where multiple penalties are delivered by the social-control agent (e.g., probation and public reprimand). In these cases, all penalties are included.

The present study includes a number of explanatory variables that are grouped in four categories: misconduct characteristics, environment, university characteristics, and social-control agent characteristics. The first group of variables consists of defining the intensity and scope of organization misconduct. Similar to punishment, organization misconduct is 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 6 Categories of Violations ($n=3,832$)

Name	Description/Definition	Mean	Std. Dev	Examples
Academic	Academic Violations	0.007	0.083	<ul style="list-style-type: none"> • Academic Fraud • Improper Administration of Pre-college Administration Tests • Academic Misconduct
Amateur	Amateurism Violations	0.010	0.098	<ul style="list-style-type: none"> • Amateurism • Eligibility • Usage of a Professional Talent Scout
Finance	Financial Violations	0.018	0.134	<ul style="list-style-type: none"> • Extra Benefits • Improper Financial Aid • Outside Funds
Icon	Institutional Control Violations	0.019	0.136	<ul style="list-style-type: none"> • Failure to Comply • Unethical Conduct/Questionable Practice, • Institutional Control
Recru	Recruiting Violations	0.016	0.127	<ul style="list-style-type: none"> • Excessive Official Visits • Improper Recruiting Entertainment • Improper Recruiting Inducements
Team	Team Related Violations	0.014	0.116	<ul style="list-style-type: none"> • Improper Competition • Improper Entertainment/Employment

In addition to the type of misconduct, other characteristics from the report are included.

First, the present study includes the total number of teams involved case ($\#Teams$). The second characteristic is an indicator variable for if the university self-reported their violation (*SelfRep*). Previous research by Winfree and McCluskey (2008) found self-reporting violations can affect the punishment given to them by the NCAA. Third, an indicator variable is included for if the institution was a repeat violator (*RepeatVio*). Being a repeat violator is classified whether this was not the first instance of a major infraction case against the institution since 1953. Finally, a

variable is included if at least one revenue generating sport contributes to the misconduct (*RevSport*). For the purposes of this paper, a revenue sport is defined as men's basketball and football. The variable is equal to 1 if at least one of these sports are included, 0 otherwise.

The second category is labeled environment, which encompasses the coverage of misconduct in the external environment as well as the institutional environment for misconduct. The first variable is media coverage (*MediaCov*), which is an unduplicated newspaper count in the initial 30 days mentioning the organization's misconduct. This 30-day window begins 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 looks at the number of similar instances of misconduct over the past year (*Similar*), which is a count of the number of incidents in the same category as the observed incident over the past 365 days at the initial notice of allegations. Finally, we include 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 is university characteristics, which are obtained from the Integrated Postsecondary Education Data System (IPEDS) and the Equity in Athletics Data Analysis (EADA) websites. The first variable is an indicator variable for if the observed school is a Historical Black College and University (HBCU) institution (*HBCU*). The variable is equal to 1 if the observed university is an HBCU, 0 otherwise. The second variable is an indicator variable for whether the observed university is a private university (*Private*). The third variable is a dummy variable for whether the observed university is a member of a Power conference

(*PowerConf*). For the present study, the following conferences are classified as power conferences: Big10, Big12, Pac12, Atlantic Coast, and Southeastern. If a university is a member of one of these conferences in the observed year, the variable is coded as a 1; 0 otherwise. The present research includes two variables controlling for the size of both the athletic department (*SizeAD*) and university (*SizeUniv*). For the athletic department, the total number of athletes is included for the observed year. This data was retrieved from EADA. The size of the university variable is operationalized by the total number of enrolled first-year students on campus at the beginning of the fall semester of the observed year. This data was obtained from the IPEDS website.

The final category of variables is social-control agent. In the present research there are three variables within this category. The first is an indicator variable equal to 1 in the years in which Myles Brand was president of the NCAA (*Brand*). Recall from Chapter 2, his tenure began in 2003 and lasted until his death prior to the 2009 school year. The second variable is an indicator variable equal to 1 in the years in which Mark Emmert was president (*Emmert*). His tenure began in 2011. The third variable is an indicator variable equal to 1 in the years where the NCAA classified penalties into four levels (*Level*). This policy change took effect in August 2013 (NCAA, 2015).

Model and Estimation Issues

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

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

where i indexes universities and t indexes years.

In the present study, there are a number of estimation issues. 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 have to control for the likelihood that misconduct occurs.

In order to predict misconduct, the present study estimates an additional probit model with the dependent variable being misconduct (*Misconduct*). This variable is 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 control for the number of NCAA sports that are sponsored by the university in the observed year (*#Sports*). It is anticipated that the more sports offered by the university, the higher the likelihood of committing misconduct. The second variable is 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 includes five university characteristics. The first is whether or not the observed school is a member of Division I-FBS (*FBS*). The second variable is if the observed school is a Division I member with no football team (*NoFB*). It is anticipated that the *FBS* variable will have a positive and statistically significant increase in the likelihood to commit

misconduct, while the *NoFB* will have a negative and statistically significant impact. Both of these impacts are in comparison to the reference group, a Division I-FCS university.

In addition to athletic membership, we include 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 operationalize academic quality as the average SAT Scores of the 75th percentage of their incoming freshmen (*TSAT*). The third variable, retrieved from IPEDS, is an indicator variable for whether or not the school is in a rural location (*Rural*). The fourth variable, *Private*, is outlined above and included in the first stage model. The final variable is the number of sanctions imposed by the social-control agent in the previous year ($\#Sanctions_{(t-1)}$). It is 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 is the total number of sanctions would deter an organization to engage in misconduct. In addition, we include the variables for both the Brand (*Brand*) and Emmert (*Emmert*) presidencies.

This first stage probit model predicting misconduct is estimated. From the estimation, the Inverse Mills Ratio (IMR) is calculated and used as a control variable in Equation 1. In other words, the IMR is 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 deals with the equation error term. In Equation 1, the error term (ϵ) has 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 7 presents the summary statistics for the punishment categories. An average of 3.3% of university-year observations included probation, whereas 2.8% of university-year observations resulted in public reprimand. Within the observations, 1.6% of the observation exhibited both show cause penalties and the reduction of financial aid capabilities. 1.3% of the observations represented the limitation of recruiting capabilities and the vacation of team record. A ban from postseason competition represented 0.5% 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 7 Summary Statistics of Sanctions

Name	Description/Definition	Mean	Std. Dev
Probation	Probation Sanction	0.033	0.179
Postseason	Ban from participating in Postseason Competition	0.005	0.074
ShowCause	Show Cause Penalty	0.016	0.127
Recruit	Recruiting Limitations	0.013	0.113
FinAid	Reduction in Financial Aid	0.016	0.124
Vaca	Vacation of Record	0.013	0.110
PublicRep	Press Release from the NCAA regarding violation	0.028	0.166

Table 8 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 is 4,589. This reduction for the overall population during this time period is due to missing data from 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 was 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 has 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 have a mean of 0.077 and a maximum total of 6. The University category contains historical black colleges and universities, which represent 6.3 percent of the observations. 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, has an average of 489 student-athletes per institution with a minimum of 69 student-athletes, and a maximum of 1,488 student-athletes. The 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.

Table 8 Summary Statistics – First Stage Probit Regression

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	1,488
SizeUniv	2,392	1,673	199	10,835
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	0.286	0.818
FBS	0.375	0.484	0	1
NoFB	0.282	0.450	0	1
TSAT	1,230	136	840	1600
Rural	0.122	0.327	0	1
#Sanctions _(t-1)	26	11	0	45

Within the first stage regression results, the number of sport teams represented within each athletic department has 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. A total of 12.2% of the institutions in this sample were located in a rural location, which is defined on the IPEDS database. The average number of sanctions distributed to members of the NCAA was .08 with a maximum of 6 sanctions administered.

Table 9 First Stage Probit Regression Results

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

Table 9 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 was statistically insignificant. The *FBS* variable was positive and statistically significant in comparison to the reference group, schools that were 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 statistically insignificant. If the university is located in a rural setting was negative and statistically significant while a private school was not statistically significant. The number of different punishments delivered by the

NCAA to member institutions in the previous year was statistically insignificant. Both variables, controlling for the presidential eras of Brand and Emmert, were statistically insignificant compared to the reference group which is the interim presidential era of Jim Isch from 2009 - 2011.

Table 10 presents the second stage regression results across different penalty types. Recall the inverse mills ratio 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, historically black colleges and universities, private institutions, BCS/Power Five institutions, and the violation levels were all negative, yet statistically significant.

Table 10 Second Stage Regression Results

Penalty	<u>Probation</u>		<u>Postseason</u>		<u>ShowCause</u>		<u>Recruiting</u>		<u>FinAid</u>		<u>Vaca</u>		<u>PublicRep</u>	
Variable	Coef	StdErr	Coef	StdErr	Coef	StdErr	Coef	StdErr	Coef	StdErr	Coef	StdErr	Coef	StdErr
InvMillsRatio	-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
PowerConf	-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***	0.408	-	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	0.339	-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	

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 coefficient 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.

Discussion

The purpose of the present study is to analyze the likelihood of social-control agents handing down different types of penalties to organizations who commit misconduct and also understand any change in behavior regarding social-control agents in the wake of a change in leadership, as well as, the influence of the 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 9 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 would anticipate that more sponsored sports means additional athletes, coaches, and other administrators further increasing the likelihood of misconduct. The insignificant results could 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 dissertation do support Mahony

et al.'s (1999) findings that the majority of NCAA major violations occur in revenue sports.

The finding that a school that is member of FBS is 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 from a variety of internal and external stakeholders would make likely for them to engage in misconduct. 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 average freshman SAT score, 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, show 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. The results in Table 9 show there is no significance in organizations committing misconduct during the different presidential eras in the sample period. This finding is consistent with the results in Chapter 2 showing stability in terms of the focus of each president during the time period. 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, the number of sanctions handed down by the social-control agent in the previous year did not influence the likelihood that a firm 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 10 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 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 cases, 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. 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 also examined 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 10, the present study found 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, 2013). 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 Chapter 2.

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 Executive Director, the focus was on the enhancement of the academic experience of student-athletes, which meant examining cases of academic misconduct. 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 more likely to also 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 method to 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 2 levels of violations (i.e., major and minor) to 4 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 recognizing 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 (2008) noted, generally when schools self-report and provide suggestions for the penalty, the NCAA goes along with these penalties. While the penalties suggested by the universities engaged in misconduct were not examined, it could be assumed 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 particular 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; Fazel & Brown, 2014; Otto, 2005). The present study supports Fazel and Brown's (2014) assumption that larger institutions that are 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.

Conclusion

The present study looked to further understand the punishment role a social-control agent plays within an industry. There have been investigations on the impact of sanctions within organizations (Davis & Hairston, 2013; Trevino & White, n.d.), yet minimal research exploring how social-control agents assess violations and determine proper sanctions to distribute to violators are present in the literature (Greve et al., 2010). Social-control agents are responsible for enforcing policies set within organization and constantly evaluate the line of right wrong. 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 firms 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. In addition to formal social control agents, media outlets can function as informal social control agents, which can provide significant

attention to misconduct case and deter organizations from engaging in future wrongful behaviors.

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 provided an opportunity to assess the enforcement strategies implemented by the NCAA as a formal social-control agent. 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 March 2016 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 an alternative, 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 the NCAA press releases rather than the information provided on the database.

Future research should 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 begin to understand the impact that NCAA punishments have on the university. Grimes and Chressanthi (1994) found that sanctions administered by the NCAA does 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 decrease 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 commit 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.

Third, 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 agent 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 constitutes misconduct.

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CHAPTER 5.

CONCLUSION

The goal of social control is to build camaraderie within a community by setting norms others are expected to follow (Ross, 1901). Rooted within social control, social-control agents by nature are expected to enforce the rules and regulations with a society. In addition, they need to constantly re-evaluate their methods of functioning as a governing body (Greve et al., 2010). Within the present dissertation, the NCAA is analyzed as a social-control agent due to the association's role as a third-party regulator. The decision-making process of the NCAA is highly scrutinized and evaluation of misconduct is challenging considering the rapid transformation of intercollegiate athletics on a regular basis. Yet, the examination of the strategies implemented in order to ensure social control in college sports, presents an opportunity to extend literature on social-control agents by recognizing how they function when identifying, assessing, and enforcement organizational misconduct.

The present dissertation presents three distinctive studies to further understand social-control agent behavior. Chapter 2 details the evolution of the NCAA as a social-control agent and examines the history of decision-making strategies regarding enforcement. This applied historical analysis of NCAA enforcement showcases the utility of the large number of primary and secondary resources available on intercollegiate athletic history, as well as, the rules, regulations, and expectations of college sport for both scholars and practitioners. From a scholarly perspective, the historical study of social-control agents within the setting of the NCAA exhibits the transformation of rule enforcement and governance, while acknowledging the organizational layering that takes place when examining cases of major violations. Specifically, Chapter 2 acknowledged the new strategies implemented by the NCAA as far as

the strength of complexity, formalization, and centralization under each Executive Director. In the duration of each executive director there were changes to how the NCAA governed, in order to serve as a social-control agent. For instance, in the early years of Walter Byers as executive director, the NCAA Council made all decisions regarding infractions and impending sanctions. However, once the NCAA started tracking major violations and publicizing the wrongful behavior, the organization created the Membership Committee and Subcommittee on Infractions. The development of these initial rule enforcing committees provided a foundation, which rule enforcement is assessed upon today. The results in Chapter 2 support previous work by Palmer (2012), who previously suggested social-control agents might be responsible for perpetrating wrongdoing through increased formalization and de-centralization efforts. More broadly, the results in Chapter 2 illustrate the history to theory approach outlined by Kipping and Üsdiken (2014) where longitudinal data is used to develop theories, particularly in understanding underlying processes.

From a practical perspective, Chapter 2 acknowledges misconduct can be minimized in the community, but the sanctions need to be strong and specific. For example, in order for fines to be successful in the deterring of violations, the fine amount must match the severity of the misconduct committed (Davis & Hairston, 2013; Weston, 2011). Also, the combination of penalties provide an opportunity for NCAA to limit organizational misconduct because the variety of sanctions would make the entire athletic department aware for wrongful behavior and perhaps provide additional incentive to implement new strategies to not participate in such behavior. The usage of social media outlets, such as Twitter, Facebook, and Instagram, allow for the NCAA to announce punishments of violators and obtain perspectives from those in the online community.

In the analysis of Chapter 3, the focus was observing the usage of media outlets to detail acts of misconduct and to understand any differences and similarities between newspapers and formal social-control agents framing efforts. The similarities of information in the NCAA and newspapers, as social-control agents, sought to emphasize consistency, transparency, and exactness for their particular audiences. Both sources attempted to deliver information using lamented language and the initial frame alignment provided in the NCAA publications. To compare to the framing strategies used by media outlets, the frames used by the social-control agents, who assessed the violation cases and administered the punishment, were utilized in this study. The differences in themes discovered in NCAA publications and newspapers exhibited how media members frame information presented from social-control agents. The presentation of information from the NCAA provided an example of frame alignment. The themes utilized by the NCAA provided broad details specific to each case for public consumption. Social-control agents are tasked to not only enforce the behaviors of member organizations, but also deliver information pertaining to the case to the public. In comparison, media outlets examine situations and re-frame initial reports from the NCAA to produce stories to their followers, but the themes within newspaper publication are geared more towards attributing responsibility, outlining transgressions, and revealing sanctions. Chapter 3 also provided analysis regarding the usage of conflict framing within newspaper publications, specifically the usage of vilification and debunking. The details provided in the NCAA publications and newspapers utilized the lamented language throughout to maintain consistency when describe infraction cases and punishments.

Chapter 4 focused to determining the likelihood of sanctions stemming from acts of organizational misconduct within member institutions. The purpose of Chapter 4 is to analyze

the likelihood of formal social-control agents handing down different types of penalties to organizations who commit misconduct. The results illustrated the changing behavior of the formal social-control agents in the wake of recent similar instances of misconduct and how changes in how misconduct is judged effects the likelihood of punishment. The results also revealed how informal social-control agents influence behavior. Informal social control refers to the behaviors of individuals or groups within a community which leads to conformity to norms and laws (Hollinger & Clark, 2005). The impact of informal social control is seen in how those who have conformed to the beliefs of society treat those who have not. Some of the informal sanctions distributed through informal social control include smiles, ridicule, sarcasm, and disapproval (Hollinger & Clark, 2005). Informal social-control agents would consist of non-governing bodies (e.g., formal social-control agents) within the community, which assist with the maintaining of societal norms.

Media members function as agents of informal social control depending to the agenda setting techniques utilized by various newspapers and magazines. Scheufele and Tewksbury (2007) defined agenda setting as “the idea that there is a strong correlation between the emphasis that mass media place on certain issues (e.g., based on relative placement or amount of coverage) and the importance attributed to these issues by mass audiences” (p. 11). Media outlets may choose to designate much attention on cases of organizational misconduct, due to the severity and resulting punishments designated by third-party regulators. Thus, if media outlets have an agenda to publish numerous stories and details regarding a major infraction case as a method to reprimand the violation organization, then the media is serving as an informal social-control agent.

Within Chapter 2, the NCAA chose to make major infraction cases public information

and implemented the public reprimand sanction, which held violating athletic departments accountable for their acts of organizational misconduct. In Chapter 3, the re-framing of major infraction cases by newspaper media outlets used the lamented language of the NCAA publications. Yet, the newspaper publications provided a thorough analysis to hold violators accountable and assure that members of the community were receiving specific details regarding what individuals were directly involved in a case. In Chapter 3, the results support the acknowledgement of the media as an informal social-control agent considering media coverage of violation cases were statistically significant in determining the likelihood of the social- control agent administering the sanctions of probation, vacation of record, and public reprimand.

The limitations of this dissertation are two-fold: the inconsistencies of data collection and missing data, specifically in Chapters 3 & 4. The collection of information pertaining to major infraction cases and violating NCAA Division-I institutions was problematic at times. The NCAA LSDbi database provides an extensive amount of statistics and critical documentation regarding NCAA violation cases. However, the database tends to change on a regular basis, thus the adjustment of observation data was quite common. The missing data points were another limitation in this dissertation, especially in the EADA and IPEDS databases. As stated in the chapters, further analysis of infraction cases is essential. Yet, the databases tend to be limited in the time frame of data and, in many cases, the data points for the earliest time frames are not complete. For example in Chapter 4, the earliest time frame in which the likelihood of sanctions could begin was in 2003 because this was the earliest year, but additional observations were removed for data missing in the database.

There are many areas for future research. The first is to further understand the cartel's

role with influencing social-control agent's behavior. As Humphreys and Ruseski (2009) commented:

“the NCAA might not need to be particularly good at detecting and punishing cheating in order to maintain the cartel. Perhaps the main strength of the NCAA cartel is that each member who cheats is not really a competitor, like in other cartels. A single team cannot leave the NCAA and compete with the remaining NCAA members” (p. 159).

This comment by Humphreys and Ruseski (2009) can be seen broadly within the findings of Chapter 3 in relation to the difference between how the social-control agent frames misconduct compared to the media. However, future research should look to trace the strength of this cartel through the NCAA and potentially other social-control agents embedded within a cartel structure.

An additional area of future research is the analysis of the FBS institutions in the NCAA as celebrity firms. Celebrity firms are classified as “social actors that attract large-scale public attention: the greater the number of people who know of and pay attention to the actor, the greater the extent and value of that actor's celebrity” (Rindova, Pollock, & Hayward, 2006, p. 50). Pfarrer, Pollock, and Rindova (2010) recognized the popularity of celebrity firms by acknowledging when celebrity firms perform well, the result tends to lead to prosperity. However, when celebrity firms tend to perform lower than expected or engage in wrongful behavior, the resulting punishment tends to be lesser than organizations that are not considered a celebrity (Pfarrer et al., 2010). Research detailing the relationship between celebrity firms and sport has received little attention, yet many sport organizations should be classified as celebrity firms for a variety of factors.

Many sport organizations should also be classified as celebrities considering the accessibility of economic, financial, and cultural resources for many firms. For example, this study classifies Division-I Bowl Championship Series (BCS)/Power Five Conference athletic departments as celebrities considering the large amounts of attention and resources the athletic departments receive in comparison to Non-BCS/Mid-major athletic departments, which are categorized as non-celebrity firms. Seifried (2011) detailed the financial gap between BCS and Non-BCS programs, specifically in postseason bowl games, by acknowledging that “the 2009- 2010 bowl season produced about \$237 million in bowl revenue. BCS-charter institutions secured approximately \$198 million (i.e., 83.6%) while non-BCS institutions earned the remaining \$39 million” (p. 29). It would be interesting to see whether there are similarities and differences in the evaluation and sanctioning of celebrity intercollegiate athletic organizations.

The final area of future research is the classification of deviant behavior, specifically exploring the differences between organizational deviance, organizational corruption, and organizational misconduct. Heckert and Heckert (2002) defined deviance as “behavior that violates the norms or that is negatively labeled and evaluated” (p. 450) and also as “socially disapproved behavior, attributes, or conditions that violate acceptable standards of behavior or appearance in a given group” (p. 451). Deviance occurs when someone or some group decides to participate in a behavior that goes against the norms, which may or may not be against the law (Kidwell & Martin, 2012).

Thus, deviance is a broad concept that includes criminal behavior, but also includes acts that are not deemed illegal in society, such as major violations within the NCAA. The concept of deviance may differ from person-to-person or community-to- community based upon the history,

morals, and values that are pre-existing (Becker, 1963; Kidwell & Martin, 2012). The terms deviance, misconduct, and corruption are interchangeable in various literature, yet there are key differences within each term (Avey, Palanski, & Walumbwa, 2011; Ferris, Brown, & Heller, 2009; Santomier, Howard, Piltz, & Romance, 1980). Potential research could acknowledge deviance as an overarching term and how deviant behavior in an organization could be classified as positive deviance, organizational corruption (if the harmful behavior is forbidden within society), or organizational misconduct (if the harmful behavior is not forbidden within society).

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APPENDIX A.

LITERATURE REVIEW

This literature review focused on the relationships between deviance, organizational misconduct, and cartel behavior, along with how each of the aforementioned concepts are established within the National Collegiate Athletic Association (NCAA). Understanding the organizational behavior of the NCAA and the member institutions is essential to both scholars and practitioners considering the role of the NCAA as a social-control agent.

This review begins with an analysis of deviance, the different theories that exist on that concept, and also the relationship between deviance and social control. Following the review of deviance, there will be a brief summary regarding corruption and the role of an organization involving corrupt individuals, as well as, corrupt organizations in society. The next section will introduce organizational misconduct, both theoretically and the resulting consequences of organizations that participate in misconduct. Following the review of organizational misconduct, cartel literature will be presented. The areas within cartels that will be reviewed include a brief introduction into what a cartel is, collusion, how the NCAA acts as a cartel, and how cartel behavior connects with deviance and organizational misconduct. The literature review concludes with insight regarding the current gaps within the literature and potential research topics.

Deviance

Deviance is a well-known topic of discussion in society and has essentially become impactful to organizations that present active participation in that behavior. There have been leaders within major corporations over the past 15-20 years that engaged in deviance, which ultimately led to prison sentences (Hayes, 2005). Former chief executives Bernard Ebbers of WorldCom Inc., John Rigas of Adelphia Corporation, and L. Dennis Kozlowski of Tyco

International Ltd. all participated in deviant behavior within their organizations and were sentenced to prison terms, even though the organization continued to maintain operations (Hayes, 2005). Other examples of executive-led deviance include the Enron Corporation, Credit Suisse First Boston, and Martha Stewart Living (Hayes, 2005). Each of the organizations previously mentioned were in separate industries, yet saw their highest executives take part in the deviant behavior, which led to the personal downfall of the executives (Hayes, 2005). The Enron Corporation was one organization of the aforementioned group that fully ended operations as a result of deviant behavior. The other organizations instituted a complete restructuring of their governance departments, ethics programs, and implemented better training to assure the abiding of rules and regulations by all employees and executives (Hayes, 2005).

Heckert and Heckert (2002) defined deviance as “behavior that violates the norms or that is negatively labeled and evaluated” (p. 450) and also as “socially disapproved behavior, attributes, or conditions that violate acceptable standards of behavior or appearance in a given group” (p. 451). Kidwell and Martin (2012) defined deviate as “to depart, as from a norm, purpose, or subject” and presented deviant as “one that differs from a norm, especially a person whose behavior and attitudes differ from accepted social standards” (p. 4). Becker (1963) argued deviance as “not a quality of the act the person commits, but rather a consequence of the application by others of rules and sanctions to the offender” (p. 9). From this, we see deviance tends to be an all-encompassing concept, yet no one in society is deviant in all aspects of their life (Goode, 2015). However, when individuals participate in deviance, there is a belief that their engagement in the behavior is due to attempting to achieve higher levels of success (Goode, 2015). Whether an improvement of social influence or an improvement of employment influence, this literature review presents deviance as any behavior that differs from the norm in an attempt

to seek a competitive advantage.

In sociology, deviance commonly refers to the infringement of normal behavior and rules that have been previously established in the community. In economics, Becker's (1968) theory on crime stated that many individuals would research the pros and cons of participating in criminal behavior before choosing what their next course of action will be. Although deviant behavior is the generally that which differs from the norms and not acceptable by a social system, some studies posit positive deviance exists and is instrumental in the development of an organization (Heckert & Heckert, 2002; Palmer & Humphrey, 1990). Through the lens of objectivists, positive deviant behavior is seen as the events, activities, or behaviors that may exceed one's normal expectations of a member in the society, which varies from community to community (Heckert & Heckert, 2002). Subjectivists, or individuals that view actions in a positive manner, understand positive deviance as the behaviors that are positively evaluated (Shoenberger, Heckert, & Heckert, 2012). For example, being a hero is an example of positive deviance considering how becoming a hero is highly desirable and valued highly in society (Heckert & Heckert, 2002). In comparison, negative deviance is the underconformity or nonconformity to norms (Heckert & Heckert, 2002).

Deviance occurs when someone or some group decides to participate in a behavior that goes against the norms, which may or may not be against the law (Kidwell & Martin, 2012). Thus, deviance is a broad concept that includes criminal behavior, but also includes acts that are not deemed illegal. The concept of deviance may differ from person-to-person or community-to-community based upon the history, morals, and values that are pre-existing (Becker, 1963; Kidwell & Martin, 2012). Becker (1963) stated deviance is "not the act itself, but the reactions to the act, that makes something deviant" (p. 3). Becker's (1963) definition of deviance leads some

to believe that not all people labeled as deviant must participate in deviant behavior, but could be mislabeled or affiliated with those that do engage in deviance.

Deviance is formulated from a group's ability to follow or object the norms established in society and previous literature established that human groups rely on norms in order to exist (Jetten & Hornsey, 2014; Tittle & Paternoster, 2000). The existence of norms provide order for communicate and permit socialization between those from different backgrounds. As a result of norms, members of society create a model of social control that provides insight into how norms will be implemented, as well as, how the violation of norms will be managed (Jetten & Hornsey, 2014). The individuals or groups that violate the norms created by the social control model could be categorized as being deviant (Jetten & Hornsey, 2014). The social control model is based upon creating conformity within a community by striving for those individuals apart of the community to limit deviant behavior, follow expectations, norms, rules, and laws (Reckless, 1967). Those that violate the norms in place would receive negative punishments or sanctions for their behaviors, which could have long-term effects. However, those that coincide with the norms of society, or even exceed what is believed to be expected, would receive some sort of positive sanction (Jetten & Hornsey, 2014).

When organizations engage in deviance, in most cases, those involved, whether the individual or the organization as a whole, will be labeled as deviants (Guay et al., 2015). When any one person or company is assessed a label, there are immediate consequences that, in some cases, may be lasting. Firms are given a stigma, when past employees or management engaged in deviant behavior. Even though the current staff may not currently participate in such behavior, the previous actions of past employees affect those who currently work at the organization (Guay et al., 2015). When individuals or companies participate in deviant behavior, the punishments

could range from minor sanctions to possible capital punishment depending on the severity of the deviance (Guay et al., 2015).

When discussing deviance or deviant behavior, researchers also need to understand the critical differences between the two different approaches: normative and reactivist (Wolf & Zuckerman, 2012). The normative approach explains how the violation or example of deviant behavior does not fit normal expectations in society (Wolf & Zuckerman, 2012). The normative approach of deviance compels attempts to identify norms and considers differences in attitudes, cultures, and mindsets (Wolf & Zuckerman, 2012). Certain behaviors could be assumed as wrong and negative by many, but that may not be the case for all. The example provided in Heckert and Heckert (2002) stated:

“For example, killing someone may be first-degree murder, negligent homicide, a mercy killing, or a heroic act in wartime. Without the context of the situation, the social group within which the act occurs, and an understanding of the group members’ definitions and evaluations, it is difficult to know what acts (or conditions) are truly deviant” (p. 452).

By presuming what the situation may be and not receiving the full context, improper assumptions can be made and labeling one as deviant could be erroneous (Heckert & Heckert, 2002).

The reactivist approach of labeling deviant behavior includes perspective from members of society. In most situations, earlier cases of those who exhibited deviant behavior are used as example and current behaviors are compared to them (Wolf & Zuckerman, 2012). The issue with the reactivist approach includes how to classify deviant behavior considering the behavior in the past may not be considered deviant in the present (Heckert & Heckert, 2002).

Even though deviance is classified either as positive or negative, understanding the process of deviant behaviors and how normal expectations, along with the reactions of societies, are necessary. The best method needed in order to properly understand deviance is when “one acknowledges that individuals and social groups have both expectations for behavior and conditions and reactions to behaviors and conditions” (Heckert & Heckert, 2002, p. 458).

Subheadings of Deviance. The concept of deviance is classified into four subheadings (which is also described on Table A2): positive deviance, negative deviance, rate-busting, and deviance admiration (Heckert & Heckert, 2015).

Negative Deviance. Negative deviance is best described as “any type of behavior or condition that the majority of a given group regards as unacceptable and evokes a collective response of a negative type or would evoke a collective, negative response if detected” (Heckert & Heckert, 2002, p. 459). The previous definition includes both the normative and reactivist perspectives and is the best representation of what deviance or deviant behavior includes. Some of the distinct examples used in characterizing negative deviance are: street crime, property damage, domestic violence, organizational deviance, drug usage, and sexual deviance (Heckert & Heckert, 2002).

Rate-busting. Rate-busting is understood as those who overconform to certain situations and are negatively seen in the eyes of others (Shoenberger et al., 2012). People view these individuals as foolish because overconformers are likely to agree and adhere to any policies or situations without questioning. Even though overconforming should not always result in a negative evaluation, there are many people in the community that would be considered in the rate-buster grouping (Shoenberger et al., 2012). Examples include the terms nerd, dweeb, dork, or geek because of the tremendous effort placed towards schoolwork and overall intellectual

capability, yet these individuals are assumed to lack social skills and other desirable characteristics in society (Heckert & Heckert, 2002).

Deviance Admiration. Deviance admiration is much more common in today's society than in past because the current society, at times, seems to enjoy someone who may not obey the rules and follows their own path (Shoenberger et al., 2012). The delinquent character that engages in acts of deviance has recently received positive evaluations from those in communities and is also seen in media (Shoenberger et al., 2012). Kooistra (1989) originally discussed the deviance admiration as:

“Murderers and thieves harm not just their immediate victims but also subvert the moral basis upon which society rests. They are specters of evil that terrorize honest citizens, forcing people to live in fear behind locked doors, to spend large amounts of money to protect themselves, and even to abandon their homes and neighborhoods when the fear of crime seems too great. . . . Nonetheless, throughout history we find a handful of individuals who have robbed and killed in clear violation of law, but who were not considered wicked or depraved. Instead these robbers and murderers were viewed as social heroes, and not just during their lifetime but for decades afterwards. They have been popular media creatures whose criminal exploits have been celebrated in song, newspapers, books, plays, mores, and even television dramas. These are lawbreakers who have been transformed from ordinary criminals into legendary Robin Hood figures of epic proportions” (p. 7).

Some famous American examples of such outlaws include Billy the Kid, Bonnie and Clyde, and Jesse James. These individuals committed numerous acts of deviance, yet some view them as

legends in a positive manner (Kooistra, 1989). These people are also seen in a positive perspective because they were different from what society deemed as acceptable. Through deviation from the standards set from others, they were able to be positive evaluated from future generations because of the change they provided (Kooistra, 1989).

In sports, the acceptance of gamesmanship behaviors when franchises are competing for the highest recognition is an example of deviance admiration. Seifried (2004) identified societies' accept and promote gamesmanship in athletic competition because it reflects a winning attitude. Gamesmanship is the ability to achieve success in competition without cheating, yet using alternative measures to seek an advantage (Seifried, 2004). Examples of gamesmanship include: bluffing, espionage, and intimidation (e.g., physical or verbal trash talk), which are completed in order to gain a competitive advantage. Some research referenced the lack of gamesmanship research on competition is disappointing and a lack of integrity shown by competitors should be absent from any level of competition (Dixon, 2003). However, other research stated that gamesmanship is expected at some competition levels and desired because it shows participants and consumers they will do what is necessary to achieve success (Lumpkin, Stoll, & Beller, 2003).

Positive Deviance. Positive deviance is simply the approval of behavior that goes above and beyond what is expected in the standards of society. Specifically, the individuals that strive for the best and continue to leave lasting positive legacies in the community, are the ones exhibiting positive deviance (Heckert & Heckert, 2015). These individuals exceed the normative standard and, in most cases, are involved in selfless behavior (Heckert & Heckert, 2015). The engagement in selfless behavior is commonly seen in organizations and is also known as altruism, which is likely to be evaluated in a positive manner.

In organizations, there is an expectation for all employees to follow rules and regulations that have been set in place (Martin, Lopez, Roscigno, & Hodson, 2013). In industries, there are a written set of expectations that organizations should follow in order to allow for genuine, fair, and acceptable business practice. However, in both cases, there will be a moment where an employee or organization will consider breaking the rules in order to seek an advantage (Vardaman, Gondo, & Allen, 2014). Rule-breaking is described as a “form of heroic individual resistance against socially pernicious organizational power structures” (Dodson, 2009; Martin et al., 2013, p. 551). To engage in rule-breaking at the organizational level, employees are outwardly showing opposition to those who are in authority (Vardaman et al., 2014). Examples of rule-breaking are categorized as either contentiousness or hierarchy. Contentiousness refers to how rule-breaking is seen in the perspective of those who enforce rules (Martin et al., 2013). Hierarchy refers to rule-breaking that occurs at different levels within an organization, along with how executives and management alter enforcement policies varying on the level within the company (Martin et al., 2013). The previously mentioned examples of rule-breaking provide insight into the occurrence of deviant behavior, specifically how different theories of deviance are created.

Theories of Deviance. Considering that deviance is such a broad term and defined in many different ways by various communities, understanding the different theories regarding deviant behavior is essential in grasping the concept as a whole. Theorists ranging from Emile Durkheim to Edwin Sutherland possess differing opinions of deviance and why individuals or businesses may engage in deviant acts. Table A3 provides a brief description regarding each of the theories that are discussed.

Emile Durkheim is acknowledged as being the chief investigator of deviance (Ben-

Yehuda, 2012). His prior research and results conclude deviance is considered functional because of the impact on social order. The concept of deviance confirms the norms of a community and also entails the notion of moral boundaries, which is the overall belief of how a community member should behave (Ben-Yehuda, 2012). Durkheim believed in creating harmony in the community and positioned deviance as aiding in providing social unity (Ben-Yehuda, 2012). Social unity is the creation of synergy within a group based upon the actions of deviant individuals or groups (Heckert & Heckert, 2015). Once the group creates social unity, then many of the thoughts and beliefs of the group could be perceived as the norm (Heckert & Heckert, 2015). Social unity can sometimes be problematic considering that deviance can present social change that acknowledges prohibited behavior, but with enough support, can become tolerated.

Strain Theory. Through the development and defining of deviance by Durkheim, sociologist Robert Merton generated Strain Theory (Agnew, Piquero, & Cullen, 2009). Strain Theory references how members of society can be pressured to conform to the behaviors that previously exist. If those behaviors are negative or go against the norms, then ultimately, there is pressure to participate in deviance (Agnew et al., 2009). The pressure becomes an issue, particularly in goal-setting, because in society, individuals and groups are taught to strive for goals, but strain is created when there is no permissible opportunity to reach the goals (Agnew et al., 2009). When the opportunity is blocked, deviance occurs and Merton stated that there are four categories of responses to the strain created: innovation, ritualism, retreatism, and rebellion (Agnew et al., 2009). Innovation refers to the engagement in forbidden behaviors in order to achieve the goals of society. Ritualism describes that members of society abandon their goals, in order to obey the regulations set by leadership. Retreatism represents a lack of participation in

goal-setting and the achievement of goals. Rebellion indicates a desire for someone to replace to goals of the community with their own (Agnew et al., 2009).

Symbolic Interactionist Theory. The next theory is commonly referenced in the literature regarding deviance is the symbolic interactionist theory. In the symbolic interactionist theory, there is reliance on the members of society creating their own circumstances and making their own decisions that may have a lasting impact on their life (Conyers & Calhoun, 2015). The interactionist theory focuses on the ordinary behavior of individuals and is categorized in two different areas: cultural transmission and routine activities theory (Conyers & Calhoun, 2015). Sutherland (1947) connected the theory to deviance by stating individuals learn how to be outstanding citizens in the same manner as they learn to engage in deviance. Sutherland (1947) referenced the cultural transmission theory when describing an individual's participation in deviance, stating that deviant behavior is learned from other individuals in society. Through communication with each other in formal and informal manners, people start to create their own definitions for proper and improper behavior. The routine activities theory focuses on the notion that the likelihood of deviant behavior is higher when the opportunity is more readily available to those looking to conduct deviance (Sutherland, 1947).

Social Identity Theory. Social identity theory, created by Howard Becker in 1963, involves more of a personal relationship between an individual and deviant behavior committed (Hogg & Terry, 2000; Tse & Chiu, 2014). When a group or person utilizes the social identity theory, there is a firm understanding between what is considered personal and what is considered social (Hogg & Terry, 2000). When someone is referring to their personal identity, he or she is referencing to characteristics that are specific to that one person, including their morals, interests, values, and hobbies (Tse & Chiu, 2014). In comparison, someone's social identity involves being

classified due to characteristics such as their age, gender, and social status (Tse & Chiu, 2014). Individuals or groups classified with the social identity theory are motivated by the need to achieve success. Ashforth and Mael (1989) stated that the identification an employee may experience with their organization is an example of social identification. Different components of the organization, including the specific department, work group, union, lunch group, are examples of how someone's social identity is formed by the organization (Ashforth & Mael, 1989). The reason these groups are impactful on an individual's social identity is the role that these groups play on the development of self-esteem (Ashforth & Mael, 1989). Through success, the individual will feel accomplished, respected by other members of the organization, and as a result, will lead to an increase in their self-esteem (Hogg & Terry, 2000).

Labeling Theory. Labeling theory, created by Lemert (1951), posits people are classified under labels provided by the perceptions of others and the resulting behavior leads to deviance. When deviants attempt to flee the generalizations of society, Sykes and Matza (1957) created the term “techniques of neutralization”, which includes: the denial of responsibility, injury, and presence of a victim, condemnation of the condemners, and appeal to higher loyalty (p. 664). When members of society label each other, the consequence presents how people see each other, but also how they see themselves as deviant or not (Sykes & Matza, 1957). Labeling theory is also known as the societal reaction theory and was further researched by Kitsuse in the early 1960s. Kitsuse (1962) focused on the impact of deviance in society. In the article, Kitsuse (1962) stated the:

“Sociological theory of deviance must focus specifically upon the interactions which not only define behaviors as deviant but also organize and activate the application of sanctions by individuals, groups, or agencies. For in modern

society, the socially significant differentiation of deviants from the non-deviant population is increasingly contingent upon circumstances of situation, place, social and personal biography, and the bureaucratically organized activities of agencies of control” (p. 256).

The concept of labeling theory presumes that deviance occurs due to the communication between members of society and the others that help regulate social control.

Control Theory. Control theory, developed by Reckless (1967), is commonly referenced in deviance literature when an individual’s inner control and outer control work against their motivations to deviate. Inner controls consist of concepts and ideals, such as the role of conscience, the religious background of the person, knowing the difference between what is considered right and wrong, the fear of reprimands for participation in wrongful behavior, integrity, and the overall goal of striving to be considered a good person, according to society’s standards (Reckless, 1967). The outer controls are any individuals that can encourage someone to not participate in deviance and strive for proper behavior (Reckless, 1967). The effect of controls relies on the relationship that one has with society. For example, if an individual has a good grasp on the standards and expectations of society, then the more effective inner controls will be.

The relationship that one has with society is based upon four different factors: attachment, commitment, involvement, and belief (Hirschi, 2002). Attachment deals with the respect and admiration shown to those that follow norms established in society. Commitment references to the numerous responsibilities that an individual may have, whether being a parent, student, or an employee. Involvement only concerns the participation in activities that are generally accepted in society. Belief is geared towards understanding what is acceptable in

society, most importantly what actions are considered detrimental and unethical (Hirschi, 2002).

In literature, control theory is ultimately about the self-control an individual shows (Goode, 2000). Self-control is the behavior one exhibits by striving to be an active, cooperative member of the community (Goode, 2000). The process of socialization is critical for all in order to properly demonstrate self-control, yet should be taught to individuals early in childhood (Goode, 2000). Socialization is the achieved through personal development of individuals in society by learning from those that surround them and includes the norms, values, behaviors, social skills, and ideologies presented in the community by others (Goode, 2000). Through the process of socialization, there is an obligation by the leaders of the group or community to assure that all members are conforming and practicing social control.

Deviance & Social Control. Ross (1901) thought social control presented an opportunity to help society grow considering that there was minimal reasoning to why the social behavior of those in the community created harmony. He was interested in what drew people together as a community (Ross, 1901). Ross (1901) stated that he wanted to provide guidance and insight to those being stigmatized and misled. Through his investigation on social control, Ross set the foundation of social control through his evaluation of community and provided the initial framework of how society operates (Janowitz, 1975).

Cooley (1909) and Thomas (1920) further developed the notion of social control and provided different perspectives of what social control entailed (Janowitz, 1975). Cooley believed social control was imperative for a member of society to understand, in order to properly interact with others (Cooley, 1909). Thomas (1920) suggested increasing the value of rational thought in social situations in order to improve social control. He felt society consisted of several different groups and social control relied on effective relationships being built between the groups

(Thomas, 1920).

When the idea of social control was originally developed in Sociology, the term referred to those individuals in a social group having the ability to control themselves with rules and regulations. Mead (1925) concluded social control depends on the behavior of others and the willingness to work together as a society. Mead (1925) wanted the definition of social control to convey unity and how society should be held to certain standard. He believed that through holding all members of society to similar, well-known beliefs, served as an opportunity to experience growth in community presented itself (Mead, 1925).

Janowitz (1975) researched the impact of social control in the community and established that social control is necessary for societies to function, but needs to be set in a manner that focuses on the best interest of the individuals in the community. Janowitz (1975) concluded that social control was imperative to have in society, however, the previous implementation of social control led to disconnect between community members and those who enforced social control. Community members believed that social control was solely focusing on the negative aspects of society and not the overall betterment of the community (Janowitz, 1975). In order to communicate all aspects of what social control accomplishes, Janowitz (1975) believed social control enforcement needed to enhance their image in the community by providing more insight to the advanced industrial areas.

Gibbs (1994) attempted to describe social control by implementing the scientific theory of social control. Gibbs (1994) defined social control as: 1) the apparent actions of individuals that believe their actions increases or decrease the chance of a given condition; 2) the behavior shown by individuals that is adjusted if the behavior becomes more or less desirable. The development of the scientific theory of social control attempted to provide insight into social

control that was accurate, testable, and appropriate (Delfem, 2015). Gibbs (1994) concluded that an individual's control over another person includes the practice of self-control, along with direct and continuous social control (Delfem, 2015).

Hollinger and Clark (2005) classified social control into two categories: informal and formal. Informal social control refers to the behaviors of individuals and group within a community which leads to conformity to norms and laws (Hollinger & Clark, 2005). The impact of informal social control is seen in how those who have conformed to the beliefs of society treat those who have not. Some of the informal sanctions distributed through informal social control include smiles, ridicule, sarcasm, and disapproval (Hollinger & Clark, 2005). Formal social control is utilized when informal social control is not adequate enough to assure conforming to the society's norms (Hollinger & Clark, 2005). Formal social control is enforced by agencies that are in charge of enforcing rules and regulations of society, which are also known as social-control agents (Hollinger & Clark, 2005).

Social-control agents are known as "an actor that represents a collectivity and that can impose sanctions on that collectivity's behalf" (Greve, Pozner, & Palmer, 2010, p. 56). Greve et al. (2010) identified examples of social-control agents, such as: international governing bodies, national governing bodies, local governing bodies, and professional associations. The identification of social-control agents is critical in analyzing deviance or organizational misconduct due to determining which managers in violating organizations will be accountable for the firm's indiscretions and which managers would rather administer blame (Greve et al., 2010).

The existence of social-control agents is contributed the usage of the sociological approach of defining wrongdoing. The sociological approach is simply the punishment of

behaviors that are labeled as wrong by social-control agents (Palmer, 2012). The advantages of using the sociological approach includes: offering a sole definition of wrongdoing to those who follow, a better opportunity to express opinions regarding leadership, and attempts to recognize the differences between normative and social scientific considerations (Palmer, 2012). The disadvantages of the sociological approach include the continuous change of the definition of wrongdoing and not all behavior, which should be labeled as wrongdoing, is classified by the social-control agents (Palmer, 2012). The sociological approach to dealing with wrongdoing places the power of enforcement in the hands of the social-control agents. Social-control agents should firmly understand the group dynamics of the organization before administering any sanctions.

The group dynamics theory, researched by Lewin (1951), is critical to understand by social-control agents because if there is not a firm grasp of how employees communicate within an organization, then the likelihood of administering incorrect sanctions increases (Bargal, 2012). Group dynamics focuses on the make of the group and how the individuals within the group guide interaction (Bargal, 2012). The type of individuals within the group has influence on the personality, power, and behavior of how the group approaches different situations (Bargal, 2012). Some of the structural factors within group dynamics include the norms, roles, and status and some of the functional factors include cohesiveness and conflict, whether it is group or interpersonal (Bargal, 2012). The conflict factor is common within organizations and, at times, best seen within athlete programs or professional sport franchises considering there are different goals by different members, whether the athletes or front office personnel.

An example of the group dynamics theory is the conspiracy that took place with the Chicago White Sox during the 1919 Baseball World Series (Palmer, 2012). The Chicago White

Sox team possessed eight players willing to purposely lose games in order to receive money from gamblers (Palmer, 2012). The players that engaged in the wrongdoing are known as the “Black Sox” and their actions were completely separate of the remaining players on the White Sox team. The members of the Black Sox were banned from the sport of baseball for life, but when administering sanctions, the governing official, Judge Kenesaw Landis, needed to understand the group dynamic within the team. Landis needed to recognize that the actions and behaviors of a few players were not a sole representation of the entire team (Palmer, 2012).

A key issue with social-control agents is the amount of power distributed to those making the decisions. When the agents are the sole decision-makers in determining what conduct should be labeled as wrongful; the enforcement committee or individual could utilize this power and engage in wrongdoing. Palmer (2012) addressed the behavior as social-control agents and suggested they are just as “responsible for creating wrongdoing as are the perpetrators of wrongdoing, albeit in a fundamentally different way than the perpetrators of wrongdoing create wrongdoing” (p. 33). Social-control agents are presented with the ability to determine whether the behavior of those affiliated with their organization is acceptable. However, by making decisions, the social-control agent decides what is considered as the right behavior and the wrong behavior (Palmer, 2012). The member organizations that are assessed by the social-control agent attempt to avoid discipline by social-control agents, yet are willing to do as much as possible without crossing the line set by the agents (Palmer, 2012).

In today’s society, social control is simply defined as the efforts by leaders to ensure conformity to the norms (Goode, 2015). The reason is due to the fact that society is not self-governing or self-regulating, but there are governing bodies and enforcement groups that exist in order to ensure that members of society attempt to conform to the norms (Goode, 2015). Goode

(2015) referenced that social control as:

“the guiding concept in the field of deviance; it is on the foundation of the concept of social control that everything that is important about deviance and how it operates in social collectivities and, more generally, the society itself, rests” (p. 31).

Deviance is referenced as a disruption to the norm in society. Goode (2015) identified the occurrence of deviant behavior can weaken norms, create divide within communities, and create disorder. However, deviance does more than expected and can, at times, leave a lasting impact on society. For example, one key component of deviance is the impact on social change. Consider that the individuals in a community may allow for deviant acts to become more accepted; by allowing the act to occur, the opportunity for the behavior to be considered legitimate rises (Goode, 2015). Deviance also helps members of society adapt to change since alternative lifestyles and methods exist. The presence of deviance would allow for the individuals considered in the norm to properly adjust to a style of living different from their own. Deviance also permits for social cohesion in society. Social cohesion occurs when social boundaries are created within communities and input is presented from the current members of the community in order to determine what behavior will be characterized as acceptable (Goode, 2015).

The acceptance of deviance could be beneficial or harmful depends on the type of deviance taking place and also where the deviant behavior is occurring. If the deviance is mild in nature and observed in a casual setting, the resulting enforcement would be a method of informal social control. However, if the deviant act occurs within a school or a workplace, the resulting sanction would be a form of formal social control. Workplace deviance is researched heavily due

to the possible effects that could impact the industry of the organization and relies on effective leadership by executives in order to keep deviant behavior at a minimum (Goode, 2015).

Workplace Deviance. Prior to the literature provided by Warren (2003), the attention on workplace deviant behavior focused on theft by members within the organization, absenteeism, injustice, and unethical decision making (Robinson & Bennett, 1995). Robinson and Bennett (1995) defined workplace deviant behavior as “voluntary behavior that violates significant organizational norms and in so doing threatens the well-being of an organization, its members or both” (p. 557). When workplace deviant behavior exists, the behavior is classified into one of four categories: constructive conformity, destructive conformity, constructive deviance, and destructive deviance (Warren, 2003). The concepts of constructive conformity and destructive conformity both deal with the relationship between norms and hypernorms, which are universally known principles (Warren, 2003). Constructive conformity occurs when the group norms are aligned with the hypernorms and destructive conformity occurs when the group norms differ from the hypernorms. Constructive deviance is when wrongful behavior occurs within organizations (according to the hypernorms), but is productive in the development of the organization (according to the group norms). Destructive deviance contrasts from constructive deviance since the behavior does not meet the group norms or the hypernorms (Warren, 2003).

The literature on constructive and destructive workplace deviance is essential in fully understanding how deviance exists within any establishment. Constructive workplace deviance includes all of the behaviors that violate the norms of an organization, yet attempts to improve the standing of an organization as well (Robbins & Galperin, 2010). Constructive deviance is much more common in organizations and firms throughout society today because of individuals that commit the deviant acts striving to bring about progressive modifications. The concept of

constructive deviance is quite different from other subjects within organizational behavior because the focus is directly on presenting change within the organization (Robbins & Galperin, 2010).

Constructive deviance is connected with other principles that occur within companies, such as organizational citizenship behavior (OCB), whistleblowing, and voice. Organizational citizenship behaviors describe “employee acts that support the broader social and psychological environment in which tasks are carried out in organizations” (Bolino, Klotz, Turnley, & Harvey, 2012, p. 542). OCB and constructive deviance are similar in structure because both concepts strive to build positive performance within the organization, but the concepts are different considering that OCB does not deviate from the norms set by an organization (Vadera, Pratt, & Mishra, 2013).

Most literature still utilizes the original definition of whistle-blowing, which is defined by Near and Miceli (1985) as: “disclosure by organizational members (current or former) of illegal, immoral, or illegitimate practices under the control of their employers to persons or organizations who may be able to effect action” (p. 4). As with OCB, whistle-blowing has similarities and differences with constructive deviance. For example, the difference is that many cases of whistle-blowing occur as a form of revenge or looking out for one’s self instead of shielding others in the community, including citizens, other employees, and key stakeholders. Constructive deviance and whistle-blowing are similar because when both occur internally, the outcome could provide insight and produce growth within the organization (Vadera et al., 2013).

The last principle that connects with constructive deviance is the role of voice within organizations. Walumbwa, Morrison, and Christensen (2012) stated that voice “is often defined as a kind of intentional, speaking-up behavior by employees to deliver constructive opinions and

ideas on work-related issues that facilitate organizations to achieve better effectiveness or avoid potential crises” (p. 17). Understanding voice is essential to constructive deviance because voice could possibly lead to confrontation within organizations, while constructive deviance is the behaviors that do implement change and imply more action rather than providing suggestions (Vadera et al., 2013).

Destructive Deviance. Robinson and Bennett (1995) originally defined destructive deviance as a “voluntary behavior that violates significant organizational norms and in so doing threatens the well-being of an organization and its members or both” (p. 556). Participation in destructive deviance can be labeled as organizational misbehavior, counterproductive workplace behavior, deviance, antisocial behavior, and dysfunctional work behavior (Griffin & Lopez, 2005). Destructive deviance is divided into two categories: interpersonal and organizational. Interpersonal deviance is the type of destructive deviance that is a negative behavior expressed towards another member of the organization. An example of interpersonal deviance is making a hurtful comment or exhibiting rude behavior. Organizational deviance is a negative behavior towards the organization as a whole, such as stealing or exhibiting minimal effort (Griffin & Lopez, 2005).

Organizational Deviance. Organizational deviance is defined as the “intentional behaviors engaged in by organizational members that are contrary to the norms of the organization, and which carry the potential to harm the organization” (Ferris, Brown, & Heller, 2009, p. 280). From problems between employees to issues regarding practices of companies, organizational deviance emerged to become a frequent issue all over the world (Ferris et al., 2009). There are four scenarios in which are examples of when organizational deviance has occurred: 1) the deviant act must be contrary to norms outside of the organization; 2) the deviant

act must find support in norms of a given level or division of the organization; 3) the deviant behavior must be known to the dominant coalition of the organization; and 4) new members must be socialized to participate in the deviant action (Santomier, Howard, Piltz, & Romance, 1980).

Individuals that participate in organizational deviance choose to do so after affiliating themselves with those who have previously engaged in deviant behavior and also the opportunities to engage in deviant behavior are readily available. In organizational deviance, when people initially notice the deviant behavior of others, they assume that the conduct being displayed is customary. Within businesses, the previous statement becomes vital considering the relationship that may or may not exist between upper level management and their employees, along with the large amount of communication that takes place between peers (Biron, 2010). The leadership within an organization needs to be fully informed on the impact of organizational deviance, thus applying different tactics in order to promote conformity and restrain unwanted conduct (Avey, Palanski, & Walumbwa, 2011; Biron, 2010). Prior research noted the previous consequences of organizational deviance and how negative behavior, such as theft, falsification of documents, and neglect of supervision, could lead to many unwanted costs and revenue losses (Balducci, Schaufeli, & Fraccaroli, 2011; Biron, 2010; Lian, Ferris, & Brown, 2012).

Previous research also referred to three different items that cause organizational deviance in businesses: ethical ideology, ethical leadership, and perceptions of unfairness (Avey et al., 2011; Hastings & Finegan, 2011; Zoghbi-Manrique-de-Lara, 2010). Ethical ideology references to the overall concern shown by someone in regards to what occurs in their surroundings, especially the events that could result in a negative impact on an organization (Hastings & Finegan, 2011). Ethical leadership involves leader consideration, interactional fairness, leader

honesty, and idealized influence within an organization (Avey et al., 2011; Walumbwa, Avolio, Gardner, Wernsing, & Peterson, 2008). Previous research further suggested that in order for organizations to operate in an ethical setting, there needs to be ethical leadership along with interactional justice, which is the level of respect presented to individuals that are affected by decisions (Avey et al., 2011). Perceptions of unfairness indicate that many of the individuals believe that others, whether within the same organization or outside, are treated with more respect from management. Employees within the organization would feel more likely to participate in organizational deviance to gain more respect and ultimately, more notoriety to higher officials within the company (Zoghbi-Manrique-de-Lara, 2010).

When organizations engage in deviant behavior, the reaction provided by those outside of the firm is taken into consideration as well. Generally, when deviance takes place there is a negative perspective that is given to organizations, no matter what may or may not have occurred. With the influence of social media on the community, all that is needed is an incident to transpire and then reaction of many will be evidenced through social media platforms, such as Facebook, Twitter, and Instagram (Dixon, Martinez, & Martin, 2015). One topic area that is commonly discussed on social media platforms in deviant behavior committed within sport, specifically at the intercollegiate and professional level (Dixon et al., 2015).

Organizational Deviance in Sport. The NCAA established the primary mission of the organization is to “be an integral part of higher education and to focus on the development of student-athletes” (NCAA, 2014, n.p.). By educating athletic departments across the country, whether through administration, coaches, and/or student-athletes, the NCAA holds each institution accountable for their actions. As the financial investment and revenues continue to increase in intercollegiate athletes, there is a direct correlation with the growing number of

violations committed by NCAA-affiliated athletic departments (Winfree, 2012). These violations include, but are not limited to, issues with recruiting, impermissible benefits, amateurism, and institutional control (Winfree, 2012). In many cases of the violations being committed, the NCAA member institutions are seeking a competitive advantage to secure a limited pool of money through tournament or bowl appearances (Smith, 2015). Competitive advantage is the ability gained through the utilization of resources to perform at a higher level than others in the same industry. One of the main responsibilities of the NCAA is to reprimand the violating institutions and educate them to prevent further misconduct (Winfree, 2012). The process of disciplining the athletic departments is, at times, a complex procedure and as Rogers and Ryan (2011) stated, “the NCAA enforcement process is, to use a fancy Latin phrase, *sui generis* – meaning of its own kind” (p.752).

In the history of the NCAA, there have been different efforts in order to provide guidance and integrity to intercollegiate sports as a whole. President Theodore Roosevelt first created the Intercollegiate Athletic Association of the United States (IAAUS) due to the rising number of injuries and deaths resulting from intercollegiate football competition (Lewis, 1969). The IAAUS was originally created to reform and provide regulation of all college sports, yet the group focused on just reforming college football (Lewis, 1969). When the NCAA was first created from the IAAUS in 1910, the influence of the organization was minimal and still solely fixated on the development of intercollegiate football (Smith, 2000). However, as additional sports other than football began to grow in popularity, the presence of a diverse governing body was essential and changes needed to be made from the current organization (Smith, 2000).

The Carnegie Report, released by Carnegie Foundation for the Advancement of Education, conducted research on the current state of college athletics at that time and the

problems that existed due to the lack of structure (Savage, 1929). The study referenced the negative components that were evident in college sports and the absence of leadership by the NCAA and heads of athletic departments (Savage, 1929). Even though there was much disagreement and indifference to the results of the study, ultimately, there was enough indication that there needed to be a change on how the NCAA operates. The report offered the recommendation that in order for the NCAA to be more structured and provide a better overall experience for all, college presidents and administrators need to be more involved and assist with the direction of intercollegiate sport programs (Savage, 1929; Smith, 2000). Even though the NCAA attempted to make changes in order to improve the culture, there was a challenge of trying to keep pace with commercialization (Savage, 1929).

After the release of the Carnegie Report, the NCAA attempted to provide a better method for regulating member institutions. In the late 1940s, there were issues in intercollegiate athletics regarding regulation (e.g., recruiting, scholarships, compensation of student-athletes) considering that prior to World War II (WWII) many institutions were self-regulating (Smith, 2000). After WWII, the number of recruiting violations grew and there was a growing problem of how to establish uniformity within the member institutions (Smith, 2000). In 1948, the NCAA approved the sanity codes, which provided a set of guidelines for recruiting, permitted scholarships based on financial need, and regulated the compensation of student-athletes (Edleman, 2014). The sanity codes were regulated strictly and many institutions were found in violation of the codes. However, in 1951 under new President Walter Byers, the codes were lifted because, if not, then there would be no members left in the NCAA since the only sanction for violating the codes was expulsion (Edleman, 2014). Shortly after sanity codes were no longer being used, the NCAA created the Committee of Infractions, which is a group that works separate of the NCAA and

administers sanctions to member institutions. The University of Kentucky committed the first major violation in 1953 when athletes on their basketball team received compensation for fixing games and participating in competition while deemed ineligible (Smith, 2000).

In 1973, a special committee was created in order to study the NCAA enforcement process (Edleman, 2014). The committee recommended for a deeper investigation into the role of the Committee of Infractions. NCAA member institutions began to question the decision-making abilities of the Committee of Infractions specifically regarding unfairness in the rules and enforcement process. Shortly after, the NCAA was presented additional power to enforce the rules by directly penalizing the schools and at the same time, indirectly punishing the students, coaches, and administration (Smith, 2000). In 1979, at the NCAA Convention, there was a vote regarding major revisions to the NCAA's enforcement system, which was rejected (NCAA, 1979). Although the proposal to transform the NCAA's enforcement policies was denied, the council did approve seven additional proposals which would implement smaller alterations to the NCAA enforcement structure (NCAA, 1979). For example, the Committee of Infractions would no longer be permitted to review an infractions case and then determine if further investigation is needed (NCAA, 1979). The delegates of the convention created a four year statute of limitations for infractions cases, established new standards for the evidence regarding accessibility, and would continue to investigate the current enforcement procedures (NCAA, 1979).

As a result of the investigation completed, the Presidents' Commission was formed, which was focused on improving intercollegiate athletics and the betterment of the student-athlete experience (Edleman, 2014). The Presidents' Commission was in charge of implementing one of the biggest moments in NCAA enforcement when the seven-point plan that was established in June 1985. The key point in the plan was the administering of the "death penalty"

to athletic departments and/or teams when repeatedly violating rules (Edleman, 2014). The “death penalty” allowed the Committee of Infractions to have the power to suspend any member’s athletic program for up to two year for the engagement in repeat, major violations of the NCAA bylaws (Smith, 2000). The “death penalty” strongly impacts the financial success of an athletic department, especially in the revenue-generating sports, such as football and basketball (Smith, 2000). Considering that previous research refers to the NCAA as a business, by not having revenue from the primary sources, the likelihood of being successful decreases (Carson, 2010).

The business aspect of intercollegiate sport is evident; however, there have been many issues dealing with how the business aspect of intercollegiate sport is negatively affecting the student-athlete and community experience (Carson, 2010). Carson (2010) stated college sports developed into a sophisticated, yet complicated business and there is more focus on revenue and the pursuit of championships, rather than student-athlete development and education. As college athletic departments throughout the country are shifting their focus towards obtaining more revenue, there are a higher number of cases involving organizational wrongdoing, which leads to major and secondary violations being committed by NCAA member institutions (Winfree, 2012).

Prior to August 2013, the (NCAA) separated violations into two different categories: secondary and major (NCAA, 2015). The NCAA categorized major violations as those that provide “an extensive recruiting or competitive advantage” (NCAA, 2015, n.p.). Secondary violations were defined as violations that “isolated or inadvertent in nature, provides or is intended to provide only a minimal recruiting, competitive, or other advantage and does not include any significant impermissible benefit” (NCAA, 2015, n.p.). As of August 2013,

violations are now categorized into four different levels: Level I, Level II, Level III, and Level IV (NCAA, 2015). Level I and level II violations are evaluated on the same scale as major violations and levels III and IV are familiar to secondary violations (NCAA, 2015). Whether major or secondary, the participation in misbehavior by NCAA member institutions is an example of organizational deviance.

In athletic departments, organizational deviance could take place in a number of ways and with anyone affiliated with any sports team or individual department. The behavior of the violating individual or group must be egregious enough to report to the governing body of their respective athletic department (e.g. NCAA) (Parkinson, 2012). The report of deviant behavior could essentially be directly from the violating athletic department (self-report) or from insight provided by other individuals or athletic departments. No matter the method of reporting, the behavior can only be labeled as deviant if the NCAA is notified and makes a decision regarding possible sanctions (Parkinson, 2012). The NCAA appoints a group of individuals that serve as the Committee of Infractions (COI), which is in charge of utilizing proper judgment in regards to deciding on cases of organizational deviance within NCAA member institutions (NCAA, 2015). The committee must work independently of the involved institutions and also separately from the NCAA (NCAA, 2015).

If the wrongful behavior committed by the violating institution goes unpunished by the Committee of Infractions, the leaders within the organization may feel as participation in the improper action could provide a possible loophole (Parkinson, 2012). Coaches and administrators may proceed to continue in participating in the deviant behavior, which could eventually become a norm within the athletic department. The participation in the behavior would occur with or without the knowledge of the NCAA and could lead to organizational

deviance. The problem that is presented regarding the engagement in organizational deviance without the NCAA's consent is the pressure regarding possible consequences of participating. Individual teams and/or athletic departments may view the behavior on a risk/reward scale that would possibly provide immediate success and deal with the possible repercussions administered from the Committee of Infractions at a later date (Parkinson, 2012).

Previous literature references how the construction of the NCAA is problematic and enhances engagement in organizational deviance (Humphreys & Ruseski, 2006; Santomier et al., 1980). The negative behavior seen in athletic departments results from the lack of proper ethical decision-making that occurs at the university level. When individuals within the university place more value on the individual success rather than the integrity expected by those affiliated with the university, then organizational deviance could result (Agle & Kelley, 2001; Kelley & Chang, 2007). Organizational deviance 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, failure to monitor (Clark & Batista, 2009).

One of the common violations committed by NCAA member institutions involves the recruitment of student-athletes. Recruiting violations occurred for decades and regularly ensue without the knowledge of any higher level administration, whether at the university-level or athletic-level (Clark & Batista, 2009). Clark and Batista (2009) conducted a study on the amount of recruiting violations that occurred at Division-I Football Bowl Subdivision (FBS) institutions. The resulting literature concluded that recruiting violations may take place for numerous reasons including: the prospective student-athlete's race, the prospective student-athlete's socio-economic status, the geographic region that the student-athlete is from, and the conference

affiliation that the institution participates in (Clark & Batista, 2009). In the FBS, 76.4% of the documented recruiting violations were committed by Bowl Championship Series (BCS) teams and 63% of the aforementioned violations took place in the South and Midwest region (Clark & Batista, 2009). The aforementioned literature discusses the different examples of deviance that occurs in intercollegiate athletics; however, in professional sports, the examples given discuss more regarding the deviance that occurs during competition.

When professional athletes partake in competition, their main purposes are to win and strive to be the best player or apart of the best franchise in their respective league (Yates & Gillespie, 2002). Even though some professional sports contain many violent aspects, the acts of violence are seen as acceptable and are often immune to criminal charges (Yates & Gillespie, 2002). Athletes will, at times, cross the line of what is acceptable behavior and blatantly attempt to harm other athletes (Yates & Gillespie, 2002). Yet, fans tend to embrace the situation and cheer for the individual engaging in deviance during a sporting event. The fans feel emotionally and physically engaged to their preferred sports teams. In contact sports, such as football and basketball, some fans prefer for their favorite teams to be overly physical because the action is seen as an act of toughness and durability (Yates & Gillespie, 2002).

The intensity shown during competition is well appreciated by fans and athletes, yet some question the reasoning of why the high level of intensity is deemed acceptable in today's society. From the beginning of athletic competition, there has always been an aspect of violence involved. Whether the event was either combat rituals held by the Greeks and Romans or the early stages of college football held under President Theodore Roosevelt, spectators are willing to attend violent sporting events (Yates & Gillespie, 2002). For example, attendance at football games continued to rise between 1933 and 1976, despite the fact there were 1,198 participants in

college football that died from game-related injuries (Yates & Gillespie, 2002).

Previous research referenced how violence occurring in sports produces little impact on society as some fans purely enjoy sports as entertainment, not as a way of life (Guttmann, 1998; Jewell, Moti, & Coates, 2012; Smith, 1988). In our society, there is a deep appreciation for athletes and their skillsets. Many fans are motivated to attend athletic events, whether professional, amateur, intercollegiate, interscholastic, or youth, because sport has become a critical component of society (Yoshida, Gordon, James, & Heere, 2015). The value of athletic events and the popularity of athletes in the community demonstrate that athletes are also celebrities. The influence of athletes on those who deem themselves as fans is strong, but at times, can be described as excessive (Yoshida et al., 2015). Many fans feel as they may have a direct relationship with athletes and through social media, have a platform to provide feedback regarding athlete behavior and performance (Yoshida et al., 2015).

When sport governing bodies have athletes or departments that participate in misconduct, the punishment that is imposed is sometimes made public (Lee & McFarlin, 2015). However, at times, the punishment that is given is private and the only individuals that are made aware of the full sanctions are those who commit the wrongdoing and those who administer (Lee & McFarlin, 2015). A professional athlete engaging in deviance is quite common and for example, in February 2009, Kim & Parlow (2009) determined that in 22 out of 28 days in the month, a professional athlete was reported engaging in some type of deviant behavior. Wilson (2010) concluded the likelihood of criminal behavior is higher for athletes that participate in sports that consist with the most contact, such as Football and Hockey. Some alternative research has explored that the likelihood of engaging in deviant behavior is higher in professional sports where athletes may make more revenue (Kim & Parlow, 2009).

The power that someone may have in an organization, whether as an athlete or an administrator, is critical in defining deviant behavior. In professional sports, power is seen at all levels of the organization (Pacifici, 2014). In some sports, owner or the general manager would possess the majority of the power in a franchise. Yet, in some other instances, the best player or most influential player can enjoy the most power (Pacifici, 2014). Commissioners tend to retain the most power in all professional sports leagues considering that their position is primarily focused on overseeing the entire league and making sure that rules are being properly enforced (Abrams, 2013). At times, some believe commissioners can have too much power and allow for personal bias and favoritism to become instrumental factors (Abrams, 2013).

Much of the power presented in professional sports leagues comes from the idea of those with the most influence are working within the best interest of the organization (Pacifici, 2014). Commissioners and Presidents need to be in sync with the franchises that make up their leagues because their input is valuable in creating cohesion and conformity throughout. When there is a common belief that the leadership of a league is not exhibiting good standards and also is not working in the best interest of an organization, then the result is disconnect that could ultimately lead to negative experiences, such as league strikes and boycotts (Pacifici, 2014).

When commissioners administer punishments to individual athletes, fairness is vital, but the commissioner should also be consistent (Lam, 2014). Many leagues established guidelines on how to deal with deviant behavior, with respect to procedural and substantive due process (Lam, 2014). Take for example how domestic violence is handled by the different organizations within sports leagues. League-sanctioned organizations produced inconsistent punishments for athletes that engaged in acts of domestic violence. However, instead of the league implementing a sanction, the punishment was left in the hands of the individual teams (Lucido, 2013; Withers,

2010). However, if the commissioner can provide genuine reasoning and show that the process of determining the sanctions was indeed fair, then the owners of the organization will likely be supportive of decision making (Lam, 2014; Lucido, 2013). In professional sports, if one participates in wrongdoing, commissioners and presidents may attempt to make an example out of athletes in order to discourage that type of behavior in the respective league (Pacifi, 2014).

One recent change in professional sports is the inclusion of the NFL's Personal Conduct Policy (PCP) in 2007 (Kim & Parlow, 2009). The strictly followed policy was developed in order for "all persons associated with the NFL to avoid conduct detrimental to the integrity and public confidence in the National Football League" (Kim & Parlow, 2009, p. 578). The policy is not only for those who are arrested and charged in criminal conduct, but also penalizes deviant behavior that damages the league's name and branding, whether on or off the field. Prior to 2007, the NFL Commissioner was not permitted to make any decisions regarding the punishment of a player unless there was a conviction or plea made (Kim & Parlow, 2009). Now due to usage of the PCP, however, "specifics of the disciplinary response will be based on the nature of the incident, the actual threatened risk to the participant and others, any prior or additional misconduct (whether or not criminal charges were filed), and other relevant factors" (Kim & Parlow, 2009, p. 578). The existence of the policy provides expectation of professional athletes and presents the notion that NFL players need to be great representatives of their organization, both on and off the field.

Corruption

Deviant behavior that occurs within organizations will be classified as either examples of corruption or misconduct. Corruption is best understood as an overall betrayal of trust from one person to another. There is a direct link between trust and corruption meaning that when individuals or groups do not necessarily trust the leadership and direction of a company, then

there will likely be corruption as a result (Uslaner, 2012). The lack of trust in an organization is not uncommon, but can attribute to a number of different factors. Entitlement is commonly described as one of the main causes of corruption within organizations because of the role of many lower level employees (Rosenblatt, 2012). Workplace entitlement refers to the employees within an organization that feel as they deserve praise, recognition, and rewards that are not consistent with their actual ability (Harvey, Harris, Gillis, & Martinko, 2014). Employees feel as they work entirely too rigorous of a schedule and receive little to no benefits or recognition from the commitment (Rosenblatt, 2012).

Putnam (1995) believed both trust and social capital were both critical in determining the success within an organization. Further, multiple studies demonstrate that if there is a lack of trust in an organization, then corruption is likely to occur (Soot & Rootalu, 2012; Uslaner, 2000). There are advantages for higher officials in organizations to strive towards earning the trust of all and leading the company as a captain of team, such as uniformity and lack of questioning (Soot & Rootalu, 2012). Through engaging in better leadership techniques, trust could be rebuilt or earned, thus leading to the absence of corruption in an organization, but in some cases, the relationship is beyond repair and leads to a moral collapse (Putnam, 1995; Soot & Rootalu, 2012).

Moral Collapse. The concept of moral collapse is similar to organizational corruption, but corruption is only considered as one form of moral collapse. The key difference between the two terms is that moral collapse does not require any deliberate corruption (Hamilton, 2014). To understand moral collapse, one must recognize institutional theory as the concept provides the framework of the concept. Institutional theory provides a view of organizations from a social and cultural perspective rather than the task perspective. Current literature determines that

institutional theory offers an understanding of how organizations operate, specifically centering on employees, management, and communities (Hamilton, 2014). In order for organizations to be considered as authentic, the entire company must be willing to conform to the ideas, rules, and regulations that already exist in the community (Hamilton, 2014).

Shadnam and Lawrence (2011) developed three propositions in regards to moral collapse and its impact in organizations. Their first proposition stated that moral collapse is likely to happen in organizations that exist in areas that the exchanging of ideas and thoughts in nonexistent. The lack of leadership and communication shown by community leaders essentially leads to moral collapse. When organizations lack communication, whether with employees or stakeholders, there is little chance to achieve success (Shadnam & Lawrence, 2011). Part of the reason for a lack of communication is due to dissimilarity in ideologies. The differing perspective shows that the moral community, organization, and individuals all need to make adjustments in order to accomplish any tasks. The key aspect that needs to be included is that the organization needs to understand and better gauge the moral community (Shadnam & Lawrence, 2011).

Their second proposition offered that moral collapse is likely to occur in organizations that the behavior of the organization minimizes the values and ethical beliefs that were established previously. The second proposition discussed development and how organizations may refuse change, which leads to moral collapse and also misconduct. Organizations tend to be set in their habits and methods, thus an issue would arise when the moral community has major differences that could alter the outlook of the organization. Their third proposition argued that moral collapse is likely to occur in organizations that the misconduct of employees could lead to larger negative effects within the moral community the organization exists. The creation of a

moral community is needed in organizations, but must be established early in the development stages of a company (Shadnam & Lawrence, 2011).

Moral community is known as a “network of organizational actors in which relationships are based principally around issues of morality, and for which there exist some set of rules, formal or informal, that govern community membership” (Shadnam & Lawrence, 2011, p. 385). The concept of moral community should teach the individuals about the ideology, goals, and regulation that are within the company. The belief in moral community builds a relationship between the organization and the individual because dialogue occurs on how each individual is expected to contribute. The individual will be permitted to give ideas, provide influence, and also deliver constructive feedback to the organization, which will allow constant communication and satisfaction for all (Donaldson & Dunfee, 1994).

Organizational culture and moral communities should be linked through similar cultural and social norms. Organizational culture is the values, norms, and behaviors that exist in a workplace which as a result, produce a pattern of behavior that is unique to an organization (Alvesson, 2013). When individuals enter organizations, they already possess their own personal beliefs, norms, and values system; however, being comfortable with conforming to the beliefs of the hiring organization is necessary (Alvesson, 2013). Furthermore, an organization should be fully engaged in their own beliefs and make sure that there are concepts implemented that promote growth, development, and positivity in order to achieve success (Alvesson, 2013).

Organizational Corruption. Aguilera and Vadera (2008) referenced the role of misconduct when analyzing organizational corruption, and described it as the situation when an authority figure abuses their power in order to achieve personal gain. In comparison, Ashforth, Gioia, Robinson, and Treviño (2008) classified organizational corruption as “a willful perversion

of order, ideals, and, perhaps most important, trust” (p. 671). Organizational corruption is the act of an individual or group that is striving for an advantage in some capacity and is willing to violate company policies and procedures (Aguilera & Vadera, 2008). The ‘bad apple’ theory is applicable to individuals that show “pathological traits, certain personality characteristics, low level of moral development, or little belief in a just world” (Gross, 2011, p. 25). Previous literature mentioned the value of determining these traits in individuals before their entry into an organization because once they are in, the impact could be detrimental (Gorta, 1998). If a member of an organization participates in corrupt behavior, but does not receive any reprimands or the proper punishment from higher officials, then that may signal to other employees that engaging in misconduct is tolerable (Gross, 2011).

The leadership by higher officials and lower level managers is significant to reducing the amount of organizational corruption occurring in a company. If there is a lack of leadership demonstrated in an organization, then that missing component will likely produce a negative impact on the company’s structure and culture (Gross, 2011). Lack of leadership could lead to a lack of respect from the higher officials to the employees and vice versa. Gross (2011) described a lack of communication between all levels of an organization as organizational silence. Organizational silence creates a damaging atmosphere in the workplace because there is an environment of discomfort and fear, which limits employees in having meaningful discussions (Tan, 2014). Organizational silence also eliminates learning and the suitable education of the company for all members, including stakeholders (Tan, 2014).

There are three types of organizational corruption (refer to Table A4): procedural, schematic, and categorical, in the Opportunity-Motivation-Justification (OMJ) model of crime (McKendell & Wagner, 1997; Weber, 1978;). In the OMJ model, the focus is on the

opportunities provided through corruption, what motivates the individuals to participate in corrupt activities, and what items may justify their actions (Albrecht, Howe, & Romey, 1984). Procedural corruption is recognized as “either the lack of formalized procedures or formal ‘rules’ of business conduct in the organization, or from the violation of existing formal procedures, for personal gain” (Aguilera & Vadera, 2008, p. 441; Lind, 1988). When procedural corruption occurs, some employees within the organization do not follow the rules or regulations that are set by leadership or management. These individuals are well aware of the guidelines established by the business or firm, yet still feel as the rules are not mandatory to follow (Aguilera & Vadera, 2008; Lind, 1988). The issue with procedural corruption is the role of accountability by managers or other leaders within the group. In some situations, there is pressure to perform and exceed expectations and some leaders would rather disregard the established regulations if that means that the organization would be successful (Trice & Beyer, 1993).

Schematic corruption occurs when “structures are present uniformly throughout the organization” (Aguilera & Vadera, 2008, p. 442; Luo, 2004). Schematic corruption starts with the upper leadership positions and their willingness to engage in corruption in order to seek an advantage over other competitor organizations. Schematic corruption is taught at an early stage of the training process, in which lower employees follow the example provided by managers, managers follow the examples of supervisors, etc. Schematic corruption is tough to detect internally considering that just all of the members within the organization accepted the behavior as the norm. If the upper leadership in an organization show charisma and the employees are all showing uniformity, then the likelihood that an organization could be participating in schematic corruption is highly conceivable (Aguilera & Vadera, 2008).

Categorical corruption is “the result of concentrated and delimited acts of corruption

within the organization” (Aguilera & Vadera, 2008, p. 443). Categorical corruption, in comparison to schematic and procedural, is much easier to detect and specific to a sub-group of the organization. The aspect of pressure is included with the other types of corruption, but is more frequent in categorical corruption. If a sub-group of the company has been found guilty of committing categorical corruption, then that specific sub-group would receive the blame rather than the entire organization (Aguilera & Vadera, 2008). When organizations are led by those who give their supervisors large amounts of responsibility and do not have a direct relationship with all levels of the organization, then categorical corruption to taking place is expected. The three types of corruption are essential in determining the type of misconduct that takes place in organizations. Leadership and involvement by higher officials in organizations is a common element in determining what type of corruption occurs. The likelihood of organizational corruption decreases when there are leaders that build strong, constructive relationships with their staff. The higher ranking officials also need to place more value into training and developing the staff because a lack thereof could contribute to corruption.

OCI & CO. In addition to these three types of corruption, Pinto, Leana, and Pil (2008): added an organization of corrupt individuals (OCI) and a corrupt organization (CO) to the corruption literature. An organization of corrupt individuals’ (OCI) is best described as the majority of members in an organization that choose to act in a corrupt manner to receive personal gain (Pinto et al., 2008). A corrupt organization (CO) is identified as where the entire group chooses to engage themselves in corruption, in order for all to receive benefits from wrongdoing (Pinto et al., 2008).

OCI is specifically expressed as “an emergent, bottom-up phenomenon in which one or more meso-level processes facilitate the contagion of personally corrupt behaviors that cross a

critical threshold such that the organization can be characterized as corrupt” (Pinto et al., 2008, p. 688). OCI spotlights on how the action of few could be detrimental to an entire organization. An organization of corrupt individuals is considered an organization-level issue due to how the corrupt behavior expands to others in the organization. The other reason is the lack of recognition of OCI by upper level executives. If those in higher levels were aware or more involved on what was taking place, then there could be an end to the misconduct.

CO is considered as a “top-down phenomenon in which a group of organization members--- typically, the dominant coalition, organizational elites, or top management team--- undertake, directly or through their subordinates, collective and coordinated corrupt actions that primarily benefit the organization” (Pinto et al., 2008, p. 689). In comparison to OCI, CO strictly spotlights the behavior and corruption committed by the organization as a whole. There is no separation between the individual committing misconduct and the entire organization (Pinto et al., 2008). Past research did not always reference the involvement of upper executives in corruption, but previous findings show that the behaviors shown in CO are representative throughout the entire organization (Vardi & Wiener, 1996).

In assessing the differences between the two types of organizational corruption, four subcategories divide the two categories and assess their differences (refer to Table A5): organizational structure, result orientation, environmental scarcity, and industry structure/norms (Pinto et al., 2008). In organizational structure, when there are greater individual-level structural opportunities in an organization, then there is likely a OCI rather than a CO. Precisely, if the organization has larger opportunities for jobs and is extremely challenging to monitor the behavior of all employees in the company, then the organization could contain corrupt individuals (OCI). However, if the organization has groupings or departments that are loosely

watched, then the organization is probably corrupt (CO) (Pinto et al., 2008).

Result orientation describes the motivation of the employees and their willingness to commit corruption whether the choice was an individual decision or one that is shared throughout the organization (Pinto et al., 1998). Other literature describes result orientation as incentive systems and the pressure for performance/output (Baucus & Baucus, 1997; Hill et al., 1992). In the usage of incentive systems, there is a correlation between organizational corruption, business results, and compensation. If an employee receives compensation based off of the business itself and the amount of revenue being made, then the organization is likely corrupt (Pinto et al., 1998). Yet, if an employee's salary is not determined based upon the success of the business and there is corruption, then an organization of corrupt individuals could be the result (Pinto et al., 1998).

The third subcategory is environmental scarcity and competitive pressures presented to organizations. Competitiveness between companies is common and in some cases, drives individuals or organization to partake in corruption. As previously noted, success is the goal for companies and there is added pressure to meet high standards if a competitor is currently excelling. However, Pinto et al. (2008) determined that if there is an organization that is competing and facing pressure from other organizations, then corruption could exist throughout the entire organization rather than on an individual basis.

The final subcategory examines the likelihood of organizational corruption in certain industries. Previous literature referenced that in certain industries there is a higher probability of corruption (Baucus & Near, 1991; Daboub, Rasheed, Priem, & Gray, 1995; Simpson, 1986). Certain industries have different structures, standards, bylaws, and expectations when addressing corruption, but as specified in Pinto et al. (2008), "in higher regulated industries, regulators may

be bribed to look the other way or an agency might drift into protecting the industries and organizations it was mandated to oversee” (p. 698). When organizations are classified in industries that are more cohesive and are all likely to engage in wrongdoing, then there would possibly be a corrupt organization (CO). However, if the corrupt organization is located in an industry that has strong values and participation in misconduct is rare, then there would be corrupt individuals (OCI) (Pinto et al., 2008).

Sport Corruption. In sports, corruption has always existed and in various forms (Maennig, 2005). For example, illegal substances used to doctor baseball equipment, blood doping in cycling, match fixing in soccer, free agency ‘blackballing’, and/or ticket fraud corruption is prevalent and affects athletes, officials, executives, and fans (Maennig, 2005). The growth of sport through commercialization is a primary cause of why corruption has grown and why many believe that corruption is acceptable. Klitgaard (1988) believed that corruption is a function of monopoly power plus the discretion by officials minus the costs of accountability. Yet, individual corrupt behavior occurs when athletes overconform to the sport through striving to do whatever is necessary to be the best (Klitgaard, 1988). However, Maennig (2005) stated that

“Corruption may take the form of behavior by athletes who refrain from achieving the level of performance normally required in the sport in question to win the competition and instead intentionally permit others to win, or behaviour by sporting officials who consciously perform their allocated tasks in a manner at variance with the objectives and moral values of the relevant club, association, competitive sports in general and/or society at large” (p. 189).

The concepts of corruption and deviance differ in the perspective that corruption tends to

focus more on the possible ruin of an organization, compared to deviance, where in some cases, there is more of an attempt to improve organizational standing. Even though the utilization of both deviance and corruption can yield positive results, corruption is constantly mentioned through literature in a negative perspective. Organizational deviance and organizational corruption are two theories that tend to be on opposite ends of the deviance spectrum. Yet, the concept of organizational misconduct has similarities to both and can be viewed as being in the middle of deviance and corruption.

Organizational Misconduct

As characterized by Greve, Palmer, and Pozner (2010), organizational misconduct is “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 social responsible behavior from their antithesis” (p. 56). In comparison, Barnett (2012) defined misconduct as “any publicized disclosed firm action that, under some set of conditions, a stakeholder would deem illegal, unethical, or social irresponsible and take action to punish” (p. 7). Two benefits from these definitions of organizational misconduct include: the ability to make the identification of misconduct empirical and having the ability to analyze environmental variables, which may be vital to managers.

Szwajkowski (1992) classified organizational misconduct into different subheadings, such as white collar, corporate/occupational crime, unethical behavior, and rule violations. Further, Vaughan (1999) also suggested organizational misconduct consists of “acts of omission or commission committed by individuals or groups of individuals acting in their organizational roles who violate internal rules, laws, or administrative regulations on behalf of organizational goals” (p.4). Other examples considered as organizational misconduct include illegal organizational behavior and organizational deviance, both which MacLean (2008) stated as

overlapping concepts of misconduct. One prominent issue with the term misconduct is how broad the term tends to be. For instance, considering that many organizations and governing bodies to have differing opinions of what misconduct entails, if the definition is not clearly articulated, then there may be an opportunity for an offender to take advantage (Thorpe, 2011).

Organizational misconduct can be classified in two different categories: normal and abnormal (Palmer, 2012). Normal organizational misconduct is the result of wrongdoing from individuals that are considered normal, being as he or she does not have any uncommon human qualities (Palmer, 2012). Normal organizational misconduct takes place within many daily activities within companies, yet rarely addressed if the result of the wrongful behavior leads to success (Palmer, 2012). Durkheim (1895) believed that societies need to create and participate in wrongful behavior in order to survive. The reason being is that in order to gauge what is acceptable behavior within society, society should also be able to determine what is considered as incorrect also (Palmer, 2012).

The culture that surrounds an organization performs an instrumental role in facilitating organizational misconduct. The employees of the organization, along with their training and ethical beliefs is vital in evaluating the organizational culture of a business or firm. Even though some organizational cultures disapprove of misconduct, there are moments that the culture may actually endorse misconduct. The three ways involve: varying degrees of explicitness, extenuating circumstances, and the rise of cultures overemphasizing success (Thorpe, 2011). If the culture of the organization includes any of the previous three items, then misconduct can be prevalent in its surroundings, yet the higher officials are responsible for recognizing and ending misconduct prior to the behavior becoming known as acceptable (Thorpe, 2011).

The pressure of an organization and the opportunities presented through success are

additional reasons of why organizational misconduct occurs. MacLean (2008) discussed the pressure/opportunity model that examines the atmosphere within a business environment and how organizations unify in order to eliminate opportunities to obtain necessary resources, which would pressure other organizations to participate in misconduct in order access the blocked resource. The pressure/opportunity model proposed that if organizations are presented with enough pressure and opportunity, then organizations could partake in misconduct in order to earn assets (MacLean, 2008). The three factors identified that influence the pressure sensed by an organization include environmental scarcity, environmental heterogeneity, and the overall organizational financial performance (MacLean, 2008). Two factors influencing the opportunity presented to the organizations to engage in misconduct are: the structure of the industry and the size/structure of the organization (MacLean, 2008). Eventually, when organizations make decisions regarding misconduct and the opportunities prevail over the obstacles, the odds are that organizations will feel inclined to opt in. Prior quantitative research conducted by Andreoli and Lefkowitz (2009) reviewed how organizational misconduct and the pressure to possibly participate effected employee workplace experience. Individuals that were employed by companies with a poor ethical climate and felt pressure to compromise their beliefs, essentially did so for the success of the company, even though their job satisfaction levels were low (Andreoli & Lefkowitz, 2009).

An additional reason companies engage in misconduct is due to attempting to meet high aspirations or attempting to maintain high results in their respective industry (Mishina, Dykes, Block, & Pollock, 2010). Competition is a key component in some industries that have well-established organizations or a group of organizations pursuing to become the leader (Schwieren & Weichselbaumer, 2010; Shleifer, 2004). However when many companies struggle or feel no

other options exist, Mishina et al. (2010) specified that companies will commit organizational misconduct in order to better themselves. Many businesses are searching for advantages by commonly partake in corporate illegality, which is “an illegal act primarily meant to benefit a firm by potentially increasing revenues or decreasing costs” (Mishina et al., 2010, p. 702). Corporate illegality occurred in many organizations, yet is most common in those organizations that have a successful past but not currently or in organizations that never experienced significant success (Mishina et al., 2010).

Successful organizations are likely engaging in organizational misconduct, due to three possible reasons including: loss aversion, the house money effect, and executive hubris (Mishina et al., 2010). Loss aversion is when the “potential gains and losses are of similar magnitude, the negative consequences of losses will loom larger than the potential positive consequence of gains and will therefore dominate decision making” (Mishina et al., 2010, p. 704). Loss aversion occurs mainly due to the fear that successful organizations endure when projections are not as positive or competitors begin to improve their stance in the industry (Mishina et al., 2010). Kahneman and Tversky (1979) stated that during loss aversion, the negative feedback gets the attention of the higher executives of an organization, not the positive. The positive feedback is expected considering the previous achievements of the company. However, whenever negative feedback is provided, then there is more aspiration and in some cases desperation, to improve immediately (Kahneman & Tversky, 1979).

When organizations are in the midst of success and have the resources to take a few more chances within their decision making, some may consider participating in misconduct in order to seek additional ‘buffer’ advantages. The aforementioned behavior is referenced as the “house money” effect, which suggests:

“When prior gains and prior losses could influence risk taking in such a way that prior gains tended to lead to higher levels of risk seeking. The individuals with prior gains perceive themselves to be gambling with “the house’s money” (the profits from prior winning bets) rather than with their own capital” (Mishina et al., 2010, p. 705).

Organizations choose to venture with “house money” because they have the support (executive and financial) to do so and the risk is limited. Risk taking when utilizing the “house money” effect has its advantages, but if an organization partakes in a risk that can be detrimental to the organization and places the company in a worse situation than previously, further misconduct could result (Mishina et al., 2010).

When companies become comfortable in their setting, then, at times, the leadership would decide to take more risk, if there is minimal negative impact that could result. In some cases, the prior success produced hubris, also known as arrogance (Mishina et al., 2010). Firms begin to feel resolute and believe that the past is indicative of the future, so success will be continued (Mishina et al., 2010). The leaders in organizations believe that the success of the company would mask any indiscretions and failure would not be possible (Mishina et al., 2010).

A vital component in determining sanctions after engaging in misconduct is the moral behavior of the CEO or Owner. The “personal value system” that the executives or ownership may have could determine whether a decision is made due to an immediate reaction or the result of full thought out process (Thorpe, 2011). At times, owners make abrupt judgments without full examination of what takes place. For instance, depending on the seriousness of the misconduct, ownership will cut ties with a player because he or she does not want the actions of the athlete to be representative of entire organization (Thorpe, 2011).

When companies are experiencing success and are reaching the goals set by upper management levels, then there is minimal focus on the negative behavior. However, organizational rule violations are much more likely to take place when the overall performance of a company is not meeting expectations (Lehman & Ramanujam, 2009). Some scholars believe organizational scandals and rule breaking has become the norm and is an expected aspect of organizational life (Martin et al., 2013, p. 550). The problem is attempting to understand when and why governing bodies or management officials choose to be selective when dealing with misconduct. As Vaughan (1999) noted, ‘when do organizational conditions produce conduct and when do they produce misconduct (p. 292)?

Lehman and Ramanujam (2009) produced a framework that attempted to explain why organizations choose to be selective when they bestow punishments to those who participate in misconduct. The three characteristics taken into consideration include: the secrecy of compliance structures, coupling between violation and outcomes, and enforceability (Lehman & Ramanujam, 2009). When misconduct has been committed, the details regarding how the governing body operates is very unlikely to become public information, which is also known as structural secrecy. Structural secrecy is the “way that patterns of information, organizational structures, processes, and transactions, and the structure of regulatory relations systematically undermine the attempt to know and interpret situations in organizations” (Lehman & Ramanujam, 2009, p. 647). Structural secrecy exists in compliance structures because if the process was known, then individuals in the organizations would learn how to violate rules.

The relationship between the violations and the outcomes in a company also has an impact when an organization chooses to be selective in deciding how to handle misconduct. The way that the organization is structured may influence outcomes/violations and determine how a

rule will be violated (Lehman & Ramanujam, 2009). Preceding literature concluded rules were likely to be violated in integrated organizations when the prior violations produced positive outcomes, in comparison to when the violations produces negative outcomes (Vaughan, 1999). In organizations that include departments that work separately, however, rules are presumably going to be violated regardless of previous results (Lehman & Ramanujam, 2009). With some departments isolating themselves from other areas of an organization, along with a lack of supervision from management, there is a development of an individual mindset that focuses only on the goals of the department, rather than the goals of the organization.

Enforcing of the rules and regulations differs from organization to organization, yet enforcement needs to be consistent and meaningful (Werden, 2013). Enforceability is “the extent to which regulatory agencies are able to monitor compliance with the rule and pursue justice for violations, as well as the extent to which such pursuit is likely to occur” (Lehman & Ramanujam, 2009, p. 649). In order for enforcement to be applied properly when organizations commit rule violations, the enforcement or governing agency should function as a separate entity (Werden, 2013). When enforcing rules for organizations, an issue for some governing bodies that consider other factors, such as value and prestige, is to properly apply the standards are in place.

Organizations that achieved success and notoriety in previous years may sometimes have an advantage of not receiving the maximum penalty (Werden, 2013). However, when governing bodies are able to enforce rules and regulations easily and provide stern, but fair sanctions, then the rule being violated again becomes uncommon (Lehman & Ramanujam, 2009).

Misconduct Consequences. When determining punishment for misconduct, stakeholders are commonly given the role of enforcer. The stakeholders of an organization decide whether or not there should be punishment for misconduct and in those cases that deserve punishment, what

the discipline should actually entail (Godfrey, 2005). Godfrey (2005) stated:

“When bad acts occur, it is reasonable to assume that stakeholders invoke the cognitive template suggested by the mens rea doctrine to help determine appropriate sanctions. As stakeholders consider possible punishments and sanctions, positive moral capital acts as character evidence on behalf of the firm. Positive moral capital provides counterfactual evidence to mitigate assessments of a bad mind; it reduces the probability that the firm possessed the evil state of mind that justifies harsh sanctions. Positive moral capital encourages stakeholders to give the firm the benefit of the doubt regarding intentionality, knowledge, negligence, or recklessness” (p. 788).

Moral capital is expressed as a resource that can help build morale in a community (Godfrey, 2005). These resources can assist with growth by creating values, norms, and providing positive experiences for those who are physically or emotionally invested in the community (Godfrey, 2005). Stakeholders utilize moral capital in decision making regarding misconduct because of the positive role that an organization could have in a community. Through severe sanctions handed down from stakeholders, the organization could change their vision and reassess the value of community involvement when trying to recover from sanctions (Godfrey, 2005).

Even though stakeholders develop moral capital, there are limitations to their influence, which includes not being permitted to administer sanctions. Preliminary research conducted by March and Simon (1958) referenced how individuals have limited attention and tend to be irrational in the decision making process. The only way that a stakeholder could accurately punish an organization for participating in misconduct is if the stakeholder’s full attention is

solely on the organization (March & Simon, 1958). Under Barnett's (2012) definition of organizational misconduct, the process of determining adequate punishment is comprised of three stages: noticing, assessing, and acting. The noticing stage is the most problematic considering, in some cases, the personal investment of stakeholders to the organization is substantial (Barrett, 2012). Some stakeholders may not feel as punishing the organization is necessary because the result could negatively affect the stakeholder's influence in the firm.

Penalizing organizations for engaging in misconduct is common and well researched, but analyzing the punishments administered from Chief Executive Officers (CEO's) or Presidents to athletes is still new (Greve et. al, 2010; Trevino, 1992; Vaughan, 1999). Thorpe (2011) reviewed the challenges franchises may face when an athlete engages in misconduct and how one situation may transform an entire organization. The construction of contracts and the terminology used in statements is essential and should be fully understood by both parties before signing (Thorpe, 2011). Athletes should be well aware of what is expected from them on and off their respective field of play; however, the contract should clearly state how the athlete ought to be representing the organization.

The contract gives much power to CEO's and permits them to terminate, for example, the contract of another in management or on the front-line staff member that does not share the values of the team or organization (Thorpe, 2011). Further, once an individual agrees or signs the contract, he or she has allowed themselves to be penalized for any behavior that is deemed as misconduct. Conversely, in most cases, the misconduct needs to be directly located in the contract to be valid for punishment. Thorpe (2011) specifically stated:

“Whilst specific terms, such as ‘commit a criminal offence’, are readily incorporated into a sports contract, these terms possess the disadvantage of being

so specific that many forms of misbehaviour, perhaps beyond the imagination of the parties at the time of contracting, will lie outside the contractual authority to penalise. As such, words of broad application are usually favoured to capture all possible forms of misbehaviour. For example, the term ‘misconduct’ has a wide locus of operation to apply to a broad range of wrongs” (p. 271).

The above statement demonstrates that the contract must be clear and expectations should be specified in writing. The CEO must create a committee to provide feedback and constructive criticism on how contracts are built, as well as, the terminology used in the documents (Thorpe, 2011). For example, good behavior clauses located in the contracts of professional athletes, as well as, the coaching staffs of professional teams (Kim & Parlow, 2009). Many contracts of professional athletes in the National Basketball Association (NBA) contain a “good moral character” clause (Kim & Parlow, 2009, p. 577). The good moral character clause presents the opportunity for executives of the team to terminate an athlete’s contract for conduct that does not represent the standards of the league (Kim & Parlow, 2009).

If the CEO is not using proper judgment, following the proper protocol set in the organizational bylaws, or showing bias when dismissing an employee, then the employee could take legal action against the organization for wrongful termination (Thorpe, 2011). Importantly, one should understand that a CEO can only present a punishment to an employee when the employee engaged in misconduct, according to their contract (Thorpe, 2011). The value of the terms used in contracts is significant and if misperception or a lack of clarity in the structure occurs, then the contract loses its usefulness (Thorpe, 2011).

Thorpe (2011) also referenced that in many cases where an employee has committed misconduct, his or her actions does result in a breach of his/her contract. Specifically, within

contracts, employees would have the concept of just cause, which is the rule that management must have a reason in disciplining an employee, in addition to the reason must be just and fair. CEO's will now have opportunity to present proper sanctions to the employee, which could ultimately result in termination, but should be a fair and just process (McKendall & Wagner, 1997; Thorpe, 2011). However, no matter the severity of a level of misconduct, the higher officials or governing bodies have the final say in decision making. CEO's or owners could terminate an employee for an occurrence of misconduct and would be allowed to legally as long as the incident falls under the distinguished guidelines of misconduct (McKendall & Wagner, 1997; Thorpe, 2011). At times, high-level executives present sanctions to other employees that participate in misconduct, however, the executives are engaging in misconduct simultaneously (McKendall & Wagner, 1997). When CEO's and owners of companies engage in an agreement that would reduce or eliminate competition, then their organizations are functioning as cartels and engaging in organizational misconduct.

Cartel

Stigler (1964) established that the most prosperous cartels were able to detect and rightfully punish those that cheated. However, understanding the differences between a buyer's cartel and seller's cartel, along with the methods used when enforcing, is critical. When organizations begin to collude and decide to stop attracting opposing customers, the behavior is representative of a seller's cartel (Stigler, 1964). The primary intention of a sellers' cartel is to increase the consistency of the market share (Stigler, 1964). In comparison, the buyer's cartel, also known as a monopsony, has similar enforcement structure, but emphasizes that breaking the cartel agreement means pursuit of better contributions that can enhance the output market performance (Stigler, 1964). The NFL player entry draft is representative of a monopsony considering that the athlete being drafted can only negotiate with one potential employer and the

lack of leverage for player means a reduction in salary (Maxcy, 2011). An example of a sellers' cartel is the relationship between Major League Baseball (MLB) and the Negro Leagues in the early 1940's. The franchises of MLB colluded in order to prohibit the entry of Negro League baseball players onto MLB rosters (Sullivan, 1998). The MLB franchise owners believed that the operation of a separate Negro League would be financially lucrative (Sullivan, 1998). Eckard (1998) described the behavior of the NCAA and established the precedent that the NCAA serves as a buyers' cartel, especially in the sport of college football. In this instance, the NCAA appears to be a buyers' cartel since the organization prevents normal supply and demand to take place (Stigler, 1964). Through maximizing the profits, the NCAA seeks to control competitive balance through the organization's regulations (Eckard, 1998).

The creation and development of cartels is challenging in the three main areas: the selection and coordinating of all cartel participants, monitoring the behavior of cartel participants, and restricting entry into the cartel by non-cartel firms (Levenstein & Suslow, 2006). Depending on the industry that the cartel exists in, overcoming the challenges could be less problematic. As an illustration, if the number of organizations within a cartel is minimal, then collusion would be harder to perform because with a smaller number of organizations, the cartel would be easier to detect (Levenstein & Suslow, 2006). However, even cartels that previously encountered collusion have been successful considering the industry that the organization operates in, as well as the prior experience of higher executives. The industry that the cartel exists in may be the single most important attribute in finding organizations that participate in cartel behavior. The success of cartels relies on the type of industry, the competitiveness within the industry, and the amount of competitors that exist in the industry (Levenstein & Suslow, 2006).

The most utilized method of determining whether or not a cartel would be successful is the cartel duration. Zimmerman and Connor (2005) defined cartel duration as “the total life span of an effective illegal agreement from its formation to abandonment, a period that may span multiple episodes” (p. 3). Cartel duration is easy to determine, yet the overall impact is not easily perceptible and requires more insight into the organization itself (Nikodym, 2014). There have been previous cases where cartels exist within the industry without any lasting effects (Levenstein & Suslow, 2006). One example of an undetected cartel is Organic Peroxides cartel, which existed from 1971 to 1999. (Veljanovski, 2009). The cartel focused on the prices and market of organic peroxides in Europe and is the longest lasting hidden cartel ever in the European Commission (Veljanovski, 2009). In these aforementioned cases, the cartels lasted longer considering that enforcement did not notice any differences in company results during that time (Levenstein & Suslow, 2006)

The United States Department of Justice introduced a leniency program in 1993, titled the “Corporate Leniency Policy”, which grants tolerance to a business or firm that reports illegal cartel activity (Leslie, 2011). As a result of reporting wrongful behavior, the reporting company would receive amnesty that provides forgiveness for any previous unauthorized acts committed, as long as, there is immediate action to eliminate the behavior (Leslie, 2011). The organizations that report the illegal behavior would need to be fully accessible and able to assist the Department of Justice in learning about the history and reasoning behind their behaviors (Leslie, 2011). Once the violating firms admitted fault and participation in cartel activity, the leniency policy would protect them, only if their admission was forthcoming and rapid (Leslie, 2011). If organizations were caught acting as a cartel or performing cartel behavior, fines and imprisonment would result (Werden, 2013).

The activity of a cartel is determined when competitors collaborate on how to work to each other's strengths and improve each other's weaknesses (Werden, 2009). The competitors tend to develop an agreement on what will be competed on, such as prices and location of customer competition (Werden, 2009). The agreement between the entrants would focus on the probability of competing and the integration of both organizations in working towards collusion. The compromise between the two adversaries would result in eventually deciding whether or not competition would take place, but also focusing on building the best strategies, so consumers can receive the most benefits (Werden, 2009). However, if the challengers are no longer working in the best interest of the consumers and solely focusing on the betterment of self, then the behavior would be an example of cartel activity and a violation of antitrust law (Werden, 2009).

Competition is the motivation by antitrust (Gundlach, 2014). Antitrust includes the assessment of commercial conduct and then analyzing the purposes to determine whether conduct can be assessed as being either pro-competitive or anti-competitive (Gundlach, 2014). Harrington (2012) stated the purpose of antitrust law is to value the liberties and abilities available in economics through encouraging competition through all members of the industry. In order to fairly investigate whether or not a company is partaking in anti- or pro-competitive behavior, the resulting activity would either harm, or needs to harm, how the marketplace operates (Gundlach, 2014). The principal focus of antitrust law is "not on the outcome nor the strategies that sustain an outcome but rather the means by which a collusive arrangement is achieved" (Harrington, 2012, p.2). Antitrust law is understood from the lessons presented from industrial organization economics (IO), so organizations should understand the theoretical framework surrounding how markets operate and the knowledge of strategies that can measure the competitive effects of the industry (Harrington, 2012).

The Sherman Act was implemented in 1890 and with its introduction; participation in cartel activity in the United States became a punishable offense (Werden, Hammond, & Barnett, 2011). The Sherman Antitrust Act was developed to concentrate on the prosperity of consumers (Seifried, 2012). The first two sections of the Sherman Antitrust Act are critical in connecting the NCAA as a cartel. In the first section of the Sherman Act, regulations are established that prohibits conduct that minimizes competition, limits trade, and/or restricts interstate commerce between organizations (Seifried, 2012). The second section refers to any participation in a monopoly and how any attempt to monopolize is considered an illegal act. If an individual was found guilty of participating in a cartel, then he or she could possibly be administered a jail sentence for up to a year (Seifried, 2012; Werden et al., 2011). However, cases involving cartels or cartel activity were scarce and the only exceptions were cases found in 1921 and 1959 (Werden et al., 2011). Previous literature questioned the seriousness of cartel activity and why governing agencies felt sternly about ending cartel behavior (Flynn, 1967; Gallo, Craycraft, & Bush, 1985).

Collusion. Collusion is defined economically as a general agreement between competitors that is based on communication in order to minimize rivalry (Green, Marshall, & Marx, 2013). In the first section of the Sherman Act, collusion is identified as illegal and any type of document that restricts competition or interrupts interstate commerce is restricted as well (Green et al., 2013). Stigler (1964) acknowledged a concern that firms have while colluding is attempting to discourage secret plans made by opposing organizations. In collusion, organizations are made aware of the secret plans by withholding rivalry, unnecessarily raising prices, and preventing output (Stigler, 1964). Yet, the organizations that want to collude understand that importance of implementing effective strategies and integrate governing

structures between colluding firms and other participants in the market (Stigler, 1964).

Antitrust law is divided into three different types of collusion (refer to Table A6): explicit collusion, conscious parallelism, and concerted action. Explicit collusion refers to extremely competitive, yet illegal, pricing being presented as a result of communication between organizations. In explicit collusion, there is direct communication between one firm and the other regarding the expectations of how both will work uniformly (Harrington, 2012). Conscious parallelism is the legal, but direct opposite variation of explicit collusion and indicates how competitive prices are achieved without communication between companies (Harrington, 2012). Concerted action is an integration of the previous two mentioned collusions and centers on when extremely competitive prices are presented with minimal direct communication, but there is proposition and agreement being reached (Page, 2007). Conscious parallelism and concerted action both are forms of tacit collusion, in which alludes to the majority of collusive arrangements that are completed with direct communication (Hylton, 2003).

Tacit collusion is formulated from the organization of price leadership and mild understanding of strategy (Fonseca & Normann, 2012). The concept of tacit collusion is not discussed in antitrust law, but occurs when cartels are considered illegal or explicit collusion is absent (Harrington, 2012). In comparison, MacLeod (1985) believed that tacit collusion is derived from organizations publicizing price changes, yet not actually completing an actual price change. The one constant between the two definitions is the role of communication, which is minimal at best, but essential in order to achieve tacit collusion (Fonseca & Normann, 2012, 2012). In essence, determining the objective of each type of collusion is crucial, but also when each will be used. For example, if the goal is to observe and prosecute cartels, then use explicit collusion (Harrington, 2012; Rees, 1993). However, if the goal is to prevent mergers with

organizations on the same level, then use tacit collusion (Harrington, 2012; Rees, 1993).

Even though building collusion between organizations is desired, there is still a challenging process of agreeing on and determining what collusive structure will be necessary in order to ensure fairness (Green et al., 2013). Communication and honesty regarding expectations is necessary in collusion because both organizations can be connected and informed while competing. Some of the items that are communicated include: methods regarding price adjustments, how income will be split, and most importantly, how irregular behavior will be handled (Green et al., 2013). An issue regarding the application of collusion is how will the collusion process, including the structuring, be monitored since the two organizations are competitors (Green et al., 2013). For example, if the pricing structure, allocation structures, and enforcement structures need additional development simultaneously, how can each be properly examined with care?

When attempting to solve the initiation and implementation of collusion between companies, precise communication is crucial. Isaac and Plott (1981) maintained that “markets have two sides, and those on the other side and not a party to the conspiracy, may passively acquiesce to the establishment of such a conspiracy. The market reactions might be such that the efforts of the conspirators are rendered ineffectual” (p. 449). The absence of communication during collusion could be problematic, which hinges on the level of value that the product, market, or industry may have. In more complex environments, proper usage of collusion may be too difficult to implement without communication, however, that is not representative for all.

In order to keep collusion between organizations, the dependency on proper enforcement of firms regarding cartel behavior is essential. The three reasons include: 1) cartels being more likely to exist in companies in which there is better information being presented and participants

can differentiate between cheating behavior and demand; 2) firms attempt to be patient before applying punishments to organizations engaging in wrongdoing; 3) cartels attempt to examine the behaviors of other competition in order to be able to separate events that are representative of demand and the general change in pricing (Green et al., 2013; Rigdon & D'Esterre, 2015).

Cartels & Organizational Misconduct/Deviance. The existence of cartels within organizations is illegal and company participation in cartels is an example of organizational misconduct. Previous research on organizational misconduct tends to review cases of fraud and other white-collar crimes, such as insider trading, that occur within companies. Past literature on organizational misconduct discusses individuals and their own cases, but not much focuses on the overall misconduct presented by entire organizations or firms (Andreoli & Lefkowitz, 2009; Vaughan, 1999). When investigating cases of misconduct, researchers need to review the demographics of the organization in order to better understand the environment that the company operates in. Cartels are investigated as examples of collective misconduct within an organization due to the need of cooperation from multiple departments. When investigating a cartel as a group, results entail the collective behavior, yet does not gather information regarding how the individual employees interact with one another and complete tasks (Levenstein & Suslow, 2006). Bertrand & Lumineau (2015) stated that in order to fully understand how cartels conduct business, potential researchers should be prepared to review the structure and diversity of the members within a cartel.

As previously noted, most prior research on organizational misconduct concentrates on the negative behavior of individuals or companies. The research conducted on individuals concludes that there are certain behaviors that ultimately lead to engagement in organizational misconduct (Kish-Gephart, Harrison, & Trevino, 2010; Tenbrunsel & Smith-Crowe, 2008). The

other research is concentrated on organizational misconduct that occurs within an entire organization (Palmer, 2012; Pierce & Snyder, 2008). Misconduct within an organization can, at times, just being at the individual-level, but throughout time, an increase in job status, and an increase of knowledge of how the organization is operated, the misconduct to could spread throughout the entire company (Shadnam & Lawrence, 2011). The impact of organizational misconduct within an organization relies on the influence and guidance from top-level executives within the organization. The managers can create an environment that accepts misconduct and provide leadership that educates lower-level employees to participate in wrongful behavior in order to achieve success (Brown, Treviño, & Harrison, 2005).

The connection between organizational misconduct and cartels stems from organizations willing to engage in misconduct activities. In both circumstances, the organization and the employees tend to be secretive regarding their behavior considering the possible discipline that would follow engagement in cartels or misconduct. Also, previous literature referenced how organizational misconduct may take place within companies that serve as cartels (Bertrand & Lumineau, 2015; Fleisher et al., 1992). When individuals or organizations participate in misconduct, then the group or individuals, takes full responsibility, but in cartels, there is more reliance on other organizations within the group. For example, if one company within the cartel decides to reveal their engagement of misconduct, the impact could effectively reveal the behavior of the entire group rather than just the one firm.

Palmer (2012) referenced how cartels interact socially, but lack formal structures between organizations. The previous statement differs from organizational misconduct considering that the existence of rules and regulations are critical in understanding how organizations operate and formal structures exist in the organizations that participate in misconduct (Palmer, 2012). The

critical component of a cartel is being able to maintain secrecy by all the members and since cartels, as a whole, represent deviance from law or society, concealing member identities and activities completed become vital for success.

NCAA as a Cartel. The National Collegiate Athletic Association (NCAA) is the one of governing bodies that presides over intercollegiate athletics in the United States. Some of the regulations that the NCAA oversees include: recruiting, institutional control, eligibility, amateurism, and student-athlete compensation (Koch, 1973). Originally, the NCAA was developed in order to promote safety for college athletics, chiefly football, in the early 1900's (Koch, 1973). However, previous literature reflected upon the activity shown by the NCAA to maximize profits. (DeSchrive & Stotlar, 1996; Fleisher, Goff, & Tollison, 1992; Kahn, 2007). For instance, Kahn (2007) presented the NCAA as an economic cartel because the organization attempts to control the inputs (athletes) that come into intercollegiate athletics and attempts to maximize profits from the institution. Humphreys (2012) stated that in the NCAA, the cartel arrangement is established when the NCAA member institutions are competing for the commitment of athletes; however, the institutions have not agreed to compete in regards to the pricing (e.g. scholarship amount).

The NCAA would also qualify as a business cartel for several other reasons such as: setting of input prices, regulation of the amount of student-athletes in the department at a given time, regulation of student-athletes involvement, regulation of athletic contests, pools and distributes the profits earned from television football packages, distributes information regarding business that occurs in the headquarters, and polices the behavior of member institutions (Koch, 1973; Van Rhee, 2013). The recruiting process in the NCAA is critical and competitive because in most cases, multiple universities are potentially pursuing the same athlete

(Chelladurai & Riemer, 1997). Chelladurai and Riemer (1997) specified that “athletes are the most essential human resource involved in the production of intercollegiate athletics” (p. 134). The success of one student-athlete could provide large amounts of revenue for the athletic department and institution as a whole, yet will not result in an increase in income for the student-athlete (Johnson & Acquaviva, 2012). How the NCAA limits the output of their member institutions whether through experiencing more success than other intercollegiate athletic governing bodies or imposing constraints regarding the collusion of payments for production, such as student-athlete compensation, is an example of the cartel theory (Johnson & Acquaviva, 2012).

Due to some of the principles, Eckard (1998) characterized the NCAA as being an example of a cartel, in which “members collude to exercise joint monopoly power over college football” (p. 347). In terms of Division I-FBS football players at member institutions of the NCAA, some players are compensated much lower than their marginal revenue products (Becker, 1987). Furthermore, the income that is generated by the player abilities is also controlled by the institution and NCAA (Becker, 1987). Marginal revenue products are the changes in a company’s total revenue by adding one additional unit, in this case: one additional football player, when all other factors are held equal (Lane, Nagel, & Netz, 2014). The existing regulations of the NCAA deny all forms of monetary competition for future student-athletes and deny current student-athletes to receive any form of compensation while attending their respective institution (Humphreys, 2012). In some cases, the amount of a scholarship distributed to student-athletes is not a direct representation of the revenue being generated and could lead to rule-breaking (Fleisher et al., 1992; Becker, 1987). Considering that the NCAA is solely in control of the rules and regulations regarding financial capabilities of student-athletes, member

institutions could feel incentive to cheat, which is common as in any other cartel (Becker, 1987; Fleisher et al., 1992). As member institutions start breaking rules, the NCAA enforced their regulations and administered sanctions in order to hold their affiliates accountable for violating behaviors.

In intercollegiate athletics, institutions openly collude with each other to achieve their goals that may go much further than the standard rules of the game. Humphreys and Ruseski (2009) presented that collusion between institutions is best seen in conference affiliations. The conference office does the negotiations with television stations regarding possible network deals and represents every institution in the respective conference (Weston, 2011). The previously mentioned statement is an example of collusion among the competing producers attempting to earn profits for all teams. As a group, the deal configured will produce more revenue for all of the members rather than which could be had by negotiating independent deals (Weston, 2011).

The return that many student-athletes received while participating in intercollegiate athletics stayed the same in the form of full scholarships (Davis & Malagrino, 2012; Sutter & Winler, 2003). NCAA Bylaw 15.1 states that a student-athlete's full athletic scholarship is valued as full grant-in-aid, which includes the cost of tuition, additional fees administered by the college or university, room and board, and required course textbooks (NCAA, 2015). Also, student-athletes, mostly at the Division-I level, receive advantages that many other students do not receive, such as lower admission standards, priority class registration, and enhanced living quarters (Saffici & Pellegrino, 2012). However, the salaries of coaches, revenues earned by athletic departments, and funding spent by athletic departments rapidly increased, which is another example of collusion. A problem and potential area for discussion is how the NCAA kept student-athlete funding at a constant and below the value of what the organization actually

generated from their participation in sport (Fleisher et al., 1992). Recently, funding for student-athletes has changed considering the implementation of the cost of attendance stipend that is presented to student-athletes as an added revenue source to assist with the everyday costs of attending their respective college or university (Jones, 2015). However, the current amount that student-athletes receive is determined by the institution regarding the real costs needed to attend the university (Jones, 2015). The future problem could potentially be that larger athletic departments could collude because they have more revenue could provide more money to student-athletes and present it as cost of attendance.

Collusion is also noted in the lack of restriction of school names, mascots, and logos on assets. NCAA member institutions are permitted to place their name and logo on all major assets available to them, including stadiums, arenas, training facilities, living quarters, dormitories, and uniforms (Fleisher et al., 1992). Fleisher et al. (1992) specified that, “if a quest for education, amateurism, and standardized rules were at the heart of NCAA behavior, these inputs would be regulated along with labor inputs” (p. 8-9). The previous quote is in reference to the recruiting tools that stadiums and uniforms have become. NCAA member institutions are now implementing strategies to bring in additional revenue, but also provide additional incentive for bigger name recruits to attend their institution (Fleisher et al., 1992).

The fourth aspect is student-athlete value in comparison to how much is earned by competing within the NCAA. Student-athletes that are on full scholarship are paid their full grant-in-aid at their respective institution for one academic year (Sutter & Winkler, 2003). However, the amount of revenue that is received in athletic departments from student-athlete competition is much more, especially in high revenue sports, such as basketball and football (Fleischer et al., 1992). The marginal revenue products are much higher, which means that

universities are largely benefitting from the work of student-athletes (Fleischer et al., 1992).

The fifth aspect that provides for the potentiality of the NCAA to be seen as an acting cartel involve the willingness of the member institutions to engage in unfair behavior. The most common act is for student-athletes to receive additional, unauthorized payments that provide more than the full grant-in-aid (Davis & Malgrino, 2013). The last aspect declares the NCAA's willingness to set prices for college sports and controlling the production, and not controlling relevant inputs such as uniforms and stadiums, along with underpaying student-athletes (Sanderson & Siegfried, 2015). The NCAA, as a cartel, is designed to benefit from the member institutions, but the workers (student-athletes) are potentially exploited as a result (Davis & Malgrino, 2013).

College athletic departments at the Division-I level are competing and searching for advantages at any opportune moment. Through the recruitment of highly touted athletes, the athletic department can improve in areas, such as: competition results, game attendance, television appearances, merchandising, sponsorships, and possible postseason competition. All of the previous items would provide an immediate increase in revenue for the institution and athletic department, but also an unplanned increase in the reputation of the institution (Hunsberger & Gitter, 2015). The impact of a high-quality college football player is great, similarly Hunsberger & Gitter (2015) projected that a blue chip football quarterback's marginal revenue product is \$2.3 million dollars and in comparison, a premiere college basketball player has marginal revenue product between \$1 to \$1.4 million dollars at high revenue basketball programs (Lane, Nagel, & Netz, 2014). However, the player wage is not the only discussion point regarding marginal revenue. The coaches and their wages also provide incentive to cheat on the cartel agreement. For example, head coaches of all NCAA sports that are exhibiting

success by winning conference and national championships are earning more than those who are not (Humphreys, 2000). Through the pursuit of winning and higher winning percentages, coaches can begin to make their plea to their athletic directors regarding a salary increase.

Previous literature researched the distribution of wins in college football, which can be directly correlated to cartel implications (Depken & Wilson, 2004; Depken & Wilson, 2006; Eckard, 1998). Eckard (1998) revealed the cartel agreement that NCAA developed, enriched competitive balance in five out of seven Division-I football conferences. Competitive balance, in the previous example, is the notion that no team in the conference is too big or has an unfair advantage (Eckard, 1998). Depken and Wilson (2004) discovered institutional change in the NCAA regarding enforcement of the cartel agreement and noticed that the change led to a decrease in competitive balance in Division-I college football. Depken and Wilson (2006) determined that there is a direct relationship between competitive balance and enforcement in Division-I football conferences. The greater the level of enforcement, then the better the competitive balance; however, Depken and Wilson (2006) also found harsher punishments led to worse competitive balance. The results from the research exemplify the impact that cartel enforcement has on output and minimizes the value of understanding how the NCAA football cartel monitors (Depken & Wilson, 2006).

The NCAA gains monopsony and monopoly power by functioning as a facilitator to promote collusion. Monopsony refers to a single buyer in the market, in comparison to a monopoly, which represents a single seller in the market. Lemons (2014) declared “the NCAA operates as a collusive monopsony when “purchasing” student-athletes and a collusive monopoly when selling college sports. In fact, the NCAA promotes explicit collusion because its members openly cooperate to make mutually beneficial pricing and production decision” (p. 31). When

referencing the NCAA, explicit collusion alludes to how institutions all work together to make decision that can be profitable for all.

Even though much literature focused on the NCAA and athletic departments acting like a cartel looking to expand profits, the academic offices do the same when attempting to acquire prestige. Through the increasing of revenues brought about by athletic success, the institution capitalizes and utilizes the resources in order to enhance the overall perspective of the university, both academic and athletic (DePalma, 1991). In the late 1980's, the Ivy League institutions (i.e., Brown University, Columbia University, Cornell University, Dartmouth College, Harvard University, University of Pennsylvania, Princeton University, and Yale University) were all accused of collusion on their financial aid presented to their students (DePalma, 1991). The institutions engaged in wrongdoing when prospective students were deciding on which university to attend and each institution would adjust their financial packages to achieve an advantage over the other competitors (DePalma, 1991). The governing body refused the families to negotiate other packages, which was believed to common because the schools should be competing on the level that are equal to their placement (DePalma, 1991). The issue that arose from the decision made by the governing body was the students that needed much of the financial aid were at a disadvantage since the institutions were no longer permitted to adjust their packages to compete with one another (DePalma, 1991).

When a harsh sanction is administered from a violation of the cartel agreement, the members of the cartel will be more aware to follow the rules and regulations set in place. However, if the sanction tends to be lenient, then the likelihood of the violating firm re-engaging in the same acts is higher (DeSchrive & Stotlar, 1996). For example, previous literature discussed the financial advantages of violating NCAA policies and how the incentives come in

forms of increased postseason revenues, increased ticket revenues, and the recruitment of high caliber athletes (Brown, 1994; Padilla & Baumer, 1994). The NCAA decided to increase the harshness of their sanctions in order to instill reluctance in member institutions that consider participating in the wrong behavior (Humphreys & Ruseski, 2006). Fleisher et al. (1992) concluded violations administered by the NCAA would decrease as the number of sanctions increased, but the sanctioning process presented by the NCAA comes in question. NCAA violations are distributed to mostly football and basketball teams and since the NCAA acts as a cartel, the two highest revenue sports would have the most difficulties when maintaining policies (Clark & Batista, 2009).

Previous literature references how the role and structure of the NCAA resembles an economic cartel and how violations of NCAA rules occur as a result (DeSchriver & Stotlar, 1996; Fleisher et al., 1992; Grant, Leady, & Zygmunt, 2008; Kahn, 2000;). Athletic directors and other high level athletic department executives within NCAA member institutions try to direct their departments similar to others (Davis & Hairston, 2014). NCAA member institutions implemented instruments that make sure that the actions of the athletic departments match the expectations and expected social outcomes of the institution as a whole (e.g., more community involvement and input from academic sources) (Davis & Hairston, 2014).

The NCAA uses mandates to regulate behavior by member institutions and attempt to create uniformity at all levels (Sawyer, Bodey, & Judge, 2008). Mandates are “the fundamental policy instrument utilized in the NCAA and determine which of the policy instruments are permissible” (Clark, 2010, p.52). The mandates used by the NCAA attempt to create cohesion with the other rules of the governing organization, which is common from organizations that function as cartels (Fleisher et al., 1992; Grant et al., 2008). Although the NCAA has the rules is

place to attempt and minimize cases of misconduct, NCAA violations tended to increase in frequency, which led to the Committee of Infractions administering harsher sanctions on violating institutions (Davis & Hairston, 2014). Even as the COI began to delegate tougher punishments to athletic teams and/or departments that violated regulations, there was still financial incentive to cheat and seek an advantage, especially in sports such as football and basketball, where postseason play could lead to additional revenue and ticket sales (Humphreys & Ruseski, 2006).

Conclusion

In the development of this literature review, establishing the relationship between the concepts of deviance, organizational misconduct, and cartels proved to be challenging considering the gaps in literature specifically with organizational misconduct and organizational deviance. Deviance serves as the all-encompassing concept; however, the minor differences presented in the definitions of organizational deviance and organizational misconduct, provide a perspective that they are in fact different. The problem arises when certain literature references to misconduct and wrongdoing as synonyms of deviance, thus leading the reader to believe that the terms are similar. Through further analysis of the examples used when discussing behavior as misconduct, deviance, and even, wrongdoing, there is an opportunity to designate how each term should be used.

The participation in organizational deviance by NCAA member institutions provides a complicated situation for both the participants in deviant behavior and also the NCAA as a social-control agent. When member institutions engage in wrongful behavior, there could be a damaging sanction as a result, either to the specific individual, specific team, athletic department, or even the institution. However, if the NCAA is reducing competition of their member

institutions, for example through restriction of scholarships, then the organization is functioning as a cartel, which is an example of organizational misconduct. There would be an issue with the NCAA functioning as an illegal cartel because the organization is also serving as a social-control agent determining the line of right and wrong to their member institutions.

Future research on the topic presents opportunities to better define the relationship between organizational deviance and organizational misconduct. Potential areas of further development include: a content analysis of major sport organizations participating in wrongdoing and determining how the terms misconduct and deviance are used; determining the organizational deviance of major Division-I athletic programs; student-athlete corruption, specifically at the Division-I FBS level; the effect of organizational misconduct within athletic departments on academic applications; consumer behavior in terms of stakeholder resiliency and consequences of misconduct; psychological antecedents and behavior consequences of organizational misconduct; and the effect of sanctions of student-athlete recruitment at the Division-I level.

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Table A1

Differences Between Organizational Deviance, Corruption, and Organizational Misconduct

Terms	Definition
Organizational Deviance	Intentional behaviors engaged in by organizational members that are contrary to the norms of the organization, and which carry the potential to harm the organization (Ferris, Brown, & Heller, 2009).
Corruption	The use of authority for personal gain (Aguilera & Vadera, 2008).
Organizational Misconduct	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 social responsible behavior from their antithesis (Greve, Palmer, Pozner, 2010).

Table A2

Definitions of the Four Subheadings of Deviance

Subheadings	Definition
Positive Deviance	The approval for behavior that goes above and beyond what is expected.
Negative Deviance	Any type of behavior or condition that the majority of a given group regards as unacceptable.
Rate-Busting	Those who overconform to certain situations and are negatively seen in the eyes of others.
Deviance Admiration	The appreciation of those who may not obey the rules and follows their own path.

Note. (Heckert & Heckert, 2015)

Table A3

Four Subheadings of Deviance classified by the Three Concepts of Deviance

	Organizational Deviance	Organizational Misconduct	Corruption
Positive Deviance	Deviance within an organization that has a positive impact, but different from regular behavior.	----	-----
Negative Deviance	Intentional deviant behavior that differs from the norms of an organization.	Intentional deviant behavior that violates the regulations of the organization.	Forbidden behavior that involves the wrongful use of the organization for gain.
Rate-Busting	Intentional deviant behavior that overconforms to the norms of an organization, which leads to being seen negatively.	Intentional deviant behavior that overconforms to the regulations of an organization, which leads to being seen negatively.	----
Deviance Admiration	The appreciation of someone in an organization who does not adhere to the norms of an organization.	----	The appreciation of someone in an organization that participates in forbidden behavior that involves the wrongful use of the <u>organization for gain.</u>

Table A4

Five Theories of Deviance

Theories	Developer	Definition
Strain Theory	Robert Merton	Theory that focuses on how members of society can be pressured to conform to the behaviors that previously exist (Agnew et al., 2009).
Symbolic Interactionist Theory	Edwin Sutherland	Theory that focuses on reliance on the members of society creating their own circumstances and making their own decisions that has a lasting impact on their life (Conyers & Calhoun, 2015).
Social Identity Theory	Howard Becker	Theory that acknowledges groups which people belonged to were an important source of pride and self-esteem (Tse & Chiu, 2014).
Societal Reaction Theory (Labeling Theory)	Erwin Lemert	The response of others that defines (labels) the behavior as deviant and impacts further deviance (Sykes & Matza, 1957).
Control Theory	Walter Reckless	When an individual's inner control and outer control work against their motivations to deviate (Reckless, 1967).

Table A5

Five Types of Organizational Corruption

Types	Definition
Procedural Corruption	Either the lack of formalized procedures or formal ‘rules’ of business conduct in the organization, or from the violation of existing formal procedures, for personal gain (Aguilera & Vadera, 2008).
Schematic Corruption	Occurs when structures are present uniformly throughout the organization (Aguilera & Vadera, 2008).
Categorical Corruption	The result of concentrated and delimited acts of corruption within the organization” (Aguilera & Vadera, 2008).
Organization of Corrupt Individuals	The majority of members in an organization that choose to act in a corrupt manner to receive personal gain (Pinto et al., 2008).
Corrupt Organization	The entire group chooses to engage themselves in corruption, in order for all to receive benefits from wrongdoing (Pinto et al., 2008).

Table A6

Four Subcategories of Organizational Corruption

Types	Category	Example
Organizational Structure	Organization of Corrupt Individuals (OCI)	There are greater individual-level structural opportunities in an organization.
	Corrupt Organizations (CO)	The organization has groupings or departments that are loosely watched.
Result Orientation	Organization of Corrupt Individuals (OCI)	An employee's salary is not determined based upon the success of the business and there is corruption.
	Corrupt Organizations (CO)	An employee receives compensation based off of the business itself and the amount of revenue being made.
Environmental Scarcity	Organization of Corrupt Individuals (OCI)	There is an organization that is not competing nor facing pressure from other organizations.
	Corrupt Organizations (CO)	There is an organization that is competing and facing pressure from other organizations.
Industry Structure/Norms	Organization of Corrupt Individuals (OCI)	A corrupt organization is located in an industry that has strong values and participation in misconduct is rare.
	Corrupt Organizations (CO)	Organizations are classified in industries that are more cohesive and are all likely to engage in wrongdoing.

Note. (Pinto et al., 2008)

Table A7

<i>Types of Collusion</i>		
Types	Present in Antitrust Law?	Definition
Tacit Collusion	No	Occurs when cartels are considered illegal or explicit collusion is absent.
Explicit Collusion	Yes	Occurs when extremely competitive, yet illegal, pricing is being presented as a result of communication between organizations.
Conscious Parallelism	Yes	Legal, but direct opposite variation of explicit collusion and indicates how competitive prices are achieved without communication between companies.
Concerted Action	Yes	Integration of explicit collusion and conscious parallelism and centers on when extremely competitive prices are presented with minimal direct communication, but there is proposition and agreement being reached.

Note. (Harrington, 2012)

VITA

Khirey Walker graduated from Kempsville High School in June 2007, then attended Elon University on a Full Athletic Scholarship to play Football. At Elon, Khirey majored in Business Administration with a concentration in Marketing and graduated in May 2011. After graduating from Elon, Khirey attended Louisiana State University (LSU) in Fall 2011 and completed a Master's degree in Sport Management in Fall 2012. Khirey has spent the last four years as a Graduate Teaching Assistant and Doctoral Student in the Sport Management program at LSU with plans to graduate in August 2017 and begin his career as an Assistant Professor in Sport Administration at Ball State University in Muncie, Indiana.