

NEWS & INSIGHTS

LIGHTFOOT'S TAKE ON OPERATION VARSITY BLUES

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Where do we go from here?

On March 12, 2019, United States federal prosecutors announced the arrest and indictment of more than 45 individuals in connection with an alleged college admissions bribery scandal. We are still learning new facts about the criminal investigation – nicknamed “Operation Varsity Blues” – more than a month after the initial announcement. For those schools involved, the NCAA will almost certainly explore whether NCAA violations occurred. But all schools are officially on notice of potential problems in their athletics admissions process.

In any environment, new and/or novel infractions theories like these would be alarming. That level of alarm should be magnified in this instance by the NCAA’s August 1, 2019, decision to require “an institution’s president or chancellor and all athletics department staff members” to attest that the institution is compliant with NCAA rules. According to the Rice Commission Report, the attestation requirement was created to “provide [] significant penalties for those individuals if they knew or should have known of violations and did not address them, up to and including termination.” Accordingly, instead of treating this as an isolated problem, athletics administration and compliance officials should be laser focused on the implications of this investigation on their department.

Key Takeaways

In light of “Operation Varsity Blues,” Lightfoot offers a handful of immediate actions institutional leaders can put in place to demonstrate compliance with the NCAA’s new attestation requirement:

1. Annual compliance certifications should be edited to include confirmation that the certifying staff member has: (a) only identified as prospective student-athletes those individuals with a verified athletics record; and/or (b) identified to compliance any admitted student-athlete in his or her sport that did not make an initial roster.
2. Supplement rules education to include “Operation Varsity Blues”-related admission topics. More critically, make sure this education is provided to non-athletics employees involved in admissions so they understand: (a) their obligation to identify potential red flags in the admission process; and (b) the appropriate avenue(s) to report those concerns.
3. Begin work toward the admissions office providing a list of all student-athletes ultimately admitted to the institution to compliance so that random cross-checks can be performed against final rosters. “Operation Varsity Blues” tells us that these random checks should include – and perhaps focus on – non-revenue, non-scholarship sports.