

SPORTS WAGERING AND INTERCOLLEGIATE ATHLETICS HIGHER EDUCATION COMPLIANCE CONFERENCE JUNE 1, 2020

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A vertical poster with a dark, textured background. At the top, the text 'MAKE THE RIGHT CALL' is written in large, bold, yellow letters. Below it, a yellow box contains the text 'DON'T PLACE BETS ON PURDUE SPORTS'. The main body of the poster contains white text stating that all Purdue University faculty, staff, students, and independent contractors are prohibited from gambling on events involving Purdue athletic teams or their members. It also mentions that violators face disciplinary measures. A yellow box with a cartoon character of a person in a 'DU' jersey holding a hammer contains the text 'PURDUE'S POLICY PROHIBITS WAGERING ON:'. Below this, a list of prohibited activities is shown: 'Tournament play', 'Pregame and in-play outcomes', 'Parlay cards', and 'Statistical occurrences'. At the bottom, there is a section titled 'IS GAMBLING A PROBLEM?' with contact information for national, Indiana, and Purdue-specific resources.

**MAKE THE
RIGHT CALL**

DON'T PLACE BETS ON PURDUE SPORTS

All Purdue University faculty, staff, students and independent contractors are prohibited from gambling on events involving Purdue athletic teams or their members. Violators face disciplinary measures that could put their status with the University in jeopardy.

For complete information on Purdue's sports wagering policy, visit purdue.edu/policies/ethics/maad.html

**PURDUE'S POLICY
PROHIBITS
WAGERING ON:**

- Tournament play
- Pregame and in-play outcomes
- Parlay cards
- Statistical occurrences

IS GAMBLING A PROBLEM?
National helpline: 800-522-4700
National resources: nsga-nk.org/help/treatment
Indiana helpline: 800-694-6949
Indiana resources: govt.purdue.edu/helpinghelp

The logo for Purdue University, featuring a stylized 'P' followed by the words 'PURDUE UNIVERSITY' in a bold, sans-serif font.

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Sports Wagering and Intercollegiate Athletics

PASPA

- Professional and Amateur Sports Protection Act (PASPA) of 1992
- Made it unlawful for states “to sponsor, operate, advertise, promote, license, or authorize by law or compact ... a lottery, sweepstakes, or other betting, gambling, or wagering scheme” based on competitive sporting events
- Carved out existing state statutes (as of October 1991) that authorized sports wagering of some kind; handful of states affected (4-9 depending on who you ask)

Sports Wagering and Intercollegiate Athletics

May 2018 Supreme Court Decision

- Murphy v. National Collegiate Athletic Assn.
- US Supreme Court ruled that PASPA violates anti-commandeering principle that provides that the federal government cannot require states or state officials to adopt or enforce federal law
- SCOTUS further ruled no provision of PASPA is severable from the provision directly at issue, meaning the act, in its entirety, was struck down
- Ruling allows each state to decide its own laws for sports wagering

Sports Wagering and Intercollegiate Athletics

States with Legal Sports Wagering

- 21 states and District of Columbia legalized some form as of March 2020 (not all have implemented)
- Five of the 21 states have some kind of limitation on college sports (most prohibit wagers on in-state public universities)

Sports Wagering and Intercollegiate Athletics

Sports Wagering in Indiana

- Became legal in September 2019
- Regulated by the Indiana Gaming Commission
 - NCAA Division I baseball, basketball, football, hockey, soccer, softball, tennis, track and field
 - Summer and winter Olympics, including trials
- Approved events include
 - NCAA Division I baseball, basketball, football, hockey, soccer, softball, tennis, track and field
 - Summer and winter Olympics, including trials

Sports Wagering and Intercollegiate Athletics

Sports Wagering in Indiana (continued)

- Prohibits in-play wagers on collegiate athletes
- Allows in-play wagers that are considered settled or completed at natural game or contest breaks, or at specified times and events in a game or match

Sports Wagering and Intercollegiate Athletics

Scope of NCAA Prohibition

- Prohibits sports wagering in “any institutional practice or any competition (intercollegiate, amateur or professional) in a sport in which the [NCAA] conducts championship competition, in bowl subdivision football and in emerging sports for women”
- Covered individuals “shall not knowingly participate in sports wagering activities or provide information to individuals involved in or associated with any type of sports wagering activities concerning intercollegiate, amateur or professional athletics competition”

Sports Wagering and Intercollegiate Athletics

Who Should be Covered by Sports Wagering Policies?

- NCAA prohibits Sports Wagering in Division I, II and III member institutions by:
 - Student-athletes
 - Prospective student-athletes
 - Athletics department staff members
 - Non-athletics department staff members who have responsibilities within or over the athletics department, e.g., chancellors or presidents, individual to whom athletics reports, faculty athletics representatives
- National Association of Intercollegiate Athletics does not address gambling in rules for small colleges; some NAIA member institutions do prohibit sports wagering at their institutions

Sports Wagering and Intercollegiate Athletics

NCAA Definition of Sports Wagering

- Placing, accepting or soliciting a wager (on a staff member's or student-athlete's own behalf or on the behalf of others) of any type with any individual or organization on any intercollegiate, amateur or professional team or contest
- Examples include: use of a bookmaker or parlay card, Internet sports wagering; auctions in which bids are placed on teams, individuals or contests; and pools or fantasy leagues in which an entry fee is required and for an opportunity to win a prize
- Wagering is "any agreement in which an individual or entity agrees to give up an item of value (e.g., cash, shirt, dinner) in exchange for the possibility of gaining another item of value"

Sports Wagering and Intercollegiate Athletics

Going Beyond the NCAA Rules

- Most NCAA member colleges and universities have not elected to expand NCAA's sports wagering prohibitions beyond the scope of NCAA rules
- In states that allow sports wagering, few universities have applied sports wagering prohibitions more broadly

Sports Wagering and Intercollegiate Athletics

Factors to Consider When Deciding on a Policy

- State law
- Institutional mission and values
 - Promote fair play
 - Support the integrity of competition
 - Promote the well-being of student-athletes, coaches and others connected to its athletic programs
 - Support religious precepts, if applicable

Sports Wagering and Intercollegiate Athletics

Factors to Consider (continued)

- Public vs. Private Institution
- Whether it is appropriate to prohibit conduct that is legal
- Intrusion into personal lives of faculty, staff, students and contractors (and possibly their families and friends)
- Enforceability

Sports Wagering and Intercollegiate Athletics

Factors to Consider (continued)

- Size and nature of sports program
- NCAA or conference rules
- Reducing the potential for deceit and ill-gotten gain
- Demonstrating respect and support for student-athletes and lessen potential for them to feel compromised, self-conscious or inhibited in ordinary course of their activities as students or athletes
- Protecting members of University community from any inference of profiteering from inside information, exercising undue influence or other improper conduct
- Protecting student-athletes from exploitation

Sports Wagering and Intercollegiate Athletics

Private University Example 1

- Saint Joseph's University, Roman Catholic institution established in 1851 by the Jesuits
- NCAA Division 1, Atlantic 10 Conference

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Sports Wagering and Intercollegiate Athletics

Saint Joseph's Prohibition is Role-Specific

- Reminds everyone of federal criminal law statute, 18 U.S.C. Sec. 224, that prohibits influencing sporting contest through bribery, such as point shaving or game fixing
- Students, faculty, staff, contractors and board of trustees prohibited from wagering on any Saint Joseph's "team, contest or event, or individual affiliated with the Saint Joseph's University Department of Athletics"
- Includes NCAA prohibition on "any type of sports wagering" by:
 - Student-athletes
 - Coaches and other employed in the Department of Athletics
 - Those with responsibilities over the Department of Athletics
 - Contractors who provide direct on-campus services to the Department of Athletics

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Sports Wagering and Intercollegiate Athletics

Saint Joseph's (continued)

- Allows students, faculty, staff, contractors and board of trustees not otherwise prohibited by policy who do not provide direct on-campus services to the Department of Athletics to participate in legal sports wagering
- Prohibits students, faculty, staff, contractors and board of trustees from wagering on behalf of someone who is prohibited from engaging in sports wagering

Sports Wagering and Intercollegiate Athletics

Private University Example 2

- Villanova University, Roman Catholic institution founded in 1842 by the Order of Saint Augustine
- NCAA Division 1, Big East Conference and Colonial Athletic Association (CAA) Conference

Sports Wagering and Intercollegiate Athletics

Villanova University Policy

- All students, faculty, staff and specified independent contractors 21 years of age or older
 - Prohibited from wagering on “any athletic event (e.g., practice) or contest in which a Villanova University athletic team or student-athlete participates”
- Student-athletes, athletics department staff and non-athletics department staff who have responsibilities within or over athletics
 - Prohibited from wagering on any athletic contests or teams, whether collegiate, amateur or professional



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Villanova University (continued)

- Faculty, staff and students “may not knowingly disclose nonpublic information regarding its athletic teams or student-athletes for the purpose of influencing wagering activities”
- Restriction also applies to “any independent contractors who provide services to Villanova University student-athletes or the Department of Athletics and, in doing so, may gain access to nonpublic information”



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Sports Wagering and Intercollegiate Athletics

Public University Example

- Purdue University, founded in 1869 as part of Morrill Land Grant Act, is Indiana's land grant university
- NCAA Division I, Big Ten Conference

Sports Wagering and Intercollegiate Athletics

Purdue University

- Prohibits "faculty, staff, students and independent contractors from placing, accepting or soliciting a sports wager (on one's own behalf or on behalf of others) on any Purdue team, student-athlete, coach, statistical occurrence, contest or event"
- Notes that "certain faculty, staff and student-athletes may be subject to additional prohibitions under the NCAA's rules or Indiana state law beyond those noted in this policy"

Sports Wagering and Intercollegiate Athletics

Purdue University (continued)

- Prohibits any sports wager that is:
 - Placed, accepted or solicited on any Purdue University team, student-athlete or coach from any campus, whether in favor or against the team, student-athlete or coach
 - Placed, accepted or solicited on a pre-game or in-play basis
 - Placed, accepted or solicited in any U.S. state or territory or in any other country
 - Placed, accepted or solicited online or via an application or betting intermediary
 - Legal or illegal

Sports Wagering and Intercollegiate Athletics

How Should Sports Wagering Policies be Enforced?

- Non-student athletes: discipline through student conduct process
- Faculty and staff: progressive discipline, up to and including termination
- Independent contractors: cancellation of active and pending contracts

Sports Wagering and Intercollegiate Athletics

Other Enforcement

- NCAA enforcement actions
- Published reports indicate that major universities in Mississippi made arrangements with Mississippi Gaming Commission to notify university if student-athletes or coaches won “large sums” or “placed substantial bets at casinos”

Sports Wagering and Intercollegiate Athletics

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Sports Wagering and Intercollegiate Athletics

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- Email from Lendsay Thomson, National Association of Intercollegiate Athletics, Manager Legislative Services. April 1, 2020 at 5:27 p.m.

Sports Wagering and Intercollegiate Athletics

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QUESTIONS?