



**THE UNIVERSITY OF TEXAS-PAN AMERICAN
OFFICE OF AUDITS & CONSULTING SERVICES**

NCAA Compliance-Eligibility Audit

Report No. 14-04



OFFICE OF INTERNAL AUDITS

THE UNIVERSITY OF TEXAS - PAN AMERICAN

1201 West University Drive • Edinburg, Texas 78539-2999 • Office (956) 665-2110

November 27, 2013

Dr. Robert S. Nelsen, President
The University of Texas-Pan American
1201 W. University Drive
Edinburg, TX 78539

Dear Dr. Nelsen,

As part of our fiscal year 2013 Audit Plan, we completed a compliance audit of the NCAA Compliance—Eligibility. The objective of the audit was to determine whether UTPA's Athletics Department and Registrar's Office have effective policies and procedures in place to determine and monitor student-athlete eligibility in compliance with NCAA Operating Bylaw, *Article 14 Eligibility: Academic and General Requirements*. Our scope for the audit included activity for fiscal year 2013.

To comply with this bylaw, a member institution shall not permit a student-athlete to represent the university in athletics competition unless the student-athlete meets all applicable eligibility requirements established by the NCAA, the member institution's conference, and the institution. We tested compliance with eligibility requirements for general, initial, continuing, and transfer eligibility of student-athletes

Based on the work we performed, we are reasonably certain, that UTPA complied with NCAA Bylaw, *Article 14 Eligibility: Academic and General Requirements*. In addition, the Athletics Department and the Registrar's Office have established adequate policies and procedures to determine and monitor student-athlete eligibility. We determined that all the student-athletes tested met the NCAA's general, initial, continuing, and transfer eligibility requirements. The detailed report is attached for your review.

We appreciate the courtesy and cooperation received from management and staff during our audit.

Sincerely,

Eloy R. Alaniz, Jr., CPA, CIA, CISA
Executive Director of Audits, Compliance & Consulting Services



Table of Contents

| | | |
|------------------------------------|-------|----------|
| <i>EXECUTIVE SUMMARY</i> | _____ | <i>1</i> |
| <i>BACKGROUND</i> | _____ | <i>2</i> |
| <i>AUDIT OBJECTIVE</i> | _____ | <i>2</i> |
| <i>AUDIT SCOPE AND METHODOLOGY</i> | _____ | <i>2</i> |
| <i>AUDIT RESULTS</i> | _____ | <i>3</i> |
| <i>CONCLUSION</i> | _____ | <i>6</i> |



EXECUTIVE SUMMARY

The University of Texas-Pan American (UTPA) is a member institution of The National Collegiate Athletic Association (NCAA). As a condition of membership, UTPA agrees to comply with all applicable NCAA rules and regulations in the conduct of its intercollegiate athletics programs and agrees to monitor its programs to assure compliance and to identify and report to the NCAA instances in which compliance has not been achieved.

The NCAA's compliance philosophy is based upon the principles of institutional control, presidential authority, and shared responsibility. In order to maintain institutional control, an effective compliance program should have sufficient administrative procedures, educational programs, and monitoring. NCAA Bylaw, *Article 22.2.2.2 Rules Compliance* states that "at least once every four years, its rules-compliance program is the subject of evaluation by an authority outside the athletics department." The Office of Audits and Consulting Services provides this evaluation.

The objective of the audit was to determine whether UTPA's Athletics Department and Registrar's Office have effective policies and procedures in place to determine and monitor student-athlete eligibility in compliance with NCAA Operating Bylaw, *Article 14 Eligibility: Academic and General Requirements*. To comply with this bylaw, a member institution shall not permit a student-athlete to represent the university in athletics competition unless the student-athlete meets all applicable eligibility requirements established by the NCAA, the member institution's conference, and the institution. The scope of the audit included general, initial, continuing, and transfer eligibility of student-athletes for fiscal year 2013.

Our procedures included interviews of Athletics Department personnel as well as Registrar's Office personnel, including the director of athletics, assistant athletic director for compliance, university registrar, and registrar's eligibility certifying officer. The Association of College and University Auditor's *NCAA Division I Compliance Audit Guide* was used in performing this audit.

Based on the work we performed, we are reasonably certain, that UTPA complied with NCAA Bylaw, *Article 14 Eligibility: Academic and General Requirements*. In addition, the Athletics Department and the Registrar's Office have established adequate policies and procedures to determine and monitor student-athlete eligibility. Finally, we determined that all the student-athletes tested met the NCAA's general, initial, continuing, and transfer eligibility requirements.



BACKGROUND

The Athletics Department is responsible for the operation of the Men’s and Women’s Intercollegiate Athletics Program (Athletics Program), which includes fourteen sports that compete at the NCAA Division I level. The University officially joined the Western Athletic Conference on July 1, 2013, and it is expanding its Athletics Program to include women’s soccer beginning in 2014 and men’s soccer in 2015.

The Athletics Program supports and complements the educational mission of the institution by providing student-athletes with the academic resources to obtain a degree while participating in athletics competition. The vision of the Athletics Department is to “become the standard of Division I college athletics as a nationally recognized program excelling at the highest level of competition while preparing our student-athletes for excellence in life.”

Participation as an NCAA member institution includes the requirement that the University ensure that its intercollegiate athletics programs comply with the rules and regulations set forth by the NCAA. The university’s president has ultimate responsibility and final authority for the affairs of the Athletics Department, including compliance with the NCAA rules and regulations. The Athletics Department is part of the Division of the President, and the director of athletics reports directly to the president. The president, the director of athletics, the assistant athletic director for compliance, the assistant athletic director for administration, and the team coaches, are all responsible for ensuring that the Athletics Department is in compliance with applicable NCAA regulations. The registrar’s eligibility certifying officer is the designated academic official outside of the Athletics Department that certifies student-athletes eligibility. The NCAA Eligibility Center (EC) is used to certify the initial eligibility of incoming student-athletes. In addition, both the director of athletics and the faculty athletic representative play an active role in the direct oversight of compliance-related issues.

AUDIT OBJECTIVE

The objective of the audit was to determine whether UTPA’s Athletics Department and Registrar’s Office have effective policies and procedures in place to determine and monitor student-athlete eligibility in compliance with NCAA Operating Bylaw, *Article 14 Eligibility: Academic and General Requirements*. To comply with this bylaw, a member institution shall not permit a student-athlete to represent the university in athletics competition unless the student-athlete meets all applicable eligibility requirements established by the NCAA, the member institution’s conference, and the institution.

AUDIT SCOPE & METHODOLOGY

Each year, the Office of Audits and Consulting Services conducts a comprehensive audit of one area of the rules compliance program. To satisfy the NCAA Bylaw on rules compliance, the scope of the audit included the Department’s monitoring of general, initial, continuing, and



transfer eligibility activities for fiscal year 2013 based on the NCAA Bylaw, *Article 14 Eligibility: Academic and General Requirements* included in the *2012-2013 NCAA Division I Manual* and the *UTPA Intercollegiate Athletics Department Compliance Operating Manual*.

To perform this audit, we used The Association of College and University Auditor's *Guide to Audits of NCAA Athletics Compliance Comprehensive Program* and we:

- Interviewed personnel from the Athletics Department and the Registrar's Office;
- Determined whether the Athletics Department had established policies and procedures that pertain to monitoring of student-athlete eligibility, and whether they were reviewed;
- Determined if the Athletics Department had the required NCAA documentation of student-eligibility on file, and reviewed documentation for adequacy;
- Determined what steps were taken to ensure that individuals involved in the eligibility certification process understood the applicable NCAA legislation;
- Selected Men's and Women's Basketball, Volleyball and Men's Tennis to test general, initial, continuing and transfer eligibility compliance;
- Reviewed the University's 2012 – 2013 squad lists and eligibility check lists;

We conducted this audit in accordance with the guidelines set forth in The University of Texas System's Policy 129 and the *Institute of Internal Auditor's International Standards for the Professional Practice of Internal Auditing*. The audit was performed during the months of April through October 2013.

AUDIT RESULTS

General Eligibility

Eligibility determinations are made by university personnel outside the Athletics Department. The eligibility certifying officer from the Registrar's Office is responsible for determining student-athlete eligibility. The assistant athletic director for compliance and the assistant athletic director for administration have the responsibility for monitoring student-athlete eligibility. These responsibilities are stated in their job descriptions and are also reflected in the staff's "Compliance Office Who to Call Guide" posted on the Athletics Department's website. We determined that the appropriate individuals have responsibility over monitoring compliance within NCAA legislation, and these responsibilities are clearly stated in their job descriptions.

Adequate policies and procedures are essential to ensure that student-athlete eligibility standards are maintained and new and existing employees comply with established NCAA bylaws. Therefore, we reviewed the Athletics Department's policies and procedures related to student-athlete eligibility to ensure that they were consistent with the NCAA Division I Manual. We determined that the Athletics Department's policies and procedures manual were consistent with NCAA student-athlete eligibility bylaws and are a resource to assist employees with NCAA compliance.



To determine whether the Athletics Department complied with general eligibility requirements, we:

- Selected a sample of four sports: Men’s Basketball, Men’s Tennis, Women’s Basketball, and Women’s Volleyball and we:
 - Reviewed for completeness the squad list for each team;
 - Reviewed the Seasons Used List, the Per-Contest Participation List, and applicable Redshirt Verification Forms;
 - Compared the squad list to the list of student-athletes who competed to ensure that all student-athletes who competed were on the list;
 - Reviewed the Student-Athlete Statement and Drug-Testing Consent Form for each student-athlete who competed.

- Selected a sample of five student-athletes from each sport tested and determined whether:
 - Student-athletes were admitted to the institution as enrolled, degree-seeking students in the same manner and under the same conditions as the general student population,
 - Student-athletes that participated in either practice or competition were enrolled in a minimum full-time program of study leading to a baccalaureate degree;
 - Student-athlete signed the drug-testing consent form as well as the student-athlete statement prior to participating in any competition, and
 - Student-athletes were within the NCAA prescribed number of seasons of eligibility based on their initial eligibility status.

- Selected from the four teams tested, a sample of 10 students that had exhausted their eligibility and determined whether the student-athletes did so within five calendar years of their first full-time enrollment in college, unless they met a specific NCAA exception.

We determined that all the student-athletes tested met the NCAA general eligibility requirements.

Initial Eligibility

A prospective student-athlete that is immediately eligible for financial aid, practice, and competition upon initial enrollment at the institution is classified as a qualifier. This status is attained if the student-athlete graduated from high school, presented a minimum cumulative grade point average, and had a certain score on the SAT or ACT entrance exam. Student-athletes who are unable to meet minimum grade point average, or minimum scores on the SAT or ACT, and provide proof of completion of high school by way of transcripts are classified as non-qualifiers and are not permitted to participate in either practice or competition and are only permitted to receive non-athletic financial aid.

The UTPA Athletics Department relies on the NCAA’s Eligibility Center (EC) in making all initial student-athlete eligibility determinations. The EC is a website administered by the NCAA, which contains student-athlete information that can be accessed and reviewed by



interested parties. The assistant athletic director for administration utilizes the EC to identify prospective student-athletes' status as either qualifiers or non-qualifiers. The student-athletes are solely responsible for ensuring that test scores, high school transcripts, and other forms are sent to the EC.

To determine whether the Athletics Department complies with initial eligibility requirements, we:

- Selected a sample of 10 freshmen student-athletes from Men's Basketball, Men's Tennis, Women's Basketball, and Women's Volleyball and determined whether:
 - An initial eligibility report was obtained from the EC for each of the student-athletes selected, and copies were obtained of transcripts, test score reports, core course lists, and other forms used by the Registrar's Office;
 - The team's squad list matched the EC eligibility determination for qualifier or non-qualifier, and
 - Student-athletes eligibility certifications were completed within the allotted grace period established by NCAA bylaws 14.3.5.1.1 and 14.3.5.1.2.
- Reviewed the eligibility status for the freshmen student-athletes from the four sports selected for testing and determined that none were non-qualifiers during the period tested.

We determined that all the student-athletes tested met the NCAA's initial eligibility requirements.

Continuing Eligibility

After a student-athlete has completed his/her initial year in residence or used one season of competition, the athlete must meet the University's general requirement of "progress toward degree" as interpreted by the institution and several additional requirements as detailed in NCAA legislation.

To determine whether the Athletics Department and the Registrar's Office complied with continuing eligibility requirements, we selected a sample of two student-athletes, from each of the four sports selected for testing, who first enrolled after August 1, 2003, and who completed at least one academic year at the institution and used at least one season of eligibility in a sport at UTPA. We examined these student-athlete transcripts and other support documentation to determine compliance with the following:

- Student-athletes' GPA and "progress toward degree" were within the rules set forth by the NCAA,
- Student-athletes entering their third year had declared a degree program, and
- Student-athletes obtained the minimum required semester credit hours to maintain their eligibility.



We determined that all the student-athletes tested met the NCAA’s continuing eligibility requirements.

Transfer Eligibility

A student-athlete who transfers from one member institution to another must meet certain NCAA requirements. Generally, an athlete must “sit out” from competition at the next institution for one academic year unless the student-athlete meets certain transfer exception requirements. We reviewed the process used by the registrar’s eligibility certifying officer to certify transfer student-athlete eligibility.

To determine whether the Athletics Department and the Registrar’s Office comply with transfer eligibility requirements, we obtained a list of student-athletes who transferred during the 2012-2013 season from the eligibility certifying officer. We selected all the transfer two-year student-athletes for testing, a total of six. There were no 4-2-4 year college transfers or four-year college transfers for fiscal year 2013. We verified the following:

- That transfer student-athletes either met the one-year residency requirements or qualified for a transfer exception that would allow them to be eligible to participate in practice, receive aid, and compete.
- That transfer student-athletes were within the required number of seasons of competition based on their initial enrollment date.
- That the Athletics Department obtained a release form from the student-athletes’ previous institution granting permission to contact the student-athlete.

We determined that all of the athletes tested met the NCAA’s transfer eligibility requirements.

CONCLUSION

Based on the work we performed, we are reasonably certain, that UTPA complied with NCAA Bylaw, *Article 14 Eligibility: Academic and General Requirements*. In addition, the Athletics Department and the Registrar’s Office have established adequate policies and procedures to determine and monitor student-athlete eligibility. Finally, we determined that all the student-athletes tested met the NCAA’s general, initial, continuing, and transfer eligibility requirements.

Isabel Benavides CIA, CGAP, CFE
Director, Audits and Consulting Services

Lilia St. Clair CPA, CIA
Internal Auditor III