

Legal Issues and Policies Pertaining to Faculty's Instructional Role**Case Study C: NCAA Rules Compliance, Academic Integrity, and Sexual Harassment**

You are a professor who also owns a nutritional supplements company on the side. You teach one of the most popular classes on campus and are well liked by the student body. For this reason, many of the student-athletes at the University take your class. You are also a huge soccer fan, attend most of the men's games, and enjoy betting at the local casino on your favorite team, Villanova. You met a few soccer recruits on campus when Head Coach Corner brought them to discuss your class and general academics at Villanova. You make sure to always give the recruits free gear from the bookstore and tell them about the opportunity they would have to be sponsored by your nutritional company if they come to the University.

During one of these meetings, Coach Corner asks you about how Troy, Coach's star soccer player, is doing in your class. Troy is not doing so well (currently receiving a D), and you relay this information to Coach Corner. Troy is struggling in most of his classes because his sister has been in the hospital for a couple of months. Coach Corner tells you, "It would be very unfortunate if Troy loses his eligibility because of his grades. I am not sure if he can handle any more stress this semester."

Troy comes to your open office hours and asks if there is anything you can do for him to help him pass your class. You tell Troy that he missed five classes due to his soccer schedule and that he cannot make up the two exams he missed. You tell Troy that for him to maintain his eligibility he can complete an extra five-page paper on the last topic covered in class to help boost his grade.

Troy then proceeds to tell you that another professor, Dr. Doe, has been giving him special attention that makes him uncomfortable. He went to her during office hours a couple of weeks ago and she suggested they have dinner on a Friday night since she was "such a fan" and was interested in learning more about collegiate soccer. Troy said he declined, and then, days later, he saw a profile on Tinder that seemed to match up with him. The profiled person was looking to connect with a younger man interested in soccer preferably, being attracted to the athletic type with brains and brawn. Now, Troy wants to go to office hours for tutoring because there is a big test coming up, but he is not comfortable going to see her in her office or seeing her alone. He mentions that the rumor mill says Dr. Doe had a fling last year with a senior in her class as well. Troy asks for your advice. [What do you do?]

Discussion Points:

1. Please identify issues raised by this scenario.
2. What are the red flags regarding gambling and recruits?
3. What should your response be to Coach Corner when he asked you about Troy's grades in your class?
4. What might your response be to Troy to help him address the unwanted advances of Professor Doe?
5. Rather than ask the student on a date, suppose Dr. Doe had simply hinted around that she may be romantically interested in the student using more discreet language. What concerns, if any, would you have about Dr. Doe's behavior?
6. What are the risks of Professor Doe having a profile on a geo-positioning dating app on campus?

NCAA related issues:

1. Conflict of Interest

Answer: There is a possible conflict of interest since the professor also owns a nutritional supplements company on the side. Please review the [Conflicts of Interest and Business Ethics](#) policy and in the [Full-Time Faculty Handbook](#) and the [Adjunct Faculty Handbook](#) under Conflict of Interest.

2. Sports Wagering

Answer: Impermissible

Explanation: It is not permissible to wager/bet/gamble on any Villanova team's competition or practice. This includes placing bets online. Please review the [Sports Wagering Restrictions Policy](#)

Bottom Line: Do not gamble on Villanova University athletic teams.

3. Meeting with Recruits

Answer: Meeting with Recruits = Permissible. Giving Gear = Impermissible

Explanation: It is permissible and encouraged that recruits meet with professors of a major that they may be interested in. The athletics department often does this with many recruits that visit campus. However, **it is not permissible** to provide recruits with any gear or items of value. This rule also pertains to current student-athletes as they may not receive benefits unless they are available to the general public or the student body as a whole.

Bottom Line: Think before you provide any benefit to a recruit or student-athlete and reach out if you have a question.

4. Name, Image, & Likeness

Answer: Promoting an opportunity for an NIL Deal = Impermissible. Please review [Policy on Name, Image, and Likeness](#).

Explanation: While it is permissible for an institution to inform student-athletes of NIL Opportunities, it is impermissible for an institutional faculty member to promote/provide an NIL deal with a Student-Athlete for a business they own that is separate from the institution. It is impermissible to use NIL opportunities as recruiting inducements.

Bottom Line: Faculty members may not provide NIL Deals to Student-Athletes or use NIL deals to help recruit PSAs.

5. Discussing Student-Athlete's Grades

Answer: Impermissible.

Related Bylaw: Villanova's Policy on [Contact between Coaches and Academic Administrators/Faculty Members on Academic Matters](#)

Bottom Line: Coaches may not discuss the academic performance of student-athletes with faculty members. Coaches must obtain such information from the Office of Academic Support for Athletics.

6. Student-Athletes Excused Absence

Answer: Student-athletes are permitted to miss class for travel and competition. The SA should submit a Varsity Excuse Form to verify their absence and are required to make up and miss course work.

Explanation: Student-athletes are NOT allowed to miss class for practice; however, student-athletes may be excused from class on game days. The university class attendance policy states that students should receive no academic penalty for their athletic absence. Go to [Office of the Provost - Class Attendance](#) for additional information.

Title IX and sexual harassment/romantic relationships related issues:

1. Asking a student to dinner on a Friday night

Answer: Possible violation of policies. Please review the ([Non-Discrimination/Non-Harassment Policy](#), [Villanova University Sexual Misconduct Policy](#), and [Personal Relationships Policy](#)). Professor could direct student to the [EthicsPoint Hotline](#) (see Additional Resources).

Explanation: Sexual harassment is defined as unwanted behavior of a sexual nature where (a) submission to or rejection of the behavior implicitly or explicitly becomes a term or condition of educational decisions or (b) the unwanted behavior has the purpose or effect of unreasonably interfering with an individual's education experience or creates an intimidating, hostile, or demeaning educational environment. In asking the student to dinner on a Friday night, the faculty member has acted improperly. The student may or may not find the invitation "welcome" and, if "unwelcome" the student could experience the invitation/behavior as becoming a "term" of her educational experience. Similarly, the student could experience a hostile environment, i.e., not being comfortable asking the professor questions or going to office hours for help. The student-professor relationship is tainted by the invitation even if nothing further happens. The same is true if only hints or innuendo are used. This type of behavior could be considered sexual harassment.

In addition, Villanova's [Personal Relationships](#) policy clearly prohibits, among other things, a professor from dating (or being romantically or sexually involved) with a student currently in his/her class or in his/her department, including consensual relationships. The responsibility of complying with these policies are with the faculty member/employee of Villanova (rather than with the student).

Bottom Line: We are here to protect our students, to help them grow and learn, not to create a hostile environment for them, not to abuse any power differential, not to date them or to become romantically involved with them.

2. Professor having a profile on Tinder, Hinge, or similar app

Answer: Not a good idea. The [Personal Relationships Policy](#) provides that employees "are not permitted to use social media applications (e.g. Hinge, Tinder, Facebook) to pursue romantic or sexual relationships with Villanova undergraduate students or any Villanova students under their supervision."

Explanation: In light of the policy above, it is not a good idea to have profiles on "sexual behavior" related apps that have geo-positioning and can be "on" while the employee is on campus. Such activity can appear to be soliciting students for romantic or sexual connections and can create a hostile environment for the students. Should a faculty or staff member have such a profile, it is important that the app, and the geo-positioning aspect of the app, be completely turned off while on-campus or while attending a university event/program.

Bottom line: We are here to protect students, to serve students, to teach students. If students experience a faculty or staff person as someone on the hunt for a sexual or romantic connection with a student, that can impair the student’s educational experience by creating a hostile, offensive, or demeaning environment for the student.

3. Mandatory reporting by the professor (i.e., you) regarding the student’s report

Answer: Yes, you must report this concern to the Title IX Coordinator, Ms. Ryan Rost, ryan.rost@villanova.edu, (610) 519-8805. See [Title IX](#) webpage which contains Title IX information and the [Sexual Violence Resources Website](#).

Explanation: Sexual harassment and sexual misconduct (behavior covered by Title IX) must be reported by any “responsible employee.” Under the University’s Sexual Misconduct Policy, faculty and staff are considered responsible employees. Further, since the student has come to you for advice, it is reasonable that the student sees you as someone who can help them. To be transparent with the student, be sure to let the student know that it is your responsibility to share the concern expressed with the Title IX Coordinator and let them know that the Title IX Office will be contacting the student to offer support resources and options for resolution. While the student is not obligated to respond to outreach, we want the student to know that sexual harassment is not appropriate, is not tolerated, and there are actions available to address the concerning behavior.

Bottom Line: This requirement helps assure the safety and well-being of the student, protecting the student from further harm, as well as assuring that community members are behaving appropriately and in accordance with our community expectations.

ADDITIONAL RESOURCES:

[Division of Student Life](#)

[EthicsPoint Hotline](#): a confidential Internet and telephone-based reporting tool to give University faculty, staff, and students an anonymous and confidential way to address misconduct in the workplace or classroom setting due to mismanagement of funds, fraud, or other violations of law or University policy.

[Student Resources](#)

[Student Handbook](#)