

While These College Students Face Criminal Sanctions, The NCAA Face New Reality of Student-Athlete's Gambling Habits



Photo Source: Phil Roeder, *Iowa Beats Iowa State*, FLICKR (Sept. 11, 2016)

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Introduction

What started as a probe into sports wagering at both The University of Iowa and Iowa State has grown into over a dozen student-athletes facing criminal and NCAA penalties.¹ These students are being charged for concealing their identity when placing electronic wagers involving their school's sports programs.² As the list of student-athletes continues to grow, the NCAA and schools are determining the future of these individual's eligibility.³ While the scandal at Iowa and Iowa State spans multiple sports, with student-athletes from the football, baseball, and

¹ See Kevin Skiver, *Iowa, Iowa State betting scandal, explained: Multiple Hawkeyes, Cyclones suspended*, Hawk Central (last updated Sept. 9, 2023 at 7:42 A.M.)

<https://www.hawkcentral.com/story/sports/college/iowa/2023/09/09/iowa-iowa-state-betting-scandal-hawkeyes-cyclones-suspended/70778774007/> (providing general discussion of the student-athletes, and some student managers, implicated in the investigation).

² See Adam Rittenberg, *More Iowa State, Iowa players charged in sports betting investigation*, ESPN (Aug. 20, 2023 at 6:23 P.M) https://www.espn.com/college-football/story/_/id/38169161/more-iowa-state-iowa-players-charged-sports-betting-investigation (noting that this charge is an aggravated misdemeanor that carries a potential two-year prison sentence and fines up to \$8,540).

³ See generally *id.* (discussing the potential for loss of eligibility for players involved and a quote on Iowa State's response).

basketball programs, Hunter Dekkers and Jirehl Brock are two major names implicated in the investigation.⁴

Dekkers, the starting quarterback at Iowa State, was accused of placing over 350 bets, with the vast majority being made before he turned twenty-one, under his mother's name.⁵ Additionally, the investigation indicated that Dekkers had placed multiple bets involving Iowa State sports, including a football game against Oklahoma State that he did not play in.⁶ Brock was accused of placing over 1,300 bets under someone else's name, including multiple bets for Iowa State basketball and football games, two of which he played in.⁷ While Dekkers pled guilty for a simple misdemeanor of underage gambling, Brock's case has not yet been resolved, although he has voluntarily left the team.⁸ Fortunately, the Iowa Racing and Gambling Commission has stated that there are no indications that the integrity of the games are in question.⁹

This scandal came on the heels of an incident involving the Alabama baseball team, in which the head coach was fired after suspicious bets were placed on the team's games resulting in multiple states rejecting bets made on the team.¹⁰

Sports gambling became far more widespread following the United States Supreme Court decision in 2018 that overturned the Professional and Amateur Sports Protection Act (PASPA), largely leaving the states to implement legislation regarding sports betting.¹¹ Iowa is one of the

⁴ See Dean Straka, *Iowa State starting RB Jirehl Brock among latest college football players charged in gambling probe*, CBS (Aug. 14, 2023 at 2:23 P.M.) <https://www.cbssports.com/college-football/news/iowa-state-starting-rb-jirehl-brock-among-latest-college-football-players-charged-in-gambling-probe/>; see also *Updated list of Iowa, Iowa State student-athletes charged in sports wagering investigation*, KCCI News (last updated Sept. 21, 2023 at 7:44 A.M.) <https://www.kcci.com/article/iowa-sports-gambling-investigation-cyclones-hawkeyes-charged/44714149>.

⁵ See *Updated list of Iowa, Iowa State student-athletes charged in sports wagering investigation*, KCCI News (last updated Sept. 21, 2023 at 7:44 A.M.) <https://www.kcci.com/article/iowa-sports-gambling-investigation-cyclones-hawkeyes-charged/44714149> (providing specifics of charges brought on Dekkers from investigation).

⁶ See *id.*

⁷ See *id.* See also *Iowa State's leading rusher Jirehl Brock leaves Cyclones program*, KCCI News (last updated Aug. 21, 2023 at 5:30 P.M.) <https://www.kcci.com/article/iowa-state-running-back-jirehl-brock-leaves-cyclones-program-sports-gambling-investigation/44869882>

⁸ See *id.*

⁹ See Dean Straka, *Iowa State starting RB Jirehl Brock among latest college football players charged in gambling probe*, CBS (Aug. 14, 2023 at 2:23 P.M.) <https://www.cbssports.com/college-football/news/iowa-state-starting-rb-jirehl-brock-among-latest-college-football-players-charged-in-gambling-probe/>; see also *Updated list of Iowa, Iowa State student-athletes charged in sports wagering investigation*, KCCI News (last updated Sept. 21, 2023 at 7:44 A.M.) <https://www.kcci.com/article/iowa-sports-gambling-investigation-cyclones-hawkeyes-charged/44714149>; William Morris, *Could Iowa, ISU student athletes face criminal charges in gambling investigation?*, Des Moines Register (May 10, 2023 at 6:04 A.M.) <https://www.desmoinesregister.com/story/news/crime-and-courts/2023/05/10/iowa-isu-state-criminal-charges-sports-betting-gambling-investigation-ncaa-controversy-minimum-age/70199070007/> (noting although there has been no tampering found in the games, if there had been federal charges could potentially be brought).

¹⁰ See generally John Zenor, *Alabama fires baseball coach after report of suspicious bets*, AP News (May 4, 2023 at 8:59 P.M.) <https://apnews.com/article/alabama-baseball-coach-fired-suspicious-bets-4f37fa7f6a1beeff520026a56a42bd9> (noting the schools comment that Bohannon violated "the standards, duties and responsibilities expected of university employees). Surveillance video found that the person who placed the bets was communicating with the coach, which prompted Ohio, Pennsylvania, and New Jersey to prevent sportsbooks from accepting bets on Alabama baseball games, *id.*

¹¹ See *Murphy v. NCAA*, 138 S. Ct. 1461, 1484 (2018) (finding that parts of PAPSA violated the anti-commandeering doctrine and rest of Act was not severable); see also Jessica Gresko & Wayne Parry, *Lay your*

more than thirty-four states that has since elected to introduce legislation legalizing and regulating gambling in some capacity¹²

Legal Concerns and NCAA Penalties

Iowa's legislation has included provisions that regulate the industry, set out in Iowa Code 99D, 99E, and 99F, that delegate authority to the Iowa Racing and Gambling Commission to oversee any private company's participation of in-state gambling.¹³ In order for a company to gain licensing, they must comply with the requirements set out, which has resulted in a terms of use that requires users, among other things, to be twenty-one and over.¹⁴ While the individuals were charged with falsifying records, by using another person's identity to place bets, this may have been in part because many were under twenty-one at the time they began placing wagers.¹⁵

The legal issues presented by the criminal charges, however, are more than likely the lesser concern for many of these athletes; many student-athletes have already reached plea agreements for a lesser charge, underage gambling, which is a simple misdemeanor that has largely been accompanied by a \$645 fine.¹⁶ What is likely far more concerning for these athletes is the potential loss of eligibility that will be imposed by the NCAA for these violations.¹⁷

While these student-athletes under twenty-one had a legal reason to conceal their identity, it is also likely that this concealment also served the purpose of getting around the NCAA rules regarding gambling.¹⁸ The NCAA prohibits gambling by anyone associated with it, regardless of if the wagers are made on the intercollegiate, amateur, or professional level.¹⁹ In the past, a violation of this rule typically carried a hefty penalty of a one-year loss of eligibility, regardless of what bets were made.²⁰

money down: Court says states can OK sports betting, AP News (May 14, 2018 at 5:48 P.M.)

<https://apnews.com/article/f3fa1f71b8f44378a7e2c51d321b13b4> (describing the events surrounding the decision and concerns brought by major sports leagues and NCAA about harm to integrity of their games).

¹² See Chris Bengel & Shanna McCarriston, *U.S. sports betting: Here's where all 50 states currently stand on legalizing online sports gambling sites*, CBS (Aug. 16, 2023 at 1:53 P.M.)

<https://www.cbssports.com/general/news/u-s-sports-betting-heres-where-all-50-states-currently-stand-on-legalizing-online-sports-gambling-sites/> (providing a 50 state survey).

¹³ See Iowa Code Ann.tit. III, Subt. 4, Ch. 99D – 99F, Refs & Annos (West) (discussing the regulations regarding Pari-Mutuel Wagering, Internet Fantasy Sports Contest and Gambling Games and Sports Wagering Regulation); see also *Rules & Statutes*, IOWA RACING AND GAMING COMMISSION (last visited Oct. 11, 2023)

<https://irgc.iowa.gov/rules-statutes> (summarizing Iowa's regulations in regards to gambling).

¹⁴ See *id.* (criminalizing the use of another individual's identity to use services).

¹⁵ See *Updated list of Iowa, Iowa State student-athletes charged in sports wagering investigation*, KCCI News (last updated Sept. 21, 2023 at 7:44 A.M.) <https://www.kcci.com/article/iowa-sports-gambling-investigation-cyclones-hawkeyes-charged/44714149> (listing students charges with current updates and notifying that at least six student-athletes have already plead under these terms).

¹⁶ See *id.*

¹⁷ See Adam Rittenberg, *More Iowa State, Iowa players charged in sports betting investigation*, ESPN (Aug. 20, 2023 at 6:23 P.M) https://www.espn.com/college-football/story/_/id/38169161/more-iowa-state-iowa-players-charged-sports-betting-investigation (discussing the potential for loss of eligibility).

¹⁸ See NCAA Sports Wagering, <https://www.ncaa.org/sports/2016/4/29/sports-wagering.aspx#:~:text=NCAA%20rules%20prohibit%20participation%20in,amateur%20or%20professional%20athletics%20competition.>

¹⁹ See *id.*

²⁰ See Meghan Durham Wright, *DI approves changes to reinstatement guidelines for sports wagering violations*, NCAA (June 28, 2023 at 2:30 P.M.) <https://www.ncaa.org/news/2023/6/28/media-center-di-approves-changes-to->

Recently, however, the NCAA announced revisions to the eligibility punishments attached to violations of this rule, allowing for a stair-stepped approach.²¹ Students-athletes that influence the outcome of games, or bet on their own team or school's sports, face a complete loss of NCAA eligibility, while other violations carry a lesser penalty.²² Other violations threaten loss of eligibility spanning from 10%, for those who wagered \$200-501, to complete loss for those who wagered in gross excess of \$800. All such violations are accompanied with mandatory education on rules and prevention.²³

Even with the new NCAA punishment guidelines, many of the students implicated, who have bet thousands of dollars over the course of many bets, face the potential loss of all NCAA eligibility.²⁴ Some hold out hope, like Dekkers, but some seemingly know what could come, as seen with Brock voluntarily leaving Iowa State football.²⁵

New Contours for Amateur Athletes: What is Next for NCAA Regulations?

With the trends surrounding mainstream gambling shifting, it is likely that the NCAA will have to continue adapting to an increasing percentage of their student-athletes having interest in sports gambling.²⁶ Looking at the most recent changes in penalties imposed by the NFL and NCAA, there appears to be a disarming by the organizations in the weight of penalties.²⁷

reinstatement-guidelines-for-sports-wagering-violations.aspx (noting comments made by chair of DI Legislative Committee on the old rule and motives for amendment); see also Cory Woodroof, *The NCAA's new gambling policy punishments, explained*, USA Today (June 28, 2023 at 3:44 P.M.) <https://ftw.usatoday.com/lists/ncaa-gambling-policy-punishment-update-explained> (providing a brief analysis of the updated NCAA punishment guidelines).

²¹ See Meghan Durham Wright, *DI approves changes to reinstatement guidelines for sports wagering violations*, NCAA (June 28, 2023 at 2:30 P.M.) <https://www.ncaa.org/news/2023/6/28/media-center-di-approves-changes-to-reinstatement-guidelines-for-sports-wagering-violations.aspx>.

²² See *id.*

²³ See *id.*

²⁴ See Adam Rittenberg, *More Iowa State, Iowa players charged in sports betting investigation*, ESPN (Aug. 20, 2023 at 6:23 P.M.) https://www.espn.com/college-football/story/_/id/38169161/more-iowa-state-iowa-players-charged-sports-betting-investigation (listing the amount of bets and amount wagered by multiple players discovered during the investigation).

²⁵ See Eric Olson, *Gambling's place in campus culture portends scandals to come*, AP News (May 9, 2023 at 5:03 P.M.) <https://apnews.com/article/gambling-ncaa-iowa-alabama-ac2d03f7c47a9d9e7f04befc5081fefb>, <https://www.cbssports.com/college-football/news/iowa-state-starting-rb-jirehl-brock-among-latest-college-football-players-charged-in-gambling-probe/> (noting attorney for Dekkers stated he would be skipping preseason camp); see also *Iowa State's leading rusher Jirehl Brock leaves Cyclones program*, KCCI News (last updated Aug. 21, 2023 at 5:30 P.M.) <https://www.kcci.com/article/iowa-state-running-back-jirehl-brock-leaves-cyclones-program-sports-gambling-investigation/44869882>

²⁶ See Eric Olson, *Gambling's place in campus culture portends scandals to come*, AP News (May 9, 2023 at 5:03 P.M.) <https://apnews.com/article/gambling-ncaa-iowa-alabama-ac2d03f7c47a9d9e7f04befc5081fefb> (citing NCAA study that 24% of male athletes and 5% of female athletes wagering on sports in the previous year). The author noted that because the study was done in 2016, an updated survey may show higher rates for both male and female athletes, *id.*

²⁷ See generally Dianna Russini, Mike Jones, Kalyn Kahler, Colton Pouncy, *NFL reducing penalties for non-NFL gambling offenses, per sources: What it means for league, players*, The Athletic (Sept. 29, 2023) <https://theathletic.com/4913789/2023/09/29/nfl-gambling-policy-rules/> (discussing NFL players currently dealing with consequences of violating gambling policy and the updated gambling policy); see also Meghan Durham Wright, *DI approves changes to reinstatement guidelines for sports wagering violations*, NCAA (June 28, 2023 at 2:30 P.M.) <https://www.ncaa.org/news/2023/6/28/media-center-di-approves-changes-to-reinstatement-guidelines->

As sports gambling's relationship to college sports continues to change, it is difficult to tell just if and how lenient the NCAA will become.²⁸ Given the increase and discourse, and the NCAA's most recent relaxing of eligibility penalties, it seems possible that we will see a shift to more lenient gambling rules for student-athletes.²⁹ Similar to professional sports leagues, gambling by student-athletes may be allowed but regulated.³⁰ This could be achieved by allowing student-athletes to gamble on games not involving his or her school's programs, or not allow collegiate level gambling at all.³¹ This would benefit prevention of controversial bets as well, by encouraging harmless betting to be done in public, rather than behind another's identity.³² At the end of the day, many of these student's peers in the classroom are gambling with little risk.³³ Under the potential rules suggested above, the NCAA would be able to protect the integrity of competition, while embracing the new legal landscape and allowing these students to join the fray.³⁴

for-sports-wagering-violations.aspx (noting comments made by chair of DI Legislative Committee on the old rule and motives for amendment).

²⁸ See Eric Olson, *Gambling's place in campus culture portends scandals to come*, AP News (May 9, 2023 at 5:03 P.M.) <https://apnews.com/article/gambling-ncaa-iowa-alabama-ac2d03f7c47a9d9e7f04befc5081fefb> (Noting that while Gonzaga basketball player Drew Timme signed a NIL deal with a casino in 2021, all sports gambling remains prohibited).

²⁹ See Dean Straka, *Iowa State starting RB Jirehl Brock among latest college football players charged in gambling probe*, CBS (Aug. 14, 2023 at 2:23 P.M.) <https://www.cbssports.com/college-football/news/iowa-state-starting-rb-jirehl-brock-among-latest-college-football-players-charged-in-gambling-probe/> (noting Iowa coach Kirk Ferentz statements made concerning the potential of NCAA "revisit[ing] its protocol on punishing players for gambling."); see also Meghan Durham Wright, *DI approves changes to reinstatement guidelines for sports wagering violations*, NCAA (June 28, 2023 at 2:30 P.M.) <https://www.ncaa.org/news/2023/6/28/media-center-di-approves-changes-to-reinstatement-guidelines-for-sports-wagering-violations.aspx> (noting comments made by chair of DI Legislative Committee on the old rule and motives for amendment).

³⁰ See generally Dianna Russini, Mike Jones, Kalyn Kahler, Colton Pouncy, *NFL reducing penalties for non-NFL gambling offenses, per sources: What it means for league, players*, The Athletic (Sept. 29, 2023) <https://theathletic.com/4913789/2023/09/29/nfl-gambling-policy-rules/> (discussing NFL players currently dealing with consequences of violating gambling policy and the updated gambling policy).

³¹ See generally *id.*

³² See Ralph Russo, *Will gambling case at Alabama ripple across college sports?*, AP News (May 7, 2023 at 12:52 P.M.) <https://apnews.com/article/alabama-baseball-coach-fired-bets-bohannon-0471b144a9348caa456a22cab23b9a8b> (quoting president of U.S. Integrity speaking on the benefit that legalized wagering provides in transparency and detection).

³³ See Eric Olson, *Gambling's place in campus culture portends scandals to come*, AP News (May 9, 2023 at 5:03 P.M.) <https://apnews.com/article/gambling-ncaa-iowa-alabama-ac2d03f7c47a9d9e7f04befc5081fefb> ("We can't think our student-athletes would be acting any different than their friends and peers who are engaged in similar activity that's been normalized through this mass expansion of legalized gambling[.]").

³⁴ See Ralph Russo, *Will gambling case at Alabama ripple across college sports?*, AP News (May 7, 2023 at 12:52 P.M.) <https://apnews.com/article/alabama-baseball-coach-fired-bets-bohannon-0471b144a9348caa456a22cab23b9a8b>.