

July 28, 2017



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VIA EMAIL

Mr. Betram Lovell
Grambling State University
100 Main Street
P.O. Box 868
Grambling, Louisiana 71245

RE: *Grambling State University* - Case No. 00539

Dear Mr. Lovell:

In accordance with NCAA Bylaw 19.6, a panel of the NCAA Division I Committee on Infractions reviewed the summary disposition report jointly submitted by Grambling State University, the NCAA enforcement staff and you. The panel accepted the proposed agreed-upon facts and violations and concluded that those facts constituted violations of NCAA legislation. The panel proposed additional penalties, and you accepted the penalties. Therefore, there is no opportunity to appeal.

Because you committed violations of NCAA bylaws, the panel has prescribed a two-year show-cause order for any employing member institution. The show-cause period is from July 28, 2017, through July 27, 2019. Within 30 days of the release of this decision, or should you become employed at another member institution during the term the show cause is in effect, your employing institution shall contact the Office of the Committees on Infractions (OCOI) either to accept the terms of the show-cause order or to make arrangements to show cause why restrictions on athletically related activity should not apply.

The NCAA will release the attached public decision and press release to the public today at noon Eastern time. Because this case was reviewed through the summary disposition process, there will be no press conference to announce the committee's decision. Pursuant to Bylaw 19.8.1.2, there will be a posting of the public infractions decision and the press release on the NCAA's website. Please refrain from making any public disclosure about your receipt and contents of the decision until after the conclusion of the NCAA's release.

Please note that the infractions decision is maintained by the OCOI. This office will retain an individual record regarding your violations and will provide that information to NCAA members that request such information.

N a t i o n a l C o l l e g i a t e A t h l e t i c A s s o c i a t i o n

An association of more than 1,200 members serving the student-athlete
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Mr. Betram Lovell

July 28, 2017

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Finally, in accordance with procedures adopted by the committee, a memorandum from the enforcement staff to the OCOI is attached to this letter. In that memorandum, the enforcement staff called attention to a factual errors it noted in the draft of the infractions decision. The infractions decision has been clarified to only address the value of inducements provided by the assistant coach, rather than the total value of benefits received by the prospect.

If you have any questions or concerns, please me at (317-917-6774) jmcgormley@ncaa.org or Matt Mikrut, associate director, at (317-917-6838) mmikrut@ncaa.org.

Sincerely,



Joel D. McGormley, Managing Director
NCAA Office of the Committees on Infractions

JDM:elg

Attachments

cc: Mr. Paul Bryant
President Richard Gallot, Jr.
NCAA Division I Committee on Infractions Panel
Selected NCAA Staff Members



MEMORANDUM

July 25, 2017

CONFIDENTIAL/VIA EMAIL

TO: Office of the Committees on Infractions.

FROM: Brynna Barnhart and Laura Wurtz McNab.

SUBJECT: Committee on Infractions Decision No. 474.

The NCAA enforcement staff respectfully submits this memorandum to the office of the Committees on Infractions regarding its review of Infractions Decision No. 474.

The enforcement staff noted no factual errors in the infractions report.

The enforcement staff noted the following factual errors in the infractions report:

Page No. 12, first sentence of first full paragraph. The report states, "The assistant coach was the primary individual who knowingly provided the prospect with significant inducements, roughly \$1,500 worth." While the total of all recruiting inducements provided to the prospect was approximately \$1,500, the assistant coach referenced only provided \$931 of the \$1,500, as detailed in Finding of Fact Nos. 3-a and 3-c on Page Nos. 5 and 6 of the report.

The enforcement staff's review of the infractions decision was limited to identifying factual errors. The enforcement staff does not provide any comments or recommendations regarding substantive matters such as findings or penalties.

LWM



BERTRAM LOVELL
GRAMBLING STATE UNIVERSITY
JULY 28, 2017

I. INTRODUCTION

The NCAA Division I Committee on Infractions (COI) is an independent administrative body of the NCAA comprised of individuals from the Division I membership and the public. The committee is charged with deciding infractions cases involving member institutions and their staffs.¹ This case involved five Level II violations at Grambling State University.² Generally, those violations fell into two categories: (1) improper certifications and (2) well-intentioned but incautious recruiting violations in the women's track program. A panel of the COI considered this case through the cooperative summary disposition process in which all parties (the institution, the named individual coaches and the NCAA enforcement staff) agreed to the primary facts and violations, as fully set forth in the summary disposition report (SDR). Based on the current penalty guidelines to prescribe appropriate penalties, the panel proposed additional penalties to the institution and the assistant and head track coaches. The coaches accepted the additional penalties related to their conduct, therefore they do not have an opportunity to appeal. The institution, via written submission to the panel, challenged its additional penalties. After considering the institution's submission, the panel determines the penalties are appropriate and consistent with the penalty guidelines and past cases. The institution has the opportunity to appeal the penalties.

The certification violations began in the 2012-13 academic year and continued through fall 2015. In total, the institution improperly certified 45 student-athletes in 11 sport programs due to systemic failures in its on-campus processes. Because of the improper certifications, the institution permitted student-athletes to practice, receive actual and necessary travel expenses and/or compete when they were ineligible. The parties also agreed that the institution failed to monitor its certification process over the same period.

With respect to the Level II violations in the women's track program, the parties agreed that an assistant coach (and others affiliated with the program) provided an international prospective student-athlete (and her father) with roughly \$1,500 in inducements during spring 2015. The violations occurred after the prospect arrived at the institution but could not enroll due to securing the wrong visa. The assistant coach provided most of the inducements to the prospect—three

¹ Infractions cases are decided by hearing panels comprised of NCAA Division I COI members. Decisions issued by hearing panels are made on behalf of the COI.

² A member of the Southwestern Athletic Conference, the institution's total enrollment is approximately 5,000. The institution sponsors seven men's and eight women's sports. This is the institution's fourth major, Level I or Level II infractions case. Previously, the institution had a major infractions case in 1997 (football and men's and women's basketball), 1989 (men's basketball) and 1978 (men's basketball).

months of cost-free housing, transportation, meals and cash—but a representative of the institution's athletics interest and a then graduate assistant also provided impermissible lodging and/or transportation. This living arrangement caused the track program to exceed its permissible contacts with the prospect. The assistant coach and representative also provided impermissible transportation and/or lodging to the prospect's father. Finally, the institution conducted impermissible tryouts because it permitted the prospect to practice over a two-week period.

Both the assistant coach and the head coach agreed that they committed Level II violations related to the conduct surrounding the prospect. Specifically, the assistant coach agreed that she committed unethical conduct when she provided inducements to the prospect and her father. Likewise, the head coach agreed that he failed to promote an atmosphere of compliance and failed to stop and report the impermissible inducements once he became aware that they were occurring. Both coaches indicated that they were motivated to help a person who they perceived to be in need. Neither, however, ever checked with compliance regarding one of the most well-known recruiting rules—recruiting inducements.

The panel accepts the parties' factual agreements and concludes that five Level II violations occurred. Based on the timing of the violations, the panel used the current penalty guidelines to prescribe appropriate penalties. After considering the aggravating and mitigating factors, the panel classifies the case as Level II-Standard and the assistant and head coaches' violations as Level II-Aggravated. Utilizing the penalty guidelines and bylaws authorizing additional penalties, the panel prescribes the following penalties: two years of probation, a financial penalty, scholarship reductions, recruiting restrictions, a vacation of records, two-year show-cause orders for the assistant and head coaches and administrative reporting requirements.

II. CASE HISTORY

The violations came to light in September 2015, after an international prospect who was enrolled at a neighboring institution reported she previously received inducements from Grambling State's assistant track coach during the previous spring. The prospect arrived in the locale eight months earlier with the intention of enrolling at Grambling State but could not because she secured the wrong visa. After remaining in the locale, she enrolled at a neighboring institution in fall 2015.³ After receiving the information, the institution's compliance officer investigated the matter and self-reported violations to the enforcement staff on November 20, 2015. During the enforcement staff's and institution's investigation into the self-report, the institution independently and later through an Academic Performance Program (APP) data review discovered amateurism certification and progress-toward-degree violations. Throughout fall 2016 and early winter 2017, the enforcement staff presented the parties with draft allegations. In late March 2017, all parties agreed to process the case through summary disposition.

³ The violations came to light after the head track coach contacted his compliance officer and alleged transfer violations involving the prospect and the neighboring institution.

The parties submitted the SDR to the COI on April 10, 2017. On May 1, 2017, the chief hearing officer sought a clarification related to the parties' agreements. Approximately one week later, the enforcement staff provided the panel with clarifying information and an unrelated erratum memorandum involving a correction to the SDR. On May 12, 2017, a panel of the COI reviewed the SDR.⁴ The panel submitted additional penalty letters to the institution, assistant coach and head coach on May 18, 2017. On May 25, 2017, both coaches accepted the additional penalties. The same day, the institution asked for a 21-day extension to respond to the additional penalties. The institution informed the panel that it was going through a separate appeals process related to action taken by the NCAA Academic Performance Program Committee. Although a separate process, the panel granted the extension to allow the institution additional time to handle two processes and make an informed decision related to penalties associated with the infractions process. On June 15, 2017, the institution contested the additional penalties on written submission. The panel considered the institution's position on the written record on June 29, 2017.

III. PARTIES' AGREEMENTS

The parties jointly submitted an SDR that identifies an agreed-upon factual basis, violation of NCAA legislation and violation level.⁵ The SDR identifies:

A. PARTIES' AGREED-UPON FACTUAL BASIS, VIOLATIONS AND VIOLATION LEVELS OF NCAA LEGISLATION

- 1. [NCAA Division I Manual Bylaws 12.1.1.1.3 and 12.1.1.1.3.1 (2012-13 through 2015-16); 14.01.1, 14.4.3.1-(b) and 14.4.3.2 (2012-13 through 2014-15); 14.10.1 (2012-13 and 2013-14); 14.11.1 and 16.8.1.2 (2012-13); 14.4.3.1-(c) (2013-14 and 2014-15); 14.9.1 (2013-14); 16.8.1 (2013-14 through 2015-16); 12.10.1 and 12.11.1 (2014-15 and 2015-16) and 14.4.3.2.1 (2014-15)] (Level II)**

The enforcement staff and institution agreed that from at least the 2012-13 academic year through the 2015 fall semester, the institution failed to properly certify at least 45 student-athletes in 11 sports. As a result, these student-athletes practiced, received actual and necessary travel expenses and/or competed while ineligible. Specifically:

- a. From at least the 2012-13 academic year through the 2015 fall semester, the institution failed to properly certify the amateurism status of 26 student-athletes in eight sports. Specifically:

⁴ Pursuant to COI Internal Operating Procedure (IOP) 4-15-4, panels may view violations established through the summary disposition process as less instructive than a decision reached after a contested process.

⁵ The agreed-upon violations were originally presented to the COI with the track-related violations, followed by the improper certification and failure to monitor violations. Pursuant to Bylaw 19.6.4.3, the panel reorders the violations in chronological order. The substance of the violations has not been altered.

- (1) During the 2012-13 academic year through the 2015 fall semester, 24 student-athletes in six sports were permitted to practice, compete and receive actual and necessary travel expenses without meeting amateurism certification requirements. [NCAA Bylaws 12.1.1.1.3 and 12.1.1.1.3.1 (2012-13 through 2015-16); 14.10.1 (2012-13 and 2013-14); 14.11.1 and 16.8.1.2 (2012-13); 14.9.1 (2013-14); 16.8.1 (2013-14 through 2015-16); and 12.10.1 and 12.11.1 (2014-15 and 2015-16)]
 - (2) During the 2014-15 academic year and the 2015 fall semester, one women's track and field student-athlete and one football student-athlete practiced beyond the permissible 45-day period without meeting amateurism certification requirements. [NCAA Bylaws 12.1.1.1.3 and 12.1.1.1.3.1 (2014-15 and 2015-16)]
- b. From at least the 2012-13 through 2014-15 academic years, the institution improperly certified progress-toward-degree requirements of 21 student-athletes in eight sports. Specifically:
- (1) During the 2012-13 through 2014-15 academic years, eight student-athletes in five sport programs competed without satisfactory completion of at least 18 semester hours of degree credit toward the students' designated degree programs since the beginning of the previous fall term. As a result, seven of the eight student-athletes received actual and necessary travel expenses for competition while ineligible and competed during subsequent academic years without the institution seeking reinstatement. [NCAA Bylaws 14.01.1 and 14.4.3.1-(b) (2012-13 through 2014-15); 14.11.1 and 16.8.1.2 (2012-13);⁶ 14.10.1 (2013-14); 16.8.1 (2013-14 through 2014-15); and 12.11.1 (2014-15)]
 - (2) During the 2012-13 through the 2014-15 academic years, 19 student-athletes in eight sport programs competed without successfully completing the applicable percentage-toward-degree requirements. As a result, the 19 student-athletes received actual and necessary travel expenses for competition while ineligible. Additionally, 10 of the student-athletes competed during subsequent academic years without the institution seeking reinstatement. [NCAA Bylaws 14.01.1 and 14.4.3.2 (2012-13 through 2014-15); 14.11.1 and 16.8.1.2 (2012-13);⁷ 14.10.1

⁶ Pursuant to Bylaw 19.5.11, the time period of the proposed findings of fact is the 2012-13 through the 2015-16 academic years. A football student-athlete competed while ineligible during the 2011-12 and 2012-13 academic years. The violations that occurred during the 2011-12 academic year are not included. However, because the student-athlete subsequently competed while ineligible during the 2012-13 academic year, a violation of Bylaw 14.11.1 occurred.

⁷ Pursuant to Bylaw 19.5.11, the time period of the proposed findings of fact is the 2012-13 through the 2015-16 academic years. A football student-athlete and a men's basketball student-athlete competed while ineligible during the 2011-12 and 2012-13 academic years. The violations that occurred during the 2011-12 academic year are not included. However, because the student-athletes subsequently competed while ineligible during the 2012-13 academic year, violations of Bylaw 14.11.1 occurred.

(2013-14); 16.8.1 (2013-14 through 2014-15); and 12.11.1 and 14.4.3.2.1 (2014-15)]

(3) During the 2013-14 through 2014-15 academic years, four student-athletes in three sport programs competed without satisfactory completion of at least six semester hours of degree credit toward the student-athletes' designated degree programs during the preceding regular academic term. As a result, the four student-athletes received actual and necessary travel expenses for competition while ineligible and competed during subsequent academic years without the institution seeking reinstatement. [NCAA Bylaws 14.01.1 and 14.4.3.1-(c) (2013-14 and 2014-15); 14.10.1 (2013-14); 16.8.1 (2013-14 through 2014-15); and 12.11.1 (2014-15)]

2. [NCAA Constitution 2.8.1 (2012-13 through 2015-16)] (Level II)

The enforcement staff and institution agreed that from at least the 2012-13 academic year through the 2015 fall semester, the scope and nature of the violations detailed in Violation No. 1 demonstrate that the institution violated the NCAA principle of rules compliance when it failed to adequately monitor its initial eligibility and progress-toward-degree certification processes to ensure compliance with NCAA rules. Specifically, the institution failed to establish adequate compliance systems to ensure consistent monitoring of amateurism and progress-toward-degree certification and provide adequate rules education to the institutional staff members responsible for amateurism and progress-toward-degree certification.

3. [NCAA Division I Manual Bylaws 13.1.5, 13.1.5.1, 13.2.1, 13.2.1.1-(e), 13.2.1.1-(h), 13.5.1 and 13.11.1 (2014-15)] (Level II)

The enforcement staff, institution and the assistant track coach (assistant coach) agreed that from approximately January 20 through the end of April 2015, the assistant coach and members of or individuals affiliated with the women's track and field program violated recruiting legislation by providing a prospect (prospect) approximately \$1,563 in impermissible inducements, exceeding the number of permissible recruiting opportunities and involving the prospect in impermissible tryouts. Specifically:

- a. On January 20 and 21, 2015, the assistant coach provided the prospect's father (prospect's father) transportation from the Monroe, Louisiana, airport to a hotel in Ruston, Louisiana and to campus. The assistant track coach also paid for their hotel room for one night. The total value of the recruiting inducements was approximately \$91. [NCAA Bylaws 13.2.1 and 13.2.1.1-(h) (2014-15)]
- b. From at least January 21 through January 26, 2015, a former track and field student-athlete who was also a representative of the institution's athletics interests (representative), provided the prospect's father five nights of free housing and the

prospect with at least two nights of free housing.⁸ The total value of the recruiting inducements was approximately \$415. [NCAA Bylaws 13.2.1 and 13.2.1.1-(h) (2014-15)]

- c. From at least February through April 2015, the assistant coach provided the prospect with free housing, occasional transportation, meals and approximately \$100 in cash. The total value of the recruiting inducements was approximately \$840. Additionally, the women's track and field program exceeded the permissible number of recruiting opportunities as a result of the interactions that occurred with the assistant coach's provision of housing and occasional transportation. [NCAA Bylaws 13.1.5, 13.1.5.1, 13.2.1, 13.2.1.1-(e), 13.2.1.1-(h) and 13.5.1 (2014-15)]
 - d. From April 24 through April 26, 2015, a then graduate assistant coach (former graduate assistant) provided the prospect with roundtrip transportation and lodging for the outdoor track conference competition in Huntsville, Alabama. The total value of the recruiting inducements was approximately \$217. [NCAA Bylaws 13.2.1, 13.2.1.1-(h) and 13.5.1 (2014-15)]
 - e. Between late January and early February 2015, the women's track and field coaching staff permitted the prospect to practice with the women's track team for approximately two weeks even though she was not enrolled at the institution. [NCAA Bylaw 13.11.1 (2014-15)]
- 4. [NCAA Division I Manual Bylaws 10.01.1, 10.1 and 10.1-(c) (2014-15)] (Level II)**

The enforcement staff, institution and the assistant coach agreed that from January 20 through April 2015, the assistant coach violated the NCAA principles of ethical conduct when she knowingly provided the prospect and her father improper inducements, as detailed in Violation No. 3.

5. [NCAA Division I Constitution 2.8.1 and Bylaw 11.1.1.1 (2014-15)] (Level II)

The enforcement staff, institution and the head track coach [Bertram Lovell] (head coach) agreed that, during the 2015 spring semester, the head coach is presumed responsible for the violations outlined in Violation No. 3 and did not rebut that presumption. Specifically, the head coach did not demonstrate that he promoted an atmosphere for compliance when he became aware of the provision of the impermissible inducements while they were occurring and he did not stop and/or report the violations.

⁸ The former track and field student-athlete triggered representative status when he provided the prospect and her father with housing.

B. PARTIES' AGREED-UPON AGGRAVATING AND MITIGATING FACTORS

Pursuant to NCAA Bylaw 19.6.2-(g), the parties agreed to the following aggravating and mitigating factors:

Institution:

1. Aggravating factors [Bylaw 19.9.3]
 - a. A history of major violations by the institution. [Bylaw 19.9.3-(b)]⁹
 - b. Multiple Level II violations by the institution or involved individuals. [Bylaw 19.9.3-(g)]
 - c. Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct. [Bylaw 19.9.3-(h)]

2. Mitigating factors [Bylaw 19.9.4]
 - a. Prompt self-detection and self-disclosure of the violations. [Bylaw 19.9.4-(a)]
 - b. Prompt acknowledgement of the violations, acceptance of responsibility and imposition of meaningful corrective measures. [Bylaw 19.9.4-(b)]
 - c. Affirmative steps to expedite final resolution of the matter. [Bylaw 19.9.4-(c)]

The head coach:

1. Aggravating factors [Bylaw 19.9.3]
 - a. Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct [Bylaw 19.9.3-(h)]

2. Mitigating factors [Bylaw 19.9.4]

None.

⁹ Previously, the institution had major infractions cases in 1997, 1989 and 1978. The panel accepts the parties' proposed aggravating factor but affords it little weight. When weighing past cases as an aggravating factor, panels generally assess, among other considerations, the overall number of cases, the length of time that has passed between cases and the similarity of the involved violations. See *Mississippi Valley State University* (2017) and *University of Virginia* (2017). Here, while portions of this case and portions of the 1997 and 1989 cases involved similar recruiting violations, roughly 20 years has passed since the institution's most recent infractions case.

The assistant coach:

1. Aggravating factors [Bylaw 19.9.3]
 - a. Unethical conduct. [Bylaw 19.9.3-(e)]
 - b. Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct. [Bylaw 19.9.3-(h)]
2. Mitigating factors [Bylaw 19.9.4]

None.

IV. REVIEW OF CASE

A. Agreed-upon violations

The SDR fully detailed the parties' positions in the infractions case and included the agreed-upon primary facts, violations, violation levels and aggravating and mitigating factors. After reviewing the parties' principal factual agreements and the respective explanations surrounding those agreements, the panel accepts the parties' SDR and concludes that the facts constitute five Level II violations of NCAA legislation. Those five Level II violations occurred in two general areas: (1) systemic certification failures by the institution and (2) inducements and other related conduct surrounding a women's track prospect by women's track and field coaches and staff who acted without seeking guidance. Those general categories also supported additional related violations—mainly, the institution's failure to monitor its certification procedures, the assistant coach's unethical conduct and the head coach's failure to promote an atmosphere of compliance.

Systemic Certification and Monitoring Violations

The first category of violations involved agreed-upon certification failures. The failures occurred over three-and-one-half years, involved 45 improperly certified student-athletes in 11 sport programs and resulted from systemic failures in the institution's certification process. It also involved student-athletes practicing, receiving actual and necessary expenses and/or competing when they were ineligible. Those violations also supported the institution's failure to monitor its certification process. When the institution improperly certified student-athletes and allowed them to practice, compete or receive expenses, it violated Bylaws 12, 14 and 16.¹⁰ Those violations demonstrate the institution's failure to meet Constitution 2 expectations.

¹⁰ This case involved improper certifications that occurred over numerous years and violated multiple bylaws across multiple Division I Manuals. Therefore, the panel cites to amateurism, certification and benefits violations in accordance with the 2014-15 Division I Manual because the institution violated the substance each of the bylaws cited in Violation No. 1 during that academic year. Some of the bylaws had earlier iterations with different numerical bylaw cites than those cited in the 2014-15 Division I Manual (e.g., Bylaws 14.10.1, 14.11.1, 16.8.1.2 in the 2012-13 Division I Manual and Bylaws 14.9.1 and 14.10.1 in the 2013-14 Division I Manual). While the numbering may have changed, the substance of those bylaws remained unchanged. This

Bylaw 12 sets amateurism certification requirements for student-athletes and certification expectations for member institutions. Bylaw 12.1.1.1.3 requires student-athletes receive a final amateurism certification prior to engaging in practice or competition. To effectuate the process, Bylaw 12.1.1.1.3.1 provides a 45-day window for student-athletes who report for athletics prior to receiving final certification to participate in practice. Thereafter, student-athletes must receive final certification to continue practicing. Bylaws 12.10.1 and 12.11.1 place the responsibility on institutions to certify student-athletes prior to permitting them to compete and to withhold ineligible student-athletes from competition, respectively. In addition to amateurism certification, Bylaw 14 and its subparts outline requirements for incoming, continuing and transferring student-athletes in order to be eligible to practice, compete and/or receive athletically related financial aid. Like Bylaw 12, Bylaw 14.01.1 places the responsibility on institutions to only permit student-athletes who have met all applicable eligibility requirements and who have had their eligibility certified to represent the institution in competition. Bylaw 14.4.3 identifies eligibility requirements for competition, with Bylaw 14.4.3.1 identifying the required credit-hour requirements. Applicable to this case, subparts (b) and (c) require that student-athletes successfully complete 18 credit hours since the previous fall semester and six credit hours in the prior term, respectively. Bylaws 14.4.3.2 and 14.4.3.2.1 require student-athletes meet certain percentage-of-degree requirements beginning with the student-athletes third year of enrollment. In the context of this case, only after amateurism and certification bylaws are met does Bylaw 16.8.1 permit institutions to provide actual and necessary expenses to eligible student-athletes.

Generally, Constitution 2 sets core principles for institutions conducting intercollegiate athletics programs. Constitution 2.8.1 requires an institution to abide by all rules and regulations, monitor compliance and report instances of noncompliance. Among those rules and regulations, is the fundamental expectation of certifying student-athletes' eligibility.

The institution failed to meet that foundational expectation when it improperly certified a total of 45 student-athletes between the 2012-13 academic year and fall 2015. During that time, the institution failed to properly certify student-athletes' amateurism status and/or their completion of progress-toward-degree requirements.¹¹ The institution failed to certify the amateurism of 26 student-athletes and improperly certified 21 student-athletes as eligible when they failed to meet progress-toward-degree requirements. The institution then permitted those improperly certified student-athletes to practice, receive actual and necessary travel expenses and/or compete. When the institution improperly certified the amateurism status of 26 student-athletes prior to their participation in practice and/or competition and permitted some of those student-athletes to practice beyond the 45-day window, it violated Bylaws 12.1.1.1.3 and 12.1.1.1.3.1. The institution also failed to meet its Bylaw 12.10.1 and 12.11.1 responsibilities to certify student-athletes and withhold ineligible student-athletes from competition.

methodology allows the panel to clearly and concisely address the violations in this case. The full list of specific bylaws and applicable manuals agreed-upon by the parties are identified in the decision at Section III.A.1.

¹¹ The institution improperly certified a total of 45 student-athletes. Some of these student-athletes were improperly certified on multiple occasions. The panel identifies the specific instances in the Parties' Agreements. See Section III.A.1.

Similarly, when the institution improperly certified 21 student-athletes as having met progress-toward-degree requirements, the institution failed to fulfill its certification responsibilities identified in Bylaw 14.01.1. Further, when those student-athletes did not meet applicable credit-hour or percentage-of-degree requirements and the institution certified them as eligible and permitted some of them to compete, the institution violated numerous provisions of Bylaw 14.4.3. Like the improper amateurism certifications, the institution also violated Bylaw 12.11.1 when it failed to withhold from competition student-athletes who did not meet Bylaw 14 requirements.

The student-athletes were not withheld and, in addition, were provided impermissible benefits. The institution provided some of these student-athletes with actual and necessary travel expenses. Regardless of whether the student-athletes were improperly certified under Bylaw 12 or 14, the institution provided many of them with actual and necessary expenses when the student-athletes were ineligible to receive such benefits. This violated Bylaw 16.8.1.

Pursuant to Bylaw 19.1.2, the parties agreed and the panel concludes that the certification and benefits violations are Level II. The ineligible participation provided the institution with more than a minimal but less than a substantial competitive advantage. The violations also were systemic violations that did not rise to a lack of institutional control.

While the systemic violations did not rise to a lack of institutional control, the parties agreed that they did support a failure to monitor violation. The violations occurred due to structural and organizational issues at the institution. Among others, these issues included deficient or, in some circumstances, nonexistent policies and procedures, continuous staff turnover and confusion over certification responsibilities. Institutions must ensure that they have the proper structure, policies and procedures and identified responsibilities in place to certify student-athletes' eligibility. Further, institutions must monitor those processes and make enhancements where necessary. That did not occur in this case and the institution failed to meet its duties under Constitution 2.8.1. As a result of the institution's inattention, the institution improperly certified student-athletes for over three-and-one-half years.

Pursuant to Bylaw 19.1.2, the parties agreed and the panel concludes that the institution's failure to monitor violation is Level II because the underlying certification violations are Level II. The certification and monitoring violations are similar to many cases the COI has decided over the past year. The COI notes the recent number of certification cases and reminds institutions, as it has in past cases, that eligibility certification is a fundamental responsibility of institutions and a vital function of intercollegiate competition. *See Mississippi Valley State University (2017)* (concluding, among other violations, that Level II violations occurred when the institution improperly certified 28 student-athletes over four years and failed to monitor its certification process); *Alcorn State University (2016)* (concluding that the institution committed Level II violations when it improperly certified 28 student-athletes and failed to monitor); *Campbell University (2016)* (concluding that the institution committed Level II certification and failure to monitor violations when it improperly certified 34 student-athletes over five years and did not monitor its certification process); and *Samford University (2016)* (concluding that the institution

committed Level II violations when it improperly certified 33 student-athletes over approximately four years and failed to monitor).

Inducement, Unethical Conduct and Head Coach Responsibility Violations Surrounding a Women's Track Prospect

Separate from the certification violations, this case also involved violations in the women's track program during the spring 2015 semester. The violations centered on a prospect who received impermissible inducements from the assistant coach, a graduate assistant and a representative. To a lesser degree, her father also received inducements. While the involved individuals asserted they were trying to help the prospect and her family, it is well established that NCAA rules do not permit providing free hospitality to prospects and their families. The inducements violated Bylaw 13.

Bylaw 13 governs recruiting. Regarding recruiting opportunities, Bylaws 13.1.5 and 13.1.5.1 limit the number of recruiting opportunities for track prospects to seven. Further, recruiting offers and inducements are generally prohibited under Bylaw 13.2.1. Specifically prohibited items include cash or like items (Bylaw 13.2.1.1-(e)) and free housing (Bylaw 13.2.1.1-(h)). Similarly, Bylaw 13.5.1 prohibits providing transportation to prospects outside of official visits and limited circumstances on unofficial visits. Finally, Bylaw 13.11.1 generally prohibits tryouts.

In total, the assistant coach—and in more limited circumstances a representative and a former graduate assistant—provided the prospect and her father with roughly \$1,500 in inducements. The inducements began in January 2015 after the prospect and her father arrived at the institution. At that time, the prospect intended to enroll at the institution. Unfortunately, because she secured the wrong visa, she was unable to enroll. Rather than return home, she remained in the locale and received impermissible hospitality. Also, rather than checking with compliance or alerting the institution to the prospect's status, the assistant coach and others provided the prospect with cost-free inducements without verifying that their actions were permissible. Over approximately three months, she received cost-free housing, meals, transportation and cash. The assistant coach provided most of the inducements. But the prospect also received transportation and lodging from a former graduate assistant so that she could attend the spring outdoor conference track championship. Her father also remained in the locale for a brief time. He too received cost-free transportation and lodging from the assistant coach and additional cost-free lodging from the representative. During her time in the locale, the prospect also practiced for a two-week period with the track team.

Because the prospect did not enroll in the institution, she remained a prospect. Therefore, the free hospitality she and her father received were inducements and violated Bylaws 13.2.1, 13.2.1.1-(e), 13.2.1.1-(h) and 13.5.1. Similarly, the free-living arrangement with the assistant coach caused the women's track program to exceed the permissible recruiting opportunities with the prospect, violating Bylaws 13.1.5 and 13.1.5.1. Finally, the institution conducted impermissible tryouts under Bylaw 13.11.1 when it permitted the prospect to practice for two weeks.

Pursuant to Bylaw 19.1.2, the parties agreed and the panel concludes that the inducements are Level II violations because they establish multiple recruiting violations that do not amount to a lack of institutional control. The inducements also provided the prospect with more than a minimal but less than a substantial benefit. The violations and levels are also consistent with recent cases decided by the COI. *See University of California, Los Angeles* (2016) (concluding, among other violations, that an associate head coach committed Level II inducement violations when he provided two prospects with \$2,400 worth of lodging and training services) and *University of Missouri, Columbia* (2016) (concluding that Level II violations occurred when a representative, among other impermissible benefits to enrolled student-athletes, provided prospects with \$1,000 for work not performed, cash, free housing, the use of a vehicle, an iPad, access to a gym and meals).

The assistant coach was the primary individual who knowingly provided the prospect with significant inducements, roughly \$1,000 worth. At various points during the spring 2015 semester, the head coach learned of the inducements and did not stop or report them. For their involvement, awareness and lack of action, the assistant coach violated Bylaw 10 and the head coach violated Bylaw 11. The head coach also failed to fulfill his reporting requirements under Constitution 2.

Bylaw 10 governs ethical standards for individuals employed or associated with member institutions. Bylaw 10.01.1 requires institutional employees to act with honesty and sportsmanship and represent the honor and dignity of fair play. The membership has defined unethical conduct in Bylaw 10.1. At the time the conduct occurred, Bylaw 10.1-(c) identified the knowing provision of inducements as unethical conduct. In addition to those standards, Bylaw 11.1.1.1 places a special responsibility on head coaches. The bylaw holds head coaches responsible for the actions of their staff members—including assistant coaches—and requires that they promote an atmosphere of compliance and monitor the activities of their staff. Head coaches may rebut their presumed responsibility by demonstrating that they promoted an atmosphere of compliance and monitored their staff members. Constitution 2.8.1 requires institutions (and staff members) to report instances of noncompliance.

Contrary to well-known inducement legislation, the assistant coach provided the prospect and her father with impermissible inducements. Most significantly, she provided the prospect with free housing, meals, transportation and cash for roughly an entire semester. She also provided the prospect's father with free lodging and transportation. While the assistant coach suggested she was only attempting to lend a helping hand, it is well established that coaches cannot provide prospects (or enrolled student-athletes) with free housing and other related benefits. Even if she was confused regarding the prospect's status after not enrolling, she never sought guidance from her compliance office. Therefore, the assistant coach's conduct did not meet the expectations of institutional staff members under Bylaw 10 and violated Bylaws 10.01.1, 10.1 and 10.1-(c).

The parties agreed and the panel concludes that the assistant coach's violations are Level II because the underlying violations were also Level II. The COI has previously concluded that similar individual conduct also supports Level II Bylaw 10 violations. *See Coastal Carolina University*

(2015) (concluding that a head coach committed a Level II unethical conduct violation when he arranged for private golf lessons, provided his own lessons and permitted the prospect to use a training facility for free).

While the head coach was not directly involved in providing or arranging the impermissible inducements, he agreed he did not fulfill his responsibilities as a head coach of a program. He is presumed responsible for violations committed by his assistant coach. The head coach agreed he did not rebut his presumed responsibility and violated Bylaw 11.1.1.1. At different points during spring 2015, the representative informed the head coach that the prospect's father was staying with him, the assistant coach informed him of her housing arrangement with the prospect and he saw the prospect at practice and the spring conference track championship. At no point did the head coach inquire about the permissibility of these activities. The head coach acknowledged that had he checked on the prospect's living arrangement, he would have likely been told that it was a violation. The head coach's failure to stop and report known violations demonstrates that the head coach failed to promote an atmosphere of compliance and failed to fulfill his duties as an institutional staff member to report instances of noncompliance. This conduct violated both Bylaw 11.1.1.1 and Constitution 2.8.1. Because the head coach responsibility violation stems from underlying Level II inducement violations, the panel concludes that the violation is also Level II.

Although each case is unique as to its facts and circumstances, the COI has previously concluded that head coaches have a duty to report known or potential violations committed by their staff members. *See Syracuse University (2015)* (concluding that, among other things, the head coach's failure to address potential concerns and raise awareness to the compliance staff demonstrated that he failed to promote an atmosphere of compliance).¹²

B. Contested penalties

After accepting the facts and violations in the SDR, the panel classified the case as Level II-Standard for the institution and proposed additional penalties in accordance with the membership's penalty guidelines and past cases. Those penalties included: (1) a two-year probationary period; (2) a \$5,000 fine; (3) a reduction of one equivalency in women's track for two consecutive years from the institution's four-year average; and (4) a vacation of records for ineligible participation.¹³ After considering the institution's written submission, the panel determines that the penalties remain appropriate because they fall within the appropriate ranges identified in the penalty guidelines for Level II-Standard cases, provide the COI with an opportunity to monitor the institution as it develops and implements more robust compliance systems and the penalties align

¹² While the underlying violations involved in *Syracuse University* were different in scope, nature and length, the expectations and requirements of head coaches are not. The responsibility of head coaches to address potential concerns and raise awareness to the compliance staff is a fundamental expectation.

¹³ The institution proposed a similar scholarship reduction from the NCAA maximum allotment identified in Bylaw 15.5.3.1.2. In formulating appropriate penalties, the panel reviewed the squad lists attached to the SDR and because the institution did not appear to be issuing the maximum allotment, modified the penalty to be reduced from the institution's four-year average. The panel also accepted the institution's self-imposed recruiting opportunity reduction.

with past cases involving similar violations. While the panel appreciates the institution's position (as well as the remedial measures that the institution has recently implemented), the panel believes that those measures are necessary to meet the expectations associated with Division I membership. Accordingly, they do not present extenuating circumstances required for deviation from the core penalties identified for Level II-Standard cases.

The institution contests the additional penalties for these reasons: (1) taken together with penalties prescribed by the Committee on Academics (COA), the additional penalties place the institution's athletics programs at an unreasonable disadvantage and reduces its effectiveness in recruiting and (2) the institution has hired new employees and instituted new policies to correct its agreed-upon failures. The panel determines that neither of these reasons supports an adjustment to the additional penalties. Further, the COI has routinely encountered certification cases that arise from an APP data review and prescribed penalties within the parameters set by the membership for its infractions process.

With respect to the institution's assertion that the panel should take into consideration penalties prescribed by the COA, the panel notes that the COA process is separate and distinct from the infractions process. For example, the processes and penalties associated with failing to satisfy academic performance standards are identified in Bylaw 14.8; the infractions process is memorialized in Bylaw 19. More specifically, Bylaw 19.3.6 identifies the authority and duties of the COI and states that penalties prescribed by the COI are separate and apart from any penalties prescribed as part of the Academic Performance Program by the COA. Therefore, any penalties prescribed by the COI are not inappropriate simply because a separate NCAA committee has prescribed penalties in accordance with a separate process authorized by the bylaws.

Although distinct, the panel took note of penalties prescribed by the COA (e.g., multi-year postseason bans in three sport programs and a reduction in countable athletically related aid in a fourth program) when reviewing the institution's request. Among other considerations, the panel reviewed whether it had proposed the same type of penalty, and it determined that it did not.

None of the panel's additional penalties unreasonably disadvantage the institution in competition or recruiting. For instance, the \$5,000 fine is a requirement in all cases. Further, as identified in Penalty No. 8, a vacation of records is particularly appropriate under the facts of this case (i.e., ineligible participation and a failure to monitor) and is supported by past cases involving improper certification and failure to monitor violations. The panel also proposed a two-year term of probation. As it relates to this case, probation may be the most important penalty prescribed by the panel. The institution agreed that it improperly certified student-athletes and failed to monitor the certification process for over three years. The two-year probationary period provides the COI with an opportunity to ensure that the institution has remedied its admitted failures and established effective policies and procedures that meet the expectations associated with Division I membership.

The only two penalties that directly relate to competition and recruiting (i.e., scholarship reductions and recruiting restrictions), were self-imposed by the institution and accepted by the panel. The panel, however, proposed modifying the institution's self-imposed scholarship reduction to be reduced from the institution's four-year average rather than the NCAA maximum allotment to ensure that the penalty had effect. That modification remains appropriate. A reduction from the institution's four-year average is consistent with the historical practice and recent cases. *See Georgia Southern University* (2016) (modifying the institution's recruiting restrictions to be reduced from the institution's four-year average and noting such a modification aligns with the COI's historical practice); and *University of Arkansas at Pine Bluff* (2014) (prescribing scholarship reductions to be reduced from the institution's four-year average). The panel is not persuaded that its modification places the institution at an inappropriate competitive or recruiting disadvantage.

As it relates to the institution's identification of new employees and enhanced policies and procedures, the panel believes those improvements were necessary to correct the institution's admitted failures. These improvements are common at institutions that have recently experienced an infractions case. Typically, the correction of past systemic failures through the development of improved policies and procedures is a process. The COI utilizes the probationary period to monitor that process—particularly an institution's development and implementation of new systems and policies. Probationary periods permit the COI to serve as an appropriate check for the membership and ensure that institutions are meeting the membership's expectations under the bylaws prior to being restored to full rights and privileges of Division I membership.

Finally, past cases that also originated from an APP data review through the COA support the COI prescribing penalties to address violations through the infractions process. *See Mississippi Valley State University* (2017); *Morehead State University* (2017); *Southern University* (2016); *Norfolk State University* (2016); and *Campbell University* (2016). Like here, the COI appropriately prescribed core penalties within the ranges identified by the penalty guidelines and additional penalties pursuant to Bylaw 19.9.7 to address certification violations. Those penalties were separate and apart from any action taken by the COA.

V. PENALTIES

For the reasons set forth in Sections III and IV of this decision, the panel accepts the parties' agreed-upon factual basis and violations and concludes that this case involved Level II violations of NCAA legislation. The panel then determined the applicable penalty classification based on aggravating and mitigating factors. Level II violations are significant breaches of conduct that provide or are intended to provide more than a minimal but less than a substantial advantage or benefit, or reflect conduct that may compromise the integrity of the NCAA Collegiate Model.

In addition to the agreed-upon aggravating and mitigating factors, the parties proposed, but were not in agreement on one aggravating factor for all of the parties and a mitigating factor for each of

the coaches. As it relates to the aggravating factor, the enforcement staff identified Bylaw 19.9.3-(m) Intentional Disregard for the NCAA Constitution or Bylaws as applicable to all three parties. The institution and both coaches opposed the aggravating factor. The institution acknowledged that the track violations occurred but claimed that they were not conducted to gain an unfair advantage and their coaches' actions were humanitarian in nature. The coaches made similar claims. Regardless of their intent, both coaches knew that they could not provide benefits to prospects. They also both acknowledged they did not go to compliance to seek further guidance. The head coach even admitted that he did not go to compliance because it would have likely been a violation. Therefore, the panel determines that the aggravating factor applies to their conduct. Further, because institutions act through their employees, the panel determines that the aggravating factor applies to the institution.

With respect to the additional mitigating factor, both coaches proposed that Bylaw 19.9.4-(b) Prompt Acknowledgement of the Violations and Acceptance of Responsibility should apply to their conduct. The enforcement staff agreed in part. The enforcement staff identified that when interviewed and after confronted with information related to the violations, both coaches acknowledged the violations and accepted responsibility. The panel determines that the mitigating factor applies to both the assistant and head coaches' conduct.

This case involved violations that predominantly occurred after the adoption of the current version of Bylaw 19. Pursuant to Bylaw 19.9.1, the current penalty structure applies. The panel classifies the institution's case as Level II-Standard. The panel classifies both the assistant and head coaches' violations as Level II-Aggravated. Because the coaches agreed to the facts, violations and proposed penalties, they have no opportunity to appeal. The institution retains the opportunity to appeal the penalties it contested.

All penalties prescribed in this case are independent and supplemental to any action that has been or may be taken by the COA through its assessment of postseason ineligibility, historical penalties or other penalties. The institution's corrective actions are contained in the Appendix. After considering all information relevant to the case, the panel prescribes the following penalties. Those penalties that were self-imposed by the institution are so noted:

Core Penalties for Level II-Standard Violations (Bylaw 19.9.5)

1. Probation: Two years of probation from July 28, 2017, to July 27, 2019.¹⁴
2. Financial penalty: The institution shall pay \$5,000 to the Association¹⁵.

¹⁴ The institution proposed a one-year probationary period. Institutions may propose probationary periods, but the authority to prescribe NCAA probation rests solely with the COI. Periods of probation always commence with the release of the infractions decision.

¹⁵ The fine shall be paid consistent with Division I COI Internal Operating Procedure 4-16-2.

3. Scholarship reductions: The institution will reduce scholarships in the women's track and field program by one equivalency in the 2017-18 and the 2018-19 academic years. Those reductions will be reduced from the institution's previous four-year average.¹⁶
4. Recruiting restrictions: The institution's women's track and field program will reduce its recruiting days by 15 days during the 2017-18 academic year. (institution imposed)¹⁷

Core Penalties for Level II-Aggravated Violations (Bylaw 19.9.5)

5. Show-Cause Order: This case involved the assistant coach knowingly providing a prospect and her father with improper inducements. Those inducements involved free housing, transportation, meals and cash for the prospect and free transportation and lodging for her father. Regardless of the assistant coach's intent, it is well established that these types of benefits cannot be provided to prospective or enrolled student-athletes. The panel acknowledges that the prospect was ultimately unable to enroll at the institution due to obtaining an improper visa; however, that did not make the benefits the assistant coach provided permissible.

Therefore, the assistant coach will be informed in writing by the NCAA that her conduct will be subject to restrictions through a show-cause order. The institution that currently employs the assistant coach or any subsequent employing NCAA member institution shall adhere to and certify compliance with this penalty in a written report. Pursuant to Bylaw 19, the assistant coach shall have a two-year show-cause order from July 28, 2017, through July 27, 2019. As part of the show-cause order the assistant coach will be:

- a. Prohibited from off-campus recruiting activities during the first year of the show-cause order;
- b. Suspended from two track meets; (institution imposed)
- c. Required to attend ethics training and NCAA Regional Rules Seminars during each year of the show-cause order;¹⁸

¹⁶ The institution proposed limiting equivalencies to 17 in the 2017-18 and 2018-19 academic years, amounting to a reduction of one equivalency per year from the Bylaw 15.5.3.1.2 maximum of 18 equivalencies. Rather than reduce equivalencies from the NCAA maximum allotment, the panel modifies the institution's proposal to be reduced from its previous four-year average.

¹⁷ The institution did not identify the academic year in which the recruiting restrictions would take place. The panel prescribes that those restrictions occur during the first year of probation.

¹⁸ The institution proposed a required ethics training and attendance at the 2017 NCAA Regional Rules Seminars.

- d. Required to receive monthly one-on-one rules education with the institution's compliance office. The dates of and topics discussed during these sessions should be documented.

If the employing institution does not agree with the restrictions, it shall contact the Office of the Committees on Infractions (OCOI) to make arrangements to show cause why the restrictions should not apply. If the employing institution agrees with the restrictions, it shall submit a plan detailing how it will monitor and adhere to the restrictions in the show-cause order. Thereafter, it will submit a written report detailing compliance with the show-cause order at the end of each year of the penalty.

6. Show-Cause Order: This case involved the head coach's agreed-upon head coach responsibility violation and his failure to stop and report a known violation. The panel acknowledges that the prospect was ultimately unable to enroll at the institution due to obtaining an improper visa; however, that did not alleviate the head coach's duty to stop the known arrangements from occurring and report them to the institution. Therefore, the head coach will be informed in writing by the NCAA that his conduct will be subject to restrictions through a show-cause order. The institution that currently employs the head coach or any subsequent employing NCAA member institution shall adhere to and certify compliance with this penalty in a written report. Pursuant to Bylaw 19, the head coach shall have a two-year show cause order from July 28, 2017, through July 27, 2019. As part of the show-cause order the head coach will be:

- a. Suspended from 30 percent of the 2017-18 season;¹⁹
- b. Required to attend ethics training and NCAA Regional Rules Seminars during each year of the show-cause order;²⁰
- c. Required to receive monthly one-on-one rules education with the institution's compliance office. The dates of and topics discussed during these sessions should be documented.

If the employing institution does not agree with the restrictions, it shall contact the OCOI to make arrangements to show cause why the restrictions should not apply. If the employing institution agrees with the restrictions, it shall submit a plan detailing how it will monitor and adhere to the restrictions in the show-cause order. Thereafter, it will submit a written report detailing compliance with the show-cause order at the end of each year of the penalty.

¹⁹ The institution self-imposed a one-meet suspension. However, consistent with Bylaw 19.9.5.5 and the ranges associated with Level II-Aggravated violations in Figure 19-1, the panel expands the head coach's suspension to 30 percent of the 2017-18 season. If the head coach served the one-meet suspension during the 2016-17 season, he may credit that meet toward the 30 percent suspension in the 2017-18 season.

²⁰ The institution proposed a required ethics training and attendance at the 2017 NCAA Regional Rules Seminars.

Additional Penalties for Level II-Standard Violations (Bylaw 19.9.7)

7. Public reprimand and censure.
8. The institution acknowledged that ineligible participation occurred in agreed-upon Violation No. 1. Therefore, pursuant to Bylaws 19.9.7-(g) and 31.2.2.3, the institution shall vacate all regular season and conference tournament records and participation in which the ineligible student-athletes detailed in Violation No. 1 competed from the time they became ineligible through the time they were reinstated as eligible for competition. This order of vacation includes all regular season competition and conference tournaments.²¹ Further, if any of the ineligible student-athletes participated in NCAA postseason competition at any time they were ineligible, the institution's participation in the postseason shall be vacated. The individual records of the ineligible student-athletes will also be vacated. However, the individual finishes and any awards for all eligible student-athletes will be retained. Further, the institution's records regarding its athletics programs, as well as the records of head coaches, will reflect the vacated records and will be recorded in all publications in which such records are reported, including, but not limited to, institutional media guides, recruiting material, electronic and digital media plus institutional, conference and NCAA archives. Any institution that may subsequently hire the affected head coach shall similarly reflect the vacated wins in their career records documented in media guides and other publications cited above. Head coaches with vacated wins on their records may not count the vacated wins toward specific honors or victory "milestones" such as 100th, 200th or 500th career victories. Any public reference to the vacated contests shall be removed from the athletics department stationary, banners displayed in public areas and any other forum in which they may appear. Any trophies awarded by the NCAA in these sports shall be returned to the Association.

Finally, to ensure that all institutional and student-athlete vacations, statistics and records are accurately reflected in official NCAA publications and archives, the sports information director (or other designee as assigned by the director of athletics) must contact the NCAA Media Coordination and Statistics office and appropriate conference officials to identify the specific student-athletes and contests impacted by the penalties. In addition, the institution must provide the NCAA Media Coordination and Statistics office with a written report, detailing those discussions. This document will be maintained in the permanent files of the NCAA Media Coordination and Statistics office. This written report must be delivered to the office no later than 45 days following the release of this decision. The sports information director (or designee) must also inform the OCOI of this submission to the NCAA Media Coordination and Statistics office.

²¹ Among other examples, the committee has indicated that a vacation penalty is particularly appropriate when cases involve ineligible competition and a failure to monitor violation. *See Division I Internal Operating Procedure 4-16-4*. Further, the COI has consistently prescribed a vacation of records in cases that involved student-athletes competing when they failed to meet amateurism and eligibility requirements. *See Mississippi Valley State University (2017), Alcorn State University (2016), Campbell University (2016), Samford University (2016) and University of North Carolina, Greensboro (2015)*.

9. During this period of probation, the institution shall:
 - a. Continue to develop and implement a comprehensive educational program on NCAA legislation to instruct coaches, the faculty athletics representative, all athletics department personnel and all institutional staff members with responsibility for ensuring compliance with NCAA legislation on impermissible inducements, extra benefits and representatives of the institution's athletics interest;
 - b. Submit a preliminary report to the OCOI by September 15, 2017, setting forth a schedule for establishing this compliance and educational program;
 - c. File with the OCOI annual compliance reports indicating the progress made with this program by June 1 during each year of probation. Particular emphasis should be placed on the institution's continued enhancements to the institution's eligibility certification policies and procedures, the monitoring of the eligibility certification process and the rules education provided to the institution's coaches and athletics staff;
 - d. Inform prospective student-athletes in the affected sport programs in writing that the institution is on probation for two years and detail the violations committed. If a prospective student-athlete takes an official paid visit, the information regarding violations, penalties and terms of probation must be provided in advance of the visit. Otherwise, the information must be provided before a prospective student-athlete signs a National Letter of Intent; and
 - e. Publicize specific and understandable information concerning the nature of the infractions by providing, at a minimum, a statement to include the types of violations and the affected sport programs and a direct, conspicuous link to the public infractions decision located on the athletic department's main webpage "landing page" and in the media guides for the involved sports. The institution's statement must: (i) clearly describe the infractions; (ii) include the length of the probationary period associated with the major infractions case; and (iii) give members of the general public a clear indication of what happened in the major infractions case to allow the public (particularly prospective student-athletes and their families) to make informed, knowledgeable decisions. A statement that refers only to the probationary period with nothing more is not sufficient.

10. Following the receipt of the final compliance report and prior to the conclusion of probation, the institution's president shall provide a letter to the committee affirming that the institution's current athletics policies and practices conform to all requirements of NCAA regulations.

The COI advises the institution that it should take every precaution to ensure that the terms of the penalties are observed. The COI will monitor the penalties during their effective periods. Any action by the institution contrary to the terms of any of the penalties or any additional violations may be considered grounds for extending the institution's probationary period, prescribing more severe penalties or may result in additional allegations and violations.

NCAA COMMITTEE ON INFRACTIONS PANEL

Michael F. Adams
William Bock, III
Carol A. Cartwright
Thomas Hill
Joel D. Maturi
Joseph D. Novak
Sankar Suryanarayan, Chief Hearing Officer

APPENDIX

**CORRECTIVE ACTIONS AS IDENTIFIED IN THE INSTITUTION'S APRIL 10, 2017,
SUMMARY DISPOSITION REPORT (SDR) AND JUNE 14, 2017, LETTER
CONTESTING THE PANEL'S ADDITIONAL PENALTIES**

1. A letter of reprimand will be placed in the files of the institution's head coach and also the file of the assistant coach.
2. The institution's president will send a letter to all athletics personnel explaining the importance of compliance and their responsibility to ensure compliance.
3. The institution's athletic department will strongly consider hiring a compliance coordinator who will assist the interim assistant director of compliance in the day-to-day operations of the compliance office in order to strengthen the compliance program and monitor all sports programs.
4. The institution's athletic department will develop and implement a plan to address the possibility of an international student-athlete traveling to the institution who cannot enroll.
5. A new Athletic Director started in January 2017, and the institution immediately began taking additional steps to cooperate with the committee and its investigation while working with the school compliance office to put structures in place to prevent the frequency of infractions as outline by the committee.
6. A new Assistant Athletics Director for Compliance started in April 2017, after the violations notice had been provided, and immediately dug in and discovered additional troubling instances reported to the NCAA. The individual and other staff have worked the last several weeks to manage day-to-day operations while enhancing educational programming for student-athletes and, in the process, identifying areas where we can strengthen academic advisement and academic assessment overall.
7. The compliance office has created or modified several programs to enhance and improve institution rules education inside of and beyond athletics to significantly upgrade institutional monitoring.
8. A new Assistant Athletics Director for Academic Services started in June 2017, and has started developing academic improvement plans for the seven teams with single-year APR scores below the NCAA's 930 benchmark.

9. The institution will add an NCAA Eligibility Specialist in the Office of the Registrar. That individual will work intensively with the NCAA certification process.
10. In June 2017, the compliance office began utilizing the institution's [monitoring vendor] database which generates progress-toward-degree calculations and sends notifications to coaches and staff when a student-athlete has not satisfied eligibility requirements. This will allow staff to identify potential academic issues in a timely fashion. An annual compliance plan has been developed, including educational programming for coaches, support staff, cross-campus constituents and boosters. The plan takes effect August 2017.
11. The compliance office organized an eligibility certification team, including the Assistant Athletics Director for Compliance, the Assistant Athletics Director for Academic Services, the Faculty Athletics Representative and a member of the Registrar's Office staff. This team has met on multiple occasions, and conducted an exhaustive review of the institution's policies on baccalaureate requirements, which have a direct impact on continuing eligibility certification. The certification process has been revamped to include the certification team.
12. The compliance staff is working with staffers from the NCAA's Division of Academic and Membership Affairs to provide rules education this summer and during the fall semester. The institution has tentatively scheduled a mid-summer visit in July, and a late August visit as a part of the faculty institute and opening conference.



News Release

FOR IMMEDIATE RELEASE

Friday, July 28, 2017

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Grambling failed to monitor its certification process; track program commits violations

INDIANAPOLIS — Grambling did not monitor its certification process when it improperly certified the eligibility of 45 student-athletes in 11 sports, according to a Division I Committee on Infractions panel. An assistant track coach also violated NCAA ethical conduct rules when she, in addition to a booster and former graduate assistant, provided approximately \$1,500 in housing, meals, transportation and cash to an international prospect and, to a limited extent, the prospect's father. The head track coach failed to promote an atmosphere of compliance when he did not stop or report the violations when he learned about them.

This case was resolved through the summary disposition process, a cooperative effort where the involved parties collectively submit the case to the Committee on Infractions in written form. The NCAA enforcement staff, university and participating individuals must agree to the facts and overall level of the case to use this process instead of a formal hearing. The panel held an expedited penalty hearing because the university did not agree with some of the proposed penalties.

The academic certification violations were discovered by the university through an NCAA Academic Performance Program data review. The panel found the university did not properly certify student-athletes' amateurism status and progress-toward-degree requirements. As a result, student-athletes either practiced, received expenses and/or competed while ineligible. The violations resulted from structural and organizational issues at the university, including deficient policies and procedures,

staff turnover and confusion over certification responsibilities. In its decision, the panel reminded member schools that eligibility certification is a fundamental responsibility of member schools and a vital function of college athletics.

Regarding the violations in the track program, the international prospect arrived at the university in January 2015, but was unable to enroll in classes due to securing the wrong visa. Rather than return home, she remained in the area and received impermissible housing, meals and cash from the assistant coach, booster and former graduate assistant. To a more limited extent, her father received impermissible transportation and lodging from the assistant coach and booster. Instead of checking with compliance or alerting the university to the prospect's status, the assistant coach and others provided her with the impermissible support.

The panel noted that while the assistant coach suggested she was attempting to lend a helping hand, it is well established that coaches cannot provide prospects with free housing or other benefits. Even if she was confused about the prospect's status after not enrolling at the university, she did not ask for guidance from the compliance office. Further, while the head coach was not directly involved in providing or arranging for the housing, meals, transportation or cash, he agreed that he did not fulfill his responsibilities as a head of a program when he did not stop or report the violations.

The panel used the Division I membership-approved infractions penalty guidelines to prescribe the following measures:

- Public reprimand and censure for the university.
- Two years of probation from July 28, 2017, through July 27, 2019.

- A two-year show-cause period for the assistant coach from July 28, 2017, through July 27, 2019. During that period, the university or any NCAA member employing her must prohibit her from off-campus recruiting during the first year; suspend her from two track meets (self-imposed by the university); require her to attend ethics training and NCAA Regional Rules Seminars during each year of the period; and provide monthly one-on-one rules education.
- A two-year show-cause period for the head coach from July 28, 2017, through July 27, 2019. During that period, the university or any NCAA member employing him must suspend him from 30 percent of the 2017-18 season; require him to attend ethics training and NCAA Regional Rules Seminars during each year of the period; and provide monthly one-on-one rules education.
- A reduction in women's track and field scholarships by one equivalency during the 2017-18 and 2018-19 years.
- A reduction in recruiting days by 15 days during the 2017-18 year (self-imposed by the university).
- A vacation of records in which improperly certified student-athletes participated while ineligible. The university will identify the games impacted following the release of the public report.
- A \$5,000 fine.

Members of the Committee on Infractions are drawn from NCAA membership and members of the public. The members of the panel who reviewed this case are Michael F. Adams, chancellor at Pepperdine; William Bock III, attorney in private practice; Carol Cartwright, president emeritus at Kent State and Bowling Green; Thomas Hill, senior policy advisor to the president of Iowa State; Joel Maturi,

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former Minnesota athletics director; Joseph D. Novak, former head football coach at Northern Illinois; and Sankar Suryanarayan, chief hearing officer for the panel and university counsel, Princeton.