



**GEORGIA SOUTHERN UNIVERSITY**  
**PUBLIC INFRACTIONS DECISION**  
**JULY 7, 2016**

**I. INTRODUCTION**

The NCAA Division I Committee on Infractions is an independent administrative body of the NCAA comprised of individuals from the Division I membership and the public. The committee decides infractions cases involving member institutions and their staffs.<sup>1</sup> This case involved two academic violations at Georgia Southern University.<sup>2</sup> Both violations involved former institutional staff members who were expected to fulfill a role, at least in part, in ensuring academic integrity surrounding student-athletes. The case also involved one of the former institutional staff members instructing a student-athlete to provide false and misleading information and failing to cooperate with the investigation.

This case originated as a Summary Disposition Report (SDR). After consideration, however, the panel rejected the SDR to further consider application of NCAA Bylaw 10 to the agreed-upon conduct. In this case, the panel encountered the narrow interpretation in which the NCAA's legislative and charging bodies have taken with respect to analyzing academic misconduct violations. The panel was also presented with a limited record in this case. Based on those factors, the panel concludes that the institutional staff members provided impermissible academic assistance rather than having committed academic misconduct. All participating parties agreed violations were Level I, and the panel concludes the same.

The first academic violation occurred in fall 2013. At the beginning of the semester, a former assistant compliance director committed unethical conduct when she provided a football student-athlete with a flash drive containing coursework for a course in which she had previously been enrolled and the student-athlete would eventually be enrolled. The student-athlete later used the flash drive to submit coursework as his own. The institution determined that the conduct violated its academic dishonesty policy. The enforcement staff determined that the conduct was not of the same nature identified as academic misconduct under existing interpretive guidance. Later, the former assistant compliance director instructed the student-athlete to provide false and misleading information on how he obtained the flash drive and failed to cooperate with the investigation. She refused to participate in the infractions process.

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<sup>1</sup> Infractions cases are decided by hearing panels comprised of NCAA Division I Committee on Infractions members. Decisions issued by hearing panels are made on behalf of the Committee on Infractions.

<sup>2</sup> A member of the Sun Belt Conference, the institution has an enrollment of approximately 20,000. It sponsors 11 women's and six men's sports. The institution had previous infractions cases in 2010 (men's basketball) and 1995 (men's basketball).

The second academic violation occurred one year later. In fall 2014, a former assistant director of student-athlete services committed unethical conduct when she wrote and submitted 10 extra credit papers for two football student-athletes. She obtained the student-athletes' usernames and passwords and without their knowledge completed and submitted the papers. The institution determined the conduct did not violate its academic dishonesty policy.

The panel classifies this case as Level I-Mitigated for the institution and Level I-Standard for both former institutional staff members. Utilizing the penalty guidelines and NCAA bylaws authorizing additional penalties, the panel adopts and prescribes the following penalties: a two-year probationary period, financial penalty, scholarship reductions, recruiting restrictions, three-year show-cause orders for both former institutional staff members, vacation of contests and other administrative reporting requirements.

## **II. CASE HISTORY**

This case began on September 16, 2013, when a professor notified the former head football coach of a possible academic violation involving a football student-athlete (student-athlete 1). The institution initiated an investigation. On September 18, 2013, the institution immediately interviewed student-athlete 1 and the former assistant compliance director (former assistant compliance director). The former assistant compliance director denied any wrongdoing, and at the conclusion of the interview, the institution terminated her employment. As a result of this termination, there were no further interviews conducted to explore her actions or intentions. The institution continued investigating the matter, including follow-up interviews with student-athlete 1. Later, the institution self-reported a violation involving the former assistant compliance director to the NCAA enforcement staff on February 10, 2014.

On April 16, 2014, the Legislative Council published an official interpretation on academic misconduct. The interpretation provided institutions with the authority to determine whether academic misconduct occurred pursuant to institutional policies applicable to all students and prospective students.<sup>3</sup> The interpretation also included an education column, which provided additional guidance open to interpretation.<sup>4</sup>

On August 12, 2014, the enforcement staff requested records from the institution, and on January 15, 2015, provided the institution with a written notice of inquiry. Later that month, the institution received information regarding the former assistant director of student-athlete services' (former assistant director of student-athlete services) potential involvement in other NCAA violations. On February 19, 2015, the institution terminated the former assistant director of student-athlete services. The next day, the institution retained outside counsel and notified the

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<sup>3</sup> The interpretation further identified standards when institutions are required to report academic misconduct violations after it determines that misconduct occurred. The first standard identified is when an institutional staff member is involved in arranging for fraudulent academic credit or false transcripts.

<sup>4</sup> Question number six of the education column, identifies two narrow circumstances as examples of conduct that amounts to "arranging for fraudulent academic credit."

enforcement staff of the new allegations. The institution and enforcement staff continued to explore the matter, and on May 28, 2015, the institution self-reported the additional violations.

On August 3, 2015, the enforcement staff provided the parties with a draft notice of allegations. The next day, the former director of student-athlete services agreed to process the case through summary disposition. On August 17, the institution also agreed to summary disposition. The former assistant compliance director declined to participate in the summary disposition process. On September 25, 2015, the parties jointly submitted the SDR to the committee. As it related to the academic violations, the parties agreed to impermissible academic assistance violations (NCAA Bylaw 10.1-(c)) in the SDR.

On November 16, 2015, the chief hearing officer requested the parties submit the institution's academic integrity policy and a statement on whether the agreed-upon violations violated that policy. Two days later and on behalf of the parties, the enforcement staff provided the requested information. On November 19, 2015, the panel reviewed the SDR and the supplemental information. In accordance with the April 2014 official interpretation, the panel reviewed whether the agreed-upon violations were properly framed as impermissible academic assistance. From November 20, 2015, through February 11, 2016, the panel requested and received additional or clarifying information on two occasions and sought and received an interpretation from the NCAA's Academic and Membership Affairs (AMA) staff.<sup>5</sup> The requests and responses explored whether the agreed-upon violations involved academic misconduct (NCAA Bylaw 10.1-(b)) or impermissible academic assistance (NCAA Bylaw 10.1-(c)).

After reviewing the SDR and the parties' additional information, the panel rejected the SDR and instructed the enforcement staff to initiate notice of allegations (NOA) procedures under NCAA Bylaw 19.7 on February 26, 2016. Further, the panel notified the parties that they should be prepared to address the application of NCAA Bylaw 10.1-(b) in their procedural submissions and at the infractions hearing.

On March 11, 2016, the enforcement staff issued a NOA to the institution and former institutional staff members. After conferring with the other parties, the enforcement staff submitted a proposed accelerated timeline for party submissions and a June hearing date. On April 14, 2016, the Office of the Committees on Infractions provided the parties with an appearance letter, adopting the proposal. On April 21, 2016, the former assistant director of student-athlete services responded notifying the parties that she could not participate in the hearing and that she stood by her agreements and statements in the SDR. On April 29, 2016, the institution submitted its response to the panel. On May 18, 2016, the enforcement staff submitted its written reply. The panel conducted a hearing via videoconference on June 9, 2016.

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<sup>5</sup> During that time, the panel also requested that the parties refrain from seeking further interpretative guidance because the issues were currently before the panel.

### III. FINDINGS OF FACT

#### *The former assistant compliance director*

The former assistant compliance director received her undergraduate and graduate degrees from the institution in 2010 and 2012, respectively. In August 2012, she began working for the athletics department as the assistant compliance director. Prior to moving to the compliance office, she previously worked in the university's admissions office. Student-athlete 1 first communicated with her in her compliance role in mid-July 2013, regarding enrolling at the institution for his fifth year of eligibility.<sup>6</sup> Later that month, they met at the football pre-season training camp compliance meeting. Prior to the start of the semester, the two stayed in contact primarily via text message, but also had several in-person meetings to discuss and develop student-athlete 1's class schedule. Student-athlete 1 admitted that he and the former assistant compliance director also became social friends.

The semester began on August 19, 2013. During the first week of classes, student-athlete 1 met with the former assistant compliance director to finalize his schedule. At the meeting, the former assistant compliance director provided student-athlete 1 with a flash drive containing her previous work for a course in which student-athlete 1 was enrolled. After receiving the flash drive, student-athlete 1 competed for the football program.

On September 5, 2013, student-athlete 1 realized he had an assignment due for that class. Because he had not started the assignment, he pulled an entire assignment from the flash drive and submitted it as his own work. Four days later, student-athlete 1's professor emailed him suggesting the assignment had been copied from an assignment previously submitted in an earlier course. Upon receiving the email, student-athlete 1 immediately called the former assistant compliance director. He informed her he was caught submitting work that was not his own. Student-athlete 1 and the former assistant compliance director worked together to draft two email responses to his professor.

In his first email, student-athlete 1 admitted he did not complete the coursework. In his subsequent email, student-athlete 1 informed the professor that he was solely accountable and submitted the work from a flash drive he found. On September 16, 2013, student-athlete 1's professor emailed the former head football coach to alert him of the ongoing issue. The former head football coach immediately informed the director of athletics and student-athlete services director, initiating the institution's inquiry.

On September 18, 2013, the institution interviewed student-athlete 1, twice. Initially, student-athlete 1 claimed that he found the flash drive and denied any involvement of the former assistant compliance director. In the same interview, he modified his statement and claimed that he took the flash drive from the former assistant compliance director without her knowledge. Later that day, the institution reinterviewed student-athlete 1. In his second interview, he recanted his initial versions of the story. He revealed the former assistant compliance director provided him with the flash drive and instructed him to tell a false story. Student-athlete 1 also

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<sup>6</sup> Student-athlete 1 previously attended and was a student-athlete at another member institution.

admitted he may have used portions of work in earlier assignments. The institution immediately declared him ineligible for competition. Approximately 14 months later, student-athlete 1 confirmed the events in a third interview with the enforcement staff.

Also, on September 18, 2013, the institution interviewed the former assistant compliance director. The institution did not record the interview. However, the institution reported that the former assistant compliance director denied providing the flash drive to student-athlete 1 and claimed she had no knowledge of how he received it, unless he had taken it from her desk. Later that day, the institution terminated her employment. The institution never reinterviewed her.

Following the interviews and in accordance with its academic dishonesty policy, the institution initiated student conduct proceedings. The institution's policy encourages faculty members and students to handle first offenses. If the case is not resolved between the faculty member and student, the Office of Student Conduct adjudicates the case. If it is the student's first offense, the policy permits students to plea "in violation." In those circumstances, the policy requires the Office of Student Conduct to place the student on disciplinary probation for a minimum of one semester, subjects the student to any academic sanctions imposed by the professor and includes an incident report in the student's disciplinary file.

On September 20, 2013, the professor initiated adjudication through the Office of Student Conduct. One week later, student-athlete 1 admitted academic dishonesty, and the Office of Student Conduct placed him on disciplinary probation for the remainder of the semester and indicated he was subject to any academic sanction imposed by the professor. The professor awarded no credit for his assignments submitted to that point.

Between September 5, 2014, and February 19, 2015, the enforcement staff attempted to contact the former assistant compliance director on 13 occasions. She replied to the sixth attempt, indicating she would review potential interview dates for availability. She never provided her availability. She was also unresponsive to the panel's requests for additional information, did not submit a response to the NOA and did not attend the infractions hearing. The enforcement staff was never able to reinterview her.

Because of her denials, immediate termination and nonresponsiveness to the enforcement staff's requests, the institution and the enforcement staff were unsuccessful in developing information regarding the former assistant compliance director's decision to provide the flash drive to student-athlete 1. As a result, the enforcement staff alleged allegations of impermissible academic assistance and not academic misconduct. The institution agreed. At the infractions hearing, the enforcement staff acknowledged that while the conduct itself could support arranging for fraudulent academic credit in some circumstances, absent information about the former assistant compliance director's intent, the conduct did not rise to its narrow interpretation of arranging for fraudulent academic credit identified in the April 2014 official interpretation and corresponding education column.

*The former assistant director of student-athlete services*

Around the same time that the enforcement staff attempted to secure an interview with the former assistant compliance director, the former assistant director of student-athlete services was involved in separate academic matter. The institution hired the former assistant director of student-athlete services in January 2014. Throughout her tenure, the institution promoted her and she gained additional responsibilities. During the fall 2014 semester, another football student-athlete (student-athlete 2) was not performing well in a sociology course. Because student-athlete 2 was not performing well, the former assistant director of student-athlete services requested that he be moved into her group. A third football student-athlete (student-athlete 3) also visited the former assistant director of student-athlete services during the semester regarding the sociology course.<sup>7</sup>

As the semester progressed, neither student-athlete appeared to be in a position to pass the course. Therefore, and unbeknownst to the student-athletes, the former assistant director of student-athlete services drafted and submitted five extra credit assignments on behalf of each student-athlete. Specifically, from November and December 2014, she obtained the student-athletes' login and password information, drafted and submitted extra credit assignments. Based on their previous academic work, however, the assignments did not result in a passing grade for either student-athlete. Student-athlete 2 competed after the former assistant director of student-athlete services submitted the papers.

In February 2015, the institution discovered the conduct while reviewing the former assistant director of student-athlete services' computer in another matter. Upon discovering the violations, the faculty athletics representative and the assistant provost met with the student-athletes' professor. Based on the fact that the student-athletes were unaware of the conduct and they did not benefit from the submissions, the faculty member determined that he would not pursue academic dishonesty charges.

#### **IV. ANALYSIS**

The violations in this case involved two institutional staff members who committed unethical conduct when they provided student-athletes with impermissible academic assistance. One of the institutional staff members committed further unethical conduct when she knowingly influenced a student-athlete to provide false and misleading evidence and failed to cooperate in the investigation. All participating parties agreed to the underlying facts, violations and violation levels. The panel concludes that violations occurred and that those violations are Level I.

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<sup>7</sup> Unlike student-athlete 2, student-athlete 3 did not receive an athletics scholarship and, therefore, did not receive routine academic support.

**A. UNETHICAL CONDUCT: IMPERMISSIBLE ACADEMIC ASSISTANCE, FALSE AND MISLEADING INFORMATION AND FAILURE TO COOPERATE [NCAA Bylaw 10.1-(d) (2013-14 NCAA Division I Manual), NCAA Bylaws 10.01.1 and 10.1 (2013-14, 2014-15 and 2015-16 Division I Manuals), NCAA Bylaws 10.1-(c) and 16.11.2.1 (2013-14 and 2014-15 Division I Manuals) and NCAA Bylaws 10.1-(a) and 19.2.3 (2014-15 and 2015-16 Division I Manuals)]**

During the 2013-14 and the 2014-15 academic years, two institutional staff members provided three football student-athletes with impermissible academic assistance. One institutional staff member knowingly influenced a student-athlete to provide false and misleading information and failed to cooperate with the investigation.

**1. NCAA legislation relating to unethical conduct and cooperation.**

The NCAA Bylaws relating to unethical conduct and cooperation can be found in Appendix Two.

**2. In fall 2013, the former assistant compliance director provided student-athlete 1 with impermissible academic assistance and influenced him to provide false and misleading information. Beginning in fall 2014, she failed to cooperate.**

The former assistant compliance director committed unethical conduct on three occasions when she provided a student-athlete with impermissible academic assistance, influenced him to provide false and misleading information and then failed to cooperate with the enforcement staff's investigation. Her conduct violated NCAA Bylaws 10 and 19.

NCAA Bylaw 10.01.1 requires employees of member institutions to act with honesty and sportsmanship at all times. Further, NCAA Bylaw 10.1 defines unethical conduct. Examples of unethical conduct include NCAA Bylaw 10.1-(a) failing to furnish information relevant to an investigation, NCAA Bylaw 10.1-(c) knowing involvement in providing extra benefits and NCAA Bylaw 10.1-(d) knowingly influencing others to provide false and misleading information. NCAA Bylaw 16.11.2.1 prohibits student-athletes from receiving arrangements or benefits not expressly authorized by the bylaws. NCAA Bylaw 19.2.3 requires current and former institutional staff members to fully cooperate in the infractions process. Finally, the 2014 official interpretation on academic misconduct provides institutions with the authority to determine whether conduct violated their academic policy.

After finalizing the student-athlete 1's class schedule, the former assistant compliance director provided him with a flash drive containing her previous coursework for a class that was included on student-athlete 1's schedule. He later copied an entire assignment contained on the flash drive and submitted it as his

own work for that class. When interviewed, student-athlete 1 also admitted that he may have used portions of other assignments earlier in the semester. When he was later questioned about the assignment by his professor, student-athlete 1 worked with the former assistant compliance director to draft two email responses taking responsibility for the submission and indicating that he found the flash drive. Student-athlete 1 initially told the same story in his first interview with the institution. He later admitted the former compliance director gave it to him and developed the false story.

The NCAA membership expects all individuals employed at member institutions to act with honesty at all times. Here, the former assistant compliance director failed in her core responsibility to ensure compliance. Her direct involvement in unethical conduct and refusal to cooperate with the enforcement staff's investigation demonstrated behaviors contrary to NCAA Bylaw 10.01.1. She acted unethically on three occasions. First, she knowingly provided student-athlete 1 with a flash drive containing her previous coursework, a benefit she knew she could not provide and one not authorized under NCAA legislation. Her conduct violated NCAA Bylaws 10.1, 10.1-(c) and 16.11.2.1. Next, once student-athlete 1 informed her that he had been caught submitting her previous work, she developed a false story on how student-athlete 1 found the flash drive. She then influenced student-athlete 1 to memorialize that story in two emails and his interview with the institution. Her conduct violated NCAA Bylaws 10.1 and 10.1-(d). Finally, the former assistant compliance director failed to cooperate with the enforcement staff's investigation. Since September 2014, she has refused to respond to the enforcement staff's request for relevant information. Her conduct violated NCAA Bylaws 10.1, 10.1-(a) and 19.2.3. The panel concludes that the violations are Level I because they seriously undermine and threaten the integrity of the NCAA Collegiate Model.

Since publication of the 2014 official interpretation, the Division I Committee on Infractions has issued three decisions concluding an institutional staff member violated NCAA Bylaw 10.1-(b) when performing academic work for a current or incoming student-athlete. In these cases, the institution had determined that an institutional staff member engaged in conduct that violated its academic policy. See *Weber State University* (2014) (concluding that a math instructor violated NCAA Bylaw 10.1-(b) when she obtained the usernames and passwords of three student-athletes, logged in to their accounts and completed homework, quizzes and exams); *Southern Methodist University* (2015) (concluding that a basketball receptionist violated NCAA Bylaw 10.1-(b) when she completed online coursework for an incoming student-athlete without his knowledge); and *Southern Mississippi University* (2016) (concluding that men's basketball staff members violated NCAA Bylaw 10.1-(b) when they enrolled and completed online coursework for incoming student-athletes, at times without their knowledge).



Here, the institution determined the former assistant compliance director's conduct violated its academic dishonesty policy. Accordingly, the panel probed whether her conduct violated NCAA Bylaw 10.1-(b) or NCAA Bylaw 10.1-(c). In its exploration, the panel noted that on its face the conduct at issue – an institutional staff member providing completed coursework materials to a current student-athlete, which the student-athlete subsequently decided to submit as his own work – appeared to violate NCAA Bylaw 10.1-(b). However, based on the particular facts of this case, as well as interpretations provided by the enforcement staff (and AMA staff) on the nature and quality of conduct giving rise to a NCAA Bylaw 10.1-(b) violation, the panel cannot conclude the former assistant compliance director violated NCAA Bylaw 10.1-(b).<sup>8</sup> The panel notes, however, that the same conduct under different circumstances could result in an academic misconduct violation.

**3. In December 2014, the former assistant director of student-athlete services knowingly provided two student-athletes with impermissible academic assistance.**

The former assistant director of student-athlete services submitted 10 extra credit papers on behalf of two student-athletes without their knowledge. She obtained their usernames and passwords, drafted five extra credit papers for each, logged in to their accounts and submitted the papers for credit. Her conduct violated NCAA Bylaws 10 and 16.

The former assistant director of student-athlete services violated one of her core responsibilities to ensure academic integrity. Without the knowledge of the student-athletes, she used their usernames and passwords to log in to their accounts and submit extra credit papers she drafted on their behalf. Her conduct failed to fulfil the expectations of institutional employees established by NCAA Bylaw 10.01.1. Similarly, she violated NCAA Bylaws 10.1 and 10.1-(c) when she knowingly provided student-athletes 2 and 3 with five extra credit assignments a piece. Pursuant to NCAA Bylaw 16.11.2.1, because these benefits were not permissible under NCAA legislation, they were extra benefits.

Similar to the conduct of the former assistant compliance director, the panel explored whether the former assistant director of student-athlete services' conduct was most appropriately addressed under NCAA Bylaws 10.1-(b) or 10.1-(c). The panel specifically reviewed the conduct in comparison to recent cases involving institutional staff members completing and submitting coursework on behalf of student-athletes. See *Weber State University* (2014) *Southern Methodist University* (2015) and *Southern Mississippi University* (2016)

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<sup>8</sup> The panel notes that after an institution determines conduct has violated its academic policy, the determination of whether the conduct is impermissible academic assistance or academic misconduct could vary based on interpretation. The panel is hopeful that the new academic misconduct legislation provides more clarity.

In each of those instances, however, the institution determined and self-reported academic misconduct (NCAA Bylaw 10.1-(b) violations). Here, while the conduct is analogous to recent academic misconduct cases, the institution did not determine that the conduct violated its academic dishonesty policy. Specifically, the professor determined not to pursue academic dishonesty charges because the student-athletes were unaware of the conduct and the submission of the extra credit did not increase raise their performance to passing grades. Respecting the interpretative guidance that institutions make such a determination, the panel concludes the violation is impermissible academic assistance violation (NCAA Bylaw 10.1-(c)). The panel concludes the violation is Level I because it undermines and threatens the integrity of the NCAA Collegiate Model.

## **V. PENALTIES**

For the reasons set forth in Sections III and IV of this decision, the panel concludes this case involved Level I violations of NCAA legislation. Pursuant to NCAA Bylaw 19.9.1, because the violations occurred after the implementation of the new penalty structure, the panel prescribes penalties under current NCAA Bylaw 19 and the penalty guidelines. To determine the appropriate classification of this Level I case, the panel considered aggravating and mitigating factors pursuant to NCAA Bylaws 19.9.3 and 19.9.4. The panel assesses aggravating and mitigating factors by weight as well as number. After determining the appropriate aggravating and mitigating factors, the panel classifies the institution's case as Level I – Mitigated and both the former assistant compliance director's and former assistant director of student-athlete services' cases as Level I – Standard.

### **Aggravating Factors for the Institution**

NCAA Bylaw 19.9.3-(a): A history of Level I, Level II or major violations

### **Mitigating Factors for the Institution**

NCAA Bylaw 19.9.4-(a): Prompt self-detection and self-disclosure of the violations;

NCAA Bylaw 19.9.4-(b): Prompt acknowledgement of the violation, acceptance of responsibility and imposition of meaningful corrective measures and/or penalties;

NCAA Bylaw 19.9.4-(c): Affirmative steps to expedite final resolution of the matter; and

NCAA Bylaw 19.9.4-(e): Implementation of a system of compliance methods designed to ensure rules compliance and satisfaction of institution/coaches' control standards.

### **Aggravating Factors for the Former Assistant Compliance Director**

NCAA Bylaw 19.9.3-(a): Multiple Level I violations by an involved individual;

NCAA Bylaw 19.9.3-(d): Obstructing an investigation or attempting to conceal the violation;

NCAA Bylaw 19.9.3-(e): Unethical conduct, compromising the integrity of an investigation, failing to cooperate during the investigation or refusing to provide all relevant or requested information; and

NCAA Bylaw 19.9.3-(h): Persons of authority condoned, participated in or negligently disregarded the violation or wrongful conduct.

### **Aggravating Factors for the Former Director of Student-Athlete Services**

NCAA Bylaw 19.9.3-(e): Unethical conduct;

NCAA Bylaw 19.9.3-(h): Persons of authority condoned, participated in or negligently disregarded the violation or wrongful conduct; and

NCAA Bylaw 19.9.3-(f): Violations were premeditated, deliberate or committed after substantial planning.

All of the penalties prescribed in this case are independent of and supplemental to any action the Committee on Academics has taken or may take through its assessment of postseason ineligibility, historical penalties or other penalties. The institution's corrective actions are contained in Appendix One. After considering all information relevant to the case, the panel the panel prescribes the following:

### **Core Penalties for Level I – Mitigated Violations (NCAA Bylaw 19.9.5)**

1. Probation: Two years of probation from July 7, 2016, through July 6, 2018, or completion of the final penalty, whichever is later.<sup>9</sup>
2. Financial Penalties: The institution shall pay a \$5,000 fine plus an amount equal to one percent (1%) of the football program's operating budget. (Institution imposed)<sup>10</sup>
3. Scholarship Reductions: The football program will reduce the total number of financial aid awards in the football program by two awards during the 2016-17 academic year. If the institution has already executed athletically related financial aid agreements to prospective student-athletes for the 2016-17 academic year, the institution may serve the reduction during the 2017-18 academic year.
4. Recruiting Restrictions:
  - a. Recruiting Visit Restrictions: The institution shall reduce the number of official visits during the 2016-17 academic year by 10 percent from its four-year average.<sup>11</sup>

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<sup>9</sup> Probation periods always commence with the release of the infractions decision. Pursuant to NCAA Bylaws 19.3.6-(e) and 19.9.5.7 and Division I Committee on Infractions Internal Operating Procedure 2-1-1, the committee tethers probationary periods to the prescribed penalties.

<sup>10</sup> The fine must be calculated in accordance with Division I Committee on Infractions Internal Operating Procedures 4-16-2 and 4-16-2-1. In its response, the institution noted that consistent with the IOPs, one percent of its football operating budget is \$43,000.

- b. Off-Campus Recruiting Restrictions: The institution shall reduce the number of fall 2016 evaluations by 10 percent from its four-year average.<sup>12</sup>

**Core Penalties for Level I – Standard Violations by the former assistant compliance director (NCAA Bylaw 19.9.5)**

5. Show-cause order: The former assistant compliance director failed to fulfil her responsibilities as an institutional staff member; particularly, as a compliance officer. She actively participated in unethical conduct on three separate occasions when she knowingly provided student-athlete 1 with impermissible academic assistance, influenced him to provide false and misleading information and failed to cooperate with the investigation. This conduct violated NCAA Bylaws 10 and 19. Therefore, the former assistant compliance director will be informed in writing by the NCAA that should she be employed or affiliated in an athletically related position at another NCAA member institution during a three-year period, from July 7, 2016, through July 6, 2019, within 30 days of her hiring, that employing institution shall ask for a date to appear before a hearing panel to show cause why restrictions on athletically related activity should not apply.

**Core Penalties for Level I – Standard Violations by the former assistant director of student-athlete services (NCAA Bylaw 19.9.5)**

6. Show-cause order: The former assistant director of student-athlete services knowingly provided two student-athletes with impermissible academic assistance. One of her core responsibilities was to provide appropriate academic assistance to student-athletes. She failed to do so. Rather, she logged in to two student-athletes' accounts and submitted a total of 10 extra credit papers (five each) she drafted on their behalf. This conduct violated NCAA Bylaw 10. Therefore, the former assistant director of student-athlete services will be informed in writing by the NCAA that should she be employed or affiliated in an athletically related position at another NCAA member institution during a three-year period, from July 7, 2016, through July 6, 2019, within 30 days of her hiring, that employing institution shall ask for a date to appear before a hearing panel to show cause why restrictions on athletically related activity should not apply.

**Additional Penalties for Level I – Mitigated Violations (NCAA Bylaw 19.9.7)**

7. Public reprimand and censure;
8. Vacation of records: The parties acknowledged that student-athletes 1 and 3 competed after they had received the impermissible academic assistance. Therefore, pursuant to NCAA Bylaws 19.9.7-(g) and 31.2.2.3, the institution shall vacate all regular season, conference

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<sup>11</sup> The institution proposed a 10 percent reduction from the maximum allowable number of official visits (56), however, consistent with past practice, the panel prescribes a 10 percent reduction from the institution's previous four-year average (48).

<sup>12</sup> The institution proposed reducing the number of fall 2016 evaluations from 42 to 38. Consistent with past practice, the panel prescribes a 10 percent reduction from the institution's previous four-year average.

tournament and postseason wins in which student-athletes 1 and 3 competed from the time they became ineligible through the time they were reinstated as eligible for competition.<sup>13</sup> The individual records of the student-athletes shall also be vacated. Further, the institution's records regarding football, as well as the records of the head football coaches at the time the violations occurred, will reflect the vacated records and will be recorded in all publications in which football 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 which may subsequently hire the head football coaches shall similarly reflect the vacated wins in his 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 to attain specific honors or victory "milestones" such as 100<sup>th</sup>, 200<sup>th</sup> or 500<sup>th</sup> career victories. Any public reference to these vacated contests shall be removed from athletics department stationery, banners displayed in public areas and any other forum in which they may appear.

To ensure that all institutional and student-athlete vacations, statistics and records are accurately reflected in official NCAA publication and archives, the sports information director (or other designee as assigned by the director of athletics) must contact the NCAA media coordination and statistics staff 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 staff a written report detailing those discussions. This document will be maintained in the permanent files of the NCAA media coordination and statistics department. This written report must be delivered to the NCAA media coordination and statistics staff no later than 45 days following the initial infractions decision release or, if the vacation penalty is appealed, at the conclusion of the appeals process. A copy of the written report shall also be delivered to the Office of the Committees on Infractions at the same time.

9. During the period of probation, the institution shall:
  - a. Continue to develop and implement a comprehensive educational program on NCAA legislation to instruct the coaches, the faculty athletics representative, all athletics department personnel and all institution staff members with responsibility for the certification of student-athletes for admission, retention, financial aid or competition;
  - b. Submit a preliminary report to the Office of the Committees on Infractions by August 30, 2016, setting forth a schedule for establishing this compliance and educational program;
  - c. File with the Office of the Committees on Infractions an annual compliance reports indicating the progress made with this program by June 1 of each year during the period of probation. Particular emphasis shall be placed on rules education and monitoring of academic assistance provided by institutional staff members to student-athletes.

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<sup>13</sup> Among other examples identified in COI Internal Operating Procedure 4-16-4, the committee has indicated that a vacation penalty is particularly appropriate when cases involve academic violations, serious intentional violations or an institution with a recent history of Level I, II or major violations.

- d. Inform football prospective student-athletes 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 report 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. Pursuant to NCAA Bylaw 19.9.10, the NCAA president may forward a copy of the public infractions decision to the appropriate regional accrediting agency.
  11. 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.

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The Committee on Infractions advises the institution that it should take every precaution to ensure that it observes the terms of the penalties. The committee 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 shall 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 Adams  
Jill Pilgrim  
Dave Roberts  
Gregory Sankey, chief hearing officer  
Sankar Suryanarayan

## APPENDIX ONE

### **CORRECTIVE ACTIONS IDENTIFIED IN THE INSTITUTION'S APRIL 22, 2016, RESPONSE TO THE NOTICE OF ALLEGATIONS**

Several significant enhancements to the institution's compliance program have occurred since the previous major infractions case in 2010, including the following:

1. Separating the Office of NCAA Compliance and the Office of Student-Athlete Services (SAS) into two separate entities after the infractions case in 2010, both reporting to the vice president of business and finance. This allowed for additional staff to be hired in the SAS and more time for the compliance staff to focus on NCAA compliance activities.
2. Moving SAS again in 2013 to under the provost's office and reporting directly to the provost and vice president of academic affairs. (The compliance office maintained its reporting line to the vice president for business and finance).
3. Adding additional staff in SAS after the 2013 move, which now consists of a director and seven full-time academic support staff.
4. Increasing the number of rules education sessions for coaching staff members and other athletics department staff members.
5. Increasing the number of rules education sessions for coaching staff members and other athletics department staff members.
6. Implementing [a compliance vendor] to assist in the day-to-day management and monitoring of the athletics department.
7. Expanding tutor and mentor rules education sessions as well as training for new staff hires in SAS.
8. Prohibiting SAS staff members from allowing student-athletes to work on computers in their offices.
9. Prohibiting all athletics department staff members, including coaches and SAS staff members, from asking for any or obtaining a student-athlete's University computer log in identification number or password.
10. Requiring SAS staff members to undergo periodic NCAA and campus ethics training throughout the year.

## **APPENDIX TWO**

### **Bylaw Citations**

#### **Division I 2013-14 Manual**

**10.01.1 Honesty and Sportsmanship.** Individuals employed by (or associated with) a member institution to administer, conduct or coach intercollegiate athletics and all participating student-athletes shall act with honesty and sportsmanship at all times so that intercollegiate athletics as a whole, their institutions and they, as individuals, shall represent the honor and dignity of fair play and the generally recognized high standards associated with wholesome competitive sports.

**10.1 Unethical Conduct.** Unethical conduct by a prospective or enrolled student-athlete or a current or former institutional staff member, which includes any individual who performs work for the institution or the athletics department even if he or she does not receive compensation for such work, may include, but is not limited to, the following:

(c) Knowing involvement in offering or providing a prospective or an enrolled student-athlete an improper inducement or extra benefit or improper financial aid;

(d) Knowingly furnishing or knowingly influencing others to furnish the NCAA or the individual's institution false or misleading information concerning an individual's involvement in or knowledge of matters relevant to a possible violation of an NCAA regulation.

#### **16.11.2 Nonpermissible.**

**16.11.2.1 General Rule.** The student-athlete shall not receive any extra benefit. The term "extra benefit" refers to any special arrangement by an institutional employee or representative of the institution's athletics interests to provide the student-athlete or his or her family members or friends with a benefit not expressly authorized by NCAA legislation.

#### **Division I 2014-15 Manual**

**10.01.1 Honesty and Sportsmanship.** Individuals employed by (or associated with) a member institution to administer, conduct or coach intercollegiate athletics and all participating student-athletes shall act with honesty and sportsmanship at all times so that intercollegiate athletics as a whole, their institutions and they, as individuals, shall represent the honor and dignity of fair play and the generally recognized high standards associated with wholesome competitive sports.

**10.1 Unethical Conduct.** Unethical conduct by a prospective or enrolled student-athlete or a current or former institutional staff member, which includes any individual who performs work for the institution or the athletics department even if he or she does not receive compensation for such work, may include, but is not limited to, the following:

(a) Refusal to furnish information relevant to an investigation of a possible violation of an NCAA regulation when requested to do so by the NCAA or the individual's institution;



(c) Knowing involvement in offering or providing a prospective or an enrolled student-athlete an improper inducement or extra benefit or improper financial aid.

### **16.11.2 Nonpermissible.**

**16.11.2.1 General Rule.** The student-athlete shall not receive any extra benefit. The term "extra benefit" refers to any special arrangement by an institutional employee or representative of the institution's athletics interests to provide the student-athlete or his or her family members or friends with a benefit not expressly authorized by NCAA legislation.

**19.2.3 Responsibility to Cooperate.** Current and former institutional staff members or prospective or enrolled student-athletes of member institutions have an affirmative obligation to cooperate fully with and assist the NCAA enforcement staff, the Committee on Infractions and the Infractions Appeals Committee to further the objectives of the Association and its infractions program. The responsibility to cooperate requires institutions and individuals to protect the integrity of investigations and to make a full and complete disclosure of any relevant information, including any information requested by the enforcement staff or relevant committees. Current and former institutional staff members or prospective or enrolled student-athletes of member institutions have an affirmative obligation to report instances of noncompliance to the Association in a timely manner and assist in developing full information to determine whether a possible violation has occurred and the details thereof.

## **Division I 2015-16 Manual**

**10.01.1 Honesty and Sportsmanship.** Individuals employed by (or associated with) a member institution to administer, conduct or coach intercollegiate athletics and all participating student-athletes shall act with honesty and sportsmanship at all times so that intercollegiate athletics as a whole, their institutions and they, as individuals, shall represent the honor and dignity of fair play and the generally recognized high standards associated with wholesome competitive sports.

**10.1 Unethical Conduct.** Unethical conduct by a prospective or enrolled student-athlete or a current or former institutional staff member, which includes any individual who performs work for the institution or the athletics department even if he or she does not receive compensation for such work, may include, but is not limited to, the following:

(a) Refusal to furnish information relevant to an investigation of a possible violation of an NCAA regulation when requested to do so by the NCAA or the individual's institution.

**19.2.3 Responsibility to Cooperate.** Current and former institutional staff members or prospective or enrolled student-athletes of member institutions have an affirmative obligation to cooperate fully with and assist the NCAA enforcement staff, the Committee on Infractions and the Infractions Appeals Committee to further the objectives of the Association and its infractions program. The responsibility to cooperate requires institutions and individuals to protect the integrity of investigations and to make a full and complete disclosure of any relevant

information, including any information requested by the enforcement staff or relevant committees. Current and former institutional staff members or prospective or enrolled student-athletes of member institutions have an affirmative obligation to report instances of noncompliance to the Association in a timely manner and assist in developing full information to determine whether a possible violation has occurred and the details thereof.