



**FLORIDA A&M UNIVERSITY
PUBLIC INFRACTIONS DECISION
May 21, 2019**

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 public. The COI is charged with deciding infractions cases involving member institutions and their staffs.¹ The violations in this case centered on systemic improper certification violations over a six-year period at Florida A&M University (FAMU).² Those violations provided the underlying support for FAMU's lack of institutional control violation. Separate from those violations, the case also involved a Level III violation related to FAMU's failure to implement some NCAA Division I Committee on Academics (COA) penalties. A panel of the COI considered this case through the cooperative summary disposition process in which all parties agreed to the primary facts and violations, as fully set forth in the summary disposition report (SDR). The SDR process, however, does not involve agreed-upon penalties. Therefore, the panel reviewed FAMU's self-imposed penalties.

The panel accepted FAMU's self-imposed penalties. Those penalties, however, did not align with all required core penalties under the membership's penalty guidelines. Therefore, the panel proposed additional penalties, including a required core financial penalty. FAMU contested the required financial penalty at an expedited penalty hearing. After the hearing, the panel maintains the penalty for four primary reasons: (1) because it is the lowest penalty available under the required membership-approved penalty guidelines for Level I-Aggravated cases; (2) extenuating circumstances to support a departure from core penalties under NCAA Bylaw 19.9.6 do not exist; (3) the COI has recently provided FAMU with leniency with respect to the financial penalty in its 2015 case and is not required to do so again; and (4) the issues in this case represent systemic issues that have occurred on FAMU's campus for roughly 19 years.

With respect to the systemic certification violations in this case, FAMU agreed that for six academic years it improperly certified student-athletes and permitted those student-athletes to

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

² A member of the Mid-Eastern Athletic Conference, FAMU has a total enrollment of approximately 10,000 and sponsors eight men's sports and eight women's sports. This is FAMU's fifth infractions case. FAMU has previously had cases in 2015, 2006, 1990 and 1976.

compete and receive actual and necessary expenses while ineligible. In total, the institution improperly certified 93 student-athletes—many on multiple occasions—in 12 sport programs. The improper certifications largely stemmed from FAMU's failure to properly account for non-degree-granting pre-majors and delayed entry of student-athletes' degree declarations. Other violations originated from inattention to basic compliance functions. For example, FAMU permitted one student-athlete to compete in 29 contests after she had exhausted her eligibility. The panel concludes the certification violations are Level I.

FAMU also admitted that the systemic failures in its certification process—a basic and fundamental requirement of Division I membership—demonstrated that it lacked institutional control over the administration of its athletics department. Among other failures, FAMU agreed that it did not apply NCAA legislation correctly nor did it involve institutional staff members outside of athletics in the certification process. During the time period that FAMU misapplied legislation, it permitted ineligible student-athletes to compete and receive actual and necessary expenses. Even more troubling was the fact that FAMU continued to permit ineligible student-athletes to compete and receive expenses after it learned it had been misapplying legislation in October 2016. The panel concludes the lack of institutional control violation is Level I.

Separate from those violations, FAMU admitted that it did not implement some restrictions stemming from the NCAA's Division I Academic Performance Program (APP). Specifically, because FAMU failed to meet certain academic benchmarks, the COA limited countable athletically related activity (CARA) in FAMU's football and men's track and field program. FAMU failed to implement those limits during a two-week period in football and during a one-week period in men's track and field. The panel concludes the violation is Level III.

The panel took specific note that this is FAMU's third case involving these systemic certification issues in the past 19 years. Cumulatively, the eligibility, monitoring and/or institutional control failures began in 1998 and largely spanned through 2017. The panel recognizes that FAMU has faced resource limitations and significant turnover in high-level athletics leadership positions. Those challenges, however, do not excuse FAMU's inability to establish and maintain core compliance operations and meet fundamental obligations of NCAA membership. Although leadership turnover was a recurring problem, FAMU's obligations as a Division I institution have remained constant. The panel is encouraged that FAMU has strong institutional and athletics leaders in place to establish core systems that will meet these obligations and change its infractions narrative.

The panel accepts the parties' factual agreements and concludes violations occurred. After considering applicable aggravating and mitigating factors, the panel classifies FAMU's case as Level I-Aggravated. Although the agreed-upon violations spanned the implementation of the new penalty structure, the violations predominated after implementation of the new structure. Therefore, the current structure applies. Utilizing the current penalty guidelines and NCAA bylaws authorizing additional penalties, the panel adopts and prescribes the following penalties: an additional five years of probation; a fine of \$5,000 plus three percent of the total athletics

budget; scholarship reductions; recruiting restrictions; vacation of records; required annual compliance audits; in-person probation meetings every two years; required NCAA Regional Rules attendance; and administrative reporting requirements. The penalties section details these and other penalties.

II. CASE HISTORY

The case began in May 2015, when the NCAA Academic and Membership Affairs (AMA) staff notified FAMU that it had been selected for an APP data review. At that time, FAMU was in the final months of an NCAA enforcement staff investigation into general eligibility violations and had experienced significant personnel changes.³ In light of those occurrences, FAMU requested, and AMA granted, a delay in the data review. In November 2015, the COI issued a decision concluding that FAMU committed Level II general eligibility and failure to monitor violations. One year later, the data review resumed.

In December 2017, and with the data review substantially complete, the AMA staff notified the enforcement staff of progress-toward-degree violations that it discovered during the review. On February 1, 2018, enforcement issued a notice of inquiry and began looking into the matter. After visiting campus on a number of occasions and assisting with the recertification process, the enforcement staff provided FAMU with a draft notice of allegations on September 17, 2018. During the fall and early winter 2018, FAMU agreed to process the case via summary disposition and reviewed the draft report.

On February 13, 2019, the parties submitted the SDR to the COI.⁴ On March 7, 2019, a panel considered the case via teleconference. The following day, the panel proposed additional penalties to FAMU. On March 14, 2019, FAMU requested an in-person expedited hearing to contest the core financial penalty. The panel held an in-person hearing on April 19, 2019.

III. PARTIES' AGREEMENTS

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

³ Since 2010, eight different individuals have served as FAMU's primary athletics compliance officer. During the same time period, seven different individuals have served as athletics director.

⁴ Pursuant to COI Internal Operating Procedure (IOP) 4-10-2-2, panels in future cases may view this decision as less instructive than a decision reached after a contested hearing because violations established through the summary disposition process constitute the parties' agreements.

The parties jointly submitted an SDR that identified an agreed-upon factual basis, violations of NCAA legislation, aggravating factors, mitigating factors and violation levels.⁵ The SDR identified:

1. **[NCAA Division I Manual Bylaws 12.1.1.1.3 and 14.4.3.1.7-(b) (2010-11); 14.11.1 and 16.8.1.2 (2010-11 through 2012-13); 14.5.5.1.2 (2010-11 through 2014-15); 14.4.3.2 (2010-11 through 2015-16); 14.4.3.1.8-(b) (2011-12 through 2012-13); 14.4.3.1.8 (2012-13); 14.4.3.1-(b) (2012-13 through 2015-16); 14.4.3.1.7, 14.4.3.3 and 14.10.1 (2013-14); 14.4.3.1.7-(b) (2013-14 through 2015-16); 16.8.1 (2013-14 through 2016-17); 12.11.1, 14.4.3.2.3.1 and 14.4.3.6 (2014-15 through 2016-17); 12.8, 12.8.1, 14.4.3.1-(c) and 14.5.4.1-(b) (2015-16)]**

FAMU and enforcement staff agree that beginning in the 2010-11 academic year and continuing through the 2016-17 academic year, FAMU improperly certified as eligible for practice and/or competition 93 student-athletes on 162 occurrences in 12 sports.⁶ As a result, 93 student-athletes competed and received actual and necessary expenses while ineligible. Additionally, FAMU failed to withhold 75 student-athletes from competition during subsequent academic years before their eligibility was reinstated. Specifically:

- a. In the 2010-11 academic year, one women's volleyball student-athlete practiced and competed prior to having her amateurism certified. Additionally, FAMU failed to withhold the student-athlete from competition during subsequent academic years before her eligibility was reinstated. [Bylaws 12.1.1.1.3 and 14.11.1 (2010-11)]
- b. During the fall of 2015, one women's volleyball student-athlete competed in 29 contests after she exhausted all her seasons of competition. [Bylaws 12.8 and 12.8.1 (2015-16)]
- c. Beginning in the 2012-13 academic year and continuing through the 2015-16 academic year, 12 student-athletes on 16 different occurrences competed without satisfactory completion of at least 18 semester hours of academic credit during the certifying FAMU's preceding regular two semesters. Additionally, FAMU failed to withhold 10 student-athletes from competition during subsequent academic years before their eligibility was reinstated. [Bylaws 14.11.1 and 14.4.3.1.8 (2012-13); 14.4.3.1-(b)

⁵ This decision provides the agreed-upon factual basis, violations and violation levels as exactly stated in the SDR, except for shortening references to the parties.

⁶ Regarding the statute of limitations, the statute tolled as a result of an APP data review that was initially proposed by the AMA staff in May 2015 but was delayed due to leadership changes at the institution. The majority of the certification violations cited fell within the four-year period prior to that date. A limited number of certification violations predate the beginning of the four-year period by approximately one semester; however, ineligible competition resulting from those violations occurred during the four-year period and thus the institution and enforcement staff agreed that the underlying certification violations should be included.

(2012-13 through 2015-16); 14.10.1 and 14.4.3.1.7 (2013-14); and 12.11.1 (2014-15 through 2015-16)]

- d. In the 2014-15 academic year, four student-athletes on four occurrences competed without satisfactory completion of at least six semester hours of academic credit during the certifying FAMU's preceding regular semester. Additionally, FAMU failed to withhold the student-athletes from competition during subsequent academic years before their eligibility was reinstated. [Bylaws 14.4.3.1-(c) (2014-15); and 12.11.1 (2014-15 and 2015-16)]
- e. Beginning in the 2014-15 academic year and continuing through the 2016-17 academic year, two football student-athletes competed without satisfactory completion of at least nine semester hours during the previous fall term. Additionally, FAMU failed to withhold the two student-athletes from competition during subsequent academic years before their eligibility was reinstated. [Bylaws 12.11.1 and 14.4.3.1.6 (2014-15 through 2016-17)]
- f. Beginning in the 2010-11 academic year and continuing through the 2016-17 academic year, 89 student-athletes on 154 different occurrences competed without successfully completing their required percentage of degree requirements. Sixty-five of the 89 student-athletes did not meet the required percentage of degree, because they did not designate a program of studies leading toward a specific baccalaureate degree program at the start of their fifth semester of enrollment. Additionally, FAMU failed to withhold 71 student-athletes from competition during subsequent academic years before their eligibility was reinstated. [Bylaws 14.11.1 (2010-11 through 2012-13); 14.4.3.1.7-(b) and 14.4.3.2 (2010-11 through 2016-17); 14.10.1 (2013-14); and 12.11.1 (2014-15 through 2016-17)]
- g. Beginning in the 2012-13 academic year and continuing through the 2016-17 academic year, FAMU failed to withhold nine baseball student-athletes in the spring semester after losing their academic eligibility at the outset of the fall semester. Additionally, FAMU failed to withhold seven student-athletes from competition during subsequent academic years before their eligibility was reinstated. [Bylaws 12.11.1 and 14.4.3.2.3.1 (2014-15 through 2016-17)]
- h. In the fall 2013 semester, one men's basketball student-athlete failed to fulfill minimum GPA requirements. Additionally, FAMU failed to withhold the student-athlete from competition before his eligibility was reinstated. [Bylaws 14.4.3.3 and 14.10.1 (2013-14)]
- i. During the spring of 2015, FAMU improperly certified as eligible a two-year transfer men's track student-athlete who did not have the required 2.5 GPA. Additionally, FAMU failed to withhold the student-athlete before his eligibility was reinstated. [Bylaws 12.11.1 and 14.5.4.1-(b) (2014-15)]

- j. During the 2010-11 academic year, FAMU improperly certified a four-year transfer volleyball student-athlete as eligible who was not eligible for an exception to the transfer residence requirement. The student-athlete was an NCAA non-qualifier who did not complete an academic year in residence prior to transfer. Additionally, FAMU failed to withhold the student-athlete during subsequent academic years before her eligibility was reinstated. [Bylaws 14.5.5.1 and 14.5.5.1.2 (2010-11); and 14.11.1 (2010-11 through 2012-13)]
- k. Beginning in the 2010-11 academic year and continuing through the 2016-17 academic year, FAMU improperly provided 93 ineligible student-athletes actual and necessary expenses to represent FAMU in competition. Specifically, FAMU improperly academically certified as eligible for competition 93 student-athletes on 162 occasions in 12 different sports. [Bylaws 16.8.1.2 (2010-11 through 2012-13); and 16.8.1 (2013-14 through 2016-17)]

2. [NCAA Constitution 2.1.1, 2.8.1 and 6.01.1 (2010-11 through 2016-17)]

FAMU and enforcement staff agree that the scope and nature of the violations set forth in Violation No. 1 demonstrate that FAMU failed to exercise institutional control and to monitor the conduct and administration of the athletics program. Specifically, FAMU failed to adequately monitor and control the athletics eligibility certification process; failed to properly apply academic certification legislation; failed to sufficiently involve institutional staff members from departments outside of athletics in the certification process; failed to withhold ineligible student-athletes from team travel and competition; and failed to promptly detect and report violations to the NCAA.

B. PARTIES' AGREED-UPON AGGRAVATING AND MITIGATING FACTORS

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

FAMU:

- 1. Aggravating factors. [Bylaw 19.9.3]
 - (a) A history of Level I, Level II or major violations. [Bylaw 19.9.3-(b)]
 - (b) Lack of institutional control. [Bylaw 19.9.3-(c)]
 - (c) One or more violations caused significant ineligibility or other substantial harm to a student-athlete or prospective student-athlete. [Bylaw 19.9.3-(i)]
- 2. Mitigating factors. [Bylaw 19.9.4]

None.

IV. REVIEW OF CASE

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 respective explanations surrounding those agreements, the panel accepts the parties' SDR and concludes that the facts constitute Level I certification and lack of institutional control violations and a separate Level III violation.⁷ Specifically, systemic failures in core compliance operations resulted in FAMU improperly certifying student-athletes' eligibility and permitting ineligible student-athletes to compete over a six-year period. These failures led to certification and benefits violations. The violations also demonstrated FAMU's failure to execute control over the administration of its athletics program. These fundamental failures violated membership obligations detailed in the Constitution.

Certification Violations

FAMU agreed that this case centered on its improper certification of student-athletes and that these failures led to student-athletes competing and receiving impermissible expenses while ineligible. In total, FAMU improperly certified 93 student-athletes across 12 sport programs as eligible from 2010-11 through 2016-17. FAMU improperly certified many of the student-athletes on multiple occasions over several years. These failures led to Level I violations of Bylaws 12, 14 and 16.⁸

An overarching principle in Bylaws 12 and 14 is the requirement that institutions certify the amateurism and eligibility of their student-athletes prior to student-athletes practicing, competing and receiving benefits related to their participation in athletics. In doing so, institutions certify that student-athletes have met minimum initial and continuing eligibility requirements. Among others, student-athletes must meet certain progress-toward-degree requirements such as fulfilling a set number of credit hours, designating a degree program by their fifth semester and completing identified percentages of their degree by specific times. Likewise, transfer student-athletes must also satisfy specific requirements prior to participating in athletics competition. And institutions are under an obligation to withhold any student-athletes who do not meet those standards from competing and receiving expenses associated with participating in athletics. Further, Bylaw 16 permits institutions to provide actual and necessary expenses only to student-athletes who are eligible for competition.

⁷ The Level III violation is addressed separately in Section V of this decision.

⁸ The full text of the specific bylaws violated in this case is set forth in Appendix Two. Beginning with the 2014-15 Division I Manual, a member institution's obligation to withhold ineligible student-athletes from competition moved from Bylaw 14 to Bylaw 12. For ease of reference, this decision will refer to that obligation in the context of Bylaw 12, not Bylaw 14.

FAMU agreed that for six years it failed to properly certify 93 student-athletes on 162 occasions and permitted them to compete and receive actual and necessary expenses while ineligible. FAMU improperly certified many of the student-athletes multiple times during their time at FAMU. The improper certifications largely fell into two areas: (1) counting pre-major courses when calculating progress-toward-degree when FAMU students could not earn a degree in the pre-major and (2) delaying entry of student-athletes' degree declarations. The failures, and others such as failing to withhold ineligible student-athletes from competition, resulted in FAMU violating numerous Bylaw 14 requirements. Among others, FAMU certified student-athletes as eligible when they failed to fulfill required credit hours, did not complete required percentages of their degree by designated times, did not meet minimum GPA requirements and/or failed to meet transfer requirements or exceptions. FAMU also failed to certify a student-athlete's amateurism status (in violation of Bylaw 12) and permitted another student-athlete to compete after the student-athlete had exhausted all seasons of competition. FAMU admitted that it provided all 93-ineligible student-athletes with actual and necessary expenses, resulting in Bylaw 16 violations.

FAMU's improper certification and related benefits failures are similar to a recent Level I certification case and exceeded the scope and scale of recent Level II cases. Like the recent Level I case, this case involved nearly 100 student-athletes across numerous sport programs over a similar number of years. *See Alabama A&M University* (2018) (concluding that Level I violations occurred when, among other violations, AAMU failed to properly certify 101 student-athletes in all sport programs over five years). To the contrary, the number of student-athletes improperly certified exceeded that of recent Level II infractions cases. *See Charleston Southern University* (2018) (concluding that Level II violations occurred when Charleston Southern improperly certified 55 student-athletes over a four-year period) and *Campbell University* (2016) (concluding that Level II violations occurred when Campbell improperly certified 34 student-athletes over five years).

Consistent with these cases and in alignment with the definition of Level I violations in Bylaw 19.1.1, the panel concludes that the certification and benefits violations are Level I because FAMU received a substantial competitive advantage when it permitted 93 student-athletes to compete while ineligible. Similarly, the ineligible student-athletes received a substantial impermissible benefit when FAMU provided them with expenses.

Failure to Monitor and Lack of Institutional Control

FAMU admitted that its systemic underlying certification violations demonstrated a Level I lack of institutional control violation. In its simplest form, FAMU did not have competent individuals or adequate resources in place to fulfill its fundamental obligation of certifying student-athletes. These core failures failed to meet requirements of Division I membership. They also violated FAMU's obligations under Constitution 2 and 6.

Constitutional provisions 2 and 6 require member institutions to monitor and control their athletics programs. Specifically, institutions must control the administration of their programs

to assure compliance with NCAA legislation, monitor that compliance and report any instance of noncompliance.

FAMU agreed that it lacked control over the administration of its athletics program over a six-year period. That lack of control fell into five areas where FAMU failed to: (1) adequately monitor and control the athletics certification process; (2) properly apply academic certification legislation; (3) sufficiently involve institutional staff members outside of athletics in the certification of student-athletes; (4) withhold ineligible student-athletes from travel and competition and receiving competition expenses; and (5) detect and report violations.

All of these failures demonstrate an institution that failed to meet core responsibilities of Division I membership. Most egregious was FAMU's failure to address and report the violations once it became aware of them. FAMU learned it had been misapplying certification legislation in fall 2016. Despite being aware of the errors, FAMU did not report the issues to the NCAA nor did it review the certifications of current student-athletes to ensure that ineligible student-athletes were not competing. Rather, FAMU implemented measures intended to prevent future violations (additional rules education campus-wide, upgraded computer systems and enhanced procedures). In effect, FAMU turned a blind eye on the past in hopes for a better future. These failures violated core requirements under Constitution 2 and 6.

This is not a new story for FAMU. Cumulatively, these systemic problems have plagued FAMU for roughly 20 years. The panel recognizes the significant turnover, including the fact that, in some capacity, seven individuals have served as the director of athletics and eight individuals have served as the primary compliance officer since 2010. Although those individuals have changed, the core requirements of Division I membership have not. On three different occasions since 2006, FAMU has demonstrated an inability to meet these fundamental obligations. On the heels of a twenty-year history of certification and monitoring and control violations, FAMU's recent cases have served as a focal point for FAMU's current leadership in making the necessary changes to implement core compliance policies and procedures and carry out fundamental compliance obligations. The panel is hopeful that FAMU's current institutional leaders remain steadfast in their commitment to a culture of NCAA compliance.

Pursuant to the Level I definition in Bylaw 19.1.1-(a), the panel concludes that FAMU's lack of institutional control is Level I. The COI has previously concluded that Level I lack of institutional control violations occur when the underlying certification violations are also Level I. *See AAMU, Morgan State University (2017) and Southern University (2016)*. Like those recent cases, the panel concludes that the lack of institutional control violation is Level I.

Contested Penalty

After accepting the facts, violations and self-imposed penalties set forth in the SDR, the panel proposed additional penalties to FAMU that aligned with the ranges for Level I-Aggravated cases. FAMU accepted all additional penalties except the required core financial penalty. Because of the anticipated impact that the financial penalty would have on FAMU's athletics

department, FAMU asserted that the panel had the authority to not prescribe the core financial penalty under three options: (1) if the panel considered Bylaw 19.9.4-(i), *Other factors* as a new mitigating factor and reclassified the case as Level I-Standard; (2) if the panel deviated under Bylaw 19.9.6; and (3) if the panel prescribed a different penalty in light of past cases. Because none of the facts and circumstances have changed, the panel maintains the core financial penalty consistent with the membership's approved penalty guidelines and cases applying the penalty guidelines.

Additional Mitigating Factor

The facts and circumstances of this case do not support any mitigating factors. Despite not identifying and asserting it in the SDR submitted two months earlier, FAMU claimed that Bylaw 19.9.4-(i), *Other factors* should now apply because of the effect the fine will have on the institution.⁹ The panel previously considered all potential aggravating and mitigating factors when it originally considered the SDR and determined that no mitigating factors applied to the case. Outside of the total dollar figure attached to the required core penalty, FAMU asserted no new facts. Logically, the effect of a penalty cannot be a mitigating factor for a lesser penalty. Because no new facts exist, the panel determines that Bylaw 19.9.4-(i) does not apply and maintains the Level I-Aggravated classification and related core financial penalty.

In contesting the core financial penalty, FAMU almost exclusively focused on the total dollar amount of the fine. While potentially informative, focusing on the total dollar amount does not align with the membership's rationale behind a percentage-based financial penalty. In an effort to treat all institutions the same, regardless of total operating budget, the membership approved ranges of fines based on percentages of athletics budgets. After classifying a case, the COI can consider the facts and circumstances to determine the appropriate penalty within that range. Here, the panel prescribed the lowest potential financial penalty within the membership's approved ranges—\$5,000 plus three percent of the total athletics budget. By design, that analysis does not involve determining the total dollar amount associated with a fine.

Additionally, the effect of a penalty cannot serve as a mitigating factor for whether the penalty is appropriate because on-campus financial decisions are institutional priority decisions, not NCAA decisions. The penalty guidelines do not designate where institutions make financial adjustments in order to pay core financial penalties. Generally, FAMU claimed that the amount of the fine would impede furthering compliance initiatives and corrective actions undertaken since FAMU's 2015 infractions case. Specifically, FAMU identified that it has, among other

⁹ Procedurally, it was unclear whether the proposal of the additional mitigating factor was untimely. Although not expressly prohibited by the bylaws, FAMU's delay in raising this additional mitigating factor does not appear to align with the process contemplated by the bylaws. Among other things, Bylaw 19.6.2 requires that SDRs include a list of all agreed-upon aggravating and mitigating factors as well as a statement of any unresolved issues. FAMU did not raise Bylaw 19.9.4-(i) as a potential factor for consideration in the jointly submitted SDR. To that end, the enforcement staff was unable to take an official position on the potential mitigating factor in the SDR. While the panel provided the enforcement staff with an opportunity to comment on the factor at the in-person expedited hearing, all potentially relevant factors and accompanying rationale should be included in SDRs. See COI IOP 4-10-2-1.

initiatives, committed to hiring and retaining new staff, developed new policies and procedures, and increased resources dedicated to its certification process. FAMU represented that it has decided to reduce compliance-related spending in order to comply with the penalty. FAMU's institutional decision to cut resources dedicated to compliance-related initiatives cannot retroactively establish a mitigating factor. Therefore, the panel confirms that no mitigating factors apply and maintains the Level I-Aggravated classification.

Lack of Extenuating Circumstances

This case does not involve any extenuating circumstances warranting deviation from core penalties. FAMU claimed that if the panel could not determine that Bylaw 19.9.4-(i) applied, it could deviate from the core penalty guidelines pursuant to Bylaw 19.9.6. FAMU's argument for deviation involved the same facts and circumstances raised related to Bylaw 19.9.4-(i). In essence, FAMU presented Bylaw 19.9.6 as an alternative to reach the same result—a lower financial penalty. The panel is not indifferent to the resource challenges faced by FAMU. Those challenges, however, do not establish extenuating circumstances that justify disregarding core penalties approved by the membership—particularly when the COI provided FAMU extenuating circumstances related to the core financial penalty in its most recent infractions cases. *See FAMU (2015)* (departing from the Level I-Standard penalty guidelines to prescribe a \$5,000 plus two percent fine to be retained by the institution and dedicated to compliance-related costs).¹⁰ In this case, no extenuating circumstances exist.

At the expedited hearing, FAMU's leadership acknowledged it had failed to meet minimum certification requirements for nearly twenty years, which has now involved three different infractions cases. FAMU asserted that this appearance, however, was different by virtue of having new people around the table who have a proven commitment to compliance and are fully committed to ensuring that these things do not happen again. Some of those efforts were due, in part, to increased financial resources available to FAMU as a result of the COI's decision to depart from penalty guidelines roughly three years ago. In light of changes, FAMU requested that the panel provide leniency and find extenuating circumstances in a similar fashion that it did three years ago. The COI's leniency in applying Bylaw 19.9.6 roughly three years ago, however, does not require this panel to do so again.¹¹

The panel recognizes FAMU's recent efforts—mainly hiring, training and maintaining individuals who are committed to improving the culture of compliance on FAMU's campus. Since 2015, those individuals have created and enhanced policies and procedures designed to meet NCAA bylaws and expectations. Those improvements, however, have only recently

¹⁰ Although there are two unique circumstances where the COI permitted institutions to retain core financial penalties, the COI has not permitted an institution to retain a financial penalty since 2016 and now expressly prohibits the retention of fines. *See* COI IOP 5-15-4.

¹¹ Recently, when considering, among other penalties, core financial penalties, the Division I Infractions Appeals Committee (IAC) identified that earlier decisions of the COI to provide leniency or depart from core penalties does not require the COI to do so in future cases. *See Morgan State University*, IAC Report No. 490 (2017).

brought FAMU in line with what the NCAA membership has identified as a fundamental obligation of all Division I members—properly certifying student-athletes as eligible. The panel encourages FAMU's leadership to maintain its commitment in these areas.

Authority and Guidance

Bylaw authority and past cases support the panel prescribing required core penalties in accordance with the membership-approved ranges identified in the penalty guidelines. Again, focusing largely on the total dollar amount, FAMU asserted that the COI has never prescribed a penalty of this magnitude in a certification case. Although accurate, FAMU did not acknowledge that the COI has never encountered a Level I-Aggravated certification case *where the penalty guidelines applied*. Therefore, the panel's penalty, which involves the lowest possible core financial penalty for Level I-Aggravated cases, remains appropriate.

Bylaw 19.9.5 identifies that if a panel concludes that Level I or Level II violations have occurred, and after determining the appropriate classification based on aggravating and mitigating factors, the panel shall prescribe core penalties set forth in Figure 19-1 (penalty guidelines). Both the requirement for core penalties and the penalty ranges based on classification have been approved through the membership's legislative process. Since adoption, the COI has consistently prescribed core penalties that fall within the membership-approved ranges and align with the COI's classification of the case. Further, as it relates to core financial penalties, the COI has consistently applied the financial penalty based on percentages contemplated by the penalty guidelines, not the total dollar amount.

In its written submission and at the expedited hearing, FAMU largely focused on the total amount and compared that dollar amount to cases involving less severe classifications or the previous penalty structure. Specifically, FAMU compared its case to six recent Level II certifications cases.¹² The scope and scale of these cases, however, differed from the agreed-upon Level I violations in FAMU. Each case involved significantly fewer improper certifications, with none involving more than 55 improper certifications compared to FAMU's 93. Additionally, none of the cases involved a lack of institutional control. Most, but not all, involved a failure to monitor. While informative in relation to the underlying certification violations, these cases are less relevant in comparison to appropriate penalties. All of the cases involved Level II-Standard or Level II-Mitigated classifications, which, by design, aligned with significantly less severe financial penalties. Thus, FAMU's penalty is appropriately more significant than those past Level II cases.

FAMU also compared its core financial penalty to four Level I cases—three certification cases and an additional Level I case involving entirely different violations. *See AAMU, Morgan State, Southern and University of Louisville* (2017). Two of the certification cases, *AAMU* and *Morgan State*, were Level I-Standard cases. Although those cases were similar based on scope,

¹² Specifically, FAMU cited *Charleston Southern University* (2018); *Grambling State University* (2017); *Mississippi Valley State University* (2017); *Morehead State University* (2017); *Alcorn State University* (2016); and *Campbell University* (2016).

scale and the substance of the underlying violations, both cases involved mitigating factors that resulted in Level I-Standard classifications. Those cases, therefore, provide guidance for appropriate penalties associated with the immediately lower classification. In that way, they serve to inform the floor for potential penalties associated with Level I-Aggravated cases.

FAMU also cited to two Level I-Aggravated cases—one involving certification violations and the other involving arranging for striptease and sex acts. *See Southern* and *Louisville*. FAMU asserted that both cases involved significantly lesser fines of only \$5,000. While true, those cases also utilized *the previous penalty structure* based on the timing of the violations. The previous penalty structure did not contemplate and require the additional percentage component. *See* Bylaw 19.5.2 NCAA Division I Manual (2012-2013). Both cases provide limited, if any, guidance in this matter. The guidance in *Southern* is limited to the underlying substantive violations, whereas *Louisville* is not relevant to the present matter.

The panel's core financial penalty aligns with the penalty structure approved by the NCAA membership and past cases. FAMU is the first Level I-Aggravated certification case where the penalty guidelines have applied. When compared to past Level I and Level II certification cases under the penalty guidelines, FAMU's core financial penalty will be more significant. Within the Level I-Aggravated classification, the panel has a range of appropriate penalties. Considering the facts and circumstances of the case, the panel prescribes the lowest possible core financial penalty for Level I-Aggravated penalties.¹³

V. LEVEL III VIOLATION

FAILURE TO IMPLEMENT APP PENALTIES [NCAA Division I Manual Bylaw 14.8.1.1 (2015-16)]

FAMU agreed that during the 2015-16 academic year it failed to implement some of the CARA limitations imposed as APP penalties. Specifically, FAMU failed to provide two days off during a two-week period in the sport of football and failed to provide two days off during a one-week period in the sport of men's track and field. These failures violated Bylaw 14.

Among eligibility requirements, Bylaw 14 also outlines the APP program and identifies that the COA shall notify an institution when it fails to satisfy appropriate academic standards and the institution shall be subject to penalties pursuant to the APP policies. In this case, those policies involved reduced CARA. Although limited, FAMU failed to implement those penalties on three occasions. Pursuant to Bylaw 19.1.3, the panel concludes the violation is Level III.

¹³ It is noteworthy, that the penalty prescribed by the panel is also available as a Level I-Standard core financial penalty.

VI. 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 this case involved Level I violations of NCAA legislation. Level I violations are severe breaches of conduct that result in substantial or extensive competitive advantages or benefits or undermine the integrity of the collegiate model. Separate from those violations, the case also involved a Level III violation.

In considering penalties, the panel first reviewed when the violations occurred. Because the violations began prior to the implementation of the current penalty structure, the panel considered when the violations predominately occurred. *See* Bylaw 19.9.1. Of the 93 student-athletes that FAMU improperly certified in this case, FAMU improperly certified more than 70 of them after the effective date of the current penalty structure. Therefore, the panel applied the current penalty structure.

Under the current structure, the panel reviewed aggravating and mitigating factors pursuant to Bylaws 19.9.2, 19.9.3 and 19.9.4 to determine the appropriate classifications for the parties. The panel then used the current penalty guidelines (Figure 19-1) and Bylaws 19.9.5 and 19.9.7 to prescribe penalties.¹⁴

The parties agreed to three aggravating factors in this case and the panel accepted those factors. As identified in Section IV, the panel places significant weight on Bylaw 19.9.3-(b), *a history of Level I, Level II or major violation*. Specifically, the panel notes FAMU's twenty-year history of the same type of violations. Both FAMU's 2006 and 2015 infractions cases involved similar, if not identical, violations. Further, those cases demonstrate that FAMU has consistently had systemic eligibility and certification infractions since 1998. The panel also notes that Bylaw 19.9.4-(c), *lack of institutional control*, is a significant aggravating factor.

FAMU proposed, and the panel considered, Bylaw 19.9.4-(c), *affirmative steps to expedite final resolution of the matter*. The panel determined that mitigating factor does not apply. The violations in this case went undetected until the completion of the APP data review in 2017 and that data was delayed at the request of FAMU. Further, FAMU learned of errors in how it had been applying certification legislation and did not report those errors. Although FAMU contributed to the investigation once it was notified of the data review results, the violations in this case could have been discovered and resolved earlier.

This case only involved aggravating factors. After considering the weight and number of those factors, the panel classified this case as Level I-Aggravated.

¹⁴ The membership recently adjusted and expanded the ranges in the penalty guidelines related to Level I-Aggravated violations. The panel classifies FAMU's case as Level I-Aggravated and utilized the effective ranges when prescribing appropriate core penalties.

FAMU agreed to the facts, violations and most of the panel's proposed additional penalties. FAMU contested the panel's proposed core financial penalty, which the panel maintains. Therefore, FAMU has the opportunity to appeal the financial penalty. 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. In prescribing penalties, the panel considered FAMU's cooperation in all parts of this case and determines it was consistent with the institution's obligation under Bylaw 19.2.3. The panel also considered FAMU's corrective actions, which are set forth in Appendix One, in prescribing penalties. After considering all information relevant to this case, the panel prescribes the following penalties (self-imposed penalties are noted):

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

1. Probation: A five-year extension of probation to conclude on November 19, 2024.
2. Competition penalty: During the 2019-20 academic year, the football, baseball, men's basketball, men's track and field, women's basketball and volleyball programs shall end their respective seasons with the last regular-season contest and shall not participate in postseason conference or NCAA tournament competition. (Self-imposed.)

In accordance with Bylaw 14.7-2(c), the COI recommends that the Committee for Legislative Relief waive the on-year residency requirement for student-athletes whose institution was placed on probation which included a postseason ban penalty.

3. Financial penalty: FAMU shall pay a \$5,000 plus three percent of the total athletics budget fine to the NCAA.¹⁵
4. Scholarship reductions: FAMU shall reduce grants-in-aid awarded in football, baseball, men's basketball, men's track and field, women's basketball, and volleyball by ten percent. The grants-in-aid will be reduced accordingly:

Football: The football program shall be limited to 59.87 grant-in-aid equivalencies for each of the 2019-20 and 2020-21 academic years. (Self-imposed.)

Baseball: The baseball program shall be limited to 9.1 grant-in-aid equivalencies for the 2019-20 academic year. (Self-imposed.)

Men's Basketball: The men's basketball program shall be limited to 12 grants-in-aid for the 2019-20 academic year. (Self-imposed.)

¹⁵ This fine shall be paid consistent with COI IOPs 5-15-2 and 5-15-2-1.

Men's Track and Field: The men's track and field program shall be limited to 9.08 grant-in-aid equivalencies for the 2019-20 academic year. (Self-imposed.)

Women's Basketball: The women's basketball program shall be limited to 12 grants-in-aid for the 2019-20 academic year. (Self-imposed.)

Volleyball: The volleyball program shall be limited to 10 grants-in-aid for the 2019-20 academic year. (Self-imposed.)

5. Recruiting restrictions:

During the 2019-20 and 2020-21 academic years, FAMU shall restrict recruiting as follows:

- a. A seven-week ban on unofficial visits, including no scheduled unofficial visits and no complimentary tickets in all sport programs in which the violations occurred.
- b. A 12.5 percent reduction in official paid visits in the football, men's basketball and women's basketball programs. This results in a limit of no more than 38 official visits in football, four official visits in men's basketball and seven official visits in women's basketball.
- c. A seven-week ban on all recruiting communications with all prospects in all the sport programs in which the violations occurred.
- d. A ten-week ban on all off-campus recruiting contacts and evaluations in all sport programs in which violations occurred that do not have recruiting day limitations. In those programs that do have recruiting day limitations, FAMU shall not exceed: nine days in the fall and 30 days in the spring in the sport of football; 25 days in men's basketball; 20 days in women's basketball; and 15 days in volleyball; and 6 days men's golf.

Additional Penalties for Level I-Aggravated Violations (Bylaw 19.9.7)

6. Public reprimand and censure through the release of the public infractions decision.
7. Vacation of records: FAMU admitted that student-athletes competed while ineligible as a result of the improper certifications detailed in Violation No. 1. FAMU further acknowledged that a vacation of records was applicable to this case. Therefore, pursuant to Bylaws 19.9.7-(g) and 31.2.2.3, FAMU shall vacate all regular season and conference tournament records and participation in which the ineligible student-athletes competed from the time they became ineligible through the time they were reinstated as eligible for

competition.¹⁶ This order of vacation includes all regular season competition and conference tournaments. Further, if the ineligible student-athletes participated in NCAA postseason competition at any time while they were ineligible, the institution's participation in the postseason shall be vacated. The individual finishes and any awards for all eligible student-athletes shall be retained. Further, the institution's records regarding its affected programs, as well as the records of the head coaches, shall reflect the vacated records and shall 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 coaches 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 the affected programs 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 or, if the vacation penalty is appealed, at the conclusion of the appeals process. The sports information director (or designee) must also inform the Office of the Committees on Infractions (OCOI) of this submission to the NCAA Media Coordination and Statistics office.

8. For each year of the extended probationary period, the institution shall continue to implement Penalty No. 5 from FAMU's 2015 infractions decision. Specifically, FAMU shall continue to have an independent, external agency or consultant experienced in NCAA compliance matters conduct a thorough review of the institution's athletics compliance program. The external review must include an assessment of the institution's efforts to address recommendations or issues identified in the previous year's review, in addition to

¹⁶ Among other examples, the COI has indicated that a vacation of records is particularly appropriate when cases involve ineligible competition; a large number of violations; recent Level I, Level II or Major violations; or a Lack of Institutional Control. See COI IOP 5-15-4. The COI has consistently applied vacation of records penalties when student-athletes have competed while ineligible and there was an attendant lack of institutional control. See *Alabama A&M*, *Morgan State*, *Southern* and *Arkansas, Pine Bluff*.

including any new issues or recommendations. The results of those reviews shall be included in the institution's annual compliance reports.

Further, upon conclusion of the 2019 external review, representatives from FAMU, the panel and the Office of the Committees on Infractions (OCOI) shall hold a probation status meeting to discuss the external review and FAMU's compliance with the COI's prescribed penalties. Representatives from FAMU, the panel and the OCOI shall hold similar meetings in 2021 and 2023. FAMU shall contact the OCOI after submitting the 2019, 2021 and 2023 annual compliance reports to schedule the in-person meetings.

9. During each year of the probationary period, the senior compliance officer and the individual outside of athletics responsible for the certification of student-athletes shall be required to attend NCAA Regional Rules Seminars. The sessions attended shall be identified in the annual compliance report and should include eligibility and certification related educational sessions.
10. During the period of probation, FAMU shall:
 - a. Continue to develop and implement a comprehensive compliance and educational program on NCAA legislation to instruct coaches, the faculty athletics representative, all athletics department personnel and all institutional staff members with responsibility for NCAA recruiting and certification legislation;
 - b. Submit a preliminary report to the OCOI by July 15, 2019, 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 September 15 during each year of probation. In addition to the items identified in Infractions Decision No. 432, particular emphasis shall be placed on establishing viable and comprehensive rules compliance system and eligibility certification process;
 - d. Inform prospects in all affected sports programs in writing that FAMU is on probation for a total of nine years and detail the violations committed. If a prospect 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 prospect signs an NLI; and
 - e. Publicize specific and understandable information concerning the nature of the violations by providing, at a minimum, a statement to include the types of violations and the affected sports program 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 affected sports program. FAMU's statement must: (i) clearly describe the violations; (ii) include the length of the probationary period associated with

the case; and (iii) give members of the general public a clear indication of what happened in the case to allow the public (particularly prospects and their families) to make informed, knowledgeable decisions. A statement that refers only to the probationary period with nothing more is not sufficient.

11. Following the receipt of the final compliance report and prior to the conclusion of probation, FAMU's president shall provide a letter to the COI affirming that the institution's current athletics policies and practices conform to all requirements of NCAA regulations.
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The COI advises FAMU that it should take every precaution to ensure the terms of the penalties are observed. The COI will monitor the penalties during their effective periods. Any action by FAMU contrary to the terms of any of the penalties or any additional violations may be considered grounds for prescribing more severe penalties or may result in additional allegations and violations.

NCAA COMMITTEE ON INFRACTIONS PANEL

Michael F. Adams
Carol Cartwright
Bobby Cremins
Jason Leonard
Dave Roberts, Chief Hearing Officer
Greg Sankey

APPENDIX ONE

FAMU's CORRECTIVE ACTIONS AS IDENTIFIED IN THE FEBRUARY 13, 2019, SUMMARY DISPOSITION REPORT

In addition to its self-imposed penalties, the institution has taken the following measures to adjust and strengthen those areas within the athletics department that were tied to [the certification and lack of institutional control violations]:

1. Hired an experienced compliance administrator with extensive background in academic eligibility certification and monitoring to serve as Senior Associate Athletics Director for Compliance/SWA as well as two full-time compliance administrators (Assistant Athletics Director for Compliance and Compliance Coordinator) with prior Division I compliance experience;
2. Completed a comprehensive revision of its eligibility certification procedures to include a formal, step-by-step process by which continuing-eligibility is certified for all student-athletes prior to each academic term. The redesigned process engaged the Faculty Athletics Representative, Athletic Eligibility Certification Office and all FAMU Athletics Academics and Compliance Services personnel in the certification process. The institution also revised its procedures for monitoring initial- and transfer-eligibility for incoming prospective student-athletes. Specifically:

Continuing-Eligibility: Beginning with the athletics academic advisor for the particular sport, a certification worksheet is produced illustrating the previous year's academic report card. This working document is efficient in capturing all needed data to appropriately certify student-athlete progress-toward-degree and eligibility for competition and is used by the five divisions that are engaged in determining final certification at a conference ("summit") at the conclusion of each term – Student-Athlete Support Services, the Office of Compliance, the Faculty Athletic Representative, the Registrar's Office, and the College (if needed).

The process was fully implemented in the fall of 2018 after grades had posted, and the summit model was used to certify eligibility for every student-athlete for the spring of 2019. Specifically, at the conclusion of the fall 2018 semester each athletics academic advisor was responsible for printing an individual advising report for their student-athletes to illustrate the degree applicability of the courses completed by the student-athlete that term as well as an updated transcript to add to the student-athlete's advising file. The Academic Advisor for each team brought a folder with all of the student-athletes' information to the conference for discussion with the Faculty Athletics Representative, all three members of the Office of Compliance, as well as representatives from the Registrar's Office who act as the Athletic Certification Signatory. The group reviewed each student-athlete's academic performance for that semester while their

transcript is projected onto a conference television, and the group determined whether the student-athlete met all applicable eligibility components. The determinations were recorded in the student's individual folder, as well as the cumulative team eligibility report, which included all pertinent information (e.g., credits earned, cumulative grade point average, etc.) That process continued until the list of students in the sport was completed and the final eligibility sheet was signed by all parties before moving on to [the] next roster. The respective head coach and Director of Athletics were advised of the results for each sports program before the eligibility report was signed and submitted to the conference office.

Additionally, the review and recording of medical clearance and other NCAA forms necessary to certify eligibility is handled exclusively by the Office of Compliance and managed in Compliance Assistant (CAi). The compliance staff has returned to using the NCAA Online Forms program offered by the NCAA single source login, which allows for a student-athlete's response to easily be uploaded to their CAi profile. For the fall 2018 season startup, all required forms were disseminated to the student-athletes' official FAMU email addresses before the beginning of school and were completed shortly after the initial compliance meeting with all student-athletes. Further, when a coach seeks to add a student-athlete to a roster, the forms are emailed to the student-athlete and retrieved by the compliance staff before the student-athlete is added to the roster. Finally, all physical examinations are coordinated (i.e., scheduled and checked for completion and medical clearance) by the Senior Associate Athletics Director for Compliance/SWA, as well as other members of the compliance staff. Once checked, the compliance staff communicates to the coaches that student-athletes are able to begin CARA. This process – and the direct involvement of compliance in it – allows for direct monitoring of all components of the continuing-eligibility certification process.

Initial-Eligibility: The Athletics Compliance Office continually monitors prospective student-athlete initial-eligibility from February of the preceding year until fall matriculation. Bi-weekly reports are sent to the respective coaches during the spring to alert the coaches of delivery of test scores and transcripts to the NCAA Eligibility Center. The Athletics Compliance Office receives and provides the reports to the Academic Support Services unit to review for authenticity and analyze the probability that the prospective student-athlete will attain qualifier status. The head coach, the Faculty Athletics Representative, and the University Admissions Office addresses any deficiencies in accordance with applicable rules.

Transfer-Eligibility: Transfer-eligibility is monitored similarly to initial-eligibility. Copies of official transcripts for each prior institution attended by the transfer courses are confirmed with the Registrar representative. The Athletic Compliance Office confirms pertinent progress towards degree and transfer legislation. Final transcripts, including proof of Associates Degree (if needed), are recorded by both the Athletic Compliance

Office and Academic Support Services. Finally, the transfer tab in Compliance Assistant is updated to reflect the transfer student's profile.

3. Increased institutional oversight of athletics, including its eligibility certification process, by assigning an individual from the Office of Compliance and Ethics to conduct frequent audits of NCAA compliance-related functions in athletics;
4. The athletics academic advising staff (led by the Assistant Athletics Director for Academic Support) created a tracking process for student-athletes who express an interest in "limited access programs" with pre-majors (e.g., Nursing, Architecture, Pharmacy, Business). Each academic advisor creates an internal list of students who select one of the "pre-major" programs as their preferred area of study, and it is communicated to the student-athlete at the beginning of their second semester registration process that they must either matriculate into the limited access program by the summer before their Junior year (5th full-time semester) or declare an alternative non-limited access program. During the student-athlete's second year, the advisor continues communication with the student-athlete and their coaches regarding the likelihood of the student being granted access to the limited access program based on their academic credentials. At the beginning of the student's 4th full-time semester, the athletic advisor contacts the respective faculty advisor to gauge the likelihood that the student will be granted admission and, if not, whether would be beneficial to have the student select an alternative major for an additional term (e.g., a student who is attempting to gain access to the Business Administration program as a "pre-Business major" could take remaining courses needed for the limited access program that are also applicable to the economics degree) or if the faculty recommends the student pursue another area of study all together. This style of advising with enhanced communication among Athletic Advisor, coaches, student-athlete, and Faculty Advisor is proving to create more support for the student and align with best practices to minimize advising errors.
5. Updated the electronic student information systems used to monitor progress-towards-degree for all students.

Additionally, the institution continues to make progress with those corrective actions it instituted during the 2015 infractions case, the timing of which overlapped with many of the violations that occurred in the present case, as well as the recommendations made during annual external compliance reviews mandated by the Committee as a result of the 2015 case. The institution's annual probationary compliance reports resulting from that case detail the institution's progress in particular areas and document steps taken by the institution to improve its NCAA rules education and compliance monitoring procedures. Those annual probationary reports which contain the external compliance reviews were provided to the [COI] in September of 2016, 2017, and 2018.

APPENDIX TWO
Constitution and Bylaw Citations

Division I 2010-11 Manual

2.1.1 Responsibility for Control. [*] It is the responsibility of each member institution to control its intercollegiate athletics program in compliance with the rules and regulations of the Association. The institution's president or chancellor is responsible for the administration of all aspects of the athletics program, including approval of the budget and audit of all expenditures.

2.8.1 Responsibility of Institution. [*] Each institution shall comply with all applicable rules and regulations of the Association in the conduct of its intercollegiate athletics programs. It shall monitor its programs to assure compliance and to identify and report to the Association instances in which compliance has not been achieved. In any such instance, the institution shall cooperate fully with the Association and shall take appropriate corrective actions. Members of an institution's staff, student-athletes, and other individuals and groups representing the institution's athletics interests shall comply with the applicable Association rules, and the member institution shall be responsible for such compliance.

6.01.1 Institutional Control. The control and responsibility for the conduct of intercollegiate athletics shall be exercised by the institution itself and by the conference(s), if any, of which it is a member. Administrative control or faculty control, or a combination of the two, shall constitute institutional control.

12.1.1.1.3 Eligibility for Practice or Competition. Prior to engaging in practice or competition, a student-athlete shall receive a final certification of amateur status based on activities that occur prior to his or her request for final certification or initial full-time enrollment at an NCAA Division I or II institution (whichever occurs earlier).

14.4.3.1.7 Hours Earned or Accepted for Degree Credit. The provision that the calculation of credit hours under the progress-toward-degree regulation shall be based on hours earned or accepted for degree credit at the certifying institution in a student-athlete's specific baccalaureate degree program (see Bylaw 14.4.3.1) shall be met as follows:)

(b) By the beginning of the third year of enrollment (fifth semester or seventh quarter), a student-athlete shall be required to have designated a program of studies leading toward a specific baccalaureate degree. From that point, the credits used to meet the progress-toward-degree requirements must be degree credit toward the student's designated degree program.

14.4.3.2 Fulfillment of Percentage of Degree Requirements. A student-athlete who is entering his or her third year of collegiate enrollment shall have completed successfully at least 40 percent of the course requirements in the student's specific degree program. A student-athlete who is entering his or her fourth year of collegiate enrollment shall have completed successfully at least 60 percent of the course requirements in the student's specific degree program. A

student-athlete who is entering his or her fifth year of collegiate enrollment shall have completed successfully at least 80 percent of the course requirements in the student's specific degree program. The course requirements must be in the student's specific degree program (as opposed to the student's major).

14.5.5.1.2 Attendance for Less Than One Academic Year. A transfer student from a four-year institution who was not a qualifier (as defined in Bylaw 14.02.11.2) and who attended a four-year institution less than one full academic year shall not be eligible for competition during the first academic year of attendance at the certifying institution. Participation in practice sessions and the receipt of financial aid during the first academic year of attendance at the certifying institution by such students is governed by the provisions of Bylaw 14.3.2.1 (see Bylaw 14.5.5.4).

14.11.1 Obligation of Member Institution to Withhold Student-Athlete from Competition. If a student-athlete is ineligible under the provisions of the constitution, bylaws or other regulations of the Association, the institution shall be obligated to apply immediately the applicable rule and to withhold the student-athlete from all intercollegiate competition. The institution may appeal to the Committee on Student-Athlete Reinstatement for restoration of the student-athlete's eligibility as provided in Bylaw 14.12 if it concludes that the circumstances warrant restoration.

16.8.1.2 Competition While Representing Institution. An institution may provide actual and necessary travel expenses (e.g., transportation, lodging and meals) to a student-athlete for participation in athletics competition, provided the student-athlete is representing the institution (competes in the uniform of the institution) and is eligible for intercollegiate competition. Violations of this bylaw shall be considered an institutional violation per Constitution 2.8.1; however, they shall not affect the student-athlete's eligibility.

Division I 2011-12 Manual

2.1.1 Responsibility for Control. [*] It is the responsibility of each member institution to control its intercollegiate athletics program in compliance with the rules and regulations of the Association. The institution's president or chancellor is responsible for the administration of all aspects of the athletics program, including approval of the budget and audit of all expenditures.

2.8.1 Responsibility of Institution. [*] Each institution shall comply with all applicable rules and regulations of the Association in the conduct of its intercollegiate athletics programs. It shall monitor its programs to assure compliance and to identify and report to the Association instances in which compliance has not been achieved. In any such instance, the institution shall cooperate fully with the Association and shall take appropriate corrective actions. Members of an institution's staff, student-athletes, and other individuals and groups representing the

institution's athletics interests shall comply with the applicable Association rules, and the member institution shall be responsible for such compliance.

6.01.1 Institutional Control. The control and responsibility for the conduct of intercollegiate athletics shall be exercised by the institution itself and by the conference(s), if any, of which it is a member. Administrative control or faculty control, or a combination of the two, shall constitute institutional control.

14.4.3.1.8 Hours Earned or Accepted for Degree Credit. The provision that the calculation of credit hours under the progress-toward-degree regulation shall be based on hours earned or accepted for degree credit at the certifying institution in a student-athlete's specific baccalaureate degree program (see Bylaw 14.4.3.1) shall be met as follows:

(b) By the beginning of the third year of enrollment (fifth semester or seventh quarter), a student-athlete shall be required to have designated a program of studies leading toward a specific baccalaureate degree. From that point, the credits used to meet the progress-toward-degree requirements must be degree credit toward the student's designated degree program.

14.4.3.2 Fulfillment of Percentage of Degree Requirements. A student-athlete who is entering his or her third year of collegiate enrollment shall have completed successfully at least 40 percent of the course requirements in the student's specific degree program. A student-athlete who is entering his or her fourth year of collegiate enrollment shall have completed successfully at least 60 percent of the course requirements in the student's specific degree program. A student-athlete who is entering his or her fifth year of collegiate enrollment shall have completed successfully at least 80 percent of the course requirements in the student's specific degree program. The course requirements must be in the student's specific degree program (as opposed to the student's major).

14.5.5.1.2 Attendance for Less Than One Academic Year. A transfer student from a four-year institution who was not a qualifier (as defined in Bylaw 14.02.11.2) and who attended a four-year institution less than one full academic year shall not be eligible for competition during the first academic year of attendance at the certifying institution. Participation in practice sessions and the receipt of financial aid during the first academic year of attendance at the certifying institution by such students is governed by the provisions of Bylaw 14.3.2.1 (see Bylaw 14.5.5.4).

14.11.1 Obligation of Member Institution to Withhold Student-Athlete from Competition. If a student-athlete is ineligible under the provisions of the constitution, bylaws or other regulations of the Association, the institution shall be obligated to apply immediately the applicable rule and to withhold the student-athlete from all intercollegiate competition. The institution may appeal to the Committee on Student-Athlete Reinstatement for restoration of the student-athlete's eligibility as provided in Bylaw 14.12 if it concludes that the circumstances warrant restoration.

16.8.1.2 Competition While Representing Institution. An institution may provide actual and necessary travel expenses (e.g., transportation, lodging and meals) to a student-athlete for participation in athletics competition, provided the student-athlete is representing the institution (competes in the uniform of the institution) and is eligible for intercollegiate competition.

Division I 2012-13 Manual

2.1.1 Responsibility for Control. [*] It is the responsibility of each member institution to control its intercollegiate athletics program in compliance with the rules and regulations of the Association. The institution's president or chancellor is responsible for the administration of all aspects of the athletics program, including approval of the budget and audit of all expenditures.

2.8.1 Responsibility of Institution. [*] Each institution shall comply with all applicable rules and regulations of the Association in the conduct of its intercollegiate athletics programs. It shall monitor its programs to assure compliance and to identify and report to the Association instances in which compliance has not been achieved. In any such instance, the institution shall cooperate fully with the Association and shall take appropriate corrective actions. Members of an institution's staff, student-athletes, and other individuals and groups representing the institution's athletics interests shall comply with the applicable Association rules, and the member institution shall be responsible for such compliance.

6.01.1 Institutional Control. The control and responsibility for the conduct of intercollegiate athletics shall be exercised by the institution itself and by the conference(s), if any, of which it is a member. Administrative control or faculty control, or a combination of the two, shall constitute institutional control.

14.4.3.1 Fulfillment of Credit-Hour Requirements. Eligibility for competition shall be determined based on satisfactory completion of at least:

- (b) Eighteen-semester or 27-quarter hours of academic credit since the beginning of the previous fall term or since the beginning of the certifying institution's preceding regular two semesters or three quarters (hours earned during the summer may not be used to fulfill this requirement) (see Bylaw 14.4.3.1.4).

14.4.3.1.8 Hours Earned or Accepted for Degree Credit. The provision that the calculation of credit hours under the progress-toward-degree regulation shall be based on hours earned or accepted for degree credit at the certifying institution in a student-athlete's specific baccalaureate degree program (see Bylaw 14.4.3.1) shall be met as follows:

- (b) By the beginning of the third year of enrollment (fifth semester or seventh quarter), a student-athlete shall be required to have designated a program of studies leading toward a specific baccalaureate degree. From that point, the credits used to meet the progress-toward-degree requirements must be degree credit toward the student's designated degree program.

14.4.3.2 Fulfillment of Percentage of Degree Requirements. A student-athlete who is entering his or her third year of collegiate enrollment shall have completed successfully at least 40 percent of the course requirements in the student's specific degree program. A student-athlete who is entering his or her fourth year of collegiate enrollment shall have completed successfully at least 60 percent of the course requirements in the student's specific degree program. A student-athlete who is entering his or her fifth year of collegiate enrollment shall have completed successfully at least 80 percent of the course requirements in the student's specific degree program. The course requirements must be in the student's specific degree program (as opposed to the student's major).

14.5.5.1.2 Attendance for Less Than One Academic Year. A transfer student from a four-year institution who was not a qualifier (as defined in Bylaw 14.02.11.2) and who attended a four-year institution less than one full academic year shall not be eligible for competition during the first academic year of attendance at the certifying institution. Participation in practice sessions and the receipt of financial aid during the first academic year of attendance at the certifying institution by such students is governed by the provisions of Bylaw 14.3.2.1 (see Bylaw 14.5.5.4).

14.11.1 Obligation of Member Institution to Withhold Student-Athlete from Competition. If a student-athlete is ineligible under the provisions of the constitution, bylaws or other regulations of the Association, the institution shall be obligated to apply immediately the applicable rule and to withhold the student-athlete from all intercollegiate competition. The institution may appeal to the Committee on Student-Athlete Reinstatement for restoration of the student-athlete's eligibility as provided in Bylaw 14.12 if it concludes that the circumstances warrant restoration.

16.8.1.2 Competition While Representing Institution. An institution may provide actual and necessary travel expenses (e.g., transportation, lodging and meals) to a student-athlete for participation in athletics competition, provided the student-athlete is representing the institution (competes in the uniform of the institution) and is eligible for intercollegiate competition.

Division I 2013-14 Manual

2.1.1 Responsibility for Control. [*] It is the responsibility of each member institution to control its intercollegiate athletics program in compliance with the rules and regulations of the Association. The institution's president or chancellor is responsible for the administration of all aspects of the athletics program, including approval of the budget and audit of all expenditures.

2.8.1 Responsibility of Institution. [*] Each institution shall comply with all applicable rules and regulations of the Association in the conduct of its intercollegiate athletics programs. It shall monitor its programs to assure compliance and to identify and report to the Association instances in which compliance has not been achieved. In any such instance, the institution shall cooperate fully with the Association and shall take appropriate corrective actions. Members of

an institution's staff, student-athletes, and other individuals and groups representing the institution's athletics interests shall comply with the applicable Association rules, and the member institution shall be responsible for such compliance.

6.01.1 Institutional Control. The control and responsibility for the conduct of intercollegiate athletics shall be exercised by the institution itself and by the conference(s), if any, of which it is a member. Administrative control or faculty control, or a combination of the two, shall constitute institutional control.

14.4.3.1 Fulfillment of Credit-Hour Requirements. Eligibility for competition shall be determined based on satisfactory completion of at least:

(b) Eighteen-semester or 27-quarter hours of academic credit since the beginning of the previous fall term or since the beginning of the certifying institution's preceding regular two semesters or three quarters (hours earned during the summer may not be used to fulfill this requirement) (see Bylaw 14.4.3.1.4).

14.4.3.1.7 Hours Earned or Accepted for Degree Credit. The provision that the calculation of credit hours under the progress-toward-degree regulation shall be based on hours earned or accepted for degree credit at the certifying institution in a student-athlete's specific baccalaureate degree program (see Bylaw 14.4.3.1) shall be met as follows:

(b) By the beginning of the third year of enrollment (fifth semester or seventh quarter), a student-athlete shall be required to have designated a program of studies leading toward a specific baccalaureate degree. From that point, the credits used to meet the progress-toward-degree requirements must be degree credit toward the student's designated degree program.

14.4.3.2 Fulfillment of Percentage of Degree Requirements. A student-athlete who is entering his or her third year of collegiate enrollment shall have completed successfully at least 40 percent of the course requirements in the student's specific degree program. A student-athlete who is entering his or her fourth year of collegiate enrollment shall have completed successfully at least 60 percent of the course requirements in the student's specific degree program. A student-athlete who is entering his or her fifth year of collegiate enrollment shall have completed successfully at least 80 percent of the course requirements in the student's specific degree program. The course requirements must be in the student's specific degree program (as opposed to the student's major).

14.4.3.3 Fulfillment of Minimum Grade-Point Average Requirements. A student-athlete who is entering his or her second year of collegiate enrollment shall present a cumulative minimum grade-point average (based on a maximum 4.000) that equals at least 90 percent of the institution's overall cumulative grade-point average required for graduation. A student-athlete who is entering his or her third year of collegiate enrollment shall present a cumulative minimum grade-point average (based on a maximum of 4.000) that equals 95 percent of the institution's overall cumulative minimum grade-point average required for graduation. A student-athlete who is entering his or her fourth or later year of collegiate enrollment shall present a cumulative

minimum grade-point average (based on a maximum of 4.000) that equals 100 percent of the institution's overall cumulative grade-point average required for graduation. If the institution does not have an overall grade-point average required for graduation, it is permissible to use the lowest grade-point average required for any of the institution's degree programs in determining the cumulative minimum grade-point average. The minimum grade-point average must be computed pursuant to institutional policies applicable to all students.

14.5.5.1.2 Attendance for Less Than One Academic Year. A transfer student from a four-year institution who was not a qualifier (as defined in Bylaw 14.02.13.2) and who attended a four-year institution less than one full academic year shall not be eligible for competition during the first academic year of attendance at the certifying institution. Participation in practice sessions and the receipt of financial aid during the first academic year of attendance at the certifying institution by such students is governed by the provisions of Bylaw 14.3.2.1 (see Bylaw 14.5.5.4).

14.10.1 Obligation of Member Institution to Withhold Student-Athlete From Competition. If a student-athlete is ineligible under the provisions of the constitution, bylaws or other regulations of the Association, the institution shall be obligated to apply immediately the applicable rule and to withhold the student-athlete from all intercollegiate competition. The institution may appeal to the Committee on Student-Athlete Reinstatement for restoration of the student-athlete's eligibility as provided in Bylaw 14.11 if it concludes that the circumstances warrant restoration.

16.8.1 Permissible. An institution may provide actual and necessary expenses to a student-athlete to represent the institution in practice and competition (including expenses for activities/travel that are incidental to practice or competition). In order to receive competition-related expenses, the student-athlete must be eligible for competition.

Division I 2014-15 Manual

2.1.1 Responsibility for Control. [*] It is the responsibility of each member institution to control its intercollegiate athletics program in compliance with the rules and regulations of the Association. The institution's president or chancellor is responsible for the administration of all aspects of the athletics program, including approval of the budget and audit of all expenditures.

2.8.1 Responsibility of Institution. [*] Each institution shall comply with all applicable rules and regulations of the Association in the conduct of its intercollegiate athletics programs. It shall monitor its programs to assure compliance and to identify and report to the Association instances in which compliance has not been achieved. In any such instance, the institution shall cooperate fully with the Association and shall take appropriate corrective actions. Members of an institution's staff, student-athletes, and other individuals and groups representing the

institution's athletics interests shall comply with the applicable Association rules, and the member institution shall be responsible for such compliance.

6.01.1 Institutional Control. The control and responsibility for the conduct of intercollegiate athletics shall be exercised by the institution itself and by the conference(s), if any, of which it is a member. Administrative control or faculty control, or a combination of the two, shall constitute institutional control.

12.11.1 Obligation of Member Institution to Withhold Student-Athlete From Competition. If a student-athlete is ineligible under the provisions of the constitution, bylaws or other regulations of the Association, the institution shall be obligated to apply immediately the applicable rule and to withhold the student-athlete from all intercollegiate competition. The institution may appeal to the Committee on Student-Athlete Reinstatement for restoration of the student-athlete's eligibility as provided in Bylaw 12.12 if it concludes that the circumstances warrant restoration.

14.4.3.1 Fulfillment of Credit-Hour Requirements. Eligibility for competition shall be determined based on satisfactory completion of at least:

- (b) Eighteen semester or 27 quarter hours of academic credit since the beginning of the previous fall term or since the beginning of the certifying institution's preceding regular two semesters or three quarters (hours earned during the summer may not be used to fulfill this requirement) (see Bylaw 14.4.3.1.4).

14.4.3.1.7 Hours Earned or Accepted for Degree Credit. The provision that the calculation of credit hours under the progress-toward-degree regulation shall be based on hours earned or accepted for degree credit at the certifying institution in a student-athlete's specific baccalaureate degree program (see Bylaw 14.4.3.1) shall be met as follows:

- (b) By the beginning of the third year of enrollment (fifth semester or seventh quarter), a student-athlete shall be required to have designated a program of studies leading toward a specific baccalaureate degree. From that point, the credits used to meet the progress-toward-degree requirements must be degree credit toward the student's designated degree program.

14.4.3.2 Fulfillment of Percentage of Degree Requirements. A student-athlete who is entering his or her third year of collegiate enrollment shall have completed successfully at least 40 percent of the course requirements in the student's specific degree program. A student-athlete who is entering his or her fourth year of collegiate enrollment shall have completed successfully at least 60 percent of the course requirements in the student's specific degree program. A student-athlete who is entering his or her fifth year of collegiate enrollment shall have completed successfully at least 80 percent of the course requirements in the student's specific degree program. The course requirements must be in the student's specific degree program (as opposed to the student's major).

14.4.3.2.3.1 Exception—Baseball. In baseball, a student-athlete who is ineligible under this provision at the beginning of an institution's fall term shall not be eligible during the remainder of the academic year.

14.4.3.6 Exceptions to Progress-Toward-Degree Rule.

- (a) **Missed Term.** One time during a student-athlete's entire period of collegiate enrollment, the provisions of Bylaw 14.4.3.1-(b) may be prorated at nine hours per term of actual attendance if the student-athlete misses a complete term or consecutive terms during an academic year, subject to the following conditions:
 - (1) The student-athlete engaged in no outside competition in the sport during the academic term or terms in which the student was not in attendance; and
 - (2) At the time of certification, the student has fulfilled the progress-toward-degree requirements (per Bylaw 14.4.3.1) for the terms in which the student was in attendance.
 - (3) A transfer student from a two-year college is not eligible to use this one-time exception during the first academic year of residence at the certifying institution in order to maintain eligibility during the second year in residence. Hours earned while enrolled as a part-time student during the "missed term" may be used to satisfy the 24/36 credit-hours [see Bylaw 14.4.3.1-(a)], percentage-of-degree (see Bylaw 14.4.3.2) and grade-point average requirements (see Bylaw 14.4.3.3).
- (b) **Nonrecruited, Nonparticipant.** A student-athlete may qualify for an exception to the application of the progress-toward-degree regulation for the initial season of eligibility if the student was not recruited; has not received athletically related financial assistance; has never practiced or participated in intercollegiate athletics, except that a student may have participated in limited preseason tryouts; and is otherwise eligible under all institutional, conference and NCAA rules. The student-athlete's eligibility in following seasons would be governed by the provisions of the progress-toward-degree rule, which would be applied from the beginning of the first term the student began participation. This exception shall not apply to the percentage-of-degree (see Bylaw 14.4.3.2) and minimum grade-point average (see Bylaw 14.4.3.3) requirements.
- (c) **Graduate Student/Postbaccalaureate Exception.** A graduate student-athlete or a student-athlete who graduates and returns for a second baccalaureate degree or who is taking course work that would lead to the equivalent of another major or degree who is otherwise eligible for regular-season competition shall be exempt from the provisions of this regulation, except the student-athlete shall successfully complete a minimum of six semester or quarter hours of academic credit during each regular academic term in which the student is enrolled full time as a graduate student at any collegiate institution or as a student who has graduated and is seeking a second baccalaureate or taking course work that would lead to the equivalent of another major degree at the same institution from which he or she previously received a baccalaureate degree (see Bylaw 14.6).

14.5.5.1.2 Attendance for Less Than One Academic Year. A transfer student from a four-year institution who was not a qualifier (as defined in Bylaw 14.02.10.2) and who attended a four-year institution less than one full academic year shall not be eligible for competition during the first academic year of attendance at the certifying institution. Participation in practice sessions and the receipt of financial aid during the first academic year of attendance at the certifying institution by such students is governed by the provisions of Bylaw 14.3.2.1 (see Bylaw 14.5.5.4).

16.8.1 Permissible. An institution, conference or the NCAA may provide actual and necessary expenses to a student-athlete to represent the institution in practice and competition (including expenses for activities/travel that are incidental to practice or competition). In order to receive competition-related expenses, the student-athlete must be eligible for competition.

Division I 2015-16 Manual

2.1.1 Responsibility for Control. [*] It is the responsibility of each member institution to control its intercollegiate athletics program in compliance with the rules and regulations of the Association. The institution's president or chancellor is responsible for the administration of all aspects of the athletics program, including approval of the budget and audit of all expenditures.

2.8.1 Responsibility of Institution. [*] Each institution shall comply with all applicable rules and regulations of the Association in the conduct of its intercollegiate athletics programs. It shall monitor its programs to assure compliance and to identify and report to the Association instances in which compliance has not been achieved. In any such instance, the institution shall cooperate fully with the Association and shall take appropriate corrective actions. Members of an institution's staff, student-athletes, and other individuals and groups representing the institution's athletics interests shall comply with the applicable Association rules, and the member institution shall be responsible for such compliance.

6.01.1 Institutional Control. The control and responsibility for the conduct of intercollegiate athletics shall be exercised by the institution itself and by the conference(s), if any, of which it is a member. Administrative control or faculty control, or a combination of the two, shall constitute institutional control.

12.8 Seasons of Competition: Five-Year Rule.

A student-athlete shall not engage in more than four seasons of intercollegiate competition in any one sport (see Bylaws 17.02.8 and 14.3.3). An institution shall not permit a student-athlete to represent it in intercollegiate competition unless the individual completes all of his or her seasons of participation in all sports within the time periods specified below:

12.8.1 Five-Year Rule. A student-athlete shall complete his or her seasons of participation within five calendar years from the beginning of the semester or quarter in which the student-athlete first registered for a minimum full-time program of studies in a collegiate institution, with

time spent in the armed services, on official religious missions or with recognized foreign aid services of the U.S. government being excepted. For international students, service in the armed forces or on an official religious mission of the student's home country is considered equivalent to such service in the United States.

12.11.1 Obligation of Member Institution to Withhold Student-Athlete From Competition.

If a student-athlete is ineligible under the provisions of the constitution, bylaws or other regulations of the Association, the institution shall be obligated to apply immediately the applicable rule and to withhold the student-athlete from all intercollegiate competition. The institution may appeal to the Committee on Student-Athlete Reinstatement for restoration of the student-athlete's eligibility as provided in Bylaw 12.12 if it concludes that the circumstances warrant restoration.

14.4.3.1 Fulfillment of Credit-Hour Requirements. Eligibility for competition shall be determined based on satisfactory completion of at least:

- (b) Eighteen semester or 27 quarter hours of academic credit since the beginning of the previous fall term or since the beginning of the certifying institution's preceding regular two semesters or three quarters (hours earned during the summer may not be used to fulfill this requirement) (see Bylaw 14.4.3.1.4); and
- (c) Six semester or six quarter hours of academic credit during the preceding regular academic term (e.g., fall semester, winter quarter) in which the student-athlete has been enrolled full time at any collegiate institution (see Bylaw 14.4.3.4 for postseason certification).

14.4.3.1.7 Hours Earned or Accepted for Degree Credit. The provision that the calculation of credit hours under the progress-toward-degree regulation shall be based on hours earned or accepted for degree credit at the certifying institution in a student-athlete's specific baccalaureate degree program (see Bylaw 14.4.3.1) shall be met as follows:

- (b) By the beginning of the third year of enrollment (fifth semester or seventh quarter), a student-athlete shall be required to have designated a program of studies leading toward a specific baccalaureate degree. From that point, the credits used to meet the progress-toward-degree requirements must be degree credit toward the student's designated degree program.

14.4.3.2 Fulfillment of Percentage of Degree Requirements. A student-athlete who is entering his or her third year of collegiate enrollment shall have completed successfully at least 40 percent of the course requirements in the student's specific degree program. A student-athlete who is entering his or her fourth year of collegiate enrollment shall have completed successfully at least 60 percent of the course requirements in the student's specific degree program. A student-athlete who is entering his or her fifth year of collegiate enrollment shall have completed successfully at least 80 percent of the course requirements in the student's specific degree program. The course requirements must be in the student's specific degree program (as opposed to the student's major).

14.4.3.2.3.1 Exception—Baseball. In baseball, a student-athlete who is ineligible under this provision at the beginning of an institution's fall term shall not be eligible during the remainder of the academic year.

14.4.3.6 Exceptions to Progress-Toward-Degree Rule.

- (a) **Missed Term.** One time during a student-athlete's entire period of collegiate enrollment, the provisions of Bylaw 14.4.3.1-(b) may be prorated at nine hours per term of actual attendance if the student-athlete misses a complete term or consecutive terms during an academic year, subject to the following conditions:
 - (1) The student-athlete engaged in no outside competition in the sport during the academic term or terms in which the student was not in attendance; and
 - (2) At the time of certification, the student has fulfilled the progress-toward-degree requirements (per Bylaw 14.4.3.1) for the terms in which the student was in attendance.
 - (3) A transfer student from a two-year college is not eligible to use this one-time exception during the first academic year of residence at the certifying institution in order to maintain eligibility during the second year in residence. Hours earned while enrolled as a part-time student during the "missed term" may be used to satisfy the 24/36 credit-hours [see Bylaw 14.4.3.1-(a)], percentage-of-degree (see Bylaw 14.4.3.2) and grade-point average requirements (see Bylaw 14.4.3.3).
- (b) **Nonrecruited, Nonparticipant.** A student-athlete may qualify for an exception to the application of the progress-toward-degree regulation for the initial season of eligibility if the student was not recruited; has not received athletically related financial assistance; has never practiced or participated in intercollegiate athletics, except that a student may have participated in limited preseason tryouts; and is otherwise eligible under all institutional, conference and NCAA rules. The student-athlete's eligibility in following seasons would be governed by the provisions of the progress-toward-degree rule, which would be applied from the beginning of the first term the student began participation. This exception shall not apply to the percentage-of-degree (see Bylaw 14.4.3.2) and minimum grade-point average (see Bylaw 14.4.3.3) requirements.
- (c) **Graduate Student/Postbaccalaureate Exception.** A graduate student-athlete or a student-athlete who graduates and returns for a second baccalaureate degree or who is taking course work that would lead to the equivalent of another major or degree who is otherwise eligible for regular-season competition shall be exempt from the provisions of this regulation, except the student-athlete shall successfully complete a minimum of six semester or quarter hours of academic credit during each regular academic term in which the student is enrolled full time as a graduate student at any collegiate institution or as a student who has graduated and is seeking a second baccalaureate or taking course work that would lead to the equivalent of another major degree at the same institution from which he or she previously received a baccalaureate degree (see Bylaw 14.6).

14.5.4.1 Qualifier. A transfer student from a two-year college who was a qualifier (per Bylaw 14.3.1.1) is eligible for competition in the first academic year in residence only if the student:

- (b) Has presented a minimum grade-point average of 2.500 (see Bylaw 14.5.4.5.3.2).

14.8.1.1 Penalties. The Committee on Academics shall notify an institution or team when it fails to satisfy the appropriate academic standards as outlined in the academic performance program. The institution shall then apply the applicable penalty pursuant to the policies of the academic performance program.

16.8.1 Permissible. [A] An institution, conference or the NCAA may provide actual and necessary expenses to a student-athlete to represent the institution in practice and competition (including expenses for activities/travel that are incidental to practice or competition). In order to receive competition-related expenses, the student-athlete must be eligible for competition.

Division I 2016-17 Manual

2.1.1 Responsibility for Control. [*] It is the responsibility of each member institution to control its intercollegiate athletics program in compliance with the rules and regulations of the Association. The institution's president or chancellor is responsible for the administration of all aspects of the athletics program, including approval of the budget and audit of all expenditures.

2.8.1 Responsibility of Institution. [*] Each institution shall comply with all applicable rules and regulations of the Association in the conduct of its intercollegiate athletics programs. It shall monitor its programs to assure compliance and to identify and report to the Association instances in which compliance has not been achieved. In any such instance, the institution shall cooperate fully with the Association and shall take appropriate corrective actions. Members of an institution's staff, student-athletes, and other individuals and groups representing the institution's athletics interests shall comply with the applicable Association rules, and the member institution shall be responsible for such compliance.

6.01.1 Institutional Control. The control and responsibility for the conduct of intercollegiate athletics shall be exercised by the institution itself and by the conference(s), if any, of which it is a member. Administrative control or faculty control, or a combination of the two, shall constitute institutional control.

12.11.1 Obligation of Member Institution to Withhold Student-Athlete From Competition. If a student-athlete is ineligible under the provisions of the constitution, bylaws or other regulations of the Association, the institution shall be obligated to apply immediately the applicable rule and to withhold the student-athlete from all intercollegiate competition. The institution may appeal to the Committee on Student-Athlete Reinstatement for restoration of the student-athlete's eligibility as provided in Bylaw 12.12 if it concludes that the circumstances warrant restoration.

14.4.3.2.3.1 Exception—Baseball. In baseball, a student-athlete who is ineligible under this provision at the beginning of an institution's fall term shall not be eligible during the remainder of the academic year.

14.4.3.6 Exceptions to Progress-Toward-Degree Rule.

- (a) **Missed Term.** One time during a student-athlete's entire period of collegiate enrollment, the provisions of Bylaw 14.4.3.1-(b) may be prorated at nine hours per term of actual attendance if the student-athlete misses a complete term or consecutive terms during an academic year, subject to the following conditions:
- (1) The student-athlete engaged in no outside competition in the sport during the academic term or terms in which the student was not in attendance; and
 - (2) At the time of certification, the student has fulfilled the progress-toward-degree requirements (per Bylaw 14.4.3.1) for the terms in which the student was in attendance.
 - (3) A transfer student from a two-year college is not eligible to use this one-time exception during the first academic year of residence at the certifying institution in order to maintain eligibility during the second year in residence. Hours earned while enrolled as a part-time student during the "missed term" may be used to satisfy the 24/36 credit-hours [see Bylaw 14.4.3.1-(a)], percentage-of-degree (see Bylaw 14.4.3.2) and grade-point average requirements (see Bylaw 14.4.3.3).
- (b) **Nonrecruited, Nonparticipant.** A student-athlete may qualify for an exception to the application of the progress-toward-degree regulation for the initial season of eligibility if the student was not recruited; has not received athletically related financial assistance; has never practiced or participated in intercollegiate athletics, except that a student may have participated in limited preseason tryouts; and is otherwise eligible under all institutional, conference and NCAA rules. The student-athlete's eligibility in following seasons would be governed by the provisions of the progress-toward-degree rule, which would be applied from the beginning of the first term the student began participation. This exception shall not apply to the percentage-of-degree (see Bylaw 14.4.3.2) and minimum grade-point average (see Bylaw 14.4.3.3) requirements.
- (c) **Graduate Student/Postbaccalaureate Exception.** A graduate student-athlete or a student-athlete who graduates and returns for a second baccalaureate degree or who is taking course work that would lead to the equivalent of another major or degree who is otherwise eligible for regular-season competition shall be exempt from the provisions of this regulation, except the student-athlete shall successfully complete a minimum of six semester or quarter hours of academic credit during each regular academic term in which the student is enrolled full time as a graduate student at any collegiate institution or as a student who has graduated and is seeking a second baccalaureate or taking course work that would lead to the equivalent of another major degree at the same institution from which he or she previously received a baccalaureate degree (see Bylaw 14.6).

16.8.1 Permissible. [A] An institution, conference or the NCAA may provide actual and necessary expenses to a student-athlete to represent the institution in practice and competition (including expenses for activities/travel that are incidental to practice or competition). In order to receive competition-related expenses, the student-athlete must be eligible for competition.