



CHARLESTON SOUTHERN UNIVERSITY
PUBLIC INFRACTIONS DECISION
October 16, 2018

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 primarily involved improper certification and impermissible use of book scholarships at Charleston Southern University (CSU).² Those violations provided the underlying support for a failure to monitor violation. The case also involved Level III violations in two other areas: maintaining declaration of playing seasons and annually certifying compliance with NCAA legislation. 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 panel accepted the self-imposed penalties for CSU but proposed additional penalties. CSU accepted the panel's proposed penalties. Therefore, there is no opportunity to appeal.

With respect to the certification violations, CSU agreed that it improperly certified 55 student-athletes in 12 sport programs over a six-year period. Many of the improper certifications resulted from the institution's failure to verify student-athletes' final amateurism status with the NCAA Eligibility Center. Some of the other certification issues stemmed from errors in percentage-of-degree completion, degree designation, full-time enrollment and transfer eligibility, among others. As a result of these errors, student-athletes practiced, competed, received athletically related aid and/or received actual and necessary expenses while ineligible. The panel concludes the violations are Level II.

CSU also agreed that over two academic years bookstore staff members permitted student-athletes to use book scholarships to purchase non-course-related items. These items included electronics, jewelry, apparel and other supplies. The panel concludes the financial aid and extra benefit violations are Level II.

CSU admits that the certification and bookstore violations occurred due to inadequate or non-existent policies and procedures and demonstrate its failure to monitor. Similarly, CSU did not

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 Big South Conference, CSU has a total enrollment of approximately 3,000 and sponsors six men's sports and eight women's sports. This is CSU's first infractions case.

provide staff members involved in certifying student-athletes or administering book scholarships with appropriate rules education and training. CSU first became aware of potential shortcomings in its certification processes and rules education program based on a conference compliance audit. The audit also identified specific recommendations on how to remedy those observed shortcomings. However, CSU failed to or, in other circumstances, insufficiently address noted deficiencies in its compliance and monitoring systems, resulting in a failure to monitor. The failure to monitor is a Level II violation.

The panel accepts the parties' factual agreements and concludes violations occurred. After considering applicable aggravating and mitigating factors, the panel classifies CSU's case as Level II-Standard. Utilizing the current penalty guidelines and NCAA bylaws authorizing additional penalties, the panel adopts and prescribes the following penalties: two years of probation; a fine of \$5,000 plus one-half of one percent of the total athletics department budget; scholarship reductions in the football program; a vacation of records; and a reduction in countable athletically related activities (CARA). The penalties section details these and other penalties.

II. CASE HISTORY

The case began in early July 2015, when the NCAA academic and membership affairs (AMA) staff initiated an Academic Performance Program (APP) data review. Due to timing, a subcommittee of the NCAA Division I Committee on Academics suspended its data review so that CSU could focus on certifying student-athletes for the 2015-16 academic year. Roughly one year later, the NCAA enforcement staff and CSU began a joint investigation.

In May 2017, CSU submitted a self-report to the enforcement staff. Over the next seven months, CSU amended its self-report three times. On March 26, 2018, the enforcement staff presented CSU with a draft notice of allegations. The next week, CSU agreed to process the case via summary disposition.

The parties submitted the SDR to the COI on July 17, 2018, and on August 31, 2018, a panel considered the case via teleconference.³ Later that day, the panel requested additional financial information from CSU. On September 20, 2018, the panel proposed additional penalties. The following week, CSU accepted the penalties.

³ Pursuant to COI Internal Operating Procedure (IOP) 4-9-2-1, 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.

III. PARTIES' AGREEMENTS

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

The parties jointly submitted an SDR that identified an agreed-upon factual basis, violations of NCAA legislation, aggravating factors, mitigating factors and violation levels.⁴ The SDR identified:

- 1. [NCAA Division I Manual Constitution 3.2.4.3 (2011-12 through 2014-15); and NCAA Division I Manual Bylaws 14.10.1 and 16.8.1.2 (2011-12 and 2012-13); 12.1.1.1.3 and 14.01.1 (2011-12 through 2014-15); 14.11.1 and 16.8.1.2 (2012-13); 14.1.7.1 and 14.1.7.2 (2012-13 and 2013-14); 14.4.3.2 (2012-13 through 2014-15); 14.9.1 and 14.10.1 (2013-14); 14.3.2.1.1 and 15.01.5 (2013-14 and 2014-15); 14.5.4.1 (2013-14, 2014-15 and 2016-17); 16.8.1 (2013-14 through 2016-17); 12.10.1 (2014-15); 12.11.1 (2014-15 through 2016-17); and 14.2.1, 14.2.2, 14.4.3.1.6, 14.4.3.2 and 14.5.5.1 (2015-16)]⁵ (Level II)**

The institution and enforcement staff agree that during the 2011-12 through 2016-17 academic years, the institution improperly certified as eligible for practice and/or competition 55 student-athletes in 12 sports. As a result, the student-athletes practiced, competed, received athletically related financial aid and/or received actual and necessary expenses while ineligible or improperly certified. Specifically:

- a. During the 2011-12 through 2014-15 academic years, the institution permitted 33 student-athletes to practice, compete and receive actual and necessary expenses prior to verifying the student-athletes had received final academic and amateurism certification from the Eligibility Center. [NCAA Constitution 3.2.4.3 and NCAA Bylaws 14.10.1 and 16.8.1.2 (2011-12 and 2012-13); 12.1.1.1.3 and 14.01.1 (2011-12 through 2014-15); 14.9.1 (2013-14); 16.8.1 (2013-14 and 2014-15); and 12.10.1 (2014-15)]

⁴ 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.

⁵ NCAA Bylaw 19.5.11 indicates that Proposed Findings of Fact shall be limited to possible violations occurring not earlier than four years before the date of the notice of inquiry or the date the institution notifies (or, if earlier, should have notified) the NCAA enforcement staff of its inquiries. The legislation permits the inclusion of the 2011-12 academic year violations because the violations occurred four years before the date the institution notified the enforcement staff (November 3, 2015) of its inquiries regarding improper certification of student-athletes' eligibility.

- b. During the 2013-14, 2014-15 and 2016-17 academic years, six two-year college transfer student-athletes who were qualifiers, competed and received actual and necessary expenses while ineligible due to not successfully meeting applicable transfer eligibility requirements. [NCAA Bylaws 14.10.1 (2013-14); 14.5.4.1 and 16.8.1 (2013-14, 2014-15 and 2016-17); and 12.11.1 (2014-15 and 2016-17)]
- c. Between the 2013-14 and 2014-15 academic years, one student-athlete practiced and received athletically related financial aid and one student-athlete practiced, competed and received actual and necessary expenses while certified as nonqualifiers. [NCAA Bylaws 14.10.1 (2013-14) and 14.3.2.1.1, 15.01.5 and 16.8.1(2013-14 and 2014-15)]
- d. During the 2015 fall semester, two student-athletes competed and received actual and necessary expenses without having designated a program of studies leading toward a specific baccalaureate degree program at the beginning of their fifth semester of enrollment. [NCAA Bylaws 12.11.1, 14.4.3.2 and 16.8.1(2015-16)]
- e. During the 2015 fall semester, one four-year college transfer student-athlete competed and received actual and necessary expenses in his first year in residence at the institution, without having satisfied any four-year transfer exception. [NCAA Bylaws 12.11.1, 14.5.5.1, 16.8.1(2015-16)]
- f. During the 2012, 2013 and 2015 fall semesters, one student-athlete practiced and competed and three student-athletes practiced, competed and received actual and necessary expenses without maintaining enrollment in a minimum full-time program of studies leading to a baccalaureate or equivalent degree. [NCAA Bylaws 14.11.1 and 16.8.1.2 (2012-13); 14.1.7.1 and 14.1.7.2, (2012-13 and 2013-14); 14.10.1 (2013-14); 16.8.1 (2013-14 and 2015-16); and 12.11.1, 14.2.1 and 14.2.2 (2015-16)]
- g. During the 2012-13 through 2014-15 academic years, seven student-athletes competed and received actual and necessary expenses while ineligible due to not successfully meeting the percentage-of-degree requirements. [NCAA Bylaws 14.11.1 and 16.8.1.2 (2012-13); 14.4.3.2 (2012-13 through 2014-15); 14.10.1 (2013-14); 12.11.1 (2014-15); and 16.8.1 (2013-14 and 2014-15)]
- h. During the 2015 fall semester, one football student-athlete competed and received actual and necessary expenses during the first four contests while ineligible due to not successfully completing at least nine-semester hours during the 2014 fall semester. [NCAA Bylaws 12.11.1, 14.4.3.1.6 and 16.8.1 (2015-16)]

2. [NCAA Division I Manual [NCAA Division I Manual Bylaws 12.11.1, 15.01.2, 15.2.3, 16.8.1 and 16.11.2.1 (2014-15 and 2015-16)] (Level II)

The institution and enforcement staff agree that during at least the 2014-15 and 2015-16 academic years,⁶ 34 student-athletes received impermissible benefits when the bookstore staff permitted the student-athletes to use their book scholarships to purchase items that were not required course-related books or required course supplies. The items included electronic devices, jewelry, apparel and assorted school supplies. The value of impermissible benefits for each student-athlete ranged between \$100 and \$922. The total amount of the impermissible benefits was approximately \$11,962. As a result of the impermissible benefits, the student-athletes competed and received actual and necessary expenses while ineligible.

3. [NCAA Division I Manual Constitution 3.2.4.15 (2012-13 through 2014-15); 3.2.4.14 (2015-16); and NCAA Division I Manual Bylaws 17.1.3 and 18.4.2.1-(d) (2012-13 through 2015-16)] (Level III)

The institution and enforcement staff agree that during the 2012-13 through 2015-16 academic years, the institution failed to maintain the written declarations of the institution's sports teams' playing season in the athletics department prior to the beginning of the teams' playing seasons and have the president certify the institution's annual compliance with NCAA legislation by completing the NCAA Council's approved form by September 15.

4. [NCAA Division I Manual Constitution 2.8.1 (2011-12 through 2016-17)] (Level II)

The institution and enforcement staff agree that the scope and nature of the violations set forth in Violation Nos. 1 and 2 demonstrate that from the 2011-12 through 2016-17 academic years, the institution violated the NCAA principle of rules compliance when it failed to adequately monitor its athletics programs to ensure that it operated in compliance with NCAA legislation. Specifically:

- a. During the 2011-12 through 2016-17 academic years, the institution failed to establish adequate eligibility certification policies and procedures to ensure a consistent and accurate process for certifying, monitoring and reviewing student-athlete eligibility. Also, the institution failed to provide adequate rules education and training and sufficiently involve institutional staff members from departments outside of athletics in the eligibility certification process. [NCAA Constitution 2.8.1 (2011-12 through 2016-17)]

⁶ The violations are limited to two years due to the available information retained in the bookstore.

b. During the 2014-15 and 2015-16 academic years, the institution failed to establish bookstore policies and procedures and provide adequate rules education to institutional staff members and bookstore personnel to ensure student-athletes' use of book scholarships was consistent with NCAA rules. [NCAA Constitution 2.8.1 (2014-15 and 2015-16)]

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:

CSU:

1. Aggravating factors. [Bylaw 19.9.3]

Multiple Level II violations by the institution. [Bylaw 19.9.3-(g)]

2. Mitigating factors. [Bylaw 19.9.4]

- (a) Prompt acknowledgement, acceptance of responsibility and imposition of meaningful corrective measures and/or penalties. [Bylaw 19.9.4-(b)]⁷
- (b) Absence of prior Level I, Level II or Major infractions committed by the institution. [Bylaw 19.9.4-(h)]

IV. REVIEW OF CASE

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 three Level II violations and one Level III violation of NCAA legislation.⁸ Specifically, systemic failures in core compliance operations resulted in CSU improperly certifying student-athletes' eligibility and permitting student-athletes to use book scholarships to purchase items other than books. The failures largely stemmed from a lack of written policies and procedures and rules education in fundamental areas. These failures led to violations of Article 3 of the NCAA Constitution and Bylaws 12, 14, 15 and 16.⁹ They also demonstrated the institution's failure to monitor as required by Article 2 of the NCAA Constitution.

⁷ The panel accepts the parties agreed-upon mitigator. However, the panel notes that CSU only instituted meaningful corrective measures after the APP data reviewed revealed potential violations of NCAA legislation. Had CSU implemented meaningful corrective measures to address compliance deficiencies identified in the conference office's earlier audit, CSU may have prevented violations from occurring.

⁸ The Level III violation is addressed separately in Section V of this decision.

⁹ The full text of the specific bylaws violated in this case is set forth in Appendix Two.

Certification Violations

CSU agreed that this case centered on its improper certification of student-athletes and that these fundamental failures led to student-athletes practicing, competing, receiving impermissible financial aid and/or receiving impermissible expenses while ineligible. In total, CSU improperly certified 55 student-athletes from the 2011-12 through 2016-17 academic years. These failures resulted from the absence of written certification policies and procedures and rules education. While the core Level II violations involved certification, the improper certifications had a ripple effect on other bylaws resulting in CSU violating Constitution 3, and Bylaws 12, 14, 15 and 16.¹⁰

Among other conditions of NCAA membership, Constitution 3 requires that all members certify the eligibility of student-athletes prior to permitting student-athletes to participate in intercollegiate athletics. Likewise, Bylaw 12 governs amateurism and eligibility for collegiate athletics. Of particular relevance to this case, the bylaw requires member institutions to verify student-athletes' final amateurism status and to certify the eligibility of their student-athletes prior to permitting them to participate in practice or competition. It also requires institutions to withhold student-athletes from competition if they are ineligible under the NCAA Constitution, bylaws or other regulations. Bylaw 14 and its subparts establish requirements for academic eligibility. Specifically, Bylaw 14 sets degree completion benchmarks, requires student-athletes to be enrolled in a full-time program of studies and that they designate that program by their fifth semester of full-time enrollment. It also sets minimum requirements for transfer student-athletes to achieve in order to be eligible to practice, compete and/or receive institutional aid. Relatedly, Bylaws 15 and 16 permit institutions to provide aid and actual and necessary expenses to student-athletes who have met Bylaw 14 eligibility requirements.

The certification and related violations largely resulted from CSU's use of an unofficial and unwritten certification process. To carry out portions of that process, CSU relied on some individuals who did not have the proper knowledge required to certify student-athletes. CSU did not provide these individuals with sufficient training or rules education to properly review and certify student-athletes eligibility. Despite the informal process, CSU was fortunate because it certified most student-athletes correctly. The process, however, was insufficient and some student-athletes were improperly certified. The lack of formality and absence of proper checks and balances led CSU to improperly certify 55 student-athletes over a six-year span. Among other errors, CSU improperly certified student-athletes without verifying that the student-athletes had received final certification from the Eligibility Center; declared a major by the fifth semester; enrolled in a minimum full-time program of studies; and met percentage-of-degree, semester completion and transfer requirements. These failures violated various subparts of Bylaw 14.

¹⁰ 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.

The improper certifications also resulted in CSU permitting ineligible student-athletes to practice, compete, receive financial aid and/or receive actual and necessary expenses when the student-athletes were ineligible to do so. As a result, CSU violated Bylaws 15 and 16. Certifying student-athletes' amateurism and eligibility and prohibiting ineligible student-athletes from competing are fundamental responsibilities of Division I membership and must be completed prior to participation in intercollegiate athletics. CSU failed to fulfill those obligations. In doing so, CSU did not meet membership responsibilities detailed in Bylaw 12.

CSU's certification shortcomings are similar to recent Level II certification cases. Like those Level II cases, this case involves a similar number of improperly certified student-athletes and sport programs and occurred over a similar number of years. *See North Carolina Central University* (2018) (concluding that Level II violations occurred when, among other violations, NCCU improperly certified 22 student-athletes in seven sports over three years); *Grambling State University* (2017) (involving Grambling State's improper certification of 45 student-athletes in 11 sports over three-and-one-half years); *Samford University* (2016) (involving Samford's improper certification of 33 student-athletes in eight sports over four-and-one-half years); *Campbell University* (2016) (involving the institution improperly certifying 34 student-athletes in 10 sports over five years); and *University of North Carolina at Greensboro* (2015) (involving UNCG's improper certification of 57 student-athletes in 13 sport programs over six academic years).¹¹ Consistent with those cases and in alignment with the definition of Level II violations in Bylaw 19.1.2, the panel concludes that the certification violations are Level II because CSU received more than a minimal but less than substantial competitive advantage when 55 student-athletes competed while ineligible.

Improper Use of Book Scholarships

Over two academic years, CSU also permitted student-athletes to use book scholarships for items other than books resulting in financial aid and extra benefit violations. Student-athletes used the funds, which were specifically allocated for books, to purchase electronics, jewelry, apparel and other items. The improper use of the scholarships violated both Bylaws 15 and 16 and rendered the student-athletes ineligible. When CSU later permitted them to compete, it violated Bylaw 12. These violations are Level II.

Bylaw 15 regulates financial aid and specifically restricts book scholarships to the actual cost of required course-related books. The bylaw also declares any student-athlete who receives impermissible financial aid ineligible for intercollegiate athletics. Bylaw 16 regulates benefits, identifying the benefits institutions may provide to eligible student-athletes and prohibiting student-athletes (and their family and friends) from receiving any benefit that is not expressly authorized by NCAA legislation. As previously mentioned, Bylaw 12 requires institutions to withhold ineligible student-athletes.

¹¹ Penalties associated with *NCCU* are currently under appeal.

During the 2014-15 and 2015-16 academic years, CSU provided 34 student-athletes with impermissible financial aid when it permitted those student-athletes to use their book scholarships for items other than books. The aid amounted to an extra benefit and rendered the student-athletes ineligible. The total value of the impermissible aid was \$11,962. Much like the shortcomings in certifying student-athletes, CSU did not have policies and procedures or rules education related to permissible financial aid. As a result, institutional staff, bookstore personnel and student-athletes did not understand the limitations placed on a book scholarship. Thus, both institutional staff members and bookstore employees told student-athletes that if they did not use their book scholarships, the money would go back to the school. Operating under a "use it or lose it" premise, the student-athletes used their book scholarships on items other than books, violating Bylaw 15 and amounting to an extra benefit under Bylaw 16. The impermissible use of those scholarships rendered the student-athletes ineligible. Later, when those student-athletes competed and received actual and necessary expenses while ineligible, CSU violated Bylaw 12 and committed additional violations of Bylaw 16.

The COI has concluded that Level II violations occur when institutions permit student-athletes to use scholarships, including book scholarships, in a manner inconsistent with the aid. *See Arkansas, Pine Bluff* (2014) (concluding, among other violations, that Level II violations occurred when the institution provided 15 student-athletes with books when their financial aid packages did not include one) and *Howard University* (2014) (concluding that Level II violations occurred when 110 student-athletes used book scholarships to purchase items other than books and Howard permitted 215 student-athletes to retain unspent portions of financial aid). Pursuant to the definition of Level II violations in Bylaw 19.1.2, the panel concludes that the bookstore violations are Level II because they provided the student-athletes with more than a minimal but less than a substantial impermissible benefit.

Failure to Monitor

CSU agreed that it failed to monitor its athletics programs over a six-year period despite knowing of potential shortcomings in its compliance program as early as 2011. CSU failed to adequately address these issues, which resulted in violations continuing through the 2016-17 academic year. Instead of implementing recommended measures, CSU continued to use inadequate or non-existent policies and procedures and failed to provide sufficient rules education to appropriate individuals. These deficiencies resulted in the improper certification of 55 student-athletes, the impermissible use of book scholarships by 34 student-athletes and related violations stemming from them. Like the underlying violations, CSU committed a Level II violation when it failed to meet its compliance and monitoring responsibilities under Constitution 2.

Constitution 2 sets forth core principles for institutions conducting intercollegiate athletics programs. Constitution 2.8.1 requires an institution to abide by all rules and regulations, monitor compliance and report instances of noncompliance.

CSU first became aware of deficiencies in its compliance operations in 2011, after the Big South Conference completed an audit of CSU's compliance program. While the report praised

CSU's lone compliance director's performance, it also noted the need for written certification policies, additional staff and the development of a formal rules education program. According to CSU, however, it did not have the time and resources to appropriately address the recommendations.¹² Instead, CSU continued to use an informal eligibility process, reassigned non-compliance staff to assist with certification and failed to develop formal rules education.¹³

These compliance shortcomings were not limited to eligibility certification. They also involved the administration of book scholarships. Stated simply, CSU did not have rules education programs or monitoring policies designed to ensure the compliant administration of book scholarships. Lacking an understanding of the permissible use of a book scholarship, institutional and bookstore staff advised student-athletes that unused funds would be returned to the school—unknowingly encouraging a violation. Further, CSU did not implement monitoring practices to detect the improper use of book scholarships at the time of purchase or upon reconciliation. For instance, the checkout system did not differentiate between students' and student-athletes' book scholarships. Therefore, as long as the book slip had sufficient funds, the system permitted the purchase of any item. Likewise, CSU only reviewed the total amount spent by student-athletes and not the specific items purchased. As a result, CSU's compliance operations failed to meet the standards identified in Constitution 2.

Pursuant to the Level II definition in Bylaw 19.1.2, the panel concludes that CSU's failure to monitor is Level II. The COI has previously concluded that Level II failure to monitor violations occur when the underlying certification violations are also Level II. *See NCCU; Grambling State; Samford; Campbell; and UNCG*. While similar, the panel noted additional factors in this case—mainly, the presence of additional systemic failures in administering and monitoring book scholarships and the fact that CSU became aware of compliance pitfalls and neglected to adequately address them. Given those facts, the panel examined whether CSU maintained institutional control over the six-year period in which the violations occurred. Although this case presented facts that may have supported a lack of institutional control, the panel ultimately determined to accept the parties' agreed-upon failure to monitor violation.

While the panel recognizes that some Division I institutions face unique funding challenges, the commitment to compliance is a basic requirement. When inadequate compliance systems and operations are identified, dedicating the sufficient resources to remedy those issues is not optional. Rather, it is an obligation of Division I membership. As the COI has noted, institutional leadership must act swiftly to address known compliance failures with adequate resources. *See Alabama A&M University (2018)*. Institutional leaders must make compliance a top priority.

¹² CSU asserted that it was unable to hire additional resources due to losing over 10 million dollars as a victim of a Ponzi scheme.

¹³ Among other operational adjustments, CSU reassigned an office assistant with no compliance experience.

V. LEVEL III VIOLATION

FAILURE TO MAINTAIN DECLARATION OF PLAYING SEASON AND FAILURE TO CERTIFY COMPLIANCE [NCAA Division I Manual Constitution 3.2.4.15 (2012-13 through 2014-15); 3.2.4.14 (2015-16); and NCAA Division I Manual Bylaws 17.1.3 and 18.4.2.1-(d) (2012-13 through 2015-16)]

From 2012-13 through 2015-16, CSU failed to maintain written declarations of its sports teams' playing seasons prior to the start of the teams' playing season in violation of Bylaw 17 requirements. Further, CSU agreed that during the same time period, its president failed to certify the institution's annual compliance by completing the required form by the legislated time period, violating Constitution 3 and Bylaw 18. Although the panel notes that the substance of annual presidential and chancellor attestation is a topic of ongoing discussion, these violations resulted from CSU's president failing to certify a form annually by September 15 that is required in order for institutional teams and student-athletes to be eligible for NCAA championship competition. Such administrative violations are seldom presented to the COI. *See Pepperdine University (2012)* and *University of Tulsa (1992)*. Despite not often appearing in infractions cases, the conduct here is a violation, and the panel accepts the parties' proposal that the violations are Level III.

The panel notes that greater emphasis on presidential attestation is one of the areas of ongoing reforms stemming from the Commission on College Basketball recommendations. The Commission report called for increased accountability for presidents and chancellors.¹⁴ The future substance of attestation violations and how those violations are processed, including appropriate level, in the infractions process should be clarified and defined. Moreover, one overarching principle is clear—the culture of compliance begins with an institution's chief executive officer (CEO). An institution's CEO must set the tone that compliance with NCAA rules is of paramount importance and dedicate the appropriate resources to ensuring that their institution meets the expectations of Division I membership.

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 II violations of NCAA legislation. Level II violations are significant breaches of conduct that provide or are intended to provide more than a minimal, but less than an extensive, advantage.

In considering penalties, the panel first 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.

¹⁴ Recently, the Division I Board of Directors approved additional attestation requirements under Bylaw 18 that will go into effect on August 1, 2019.

The panel then used the current penalty guidelines (Figure 19-1) and Bylaws 19.9.5 and 19.9.7 to prescribe penalties.¹⁵

The parties agreed to the aggravating and mitigating factors in this case. The panel accepts the agreed-upon factors and after considering the weight and number of those factors classifies this case as Level II-Standard.

CSU agreed to the facts, violations and the panel's proposed penalties. Therefore, there is no opportunity to appeal. All penalties prescribed in this case are independent and supplemental to any action that has been or may be taken by the NCAA Division I Committee on Academics through its assessment of postseason ineligibility, historical penalties or other penalties. In prescribing penalties, the panel considered CSU'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 CSU'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 II-Standard Violations (Bylaw 19.9.5)

1. Probation: Two years of probation from October 16, 2018 through October 15, 2020.¹⁶
2. Financial penalty: The institution shall pay a fine of \$5,000 plus one-half of one percent of the athletics department budget to the NCAA.¹⁷
3. Scholarship reductions: During the 2019-20 and 2020-21 academic years, CSU shall reduce by a total of 10 percent the amount of grants-in-aid awarded in the football program. The reductions shall be based on the average amount of aid awarded in the football program over the past four academic years, which CSU reported to be 60.13 equivalencies. Therefore, CSU shall reduce football equivalencies by a total of six equivalencies and shall not exceed 57.13 equivalencies for the 2019-20 and 2020-21 academic years.

¹⁵ The membership recently adjusted and expanded the ranges in the penalty guidelines related to Level I-Aggravated violations. The adjusted cells became effective on August 8, 2018. Because this case is Level II-Standard, the adjusted cells were not applicable.

¹⁶ CSU proposed a two-year probationary period. Institutions may propose probationary periods, but the authority to prescribe NCAA probation rests solely with the COI. Periods of probation always commence with the release of the infractions decision.

¹⁷ CSU proposed a \$5,000 fine. The panel increased the financial penalty to also include one-half of one percent of the total athletics budget because the athletics department failed to adequately address known compliance-related shortcomings. Although some certification cases have limited the percentage portion of financial penalties to the sport programs with the highest level of impermissible certifications, the panel weighed heavily the fact that CSU was on notice of risk areas in its compliance and certification processes, received specific recommendations on how to address those potential shortcomings and, as an athletics department, failed to adequately address them. The fine must be calculated in accordance with COI IOP 5-15-2 and 5-15-1-2, which calculates the fine based on the average of the previous three total athletics department budgets.

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

4. Public reprimand and censure.

5. Vacation of records. CSU acknowledged that ineligible participation occurred as a result of the violations in this case. Therefore, pursuant to Bylaws 19.9.7-(g) and 31.2.2.3, CSU shall vacate all regular season and conference tournament records and participation in which ineligible student-athletes detailed in this case competed from the time they became ineligible through the time they were reinstated as eligible for competition. This order of vacation includes all regular season competition and conference tournaments. Further, if the ineligible student-athletes participated in NCAA postseason competition at any time they were ineligible, the institution's participation in the postseason shall be vacated. The individual records of the ineligible student-athletes shall also be vacated.¹⁸ However, the individual finishes and any awards for all eligible student-athletes shall be retained. Further, the institution's records regarding its athletics 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 these sports shall be returned to the Association.

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

¹⁸ Among other examples, the COI has indicated that a vacation of records is particularly appropriate when cases involve ineligible competition and a failure to monitor violations. See COI IOP 5-15-4. Further, the COI has consistently prescribed a vacation of records in cases that involved student-athletes competing when they failed to meet amateurism and eligibility requirements. See *Alabama A&M University*, *Grambling State University*, *Mississippi Valley State University* (2017), *Alcorn State University* (2016), *Campbell University*, *Samford University* and *University of North Carolina, Greensboro*.

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.

6. Reduce countable athletically related activities (CARA) in the football program from 20 hours to 16 hours for one week during the fall 2017 playing season. (Self-imposed.)
 7. During this period of probation, CSU 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 November 30, 2018 setting forth a schedule for establishing this compliance and educational program and compliance with prescribed penalties;
 - c. File with the OCOI annual compliance reports indicating the progress made with this program by August 30 during each year of probation. Particular emphasis shall be placed on CSU's development and implementation of written policies and procedures for certifying student-athletes' eligibility and education and monitoring programs;
 - d. Inform prospects in all affected sport programs in writing that CSU is on probation for two 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 programs and a direct, conspicuous link to the public infractions decision located on the athletic department's main webpage "landing page" and in the media guides for the affected sport programs. CSU'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.
 8. Following the receipt of the final compliance report and prior to the conclusion of probation, CSU'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.
-

The COI advises CSU 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 CSU 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

Carol Cartwright
Alberto Gonzales, Chief Hearing Officer
Jason Leonard
Stephen Madva
Joel Maturi
Joe Novak
Dave Roberts

APPENDIX ONE

**CSU'S CORRECTIVE ACTIONS AS IDENTIFIED IN THE JULY 17, 2018, SUMMARY
DISPOSITION REPORT**

1. The institution has revamped its athletics compliance operations, which began in the fall 2015 semester, with the hiring of an assistant athletics director for compliance and, later, with the employment of a director of compliance, a director of student-academic success and a chief certification officer.¹⁹
2. During the fall 2016 semester, the institution implemented an improved textbook distribution and return process.
3. The institution initiated a comprehensive revamping of all athletics policies and procedures.
4. The institution required all involved student-athletes with eligibility remaining to make full restitution for the improperly obtained materials or supplies. Moreover, student-athletes with violations involving an amount greater than \$100 were required to serve the appropriate suspension and to seek reinstatement from the NCAA.
5. The institution will require the athletics compliance staff (annual), faculty athletics representative (annual) and the designated athletics liaisons from the office of financial aid, registrar and admissions (biennial [minimum]) to attend NCAA Regional Rules Seminars.
6. The institution retained an outside agency to conduct an external review of its athletics compliance program in May 2016. Further, in July 2017, the Big South Conference will conduct an external review of the institution' athletics compliance program. The institution will comply with all the recommendations made by the outside agencies in a timely fashion.
7. The institution will continue to develop and implement a comprehensive rules education program on NCAA legislation, including seminars and testing, for coaches, the faculty athletics representative, all athletics department personnel and all institutional staff members with responsibility for the eligibility-certification, financial aid and textbook distribution processes. Further, the institution will increase education and training relating to amateurism, recruiting, eligibility, financial aid and awards and benefits legislation for student-athletes, coaches, the faculty athletics representative, all athletics department personnel, all institutional staff members with athletically related responsibility and all athletics booster organizations.

¹⁹ In May 2017, the institution hired [an] assistant registrar for NCAA certification.

APPENDIX TWO
Bylaw Citations

Division I 2011-12 Manual

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.

3.2.4.3 Certification of Eligibility/Declaration of Ineligibility. An active member is responsible for certifying the eligibility of student-athletes under the terms of the constitution, bylaws or other legislation of the Association before permitting a student-athlete to represent the institution in intercollegiate competition. Procedures for eligibility certification shall be approved by the president or chancellor, who may designate an individual on the institution's staff to administer proper certification of eligibility. The institution shall be obligated immediately to apply all applicable rules and withhold ineligible student-athletes from all intercollegiate competition (see Bylaw 14.11). See Bylaw 14.12 for procedures regarding restoration of eligibility.

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).

14.01.1 Institutional Responsibility. An institution shall not permit a student-athlete to represent it in intercollegiate athletics competition unless the student-athlete meets all applicable eligibility requirements, and the institution has certified the student-athlete's eligibility. A violation of this bylaw in which the institution fails to certify the student-athlete's eligibility prior to allowing him or her to represent the institution in intercollegiate competition shall be considered an institutional violation per Constitution 2.8.1; however, such a violation shall not affect the student-athlete's eligibility, provided all the necessary information to certify the student-athlete's eligibility was available to the institution and the student-athlete otherwise would have been eligible for competition.

14.10.1 Institutional Responsibility for Eligibility Certification. The president or chancellor is responsible for approving the procedures for certifying the eligibility of an institution's student-athletes under NCAA legislation. The president or chancellor may designate an individual on the institution's staff to administer proper certification of eligibility. Certification

of eligibility must occur prior to allowing a student-athlete to represent the institution in intercollegiate competition (see Bylaw 14.01.1). A violation of this bylaw in which the institution fails to certify a student-athlete's eligibility prior to allowing him or her to represent the institution in intercollegiate competition shall be considered an institutional violation per Constitution 2.8.1; however, such a violation shall not affect the student-athlete's eligibility, provided all the necessary information to certify the student-athlete's eligibility was available to the institution and the student-athlete otherwise would have been eligible for competition.

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. Such competition includes:

- (a) Regularly scheduled intercollegiate athletics events;
- (b) NCAA championship events and national governing body championship events in an emerging sport;
- (c) A licensed postseason football game (see Bylaw 18.7 for conditions required for licensing);
- (d) Nonintercollegiate open, amateur competition;
- (e) Other institutional competition permissible under NCAA legislation, including postseason events; and
- (f) Fundraising activities that an institution counts against its maximum contest limitations per Bylaw 17.

Division I 2012-13 Manual

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.

3.2.4.3 Certification of Eligibility/Declaration of Ineligibility. An active member is responsible for certifying the eligibility of student-athletes under the terms of the constitution, bylaws or other legislation of the Association before permitting a student-athlete to represent the institution in intercollegiate competition. Procedures for eligibility certification shall be approved by the president or chancellor, who may designate an individual on the institution's staff to administer proper certification of eligibility. The institution shall be obligated immediately to apply all applicable rules and withhold ineligible student-athletes from all intercollegiate competition (see Bylaw 14.11). See Bylaw 14.12 for procedures regarding restoration of eligibility.

3.2.4.15 Compliance-Related Forms. A member institution shall not be eligible to enter a team or individual competitors in an NCAA championship unless its president or chancellor makes an annual institutional eligibility certification [see Bylaw 18.4.2.1-(d)] attesting that the conditions specified have been satisfied.

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).

14.01.1 Institutional Responsibility. An institution shall not permit a student-athlete to represent it in intercollegiate athletics competition unless the student-athlete meets all applicable eligibility requirements, and the institution has certified the student-athlete's eligibility. A violation of this bylaw in which the institution fails to certify the student-athlete's eligibility prior to allowing him or her to represent the institution in intercollegiate competition shall be considered an institutional violation per Constitution 2.8.1; however, such a violation shall not affect the student-athlete's eligibility, provided all the necessary information to certify the student-athlete's eligibility was available to the institution and the student-athlete otherwise would have been eligible for competition.

14.1.7.1 Requirement for Practice. To be eligible to participate in organized practice sessions, a student-athlete shall be enrolled in a minimum full-time program of studies leading to a baccalaureate or equivalent degree as defined by the regulations of the certifying institution.

14.1.7.2 Requirement for Competition. To be eligible for competition, a student-athlete shall be enrolled in at least a minimum full-time program of studies leading to a baccalaureate or equivalent degree, which shall not be less than 12 semester or quarter hours.

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).

14.10.1 Institutional Responsibility for Eligibility Certification. The president or chancellor is responsible for approving the procedures for certifying the eligibility of an institution's student-athletes under NCAA legislation. The president or chancellor may designate an individual on the institution's staff to administer proper certification of eligibility. Certification of eligibility must occur prior to allowing a student-athlete to represent the institution in

intercollegiate competition (see Bylaw 14.01.1). A violation of this bylaw in which the institution fails to certify a student-athlete's eligibility prior to allowing him or her to represent the institution in intercollegiate competition shall be considered an institutional violation per Constitution 2.8.1; however, such a violation shall not affect the student-athlete's eligibility, provided all the necessary information to certify the student-athlete's eligibility was available to the institution and the student-athlete otherwise would have been eligible for competition.

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. Such competition includes:

- (a) Regularly scheduled intercollegiate athletics events;
- (b) NCAA championship events and national governing body championship events in an emerging sport;
- (c) A postseason football game (see Bylaw 18.7);
- (d) Nonintercollegiate open, amateur competition;
- (e) Other institutional competition permissible under NCAA legislation, including postseason events; and
- (f) Fundraising activities that an institution counts against its maximum contest limitations per Bylaw 17.

17.1.3 Declaration of Playing Season. Each member institution shall determine the playing season for each of the sports referenced under Bylaw 17.02.12. Declaration of the institution's playing season in each such sport shall be on file in writing in the department of athletics prior to the beginning of the institution's playing season for that sport. Changes in the declaration for a particular sport are permissible and also shall be filed in writing in the office of the institution's athletics director.

18.4.2.1 General Institutional Requirements. To be eligible to enter a team or an individual in NCAA championship competition, an institution shall:

- (d) Certify, through its president or chancellor on a form approved by the Legislative Council, the institution's compliance with NCAA legislation. The certification of compliance shall be completed not later than September 15.

Division I 2013-14 Manual

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.

3.2.4.3 Certification of Eligibility/Declaration of Ineligibility. An active member is responsible for certifying the eligibility of student-athletes under the terms of the constitution, bylaws or other legislation of the Association before permitting a student-athlete to represent the institution in intercollegiate competition. Procedures for eligibility certification shall be approved by the president or chancellor, who may designate an individual on the institution's staff to administer proper certification of eligibility. The institution shall be obligated immediately to apply all applicable rules and withhold ineligible student-athletes from all intercollegiate competition (see Bylaw 14.10). See Bylaw 14.11 for procedures regarding restoration of eligibility.

3.2.4.15 Compliance-Related Forms. A member institution shall not be eligible to enter a team or individual competitors in an NCAA championship unless its president or chancellor makes an annual institutional eligibility certification [see Bylaw 18.4.2.1-(d)] attesting that the conditions specified have been satisfied.

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).

14.01.1 Institutional Responsibility. An institution shall not permit a student-athlete to represent it in intercollegiate athletics competition unless the student-athlete meets all applicable eligibility requirements, and the institution has certified the student-athlete's eligibility. A violation of this bylaw in which the institution fails to certify the student-athlete's eligibility prior to allowing him or her to represent the institution in intercollegiate competition shall be considered an institutional violation per Constitution 2.8.1; however, such a violation shall not affect the student-athlete's eligibility, provided all the necessary information to certify the student-athlete's eligibility was available to the institution and the student-athlete otherwise would have been eligible for competition.

14.1.7.1 Requirement for Practice. To be eligible to participate in organized practice sessions, a student-athlete shall be enrolled in a minimum full-time program of studies leading to a baccalaureate or equivalent degree as defined by the regulations of the certifying institution.

14.1.7.2 Requirement for Competition. To be eligible for competition, a student-athlete shall be enrolled in at least a minimum full-time program of studies leading to a baccalaureate or equivalent degree, which shall not be less than 12 semester or quarter hours. (*Revised: 6/1/07*)

14.3.2.1.1 Eligibility for Aid, Practice and Competition. An entering freshman with no previous college attendance who was a nonqualifier at the time of enrollment in a Division I institution shall not be eligible for regular-season competition or practice during the first academic year of residence. However, such a student shall be eligible for nonathletics institutional financial aid that is not from an athletics source and is based on financial need only, consistent with institutional and conference regulations.

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).

14.5.4.1 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:

- (a) Has spent at least one full-time semester or one full-time quarter in residence at the two-year college (excluding summer sessions);
- (b) Has presented a minimum grade-point average of 2.500 (see Bylaw 14.5.4.5.3.2); and
- (c) Has satisfactorily completed an average of at least 12-semester or quarter hours of transferable-degree credit acceptable toward any baccalaureate degree program at the certifying institution for each full-time academic term of attendance at the two-year college.

14.9.1 Institutional Responsibility for Eligibility Certification. The president or chancellor is responsible for approving the procedures for certifying the eligibility of an institution's student-athletes under NCAA legislation. The president or chancellor may designate an individual on the institution's staff to administer proper certification of eligibility. Certification of eligibility must occur prior to allowing a student-athlete to represent the institution in intercollegiate competition (see Bylaw 14.01.1). A violation of this bylaw in which the institution fails to certify a student-athlete's eligibility prior to allowing him or her to represent the institution in intercollegiate competition shall be considered an institutional violation per Constitution 2.8.1; however, such a violation shall not affect the student-athlete's eligibility, provided all the necessary information to certify the student-athlete's eligibility was available to the institution and the student-athlete otherwise would have been eligible for competition.

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.

15.01.5 Eligibility of Student-Athletes for Institutional Financial Aid. A student-athlete must meet applicable NCAA (see Bylaw 14), conference and institutional regulations to be eligible for institutional financial aid. If these regulations are met, the student-athlete may be awarded institutional financial aid during any term in which a student-athlete is in regular attendance [was enrolled initially in a minimum full-time program of studies as defined by the certifying institution during that term (see Bylaw 14.1.7.2.1.3 for final term exception and Bylaw 15.2.8 for summer-term exception)] under the following circumstances:

- (a) The student-athlete is an undergraduate with eligibility remaining under Bylaw 14.2 (five-year rule); or
- (b) The student-athlete is a graduate student eligible under Bylaw 14.1.8.

[Note: See Bylaw 13.1.1.3 for the financial aid implications in the prohibition against contacting student-athletes of another four-year collegiate institution without permission of that institution’s athletics director. See Bylaw 14.5.5.4 for financial aid implications related to the academic eligibility of four-year college transfers.]

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.

17.1.3 Declaration of Playing Season. Each member institution shall determine the playing season for each of the sports referenced under Bylaw 17.02.12. Declaration of the institution’s playing season in each such sport shall be on file in writing in the department of athletics prior to the beginning of the institution’s playing season for that sport. Changes in the declaration for a particular sport are permissible and also shall be filed in writing in the office of the institution’s athletics director.

18.4.2.1 General Institutional Requirements. To be eligible to enter a team or an individual in NCAA championship competition, an institution shall:

- (d) Certify, through its president or chancellor on a form approved by the Legislative Council, the institution’s compliance with NCAA legislation. The certification of compliance shall be completed not later than September 15.

Division I 2014-15 Manual

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.

3.2.4.3 Certification of Eligibility/Declaration of Ineligibility. An active member is responsible for certifying the eligibility of student-athletes under the terms of the constitution, bylaws or other legislation of the Association before permitting a student-athlete to represent the institution in intercollegiate competition. Procedures for eligibility certification shall be approved by the president or chancellor, who may designate an individual on the institution's staff to administer proper certification of eligibility. The institution shall be obligated immediately to apply all applicable rules and withhold ineligible student-athletes from all intercollegiate competition (see Bylaw 12.11). See Bylaw 12.12 for procedures regarding restoration of eligibility.

3.2.4.15 Compliance-Related Forms. A member institution shall not be eligible to enter a team or individual competitors in an NCAA championship unless its president or chancellor makes an annual institutional eligibility certification [see Bylaw 18.4.2.1-(d)] attesting that the conditions specified have been satisfied.

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).

12.10.1 Institutional Responsibility for Eligibility Certification. The president or chancellor is responsible for approving the procedures for certifying the eligibility of an institution's student-athletes under NCAA legislation. The president or chancellor may designate an individual on the institution's staff to administer proper certification of eligibility. Certification of eligibility must occur prior to allowing a student-athlete to represent the institution in intercollegiate competition (see Bylaw 14.01.1). A violation of this bylaw in which the institution fails to certify a student-athlete's eligibility prior to allowing him or her to represent the institution in intercollegiate competition shall be considered an institutional violation per Constitution 2.8.1; however, such a violation shall not affect the student-athlete's eligibility, provided all the necessary information to certify the student-athlete's eligibility was available to the institution and the student-athlete otherwise would have been eligible for competition.

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.

14.01.1 Institutional Responsibility. An institution shall not permit a student-athlete to represent it in intercollegiate athletics competition unless the student-athlete meets all applicable eligibility requirements, and the institution has certified the student-athlete's eligibility. A violation of this bylaw in which the institution fails to certify the student-athlete's eligibility prior to allowing him or her to represent the institution in intercollegiate competition shall be considered an institutional violation per Constitution 2.8.1; however, such a violation shall not affect the student-athlete's eligibility, provided all the necessary information to certify the student-athlete's eligibility was available to the institution and the student-athlete otherwise would have been eligible for competition.

14.3.2.1.1 Eligibility for Aid, Practice and Competition. An entering freshman with no previous college attendance who was a nonqualifier at the time of enrollment in a Division I institution shall not be eligible for competition or practice during the first academic year of residence. However, such a student shall be eligible for nonathletics institutional financial aid that is not from an athletics source and is based on financial need only, consistent with institutional and conference regulations.

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).

14.5.4.1 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:

- (a) Has spent at least one full-time semester or one full-time quarter in residence at the two-year college (excluding summer sessions);
- (b) Has presented a minimum grade-point average of 2.500 (see Bylaw 14.5.4.5.3.2); and
- (c) Has satisfactorily completed an average of at least 12 semester or quarter hours of transferable-degree credit acceptable toward any baccalaureate degree program at the certifying institution for each full-time academic term of attendance at the two-year college.

15.01.2 Improper Financial Aid. Any student-athlete who receives financial aid other than that permitted by the Association shall not be eligible for intercollegiate athletics.

15.01.5 Eligibility of Student-Athletes for Institutional Financial Aid. A student-athlete must meet applicable NCAA (see Bylaw 14), conference and institutional regulations to be eligible for institutional financial aid. If these regulations are met, the student-athlete may be awarded institutional financial aid during any term in which a student-athlete is in regular attendance [was enrolled initially in a minimum full-time program of studies as defined by the certifying institution during that term (see Bylaw 14.2.2.1.3 for final term exception and Bylaw 15.2.8 for summer-term exception)] under the following circumstances:

(a) The student-athlete is an undergraduate with eligibility remaining under Bylaw 12.8 (five-year rule); or

(b) The student-athlete is a graduate student eligible under Bylaw 14.6.

[Note: See Bylaw 13.1.1.3 for the financial aid implications in the prohibition against contacting student-athletes of another four-year collegiate institution without permission of that institution's athletics director. See Bylaw 14.5.5.4 for financial aid implications related to the academic eligibility of four-year college transfers.]

15.2.3 Books. A member institution may provide a student-athlete financial aid that covers the actual cost of required course-related books

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.

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

17.1.3 Declaration of Playing Season. Each member institution shall determine the playing season for each of the sports referenced under Bylaw 17.02.17. Declaration of the institution's playing season in each such sport shall be on file in writing in the department of athletics prior to the beginning of the institution's playing season for that sport. Changes in the declaration for a particular sport are permissible and also shall be filed in writing in the office of the institution's athletics director.

18.4.2.1 General Institutional Requirements. To be eligible to enter a team or an individual in NCAA championship competition, an institution shall:

(d) Certify, through its president or chancellor on a form approved by the Legislative Council, the institution's compliance with NCAA legislation. The certification of compliance shall be completed not later than September 15.

Division I 2015-16 Manual

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.

3.2.4.14 Compliance-Related Forms. A member institution shall not be eligible to enter a team or individual competitors in an NCAA championship unless its president or chancellor makes an annual institutional eligibility certification [see Bylaw 18.4.2.1-(d)] attesting that the conditions specified have been satisfied.

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.

14.2.1 Requirement for Practice. To be eligible to participate in organized practice sessions, a student-athlete shall be enrolled in a minimum full-time program of studies leading to a baccalaureate or equivalent degree as defined by the regulations of the certifying institution.

14.2.2 Requirement for Competition. To be eligible for competition, a student-athlete shall be enrolled in at least a minimum full-time program of studies leading to a baccalaureate or equivalent degree, which shall not be less than 12 semester or quarter hours.

14.4.3.1.6 Additional Requirements—Football. [FBS/FCS] In football, a student-athlete who is a member of the institution's football team and who does not successfully complete at least nine semester hours or eight quarter hours of academic credit during the fall term or does not earn the Academic Progress Rate eligibility point for the fall term (or does not successfully complete either requirement) shall not be eligible to compete in the first four contests against outside competition in the following playing season.

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 General Rule. A transfer student from a four-year institution shall not be eligible for intercollegiate competition at a member institution until the student has fulfilled a residence requirement of one full academic year (two full semesters or three full quarters) at the certifying institution.

15.01.2 Improper Financial Aid. Any student-athlete who receives financial aid other than that permitted by the Association shall not be eligible for intercollegiate athletics.

15.2.3 Books. A member institution may provide a student-athlete financial aid that covers the actual cost of required course-related books.

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.

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

17.1.3 Declaration of Playing Season. Each member institution shall determine the playing season for each of the sports referenced under Bylaw 17.02.17. Declaration of the institution's playing season in each such sport shall be on file in writing in the department of athletics prior to the beginning of the institution's playing season for that sport. Changes in the declaration for a particular sport are permissible and also shall be filed in writing in the office of the institution's athletics director.

18.4.2.1 General Institutional Requirements. To be eligible to enter a team or an individual in NCAA championship competition, an institution shall:

- (d) Certify, through its president or chancellor on a form approved by the Council, the institution's compliance with NCAA legislation. The certification of compliance shall be completed not later than September 15.

Division I 2016-17 Manual

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.

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.

14.5.4.1 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:

- (a) Has spent at least one full-time semester or one full-time quarter in residence at the two-year college (excluding summer sessions);
- (b) Has presented a minimum grade-point average of 2.500 (see Bylaw 14.5.4.6.3.2); and
- (c) Has satisfactorily completed an average of at least 12 semester or quarter hours of transferable-degree credit acceptable toward any baccalaureate degree program at the certifying institution for each full-time academic term of attendance at the two-year college.

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.