



**ALBANY STATE UNIVERSITY
PUBLIC INFRACTIONS DECISION
November 13, 2019**

I. INTRODUCTION

The NCAA Division II Committee on Infractions (COI) is an independent administrative body of the NCAA comprised of individuals from the Division II membership and public. The COI is charged with deciding infractions cases involving member institutions and their staffs. This case involves Albany State University's failure to comply with NCAA legislation regarding eligibility certification, financial aid, countable athletically related activities (CARA) and benefits.¹ Further, at one point, the institution impermissibly allowed the faculty athletics representative (FAR) to serve as the director of athletics. The violations established Albany State's failure to monitor and lack of control over the administration of its athletics program. 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 COI adopted the institution's self-imposed penalties and proposed further penalties. Albany State agreed to the proposed additional penalties; therefore, there is no opportunity to appeal.

The violations occurred from the 2014-15 academic year through 2017-18 and involved the institution's failure to comply with multiple bylaws throughout all or parts of those years. The parties agreed that Albany State improperly certified a total of 22 ineligible student-athletes in eight sports as eligible for competition. The institution incorrectly applied amateurism, academic and transfer legislation, resulting in 21 of the student-athletes competing while ineligible and all 22 receiving expenses related to competition. Albany State failed to give notification and hearing opportunities to 20 football student-athletes whose financial aid the institution either cancelled or decreased. The violations also included a failure to track CARA hours for 10 sports, football student-athletes participating in summer 2016 workouts that did not meet the definition of "voluntary" and the provision of impermissible housing benefits to two football student-athletes who resided at no charge in the athletics facility, also in the summer of 2016.

Finally, Albany State impermissibly allowed the FAR to simultaneously serve as director of athletics. The parties agreed that the violations were caused in part by a lack of compliance resources and training and that they demonstrated a failure to monitor and exercise control over the athletics program. The parties also agreed that all violations are major.

¹ A member of the Southern Intercollegiate Athletic Conference, Albany State has an enrollment of approximately 5,000. It sponsors six men's sports and seven women's sports. This is Albany State's second major infractions case. It had a previous case in 2000 involving the over awarding of aid in numerous sports and lack of institutional control.

The COI accepts the parties' factual agreements and concludes major violations occurred. Utilizing NCAA bylaws authorizing penalties, the COI adopts and prescribes the following principal penalties: two years of probation, a \$3,000 fine, recruiting restrictions, grant-in-aid reductions and vacation of records.

II. CASE HISTORY

In September 2016, Albany State hired a new director of athletics. Two months later, when the head football coach requested that he and his staff be allowed to recruit off campus, the director of athletics discovered that several members of the football staff, including the head coach, had not taken and/or passed the mandatory recruiting test. This and other issues prompted the director of athletics to request an NCAA Blueprint Review, which was conducted in December 2016. The review uncovered other areas of concern.

After the head football coach resigned in March 2017, several football student-athletes voiced concerns to the director of athletics regarding possible NCAA rules violations, including reductions in their financial aid without notification. Their statements caused the director of athletics to hire outside counsel and conduct an investigation. The outside counsel contacted the NCAA enforcement staff in April 2017 and a cooperative investigation ensued. The institution and enforcement staff jointly submitted the SDR to the COI on August 7, 2019.²

The COI reviewed the SDR on August 29, 2019, accepted the facts and violations as set forth in the SDR, but proposed additional penalties to the institution. The institution accepted all additional penalties on September 5, 2019. However, as the COI prepared the decision, it noted a number of potentially incorrect bylaw citations supporting the agreed-upon violations. In an October 1, 2019, letter to the parties, the COI requested that they review the citations to ensure that the SDR accurately reflected the violations. The parties responded on October 11, 2019, acknowledging a number of citation errors and submitting an amended SDR. The COI reviewed the amended SDR and noted that some citation issues remained. In order to move the case forward, and pursuant to Bylaw 32.7.1.4.5 and COI Internal Operating Procedures (IOPs) 4-7-2-1 and 4-7-4, the COI makes editorial changes to the violations in this decision to address the issues. The changes do not alter the substance of the SDR.

² Pursuant to COI IOP 4-7-2-1, the COI 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' agreement.

III. PARTIES' AGREEMENTS

PARTIES' AGREED-UPON FACTUAL BASIS, VIOLATIONS OF NCAA LEGISLATION AND TYPE OF VIOLATIONS

The parties jointly submitted an amended SDR that identified an agreed-upon factual basis, violations of NCAA legislation and type of violations.³ The amended SDR identified:

1. **[NCAA Division II Manual Bylaws 15.01.5 and 16.8.1.2 (2014-15); 14.5.4.2-(b)-(2) (2014-15 and 2015-16); 14.3.1.6.1 (2014-15 through 2016-17); 12.1.1, 12.1.1.1 and 12.1.1.1.3 (2014-15 and 2017-18); 14.01.1, 14.1.1, 14.11.1 and 16.8.1 (2014-15 through 2017-18); 15.1.1 (2015-16 and 2016-17); 16.8.1 (2015-16 through 2017-18); 14.5.4.3-(b) (2016-17); 14.4.3.2.1 and 14.5.5.1 (2016-17 and 2017-18); and 14.1.7, 14.1.7.1 and 14.5.4.2-(b) (2017-18)]⁴**

Between the 2014-15 through the 2017-18 academic years, the institution improperly certified 22 student-athletes in eight sports as eligible for competition, resulting in 22 total violations of amateurism certification, academic certification and transfer legislation. As a result, 22 student-athletes received actual and necessary expenses while ineligible or not certified and 21 participated while ineligible. Additionally, the institution failed to withhold 22 student-athletes from competition during subsequent academic years before their eligibility was reinstated. Specifically:

- a. During the 2014-15 academic year, one football student-athlete, practiced and received athletics aid prior to having his amateurism certification. He did not compete while ineligible. During the 2017-18 academic year, two women's basketball student-athletes practiced and competed prior to receiving their final amateurism certification. Both competed in two contests while ineligible. [NCAA Bylaws 16.8.1.2 (2014-15); 12.1.1, 12.1.1.1, 12.1.1.1.3, 14.01.1, 14.11.1 and 16.8.1 (2014-15 and 2017-18)]
- b. During the 2016-17 academic year, one football student athlete competed in his first year in residence as a partial qualifier. The student-athlete received actual and necessary expenses while ineligible. [NCAA Bylaws 14.01.1, 14.1.1, 14.11.1 and 16.8.1 (2016-17)]

³ This decision provides the agreed-upon factual basis and violations as exactly stated in the amended SDR, except for shortening references to the parties and student-athletes and the corrections stated herein.

⁴ The heading for this violation in the amended SDR cited Bylaw 14.1.1 for only the 2016-17 academic year. However, as the violation narrative also supports violations from other years, the COI adds citations to the 2014-15, 2015-16 and 2017-18 Manuals. Further, the amended SDR heading cited Bylaw 16.8.1.2 for the 2016-17 and 2017-18 academic years. The bylaw was different each of those years and does not support any of the violations; therefore, the COI strikes it. The correct citation is 16.8.1. Finally, the COI corrects a typographical error that had Bylaw 16.8.1.2 cited as 16.8.12 for the 2014-15 academic year.

- c. During the 2014-15 through the 2016-17 academic years, one men's basketball student-athlete, one football student-athlete, one softball student-athlete and one women's volleyball student-athlete competed and received athletics aid as non-qualifiers. In addition, one baseball student-athlete and two football student-athletes received athletics aid as non-qualifiers. All the student-athletes received actual and necessary expenses while ineligible and the institution failed to withhold two student-athletes from competition during subsequent academic years before their eligibility was reinstated. [NCAA Bylaws 15.01.5 and 16.8.1.2 (2014-15); 14.01.1, 14.1.1, 14.3.1.6.1, 14.11.1 and 16.8.1 (2014-15 through 2016-17); and 15.1.1 and 16.8.1 (2015-16 and 2016-17)]
- d. During the 2016-17 and 2017-18 academic years, one baseball student-athlete, one football student-athlete and two women's track student-athletes failed to meet four-year college transfer requirements. All four student-athletes failed to pass nine credit hours in the preceding regular academic term. All of the student-athletes received actual and necessary expenses while ineligible and the institution failed to withhold three student-athletes from competition during subsequent academic years before their eligibility was reinstated. [NCAA Bylaws 14.01.1, 14.1.1, 14.4.3.2.1, 14.5.5.1, 14.11.1 and 16.8.1 (2016-17 and 2017-18)]
- e. During the 2014-15 through the 2016-17 academic years, one baseball student-athlete and five football student-athletes failed to meet two-year college transfer requirements. All six student-athletes failed to complete an average of at least 12 semester hours of transferable credit for each full-time academic term of attendance at the two-year college. All student-athletes received actual and necessary expenses while ineligible and the institution failed to withhold two student-athletes from competition during subsequent academic years before their eligibility was reinstated. [NCAA Bylaws 16.8.1.2 (2014-15); 14.5.4.2-(b)-(2) and 16.8.1.2 (2014-15 and 2015-16); 14.01.1, 14.1.1 and 14.11.1 (2014-15 through 2016-17); 16.8.1 (2015-16 and 2016-17); and 14.5.4.3-(b) (2016-17)]
- f. During the spring of 2018 semester, one men's golf student-athlete participated in both practice and competition while below full time. The student athlete received actual and necessary expenses while ineligible. [NCAA Bylaws 14.1.7, 14.1.7.1, 14.11.1 and 16.8.1 (2017-18)]

2. [NCAA Division II Manual Constitution 6.1.3 (2014-15) and 6.1.4 (2015-16)]

During the 2014-15 and the 2015-16 academic years, the institution permitted the former director of athletics to impermissibly serve as the institution's FAR. During the fall of 2016 the institution and the president appointed a new FAR to begin his duties effective January 9, 2017.

3. [NCAA Division II Manual Bylaws 15.3.2.4 and 15.3.5.1 (2014-15) and 15.6.5.1 and 15.6.2.4 (2015-16)]

During the 2014-15 and 2015-16 academic years, the institution impermissibly decreased or cancelled athletics awards and failed to provide the required notices or hearing opportunities for 20 football student-athletes on 21 occasions.

4. [NCAA Division II Manual Bylaw 17.1.6.3.4 (2014-15 through 2016-17)]

Beginning in the 2014-15 and continuing through the 2016-17 academic years, the institution violated NCAA playing and practice season legislation when it failed to record CARA hours in various sports programs. Specifically:

- a. During the 2014-15 academic year, the institution failed to record CARA hours in football, women's volleyball, men's and women's cross country, men's and women's track and field, women's basketball, softball and baseball from November and continuing through the rest of the academic year. The institution failed to record CARA hours in men's basketball beginning in September and continuing through the rest of the academic year. [NCAA Bylaw 17.1.6.3.4 (2014-15)]
- b. During the 2015-16 academic year, the institution failed to record CARA hours in baseball, men's basketball, women's basketball, men's and women's cross country, softball, men's and women's track and field and women's volleyball for the entire academic year. The institution failed to record CARA hours in football beginning in November and continuing through the rest of the academic year. [NCAA Bylaw 17.1.6.3.4 (2015-16)]
- c. During the 2016-17 academic year, the institution failed to record CARA hours in football for the fall semester. [NCAA Bylaw 17.1.6.3.4 (2016-17)]⁵

5. [NCAA Division II Manual Bylaw 16.11.2.1 (2015-16 and 2016-17) and 14.11.1 (2016-17 and 2017-18)]⁶

During the summer of 2016, the institution's football staff provided impermissible benefits to football student-athletes. Specifically, during the summer of 2016, the football

⁵ In the amended SDR, the parties cited to academic year 2015-16 in the parenthetical for Violation No. 4-(c). Because the narrative supports a violation occurred in 2016-17, the COI changes the academic year in the parenthetical. The bylaw language was identical during those two years.

⁶ In the amended SDR, the parties cited Bylaw 16.5.1 in support of this violation. However, Bylaw 16.5.1 was not violated because it does not address this factual narrative. The COI treats Bylaw 16.5.1 as contextual only and strikes it from the violation. Further, because the violation narrative established that violations began in June 2016 and continued into August of that year, the COI adds a citation to the 2015-16 Manual for Bylaw 16.11.2.1. The bylaw language was identical during those two years.

staff permitted two then football student-athletes to live in the institution's athletics facility for approximately six weeks at no charge. The approximate value of the impermissible benefits for both student-athletes was \$1,884. As a result of the impermissible benefits, one of the two competed in 20 contests and received actual and necessary expenses while ineligible. [NCAA Bylaw 16.11.2.1 (2015-16 and 2016-17) and 14.11.1 (2016-17 and 2017-18)]

6. [NCAA Division II Manual Bylaw 17.1.6.2.6.1 (2015-16 and 2016-2017)]⁷

During the summer of 2016, approximately 25 football student-athletes engaged in voluntary workouts four days per week for approximately 10 weeks that were impermissibly observed by members of the football coaching staff and were not designed and conducted by the institution's strength and conditioning personnel.

7. [NCAA Division II Manual Constitution 2.1.1, 2.8.1 and 6.01.1 (2014-15 through 2017-18)]

From the 2014-15 through the 2017-18 academic years, the scope and nature of the violations detailed in Violation Nos. 1 through 6 demonstrate that the institution failed to exercise institutional control and monitor the conduct and administration of its athletics programs when it failed to adequately monitor CARA, initial eligibility and amateurism legislation, ensure compliance with extra benefit legislation, financial aid legislation and transfer legislation and the requirement to appoint a FAR.

IV. REVIEW OF CASE

Agreed-upon Violations

The amended SDR fully detailed the parties' positions in the infractions case and included the agreed-upon primary facts, violations and type of violations. After reviewing the parties' principal factual agreements and respective explanations surrounding those agreements, the COI accepts the parties' amended SDR and concludes that the facts constitute major violations of NCAA legislation. Specifically, the COI concludes that, over parts or all of four academic years, Albany State improperly certified 22 student-athletes in eight sports as eligible for competition. The institution allowed its FAR to simultaneously serve as the director of athletics and cancelled or reduced athletics aid for 20 football student-athletes without providing them notice or hearing opportunities. Further, Albany State violated playing and practice legislation when it failed to record CARA hours in various sports and when football coaches observed summer workouts

⁷ In the amended SDR, the parties only cited to the 2016-17 academic year in support of this violation. Because the violation narrative established that the violation began in June 2016 and continued into August of that year, the COI adds a citation to the 2015-16 Manual for Bylaw 17.1.6.2.6.1. The bylaw language was identical during those two years.

designated as voluntary. Finally, the institution provided impermissible benefits to two football student-athletes by allowing them to reside without cost in the athletics facility during one summer. The totality of the violations demonstrated that the institution failed to exercise control over, and adequately monitor, the athletics program.⁸

Amateurism Violations

Over four years, Albany State allowed 22 student-athletes to practice and/or compete without certifying their amateurism status. The failure by the institution to ensure that student-athletes received final amateurism certification prior to practicing or competing violated Bylaw 12.

Bylaw 12 sets forth the regulations governing student-athlete amateurism. It is one of several bylaws that govern eligibility for competition and allowable benefits related to competition. The bylaw provides that institutions must certify student-athletes as amateurs through a process approved by the membership before allowing them to practice or compete.

Among the 22 student-athletes referenced in Violation No. 1 who were improperly certified as eligible was a football student-athlete during the 2014-15 academic year and two women's basketball student-athletes in 2017-18. All three practiced before Albany State certified that they met amateurism requirements, and the two women's basketball student-athletes also competed and received expenses related to competition before being certified. Because the three student-athletes practiced, and two of them competed and received expenses, before Albany State certified their amateurism status, they participated while ineligible in violation of Bylaw 12 (and other bylaws, as will be explained below).

The COI has previously concluded that institutional failures to certify the amateurism status of student-athletes are major violations of NCAA legislation. See *Lynn University* (2019) (concluding that when the institution allowed six student-athletes to practice and/or compete before certifying their final amateurism status, the violations, and other Bylaw 12 and Bylaw 14 violations, were major); *Saginaw Valley State University* (2019) (concluding major violations when 69 student-athletes over four years practiced and competed prior to amateurism certification); and *Central State University* (2016) (concluding that an institution's failure to verify the amateurism status of 106 student-athletes was a major violation). The requirement that institutions determine the validity of student-athletes' amateurism standing is important to maintaining a level playing field. When institutions fail to meet this requirement for multiple student-athletes over a significant period of time, the violations are major.

Academic Eligibility, Competition Expense and Benefits Violations

Albany State also violated academic and general regulations relating to eligibility for competition. In violation of Bylaw 14, it allowed student-athletes to practice, compete and/or receive related expenses even though they had not met initial or transfer eligibility requirements.

⁸ The full text of all bylaws violated in this case is at Appendix Two.

Before student-athletes compete, member institutions must ensure that they meet certain Bylaw 14 academic benchmarks that apply to first-time enrollees, continuing student-athletes and transfers. The provisions relevant to this case require that student-athletes be classified as full qualifiers to be eligible for athletics aid, practice and competition during their first year of collegiate enrollment. Partial qualifiers and non-qualifiers are ineligible for competition until they spend a year in academic residence, although partial qualifiers can practice and receive athletics aid (non-qualifiers cannot do either). Bylaw 14 also addresses transfer student-athlete eligibility, directing that transfers from both two-year and four-year institutions spend a year in residence before competing or receiving competition-related expenses. Transfer student-athletes can be immediately eligible if they, among other requirements, pass nine hours of academic credit during the previous academic term in which they were enrolled at any collegiate institution. Two-year transfers can be immediately eligible if they average at least 12 hours of transferable credit for each full-time term they spend at the two-year institution (and meet other criteria). Finally, the bylaw requires all student-athletes who compete to be registered as full-time students. Institutions can only allow student-athletes who meet all eligibility requirements to compete and are obligated to withhold all ineligible student-athletes from competition until the NCAA restores their eligibility.

Most of the Bylaw 16 violations in this case followed the Bylaw 14 violations, as often happens when student-athletes compete and receive expenses while ineligible. Bylaw 16 legislation limits institutions to providing competition-related expenses to only those student-athletes who are eligible to compete.

The institution initiated a review of its athletics policies and eligibility determinations in the spring of 2017. The outside consultant identified several academic certification issues, most of which involved questions surrounding initial eligibility decisions and compliance with transfer legislation. By the summer of 2017, the NCAA enforcement staff was involved in the investigation, which eventually focused on the eligibility status of 22 student-athletes from 2014-15 through 2017-18. Of the 22 student-athletes whose eligibility was questioned, 11 participated in football. In addition to the student-athlete whose amateurism status was not certified, one of the 11 competed during his first year on campus and received competition-related expenses despite being a partial qualifier, while three received athletics aid as non-qualifiers (one of whom competed). When it allowed a partial qualifier to compete in his first year on campus, and non-qualifiers to compete and/or receive expenses, Albany State violated Bylaw 14 as well as Bylaw 16.

The final six football student-athletes transferred into Albany State, one from a four-year institution and five from two-year institutions. The institution provided these six with actual and necessary expenses related to competition during their first year on campus even though the four-year transfer had not completed nine hours of academic credit in his previous term of enrollment and the two-years transfers failed to complete an average of at least 12 hours for each full-time

term of attendance at their two-year institutions. The provision of expenses to these six ineligible transfer student-athletes violated Bylaw 16.⁹

The 11 non-football student-athletes listed in Violation No. 1 participated in seven sports and had similar violations. One men's basketball student-athlete, one softball student-athlete and one women's volleyball student-athlete competed and received aid as non-qualifiers, violating Bylaws 14 and 16. A baseball student-athlete and two women's track student-athletes who transferred from four-year institutions received expenses in violation of Bylaw 16 despite failing to meet the Bylaw 14 "nine hours in the preceding term" requirement, while a baseball transfer from a two-year institution received competition-related expenses even though he had not completed an average of 12 hours of transferable credit in each term of his two-year college enrollment, also in violation of Bylaws 14 and 16. Albany State had another instance of combined Bylaw 14 and 16 violations when it allowed a men's golf student-athlete to practice, compete and receive expenses even though he was ineligible due to being enrolled in less than a full-time program of studies. Other provisions of Bylaw 16 limit institutions to providing only those benefits to student-athletes that are expressly authorized by the legislation. Albany State violated this provision when it allowed two football student-athletes to reside rent-free in the athletics facility for approximately six weeks from June into August in the summer of 2016. The total value of the housing was approximately \$1,884. As NCAA legislation does not expressly authorize such arrangements, the housing was an impermissible benefit. One of the student-athletes went on to compete in 20 contests and receive competition-related expenses while ineligible, a Bylaw 14 violation.¹⁰

The COI has consistently held that institutions that allow ineligible student-athletes to compete and receive competition-related expenses commit major violations. *See Central State* (concluding that when an institution allowed three student-athletes to compete and receive expenses while ineligible, did not require a transfer to serve a year in residence and permitted a student-athlete to compete after his tenth semester, the violations were major); *University of West Georgia* (2011) (concluding that major violations occurred when five student-athletes who had not satisfied two-year college transfer requirements competed); *Benedict College* (2005) (concluding that an institution that allowed ineligible transfers to practice, compete and receive athletics aid was a major violation); and *Texas A&M University, Kingsville* (2000) (concluding that when an institution failed to correctly apply various Bylaw 14 provisions, resulting in 20 student-athletes competing while ineligible, the violations were major). These agreed-upon violations are similar to previous cases involving major violations.

Pursuant to Bylaws 19.02.2.1 and 19.02.2.2, a major violation is not isolated or inadvertent, provides or is intended to provide more than a minimal advantage (recruiting, competitive or otherwise) to the institution and/or includes any type of significant benefit. Any violations that

⁹ The agreed-upon violation states that some of the transfer student-athletes who received impermissible expenses competed in subsequent years before their eligibility was restored, in violation of Bylaw 14. However, from the parties' agreement, the COI was unable to ascertain which sport(s) they participated in.

¹⁰ From the information in the amended SDR, the COI was unable to determine if this student-athlete was one of the 22 previously referenced in Violation No. 1.

are not classified as secondary are major violations, specifically those that provide extensive recruiting or competitive advantages. These violations were neither isolated nor inadvertent. They conferred more than minimal advantages on this institution. Therefore, the violations are major.

Financial Aid Violations

The case also includes financial aid violations that occurred when Albany State did not provide hearings to student-athletes whose aid it was cancelling or reducing. The failure by Albany State to provide the hearings violated Bylaw 15.

Bylaw 15 governs financial aid. It requires member institutions to inform student-athletes by July 1 of each year whether their aid will be renewed, reduced or cancelled. If the award is reduced or cancelled, student-athletes are entitled to a hearing before a non-athletics institutional entity to contest the action.

The Bylaw 15 violations occurred when Albany State either cancelled or reduced the athletics aid of 20 football student-athletes over two years. It did so without providing the 20 student-athletes whose aid was reduced and/or cancelled with hearing opportunities to challenge the reductions/nonrenewals. Because those opportunities are mandated for student-athletes whose aid is either reduced or cancelled, the institution's failure to provide them violated Bylaw 15.

Previously, this body concluded that similar Bylaw 15 financial aid violations are major. *See Cheyney University of Pennsylvania (2007)* (concluding that major violations occurred when, over three years, the institution did not provide appropriate notification regarding aid nonrenewal and the hearing committee to consider aid renewals included athletics staff) and *St. Joseph's College (1999)* (concluding that the institution committed a major violation when a head coach did not inform a prospective student-athlete that scholarship renewal is not automatic). Student-athletes are entitled to notification regarding the renewal or cancellation of their athletics aid and a hearing before a tribunal of non-athletics institutional staff. This is an important protection for student-athletes. The failure to provide that protection is a major violation.

Playing and Practice Season Violations

Albany State also committed two types of playing and practice violations when (1) it failed to record daily CARA hours; and (2) football coaches observed voluntary summer workouts that were not conducted by the strength and conditioning staff. These shortcomings violated Bylaw 17.

In the interest of student-athlete health and safety, Bylaw 17 provisions require institutions to record CARA hours every day. The same bylaw allows student-athletes participating in fall sports to participate in summer workouts beginning June 1 each year, but only if the workouts are designed and conducted by certified strength and conditioning coaches and meet the definition of "voluntary." That definition precludes members of the coaching staff from any involvement in the workouts, including observing them.

From 2014-15 through 2016-17, eight sports programs did not record their CARA hours during at least some of that time. When they failed to record the hours, they violated Bylaw 17. Further Bylaw 17 violations occurred during football voluntary workouts in the summer of 2016. Football coaches were present and observed the workouts, which were not designed and conducted by the strength and conditioning staff. Because members of the coaching staff observed the workouts, and strength and conditioning staff was not involved in them, the workouts did not meet the bylaw definition of "voluntary" and were impermissible.

The COI has dealt with similar situations previously. *See Central State* (concluding that when the institution failed to maintain accurate CARA logs for five sports during an academic year, the violation was major); *University of Central Oklahoma* (2008) (concluding that an institution's failure to record CARA for approximately three and one-half years was a major violation); *Salem International University* (2008) (concluding that the failure to record daily CARA hours over parts of two years, and an assistant coach participating in and/or observing men's basketball pre-season pick-up games, were major violations); and *Benedict College* (concluding that the institution's failure to record CARA hours during two semesters was a major violation). The Bylaw 17 violations, like the other violations, were not isolated or inadvertent. Accordingly, they are major.

Violations of the NCAA Constitution

Finally, the violations demonstrated that Albany State did not monitor or control certain aspects of its athletics program. Institutions that fail to monitor and/or control their athletics programs violate the NCAA Constitution.

The NCAA Constitution sets forth expectations for member institutions' governance of their athletics programs. In particular, Constitution 2 and 6 require institutions to comply with all association rules, monitor such compliance, exercise control over their athletics programs and appoint an FAR. The FAR cannot simultaneously hold an administrative or coaching position in the department of athletics.

The parties agreed that the bylaw violations also established violations of the Constitution. Albany State's violations were widespread and involved failures in numerous areas of rules compliance. As set forth in the amended SDR, Albany State's failures can be summarized as: (1) incorrect certification of transfer student-athletes; (2) lack of resources for the compliance effort; and (3) insufficient support from other institutional units. Regarding the transfer certification process, the department of athletics did not adequately coordinate with other campus entities to determine which courses transferred for credit and applied to an individual student-athlete's degree program. The department of athletics should have done more to communicate with the campus departments that made those decisions. Further, the compliance officer was a member of the faculty who only worked in athletics as a consultant. Her athletics duties also included game management, sport supervision and fiscal affairs, and she simply could not keep up with all of her responsibilities. Finally, the offices of the registrar and financial aid provided little support for academic certification and the financial aid process. Personnel in those offices were not adequately trained regarding relevant NCAA legislation and did not fully understand their roles

in the process. The resulting shortcomings in the eligibility certification and financial aid processes, as well as the violations regarding benefits, CARA hours and FAR duties, established violations of NCAA Constitution 2 and 6 provisions that require member institutions to monitor and control the administration of their athletics programs.

When member institutions do not comply with NCAA legislation due to deficiencies in the monitoring and/or control over the administration of their athletics programs, the violations are major. *See Central State* (concluding an institution failed to monitor and lacked control when it did not verify amateurism status, allowed three ineligible student-athletes to compete and receive expenses, did not require a transfer to spend a year in residence and allowed a student-athlete to compete after completing his tenth full-time semester); *Benedict College* (concluding that an institution that erroneously certified two part-time student-athletes and five ineligible transfers as eligible and did not record CARA hours failed to monitor and lacked control over its athletics program) and *Texas A&M University, Kingsville* (2000) (concluding that an institution failed to monitor and exercise control when it erroneously certified 12 ineligible student-athletes and nine two-year transfers as eligible over three years and allowed a football student-athlete to compete beyond his tenth semester of full-time enrollment). As with these institutions, Albany State's violations demonstrated failures to monitor and exercise control over the administration of its athletics program. The violations in this case are major.

V. PENALTIES

For the reasons set forth in Sections III and IV of this decision, the COI accepts the parties' agreed-upon factual basis and violations and concludes this case involved major violations of NCAA legislation. Major violations are not inadvertent, provide or are intended to provide more than a minimal advantage and/or include significant impermissible benefits. Because Albany State agreed to the facts, violations and penalties, it has no opportunity to appeal.

In prescribing penalties, the COI noted that the present director of athletics took note of potential compliance issues within two months of her arrival on campus, initiated an outside audit of the department and engaged in a joint investigation of the violations. The institution met its obligation to self-report and investigate. Additionally, Albany State has begun the process of implementing the recommendations made by the outside auditor. The COI also considered Albany State's cooperation during the infractions process, as addressed by Bylaws 19.01.3 and 32.1.3. The COI concludes that the cooperation exhibited by Albany State met its obligation under the bylaws. The COI also considered Albany State's corrective actions as set forth in Appendix One.

After considering all information relevant to the case, the COI adopts and prescribes the following penalties (self-imposed penalties are so noted):

1. Public reprimand and censure through the release of the public infractions decision.

2. Probation: Two years of probation from November 13, 2019, through November 12, 2021.

3. During the two-year period of probation, Albany State shall:

- a. Continue to develop and implement a comprehensive 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 office of the Committees on Infractions (OCOI) by January 15, 2020, 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 October 1 during each year of probation. Particular emphasis shall be placed on implementing the recommendations of the outside audit, certification of new, continuing and transfer student-athletes, and complying with all financial aid and playing and practice legislation;
- d. In writing, inform prospects in all sports that the institution 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. The 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.

4. Scholarship reductions: The institution shall reduce grants-in-aid as follows:

2018-19 academic year: 3.11 reduction in football and .36 reduction in baseball.

2019-20 academic year: 1.0 reduction in women's basketball, .25 reduction in softball and .6 reduction in men's basketball.

2020-21 academic year: .14 reduction in women's volleyball and .7 reduction in women's track and field. (Self-imposed.)

5. Vacation of records: The institution acknowledged ineligible participation by 21 student-athletes as the result of the violations in this case. Therefore, pursuant to Bylaws 19.5.2-(g) and Executive Regulations 31.2.2.4 and 31.2.2.5, Albany State shall vacate the wins and any ties in which ineligible student-athletes competed from the time they became ineligible through the time they were reinstated as eligible for competition. (Self-imposed.) The individual records of the ineligible student-athletes shall also be vacated during the time they competed while ineligible. However, the individual records and any awards for all eligible student-athletes shall be preserved. Further, the institution's records regarding its athletics program, as well as the records of the affected 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 institutions 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. The head coaches 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-athlete 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 14 days following the release of this decision. The sports information director (or designee) must also inform the OCOI of this submission to the NCAA Media Coordination and Statistics office.

6. Financial Penalty: The institution shall pay a fine of \$3,000. (The institution proposed a \$2,000 fine.)
7. The institution shall undergo an outside audit of its athletics policies and procedures. (Self-imposed and completed in 2016-17.) The institution shall implement all recommendations of the outside auditor.
8. The director of athletics, compliance officer, faculty athletics representative and representatives from the offices of Financial Aid, Registrar, Academic Achievement and Admissions shall attend at least two NCAA Regional Rules Seminars during 2018, 2019, 2020 and 2021. Head coaches will attend once every three years. (Self-imposed.)

9. Following the receipt of the final compliance report and prior to the conclusion of probation, Albany State'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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As required by NCAA legislation for any institution involved in a major infractions case, Albany State shall be subject to the provisions of Bylaw 19.5.2.3, concerning repeat violators, for a five-year period beginning on the effective date of the penalties in this case, November 13, 2019. The COI further advises Albany State 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 the institution 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

John David Lackey
Richard Loosbrock
Melissa Reilly
Jason Sobolik
Harry O. Stinson III, Chair
Jane Teixeira
Christie Ward

APPENDIX ONE

ALBANY STATE'S CORRECTIVE ACTIONS AS IDENTIFIED IN THE AUGUST 7, 2019, SUMMARY DISPOSITION REPORT

1. Established presidential expectations and standards for the department of athletics. (August 2016)
2. Hired a new Director of Athletics. (September 2016)
3. Developed a job description setting forth responsibilities of the role of the Faculty Athletics Representative (FAR). (November 2016)
4. Appointed a new FAR. (December 2016)
5. Completed the NCAA Blueprint Review and Compliance Analysis process (campus visit completed in December 2016, with the final report received in January 2017).
6. Hired a new full-time Associate Director of Athletics for Academics and Compliance, with responsibility for compliance oversight in the eligibility certification process and oversight of financial aid awards and rules compliance. Individual hired has dotted reporting line to the President. (January 2017)
7. Initiated ongoing collaboration between the Athletics Compliance Officer with the Registrar's Office to ensure proper certification of all student-athletes prior to the start of each academic term. (January 2017-present)
8. Established liaisons for athletics in the Office of Financial Aid, Registrar's Office and the Office of Admissions. (February 2017- present)
9. Implemented monthly athletics department compliance rules-education workshops/sessions for all coaches and administrators regarding Division II rules and regulations. (February 2017 - present)
10. Hired an outside consultant with extensive experience in compliance administration to conduct a series of mandatory educational training sessions for the president, registrar's office, financial aid office, athletics compliance officer, director of athletics, faculty athletics representative and other select coaches and administrators. (March 2017)
11. Established protocols for the Director of Athletics or FAR to perform due diligence in order to obtain information regarding the compliance backgrounds of all applicants for all head coach searches. Final candidates are checked via a web search to see if they were involved in any NCAA violations. (April 2017 - present)

12. Retained outside legal counsel to jointly and objectively investigate NCAA infractions and assist with the implementation of corrective actions. (April 2017)
13. Implemented new policies and procedures for financial aid renewals, nonrenewals, reductions and cancellations. (April 2017)
14. Required the Compliance Officer, Director of Athletics, FAR and representatives from the Offices of Financial Aid and Registrar attend NCAA Regional Rules Seminar. (May 2017)
15. Revamped and implemented new compliance procedures (including eligibility certification procedures) and created a new compliance manual, for the athletics department. (July 2017)
16. Created a Compliance Committee, appointed by the President and comprised of representatives from the Registrar's Office, Financial Aid, Admissions, Bursar, Controller and the FAR. The committee is tasked with oversight of the athletics compliance area. (September 2017)
17. Sent all coaches, Compliance Officer, Director of Athletics, FAR and representatives from the Offices of Financial Aid and Registrar to NCAA Regional Rules Seminar. (May 2018)
18. Scheduled campus visit with NCAA VP for Division II and Executive VP of NCAA to conduct a training session with President and campus community. (Fall 2018)
19. Included commitment to rules compliance as a responsibility in the job descriptions, letters of appointment/contract, and evaluation criteria/forms for all institutional staff members who have any responsibility in the area of NCAA compliance. (February 2019)

APPENDIX TWO
Bylaw Citations

2014-15 Division II 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.

6.1.3 Faculty Athletics Representative. A member institution shall designate an individual to serve as faculty athletics representative. An individual so designated after January 12, 1989, shall be a member of the institution's faculty or an administrator who holds faculty rank and shall not hold an administrative or coaching position in the athletics department. Duties of the faculty athletics representative shall be determined by the member institution.

12.1.1 Validity of Amateur Status. As a condition and obligation of membership, it is the responsibility of an institution to determine the validity of the information on which the amateur status of a prospective student-athlete (e.g., including a two-year and four-year college transfer initially enrolling at an NCAA Division II institution) and student-athlete is based. (See Bylaw 14.01.3.)

12.1.1.1 Amateurism Certification Process. An institution shall use an eligibility center approved by the Executive Committee to determine the validity of the information on which the amateur status of a student-athlete is based.

12.1.1.1.3 Eligibility for Practice and Competition. Prior to engaging in practice or competition, a student-athlete shall receive a certification of amateur status for activities that occur prior to the

certification or initial full-time enrollment at an NCAA Division 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 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.

14.1.1 Postseason and Regular-Season Competition. To be eligible for regular-season competition, NCAA championships, and for postseason football bowl games, the student-athlete shall meet all of the Association's general eligibility requirements and any additional eligibility requirements adopted by the applicable membership division.

14.3.1.6.1 Eligibility for Aid, Practice and Competition—Nonqualifier. A student who enrolls in a Division II institution as an entering freshman with no previous college attendance who is a nonqualifier at the time of enrollment shall not be eligible for regular-season competition and practice during the first academic year in residence. However, such a student for whom financial aid was granted without regard to athletics ability shall be eligible for nonathletics institutional financial aid, provided there is on file in the office of the athletics director certification by the faculty athletics representative and the chair of the financial aid committee that financial aid was so granted.

14.5.4.2 Eligibility for Competition, Practice and Athletics Aid—All Other Qualifiers, Partial Qualifiers and Nonqualifiers. A transfer student from a two-year college is eligible for competition, practice and athletics aid during the first academic year in residence at the certifying institution, provided:

- (b) The student-athlete has satisfied one of the following provisions:
 - (2) Satisfactorily completed an average of at least 12-semester or 12-quarter hours of transferable degree credit acceptable toward any baccalaureate degree program at the certifying institution for each academic term of full-time attendance with a cumulative minimum grade-point average of 2.000 (see Bylaw 14.5.4.4.3.2).

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.

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 granted athletically related financial aid for a maximum of 10 semesters/15 quarters. Any institutional financial aid provided after 10 semesters/15 quarters is left to the discretion of the institution consistent with institutional policies for awarding financial aid in general. A student-athlete may be awarded institutional financial aid during any term in which a student-athlete is in regular attendance (i.e., was enrolled initially in a minimum full-time program of studies as defined by the certifying institution during that term). [Note: See Bylaw 13.1.1.2 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.]

15.3.2.4 Hearing Opportunity. The institution's regular financial aid authority shall notify the student-athlete in writing, within 14 consecutive calendar days from the date the student-athlete has been notified of the decision to reduce or cancel aid during the period of the award or the reduction or nonrenewal of aid for the following academic year, of the opportunity for a hearing when institutional financial aid based in any degree on athletics ability is reduced or canceled during the period of the award, or not renewed. The notification of the hearing opportunity shall include a copy of the institution's established policies and procedures for conducting the required hearing, including the deadline by which a student-athlete must request the hearing. The institution shall conduct the hearing within 30 consecutive calendar days of receiving a student-athlete's request for the hearing and shall not delegate the responsibility for conducting the hearing to the university's athletics department or its faculty athletics committee.

15.3.5.1 Institutional Obligation. The renewal of institutional financial aid based in any degree on athletics ability shall be made on or before July 1 before the academic year in which it is to be effective. The institution shall promptly notify in writing each student-athlete who received an award the previous academic year and who has eligibility remaining in the sport in which financial aid was awarded the previous academic year (under Bylaw 14.2) whether the grant has been renewed or not renewed for the ensuing academic year. Notification of financial aid renewals and nonrenewals must come from the institution's regular financial aid authority and not from the institution's athletics department.

16.8.1 Permissible. The permissible expenses for practice and competition that an institution may provide a student-athlete are defined in the following subsections.

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;
- (d) Nonintercollegiate open, amateur competition; and
- (e) Other institutional competition permissible under NCAA legislation, including postseason events.

17.1.6.3.4 Hour-Limitation Record. Countable hours must be recorded on a daily basis for each student-athlete regardless of whether the student-athlete is participating in an individual or team sport. Any countable individual or group athletically related activity must count against the time limitation for each student-athlete who participates in the activity but does not count against time limitations for other team members who do not participate in the activity.

2015-16 Division II 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.

6.1.4 Faculty Athletics Representative. A member institution shall designate an individual to serve as faculty athletics representative. An individual so designated after January 12, 1989, shall be a member of the institution's faculty or an administrator who holds faculty rank and shall not hold an administrative or coaching position in the athletics department. Duties of the faculty athletics representative shall be determined by the member institution.

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 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.

14.1.1 Postseason and Regular-Season Competition. To be eligible for regular-season competition, NCAA championships, and for postseason football bowl games, the student-athlete shall meet all of the Association's general eligibility requirements and any additional eligibility requirements adopted by the applicable membership division.

14.3.1.6.1 Eligibility for Aid, Practice and Competition—Nonqualifier. A student who enrolls in a Division II institution as an entering freshman with no previous college attendance who is a nonqualifier at the time of enrollment shall not be eligible for regular-season competition and practice during the first academic year in residence. However, such a student for whom financial aid was granted without regard to athletics ability shall be eligible for nonathletics institutional financial aid, provided there is on file in the office of the athletics director certification by the faculty athletics representative and the chair of the financial aid committee that financial aid was so granted.

14.5.4.2 Eligibility for Competition, Practice and Athletics Aid—All Other Qualifiers, Partial Qualifiers and Nonqualifiers. A transfer student from a two-year college is eligible for competition, practice and athletics aid during the first academic year in residence at the certifying institution, provided:

- (b) The student-athlete has satisfied one of the following provisions:
 - (2) Satisfactorily completed an average of at least 12-semester or 12-quarter hours of transferable degree credit acceptable toward any baccalaureate degree program at the certifying institution for each academic term of full-time attendance with a cumulative minimum grade-point average of 2.000 (see Bylaw 14.5.4.4.3.2).

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.

15.1.1 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 granted athletically related financial aid for a maximum of 10 semesters/15 quarters. Any institutional financial aid provided after 10 semesters/15 quarters is left to the discretion of the institution consistent with institutional policies for awarding financial aid in general. A student-athlete may be awarded institutional financial aid during any term in which a student-athlete is in regular attendance (i.e., was enrolled initially in a minimum full-time program of studies as defined by the certifying institution during that term). [Note: See Bylaw 13.1.1.2 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.]

15.6.2.4 Hearing Opportunity. The institution's regular financial aid authority shall notify the student-athlete in writing, within 14 consecutive calendar days from the date the student-athlete has been notified of the decision to reduce or cancel aid during the period of the award or the reduction or nonrenewal of aid for the following academic year, of the opportunity for a hearing when institutional financial aid based in any degree on athletics ability is reduced or canceled during the period of the award, or not renewed. The hearing shall be conducted by an institutional entity or committee outside of the athletics department (e.g., financial aid review committee, the office of student affairs, office of the dean of students or a committee composed of the faculty athletics representative, student-athletes and nonathletics faculty/staff members). The notification of the hearing opportunity shall include a copy of the institution's established policies and procedures for conducting the required hearing, including the deadline by which a student-athlete must request the hearing. The institution shall conduct the hearing within 30 consecutive calendar days of receiving a student-athlete's request for the hearing.

15.6.5.1 Institutional Obligation. The renewal of institutional financial aid based in any degree on athletics ability shall be made on or before July 1 before the academic year in which it is to be effective. The institution shall promptly notify in writing each student-athlete who received an award the previous academic year and who has eligibility remaining in the sport in which financial aid was awarded the previous academic year (under Bylaw 14.2) whether the grant has been renewed or not renewed for the ensuing academic year. Notification of financial aid renewals and nonrenewals must come from the institution's regular financial aid authority and not from the institution's athletics department.

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 relatives or friends with a benefit not expressly authorized by NCAA legislation.

17.1.6.2.6.1 Exception - Fall Championships Sports. In fall championship sports (including golf and tennis, for those institutions that conduct the championship segment during the fall), beginning June 1 through the conclusion of an institution's summer vacation period, a student-athlete may participate in workouts designed and conducted by the institution's strength and conditioning personnel, provided such workouts are voluntary and conducted at the request of the student-athlete. Strength and conditioning personnel who conduct such workouts must perform strength and conditioning duties for more than one of the institution's intercollegiate teams during the academic year, must be certified through a national strength and conditioning program and must maintain current certification in first aid, cardiopulmonary resuscitation (CPR) and automatic external defibrillator (AED) use.

17.1.6.3.4 Hour-Limitation Record. Countable hours must be recorded on a daily basis for each student-athlete regardless of whether the student-athlete is participating in an individual or team sport. Any countable individual or group athletically related activity must count against the time limitation for each student-athlete who participates in the activity but does not count against time limitations for other team members who do not participate in the activity.

2016-17 Division II 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.

14.01.1 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 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.

14.1.1 Postseason and Regular-Season Competition. To be eligible for regular-season competition, NCAA championships, and for postseason football bowl games, the student-athlete shall meet all of the Association's general eligibility requirements and any additional eligibility requirements adopted by the applicable membership division.

14.3.1.6.1 Eligibility for Aid, Practice and Competition—Nonqualifier. A student who enrolls in a Division II institution as an entering freshman with no previous college attendance who is a nonqualifier at the time of enrollment shall not be eligible for regular-season competition and practice during the first academic year in residence. However, such a student for whom financial aid was granted without regard to athletics ability shall be eligible for nonathletics institutional financial aid, provided there is on file in the office of the athletics director certification by the faculty athletics representative and the chair of the financial aid committee that financial aid was so granted.

14.4.3.2.1 Application of Rule to Transfer Student. For purposes of certifying eligibility for a transfer student from a two-year or four-year collegiate institution per Bylaw 14.4.3.2, the nine-semester or eight-quarter hours must be transferable degree credit. (See Bylaw 14.5.4.5.3.)

14.5.4.3 Eligibility for Competition, Practice and Athletics Aid—All Other Qualifiers, Partial Qualifiers and Nonqualifiers. A transfer student from a two-year college is eligible for competition, practice and athletics aid during the first academic year in residence at the certifying institution, provided:

- (b) The student-athlete has satisfactorily completed an average of at least 12-semester or 12-quarter hours of transferable credit acceptable toward any baccalaureate degree program at the certifying institution for each full-time academic term of attendance at the two-year college.

14.5.5.1 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 (see Bylaw 14.02.11).

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.

15.1.1 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 granted athletically related financial aid for a maximum of 10 semesters/15 quarters. Any institutional financial aid provided after 10 semesters/15 quarters is left to the discretion of the institution consistent with institutional policies for awarding financial aid in general. A student-athlete may be awarded institutional financial aid during any term in which a student-athlete is in regular attendance (i.e., was enrolled initially in a minimum full-time program of studies as defined by the certifying institution during that term). [Note: See Bylaw 13.1.1.2 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.]

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 relatives or friends with a benefit not expressly authorized by NCAA legislation.

17.1.6.2.6.1 Exception - Fall Championships Sports. In fall championship sports (including golf and tennis, for those institutions that conduct the championship segment during the fall), beginning June 1 through the conclusion of an institution's summer vacation period, a student-athlete may participate in workouts designed and conducted by the institution's strength and conditioning personnel, provided such workouts are voluntary and conducted at the request of the student-athlete. Strength and conditioning personnel who conduct such workouts must perform strength and conditioning duties for more than one of the institution's intercollegiate teams during the academic year, must be certified through a national strength and conditioning program and must maintain current certification in first aid, cardiopulmonary resuscitation (CPR) and automatic external defibrillator (AED) use.

17.1.6.3.4 Hour-Limitation Record. Countable hours must be recorded on a daily basis for each student-athlete regardless of whether the student-athlete is participating in an individual or team

sport. Any countable individual or group athletically related activity must count against the time limitation for each student-athlete who participates in the activity but does not count against time limitations for other team members who do not participate in the activity.

2017-18 Division II 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 Validity of Amateur Status. As a condition and obligation of membership, it is the responsibility of an institution to determine the validity of the information on which the amateur status of a prospective student-athlete (e.g., including a two-year and four-year college transfer initially enrolling at an NCAA Division II institution) and student-athlete is based. (See Bylaw 14.01.3.)

12.1.1.1 Amateurism Certification Process. An institution shall use an eligibility center approved by the Board of Governors to determine the validity of the information on which the amateur status of a student-athlete is based.

12.1.1.1.3 Eligibility for Practice and Competition. Prior to engaging in practice or competition, a student-athlete shall receive a certification of amateur status for activities that occur prior to the certification or initial full-time enrollment at an NCAA Division 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 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.

14.1.1 Postseason and Regular-Season Competition. To be eligible for regular-season competition, NCAA championships, and for postseason football bowl games, the student-athlete shall meet all of the Association's general eligibility requirements and any additional eligibility requirements adopted by the applicable membership division.

14.1.7 Full-Time Enrollment.

14.1.7.1 Requirement for Practice or Competition. To be eligible for practice or competition, a student-athlete shall be enrolled in at least a minimum full-time program of studies leading to a baccalaureate or equivalent degree as defined by the institution, which for purposes of this bylaw and its subsections shall not be less than 12-semester or -quarter hours, regardless of the institution's definition of a minimum full-time program of studies.

14.4.3.2.1 Application of Rule to Transfer Student. For purposes of certifying eligibility for a transfer student from a two-year or four-year collegiate institution per Bylaw 14.4.3.2, the nine-semester or eight-quarter hours must be transferable degree credit. (See Bylaw 14.5.4.5.3.)

14.5.4.2 Eligibility for Competition, Practice and Athletics Aid—Qualifier With No Four-Year College Attendance and Only One Term of Attendance at a Two-Year College. A transfer student from a two-year college who was a qualifier (per Bylaw 14.3.1.1), has not previously attended a four-year collegiate institution and has only attended a two-year college for one academic term (semester or quarter), is eligible for competition, practice and athletics aid during the first academic year in residence at the certifying institution, provided:

(b) The student-athlete has satisfactorily completed at least 12-semester or 12-quarter hours of transferable credit acceptable toward any baccalaureate degree program at the certifying institution for the full-time academic term of attendance at the two-year college.

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 (see Bylaw 14.02.14).

14.11.1 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 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.