

NEGOTIATED RESOLUTION¹

Northern Arizona University – Case No. 020107

February 14, 2023

I. CASE SYNOPSIS

Northern Arizona University (Northern Arizona); former associate athletic director for academics (former associate athletic director); and the NCAA enforcement staff agree with the violations and penalties detailed below. The parties also agree that this case should be resolved as Level II – Mitigated for the institution and Level II – Standard for the former associate athletic director.

On April 2, 2021, Northern Arizona's online proctoring service flagged a math placement exam for a women's basketball student-athlete (student-athlete) for irregularities. On April 7, the vice provost for academic operations notified the institution's vice president of intercollegiate athletics that a potential academic integrity policy violation occurred between the student-athlete and the former associate athletic director.

In accordance with the institution's academic integrity policy, the institution began its internal investigation into the potential violation(s). The institution's review of audio and video recordings demonstrated that the former associate athletic director provided impermissible assistance to the student-athlete throughout the entirety of the exam. On April 15, the institution's associate dean of the College of the Environment, Forestry, and Natural Sciences imposed a sanction that discarded the results of the math placement exam and recommended the matter to the institution's academic integrity hearing board. The vice provost for academic operations referred the matter to the hearing board April 29, and on June 8, the hearing board determined that the student-athlete's actions violated several prohibitions, including the unauthorized use of materials during an examination and colluding with others to engage in academic dishonesty. As a result, the institution discarded the student-athlete's placement exam results, and the matter was referred to the institution's academic integrity hearing board for consideration of further university-level sanctions.

Following the conclusion of those processes, the institution referred the former associate athletic director to human resources for her involvement in the student-athlete's violation. On September 14, 2021, after the human resources process was complete, the institution's senior associate athletics director for compliance submitted a self-report through the Requests/Self-Reports Online (RSRO).

In December 2021, the institution engaged outside counsel and began a collaborative investigation into potential NCAA violations with the enforcement staff. On January 6, 2022, the enforcement staff made the institution aware of the need to declare ineligible, withhold from competition and request reinstatement for the student-athlete. Previously, the institution erroneously believed the student-athlete had not received an academic benefit, as no official

¹ In reviewing this agreement, the hearing panel made editorial revisions pursuant to NCAA Division I Committee on Infractions (COI) Internal Operating Procedure (IOP) 4-7-1-2. These modifications did not affect the substance of the agreement.

institutional academic credit was awarded from the student-athlete's placement test and permitted her to compete in 10 contests and receive actual and necessary expenses while ineligible. The institution immediately began withholding the student-athlete from competition after the enforcement staff's notification.

During the student-athlete's interview, she discussed the academic misconduct surrounding the April 2 math placement exam, other instances in which she allegedly received impermissible academic assistance from the former associate athletic director and provided names of other student-athletes who may have received similar impermissible academic assistance. The student-athlete's interview led the institution to request the audio and video recordings of all student-athletes who took math placement exams between the former associate athletic director's hire date and April 2, 2021. The institution also secured the interviews of current and former student-athletes who were referenced in the student-athlete's interview. The enforcement staff requested and the NCAA Division I Committee on Infractions granted limited immunity for the current student-athletes; however, none of the other interviewees reported receiving or being aware of the former associate athletic director providing impermissible academic assistance to any student-athlete, other than the student-athlete involved in this violation. Furthermore, none of the requested audio and video recordings showed any irregularities involving the former associate athletic director.

On July 21, 2022, the enforcement staff interviewed the former associate athletic director. The former associate athletic director acknowledged that she provided impermissible academic assistance to the student-athlete during the math placement exam and accepted responsibility for the potential violation. She explained it as a lapse in judgement. The former associate athletic director stated that she did not intend to provide an academic advantage to the student-athlete. Instead, the former associate athletic director noted that she thought the exam was open book because it was not administered in the institution's math center as was typical with most online math exams. Regarding the student-athlete's other allegations, the former associate athletic director denied providing any additional assistance to the student-athlete in other courses and denied providing impermissible academic assistance to any other student-athletes.

II. PARTIES' AGREEMENTS

A. Agreed-upon findings of fact, violations of NCAA legislation and violation levels.

[NCAA Division I Manual Bylaws 14.9.2.1-(a) and 14.9.2.2-(a) (2020-21) and 12.11.1 and 16.8.1 (2021-22)] (Level II)

The institution, former associate athletic director and enforcement staff agree that on April 2, 2021, the former associate athletic director engaged in academic misconduct when the former associate athletic director provided a significant number of answers to a math placement exam to the student-athlete. Further, the institution did not recognize the need to declare ineligible, withhold from competition and request reinstatement for the student-athlete. As a result, the

student-athlete competed in 10 contests and received actual and necessary expenses while ineligible.

B. Agreed-upon aggravating and mitigating factors.

Pursuant to NCAA Bylaw 19.10.3-(e), the parties agree that the aggravating and mitigating factors identified below are applicable. The parties assessed the factors by weight and number and agree that this case should be properly resolved as Level II – Mitigated for the institution and Level II – Standard for the former associate athletic director.

In reaching a mitigated classification for the institution, the parties agreed that significant weight should be given to the mitigating factors in Bylaw 19.12.4.1-(g) and (i) (exemplary and meaningful cooperation) because the institution identified individuals to be interviewed by the enforcement staff and secured interviews with individuals who were not under obligation to interview with enforcement. The institution also expended substantial resources to expedite a thorough and fair collection and disclosure of information. In reaching a standard classification for the former associate athletic director, the parties agreed that substantial weight should be given to the mitigating factor in Bylaw 19.12.4.2-(b) (prompt acknowledgement) because the former associate athletic director immediately acknowledged her involvement in the violation and accepted responsibility.

Institution:

1. Aggravating factors (Bylaw 19.12.3.1).
 - a. Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct [Bylaw 19.12.3.1-(e)].
 - b. One or more violations caused ineligible competition [Bylaw 19.12.3.1-(f)].
2. Mitigating factors (Bylaw 19.12.4.1).
 - a. Prompt self-disclosure of the violation [Bylaw 19.12.4.1-(a)].
 - b. Prompt acknowledgement of the violation and acceptance of responsibility [Bylaw 19.12.4.1-(b)].
 - c. Institution self-imposed meaningful corrective measures and/or penalties [Bylaw 19.12.4.1-(c)]
 - d. An established history of self-reporting Level III or secondary violations [Bylaw 19.12.4.1-(e)].²

² The institution reported 30 Level III or secondary violations from 2018 to 2022, approximately six violations each year.

- e. Exemplary cooperation [Bylaw 19.12.4.1-(g)].
- f. The absence of prior conclusions of Level I, Level II or major violations committed by the institution within the past 10 years [Bylaw 19.12.4.1-(h)].
- g. Securing the meaningful cooperation of an individual who does not have an affirmative obligation to cooperate under Bylaw 19.2.1 [Bylaw 19.12.4.1-(i)].

Involved Individual (former associate athletic director):

- 1. Aggravating factors (Bylaw 19.12.3.2).
 - a. Persons of authority condoned, participated in or negligently disregarded the violation or wrongful conduct [Bylaw 19.12.3.2-(d)].
 - b. One or more violations caused ineligible competition [Bylaw 19.12.3.2-(e)].
 - c. Conduct or circumstances demonstrating an abuse of a position of trust [Bylaw 19.12.3.2-(f)].
- 2. Mitigating factors (Bylaw 19.12.4.2).
 - a. Prompt acknowledgement of and acceptance of responsibility for the violation [Bylaw 19.12.4.2-(b)].
 - b. The absence of prior conclusions of Level I, Level II or major violations committed by the involved individual [Bylaw 19.12.4.2-(e)].

III. OTHER VIOLATIONS OF NCAA LEGISLATION SUBSTANTIATED; NOT ALLEGED

None.

IV. REVIEW OF OTHER ISSUES

None.

V. PARTIES' AGREED-UPON PENALTIES³

All penalties agreed upon 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.

Pursuant to Bylaw 19.10.3-(e), the parties agree to the following penalties:

Core Penalties for Level II – Mitigated Violations (Bylaw 19.12.6)

1. Probation: One year of probation from February 14, 2023, through February 13, 2024.
2. Financial Penalty: The institution shall pay \$5,000 to the NCAA.

Core Penalties for Level II – Standard Violations (Bylaw 19.12.6)

3. Show-cause order: The former associate athletic director committed academic misconduct when she provided a significant number of answers to a math placement exam to the student-athlete. Therefore, the former associate athletic director shall be subject to a one-year show-cause order from February 14, 2023, through February 13, 2024. In accordance with Bylaw 19.12.6.4 and Committee on Infractions Internal Operating Procedure 5-15-3-2, the former associate athletic director shall attend the annual NCAA Regional Rules Seminar at her own expense, participate in N4A's Professional Development Institute at her own expense and present rules education sessions concerning academic misconduct and lessons learned from the infractions case to the athletics staff and to student-athletes at her current institution.⁴ Any member institution that employs the former associate athletic director in an athletically related position during the one-year show-cause period, shall abide by the terms of the show-cause order unless it contacts the Office of the Committees on Infractions (OCOI) to make arrangements to show cause why the terms of the order should not apply.

Additional Penalties for Level II – Mitigated Violations (Bylaw 19.12.8)

4. Public reprimand and censure through the release of the negotiated resolution agreement.

³ All penalties must be completed during the time periods identified in this decision. If completion of a penalty is impossible during the prescribed period, the institution shall make the Committee on Infractions aware of the impossibility and must complete the penalty at the next available opportunity.

⁴ The former associate athletic director is currently employed at a separate membership institution.

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5. Vacation of team and individual records: Ineligible participation in the women's basketball program occurred during the 2021-22 season as a result of violations in this case. Therefore, pursuant to Bylaws 19.12.8-(g) and 31.2.2.3, Northern Arizona shall vacate all regular season and conference tournament wins, records and participation in which the ineligible student-athlete competed from the time they became ineligible through the time they were reinstated as eligible for competition. Further, if the ineligible student-athlete participated in NCAA postseason competition at any time they were ineligible, Northern Arizona's participation in postseason contests in which the ineligible competition occurred shall be vacated. The individual records of the ineligible student-athlete shall also be vacated. However, the individual finishes and any awards for all eligible student-athletes shall be retained. Further, Northern Arizona's records regarding its women's basketball program, as well as the records of the head coach, shall reflect the vacated records and be recorded in all publications in which such records are reported, including but not limited to, institutional media guides, recruiting material, electronic and digital media plus institutional, conference and NCAA archives. Any institution that may subsequently hire the affected head coach shall similarly reflect the vacated wins in their career records documented in media guides and other publications cited above. Head coaches with vacated wins on their records may not count the vacated wins toward specific honors or victory "milestones" such as 100th, 200th or 500th career victories. Any public reference to the vacated records shall be removed from the athletics department stationery, banners displayed in public areas and any other forum in which they may appear. Any trophies awarded by the NCAA in women's basketball program shall be returned to the Association.

Finally, to aid in accurately reflecting all institutional and student-athlete vacations, statistics and records 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 media coordination and statistics office with a written report detailing those discussions. This written report will be maintained in the permanent files of the media coordination and statistics office. The written report must be delivered to the office no later than 14 days following the release of this decision or, if the institution appeals the vacation penalty, at the conclusion of the appeals process. A copy of the written report shall also be delivered to the OCOI at the same time.

6. During this period of probation, the institution shall:
 - a. Continue to develop and implement a comprehensive educational program on NCAA legislation to instruct coaches, the faculty athletics representative, all

athletics department personnel and all institutional staff members with responsibility for recruiting and certification legislation.

- b. Submit a preliminary report to the OCOI by April 1, 2023, setting forth a schedule for establishing this compliance and educational program.
 - c. File with the OCOI annual compliance reports indicating the progress made with this program by January 15th during the year of probation. Particular emphasis shall be placed on rules education and monitoring related to academic misconduct.
 - d. Inform prospects in the women's basketball program in writing that the institution is on probation for one year 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 a National Letter of Intent.
 - e. Publicize specific and understandable information concerning the nature of the infractions by providing, at a minimum, a statement to include the types of violations and the affected sport programs and a direct, conspicuous link to the public infractions decision located on the athletics department's main webpage "landing page" and in the media guides for the women's basketball program. The institution's statement must: (i) clearly describe the infractions; (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.
7. Following the receipt of the final compliance report and prior to the conclusion of probation, the institution's president shall provide a letter to the Committee on Infractions affirming that the institution's current athletics policies and practices conform to all requirements of NCAA regulations.

VI. OTHER AGREEMENTS

The parties agree that this case will be processed through the NCAA negotiated resolution process as outlined in Bylaw 19.10, and a hearing panel comprised of members of the Committee on Infractions will review the negotiated resolution. The parties acknowledge that the negotiated resolution contains agreed-upon findings of fact of NCAA violations and agreed-upon aggravating and mitigating factors based on information available at this time. Nothing in this resolution

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precludes the enforcement staff from investigating additional information about potential rules violations. The parties agree that, pursuant to Bylaw 19.1.3, the violations identified in this agreement occurred and should be classified as Level II – Mitigated for the institution and Level II – Standard for the former associate athletic director.

If a hearing panel approves the negotiated resolution, the institution and former associate athletic director agree that they will take every precaution to ensure that the terms of the penalties are observed. The institution and former associate athletic director acknowledge that they have or will impose and follow the penalties contained within the negotiated resolution, and these penalties are in accordance with those prescribed in Bylaws 19.12.6, 19.12.7, 19.12.8 and 19.12.9. The office of the Committees on Infractions will monitor the penalties during their effective periods. Any action by the institution or former associate athletic director 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.

The parties acknowledge that this negotiated resolution may be voidable by the Committee on Infractions if any of the parties were aware or become aware of information that materially alters the factual information on which this negotiated resolution is based.

The parties further acknowledge that the hearing panel, subsequent to its review of the negotiated resolution, may reject the negotiated resolution. Should the hearing panel reject the negotiated resolution, the parties understand that the panel will issue instructions for processing of the case pursuant to hearing resolution (Bylaw 19.8) or limited resolution (Bylaw 19.9) and prior agreed-upon terms of the rejected negotiated resolution will not be binding.

Should a hearing panel approve the negotiated resolution, the parties agree that they waive NCAA hearing and appellate opportunities.

VII. DIVISION I COMMITTEE ON INFRACTIONS APPROVAL

Pursuant to NCAA Bylaw 19.10.1, the panel approves the parties' negotiated resolution agreement. The panel's review of this agreement is limited. Panels may only reject a negotiated resolution agreement if the agreement is not in the best interests of the Association or if the agreed-upon penalties are manifestly unreasonable. *See* Bylaw 19.10.4. In this case, the panel determines the agreed-upon facts, violations, aggravating and mitigating factors, and classifications are appropriate for this process. Further, the parties classified this case as Level II-Mitigated for Northern Arizona and Level II-Standard for the former associate athletic director's violations. The agreed upon penalties align with the ranges identified for core penalties for Level II-Mitigated and Level II-Standard cases in Figure 19-1 and Bylaw 19.12.6 and the additional penalties available under Bylaw 19.12.8. Pursuant to Bylaw 19.10.6, this negotiated resolution has no precedential value.

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The COI advises Northern Arizona and the former associate athletic director that they should take every precaution to ensure that they observe the terms of the penalties. The COI will monitor the institution while it is on probation to ensure compliance with the penalties and terms of probation and may extend the probationary period, among other action, if the institution does not comply or commits additional violations. Likewise, any action by the institution, and/or the former associate athletic director contrary and to the terms of any of the penalties or any additional violations shall be considered grounds for prescribing more severe penalties and/or may result in additional allegations and violations.

NCAA COMMITTEE ON INFRACTIONS PANEL

Joe Novak

Dave Roberts, Chief Hearing Officer

Tricia Turley Brandenburg

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APPENDIX

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APPENDIX

NORTHERN ARIZONA UNIVERSITY'S CORRECTIVE ACTIONS

- The institution terminated the former associate athletic director for academic affairs in June 2022.