

NEGOTIATED RESOLUTION¹

Johns Hopkins University – Case No. 01206

May 28, 2021

I. CASE SYNOPSIS

Johns Hopkins University (Johns Hopkins) and the NCAA enforcement staff agree that violations of NCAA financial aid legislation occurred as detailed herein. Johns Hopkins initially discovered and self-reported the information contained in Agreed-Upon Finding of Fact No. 1 following an institutional audit and a thorough review of records by athletics compliance and financial aid staff. As detailed in Agreed-Upon Finding of Fact No. 2, the institution and enforcement staff agree that the violations detailed in Agreed-Upon Finding of Fact No. 1 demonstrate that the institution failed to monitor the administration of financial aid with respect to its NCAA Division I men's and women's lacrosse programs.²

During the spring and summer of 2020, the institution discovered that multiple Division I financial aid violations occurred during the 2016-17 through 2019-20 academic years. First, the institution did not notify 77 men's and women's lacrosse student-athletes of the renewal, reduction or cancellation of athletics aid by the legislatively required July 1 deadline. In nearly every instance, the institution's financial aid office issued renewal letters, but did not send the letters until later in July or in early August. Second, the head men's lacrosse coach worked with multiple men's lacrosse student-athletes and/or their parents to reduce the amount of the student-athletes' athletics aid in a subsequent year. As a result, the institution did not provide 12 men's lacrosse student-athletes with written notification of the reductions to their athletics aid or information about a hearing opportunity. Third, the institution did not have an established hearing process available to student-athletes whose aid was reduced or cancelled. Finally, the men's and women's lacrosse teams exceeded the equivalency limits when the institution mistakenly used its cost-of-attendance figure for textbooks instead of the placeholder figure required by NCAA legislation during the 2016-17 through 2019-20 academic years and when it made a clerical error of transposing two digits in the athletics awards listed for two student-athletes on the 2017-18 women's lacrosse squad list.

The identified financial aid violations occurred as a result of the institution's failure to adequately monitor the application of Division I financial aid legislation for its men's and women's lacrosse programs and an incomplete understanding of the processes required to administer Division I financial aid. Further, the institution did not adequately educate the institutional staff members responsible for awarding athletics aid.

¹ In reviewing this agreement, the hearing panel made editorial revisions pursuant to NCAA Division I Committee on Infractions (COI) Internal Operating Procedure (IOP) 4-9-1-2. These modifications did not affect the substance of the agreement.

² Johns Hopkins sponsors Division I men's and women's lacrosse programs and 22 NCAA Division III varsity teams. The men's lacrosse and women's lacrosse programs have been affiliate members of the Big Ten Conference since July 1, 2014, and July 1, 2016, respectively, and apply the autonomy financial aid legislation.

The violations in this case were not isolated or limited in that they involved 80 student-athletes over a four-year period and included financial aid violations in several areas. Despite an agreed-upon failure to monitor finding, the institution and enforcement staff's investigation determined that Johns Hopkins, its men's and women's lacrosse coaches, and its compliance and financial aid staff members did not intend to circumvent NCAA legislation, and that none of the identified lacrosse student-athletes raised any concern to the institution or contested the reduction or cancellation of their athletics aid. Moreover, the financial aid violations that impacted team equivalency calculations were incremental and did not impact student-athlete eligibility. Accordingly, the institution and enforcement staff agree this case is properly classified as Level II – Mitigated.

II. PARTIES' AGREEMENTS

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

1. [NCAA Division I Manual Bylaws 15.3.2.3, 15.3.5.1.1, 15.3.5.2.2, 15.3.7.1, 15.5.3.1.1, 15.5.3.1.2, 15.5.3.2 and 15.5.3.2.3-(c) (2016-17 through 2019-20)] (Level II)

The institution and enforcement staff agree that from at least the 2016-17 through 2019-20 academic years, the institution failed to provide a total of 80 men's and women's lacrosse student-athletes with timely notification of the renewal, reduction or cancellation of athletics aid and a hearing opportunity. Additionally, the men's and women's lacrosse teams exceeded maximum team grant-in-aid limitations. Specifically:

- a. The institution failed to notify 77 men's and women's lacrosse student-athletes of their renewal of institutional financial aid by July 1 and failed to notify 12 men's lacrosse student-athletes in writing that their institutional athletics aid was reduced or cancelled during the period of the award or reduced or not renewed for the following academic year.³ Further, the institution failed to establish hearing procedures and notify the 12 men's lacrosse student-athletes in writing of the opportunity for a hearing regarding the reduction, cancellation or nonrenewal of institutional athletics aid. [NCAA Bylaws 15.3.2.3, 15.3.5.1.1, 15.3.5.2.2 and 15.3.7.1 (2016-17 through 2019-20)]
- b. The men's and women's lacrosse teams exceeded maximum team grant-in-aid limitations due to the institution's miscalculations for books and for the 2017-18 academic year, inadvertent miscalculations of the individual equivalencies for two women's lacrosse student-athletes as follows:

³ Nine of the 12 men's lacrosse student-athletes were also included within the 77 men's and women's lacrosse student-athletes who did not receive notification of the renewal of athletics aid by July 1. Thus, this case involved a total of 80 student-athletes.

	Men's Lacrosse	Women's Lacrosse
2016-17	N/A	.05
2017-18	.03	.16
2018-19	.01	.02
2019-20	.10	.09

[NCAA Bylaws 15.5.3.1.1, 15.5.3.1.2, 15.5.3.2 and 15.5.3.2.3-(c)
(2016-17 through 2019-20)]

2. [NCAA Division I Manual Constitution 2.8.1 (2016-17 through 2019-20)] (Level II)

The institution and enforcement staff agree that from the 2016-17 through the 2019-20 academic years, the scope and nature of the violations detailed in Agreed-Upon Finding of Fact No. 1 demonstrate that the institution violated the NCAA principle of rules compliance when it failed to adequately monitor its obligation to provide student-athletes with timely written notification of the renewal, cancellation or reduction of athletics aid and did not establish or provide hearing procedures for student-athletes whose aid was reduced or cancelled. Further, for at least the four-year period, the institution did not adequately educate the institutional staff members responsible for awarding athletics aid.

B. Agreed-upon aggravating and mitigating factors.

Pursuant to NCAA Bylaw 19.5.12.1.3-(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.

Institution:

1. Aggravating factor (Bylaw 19.9.3).

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

2. Mitigating factors (Bylaw 19.9.4).

- a. Prompt acknowledgment of the violation, acceptance of responsibility and imposition of meaningful corrective measures and/or penalties [NCAA Bylaw 19.9.4-(b)].
- b. Affirmative steps to expedite final resolution of the matter, including timely submission of a negotiated resolution [NCAA Bylaw 19.9.4-(c)].

- c. The absence of prior conclusions of Level I, Level II or major violations⁴ [NCAA Bylaw 19.9.4-(h)].

III. OTHER VIOLATIONS OF NCAA LEGISLATION SUBSTANTIATED; NOT ALLEGED

None.

IV. REVIEW OF OTHER ISSUES

The institution and enforcement staff agree that the head men's and women's lacrosse coaches rebutted the presumption of responsibility outlined in Bylaw 11.1.1.1 in that each coach promoted an atmosphere of compliance and monitored the activities of all institutional staff members involved with his and her programs who reported directly or indirectly to him or her. Both coaches communicated and worked with athletics and financial aid department staff in administering and monitoring athletics aid, and there was no intent to circumvent NCAA rules or conceal violations.

V. PARTIES' AGREED-UPON PENALTIES⁵

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 19.5.12.1.3-(e), the parties agree to the following penalties:

Core Penalties for Level II – Mitigated Violations (Bylaw 19.9.5)

1. Probation: One year of probation from May 28, 2021 through May 27, 2022.⁶
2. Financial Penalty: The institution shall pay a fine of \$5,000 to the NCAA.
3. Scholarship Reductions:

⁴ Specific to the Division III athletics programs, there are also no prior conclusions of major violations.

⁵ If an opportunity to serve a penalty will not be available due to circumstances related to COVID-19, the penalty must be served at the next available opportunity. With the exception of postseason bans, probation and general show-cause orders, this methodology applies to all penalties, including institutional penalties, specific restrictions within show-cause orders and head coach restrictions, unless otherwise noted.

⁶ Institutions must serve probation during the prescribed penalty period. The COVID-19 next available opportunity penalty methodology does not apply.

- a. The institution shall reduce the number of grants-in-aid awarded in men's lacrosse by .28 (2%) for the 2021-22 academic year. The reduction shall be based on the average amount of aid awarded in the men's lacrosse program over the past four years. Specifically, the institution shall be limited to no more than 12.32 grants-in-aid in men's lacrosse for the academic year.⁷
- b. The institution shall reduce the number of grants-in-aid awarded in women's lacrosse by a total of .64 (5%) over the 2021-22 and 2022-23 academic years. The reduction shall be based on the average amount of aid awarded in the women's lacrosse program over the past four years. Specifically, the institution shall be limited to no more than 23.36 grants-in-aid in women's lacrosse for the combined 2021-22 and 2022-23 academic years.⁸

Additional Penalties for Level II – Mitigated Violations (Bylaw 19.9.7)

4. Public reprimand and censure through the release of the negotiated resolution agreement.
5. 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 office of the Committees on Infractions by July 15, 2021, setting forth a schedule for establishing this compliance and educational program.
 - c. File with the office of the Committees on Infractions annual compliance reports indicating the progress made with this program by March 30, 2022. Particular emphasis shall be placed on rules education and monitoring related to financial aid.
 - d. Inform prospects in the men's and women's lacrosse programs 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,

⁷ Consistent with Figure 19-1, the scholarship reduction is a two-for-one reduction based upon equivalency overages of .14 and .32 in the men's and women's lacrosse programs as detailed in Agreed-Upon Finding of Fact No. 1-b.

⁸ The sum scholarship reduction in women's lacrosse will be spread over two years to accommodate the program's existing commitments to current student-athletes and prospective student-athletes enrolling in the fall of 2021.

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 men's and women's lacrosse programs. 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.
6. 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 NCAA Division I 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 19.5, 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 precludes the enforcement staff from investigating additional information about potential rules violations. The parties agree that, pursuant to Bylaw 19.1.2, the violations identified in this agreement occurred and should be classified as Level II – Mitigated.

If a hearing panel approves the negotiated resolution, the institution agrees that it will take every precaution to ensure that the terms of the penalties are observed. The institution acknowledges that it has or will impose and follow the penalties contained within the negotiated resolution, and these penalties are in accordance with those prescribed in Bylaws 19.9.5, 19.9.6, 19.9.7 and 19.9.8. The office of the Committees on Infractions 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.

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. Additionally, the parties acknowledge that this negotiated resolution will not be binding if the case is referred to the independent accountability resolution process (Bylaw 19.11).

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 case may be submitted through a summary disposition report (Bylaw 19.6) or notice of allegations (Bylaw 19.7) 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 19.5.12, 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 19.5.12.2. 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 Johns Hopkins. The agreed-upon penalties align with the ranges identified for core penalties for Level II-Mitigated cases in Figure 19-1 and Bylaw 19.9.5 and the additional penalties available under Bylaw 19.9.7. Pursuant to Bylaw 19.5.12.4, this negotiated resolution has no precedential value.

The COI advises Johns Hopkins that they should take every precaution to ensure that it observes 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, contrary 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
Thomas Hill, chief hearing officer
Jill Redmond
Dave Roberts

APPENDIX

JOHNS HOPKINS UNIVERSITY'S CORRECTIVE ACTIONS

1. The institution instituted a new workflow on ARMS for approval of all changes to athletically related financial aid (i.e., new scholarship requests, reductions, cancellations and nonrenewals), which includes approval from the compliance office, the director of athletics and financial aid office.
2. The institution created and implemented a formal policy for appeal hearings related to the reduction, cancellation or nonrenewal of athletically related financial aid.
3. The institution reviewed and updated all athletically related financial aid agreements for one-year and multi-year awards.
4. The institution created a policies and procedures document for the administration of its athletically related financial aid with timelines related to workflow initiation and approval to ensure compliance with applicable rules moving forward.
5. The institution enhanced communication between the athletics department and financial aid to include regular meetings with the director of athletics, the compliance office and financial aid leadership.
6. The financial aid department liaison to the athletics department will attend the 2021 NCAA Regional Rules Seminar.
7. The institution's compliance office increased its oversight and tracking of future scholarship commitments by both the men's and women's lacrosse programs by creating a shared tracking spreadsheet for each team. As part of the increased oversight, the compliance office will engage in regular review and communication of scholarship amounts with head coaches and staff members who assist with the administrative oversight of the lacrosse programs.
8. The institution created an equivalency projection spreadsheet to help estimate future increases to tuition and room and board in an effort to project future cost of attendance figures and assist with projecting out equivalencies for student-athletes whose athletically related financial aid is based on a percentage of certain elements.