

NEGOTIATED RESOLUTION

Jackson State University – Case No. 00991

October 23, 2020

I. CASE SYNOPSIS

This case concerns the failure to obtain final certification of amateur status for 34 student-athletes in seven sports over a four-year period, recruiting inducements in football and failure to monitor. The institution self-detected and self-reported the initial violations, and the parties engaged in a collaborative investigation to determine their scope.

In July 2018, Jackson State University (Jackson State) hired a new associate athletic director for compliance. During the fall of 2018 certification process, the associate athletic director for compliance discovered 20 current student-athletes practiced and competed prior to obtaining their final amateurism certification. The institution self-reported the violations to the NCAA enforcement staff. The enforcement staff requested the institution to review student-athletes' amateurism certification from the fall of 2014 through the fall of 2018.¹ The institution discovered an additional 14 student-athletes, totaling 34 student-athletes across seven sports, who practiced and competed prior to obtaining their final amateurism certification. Seven of the student-athletes exhausted eligibility prior to the discovery and never received final certification. The institution submitted reinstatement requests for the other 27 student-athletes. Twenty-six of the student-athletes received final certification while one student-athlete obtained certification with conditions. The institution and enforcement staff agree that this violation is Level II. Additionally, because the systems in place at that time failed to detect or prevent the violations, the institution agreed that it failed to monitor this element of its athletics program.

In September 2019, a football student-athlete at another NCAA member institution sent multiple tweets alleging violations in the Jackson State football program. The institution and enforcement staff discovered that in December 2018, the football student-athlete, then a prospective student-athlete (prospect) from a two-year community college, intended to transfer to Jackson State and enrolled in two of the institution's online courses. The prospect needed to complete the courses successfully to be eligible. The prospect's godmother, contacted the then internal operations for football (operations staff member) about the prospect needing a tutor for the courses. The operations staff member then contacted and arranged for two Jackson State students (students 1 and 2) to tutor the prospect in his courses. Additionally, on December 13, after the prospect's godmother contacted the operations staff member and indicated that she was experiencing financial challenges, the operations staff member sent \$300 via cash transfer to the prospect's godmother. On December 14, the prospect's godmother paid \$110 via a cash transfer app to student 1. On December 30, the prospect's godmother paid \$50 via a cash transfer app to student 2. The prospect enrolled at Jackson State in the spring of 2019. However, the prospect did not receive athletics aid, practice or compete. In July, the prospect transferred to another NCAA member institution. The parties agree that this violation is Level II.

¹ At the enforcement staff's request, Jackson State reviewed the men's basketball and football programs over those four years for progress-toward-degree to ensure the violations were limited. Jackson State did not detect further violations.

Because the operations staff member was involved in violations, the institution suspended her on September 20, 2019. The institution terminated her employment on June 19, 2020. The parties considered the operations staff member's year away from college athletics when determining appropriate penalties.

The institution, operations staff member and enforcement staff agree that this case can be processed through negotiated resolution and that it should be properly resolved as Level II - Standard for the institution and Level II - Mitigated for the operations staff member. In reaching a "standard" classification, the parties assessed the aggravating and mitigating factors by weight and number.

Infractions cases involving certification violations are difficult to investigate and process, largely because of an institution's inability to provide the enforcement staff the needed information to determine the precise scope and origins of the violations. In this case, the institution self-detected and self-reported the initial violations. Further, throughout the case, the associate athletic director for compliance and the assistant athletic director for compliance devoted substantial time and resources to assist the enforcement staff, discover critical information and recertify student-athletes' eligibility in a timely manner.

II. PARTIES' AGREEMENTS

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

1. [NCAA Division I Manual Bylaws 12.1.1.1.2.1, 12.1.1.1.3, 12.1.1.1.3.1, 12.10.1, 12.11.1 and 16.8.1 (2014-15 through 2017-18); and 12.1.1.1.3.2 (2015-16 through 2017-18)] (Level II)

The institution and the enforcement staff agree that from the 2014-15 through 2017-18 academic years, the institution failed to obtain final certification of amateur status for 34 student-athletes in seven sport programs. As a result, the student-athletes practiced, competed and received actual and necessary expenses outside of the temporary certification period and prior to obtaining final amateurism certification. Twenty-six of these student-athletes ultimately received final certification while one student-athlete obtained certification with conditions. Seven of the student-athletes exhausted eligibility prior to the discovery of the violation and never received final certification.

This serves as the basis for the failure to monitor in Agreed-Upon Finding of Fact No. 3.

2. [NCAA Division I Manual Bylaws 13.2.1, 13.2.1.1-(k), 13.15.1.9, 14.5.6-(c) and 16.3.3 (2018-19)] (Level II)

The institution, operations staff member and enforcement staff agree that in December 2018, the operations staff member provided a \$300 recruiting inducement to the godmother of a football prospective student-athlete and arranged for tutoring to assist in the prospect's completion of transfer-eligibility requirements. Specifically, in December 2018, the operations staff member arranged for students 1 and 2 to tutor the prospect, who enrolled in two online courses at Jackson State. The prospect needed to complete the courses successfully to be eligible. Further, on December 13, 2018, the operations staff member sent \$300 via cash transfer to the prospect's godmother. On December 14, the prospect's godmother paid \$110 via a cash transfer app to student 1. On December 30, the prospect's godmother paid \$50 via a cash transfer app to student 2.

3. [NCAA Division I Manual Constitution 2.8.1 (2014-15 through 2017-18)]

The institution and enforcement staff agree that from the 2014-15 through 2017-18 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 oversee and monitor the effectiveness of the compliance methods and processes used for the certification of its student-athletes. Specifically, the institution lacked policies and procedures to ensure NCAA compliance was a shared responsibility. As a result, the 34 student-athletes practiced and competed prior to receiving final amateurism certification.

C. 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 – Standard for the institution and Level II – Mitigated for the operations staff member.

Institution:

1. Aggravating factors (Bylaw 19.9.3).
 - a. A history of Level I, Level II or major violations by the institution [NCAA Bylaw 19.9.3-(b)].
 - b. Multiple Level II violations by the institution [NCAA 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 [NCAA Bylaw 19.9.4-(c)].

Involved Individual (operations staff member):

1. Aggravating factor (Bylaw 19.9.3).

None.

2. Mitigating factors (Bylaw 19.9.4).

- a. The absence of prior conclusions of Level I, Level II or major violations committed by the involved individual [NCAA Bylaw 19.9.4-(h)].
- b. Affirmative steps to expedite final resolution of the matter [NCAA Bylaw 19.9.4-(c)].

III. OTHER VIOLATIONS OF NCAA LEGISLATION SUBSTANTIATED; NOT ALLEGED

None.

IV. REVIEW OF OTHER ISSUES

The institution and enforcement staff agree that the head football coach rebutted the presumption of responsibility outlined in Bylaw 11.1.1.1 in that he promoted an atmosphere of compliance and monitored the activities of all institutional staff members who reported directly or indirectly to him.

The violations occurred in December 2018 when the head coach was assigned as the interim head coach. He was promoted to full-time head coach in January 2019. The head coach cooperated fully during both the institution's immediate internal investigation and the collaborative enforcement investigation. The head coach agreed with the institution to indefinitely suspend the internal operations football staff member and leave the position vacant the rest of the 2019 football season. The head coach demonstrated through his actions and during his interview that he promoted an atmosphere of compliance and monitored his staff, resulting in rebutting the presumption of responsibility.

V. PARTIES' AGREED-UPON PENALTIES²

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 – Standard Violations (Bylaw 19.9.5) (Institution)

1. Probation: Two years of probation from October 23, 2020, through October 22, 2022.
2. Financial penalty: The institution will pay a fine of \$5,000 to the NCAA.
3. Scholarship reductions: A 2% reduction in grants-in-aid (equivalencies) in the baseball program in the 2021-22 academic year; and a 2.5% reduction in grants-in-aid (equivalencies) in the football program in the 2021-22 and 2022-23 academic years.

Scholarship reductions were not imposed on the other sports programs due to the limited number of student-athletes who were not properly certified in those sports.

4. Recruiting restrictions for football³:
 - a. A 7.5% (four-week) ban on unofficial visits (no scheduled unofficial visits and no complimentary tickets) to be served in the 2020-21 academic year. Specifically, the institution will serve a one-week ban on unofficial visits in each of January, February, March and April 2021.
 - b. A 7.5% (four total) cut in official paid visits during the 2021-22 academic year.
 - c. A two-week ban on all recruiting communication contacts and off-campus recruiting by the entire football staff with any prospective student-athletes, including transfers. Specifically, the institution will serve a one-week ban in each of May and June 2021.

² 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.

³ The specific dates in (a) and (c) are subject to the upcoming release of the 2020-21 Division I Football recruiting calendar to confirm contact periods.

Additional Penalties for Level II – Standard Violations (Bylaw 19.9.7) (Institution)

5. Public reprimand and censure through the release of the public infractions decision.
6. Vacation of team and individual records: The institution will vacate all regular season and conference tournament wins, records and participation in which the ineligible student-athletes in this case competed from the time they became ineligible through the time they were reinstated as eligible for competition.

This vacation includes all regular season competition and conference tournaments. Further, if the ineligible student-athletes participated in NCAA postseason competition at any time while they were ineligible, the institution's participation in the postseason contests in which the ineligible competition occurred shall be vacated. The individual finishes and any awards for all eligible student-athletes shall be retained. Further, the institution's records regarding its affected programs, as well as the records of the head coaches, shall reflect the vacated records and shall be recorded in all publications in which such records are reported including, but not limited to, institutional media guides, recruiting material, electronic and digital media plus institutional, conference and NCAA media archives. Any institution that may subsequently hire the affected head coaches shall similarly reflect the vacated wins in their career records documented in media guides and other publications cited above. Head coaches with vacated wins on their records may not count the vacated wins toward specific honors or victory "milestones" such as 100th, 200th or 500th career victories.

Any public reference to the vacated contests shall be removed from the athletics department stationery, banners displayed in public areas and any other forum in which they may appear. Any trophies awarded by the NCAA in the affected programs shall be returned to the Association. Finally, to ensure that all institutional and student-athlete vacations, statistics and records are accurately reflected in official NCAA publications and archives, the sports information director (or other designee as assigned by the director of athletics) must contact the NCAA media coordination and statistics office and appropriate conference officials to identify the specific student-athletes and contests impacted by the penalties. In addition, the institution must provide the media coordination and statistics office with a written report detailing those discussions. This document will be maintained in the permanent files of the 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 NCAA Office of the Committees on Infractions (OCOI) of this submission to the media coordination and statistics office.

7. During this period of probation, the institution shall:
 - a. Continue to develop and implement a comprehensive compliance and educational program on NCAA legislation to instruct coaches, the faculty athletics representative, all athletics department personnel and all institutional staff members with responsibility for NCAA amateurism certification and recruiting legislation.
 - b. Submit a preliminary report to the OCOI on Infractions by December 15, 2020, setting forth a schedule for establishing this compliance and educational program;
 - c. File with the OCOI annual compliance reports indicating the progress made with this program by September 1 during each year of probation. Particular emphasis shall be placed on the institution's compliance measures taken to ensure adherence with NCAA amateurism certification legislation and related rules education;
 - d. Inform prospects in all affected sports programs in writing 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 a National Letter of Intent; 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 involved sports program(s) 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 of the involved sports program(s) for the entire term of probation. The institution's statement must: (i) clearly describe the violations; (ii) include the length of the probationary period associated with the case; and (iii) give members of the general public a clear indication of what happened in the case to allow the public (particularly prospects and their families) to make informed, knowledgeable decisions. A statement that refers only to the probationary period with nothing more is not sufficient.
8. Following the receipt of the 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 (COI) affirming that the institution's current athletics policies and practices conform to all requirements of NCAA regulations.

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

9. The institution imposed a suspension of the operations staff member from all job responsibilities from September 20, 2019, through June 15, 2020, due to her involvement in a Level II violation, resulting in the football program not receiving critical administrative services performed by the internal operations of football position.⁴

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 COI 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 should be classified as Level II – Standard.

If a hearing panel approves the negotiated resolution, the institution and operations staff member agree that they will take every precaution to ensure that the terms of the penalties are observed. The institution and operations staff member 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 19.9.5, 19.9.6, 19.9.7 and 19.9.8. The OCOI will monitor the penalties during their effective periods. Any action by the institution or operations staff member 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 COI 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).

⁴ As a matter of course, actions taken by the COI with respect to involved individuals are limited to show-cause orders. For example, Bylaw 19.9.7-(k) identifies institutionally imposed suspensions of staff from some or all athletically related duties for a specific period of time, pursuant to a show-cause order, for a situation in which the staff member engaged in or condoned a Level I or Level II violation as an available additional penalty. Based on the particular circumstances here, the panel accepts the parties' agreement not to impose a show-cause order.

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.

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-Standard for the institution and Level II-Mitigated for the operations staff member's violations. The agreed-upon penalties align with the ranges identified for core penalties for Level II-Standard and Level II-Mitigated violations 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 Jackson State and the operations staff member 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 operations staff member 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
Bobby Cremins
Mary Schutten
Sankar Suryanarayan, Chief Hearing Officer