



NORFOLK STATE UNIVERSITY
PUBLIC INFRACTIONS DECISION
JUNE 16, 2016

I. INTRODUCTION

The NCAA Division I Committee on Infractions is an independent administrative body of the NCAA comprised of individuals from the Division I membership and the public. The committee decides infractions cases involving member institutions and their staffs.¹ This case involved the athletics program at Norfolk State University.² The institution failed to correctly apply NCAA progress-toward-degree legislation over four academic years. As a result, the institution allowed 48 student-athletes in multiple sports to compete and receive travel expenses related to competition while ineligible. A panel of the committee considered this case through the cooperative summary disposition process in which all parties agree to the primary facts, violations and violation levels as fully set forth in the summary disposition report (SDR). Because the institution agreed to the violations and penalties, there is no opportunity to appeal.

The agreed-upon violations centered on the institution incorrectly certifying student-athletes as eligible to compete and receive expenses related to competition from the 2008-09 academic year through 2011-12. Specifically, the institution allowed a student-athlete to compete and receive expenses related to competition even though he had not satisfactorily completed 24 semester hours of academic credit prior to the start of his second year of enrollment. Further, the institution allowed four student-athletes to compete and receive travel expenses even though they had not satisfactorily completed 18 semester hours of academic credit since the beginning of the previous fall term or preceding two semesters. The institution also allowed 46 student-athletes entering into their third, fourth or fifth year of collegiate enrollment to compete even though they had not successfully completed the necessary percentage of course requirements in their academic majors.³ Further, the institution agreed that its incorrect application of NCAA progress-toward-degree legislation demonstrated a failure to monitor the eligibility certification process. The parties agreed and the panel concludes that the violations are Level II.

The panel accepts the parties' factual agreements and that violations occurred in this case. After considering the aggravating and mitigating factors, the panel classifies this case as Level II – Standard for the institution. Because the violations occurred prior to October 30, 2012, the

¹ Infractions cases are decided by hearing panels comprised of NCAA Division I Committee on Infractions members. Decisions issued by hearing panels are made on behalf of the Committee on Infractions.

² A member of the Mid-Eastern Athletic Conference, Norfolk State University has an enrollment of approximately 6,000 students. It sponsors eight women's and seven men's sports. The institution has no previous infractions cases.

³ The institution incorrectly certified some student-athletes on more than one occasion and under more than one bylaw.

effective date of the current NCAA Bylaw 19, the panel conducted a leniency test pursuant to NCAA Bylaw 19.9.1 to determine whether penalties would be more lenient under current NCAA Bylaw 19 or former NCAA Bylaw 19.5.2. After considering the aggravating and mitigating factors, the panel determines that former NCAA Bylaw 19.5.2 offered the more lenient penalties and the following principal penalties are appropriate: two years of probation, scholarship reductions, a financial penalty and vacation of contests in which student-athletes competed while ineligible.

II. CASE HISTORY

In March 2012, the NCAA academic and membership affairs (AMA) staff began a review of the institution's Academic Performance Program (APP) data. AMA submitted the results of the review to the institution on April 12, 2013. Because the review revealed potential problems in the way the institution certified student-athlete eligibility, the institution undertook its own review of the eligibility process. On August 13, 2013, the institution submitted a self-report of potential eligibility violations to the NCAA enforcement staff, which initiated an investigation on June 11, 2014.

On February 9, 2015, the enforcement staff issued a verbal notice of inquiry to the institution. On April 29, 2015, the enforcement staff requested that the institution review additional information related to the self-report. The institution performed the review and submitted information regarding NCAA eligibility violations on August 10, 2015. The enforcement staff submitted proposed findings of facts and violations to the institution on December 12, 2015. The parties subsequently agreed to process the case through summary disposition. On April 11, 2016, the parties submitted the SDR to the panel.

The panel reviewed the SDR on May 11, 2016, and proposed additional penalties to the institution in a May 16, 2016 letter. On May 23, 2016, the institution informed the panel that it agreed to the additional penalties.

III. PARTIES' AGREEMENT

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

1. [NCAA Division I Manuals 14.01.1, 14.4.3.1-(a), 14.4.3.1-(b), 14.4.3.2, 14.10.1, 14.11.1, 15.01.5 and 16.8.1.2 (2008-09 through 2011-12)] (Level II)

The NCAA enforcement staff and institution agree that during the 2008-09 through the 2010-11 academic years, 48 student-athletes were permitted to compete while ineligible and received impermissible travel expenses. Specifically:

- a. Regarding fulfillment of credit-hour requirements, the institution failed to ensure that five student-athletes satisfactorily completed 24 semester hours of academic credit prior to the start of the student-athlete's second year of enrollment (one student-athlete) and 18 semester hours of academic credit since the beginning of the previous fall term or preceding two semesters (four student-athletes). As a result, during the 2009-10 academic year through the 2011 fall semester, the student-athletes competed while ineligible and received impermissible travel expenses. [NCAA Bylaws 14.01.1, 14.4.3.1-(a), 14.4.3.1-(b), 14.4.3.2, 14.10.1, 14.11.1, 15.01.5 and 16.8.1.2] (2008-09 through 2011-12)
 - b. Regarding fulfillment of percentage-of-degree requirements, the institution failed to adequately verify available information to determine whether 46 student-athletes entering their third, fourth or fifth year of collegiate enrollment had successfully completed 40, 60 or 80 percent, respectively, of the course requirements in the students' specific degree programs. As a result, during the 2008-09 academic year through the 2011 fall semester, the student-athletes competed while ineligible. [NCAA Bylaws 14.4.3.2, 14. 10.1,⁴ 14.11.1, 15.01.5 and 16.8.1.2 (2008-09 through 2011-12)]
2. [NCAA Division I Manual Constitution 2.8.1 (2008-09 through 2011-12)] (Level II)

The NCAA enforcement staff and institution agree that from the 2008-09 through 2011-12 academic years, the nature of the violations detailed in Finding No. 1 demonstrate that the institution failed to monitor the conduct and the administration of its athletics program in that the institution failed to establish proper systems and safeguards for ensuring that student-athletes' eligibility was certified according to NCAA eligibility standards. As a result, 48 student-athletes were permitted to participate in competition while ineligible and received travel expenses, as detailed in Violation No.1.

b. PARTIES' AGREED-UPON AGGRAVATING AND MITIGATING FACTORS

Pursuant to NCAA Bylaw 19.6.2-(g), the parties have agreed to the following aggravating and mitigating factors:

Agreed-upon aggravating and mitigating factors. [NCAA Bylaws 19.9.3 and 19.9.4]

⁴ In the 2008-09 through the 2011-12 years, the following language was added to the bylaw: "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."

a. Aggravating factors. [NCAA Bylaw 19.9.3]

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

b. Mitigating factors. [NCAA Bylaw 19.9.4]

Prompt acknowledgment of the violation, acceptance of responsibility and imposition of meaningful corrective measures and penalties. [NCAA Bylaw 19.9.4-(b)]

IV. REVIEW OF CASE

The SDR fully details the parties' positions in the infractions case and includes the agreed-upon primary facts, violations, violation levels and aggravating and mitigating factors. The parties agreed that the institution incorrectly applied NCAA progress-toward-degree legislation over the course of four academic years, resulting in 48 student-athletes competing and receiving competition-related travel expenses while ineligible. The institution also agreed that the violations established a failure to monitor its eligibility certification process. After reviewing the parties' principal factual agreements and the respective explanations surrounding those agreements, the panel accepts the parties' SDR and concludes that the facts constituted Level II violations. The institution violated NCAA Bylaws 14, 15, 16 and Constitution article 2.

Article 14 of the NCAA bylaws covers eligibility requirements. NCAA Bylaws 14.01.1, 14.4.3.1-(a) and (b), 14.4.3.2, 14.10.1 and 14.11.1 set forth progress-toward-degree requirements that continuing student-athletes must meet to retain eligibility to compete in intercollegiate athletics. The bylaws also establish that the institution is responsible for correctly certifying student-athlete eligibility. Continuing student-athletes must complete 24 semester hours of academic credit each academic year of enrollment, with 18 of those hours completed in the preceding two regular academic terms, to retain athletic eligibility. Additionally, as student-athletes enter into their third, fourth and fifth years of full-time enrollment, they must have completed 40 percent, 60 percent and 80 percent, respectively, of the course requirements in their specified degree programs to continue competing. NCAA Bylaw 15.01.5 precludes institutions from providing financial aid to student-athletes unless they meet all requirements of NCAA Bylaw 14, and NCAA Bylaw 16.8.1.2 limits institutions to providing travel expenses for competitions to only those student-athletes who are eligible to compete. Finally, NCAA Constitution 2.8.1 requires member institutions to monitor the administrations of their athletics programs.

During the 2007-08 academic year, a women's track student-athlete failed to complete 24 hours of academic credit prior to the start of her second year of collegiate enrollment. Nonetheless, in the 2009-10 academic year, the institution certified her as eligible to compete and receive competition-related expenses. The institution allowed that same student-athlete, as well as three other student-athletes, to compete and receive competition-related expenses from 2009-10 to 2011-12 even though they had not completed at least 18 hours of degree credit in the two previous regular

academic terms. In certifying these student-athletes as eligible and allowing them to compete and receive expenses related to the competitions, the institution violated NCAA Bylaws 14.01.1, 14.4.3.1-(a) and (b), 14.10.1, 14.11.1, 15.01.5 and 16.8.1.2.⁵

Further, during the 2008-09 through 2011-12 academic years, the institution certified 46 student-athletes as eligible to compete even though they had not satisfied the minimum percentage of course requirements for their degrees based on their year of enrollment.⁶ It subsequently allowed them to compete and receive competition-related expenses during the 2009-10 through 2011-12 academic years. Because they had not completed the minimum percentage of credit hours toward their majors based on their year of collegiate enrollment, the 46 student-athletes were ineligible to compete and receive competition-related expenses. When the institution certified them as eligible, allowed them to compete and provided them expenses in conjunction with the competitions, it did so in violation of NCAA Bylaws 14.01.1, 14.4.3.2, 14.10.1, 15.01.5 and 16.8.1.2.

The violations occurred over four academic years. The institution agreed that its failure to correctly certify student-athlete eligibility over a prolonged period established a failure to monitor the administration of the athletics certification system in violation of NCAA Constitution 2.8.1.

The panel concludes the violations were Level II. When the institution allowed the 48 ineligible student-athletes to compete over four years, it gained more than a minimal advantage over institutions who correctly applied NCAA eligibility legislation.

V. PENALTIES

For the reasons set forth in Sections III and IV of this decision, the panel accepts the parties' agreed-upon factual basis and violations and concludes that this case involved Level II violations of NCAA legislation. The panel then determined the applicable penalty classification. Level II violations are significant breaches of conduct. The parties agreed that one aggravating factor and one mitigating factor were present in this case. Additionally, the institution proposed *NCAA Bylaw 19.9.4-(e) Implementation of a system of compliance methods designed to ensure rules compliance and satisfaction of institutional control standards* as a mitigating factor. The panel does not determine it to be a mitigating factor. The institution's eligibility certification process was substandard. The improvements and enhancements made to that system since the discovery of the violations should have been in place previously. After determining the appropriate aggravating and mitigating factors, the panel classifies this case as Level – II Standard.

Because the violations in this case occurred before October 30, 2012, the panel conducted a leniency analysis and determined that penalties should be prescribed pursuant to the 2012-13

⁵ The SDR narrative is silent on how NCAA Bylaw 15.01.5 was violated. However, because the parties agreed that it applies, the panel draws the reasonable inference – that the institution violated it in at least some of the situations involving the 48 student-athletes in this case.

⁶ Three of the 46 student-athletes also competed in violation of the 24/18 hour rules, as set forth in the preceding paragraph.

NCAA Manual, as they are less stringent than penalties prescribed under present NCAA Bylaw 19.9.⁷ In considering penalties under the former penalty structure, the panel reviewed past cases as guidance.

The institution's corrective actions are contained in the Appendix. The panel prescribes the following:

1. Public reprimand and censure.
2. Two years of probation from June 16, 2016, to June 15, 2018, or completion of the final penalty, whichever is later.⁸
3. The institution will reduce scholarships during the 2014-15 academic year (or the first opportunity to reduce based on academic demographics of the team) as follows: (Institution imposed)
 - Football: reduce by 3.0.
 - Men's basketball, women's volleyball, women's tennis and women's basketball: reduce each by 1.0.
 - Men's track, women's track, softball, bowling, men's tennis and baseball: reduce each by .50 equivalencies.
4. The institution allowed 48 student-athletes to compete while ineligible and receive impermissible travel expenses related to competition. The student-athletes were ineligible because the institution failed to ensure that they had met all NCAA progress-toward-degree requirements. Therefore, pursuant to NCAA Bylaws 19.9.7-(g) and 31.2.2.3, the institution shall vacate all regular season and conference tournament wins in which the student-athletes competed from the time they became ineligible through the time they were reinstated as eligible for competition. Further, if any of the student-athletes competed in NCAA Championships at any time they were ineligible, the institution's participation in the championship shall be vacated. The individual records of the student-athletes shall also be vacated. Further, the institution's records regarding the affected sports, as well as the record of the head coaches will reflect the vacated records and will be recorded in all publications in which athletics records and will be recorded in all publications in which athletics 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 which may subsequently hire the affected head coaches shall similarly reflect the vacated wins in their career records documented in media guides and other publication cited above. Head coaches with vacated wins on their records may not count the vacated wins to attain specific honors or victory "milestones" such as 100th, 200th or 500th career victories. Any public

⁷ Specifically, financial penalties are mandatory under present NCAA Bylaw 19 for Level II – Standard cases. Such penalties were discretionary under former NCAA Bylaw 19.5.

⁸ Probationary periods always commence with the release of the infractions decision. Pursuant to NCAA Bylaws 19.3.6-(e) and 19.9.5.7 and COI Internal Operating Procedure 2-1-1, the committee tethers probationary periods to the prescribed penalties.

reference to these vacated contests shall be removed from athletics department stationery, banners displayed in public areas and any other forum in which they may appear.

To ensure that all institutional and student-athlete vacations, statistics and records are accurately reflected in official NCAA publication and archives, the sports information director (or other designee as assigned by the director of athletics) must contact the NCAA media coordination and statistics staff and appropriate conference officials to identify the specific student-athletes and contests impacted by the penalties. In addition, the institution must provide the NCAA media coordination and statistics staff a written report detailing those discussions. This document will be maintained in the permanent files of the NCAA media coordination and statistics department. This written report must be delivered to the NCAA media coordination and statistics staff no later than 45 days following the initial infractions decision release or, if the vacation penalty is appealed, at the conclusion of the appeals process. A copy of the written report shall also be delivered to the Office of the Committees on Infractions at the same time.

5. The institution shall pay a \$5,000 financial penalty. (Institution imposed)
6. During the period of probation, the institution shall:
 - a. Continue to develop and implement a comprehensive educational program on NCAA legislation to instruct the coaches, the faculty athletics representative, all athletics department personnel and all institution staff members with responsibility for the certification of student-athletes for admission, retention, financial aid or competition;
 - b. Submit a preliminary report to the Office of the Committees on Infractions by August 1, 2016, 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 May 1 of each year during the probationary period. Particular emphasis should be placed on certifying and monitoring the initial, continuing and transfer eligibility of student-athletes;
 - d. Inform in writing prospective student-athletes in all affected sports that the institution is on probation for two years and detail the violations committed. If a prospective student-athlete 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 prospective student-athlete signs a National Letter of Intent; and
 - 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 report located on the athletic department's main or "landing" webpage and in the media guides for the involved sports. The institution's statement must: (i) clearly describe the infractions; (ii) include the

length of the probationary period associated with the infractions case; and (iii) provide a clear indication of what happened in the infractions case. A statement that refers only to the probationary period with nothing more is not sufficient.

7. These penalties are independent of and supplemental to any action that has been or may be taken by the Committee on Academic Performance through its assessment of contemporaneous, historical or other penalties.
8. 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 affirming that the institution's current athletics policies and practices conform to all requirements of NCAA regulations.

The Committee on Infractions advises the institution that it should take every precaution to ensure that it observes the terms of the penalties. The committee 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 shall be considered grounds for extending the institution's probationary period, prescribing more severe penalties or may result in additional allegations and violations.

NCAA COMMITTEE ON INFRACTIONS PANEL

Michael F. Adams

Carol Cartwright

Greg Christopher

Jack Ford

Joseph Novak

Larry Parkinson

Greg Sankey, chief hearing officer

APPENDIX
THE INSTITUTION'S CORRECTIVE ACTIONS AS IDENTIFIED IN THE APRIL 11,
2016, SUMMARY DISPOSITION REPORT.

1. The athletics department added an additional full-time academic coordinator to its staff in 2013 - which brings the total number of advisors in this area to four (4). The athletics academic support services staff increase decreases the ratio of student-athletes to staff allowing for more individualized advising. The additional staff also provides a stronger system of "checks and balances" for progress-toward-degree verification. The following constitutes the timeline for the staff additions:
 - 2008: The academic coordinator became a full-time position at the institution
 - 2010: The institution used the NCAA Division I Academic Performance Program Supplemental Support Fund to hire an additional full-time academic coordinator
 - 2011: A part-time academic coordinator position created
 - 2013: The institution used funds from the NCAA Accelerating Academic Success Program to hire an additional full-time academic coordinator.
2. The athletics academic support staff created a detailed form to individually record student-athletes' NCAA progress-toward-degree and academic eligibility standards.
3. The institution hired an eligibility specialist in August 2013 to assist with the evaluation of documents used to certify the eligibility of student-athletes. The new position serves as a member of the eligibility certification team and report directly to the registrar.
4. The policies and procedures regarding eligibility certification have been revamped to explicitly indicate the degree audit form as the proper document to use to verify degree-applicable hours.
5. The eligibility certification team will attend NCAA Regional Rules Seminars on an annual basis.
6. The compliance coordinator and senior woman administrator will attend NCAA Regional Rules Seminars on an annual basis.
7. The athletics department will select at least one head coach to attend NCAA Regional Rules Seminars on an annual basis beginning in 2014.
8. The athletics department will continue to conduct rules-education sessions with the coaching staff regarding the Division I Academic Progress Rate, progress-toward-degree legislation and institutional processes pertaining to eligibility certification.
9. The student services staff will continue to present educational information to student-athletes during team meetings conducted each semester.

10. The athletics department will conduct annual campus rules-education sessions regarding the Division I Academic Performance Rate and NCAA eligibility legislation (including progress-toward-degree rules) for instructional faculty, deans and department heads beginning with the fall 2013 semester.
11. The athletics department will conduct annual rules-education sessions with the following campus constituencies: faculty athletics representative; the registrar's office; admissions office; financial aid office; and other essential campus departments with athletically related duties or responsibilities. The rules-education programs will begin during the fall 2013 semester.
12. The institution has been subject to compliance oversight by the conference office since 2013, including a comprehensive review "update," which was completed April 22, 2013.
13. A certification program review was conducted by an external agency, the national Association of Academic Advisors for Athletics, on October 27-28, 2014. The review included a thorough assessment of the institution's application and adherence to NCAA progress-toward-degree legislation.
14. The institution has agreed to the following NCAA Division I Academic Performance Program Data Review penalties:
 - Men's cross country: in-season practice reduced to 16 hours per week/five (5) days per week during the 2014-15 academic year;
 - Women's cross country: in-season practice reduced to 16 hours per week/five (5) days per week during the 2014-15 academic year;
 - Men's indoor and outdoor track: postseason competition ban during the 2013-14 and 2014-15 academic years; and in-season practice reduced to 16 hours per week/five (5) days per week during the 2013-14 and 2014-15 academic year;
 - Women's indoor and outdoor track: in-season practice reduced to 16 hours per week/five (5) days per week during the 2013-14 academic year;
 - Women's volleyball: in-season practice reduced to 16 hours per week/five (5) days/week during the 2013-14 academic year.
15. A letter of reprimand was issued to the associate athletics director for student services.