



**SUSQUEHANNA UNIVERSITY**  
**PUBLIC INFRACTIONS DECISION**  
**NOVEMBER 22, 2016**

## **I. INTRODUCTION**

The NCAA Division III Committee on Infractions is an independent administrative body of the NCAA comprised of individuals from the Division III membership and the public. The committee decides infractions cases involving member institutions and their staffs. This case involved violations of NCAA bylaws affecting the football program at Susquehanna University.<sup>1</sup> The case consisted of one agreed-upon major violation: the impermissible payment of a football student-athlete's educational expenses by a representative of the institution's athletics interests. The committee considered this case through the summary disposition process in which all participating parties agreed to the primary facts and violations as fully set forth in the summary disposition report (SDR). Because the institution agreed to the violation and an additional corrective action proposed by the committee, it has no opportunity to appeal.

As detailed in the SDR, on or about August 13, 2015, a representative of the institution's athletics interests provided \$14,860 in impermissible funds to pay outstanding educational expenses incurred by a football student-athlete. As a consequence of this payment, the student-athlete enrolled and competed for the institution during the fall of 2015 while ineligible. The committee concludes that the representative of the institution's athletics interests committed a major violation of NCAA legislation.

After reviewing the parties' principal factual agreements and respective explanations surrounding those agreements, the committee accepts the parties' SDR. The committee determines that the following principal penalties are appropriate, most of which the institution self-imposed: public reprimand and censure for the institution, two years of probation, a one-year postseason ban in football, a vacation of records, disassociation of two athletics representatives, along with other appropriate administrative actions.

## **II. CASE HISTORY**

In mid-September 2015, a representative of the university's athletics interests, who was also a Board of Trustees member (athletics representative 1), asked about a football student-athlete's

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<sup>1</sup> A member of the Centennial, Empire 8 and Landmark Conferences, Susquehanna University has an enrollment of approximately 2,200 students. It sponsors 12 women's and 11 men's sports. The institution had no previous major infractions cases.

outstanding tuition bill during a telephone call with institutional staff members. This raised concern with the institution's administration. Shortly thereafter, the institution retained outside counsel and conducted an inquiry into the matter. This initial inquiry did not reveal potential violations of NCAA rules. In February 2016, another athletics representative (athletics representative 2) told the head football coach and an assistant coach that he (athletics representative 2) was involved in paying the football student-athlete's educational expenses.<sup>2</sup> The head coach immediately reported this information to the institution's administration. The institution initiated an additional inquiry and contacted the NCAA enforcement staff on March 1, 2016, to report that a violation had likely occurred. The enforcement staff and institution began a cooperative investigation shortly thereafter.<sup>3</sup> The investigation concluded in May 2016 and did not uncover any additional violations.<sup>4</sup>

On July 11, 2016, the enforcement staff provided the draft notice of allegations to the institution and three days later, the institution agreed to process the case through summary disposition. On September 27, 2016, the enforcement staff and institution submitted the SDR to the Division III Committee on Infractions. The committee reviewed the SDR on November 3, 2016. Pursuant to NCAA Bylaw 32.7.1.4.3, the committee proposed an additional corrective action to the institution by letter dated November 4, 2016. The institution informed the committee on November 11, 2016, that it accepted the additional corrective action.

### **III. PARTIES' AGREEMENT**

#### **PARTIES' AGREED-UPON FACTUAL BASIS AND VIOLATION OF NCAA LEGISLATION**

The parties jointly submitted an SDR that identifies an agreed-upon factual basis and violations as established by NCAA legislation. The SDR identifies:

#### **[NCAA Division III Bylaws 15.01.2 and 15.01.4 (2015-15)]**

The institution and enforcement staff agree that on or around August 13, 2015, a representative of the institution's athletics interest contributed approximately \$14,860 in impermissible funds to finance the educational costs of a football student-athlete. Specifically, at the request of the student-athlete's mother, the athletics representative paid for part of the student-athlete's educational costs to

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<sup>2</sup> Athletics representative 2 is an alumnus of the institution and made many substantial financial contributions to the institution, including a donation that resulted in the football stadium being named for him. He is also a former member of the institution's Board of Trustees, including a short period when he served as chair.

<sup>3</sup> During the investigation conducted in 2016, athletics representative 1 admitted he was aware that athletics representative 2 had paid the student-athlete's tuition charges in the fall of 2015. He did not reveal this information to the institution when it questioned him about this issue in September 2015.

<sup>4</sup> The investigation disclosed that the student-athlete had no knowledge of athletics representative 2's involvement in paying his educational expenses in the fall of 2015.

the institution for the fall of 2015 when he arranged for the provision of a treasurer's check payable to the institution. As a result, the student-athlete enrolled and competed for the institution during the fall of 2015.

#### **IV. REVIEW OF CASE**

The submitted SDR fully details the parties' positions in the infractions case and included the agreed-upon primary facts and violation. The enforcement staff and the institution agreed that the athletics representative's actions constituted violations of NCAA legislation when he paid \$14,860 in outstanding educational expenses for a student-athlete. After reviewing the parties' principal factual agreements and the respective explanations surrounding those agreements, the committee accepts the parties' SDR and concludes that the facts constitute a major violation of NCAA legislation. The athletics representative's payment of the student-athlete's educational expenses violated NCAA legislation relating to financial aid, NCAA Bylaw 15.

NCAA Bylaw 15 governs financial aid for student-athletes. Specifically, NCAA Bylaw 15.01.2 dictates that student-athletes who receive financial aid other than that permitted by the Association are ineligible for intercollegiate athletics. Further, NCAA Bylaw 15.01.4 prohibits donors from paying educational expenses for student-athletes. When athletics representative 2 provided \$14,860 to pay an outstanding tuition bill for the student-athlete, he violated NCAA Bylaws 15.01.2 and 15.01.4. Further, his actions caused the student-athlete to compete while ineligible during the 2015 football season. Because athletics representative 2's actions were not inadvertent, and because they provided a significant competitive advantage, his actions met the definition of a major violation as specified in NCAA Bylaw 19.02.2.

#### **V. PENALTIES**

For the reasons set forth in Sections III and IV of this decision, the committee concludes that this case involved a major violation of NCAA legislation. Athletics representative 2 committed a major infraction when he knowingly paid educational expenses for a student-athlete.

In prescribing the penalties, the committee considered the institution's cooperation in the processing of this case. NCAA Bylaws 19.01.3 and 32.1.3 address cooperation during the infractions process. The committee concludes that the cooperation exhibited by the institution was exemplary. It reacted quickly to information indicating that a violation may have occurred and conducted a thorough inquiry. The institution also self-imposed meaningful penalties and implemented targeted corrective actions designed to prevent future violations. As the institution agreed to the factual findings, violations and penalties, there is no opportunity to appeal them.

The committee prescribes the following penalties. The institution's self-imposed penalties are noted. The institution's corrective actions are contained in the Appendix.<sup>5</sup>

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<sup>5</sup> As a condition of reinstatement, the institution withheld the student-athlete from the first three contests of the 2016 football season.

### **Penalties, Disciplinary Measures and Corrective Actions (NCAA Bylaw 19.5.2)**

1. Public reprimand and censure.
2. Two years of probation from November 22, 2016, to November 21, 2018.<sup>6</sup> (Institution proposed)
3. A one-year postseason ban in football following the 2016 regular season. (Institution imposed)
4. The institution shall vacate all wins in which the football student-athlete in this case competed from the time he became ineligible until his eligibility was reinstated (institution imposed).<sup>7</sup> The contests shall be vacated pursuant to NCAA Bylaws 19.5.2-(g) and 31.2.2.3. The individual statistics of the student-athlete who competed while ineligible shall also be vacated. Further, the institution's win-loss records regarding football, as well as the records of the head football coach, will reflect the vacated wins and will be recorded in all publications in which football 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 head coach shall similarly reflect the vacated wins in his career records documented in media guides and other publications cited above. Head coaches with vacated wins on their records cannot count the vacated wins to attain specific honors or victory "milestones" such as 100<sup>th</sup>, 200<sup>th</sup> or 500<sup>th</sup> career victories. Any public reference to these vacated contests shall be removed from athletics department stationary, banners displayed in public areas and any other forum in which they may appear. 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 a written report detailing those discussions with the director of statistics. This document must be delivered to the NCAA Media Coordination and Statistics Office no later than 45 days following the Committee on Infractions release. The sports information director (or designee) must also inform the Office of the Committees on Infractions of its submission to the NCAA Media Coordination and Statistics Office.
5. The institution permanently disassociated athletics representative 2 and disassociated athletics representative 1 for a period of five years. The terms of the disassociation of athletics representative 2 include the removal of his name from the stadium and an offer to

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<sup>6</sup> The authority to prescribe NCAA probation rests solely with the committee. Probationary periods always commence with the release of the infractions decision. The committee agreed with the institution that a two-year probationary period is appropriate for this case.

<sup>7</sup> The institution has represented that this includes five wins from the 2015 season.

refund the donation that led to the naming of the football stadium for him. (Institution imposed)<sup>8</sup>

6. During 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, athletics department personnel and all institution staff members with responsibility for the certification of student-athletes' eligibility for admission, financial aid, practice or competition;
  - b. Develop a training session with new Board of Trustees members focusing on NCAA legislation relating to athletics representatives and the benefits that can and cannot be provided to student-athletes and their families;
  - c. Submit a preliminary report to the Office of the Committees on Infractions by January 15, 2017, setting forth a schedule for establishing this compliance and educational program; and
  - d. File with the Office of the Committees on Infractions an annual compliance report indicating the progress made with this program by September 15 during each year of the probationary period. The report must include documentation of the institution's compliance with the penalties adopted and prescribed by the committee in addition to its compliance education program.
7. Inform all football prospective student-athletes that the institution is on probation for two years and explain the violation committed and penalties. The information must be provided in writing and for the full term of probation. The institution shall provide this information as soon as practicable after the prospective student-athlete is recruited pursuant to NCAA Bylaw 13.02.8 and, in all instances, before the prospective student-athlete signs a financial aid agreement or initially enrolls at the institution, whichever is earlier.
8. For the full term of probation, publicize specific and understandable information concerning the nature of the infractions by providing, at a minimum, a statement including the type of violation and the affected sport program and a direct, conspicuous link to the public infractions decision located on the athletic department's main or "landing" webpage. The information shall also be included in the institution's football media guide and in an alumni publication. The statement must: (i) clearly describe the infraction; (ii) include the length of probation associated with the major infractions case; and (iii) give members of the public a clear indication of what happened in the major infractions case to allow the public (particularly prospective student-athletes and their families) to make informed, knowledgeable decisions. A statement that refers only to the probationary period with

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<sup>8</sup> The institution disassociated athletics representative 1 for five years because, when questioned in the fall of 2015, he did not disclose his knowledge of athletics representative 2's involvement in the provision of impermissible financial assistance to the student-athlete.

nothing more is not sufficient. The institution shall also develop a permanent link on the athletics website setting forth recruiting rules for alumni, trustees and representatives of the institution's athletics interests.

9. At the conclusion of the probationary period, 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.

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As required by NCAA legislation for any institution involved in a major infractions case, Susquehanna University shall be subject to the provisions of NCAA 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 22, 2016.

NCAA COMMITTEE ON INFRACTIONS

Amy E. Hackett, chair

Effel Harper

Tracey Hathaway

Gerald Houlihan

Gerald Young

**APPENDIX**  
**THE INSTITUTION'S CORRECTIVE ACTIONS AS IDENTIFIED IN THE**  
**SEPTEMBER 27, 2016, SUMMARY DISPOSITION REPORT**

1. The institution's director of athletics and its NCAA compliance coordinator attended a NCAA Regional Rules Seminar in 2016.
2. The university will enhance its comprehensive education program on NCAA legislation related to financial aid and specifically include in this education plan targeted educational outreach to representatives of the institution's athletics interest.