



CALIFORNIA STATE UNIVERSITY, NORTHRIDGE
PUBLIC INFRACTIONS DECISION
DECEMBER 7, 2016

I. INTRODUCTION

The NCAA Division I Committee on Infractions (COI) 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 men's basketball program at California State University, Northridge.² The men's basketball violations centered on academic misconduct and the provision of impermissible academic benefits by the former director of basketball operations. The former director of basketball operations also acted unethically by knowingly committing academic misconduct on behalf of 10 men's basketball student-athletes. The institution also failed to investigate and monitor the activities of the former director of basketball operations.

The unethical conduct violations for academic misconduct were based on conclusions made by the panel after the August 19, 2016, hearing. The academic misconduct violations were in addition to violations alleged by the enforcement staff. The panel's additional conclusions of violations were made pursuant to its bylaw authority and obligation to independently assess the facts and circumstances of each case. The panel takes seriously its independent role as a membership body to assure that processes, conclusions of violations and penalties are fair to all institutions and individuals who appear before it.

The panel concludes four instances of academic misconduct and eight instances of impermissible academic benefits occurred involving 10 men's basketball student-athletes.³ Specifically, the former director of basketball operations committed multiple instances of academic misconduct when he completed coursework independently or in collaboration with four men's basketball student-athletes and submitted the coursework on their behalf for fraudulent academic credit. Additionally, he provided impermissible academic benefits to eight men's basketball student-athletes when he completed online coursework on their behalf. The former director of basketball operations knowingly committed these violations, which was also unethical. Finally, the institution agreed that it failed to monitor the former director of basketball operations' activities and failed to investigate concerns about his activities when they first surfaced. The institution

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 COI.

² A member of the Big West Conference, the institution has an enrollment of approximately 41,548. It sponsors 10 women's and seven men's sports. The institution had previous infractions cases in 2004 (men's basketball); 2000 (football) and 1985 (football).

³ Two of the 10 student-athletes committed academic misconduct and received impermissible academic benefits.

admitted to the seriousness of the violations in this case and took decisive corrective actions to prevent any future violations.

The panel concludes the academic misconduct and impermissible academic benefits violations are Level I, while the failure to monitor is Level II.

The panel classifies this case as Level I-Standard for the institution. With respect to the former director of basketball operations, the panel classifies his violations as Level I-Aggravated. Because the violations in this case occurred after October 30, 2012, the panel prescribed penalties under the new penalty guidelines contained in Figure 19-1.

Utilizing current NCAA Bylaw 19, the panel adopts and prescribes the following penalties: a one-year postseason ban (Institution imposed); a three-year probationary period; scholarship reductions (Institution imposed); a financial penalty; vacation of team and individual records; and other administrative penalties. The panel also prescribes a five-year show-cause order for the former director of basketball operations.

II. CASE HISTORY

This case began in October 2014 when the institution contacted the NCAA enforcement staff to advise of possible NCAA violations. Specifically, an investigation began when the director of the athletics department academic achievement center informed the associate vice president of undergraduate students that a student-athlete mentor had concerns about the validity of online coursework submitted by a student-athlete. The institution identified possible academic misconduct in the men's basketball program and suspended the former director of basketball operations. The institution engaged an independent investigator to conduct an inquiry into potential violations in the men's basketball program. On November 17, 2014, the enforcement staff issued a verbal notice of inquiry. From November 2014 through March 2015, the enforcement staff and the institution's independent investigator conducted collaborative on-campus interviews.

On December 3, 2015, the enforcement staff issued its notice of allegations (NOA) to the institution and the former director of basketball operations. In January 2016, the former director of basketball operations requested that the NCAA compel specific student-athletes and administrators to participate in interviews and he requested an extension to respond to the NOA. In February 2016, the COI chair granted his request and provided a 60-day extension to him and the institution and requested the enforcement staff and the institution to facilitate interviews with specified student-athletes and administrators. On March 29 and 30, 2016, the enforcement staff, the former director of basketball operations' counsel and the institution's counsel conducted the additional interviews on-campus.

On May 2, 2016, the institution and the former director of basketball operations submitted their respective responses to the NOA. On July 1, 2016, the enforcement staff submitted its written reply and statement of the case to the hearing panel, the institution and the former director of basketball operations. The panel conducted an in-person hearing on August 19, 2016. As part of

the investigation, the enforcement staff considered and determined that it would not seek a head coach control allegation against the head men's basketball coach for failing to monitor the former director of basketball operations. However, at the hearing, the panel asked several questions of the head men's basketball coach about his knowledge, understanding, and monitoring of the former director of basketball operations. In light of some of his answers to various questions, the panel asked whether the enforcement staff had changed its analysis on its determination not to bring an allegation under head coach responsibility legislation. The chief hearing officer requested the enforcement staff to provide a written submission on its intentions regarding head coach responsibility. On September 8, 2016, the enforcement staff informed the panel and the parties that after re-interviewing the head men's basketball coach, it could not identify any more steps he could have taken to further rebut the presumption of head coach responsibility.

III. FINDINGS OF FACT

Violations of the institution's academic dishonesty policies by the men's basketball program

After initial concerns about improprieties in student-athlete academic performance, the institution conducted an internal investigation and found that the former director of basketball operations may have violated its academic dishonesty policies. The institution also hired an independent investigator to conduct a thorough inquiry into the matter. Both the internal investigation and independent investigator identified major academic issues concerning the former director of basketball operations.

This case began in the fall of 2014 when members of the athletic department raised multiple and specific concerns about academic issues in the men's basketball program and student-athletes' completion of online coursework. Specifically, a student-athlete mentor raised concerns to the institution's director of the Matador Achievement Center (MAC) about the validity of one men's basketball student-athlete's (student-athlete 1) online coursework.^{4 5} The MAC director alerted the institution's associate vice president (associate vice president) about the student-athlete mentor's concerns. The associate vice president conducted an investigation and learned that three additional student-athlete mentors had similar concerns about (student-athletes 2, 3 and 4 respectively). The investigation further revealed that the former director of men's basketball operations (former director of basketball operations) institutionally-owned computer was used to access multiple men's basketball student-athletes' Moodle accounts (online coursework portal) and submit their online coursework.⁶ On October 28, 2014, the associate vice president

⁴ The MAC was created in the fall of 2013 and provides student-athletes with academic support including weekly or nightly tutoring, a mentoring program and technology loaner program in which a student-athlete can use iPads and laptops to complete academic work.

⁵ Peer student-athlete mentors were assigned to incoming and/or at-risk student-athletes to help them acclimate to the student body and assist with overall study habits and skills. The institution has discontinued the program as explained more fully in Appendix One.

⁶ Moodle is an online system used by the institution to provide an integrated learning environment for the students and professors. It is a tool to supplement in-person classes and is the medium through which online courses are executed and where professors and students engage.

submitted her findings to the institution's president (president) and concluded that seven men's basketball student-athletes may have violated the institution's academic integrity policies and raised concerns about the former director of basketball operations. The institution immediately placed the former director of basketball operations on administrative leave and contacted the enforcement staff about possible academic misconduct violations in the men's basketball program.

After the its internal investigation, the institution retained an independent investigator (independent investigator) to investigate potential institutional policy violations. In November 2014, the independent investigator worked collaboratively with the enforcement staff to conduct interviews and review metadata and other relevant information. The investigation included nearly 60 interviews and enormous amounts of metadata provided by the institution. On May 22, 2015, the independent investigator produced a 248-page report (independent report) to the institution with his findings and conclusions. The independent investigator concluded that the former director of basketball operations violated the institution's policies related to academic integrity and academic misconduct involving 10 men's basketball student-athletes.⁷ In fact, the independent investigator concluded that "in light of the overall evidence and most plausible inference from that evidence, this investigator finds that it is more likely than not that the former director of basketball operations facilitates what appears likely to constitute academic dishonesty."

After receiving the independent report, the institution initiated a dual review pursuant to its policy. The dual review included academic hearings conducted by the institution's faculty and separate hearings conducted by the Office of Student Affairs, which enforces the Student Code of Conduct. The faculty review concluded that student-athletes 1, 2, 4 and another student-athlete (student-athlete 5) committed academic dishonesty and all four received grade reductions in the corresponding online courses. The Office of Student Affairs separately and additionally concluded that student athletes 1, 2, 4 and 5 violated the Student Code of Conduct. The Office of Student Affairs also concluded that student-athlete 3, along with five additional student-athletes (student-athletes 6, 7, 8, 9 and 10, respectively), violated the Student Code of Conduct. The institution considered all Student Code of Conduct violations to be acts of academic misconduct and self-reported them as violations to the NCAA. Despite all 10 student-athletes denying that anyone, including the former director of basketball operations, assisted them in any manner in completing coursework, all 10 student-athletes received admonishment letters from the institution explaining the consequences of their misconduct. Student-athletes 2, 7, 9 and 10 all competed at varying points during the 2014-15 season while ineligible due to the academic violations.⁸

⁷ The institution has various policies governing and defining academic dishonesty and misconduct including in pertinent part: Dishonesty includes: "Cheating, plagiarism, or other forms of academic dishonesty that are intended to gain unfair academic advantage;" "Intentionally using or attempting to use unauthorized materials, information or study aids in any academic exercise;" and "intentionally or knowingly helping or attempting to help another to commit an act of academic dishonesty."

⁸ Student-athlete 2 competed in two contests in the 2014-15 season but was withheld by the institution from the remaining 30 contests after his involvement in academic violations was confirmed in the associate vice president's investigative report; student-athlete 10 competed in 30 contests during the 2014-15 season; student-athlete 9 competed in 32 contests during the 2014-15 season; and student-athlete 7 competed in 26 contests during the 2014-15 season.

According to his admonishment letter, student-athlete 1 committed academic dishonesty in his ASTR 152 online course in the fall 2014 semester. He received an academic grade penalty for his violation of the institution's policy and the faculty member changed his grade in the class to an "F." According to his admonishment letter, student-athlete 2 also committed academic dishonesty in the fall 2014 semester in two courses: ASTR 152 and AFRS 100. He received an academic grade penalty for his violation of the institution's policy and the faculty member changed his grade in the ASTR 152 class to an "F." Similarly, student-athlete 4's admonishment letter informed him that he committed academic dishonesty in his ASTR 152 course in the fall 2014 semester. He received an academic grade penalty for his violation of the institution's policy, and the faculty member changed his grade in the class to an "F." Lastly, student-athlete 5's admonishment letter informed him that he committed academic dishonesty in five courses: one in the fall 2013 semester (PAS 100); three in the spring 2014 semester (ASTR 152, ASTR 154, RTM 352); and one in the fall 2014 semester (GEO 102). He received an academic grade penalty for his violation of the institution's policy and one faculty member changed his grade in his ASTR 152 class to a "C." A different faculty member changed his grade in his ASTR 154L course to an "F." Student-athlete 5 was also placed on a one-year term of disciplinary probation. The institution notified all four of these student-athletes that the grade change would remain on their transcripts and be calculated into their grade-point average, even if they repeated the course.

The institution employed the former director of basketball operations under a former coaching staff and he was retained by the current head coach at the institution. At the hearing, the institution's president stated that she accepted and agreed with the independent investigator's conclusions that the former director of basketball operations and several men's basketball student-athletes violated the institution's academic integrity policies. While the former director of basketball operations admitted that he let student-athletes use his computers and his cubicle he denied completing any coursework for student-athletes or providing any impermissible benefits. Despite his denials, there were four areas that demonstrated the former director of basketball operations violated the institution's academic dishonesty policies: (1) tutor and student-athlete mentor statements; (2) metadata gathered by the institution and the enforcement staff; (3) the grades earned by student-athletes after the former director of basketball operations was removed from his position; and (4) statements of the men's basketball coaching staff.

First, as early as the fall of 2013, a tutor hired to work with student-athlete 5, a junior college transfer, initially raised concerns about the authenticity of online coursework to the institution's administrators. Student-athlete 5 had significant learning disabilities that required him to get additional assistance to be successful in the classroom. As the tutor began working with student-athlete 5, she noticed a disparity between his understanding of his coursework and what he was learning in the classes versus the actual grades he was getting in his online classes, including assignments and quizzes. Student-athlete 5 did not even know his user name or password for his online account. In fact, student-athlete 5 needed to contact the former director of basketball operations if he wanted to get that information. The former director of basketball operations maintained a log of the user name and passwords to each of the 10 men's basketball student-athletes in this case. When the tutor asked student-athlete 5 how he was submitting his assignments on Moodle without knowing his login information, he said he did not know. When

the tutor logged into student-athlete 5's Moodle account to check for upcoming assignments and quizzes, there were quizzes and assignments already submitted. The tutor also noticed that student-athlete 5 never had any textbooks. The textbooks actually stayed in the former director of basketball operations' office as student-athlete 5 reported that his coaches would help him with coursework.

Moreover, in the fall of 2014, four student-athlete mentors who were working with other men's basketball student-athletes and two staff members in the MAC, all raised similar concerns independent of each other about the authenticity of online coursework by these student-athletes. These mentors were peer student-athletes from other sports who were assigned to tutor and mentor men's basketball student-athletes. The mentors noticed some patterns in the online coursework: the student-athletes' online coursework was submitted through the online portal without the student-athlete's knowledge; the grades the student-athletes received in their online courses were significantly higher than the grades they received in their traditional in-person classes; the student-athletes were unable to describe course information, what they were learning, or the structure of tests and quizzes; and the student-athletes reported they were working with a coach for their online classes. The former director of basketball operations was also the designated academic liaison for the men's basketball program at the time the mentors' concerns were brought forth.

The second form of information connecting the former director of basketball operations to violations of the institution's academic integrity policies was metadata. The institution identified and provided great amounts of metadata as part of the investigation. The online portal system keeps track of logins and other actions, such as clicks of the mouse, opening and uploading documents within the system by a user. The metadata captures the time, date and duration of time that someone is in a document or completes a task like a test or quiz. The metadata review revealed that from fall 2013 through fall 2014, the former director of basketball operations' desktop computer contained some 3,000 individual actions involving the 10 men's basketball student-athletes. Two thousand of those actions involved views, attempts, submissions or continuations of quizzes.

In all, the institution calculated that the former director of basketball operations' computer had been used for 125 hours in all 10 of the men's basketball student-athletes' online portal accounts. For example, from November 2013 through the fall of 2014, the metadata from the former director of basketball operations' computer identified 1,730 individual actions tied to student-athlete 5's online portal account, 325 of which related specifically to quizzes and assignments in five different online classes that he was enrolled in at the time. Student-athlete 5 denied ever using the former director of basketball operations' computer to complete his coursework. Similarly, the metadata also showed that student-athlete 2 was logged into two different computers at the same time, one of which belonged to the former director of basketball operations, submitting work in two different classes simultaneously.

The third area of information connecting the former director of basketball operations to violations of the institution's academic dishonesty policies is the grades of the student-athletes. For example, six of the men's basketball student-athletes were enrolled in an African Studies 100

course online. Of the 120 students enrolled in the course, the six men's basketball student-athletes had fairly average performance in the class. However, as the semester progressed, they began to get very good grades on all of their quizzes and assignments, including the midterm exam. On that exam, all six student-athletes outperformed the curve and four received the highest grades in the class, including one obtaining the only perfect score. By contrast, after October 2014 when the institution suspended the former director of basketball operations, the men's basketball student-athletes' performance dropped off significantly.

The fourth and final area of information that connects the former director of basketball operations to violations of the institution's academic integrity policies are statements by the men's basketball coaching staff. The enforcement staff interviewed the head men's basketball coach and the assistant coaches as part of the investigation. While the former director of basketball operations admitted that he allowed student-athletes to use his desktop computer to complete their coursework, none of the men's basketball coaching staff said they ever saw a student-athlete using his desktop. The former director of basketball operations' cubicle was positioned in an area easily viewed and accessible outside of the coaches' offices.

At the hearing, the former director of basketball operations admitted that he had student-athletes' user names and passwords for their online portal accounts and allowed them to use his computers to complete coursework. He maintained that he kept the information so that he could check up on the student-athletes' academic progress and grades. He also claimed that he did not know that he was not supposed to access the student-athletes' online portal accounts. Under the institution's academic dishonesty policies, such access was not permitted. He asserted that he was only doing his job by staying on top of student-athletes to complete their assignments. However, he could not explain why the student-athletes would use his computer because they had computers of their own to do their work.

The former director of basketball operations stated that the previous director of athletics and previous head men's basketball coach told him to monitor student-athletes' academics because the institution was concerned about its Academic Progress Rate (APR). He asserted that it was "common practice" and part of his job description to check on student-athletes' academic progress on a regular basis. However, he admitted that the decision to login and access student-athletes' online portal accounts was his own decision.

Although the former director of basketball operations possessed and accessed student-athletes' online portal accounts, the institution's president stated that it was a violation of the institution's policies for the former director of basketball operations to have the login information to those accounts. She also clarified that while the current head coach viewed the former director of basketball operations as an "academic" advisor, his official position was not an academic advisor. The institution and the independent investigator substantially agreed that the former director of basketball operations' actions violated the institution's academic integrity policies.

The former director of basketball operations' denials

Despite the four areas of information connecting the former director of basketball operations to violations of the institution's policies, he denied any involvement. During the hearing, the former director of basketball operations conceded that student-athletes' course work was completed on his desktop computer, that he had access to their online portal accounts to view their coursework progress, and he provided them "benefits" so they could "stay on top of things." However, he maintained that he committed no NCAA violations and that he did not complete work on behalf of student-athletes. He acknowledged that the student-athletes were doing very well in their online coursework but those same student-athletes could not recall the coursework or, in some instances, could not recall that they were even enrolled in the courses. Adamant that he did not complete the student-athletes' online coursework, the former director of basketball operations also had no credible explanation for how their coursework was completed on his desktop computer.

He also had no explanation for how metadata showed logins, submissions, continuation and attempts of assignments and quizzes from his computer at an IP address from his parents' house over 70 miles from the institution's campus.⁹ The former director of basketball operations confirmed that he was not aware of any student-athletes ever being at his parents' house. In response to a panel member's question about who else could have completed the work on his desktop computer other than the student-athletes or him, the former director of basketball operations speculated that other individuals such as "managers or graduate assistants" had "free reign on [his] computer." The institution, the independent report and the enforcement staff all agreed that the former director of basketball operations completed the coursework on his desktop computer. Indeed, the institution's president expressed her outrage with the former director of basketball operations' actions and noted that he had "abused his authority with these young adults" and his actions were "intolerable." The institution's president expressed dismay that the student-athletes "were not provided the opportunity to succeed on their own."

Additionally, the institution admitted it had concerns about the former director of basketball operations as early as 2010. At that time, and after an internal investigation into some student-athletes' email communications with faculty and administrators, the former director of basketball operations admitted to assisting student-athletes in drafting their email communications. While his drafting emails did not violate the institution's academic policies, it was a concern to the institution.

The institution's monitoring of the former director of basketball operations

As noted above, the institution had previous concerns dating back to 2010 regarding the former director of basketball operations' conduct. Moreover, during the 2013-14 academic year, the institution became aware of additional concerns about the former director of basketball operations completing coursework on behalf of men's basketball student-athletes when student-

⁹ None of the courses in which the institution identified academic dishonesty were accessed from the former director of basketball operations parents' home address and were not included as supporting information in Allegation No. 1 of the NOA.

athlete mentors voiced concerns to the director of the MAC. However, the institution admitted that it failed to take adequate steps to investigate the concerns or monitor the former director of basketball operations' activities. The institution acknowledged at the hearing that it failed to adequately investigate concerns raised in 2013-14 regarding student-athlete 5. The institution also admitted that during the 2013-14 academic year, one specific student-athlete was suspected of cheating and the suspicions were not adequately reviewed or investigated due to some organizational tension between academic affairs and athletics. Candidly, the institution's president described the atmosphere at the time between the two departments as "dysfunctional." The enforcement staff and the institution agreed that the institution did respond appropriately in the 2014-15 academic year when it identified nine additional student-athletes as potentially violating the institution's academic policies.

IV. ANALYSIS

The violations in this case involved the men's basketball program, one staff member and 10 men's basketball student-athletes. The former director of basketball operations committed academic misconduct, provided impermissible academic extra benefits and that conduct was unethical. The institution also failed to monitor the former director of basketball operations' activities. Although, the institution and the enforcement staff substantially agreed that the academic extra benefits violations occurred and the former director of basketball operations acted unethically, the panel, utilizing its independent authority, additionally concludes that the former director of basketball operations committed academic misconduct on behalf of four student-athletes. He also provided impermissible academic extra benefits to eight student-athletes. The former director of basketball operations disagreed that he committed any NCAA violations. The panel concludes that this case involved Level I and Level II violations.

A. UNETHICAL CONDUCT: ACADEMIC MISCONDUCT [NCAA Division I Manual Bylaws 10.01.1, 10.1, 10.1-(b) (2013-14 and 2014-15)]

During the 2013-14 and 2014-15 academic years, the former director of basketball operations, knowingly committed academic misconduct on behalf of four men's basketball student-athletes.¹⁰ The institution and the enforcement staff substantially agreed to the facts and that violations of NCAA legislation occurred. The enforcement staff argued that the violations were Level I. The institution argued the violations were Level II. The former director of basketball operations argued that he did not commit any NCAA violations but if the panel did make a finding, that the violations were Level II. The panel concludes the violations are Level I.

1. NCAA legislation relating to academic misconduct.

The applicable portions of the bylaws may be found at Appendix Two.

¹⁰ Since spring 2014, "academic fraud" has been referred to as "academic misconduct," and recently, the membership moved academic violations from Bylaw 10 to Bylaw 14. For consistency purposes the panel refers to the violations as academic misconduct in this decision.

- 2. In the spring and fall of 2014, the former director of basketball operations committed academic misconduct on behalf of student-athletes 1, 2, 4 and 5 when he knowingly arranged for fraudulent academic credit and the institution subsequently reduced their grades.**

The former director of basketball operations committed unethical conduct on behalf of student-athletes 1, 2, 4 and 5 when he knowingly arranged for fraudulent academic credit in a total of two online courses. He committed academic misconduct on behalf of student-athlete 5 in ASTR 152 and ASTR 154 in the spring of 2014. He committed academic misconduct on behalf of student-athletes 1, 2 and 4 in ASTR 152 in the fall of 2014. The conduct violated Bylaw 10.

Bylaw 10 outlines ethical conduct. Bylaw 10.01.1 requires institutional staff members and student-athletes to act with honesty and sportsmanship at all times. Among other examples, Bylaw 10.1 defines the knowing arrangement of fraudulent academic credit as unethical conduct. That example is memorialized in Bylaw 10.1-(b).

The institution and the enforcement staff agreed that the former director of basketball operations provided impermissible academic extra benefits to 10 men's basketball student-athletes. However, the former director of basketball operations violated the institution's academic dishonesty policies when he completed significant portions of student-athletes 1, 2, 4 and 5's online coursework. The faculty in the respective courses lowered the grades the student-athletes received in those courses, and in all but one of those courses, the grades were lowered to an "F" or failing. The independent report commissioned by the institution determined that it was more likely than not that the former director of basketball operations activities violated the institution's academic dishonesty policies.

The institution initially raised the issue of academic misconduct early during the hearing and indicated that it was prepared to address the issue if the panel had questions. Consistent with COI Internal Operating Procedure 4-13, the parties were afforded the opportunity at the hearing to present their views on academic misconduct on the record and respond to the panel's questions on the subject. The parties were expressly notified at the hearing that the panel has the authority on its own initiative to make additional allegations or to amend allegations to conform with information presented to the panel at the hearing.

The panel asked numerous questions of the parties about whether some or all of the conduct in this case constituted academic misconduct under Bylaw 10.1-(b). The enforcement staff stated it was bound by the April 2014 Academic and Membership Affairs (AMA) Interpretation and education column that defines academic misconduct as occurring in one of two instances: (1) when an institutional staff member arranges for fraudulent academic credit or (2) when there has been an erroneous declaration of eligibility for a student-athlete who subsequently competed as a result of any academic misconduct.

Regarding the former example, the enforcement staff stated that the "membership has been really clear that [academic misconduct] is an incredibly high bar." The enforcement staff working with the institution stated that based on the metadata in the case, "we didn't reach that level." when

When questioned by a panel member for a standard, the enforcement staff stated that "it is a majority of the course work." However, such a standard is not mentioned in either the April 2014 Interpretation or educational column. The enforcement staff then noted that 37.3 percent of all online portal actions in the student-athletes' accounts happened on the former director of basketball operations' desktop computer. Moreover, the enforcement staff believed that only 16 percent of the Moodle actions were assignments or quizzes or actions that resulted in potential points for the student-athletes. The enforcement staff mentioned that the latter example is not present in this case because none of the 10 student-athletes in this case were declared erroneously eligible.

The institution argued that the main significance of whether the conduct was alleged under Bylaw 10 or Bylaw 16 had to do with level. The institution believed that academic extra benefits alleged under Bylaw 16 warranted a Level II violation whereas academic misconduct under Bylaw 10 would warrant a Level I classification. However, while the institution self-reported violations and admitted "a[t] a minimum" to "academic extra benefits", the institution also conceded that the COI "has a lot of discretion" and could consider the alleged conduct as academic misconduct under NCAA legislation. When asked by a panel member whether academic misconduct occurred in the case and whether it was a "close call," both the institution's president and the enforcement staff agreed it "was not a close call." In support of that position, the institution's president looked at the metadata and student-athletes' performances and how some of their grades dropped precipitously after the former director of basketball operations was removed from his position. The enforcement staff agreed that the metadata coupled with the student-athletes' inability in interviews to recall even the most basic and simple details of the courses made it "not a close call." To the institution's president, the terms "academic misconduct," "academic dishonesty," and "cheating" were indistinguishable and were in the "same bucket."

Pursuant to the COI's authority under Bylaw 19.7.7.4 and based on information developed at the hearing, the panel concludes that the former director of basketball operations committed academic fraud in violation of NCAA legislation. See *Indiana University* (2008) (COI concluding independently an institutional failure to monitor after information presented at the hearing); and *Marshall University* (2001) (COI concluding independently that combined with information originally submitted to it by the institution together with information provided at the hearing, a finding of lack of institutional control was warranted in academic fraud case).

When the former director of basketball operations completed online coursework for four men's basketball student-athletes his conduct was unethical and contrary to the high standard of conduct required of institutional staff members. The former director of basketball operations did not operate with the honesty and integrity expected of staff members working at NCAA member institutions. His actions were contradictory to the minimum standards of conduct contemplated by Bylaws 10 and 10.01.1. The former director of basketball operations had no credible explanation for how significant portions of student-athletes' coursework was completed on his desktop. He admitted that he had access and did access student-athletes' online portal accounts,

in violation of the institution's policy.¹¹ The men's basketball coaches did not ever see student-athletes sitting at his desktop completing work even though his cubicle was in plain view of the coaches' offices. The student-athletes' grades changed dramatically for the worse after he was suspended by the institution. He also admitted that his desktop was used to complete student-athletes' coursework, but maintained that he did not complete their coursework. The panel does not find his denials persuasive or credible. Additionally, student-athlete 2 subsequently competed while ineligible before being withheld by the institution. Based on the information presented in the case, the former director of basketball operations violated Bylaw 10.1-(b) when he arranged for student-athletes 1, 2, 4 and 5 to receive fraudulent academic credit.

While each case is unique to its facts and circumstances, the committee has recently concluded that institutional staff members who complete online coursework for prospective or current student-athletes commit Level I violations. *Georgia Southern University* (2016) (concluding that Level I impermissible academic assistance violations occurred when a former assistant director of student-athlete services wrote 10 extra credit papers for two football student-athletes); *University of Southern Mississippi* (2016) (concluding that Level I academic misconduct violations occurred when members of the men's basketball staff completed over sixty-credit hours of online coursework for seven prospective student-athletes); *Southern Methodist University* (2016) (concluding that a Level I academic misconduct violation occurred when a basketball administrative assistant obtained an incoming student-athlete's username and password and completed all of his assignments and exams for an online course); *Syracuse University* (2015) (concluding that a Level I violation occurred when the former director of basketball operations and former basketball receptionist completed an extra credit paper for a student-athlete seeking a grade change over one year after he had completed the course); and *Weber State University* (2014) (concluding that Level I violations occurred when a math instructor obtained five student-athletes' usernames and passwords and completed online quizzes, tests and exams, resulting in fraudulent academic credit).

Institutional staff should never involve themselves in completing, in whole or in part, the academic coursework of student-athletes. Pursuant to Bylaw 19.1.1 the panel concludes that the violation is Level I because the former director of basketball operations' conduct was unacceptable and his conduct seriously undermined and threatened the integrity of the NCAA Collegiate Model. The violation also provided student-athletes with a substantial or extensive impermissible benefit.

**B. IMPERMISSIBLE EXTRA BENEFITS AND UNETHICAL CONDUCT:
IMPERMISSIBLE ACADEMIC EXTRA BENEFITS IN MEN'S BASKETBALL
AND KNOWING PROVISION OF IMPERMISSIBLE ACADEMIC EXTRA
BENEFITS BY THE FORMER DIRECTOR OF BASKETBALL OPERATIONS
[NCAA Division I Manual Bylaws 10.01.1, 10.1, 10.1-(c), 16.11.2.1 (2013-14 and
2014-15)]**

¹¹ While the enforcement staff declined to bring a head coach responsibility allegation under Bylaw 11.1.1.1, the panel was concerned about the head coach's potential responsibility in the case because he knew that the former director of basketball operations had access to the student-athletes' online portal accounts.

The former director of basketball operations provided impermissible academic extra benefits to student-athletes 2, 3, 5, 6, 7, 8, 9 and 10 in several other online courses during the fall of 2013 and spring and fall of 2014. Further, the former director of basketball operations knew or should have known that when he completed online coursework for student-athletes 2, 3, 5, 6, 7, 8, 9 and 10, he was providing impermissible academic extra benefits to them. The institution found that the student-athletes violated the student code of conduct and issued admonishment letters and periods of conduct probation. The institution and enforcement staff agreed that the former director of basketball operations' conduct was unethical. The former director of basketball operations disagreed that any violations occurred. The panel concludes that Level I violations occurred.

1. NCAA legislation relating to unethical conduct.

The applicable portions of the bylaws may be found at Appendix Two.

2. During the 2013-14 and 2014-15 academic years, the former director of basketball operations knowingly provided impermissible academic extra benefits to eight men's basketball student-athletes when he completed online coursework on their behalf.

The former director of basketball operations provided impermissible academic extra benefits to eight men's basketball student-athletes. He also committed unethical conduct when he knowingly provided student-athletes 2, 3, 5, 6, 7, 8, 9 and 10 an extra benefit by completing online coursework for them in violation of NCAA legislation. The former director of basketball operations violated Bylaws 10 and 16.

Bylaws 10.01.1 and 10.1 require institutional staff members and student-athletes to act with honesty and sportsmanship and ethical conduct. Among other examples, Bylaw 10.1-(c) identifies knowingly providing an enrolled student-athlete an extra benefit as unethical conduct. Bylaw 16.11.2.1 generally prohibits institutional staff members from providing student-athletes with any extra benefit. The term "extra benefit" refers to any special arrangement by an institutional employee to provide the student-athlete with a benefit not expressly authorized by NCAA legislation.

The former director of basketball operations provided impermissible academic extra benefits to student-athletes 2, 3, 5, 6, 7, 8, 9 and 10 during the 2013-14 and 2014-15 academic years. The institution and the enforcement staff substantially agreed with these violations. The former director of basketball operations denied that he provided student-athletes with extra benefits. However, he was provided rules education by the institution and should have known that providing such benefits to student-athletes was impermissible. While his misconduct did not result in any grade changes to student-athletes' courses, the eight student-athletes did receive letters of admonishment or periods of conduct probation under the student code of conduct. Additionally, student-athletes 2, 7, 9, and 10 subsequently competed while ineligible. The former director of basketball operations violated Bylaw 16.11.2.1 when he provided student-athletes 2, 3, 5, 6, 7, 8, 9 and 10 with impermissible academic extra benefits.

Similarly, the former director of basketball operations knew or should have known that completing coursework for student-athletes was impermissible under NCAA rules. The institution provided rules education to him and yet he determined on his own volition to access student-athletes' online portal accounts and complete significant portions of eight student-athletes' coursework over two academic years. The institution determined the eight student-athletes violated its student code of conduct and three of those student-athletes subsequently competed while ineligible. The panel agrees with the institution's president that the former director of basketball operations' conduct in this case was "intolerable." Institutional staff should never complete coursework of any kind for a student-athlete. The former director of basketball operations denied ever completing any coursework but the panel did not find his denials credible in light of the substantial information corroborating his involvement. When the former director of basketball operations completed coursework on behalf of student-athletes 2, 3, 5, 6, 7, 8, 9 and 10 and providing them an impermissible extra benefit, he violated Bylaws 10.01.1, 10.1, and 10.1-(c).

While each case is unique, the COI has consistently concluded that current and former institutional staff members must not knowingly provide student-athletes with extra benefits. *See University of California, Los Angeles* (2016) (concluding that the associate head football coach was unethical when he knowingly provided two prospective student-athletes with \$2,400 in extra benefits); and *Lamar University* (2016) (concluding that a head men's golf coach was unethical when he committed a Level I violation by knowingly providing \$15,500 in impermissible extra benefits to three student-athletes); *Syracuse University* (2015) (concluding that a support services mentor and a support services tutor provided impermissible academic extra benefits to three men's basketball student-athletes).

Ethical conduct is a bedrock standard and principle on which the NCAA Collegiate Model and infractions process are based. All NCAA member institutions and staff must undertake these responsibilities with the utmost commitment. Pursuant to Bylaw 19.1.1 the former director of basketball operations failed to fulfill his obligations and seriously undermined and threatened the NCAA Collegiate Model. The panel concludes his violations are Level I.

C. THE INSTITUTION'S FAILURE TO MONITOR [NCAA Division I Manual CONSTITUTION 2.8.1 (2013-14 AND 2014-15)]

The institution failed to monitor the former director of basketball operations' activities surrounding 10 student-athletes' online coursework. The institution substantially agreed to the facts and that a Level II violation occurred. The panel agrees that the violation is Level II.

1. NCAA legislation relating to an institution's responsibility.

The applicable portions of the bylaws may be found at Appendix Two.

- 2. During the 2013-14 academic year through October 2014, the institution failed to monitor the former director of basketball operations' involvement in ten student-athletes' online coursework, allowing his conduct to go undetected and resulting in the student-athletes obtaining fraudulent academic credit and receiving impermissible academic extra benefits.**

During the 2013-14 academic year through October 2014, the institution failed to monitor the former director of basketball operations allowing his academic fraud and provision of impermissible academic extra benefits to go undetected. The institution had reason to pay attention to the former director of basketball operations' activities and failed to adequately investigate those concerns and identify potential violations. The institution violated NCAA Constitution 2.8.1.

The institution knew of issues and concerns with the former director of basketball operations as early as 2010 but failed to take adequate steps to thoroughly investigate the concerns or monitor his actions. The institution subsequently learned that the former director of basketball operations had assisted student-athletes in drafting emails to faculty and administrators. To the institution's credit, once the violations in this case were discovered, the president and director of athletics acted swiftly and decisively to suspend the then director of basketball operations and commissioned an internal investigation and an independent outside investigation into the matter. The institution is to be commended for the substantial and widespread corrective actions that it undertook after the investigations concluded. However, the institution admitted that the relationship between its academic affairs and athletics departments was "dysfunctional." That dysfunction and lack of communication permitted the former director of basketball operations to continue his misconduct without detection until the fall of 2014. When the institution failed to adequately investigate concerns about the former director of basketball operations' suspicious activities, it violated NCAA Constitution 2.8.1.

The COI has previously decided cases where it has concluded academic misconduct violations and failure to monitor by the institution. *See, e.g., Weber State University* (2014) (concluding a math instructor committed academic misconduct and failure to monitor by the institution); and *University of Southern Mississippi* (2013) (concluding academic misconduct by coaches and failure to monitor by the institution).

The institution's failure resulted in severe academic violations that cut to the core of the NCAA Collegiate model. Bylaw 19.1.2(b) presumes and the panel concludes that the violation is a Level II violation because it was a significant breach of conduct that may compromise the integrity of the NCAA Collegiate Model.

V. PENALTIES

For the reasons set forth in Sections III and IV of this decision, the panel concludes this case involved Level I and II violations of NCAA legislation. Level I violations are severe breaches of

conduct. Level II violations are significant breaches of conduct. The panel accepts all of the institution's self-imposed penalties. Pursuant to Bylaw 19.9.1, the panel concludes the violations occurred after the implementation of the new penalty structure and therefore prescribes penalties under Figure 19-1.

To determine the appropriate classification of the case the panel considered aggravating and mitigating factors pursuant to Bylaws 19.9.3 and 19.9.4. When assigning appropriate classifications, the panel assessed aggravating and mitigating factors by weight as well as number. The enforcement staff proposed four aggravators for the institution: (1) multiple Level I violations by the institution; (2) a history of Level I, Level II or major violations by the institution; (3) persons of authority condoned, participated in or negligently disregarded the violations or related wrongful conduct; and (4) one or more violations caused significant ineligibility or other substantial harm to a student-athlete. The institution did not agree that it had committed multiple Level I violations because they believed the violations in Allegation No.1 to be Level II. However, the panel concludes the violations in Allegation No.1 to be Level I, so therefore determines that coupled with the Level I unethical conduct violation committed by the former director of basketball operations, there are multiple Level I violations in the case. The panel also determines that aggravator 3 (persons of authority condoning, participating in or negligently disregarding violations or related wrongful conduct) and aggravator 4 (one or more violations causing significant ineligibility or other substantial harm to a student-athlete) apply in this case. Finally, Bylaw 19.9.3-(b) identifies an institution's Level I, Level II or major infractions history as an aggravating factor; however, pursuant to Bylaw 19.9.3-(b)(1), because some 12 years have elapsed since the institution's last major infractions case, the panel determines it is accorded little weight in this case.

The enforcement staff and the institution agreed on three proposed mitigators: (1) affirmative steps to expedite final resolution of the matter; (2) an established history of self-reporting Level III or secondary violations¹²; and (3) exemplary cooperation. The panel determines that all three proposed mitigators apply. Additionally, the institution proposed a fourth mitigator: prompt acknowledgment of the violation, acceptance of responsibility and imposition of meaningful corrective measures and/or penalties. The enforcement staff took no position on this fourth proposed mitigator. The panel determines the mitigator does apply and the institution should be commended for its undertaking of numerous and meaningful corrective measures and the imposition of significant penalties in this case. The panel thus classifies the institution's violations as Level I – Standard.

Regarding the former director of basketball operations, the enforcement staff proposed six aggravators: (1) multiple Level I violations by the involved individual; (2) unethical conduct; (3) violations were premeditated, deliberate or committed after substantial planning; (4) persons of authority condoned, participated in or negligently disregarded the violations or related wrongful conduct; (5) one or more violations caused significant ineligibility in or other substantial harm to a student-athlete or prospective student-athlete; and (6) intentional, willful

¹² According to the institution's response to the NOA, from the 2010-11 through 2015-16 academic years, the institution self-reported 29 Level III or secondary violations.

or blatant disregard for the NCAA constitution and bylaws. The former director of basketball operations disagreed with all the proposed aggravators because he denied that he participated in any NCAA violations or unethical conduct. The panel adopts all of the enforcement staff's proposed aggravators because the former director of basketball operations failed in his responsibilities and obligations under the rules and his conduct exhibited a blatant disregard for the NCAA constitution and bylaws. The former director of basketball operations proposed two mitigators in this case: (1) exemplary cooperation and (2) an established history of self-reporting Level III or secondary violations. The enforcement staff opposed both proposed mitigators. The panel determines that neither of the former director of basketball operations' proposed mitigators apply.

The panel determines that the former director of basketball operations met his obligations under the NCAA cooperative principle but did not meet the high bar generally associated with exemplary cooperation, thus his first proposed mitigator is inappropriate. Similarly, the panel determines that the proposed mitigator of an established history of self-reporting simply does not apply because the mitigator is one that only pertains to institutions, not individuals. Thus, after determining the appropriate aggravating and mitigating factors, the panel classifies the violations as Level I - Aggravated for the former director of basketball operations.

All of the penalties prescribed in this case are independent of and supplemental to any action the Committee on Academics has taken or may take through its assessment of postseason ineligibility, historical penalties or other penalties. The institution's corrective actions are contained in Appendix One. After considering all information relevant to the case, the panel prescribes the following:

Core Penalties for Level I – Standard violations by the institution (Bylaw 19.9.5)

1. Three years of probation from December 7, 2016, through December 6, 2019, or completion of the final penalty, whichever is later.¹³
2. The institution self-imposed a one-year postseason ban for the men's basketball program following the 2015-16 academic year. (Institution imposed).
3. The institution shall pay a financial penalty of \$5000 plus one percent of the men's basketball budget.
4. The institution reduced the total number of athletically related financial aid awards in men's basketball by a total of two awards: one during the 2016-17 academic year; and one during the 2017-18 academic year. (Institution imposed).

¹³ Probation periods always commence with the release of the infractions decision. Pursuant to NCAA Bylaws 19.3.6-(e) and 19.9.5.7 and Division I Committee on Infractions Internal Operating Procedure 2-1-1, the committee tethers probationary periods to the prescribed penalties. The institution proposed a three-year probationary period. The authority to prescribe NCAA probation, however, rests solely with the committee.

Core Penalties for Level I – Aggravated violations by the former director of men's basketball operations (Bylaw 19.9.5)

5. Show-cause order: The former director of basketball operations violated core NCAA bylaws and requirements that are fundamental to the NCAA Collegiate Model and infractions process. First, he knowingly completed and submitted coursework for four men's basketball student-athletes who received fraudulent academic credit. His actions violated unethical conduct legislation. He committed further unethical conduct when he knowingly provided impermissible academic benefits to eight men's basketball student-athletes. Therefore, the former director of basketball operations will be informed in writing by the NCAA that should he be employed or affiliated in an athletically related position at another NCAA member institution during a five-year period, from December 7, 2016, through December 6, 2021, within 30 days of his hiring, that employing institution shall ask for a date to appear before a hearing panel to show cause why restrictions on all athletically related activity should not apply.

Additional Penalties for Level I – Standard violations by the institution (Bylaw 19.9.7)

6. Public reprimand and censure.
7. Vacation of team and individual records. The former director of basketball operations actions committed academic fraud and provided impermissible academic benefits. His actions caused four enrolled men's basketball student-athletes to compete for the institution while ineligible in the 2014-15 season (student-athletes 2, 7, 9 and 10). Therefore, pursuant to Bylaws 19.9.7-(g) and 31.2.2.3, the institution shall vacate all regular season and postseason participation and wins in which ineligible student-athletes competed from the time they became ineligible through the time they were reinstated as eligible for competition. The individual records of the ineligible student-athletes shall also be vacated. However, the individual finishes and any awards for all eligible student-athletes will be retained. Further, the institution's records regarding men's basketball, as well as the record of the head coach, will reflect the vacated records and will be recorded in all publications in which men's basketball records are reported, including, but not limited to, institutional media guides, recruiting material, electronic and digital media plus institutional, conference and NCAA archives. 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 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. 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 NCAA Media Coordination and Statistics office with a written report, detailing those discussions. This document will be maintained in the permanent files of the NCAA Media Coordination and Statistics office. This written report must be delivered to the

office no later than 45 days following the release of this decision. The sports information director (or designee) must also inform the Office of the Committees on Infractions of this submission to the NCAA Media Coordination and Statistics office.

8. The institution placed the former director of basketball operations on administrative leave in October 2014 and directed him to cease contact with student-athletes and staff. In May 2015, the institution accepted his resignation. (Institution imposed).
9. The institution withheld seven men's basketball student-athletes implicated in possible violations from competition for the entire 2014-15 season. (Institution imposed).
10. The institution lost approximately \$17,000 due to Big West Conference withholding of postseason distribution. (Institution imposed).
11. The institution conducted an independent, external comprehensive investigation of the men's basketball program and notified NCAA enforcement staff. (Institution imposed).
12. 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 student-athlete academic assistance (counseling, tutoring, etc.);
 - b. Submit a preliminary report to the Office of the Committees on Infractions by January 31, 2017, 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 October 15 of each year during the period of probation. Particular emphasis shall be placed on rules education and monitoring of academic assistance provided by institutional staff members to student-athletes, activities of prospective student-athletes on official paid visits and adherence to recruiting legislation;
 - d. Inform men's basketball prospective student-athletes in writing that the institution is on probation for three 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 webpage "landing page" 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 major infractions case; and (iii) give members of the general 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 nothing more is not sufficient.

13. Pursuant to current Bylaw 19.9.10, the NCAA president may forward a copy of the public infractions decision to the appropriate regional accrediting agency.
14. 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 COI 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 Adams
Britton Banowsky
Carol Cartwright, Chief Hearing Officer
Greg Christopher
Larry Parkinson
Gregory Sankey
Sankar Suryanarayan

APPENDIX ONE

CORRECTIVE ACTIONS IDENTIFIED IN THE INSTITUTION'S MAY 2, 2016, RESPONSE TO THE NOTICE OF ALLEGATIONS

As soon as alerted to possible academic irregularities in the men's basketball program, the university's president asked CSU's Office of the General Counsel to engage an independent, external investigator to conduct a comprehensive investigation and directed that the NCAA enforcement staff be informed.

- Retrained all employees in the MAC, Academic Advising for Student Athletes and the Department of Athletics in policies and reporting of suspected academic misconduct, as well as permissible vs. impermissible academic support services. The president personally admonished the athletics director, head coach, men's basketball, and the associate vice president for Undergraduate Studies to be more vigilant and clearly articulated expectations going forward and consequences on noncompliance (non-retention of employment).
- The university retained an outside person to conduct a four-hour intensive workshop on Academic Integrity for all faculty, with special invitation and focus on faculty teaching online courses. The workshop was conducted on April 17, 2015. Faculty development sponsored the workshop, with partnership from student affairs and academic technology.
- Appointed a new faculty athletics representative (FAR). Increased engagement of the FAR in both academic and compliance-related functions.
- In July 2015, established an academic oversight group for athletics to review student-athlete academic trends and practices. This group includes 10 faculty members with specific experience in remediation, online courses and assessment.
- Beginning in the fall of 2015, student-athletes are limited to one online class per term.
- Discontinued use of student-athletes as mentors and tutors for other student-athletes. This did not create or lead to any misconduct, but resulted in some interpersonal conflicts due to the athletes' pre-existing relationships and possibly reluctance on the part of mentors/tutors to report concerns.
- Created a new position of senior associate director of athletics for academic services within the Division of Academic Affairs, to support the advising, mentoring and tutoring of student-athletes (now MAC). Following a national search, this new administrator started in August 2015.

- All student-athletes are required to sign an academic integrity/honesty policy. The policy sets forth expectations on conduct and on reporting matters on cheating.
- In October 2015, the associate athletics director of internal operations and senior associate athletic director for academic services communicated with coaches via email that communication with faculty outside of the FAR is prohibited by coaches and athletic administrators, excluding the academic services and the MAC. This communication is in addition to conversations the senior associate athletic director had with all head coaches in the head coaches round-table meeting during the fall 2015 term.
- The lead role for compliance was replaced and the compliance unit was restructured; the associate director of compliance services is now a senior staff position in the department of athletics and has a dual reporting relationship with the athletics director and the vice president of administration and finance. Following a national search, this new administrator started in November 2015.
- The associate director meets with the men's basketball staff twice per month for NCAA rules education.
- In the winter of 2016, the university discovered a number of students (not athletes) had taken accelerated winter courses in Calculus online at another institution. In some cases, they had taken both Calculus I and Calculus II at the same time. After consulting with that institution, the university ascertained that the institution had not checked or enforced their catalog prerequisites for these courses. As of the winter of 2016, the university has de-articulated all lower division courses from that institution.
- Further, the university has de-articulated all online classes from community colleges outside of California.
- In March 2016, the university discovered Koofers and several other "homework" websites on which material (including tests and answers) from CSUN classes was posted. The administration immediately issued a special edition of the *Faculty Development* newsletter and distributed it to all faculty. Included in the special edition were links to the "homework" sites of which the university had been made aware and suggested all faculty check the sites for materials from their classes. The newsletter also included best practices approaches offered by the university's director of faculty development. Faculty Development also made all faculty aware that they were available for on-demand workshops on the topic. Link to faculty newsletter:

<http://us5.campaign-archive1.com/?u=145699300d5bcc2505291b8d9&id=0c4caa2eda&e=e4e411c1b7>

- The president discussed the "homework" sites at the Faculty Senate meeting on April 14, 2016, highlighting the websites above and showing her commitment to proactive approaches to the issue at CSUN.

- In the summer of 2016, Academic Affairs and Information Technology will pilot the use of "Proctor U" an online proctoring service in the Learning Resource Center/Writing Proficiency Exam and in the summer offering of the online version of Introduction to Astronomy and Lab (ASTR 152/154L).
- The university hired an independent consultant, to review the academic support program for student-athletes and recommend action items to strengthen the service provided by the program and prevent future violations of university conduct provision and NCAA legislation. The university is in the process of reviewing the independent consultant's report and recommendations. To date, the following actions have been taken:
 - The consolidation of the ASSA (Academic Support for Student-Athletes) and MAC offices into one student-athlete focused academic unit is in process. This consolidated unit will continue under the MAC brand and report to the senior associate athletic director for Academic Services, who joined the academic staff in August 2015. This position was added to the senior staff for athletics and includes attendance at weekly senior staff meetings. During these meetings, the senior associate addresses needs, concerns, issues, programming and other items central to the mission of providing appropriate academic support to student-athletes.
 - Beginning September 2015, the senior associate athletic director for Academic Services established regular meetings with the head coaches and athletic teams to gain a better understanding of their team culture, receive feedback on interactions with academics and open the lines of communication. During these meetings, the senior associate discussed future plans and also asked all coaches to give the academic staff the opportunity to travel with the team occasionally. This effort has been successful as the senior associate and six of her staff members have traveled to away contests with teams to date.
 - Beginning September 2015, all athletics academic advisors were directed to establish regular meetings with their designated team coaches to discuss academic progress of their cohort with at least one meeting per month.
 - As of September 2015, biweekly academic reports for identified at-risk student-athletes have been sent to coaches, which is in addition to the faculty progress reports previously established. In February 2016, sport administrators were also added to these academic reports to add an additional layer of communication.
 - As of September 2015, academic services also has at least one representative attend the head coaches round table and head coaches compliance meeting with the majority of the staff attending when possible.
 - In January 2016, a temporary part-time learning specialist was hired as a posting for a full-time learning specialist was created with Human Resources. As of April 2016,

interviews of candidates to fill this full-time position have begun with the anticipated selection of a candidate to be completed by May 2016.

- An updated special admissions process was instituted in January 2016. This new process has expedited the decision-making process and streamlined communication between athletics and academics as representatives from both sides weigh in on final decisions.
- Incoming student-athletes with remedial needs and special admits are participating in summer bridge. This number ranges from 20 to 25 freshmen every summer.

APPENDIX TWO
Bylaw Citations

Division I 2013-14 Manual

Constitution 2.8.1 Responsibility of Institution. Each institution shall comply with all applicable rules and regulations of the Association in the conduct of its intercollegiate athletics programs. It shall monitor its programs to assure compliance and to identify and report to the Association instances in which compliance has not been achieved. In any such instance, the institution shall cooperate fully with the Association and shall take appropriate corrective actions. Members of an institution's staff, student-athletes, and other individuals and groups representing the institution's athletics interests shall comply with the applicable Association rules, and the member institution shall be responsible for such compliance.

10.01.1 Honesty and Sportsmanship. Individuals employed by (or associated with) a member institution to administer, conduct or coach intercollegiate athletics and all participating student-athletes shall act with honesty and sportsmanship at all times so that intercollegiate athletics as a whole, their institutions and they, as individuals, shall represent the honor and dignity of fair play and the generally recognized high standards associated with wholesome competitive sports.

10.1 Unethical Conduct. Unethical conduct by a prospective or enrolled student-athlete or a current or former institutional staff member, which includes any individual who performs work for the institution or the athletics department even if he or she does not receive compensation for such work, may include, but is not limited to, the following:

- (b) Knowing involvement in arranging for fraudulent academic credit or false transcripts for a prospective or an enrolled student-athlete;
- (c) Knowing involvement in offering or providing a prospective or an enrolled student-athlete an improper inducement or extra benefit or improper financial aid.

16.11.2.1 General Rule. The student-athlete shall not receive any extra benefit. The term "extra benefit" refers to any special arrangement by an institutional employee or representative of the institution's athletics interests to provide the student-athlete or his or her family members or friends with a benefit not expressly authorized by NCAA legislation.

Division I 2014-15 Manual

Constitution 2.8.1 Responsibility of Institution. Each institution shall comply with all applicable rules and regulations of the Association in the conduct of its intercollegiate athletics programs. It shall monitor its programs to assure compliance and to identify and report to the Association instances in which compliance has not been achieved. In any such instance, the institution shall cooperate fully with the Association and shall take appropriate corrective actions. Members of an institution's staff, student-athletes, and other individuals and groups

representing the institution's athletics interests shall comply with the applicable Association rules, and the member institution shall be responsible for such compliance.

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- (c) Knowing involvement in offering or providing a prospective or an enrolled student-athlete an improper inducement or extra benefit or improper financial aid.

16.11.2.1 General Rule. The student-athlete shall not receive any extra benefit. The term "extra benefit" refers to any special arrangement by an institutional employee or representative of the institution's athletics interests to provide the student-athlete or his or her family members or friends with a benefit not expressly authorized by NCAA legislation.