



MORGAN STATE UNIVERSITY
PUBLIC INFRACTIONS DECISION
DECEMBER 15, 2017

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 public. The COI is charged with deciding infractions cases involving member institutions and their staffs.¹ This case involved erroneous eligibility certifications and improper financial aid in the athletics program at Morgan State University.² A panel of the COI considered this case through the cooperative summary disposition process in which all parties agreed to the primary facts and violations, as fully set forth in the summary disposition report (SDR). The panel proposed additional penalties to Morgan State, which agreed to some of them but contested all or parts of three others. The panel held an expedited penalty hearing regarding those issues and determined that, as modified, they are appropriate. The institution has an opportunity to appeal those three penalties.

This case involves systematic failures in Morgan State's certification and financial aid processes, resulting in a lack of institutional control. For four years, Morgan State violated NCAA eligibility and financial aid legislation. The institution improperly certified as eligible for practice and/or competition 94 student-athletes on 129 instances in 10 sports. The institution then allowed all 94 to compete and impermissibly receive related expenses. Over the same period, Morgan State improperly awarded financial aid to student-athletes in nine sports. The violations were caused in part by a lack of rules education on campus, lack of athletics department resources and frequent staff turnover, which contributed to the lack of institutional control and failure to monitor. The improper certifications are Level I violations, while the impermissible financial aid awards are Level II violations. Lack of institutional control is a Level I violation.

The panel accepts the parties' factual agreements and concludes violations occurred. Because the violations predominantly occurred after October 30, 2012, the current penalty structure applies. After considering applicable aggravating and mitigating factors, the panel classifies this case as Level I-Standard. Utilizing the current penalty guidelines and NCAA bylaws authorizing additional penalties, the panel adopts and prescribes the following penalties: four

¹ Infractions cases are decided by hearing panels comprised of COI members. Decisions issued by hearing panels are made on behalf of the COI.

² A member of the Midwestern Athletic Conference, Morgan State has an enrollment of approximately 7,600 and sponsors six men's sports and eight women's sports. This is the institution's second major, Level I or Level II infractions case. It had a previous case in 1995 (multiple sports). The COI also reviewed a Morgan State infractions case under its major infractions procedures in 1999 but determined that case to be secondary.

years of probation, a fine, scholarship and recruiting reductions, postseason bans for three sports and vacation of records.

II. CASE HISTORY

On July 21, 2015, the NCAA academic and membership affairs (AMA) staff alerted the NCAA enforcement staff that it had discovered multiple progress-toward-degree violations during an Academic Performance Plan (APP) review at Morgan State. The AMA staff concluded its review in June 2016, at which point the enforcement staff initiated an investigation and issued a verbal notice of inquiry. In September 2016, January 2017 and February 2017, Morgan State submitted self-reports of violations to the enforcement staff. On each occasion, the enforcement staff had to return the reports to the institution because they lacked necessary data. Morgan State submitted a final, complete report on March 1, 2017.

On June 28, 2017, the parties submitted the SDR to the COI.³ A panel of the COI reviewed the SDR on August 2, 2017, and proposed nine penalties (additional to those self-imposed) five days later. The institution responded on August 15, 2017, that it did not accept the proposed additional penalties and requested an expedited penalty hearing pursuant to Bylaw 19.6.4.5. The panel conducted the expedited penalty hearing on October 26, 2017. At the hearing, the institution contested all or parts of three of the proposed penalties.

III. PARTIES' AGREEMENTS

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

The parties jointly submitted an SDR that identifies an agreed-upon factual basis, violations of NCAA legislation and violation levels. The SDR identified:

- 1. [NCAA Division I Manual Bylaws 14.2.1, 14.2.1.1, 14.4.3.1.7-(b), 14.4.3.1.8, 14.11.1 and 16.8.1.2 (2012-13); 14.3.2.1.1, 14.3.4 and 14.4.3.3 (2012-13 and 2013-14); 12.1.1.1.3, 14.4.3.1-(a), 14.4.3.1, 14.4.3.2 and 14.4.3.1.6 (2012-13 through 2014-15); 14.10.1 (2013-14); 14.4.3.1.7 and 16.8.1 (2013-14 through 2015-16); and 3.2.4.6, 3.2.4.7, 12.11.1, 12.7.2.1, 12.7.3.1, 14.01.1, 14.2.1, 14.2.2 and 14.3.5.1 (2015-16)] (Level I)⁴**

³ Pursuant to COI Internal Operating Procedure (IOP) 3-9-2-1, panels in future cases may view this decision as less instructive than a decision reached after a contested hearing because violations established through the summary disposition process constitute the parties' agreements.

⁴ The parties did not cite 2012-13 Bylaws 14.4.3.1-(b) and 14.4.3.1-(c) in the heading. However, they are later cited by the parties in support of some of the violations.

The enforcement staff and institution agree that beginning in the 2012-13 academic year and continuing through 2015-16 academic year, the institution improperly certified as eligible for practice and/or competition 94 student-athletes on 129 instances in 10 sports. As a result, 94 student-athletes competed and received actual and necessary expenses while ineligible or not certified. Additionally, the institution failed to withhold 83 student-athletes from competition during subsequent academic years before their eligibility was reinstated. Specifically:

- a. During the fall of 2015, three student-athletes practiced and competed prior to signing the student-athlete statement, and four student-athletes practiced and competed prior to signing the drug testing form. [NCAA Bylaws 3.2.4.6, 3.2.4.7, 12.7.2.1 and 12.7.3.1 (2015-16)]
- b. Beginning in the 2012-13 academic year and continuing through the 2013-14 academic year, two football student-athletes practiced and competed prior to having their amateurism certified. [NCAA Bylaw 12.1.1.1.3 (2012-13 through 2013-14)]
- c. During the fall of 2012, one football student-athlete competed in two contests after he exhausted all of his seasons of competition. [NCAA Bylaws 14.2.1 and 14.2.1.1 (2012-13)]
- d. During the fall of 2012 and fall of 2013, one football student-athlete practiced, competed, and received athletics financial aid as a non-qualifier. During the fall of 2013, one football student-athlete practiced and competed as a non-qualifier. Additionally, the institution failed to withhold two student-athletes from competition during subsequent academic years before their eligibility was reinstated. [NCAA Bylaws 14.3.2.1.1 and 14.3.4 (2012-13 and 2013-14); 14.11.1 (2012-13); and 14.10.1 (2013-14)]
- e. During the fall of 2015, eight student-athletes practiced and competed beyond the 45-day period prior to their qualification status being certified. [NCAA Bylaws 14.01.1 and 14.3.5.1 (2015-16)]
- f. During the 2015-16 academic year, two student-athletes practiced and three practiced and completed while enrolled less than full time at the institution and did not qualify for an exception to normal full-time enrollment requirements. [NCAA Bylaw 12.11.1, 14.2.1 and 14.2.2 (2015-16)]
- g. Beginning in the 2012-13 academic year and continuing through the 2014-15 academic year:

- (1) Eight student-athletes competed without satisfactory completion of at least 24 semester hours of academic credit prior to the start of their second year of collegiate enrollment. Additionally, the institution failed to withhold three student-athletes from competition during subsequent academic years before their eligibility was reinstated. [NCAA Bylaws 14.4.3.1-(a) (2012-13 through 2014-15); 14.11.1 and 14.4.3.1.8 (2012-13); 14.10.1 (2013-14); and 12.11.1 and 14.4.3.1.7 (2014-15 through 15-16)]
 - (2) Twenty-one student-athletes on 26 different occurrences competed without satisfactory completion of at least 18 semester hours of academic credit during the certifying institution's preceding regular two semesters. Additionally, the institution failed to withhold 21 student-athletes from competition during subsequent academic years before their eligibility was reinstated. [NCAA Bylaws 14.4.3.1-(b) (2012-13 through 2014-15); 14.11.1 and 14.4.3.1.8 (2012-13); 14.10.1 and 14.4.3.1.7 (2013-14); and 12.11.1 and 14.4.3.1.7 (2014-15)]
 - (3) Eleven student-athletes on 15 different occurrences competed without satisfactory completion of at least six semester hours of academic credit during the preceding regular term. Additionally, the institution failed to withhold 11 student-athletes from competition during subsequent academic years before their eligibility was reinstated. [NCAA Bylaws 14.4.3.1-(c) (2012-13 through 2014-15); 14.11.1 and 14.4.3.1.8 (2012-13); 14.10.1 and 14.4.3.1.7 (2013-14); and 12.11.1 and 14.4.3.1.7 (2014-15)]
- h. Beginning in the 2012-13 academic year and continuing through the 2014-15 academic year, six football student-athletes competed without satisfactory completion of at least nine semester hours during the previous fall term. Additionally, the institution failed to withhold six student-athletes from competition during subsequent academic years before their eligibility was reinstated. [NCAA Bylaws 14.4.3.1.6 (2012-13 through 2014-15); 14.11.1 (2012-13); 14.10.1 (2013-14); and 12.11.1 (2014-15)]
 - i. In the 2012 fall semester one football student-athlete, and during the 2012-13 academic year, one men's basketball student-athlete, competed without having designated a program of studies leading toward a specific baccalaureate degree program at the beginning of their fifth semester of enrollment. [NCAA Bylaws 14.4.3.1.7-(b) and 14.11.1 (2012-13)]
 - j. Beginning in the 2012-13 academic year and continuing through the 2015-16 academic year, 66 student-athletes on 86 different occurrences competed without successfully completing their required percentage-of-degree

requirements. Additionally, the institution failed to withhold 57 student-athletes from competition during subsequent academic years before their eligibility was reinstated. [NCAA Bylaws 14.4.3.2 (2012-13 through 2014-15); 14.11.1 (2012-13); 14.10.1 (2013-14); and 12.11.1 (2014-15 and 2015-16)]

- k. In the 2012 fall semester, five student-athletes on five different occurrences, and in the 2013 fall semester four student-athletes on four different occurrences, failed to fulfill minimum GPA requirements. Additionally, the institution failed to withhold five student-athletes from competition during subsequent academic years before their eligibility was reinstated. [NCAA Bylaws 14.4.3.3 (2012-13 and 2013-14); 14.11.1 (2012-13); and 14.10.1 (2013-14)]
 - l. Beginning in the 2012-13 academic year and continuing through the 2015-16 academic year, the institution improperly provided ineligible student-athletes actual and necessary expenses to represent the institution in competition. Specifically, the institution improperly academically certified as eligible for competition 96 student-athletes on 130 occasions in 10 different sports. Of these, 94 student-athletes in 10 different sports received actual and necessary expenses to represent the institution in competition. [NCAA Bylaws 16.8.1 (2013-14 through 2014-15) and 16.8.1.2 (2012-13)]
2. **[NCAA Division I Manual Bylaws 15.1 (2012-13 through 2014-15); 15.5.6.2 (2014-15); and 15.5.3.1.1, 15.5.3.1.2, 15.5.1, 15.5.5.1 and 15.5.5.2 (2014-15 and 2015-16)] (Level I)**

The enforcement staff and institution agree that beginning in the 2012-13 academic year and continuing through the 2015-16 academic year, the institution improperly awarded financial aid in nine sports. In most instances the institution improperly awarded a book scholarship that counted toward both individual and team limits. In other instances, the institution's financial aid department improperly awarded other financial aid over individual grant-in-aid limits. Specifically:

- a. During the 2012-13 academic year, the institution provided financial aid in excess of full grant-in-aid to 20 student-athletes in three different sports totaling approximately \$11,429. Six of the 20 student-athletes also exceeded maximum amount of cost of attendance limits. [NCAA Bylaw 15.1 (2012-13)].
- b. During the 2013-14 academic year, the institution provided financial aid in excess of full grant-in-aid to 19 student-athletes in three different sports totaling approximately \$14,801. One of the 19 student-athletes also exceeded maximum amount of cost of attendance limits. [NCAA Bylaw 15.1 (2013-14)]

- c. During the 2014-15 academic year, the institution provided financial aid in excess of full grant-in-aid to 39 student-athletes in nine different sports totaling approximately \$23,182. Two of the 39 student-athletes also exceeded maximum amount of cost of attendance limits. [NCAA Bylaw 15.1 (2014-15)]
 - d. During the 2014-15 academic year, the institution exceeded the annual equivalency limit in men's track by 1.05 scholarships, exceeded the annual limit on the total number of counters in championship subdivision football by four, exceeded the annual limit on the total number of counters in women's basketball by two, and exceeded the annual limit on the total number of counters in men's basketball by one. [NCAA Bylaw 15.5.3.1, 15.5.1, 15.5.5.1, 15.5.5.2, 15.5.3.1.1 and 15.5.6.2 (2014-15)]
 - e. During the 2015-16 academic year, the institution exceeded the annual equivalency limit in men's track by 0.49 scholarships and exceeded the annual equivalency limit in women's bowling by 0.73. [NCAA Bylaw 15.5.3.1.1 and 15.5.3.1.2 (2015-16)]
- 3. [NCAA Constitution 2.1.1, 2.8.1 and 6.01.1 (2012-13 through 2015-16)] (Level I)**

The scope and nature of the violations set forth in Violations Nos. 1 and 2 demonstrate that the institution failed to exercise institutional control and to monitor the conduct and administration of its athletics program. Specifically, the institution failed to adequately monitor and control the athletics eligibility certification process; failed to properly apply academic certification legislation; failed to sufficiently involve institutional staff members from departments outside of athletics in the certification process; failed to withhold ineligible student-athletes from team travel and competition; and failed to promptly detect and report violations to the NCAA. Further, the institution failed to properly monitor an athletics department book scholarship and grant-in-aid limits causing overages in the area of financial aid.

B. PARTIES' AGREED-UPON AGGRAVATING AND MITIGATING FACTORS

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

1. Aggravating factors. [Bylaw 19.9.3]
 - (a) Lack of institutional control. [Bylaw 19.9.3-(c)].
 - (b) Multiple Level I and II violations by the institution. [Bylaws 19.9.3-(a) and 19.9.3-(g)].

2. Mitigating factor. [Bylaw 19.9.4]

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

IV. REVIEW OF CASE

Agreed-upon violations

The SDR fully detailed the parties' positions in the infractions case and included the agreed-upon primary facts, violations, violation levels and aggravating and mitigating factors. After reviewing the parties' principal factual agreements and respective explanations surrounding those agreements, the panel accepts the parties' SDR and concludes that the facts constitute Level I violations of NCAA legislation. Morgan State improperly certified student-athletes and allowed them to practice, compete and/or receive expenses and also improperly awarded financial aid to student-athletes. In doing so, the institution violated Constitution 3 and Bylaws 12, 14, 15 and 16. The institution's actions demonstrated a lack of institutional control, contrary to Constitution 2 and 6.⁵

The NCAA Constitution sets forth the principles that member institutions must follow in conducting their intercollegiate athletics programs. Articles 2 and 6 impose a responsibility on institutions to control and monitor their athletics programs so as ensure that the programs operate in compliance with all rules and regulations of the Association. The Constitution also requires student-athletes to provide information regarding their recruitment, financial aid, eligibility, amateur status and to consent to drug testing. Constitution 3.2.4.6 requires institutions to annually administer the Student-Athlete Statement to obtain the relevant information. Any student-athlete who does not complete the form is rendered ineligible for all competition. The drug-testing consent form, found at Constitution 3.2.4.7, grants consent for student-athletes to be tested for the use of drugs prohibited by NCAA legislation. Bylaw 12.1.1.1.3 requires student-athletes to obtain certification that they are amateur athletes prior to their institutions requesting final eligibility certification from the NCAA or prior to initial enrollment at a member institution.

Bylaw 14 governs eligibility for practice and competition. Bylaws 14.2.1 and 14.2.1.1 require student-athletes to complete their seasons of competition within five calendar years of initially registering as a full-time student in a collegiate institution. Bylaws 14.3.2.1.1 and 14.3.4 direct that incoming freshmen student-athletes who are classified as nonqualifiers (based on standardized test scores and grades) are not eligible for practice, competition or athletics aid.

⁵ Because this case involved conduct over numerous years that violated multiple bylaws across multiple Division I manuals, the panel cites the 2012-13 manual unless otherwise noted. This approach allows the panel to clearly and concisely address the violations in the case. The full list of the specific bylaws and applicable manuals agreed upon by the parties are identified in the decision at Section II.A.

Nonqualifiers must fulfill an academic year in residence on campus before they can participate or receive athletics aid.

Pursuant to Bylaw 14.4, student-athletes wishing to represent institutions in intercollegiate competition following their first year of full-time enrollment must maintain progress toward a baccalaureate degree. Bylaws 14.4.3.1, 14.4.3.1-(a), 14.4.3.1-(b), 14.4.3.1-(c), 14.4.3.1.6, 14.4.3.1.7-(b), 14.4.3.1.8, 14.4.3.2 and 14.4.3.3 all set forth specific progress-toward-degree legislation. These bylaws require student-athletes to do the following: (a) attain 24 semester or 36 quarter hours of degree-applicable academic credit prior to the start of their second year of enrollment; (b) earn 18 semester hours of credit in their institution's previous two regular semesters; (c) complete at least six semester hours of credit in each previous academic semester; (d) complete at least nine semester or eight quarter hours during a fall term and earn an Academic Progress Rate point or sit out the first four contests of the following season (football only); (e) designate and receive approval from academic officials of a degree program prior to the third year of enrollment; (f) complete certain percentages of degree requirements each year of enrollment; and (g) maintain a minimum grade point average throughout their enrollment. Bylaw 14.11.1 and 2015-16 Bylaw 14.01.1 obligate member institutions to allow only eligible student-athletes to participate in competition, while 2015-16 Bylaws 14.2.1 and 14.2.2 require student-athletes to be registered in a full-time program of studies prior to participating in organized practice sessions or competition. Pursuant to 2015-16 Bylaw 14.3.5.1, a student-athlete may practice for up to 45 days prior to meeting all eligibility requirements. Finally, Bylaw 16.8.1.2 allows institutions to provide actual and necessary travel expenses to student-athletes representing the institution in competition. However, those expenses can only be provided to eligible student-athletes.

Bylaw 15 (2014-15) governs the circumstances under which institutions may award financial aid to student-athletes. Bylaw 15.1 limits institutions to providing no more aid than the value of the cost to attend the institution. According to Bylaw 15.5.1, any student-athlete receiving athletically related financial aid is considered a "counter," that is, one who must be included in the maximum aid limitations of Bylaw 15. Both Bylaws 15.5.3.1.1 and 15.5.3.1.2 set forth limits on the number of financial aid awards institutions may provide to male and female student-athletes in each sport, while Bylaws 15.5.5.1 and 15.5.5.2 limit the number of counters for men's and women's basketball teams at 13 and 15, respectively. Finally, in the sport of championship subdivision football, Bylaw 15.5.6.2 limits institutions to providing no more than 63 full financial aid awards to no more than 85 total counters per academic year. The 85 counters may include up to 30 initial counters, who are student-athletes receiving aid countable toward the aid limitations in football for the first time.

The agreed-upon certification violations set forth in the SDR began in the 2012-13 academic year and continued through 2015-16. During those years, Morgan State improperly certified 94 student-athletes, allowed them to compete and provided them with competition-related expenses. The institution later allowed 83 of those student-athletes to compete in subsequent years prior to requesting reinstatement from the NCAA. For two academic years beginning in 2012-13, the institution allowed three student-athletes to practice and compete prior to having

their amateurism certified, in violation of Bylaw 12.1.1.1.3. During the same two academic years, the institution provided athletics related financial aid to one football student-athlete and allowed him to practice and compete even though he was a nonqualifier. Similarly, during the fall of 2013, another football student-athlete practiced and competed as a nonqualifier. When the institution provided athletically related aid to a nonqualifier and allowed two nonqualifiers to practice and compete, it violated Bylaws 14.3.2.1.1 and 14.3.4. The institution allowed them to continue competing in subsequent years without going through the NCAA reinstatement process, in violation of Bylaw 14.11.1.

Also in 2012-13, Morgan State allowed one football student-athlete and one men's basketball student-athlete to compete in their fifth semester of enrollment prior to designating a degree program. In doing so, Morgan State violated Bylaw 14.4.3.1.7-(b). Further, when it allowed the two student-athletes to continue competing in subsequent semesters without petitioning for their reinstatement, Morgan State violated Bylaw 14.11.1. Also in 2012-13, and in the fall of 2013, the institution allowed a total of nine student-athletes to compete even though they had not attained the minimum grade-point averages required by Bylaw 14.4.3.3. Again, the institution violated Bylaw 14.11.1 when it allowed these student-athletes to continue competing without being reinstated.

Morgan State engaged in further violations during the 2012-13 academic year when it failed to apply other sections of Bylaw 14. Some of the violations continued into subsequent years. During the fall of 2012, the institution allowed one football student-athlete to compete even though he had already exhausted his eligibility. This violated Bylaws 14.2.1 and 14.2.1.1. From 2012-13 through 2014-15, six football student-athletes competed without satisfactorily completing at least nine semester hours during the previous fall term. During subsequent terms, the institution failed to withhold these student-athletes from competition before it petitioned to have their eligibility restored. When the institution allowed these six football student-athletes to compete, it violated Bylaws 14.4.3.1.6. Because the student-athletes were ineligible for competition, Morgan State again violated Bylaw 14.11.1 during the subsequent years it allowed these football student-athletes to compete. Also starting in 2012-13 and continuing through 2015-16, Morgan State allowed 66 student-athletes to compete even though they had not completed their percentage-of-degree requirements. It did so in violation of Bylaw 14.4.3.2. The institution subsequently failed to withhold 57 of the student-athletes from competition before it had their eligibility restored, again violating Bylaw 14.11.1.

The final series of Bylaw 14.4 violations began in 2012-13, ran through 2014-15 and dealt with student-athletes failing to complete hours of academic credit. During those three years, Morgan State did not properly apply Bylaw 14.4 in three ways. First, it allowed eight student-athletes to compete even though they had not completed 24 academic hours prior to the start of their second year of enrollment. The institution also allowed three of the eight to compete in subsequent years without going through the reinstatement process. Second, twenty-one student-athletes competed without satisfactorily completing at least 18 semester hours of academic credits during the preceding two regular semesters. They also competed in subsequent academic years without going through reinstatement. Finally, the institution allowed eleven

student-athletes to compete without completing at least six semester hours of credit during the preceding regular academic term. Again, the institution then allowed them to compete in subsequent years without going through the reinstatement process. When Morgan State allowed eight student-athletes to compete without having completed 24 hours in their first year of enrollment, it violated Bylaws 14.4.3.1-(a) and 14.4.3.1.8. The institution violated Bylaws 14.4.3.1-(b) and (c), respectively, when it allowed 21 student-athletes to compete without completing 18 hours of credits in the preceding two semesters and allowed eleven student-athletes to compete even though they had not completed six hours of credits in the preceding term. And when the institution allowed these student-athletes to continue competing in subsequent years without going through the reinstatement process, it again violated Bylaw 14.11.1.

The final certification violations occurred during the 2015-16 academic year when student-athletes practiced and/or competed before completing all certification requirements. In the fall of 2015, eight student-athletes practiced and competed beyond the 45-day period prior to the institution certifying their eligibility, in violation of 2015-16 Bylaw 14.3.5.1. Three student-athletes practiced and competed prior to signing the Student-Athlete Statement, in violation of Constitution 3.2.4.6 and 2015-16 Bylaw 12.7.2.1, and four student-athletes practiced and competed prior to signing the drug-testing consent form, which violated Constitution 3.2.4.7 and 2015-16 Bylaw 12.7.3.1. Two student-athletes practiced, and three others practiced and competed, while enrolled in less than a full-time program of studies at the institution, in violation of 2015-16 Bylaws 14.2.1 and 14.2.2. Morgan State's failure to withhold them from competition once again violated Bylaw 14.11.1.⁶

Through the four academic years the violations occurred, the institution provided actual and necessary expenses to the 94 student-athletes it improperly certified as eligible and allowed to compete. However, institutions are limited to providing such expenses to student-athletes who are eligible to compete. Because the 94 student-athletes were ineligible, Morgan State violated Bylaw 16.8.1.2 when it provided them with expenses related to athletics competition.

During the first three of the four years Morgan State improperly certified student-athletes as eligible for competition, it also improperly awarded financial aid to student-athletes. The violations resulted in the institution exceeding annual equivalency limits in four sports in 2014-15 and two sports in 2015-16.

In 2012-13, 2013-14, 2014-15 and 2015-16, Morgan State violated financial aid legislation when it awarded aid in excess of a full grant-in-aid to multiple student-athletes in nine sports. Nine of the awards also exceeded the maximum cost of attendance limits. Because the awards exceeded the value of a full grant, and some exceeded the full cost of attending Morgan State, they violated Bylaw 15.1.⁷ Further, in both 2014-15 and 2015-16, the institution's excess

⁶ In 2015-16, this bylaw citation was 12.11.1.

⁷ All the bylaw citations in this paragraph are from the 2015-16 manual.

financial aid awards resulted in other violations. In 2014-15, the institution exceeded the annual equivalency limits in men's track and the annual limit on total counters in three sports: football, women's basketball, and men's basketball. In 2015-16, the institution's excessive financial aid awards caused it to exceed annual equivalency limits in men's track and women's bowling. When Morgan State exceeded annual men's track equivalency limits in 2014-15 and 2015-16, it violated Bylaw 15.5.3.1.1. When it violated annual equivalency limits in men's track and women's bowling in 2015-16, it violated Bylaws 15.5.3.1.1 and 15.5.3.1.2. And when Morgan State exceeded the annual limits on total football, men's basketball and women's basketball counters in 2014-15, it violated Bylaws 15.5.1, 15.5.5.1, 15.5.5.2 and 15.5.6.2.⁸

The four years of certification and financial aid violations demonstrated a lack of institutional control. Morgan State agreed that it did not provide the athletics compliance and academic advising departments with the support and resources necessary to control the certification and financial aid processes. The individuals holding these responsibilities also had other duties, leaving the institution short of personnel to perform the certification functions. The institution did not adequately educate the financial aid personnel, and the athletics department did not have a system of checks and balances to ensure that athletics compliance and advising personnel correctly performed their certification duties. The department of athletics was also hampered by significant turnover of personnel, which did not allow for consistent monitoring and control of the department and its functions. The failure of the institution to control and monitor the administration of its department of athletics, provide sufficient resources and adequately educate personnel established a lack of institutional control, in violation of Constitution provisions 2.1.1, 2.8.1 and 6.01.1.

Consistent with Bylaw 19.9.1 and previous cases, the panel concludes the certification, benefits, monitoring and control violations are Level I because they provided the institution with a substantial advantage when it permitted ineligible student-athletes to participate while ineligible. The substantial benefits included impermissible competition-related expenses. Finally, Bylaw 19.9.1-(a) identifies lack of institutional control as an example of a Level I violation. The financial aid violations are Level II.

These agreed-upon Level I violations are similar to past lack of control cases involving numerous certification, impermissible expenses, financial aid and lack of control cases. See *Southeastern Louisiana University* (2013) (concluding that major certification and lack of institutional control violations occurred when the institution improperly certified 137 student-athletes over a five-year period and allowed them to practice, compete, receive athletically related aid, and/or receive a travel expenses.); *University of Arkansas at Pine Bluff* (2014) (concluding Level I violations occurred when the institution improperly certified 124 student-athletes over five years, a majority of those student-athlete received impermissible travel expenses and the institution lacked control over its athletics program and that Level II

⁸ The parties also cited Bylaw 15.5.3.1. However, as that cite is only to a bylaw heading, not an actual bylaw, the panel removed it pursuant to Bylaw 19.6.4.3 which allows the panel to make editorial amendments that do not alter the substance of the proposed finding of fact.

violations occurred when the institution exceeded financial aid limits in limited circumstances); and *Southern University* (2016) (concluding that Level I violations occurred when the institution improperly certified over 200 hundred student-athletes over a six-year period and impermissibly allowed the majority of them to compete and receive travel expenses and that Level II violations occurred when the institution failed to account for in-state tuition waivers in limited circumstances).⁹ Consistent with those cases, the panel concludes the violations are Level I.

Contested penalties

After accepting the facts, violations and self-imposed penalties set forth in the SDR, the panel proposed nine additional penalties to the institution. Morgan State did not agree to all or parts of three of the proposed penalties, specifically: (1) a five-year term of probation; (2) adding one-percent of the athletics budget in the 10 sports in which the violations occurred to the institutionally-imposed \$5,000 fine; and (3) a postseason ban for all sports in which the violations occurred. After considering the institution's positions and the violations agreed to in the SDR, the panel determines that the three disputed penalties remain appropriate with modifications. The penalties are appropriate due to the seriousness of the violations, the extended period over which they occurred, the advantage the institution subsequently gained and because the penalties are within the Figure 19-1 penalty guideline range for Level I-Standard cases.

A term of probation is necessary to ensure that this institution corrects the long-term inadequacies in its certification and financial aid processes. Over four academic years, Morgan State committed severe breaches of conduct when it improperly certified 94 student-athletes in 10 sports as eligible for practice, competition and expenses related to competition. During the same time frame, the institution awarded impermissible financial aid to student-athletes in nine sports and exceeded equivalency limits in two sports. Morgan State agreed that the violations demonstrated a lack of institutional control. While the institution stated it has corrected the problems that led to the violations, the panel determines that a period of probation is necessary to monitor and remediate any weaknesses that may exist in the institution's administration of its athletics program and to review the institution's athletics policies and procedures. Panels have consistently prescribed probation penalties in cases where institutions fail to properly certify student-athletes. Probation is necessary to ensure that institutions cure the deficiencies in the certification process. See *Mississippi Valley State University* (2017) (concluding in a Level II case that a two-year probation period was needed after the institution improperly certified 28 student-athletes in seven sports over four years); and *Grambling State University* (2017) (concluding in a Level II case that a two-year term of probation was necessary when the institution improperly certified 45 student-athletes in 11 sports over three years).

⁹ Based on when *Southeastern Louisiana* was initially submitted, the COI concluded the violations were major violations. The number, nature and length of the violations, however, are analogous to recent Level I certification cases.

Further, longer probationary periods are particularly appropriate in Level I cases that involve more impermissible certifications occurring over longer time periods. *See Southeastern Louisiana* (prescribing a four-term of probation was necessary when the institution erroneously certified 137 student-athletes in 16 sports over five years); *Arkansas at Pine Bluff* (prescribing a five-year probationary period related to, among other violations, the institution's improper certification of 124 student-athletes over a five-year period); and *Southern* (prescribing a five-year probationary period to appropriately monitor an institution that, among other violations, improperly certified 218 student-athletes over a five-year period).

Like those cases, this case also involves Level I certification violations that also includes an agreed-upon lack of institutional control violation. Although the panel initially proposed a five-year term of probation, the institution's presentation at the expedited hearing persuaded the panel that four years is an adequate time period to monitor the Morgan State's ongoing efforts to improve, enhance and control its compliance system. A four-year term of probation is within the Figure 19-1 penalty guidelines for Level I-Standard cases.

Morgan State further contested the panel's proposal that the institution add one percent of the budget of the offending sports to the institutionally-proposed \$5,000 fine. The percentage requirement remains appropriate, with the modification detailed below. Following the expedited hearing, the panel noted that, in three of the sports that had violations—football, softball and women's tennis—the number of student-athletes involved in the violations constituted a significant percentage of the number of student-athletes the rosters for those sports carry in any given academic year. The panel determines that it is appropriate to fine the institution one percent of the annual budget of those three sports. A fine percentage in addition to the \$5,000 is a required core penalty for Level I-Standard cases. Further, one percent of the total budget of the sport program is the minimum percentage requirement contemplated by the Figure 19-1 penalty guidelines for Level I-Standard cases. The panel, however, deviates from the one percent fine for the other seven involved sports due to the relatively small numbers of student-athletes from those sports involved in the violations.

Morgan State also disagreed with the panel's proposal of a one-year postseason ban for all sports in which the violations occurred. A postseason ban is prescribed and required in Level I-Standard cases. *See University of Mississippi* (2017) (concluding that a two-year postseason ban for the football team was warranted due to multiple coaching staff and booster violations); *University of Louisville* (2017) (concluding that a one-year postseason ban for the men's basketball program was warranted due to Level I benefit violations); *University of Southern Mississippi* (2016) (concluding that, due to the coaching staff engaging in academic fraud, the men's basketball team should be banned from the postseason for two years).¹⁰ Following the expedited hearing, however, the panel modifies the postseason ban from all offending sports to include only football, softball and women's tennis. As stated above regarding the proposed financial penalty, the sports of football, softball and women's tennis had numerous and significant violations when considering the number of student-athletes the rosters for those

¹⁰ *Louisville* is under appeal for reasons unrelated to the postseason ban.

sports typically contain. Because of those significant violations, and because a postseasons ban is within the Figure 19-1 penalty guidelines for Level I-Standard cases, the panel determines it is appropriate to ban the football, softball and women's tennis squads from the postseason for one year, the lowest length of time associated with Level I-Standard cases. The panel, however, deviates from a postseason ban for all other offending sports due to the relative small numbers of student-athletes from those sports involved in the violations.

Although *Southeastern Louisiana*, *Arkansas at Pine Bluff* and *Southern* are instructive regarding the type of violations and the appropriateness of prescribing a particular penalty, the length or severity of the penalties in those cases are less instructive because the COI prescribed penalties under former Bylaw 19.5.2. In many circumstances, former Bylaw 19.5.2 was associated with more lenient penalties. Since August 2013, the NCAA membership has implemented required core penalties identified in Bylaw 19 and the corresponding penalty guidelines. Generally, those penalties are more severe than under the former bylaw. Here, the panel prescribed all penalties within the appropriate membership-approved ranges and in some circumstances, deviated from those ranges to afford Morgan State with more lenient penalties. The panel's penalties are appropriate.

At the expedited hearing, the institution cited additional previous infractions cases in support of its position that the proposed penalties were unwarranted. Specifically, it cited *Southeastern Louisiana*, *Samford University* (2016), *Norfolk State University* (2016), *Alcorn State University* (2016), *Southern*, *Morehead State University* (2017), *Mississippi Valley State* and *Grambling State* in support of its position. While the cases are informative as it relates to whether or not a violation occurred, the panel is unpersuaded that they are persuasive related to penalties because they involved more limited violations in scope and/or length. Those cases were either adjudicated using the previous penalty structure or involved Level II violations. Generally, Level II cases require less stringent penalties when compared to Level I cases. Further distinguishing the cited cases from the present matter is the fact that only *Southeastern Louisiana* and *Southern* included lack of institutional control violations.

V. PENALTIES

For the reasons set forth in Sections III and IV of this decision, the panel accepts the parties' agreed-upon factual basis and violations and concludes this case involved Level I and Level II violations of NCAA legislation. Level I violations are severe breaches of conduct that provide or are intended to provide a substantial or extensive recruiting, competitive or other advantage, or a substantial or extensive impermissible benefit. Level II violations are significant breaches of conduct that provide or are intended to provide more than a minimal, but less than an extensive, advantage.

Pursuant to Bylaw 19.9.1, the panel prescribes penalties under the current penalty structure because the violations in this case predominately occurred after October 30, 2012. In considering penalties, the panel first reviewed aggravating and mitigating factors pursuant to Bylaws 19.9.2, 19.9.3 and 19.9.4 to determine the appropriate classifications for the parties.

The panel then used the current penalty guidelines (Figure 19-1) and Bylaws 19.9.5 and 19.9.7 to prescribe penalties.¹¹

The parties agreed to two aggravating factors and one mitigating factor. The panel determines that all three factors apply. The enforcement staff also proposed the additional aggravating factor of Bylaw 19.9.3-(b) *A history of Level I or major violations by the institution* because the COI considered previous infractions cases in 1995 and 1999. The institution did not agree. The panel determines that this aggravating factor applies but assigns it limited weight. The 1995 case was similar to the present matter, with the institution erroneously certifying student-athletes in multiple sports as eligible and lacking control of the athletics program. However, the 1999 case involved only secondary violations.

The institution proposed three additional mitigating factors for panel consideration: Bylaw 19.9.4-(c) *Affirmative steps to expedite final resolution of the matter*; Bylaw 19.9.4-(e) *Implementation of a system of compliance methods designed to ensure rules compliance and satisfaction of institutional/coaches' control standards*; and Bylaw 19.9.4-(f)(3) *Recognizing and bringing to the attention of the enforcement staff, in a timely manner, additional violations discovered in the investigation of which the enforcement staff was not aware*. The enforcement staff did not agree with the first proposed additional mitigating factor and took no position on the other two. The panel determines that none of the three apply. Regarding Bylaw 19.9.4-(c), the case took significant time to process and necessitated a visit to campus by the enforcement staff. Regarding Bylaw 19.9.4-(e), panels have consistently held that the system of compliance methods must be in place prior to the violations occurring. *See University of Missouri* (2016) (concluding that the compliance system in place did not detect the violations, and the improvements made to the compliance system after the discovery of violations are not considered for mitigation). Finally, regarding Bylaw 19.9.4-(f), while the case record states that Morgan State reported additional violations to the NCAA, the enforcement staff had to return reports to the institution because they were incomplete. The record does not contain sufficient information to determine this mitigating factor applies. The panel assessed these aggravating and mitigating factors by weight and number. Based on its assessment, the panel classifies this case as Level I-Standard for the institution.

Morgan State agreed to the facts but contested three of the panel's proposed penalties. Therefore, the institution has an opportunity to appeal penalties 1, 2 and the budget percentage portion of penalty 3. All penalties prescribed in this case are independent and supplemental to any action that has been or may be taken by the NCAA Division I Committee on Academics through its assessment of postseason ineligibility, historical penalties or other penalties. In prescribing penalties, the panel considered Morgan State's cooperation in all parts of this case and determines it was consistent with the institution's obligation under Bylaw 19.2.3. The panel also considered Morgan State's corrective actions, which are set forth in the Appendix, in

¹¹ The membership recently adjusted and expanded the ranges in the penalty guidelines related to scholarship reductions and the duration of postseason bans, probation and show-cause orders. The adjusted guidelines became effective on August 1, 2017. Because the panel considered this case after the effective date of the adjusted guidelines, the panel used the adjusted guidelines to prescribe penalties.

prescribing penalties. After considering all information relevant to this case, the panel prescribes the following penalties (self-imposed penalties are noted):

Core Penalties for Level I-Standard Violations (Bylaw 19.9.5)

1. Probation: Four year of probation from December 19, 2017, through December 18, 2021.
2. During the 2017-18 academic year, the softball and women's tennis teams shall end their seasons with playing of their last regularly-scheduled in-season contest and shall not be eligible to participate in any post-season championships, including conference tournaments, NCAA championships, foreign tours or any exceptions to the limitation on the numbers of contests that are provided in Bylaw 17. During the 2018-19 academic year, the football team shall end its season with the playing of its last regularly scheduled in-season contest and shall not be eligible to participate in any post-season championships, including conference tournaments, NCAA championships, foreign tours or any exceptions to the limitations on the number of contests that are provided in Bylaw 17.
3. The institution shall pay a fine of \$5,000 (self-proposed) plus one percent of each of the 2017-18 budgets of the football, softball and women's tennis programs.
4. During the 2018-19 academic year, the institution shall reduce by five percent the amount of grants-in-aid awarded in the 10 sports in which the violations occurred. The reductions shall be based on the average amount of aid awarded in each sport over the past four academic years (the institution has reported its intent to impose the following reductions: six football counters in 2016-17; one men's basketball counter in 2017-18; two women's basketball counters in 2016-17 and 2017-18; 1.65 men's track equivalencies in 2016-17 and 2017-18; and .73 women's bowling equivalencies in 2018-19).
5. During the 2017-18 academic year, the institution shall restrict recruiting opportunities in the 10 sports in which the violations occurred as follows:
 - a. A seven-week ban on unofficial visits to campus, including no complimentary tickets;
 - b. A 12.5 percent reduction in official paid visits to campus, based on the average number provided during the previous four academic years (The institution reduced official paid visits to a maximum of 15 for the men's and women's basketball programs for the 2017-18 and 2018-19 academic years. The football program is limited to 30 total official paid visits for the 2017-18 and 2018-19 academic years);
 - c. A seven-week ban on recruiting communications with prospective student-athletes; and
 - d. A seven-week ban in off-campus recruiting (The institution imposed a fall 2017 semester off-campus recruiting ban for the sports of men's basketball, women's basketball, softball, men's and women's tennis, bowling and men's and women's track

and cross country. Regarding football, the institution limited the program to 21 evaluation days during the month of November only).

Additional Penalties for Level I. Violations (Bylaw 19.9.7)

6. Public reprimand and censure.
7. Over four academic years, the institution allowed 94 student-athletes in 10 sports to compete while ineligible or not properly certified as eligible. Over the same period, the institution improperly awarded financial aid in nine sports. The institution lacked control of the conduct and administration of its athletics program. Therefore, pursuant to Bylaws 19.9.7-(g) and 31.2.2.3, and COI IOP 4-15-4, the institution shall vacate all contests in which student-athletes competed while ineligible. The vacation shall apply to all regular season and conference tournament wins in which ineligible student-athletes competed from the time they became ineligible through the time they were reinstated as eligible for competition through the student-athlete reinstatement process. Further, if any of the student-athletes competed in NCAA Championships at any time they were ineligible, the institution's participation in the championships shall be vacated. The individual records of the ineligible student-athletes shall also be vacated. Further, the institution's permanent records as well as the record of the head coaches will reflect the vacated records and will be recorded in all publications in which athletics records 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 any of the head coaches shall similarly reflect the vacated wins in his or her career records documented in media guides and other publications cited above. Head coaches with vacated wins on their records may not count the vacated wins 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. Any trophies or other team awards attributable to the vacated contests shall be returned to the Association.

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

A copy of the written report shall also be delivered to the Office of the Committees on Infractions (OCOI) at the same time.

8. During the time 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 NCAA recruiting and certification legislation;
 - b. Submit a preliminary report to the OCOI by February 1, 2018, setting forth a schedule for establishing this compliance and educational program;
 - c. File with the OCOI annual compliance reports indicating the progress made with this program by November 15 during each year of probation. Particular emphasis shall be placed on establishing a viable and comprehensive rules compliance system and adhering to all NCAA bylaws regarding initial, continuing and transfer eligibility;
 - d. Inform in writing prospective student-athletes in all sports that the institution is on probation for five years and detail the violations committed. If a prospective student-athlete takes an official paid visit, the information regarding violations, penalties and terms of probation must be provided in advance of the visit. Otherwise, the information must be provided before a prospective student-athlete signs a National Letter of Intent; and
 - e. Publicize specific and understandable information concerning the nature of the infractions by providing, at a minimum, a statement to include the types of violations and the affected sport programs and a direct, conspicuous link to the public infractions report located on the athletic department's main or "landing" webpage. The information shall also be included in media guides and in an alumni publication. The institution's statement must: (i) clearly describe the infractions; (ii) include the length of the probationary period associated with the infractions case; and (iii) provide a clear indication of what happened in the infractions case. A statement that refers only to the probationary period with nothing more is not sufficient.

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 Morgan State that it should take every precaution to ensure the terms of the penalties are observed. The COI will monitor the penalties during their effective periods. Any action by Morgan State contrary to the terms of any of the penalties or any additional violations may be considered grounds for prescribing more severe penalties or may result in additional allegations and violations.

NCAA COMMITTEE ON INFRACTIONS PANEL

Bobby Cremins
Thomas Hill
Stephen A. Madva
Gary L. Miller
Dave Roberts, Chief Hearing Officer
Sankar Suryanarayan

APPENDIX

**MORGAN STATE'S CORRECTIVE ACTIONS AS IDENTIFIED IN THE
JUNE 28, 2017, SUMMARY DISPOSITION REPORT**

The institution has aggressively implemented change based on the information obtained as result of the infractions case. First, the institution moved the initial stage of the APP Audit, the review of the academic certification process and APP Data, to an entity external to the athletic department to protect the integrity of the process. Next, during the initial phase of the APP Audit, the institution recruited and hired an experienced compliance professional to assist in improving and overhauling the eligibility certification process. The certification process involves a dedicated Athletics Assistant Registrar to review all academic certifications and the results from the new degree auditing software; the revised certification process now includes individual term by term certifications as well as a continuous spreadsheet detailing the certification results. As violations were discovered the institution was diligent in reporting all known infractions. Then the institution recruited and hired a new Athletics Director who is well versed in academics and student-athlete support services. The new athletic director has been diligent in overhauling the athletic academic support unit and establishing a new culture within the athletic department and the academic support units. The new Athletic Director has also devoted resources to hiring student support staff to ensure violations of this nature do not recur. The President has made a change to the reporting structure for the new Athletic Director as well, with the new Athletic Director reporting directly to the President and serving on the President's cabinet.