



NORTH CAROLINA CENTRAL UNIVERSITY
PUBLIC INFRACTIONS DECISION
MAY 30, 2018

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 COI is charged with deciding infractions cases involving member institutions and their staffs.¹ This case involved improper eligibility certifications at North Carolina Central University (NCCU) and the institution's failure to monitor its certification process.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 NCCU, which the institution objected to in part. After holding an expedited penalty hearing on the issue, the panel retained the contested penalties. Pursuant to NCAA Bylaw 19.6.4.5, NCCU has the opportunity to appeal those penalties.

The agreed-upon violations in this case centered on systemic breakdowns in NCCU's eligibility certification process caused by outdated systems, misapplication of NCAA legislation and a lack of certification staff, among other things. From the 2012-13 through 2014-15 academic years, NCCU improperly certified 22 student-athletes in seven sports as eligible for competition. The student-athletes did not meet Bylaw 14 percentage-of-degree requirements and, in some cases, credit-hour requirements. As a result of the improper certifications, the institution permitted the student-athletes to compete and receive actual and necessary expenses while ineligible. Additionally, between the 2013-14 and 2016-17 academic years, NCCU failed to withhold six of these student-athletes from competition before securing their reinstatement once the student-athletes cured their progress-toward-degree deficiencies.

The parties agreed that these violations stemmed from NCCU's failure to monitor its certification process from the 2012-13 to 2016-17 academic years. The institution acknowledged that it repeatedly misapplied a specific facet of NCAA progress-toward-degree legislation during this time and utilized outdated degree tracking and academic advising systems. As a result of the deficiencies in NCCU's certification process, the institution improperly certified 22 student-athletes in seven sports and allowed them to compete while ineligible. The panel concludes that all violations in this case are Level II.

¹ Infractions cases are decided by hearing panels comprised of COI members. Pursuant to Bylaw 19.3.3 and COI Internal Operating Procedure (IOP) 4-1-2-1, a three-member panel considered this case. Panels issue decisions on behalf of the COI.

² A member of the Mid-Eastern Athletic Conference, NCCU has a total enrollment of 8,096 students. It sponsors seven women's sports and eight men's sports. This is NCCU's first major, Level I or Level II infractions case.

The panel accepts the parties' factual agreements and concludes that 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 II-Standard. Utilizing the current penalty guidelines and NCAA bylaws authorizing additional penalties, the panel adopts and prescribes two years of probation, a \$5,000 fine, and vacation of records. The penalty section details these and other penalties.

II. CASE HISTORY

The violations in this case came to light in early 2017, when an Academic Progress Program (APP) review revealed that NCCU had improperly certified several student-athletes over multiple years. The enforcement staff issued a verbal notice of inquiry to the institution on February 24, 2017, and began its investigation shortly after completion of the institution's APP review. On November 15, 2017, the enforcement staff issued a draft notice of allegations to NCCU. Soon thereafter, the parties agreed to process the case through summary disposition.

On January 26, 2018, the parties submitted the SDR to the COI. A panel of the COI reviewed the SDR on March 6, 2018.³ The panel accepted the facts and violations as set forth in the SDR but determined that additional penalties were warranted. On March 9, 2018, the panel proposed the following penalties: two years of probation (one year beyond the penalty proposed by NCCU), vacation of records and two years of mandatory attendance at NCAA Regional Rules seminars. NCCU notified the panel on March 16, 2018, that it did not accept the proposed additional penalties and requested an expedited penalty hearing pursuant to Bylaw 19.6.4.5. On April 20, 2018, NCCU provided a written submission detailing the institution's objections to the additional year of probation and portions of the vacation penalty. The panel conducted the expedited penalty hearing on April 30, 2018.

III. PARTIES' AGREEMENTS

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

The parties jointly submitted an SDR that identified an agreed-upon factual basis, violations of NCAA legislation, aggravating and mitigating factors, and violation levels.⁴ The SDR identified:

³ Pursuant to COI IOP 4-9-2-1, 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 This decision provides the agreed-upon factual basis, violations and violation levels exactly as stated in the SDR, except for shortening references to the institution.

1. [NCAA Division I Manual Bylaws 14.4.3.1.8 (2012-13); 16.8.1.2 (2012-13); 14.4.3.1 and 14.4.3.2 (2012-13 through 2014-15); 16.8.1 (2012-13 through 2016-17); 14.10.1 (2013-14); 14.4.3.1.7 (2013-14 and 2014-15); 12.11.1 (2014-15 through 2016-17)] (Level II)

NCCU and the enforcement staff agree that between the 2012-13 and 2014-15 academic years, NCCU improperly certified 22 student-athletes in seven sports as eligible. Specifically, 22 student-athletes competed without meeting percentage-of-degree requirements and five of them also competed without meeting credit-hour requirements. As a result, the student-athletes competed and received actual and necessary expenses while ineligible. Additionally, between the 2013-14 and 2016-17 academic years, NCCU failed to withhold from competition six of the 22 student-athletes before securing their reinstatement, although they had cured their progress-toward-degree deficiencies.

2. [NCAA Division I Manual Constitution 2.8.1 (2012-13 through 2016-17)] (Level II)

NCCU and the enforcement staff agree that between the 2012-13 and 2016-17 academic years, the scope and nature of the violations detailed in Violation No. 1 demonstrate that NCCU violated the NCAA principle of rules compliance when it failed to adequately monitor student-athlete eligibility certification to ensure compliance with NCAA legislation. Specifically, NCCU misapplied progress-toward-degree legislation, which resulted in the erroneous certification of 22 student-athletes and caused significant ineligible competition and impermissible provision of actual and necessary expenses.

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 factor. [Bylaw 19.9.3]

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

2. Mitigating factors. [Bylaw 19.9.4]

- a. Prompt acknowledgement of the violations, acceptance of responsibility and imposition of meaningful corrective measures and/or penalties. [Bylaw 19.9.4-(b)]
- b. The absence of prior conclusions of Level I, Level II or major violations. [Bylaw 19.9.4-(h)]

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 II violations of NCAA legislation. Specifically, the panel concludes that systemic breakdowns in the institution's certification process over a five-year period led the institution to improperly certify the eligibility of 22 student-athletes, who then went on to compete and receive travel expenses while ineligible. These failures violated Bylaws 12, 14 and 16. They also demonstrated the institution's failure to monitor its certification process as required by Article 2 of the NCAA Constitution.

Certification Violations

This case centered on systemic failures in NCCU's eligibility certification processes. Over a period of five years, those processes broke down in three ways: (1) NCCU improperly certified student-athletes who had not met NCAA progress-toward-degree and credit-hour requirements; (2) as a result of the improper certifications, the student-athletes competed and received travel expenses while ineligible; and (3) when some of those student-athletes cured their progress-toward-degree deficiencies, NCCU permitted them to compete without first seeking reinstatement. The improper certifications, ineligible competition and impermissible benefits violated Bylaws 14, 12 and 16, respectively.

Bylaw 14 and its subparts establish the requirements for academic eligibility.⁵ To be eligible to represent a member institution in practice or competition, a student-athlete must maintain progress toward a baccalaureate or equivalent degree and meet certain credit-hour requirements. More specifically, a student-athlete must designate a degree program by his or her third year of study and, from that point, all credits used to meet progress-toward-degree requirements must be credits toward that degree program. Bylaw 12 governs amateurism and eligibility for collegiate athletics. Of particular relevance to this case, the bylaw requires member institutions to withhold student-athletes from competition if they are ineligible under the NCAA constitution, bylaws or other regulations.⁶ Finally, Bylaw 16 governs awards, benefits and expenses for enrolled student-athletes. It prohibits institutions from providing ineligible student-athletes with actual and necessary travel expenses.

The parties agreed that between the 2012-13 and 2014-15 academic years, NCCU inadvertently misapplied progress-toward-degree legislation, which led to the improper certification of 22 student-athletes in seven sports. The misapplication of the legislation was the result of a single

⁵ The full text of all bylaws violated in this case can be found at Appendix Two.

⁶ Beginning with the 2014-15 Division I Manual, a member institution's obligation to withhold ineligible student-athletes from competition moved from Bylaw 14.10.1 to Bylaw 12.11.1. For ease of reference, this decision will refer to that obligation in the context of Bylaw 12, not Bylaw 14.

error that occurred repeatedly over the three-year period. Specifically, in calculating student-athletes' percentage-of-degree completion, the institution incorrectly included foundational courses that were not degree applicable.⁷ Five of the 22 student-athletes also failed to meet the applicable credit-hour requirements. When NCCU improperly certified student-athletes who had not met progress-toward-degree and credit-hour requirements, it violated Bylaw 14. As a result of the improper certifications, the student-athletes competed and received actual and necessary travel expenses while ineligible, which violated Bylaws 12 and 16. Additionally, between the 2013-14 and 2016-17 academic years, NCCU permitted six student-athletes who had cured their progress-toward-degree deficiencies to compete without first securing their reinstatement. The institution's failure to withhold these student-athletes from competition pending their reinstatement violated Bylaw 12.

The COI has consistently concluded that institutions violate Bylaws 12, 14 and 16 when they improperly certify multiple student-athletes over multiple years, leading to ineligible competition and impermissible benefits. *See Grambling State University (2017)* (concluding Level II violations where the institution improperly certified 45 student-athletes in 11 sports over three years); *Mississippi Valley State University (2017)* (concluding Level II violations where the institution improperly certified 28 student-athletes in seven sports over four academic years); *Morehead State University (2017)* (concluding Level II violations where the institution improperly certified 49 student-athletes in nine sports over four academic years); *Alcorn State University (2016)* (concluding Level II violations where the institution improperly certified 28 student-athletes in 11 sports over four academic years); and *Campbell University (2016)* (concluding Level II violations where the institution improperly certified 34 student-athletes in 10 sports over five academic years). The agreed-upon violations in this case—the institution's improper certification of 22 student-athletes in seven sports over three academic years, and the resulting ineligible competition and impermissible benefits—are consistent with the COI's past conclusions of violations.

Pursuant to Bylaw 19.1.2, the parties agreed, and the panel concludes, that the certification, ineligible competition and benefits violations are Level II. These violations were not isolated or limited, provided more than a minimal competitive advantage, and were contrary to the fundamental responsibility of a Division I member institution to certify the eligibility of all student-athletes under the terms and conditions of the NCAA constitution and bylaws. This Level II classification is also consistent with the cases cited above, which involved certification violations of a similar scope.

Failure to Monitor

The certification violations, as well as the resultant ineligible competition and impermissible benefits, demonstrated that NCCU failed to monitor its certification process over a five-year period. NCCU agreed that old systems and processes, misapplication of progress-toward-degree legislation and a lack of certification staff allowed the violations to occur and supported a failure

⁷ NCCU has a mission of providing college access to students who might not meet the admission requirements of other schools in the region. In furtherance of this mission, NCCU has often admitted students who required one or more foundational courses prior to enrolling in the courses necessary to complete their degrees.

to monitor violation. The institution's insufficient monitoring violated Constitution 2.8.1, which requires institutions to monitor their athletics programs, assure compliance, and identify and report noncompliance.

Over a span of five academic years, NCCU failed in its duties to certify student-athletes consistent with the NCAA constitution and bylaws and to withhold ineligible student-athletes from competition. These failures resulted in part from the institution's single but repeated error of counting foundational courses toward student-athletes' percentage-of-degree completion. NCCU's outdated degree auditing and academic advising systems were another factor that contributed to the violations. The deficiencies in these systems hampered the certification staff's ability to share accurate and up-to-date information with one another regarding student-athletes' academic plans. Additionally, the academic support and certification staffs lacked sufficient personnel to oversee the certification process during some of this time. Eligibility certification is a fundamental responsibility with touchpoints throughout the institution. It is also a basic requirement for intercollegiate competition. By failing to ensure its certification systems and processes were up-to-date and sufficiently staffed, NCCU did not fulfill its duties under Constitution 2.8.1.

The COI has frequently concluded that certification violations involving multiple student-athletes and sports over multiple years also support a failure to monitor violation. *See Grambling* (concluding the institution's certification violations demonstrated that it failed to monitor); *Mississippi Valley* (same); *Alcorn State* (same); and *Campbell* (same). In each of these cases, consistent with Bylaw 19.1.2, the COI concluded that the failure to monitor violations were Level II because the underlying certification violations were Level II. Consistent with these cases, the panel concludes that NCCU's Level II certification violations demonstrated that it failed to monitor its certification process, which is also a Level II violation.

Contested Penalties

After accepting the facts, violations and self-imposed penalties set forth in the SDR, the panel proposed three additional penalties to NCCU. The institution did not agree to portions of two of those penalties. Specifically, NCCU objected to the additional year of probation proposed by the panel and vacation of records for certain sports. After considering the institution's positions and the violations agreed to in the SDR, the panel determines that no modifications to the proposed probationary period or vacation penalty are warranted. The penalties are appropriate due to the nature and duration of the violations (including NCCU's admitted failure to monitor), the advantage the institution gained from the ineligible competition of 22 student-athletes, and because the penalties are consistent with the Figure 19-1 guidelines and past decisions in similar cases.⁸

⁸ 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 that date, the panel used the adjusted guidelines to prescribe penalties.

Probation

A two-year term of probation is necessary to ensure that NCCU fully corrects the inadequacies in its certification process that led to the violations in this case. The institution misapplied progress-toward-degree legislation for a period of three years and allowed the resultant ineligible competition to occur for a span of five years. NCCU agreed that these violations demonstrated a failure to monitor its certification process.

At the expedited penalty hearing, NCCU argued that a one-year probationary period is sufficient in light of the many corrective actions the institution has taken since the violations in this case occurred. These actions include implementing new degree-tracking software, hiring additional certification staff members, and adopting policies and procedures designed to ensure student-athletes' academic certifications are reviewed by multiple individuals in a systematic manner. While the panel commends NCCU for taking these measures, a two-year probationary period remains necessary to monitor the implementation of these new procedures and ensure that they resolve the deficiencies in NCCU's certification process. Although the bylaws classify probation as a penalty, it is not intended solely as a punitive measure. Rather, probation presents an opportunity for institutions to monitor and remediate any weaknesses that may exist in the administration of their athletics programs—and to do so with membership oversight through the COI. In NCCU's case, a two-year probationary period presents an opportunity for the institution to continue reviewing its certification process to ensure that all necessary resources are in place and functioning to achieve full compliance.

A two-year probationary period is also consistent with the Figure 19-1 penalty guidelines and the COI's past decisions. The panel classified this case as Level II-Standard and NCCU did not dispute that classification at the expedited penalty hearing. For a Level II-Standard case, the penalty guidelines provide a range of two to four years of probation. NCCU's probationary period falls at the lowest end of that range. Additionally, the COI has routinely prescribed two-year probationary periods in Level II-Standard cases involving certification violations. *See Grambling; Mississippi Valley; and Alcorn State.*⁹ As in these cases, a two-year term of probation is warranted here.

Vacation of Records

NCCU permitted 22 ineligible student-athletes to compete over a period of five years. Therefore, vacation of records is an appropriate penalty in this case. Vacation addresses the advantage NCCU gained through the ineligible competition, is consistent with prior cases and holds the institution accountable for its admitted failure to monitor.

While NCCU is willing to accept vacation for the sport programs in which most of the ineligible competition occurred, it objects to vacation for sports where only one or two student-athletes competed while ineligible *and* the ineligibility resulted from the institution's clerical errors.

⁹ At the expedited penalty hearing, NCCU relied on *Campbell*, where the COI prescribed only one year of probation for a Level II-Standard case involving certification violations. However, the COI decided *Campbell* in 2016, before the membership adjusted the Figure 19-1 penalty guidelines. Under the previous version of the guidelines, the probation range for a Level II-Standard case was zero to two years. Thus, the one-year probationary period in *Campbell* fell within the guideline range in effect at the time. As of August 2017, the range is now two to four years.

Those errors included the following: (1) incorrectly designating the majors of two student-athletes, who would have met progress-toward-degree requirements in their actual majors had NCCU correctly designated them; (2) failing to apply for a progress-toward-degree waiver for a student-athlete enrolled in a restrictive degree program; and (3) failing to seek reinstatement for a student-athlete who cured his progress-toward-degree deficiencies, and therefore permitting him to compete while still ineligible. NCCU contends that because these student-athletes would have been eligible but for the institution's errors, their ineligible competition should not subject their respective programs to vacation of team records. The panel disagrees.

NCCU's argument is well-taken but does not support an adjustment to the vacation penalty because it does not account for the institution's responsibility for the violations or the unfair advantage it gained. Such an argument excuses the institution's responsibility for correctly certifying student-athlete eligibility, which is a fundamental responsibility for Division I member institutions. The panel recognizes that vacation of records in this case will impact student-athletes who had no awareness of or culpability in the violations. But when institutions permit ineligible student-athletes to compete—even when they do so unknowingly and unintentionally—they enjoy an unfair advantage over other institutions who followed the rules. This advantage exists regardless of the number of student-athletes who competed while ineligible or the reason for their ineligibility.

Because of this advantage, the COI has previously prescribed vacation where only one student-athlete competed while ineligible. *See University of Southern California* (2010) (vacating football and men's basketball records based on the ineligible competition of one student-athlete in each sport) and *University of Memphis* (2009) (vacating men's basketball records based on the ineligible competition of one student-athlete). Likewise, where cases have involved ineligible competition in multiple sports, the Division I COI has never prescribed vacation on a sport-specific basis or evaluated the individual circumstances of each student-athlete's ineligibility. In these cases, the COI's vacation penalty has applied to all instances of ineligible competition. *See, e.g., Grambling* (vacating records in all 11 sports in which ineligible student-athletes competed); *Mississippi Valley* (vacating records in all seven sports in which ineligible student-athletes competed); *Alcorn State* (vacating records in all 11 sports in which ineligible student-athletes competed); and *Campbell* (vacating records in all 10 sports in which ineligible student-athletes competed). The panel sees no reason to depart from this well-established precedent.

Additionally, COI IOP 5-15-4 acknowledges that the COI has historically found vacation to be particularly appropriate when a hearing panel concludes that an institution failed to monitor.¹⁰ Here, NCCU agreed that the certification violations and ineligible competition stemmed from its failure to monitor the certification process over a five-year period. The specific instances of error described above illustrate the institution's failures in this regard. Each of these student-

¹⁰ NCCU pointed to *Morehead State University* (2017) as an example of a case where the COI did not prescribe vacation despite the occurrence of ineligible competition. In *Morehead*, the institution's certification errors led to the ineligible competition of 49 student-athletes in nine sports over a period of four academic years. Critically, however, *Morehead* did not involve an institutional failure to monitor. The panel concluded that the certification errors were largely the result of a flawed software system and therefore the institution had not failed to monitor. Here, by contrast, NCCU agreed that it failed to monitor its certification process over a five-year period.

athletes might have been eligible had NCCU correctly designated majors, applied for progress-toward-degree waivers and sought timely reinstatement. The panel does not prescribe vacation lightly and is sensitive to the concerns raised by NCCU. But where an institution's failure to monitor leads to ineligible competition, which then provides the institution with a competitive advantage not enjoyed by compliant institutions, vacation is an appropriate penalty. The panel concludes that no alteration to the proposed vacation penalty is warranted in this case.

V. PENALTIES

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

Pursuant to Bylaw 19.9.1, the panel prescribes penalties under the current penalty structure because the violations in this case predominantly 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.

NCCU and the enforcement staff agreed to one aggravating factor and two mitigating factors. The panel determines that all three factors apply. NCCU also proposed three mitigating factors that the enforcement staff did not agree with: (1) Bylaw 19.9.4-(d) *An established history of self-reporting Level III or secondary violations*; (2) Bylaw 19.9.4-(e) *Implementation of a system of compliance methods*; and (3) Bylaw 19.9.4-(g) *Violations were unintentional, limited in scope and represent a deviation from otherwise compliance practices*. The panel determines that none of these factors apply.

First, with respect to Bylaw 19.9.4-(d), the COI has generally declined to apply this mitigating factor where institutions reported fewer than five Level III or secondary violations per year. *See Lamar University (2016)* (determining the mitigator did not apply where the institution reported an average of 4.2 violations per year) and *Samford University (2016)* (determining the mitigator did not apply where the institution reported an average of 4.5 violations per year). As NCCU has reported an average of only 3.25 violations per year over the past four years, the panel determines this mitigating factor does not apply.

Second, the COI has consistently stated that Bylaw 19.9.4-(e) applies only where an institution's system of compliance methods was in place at the time the violations occurred and detected the violations. *See Rutgers University (2017)* (determining the mitigator did not apply because the violations at issue went undetected by the compliance office over many years, which demonstrated that there was no system of compliance methods in place at the time) and *University of Missouri (2016)* (determining the mitigator did not apply because the

improvements and enhancements made to the system since the discovery of the violations should have been in place previously). The panel commends NCCU on the improvements it has made since the discovery of the violations in this case, including the implementation of new degree-tracking software and updating its certification processes. However, the panel declines to apply Bylaw 19.9.4-(e) because these compliance initiatives were not in place at the time the violations occurred and did not detect the violations.

Finally, with respect to Bylaw 19.9.4-(g), the panel agrees that the violations were both unintentional and a deviation from otherwise compliant practices. But where the improper certifications and ineligible competition spanned five academic years and involved student-athletes in seven sport programs, the panel cannot agree that the violations were limited in scope. Accordingly, the panel determines that Bylaw 19.9.4-(g) does not apply.

The panel assessed the agreed-upon aggravating and mitigating factors by weight and number. Based on its assessment, the panel classifies this case as Level II-Standard.

NCCU agreed to the facts and violations but contested portions of two of the panel's proposed penalties. Therefore, the institution may appeal Penalty Numbers 1 and 4. 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 NCCU'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 NCCU's corrective actions, which are set forth in Appendix One. After considering all information relevant to this case, the panel prescribes the following penalties (self-imposed penalties are so noted):

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

1. Probation: Two years of probation from May 30, 2018, through May 29, 2020.¹¹
2. Financial penalty: The institution shall pay a \$5,000 fine to the NCAA. (Self-imposed.)

Additional Penalties for Level II-Standard Violations (Bylaw 19.9.7)

3. Public reprimand and censure. (Self-imposed.)
4. Vacation of records: The institution acknowledged that ineligible participation in seven sports programs occurred as a result of the violations in this case. Therefore, pursuant to Bylaws 19.9.7-(g) and 31.2.2.3, the institution shall vacate all regular season and conference tournament records and participation in which the ineligible student-athletes detailed in Violation No. 1 competed from the time they became ineligible through the time they were reinstated as eligible for competition. This order of vacation includes all regular season

¹¹ NCCU proposed a one-year probationary period. Institutions may propose probationary periods, but the authority to prescribe NCAA probation rests solely with the COI. Periods of probation always commence with the release of the infractions decision.

competition and conference tournaments. Further, if any of the ineligible student-athletes participated in NCAA postseason competition at any time they were ineligible, the institution's participation in the postseason shall be vacated. The individual records of the ineligible student-athletes shall also be vacated. However, the individual finishes and any awards for all eligible student-athletes shall be retained. Further, the institution's records regarding its athletics programs, as well as the records of head coaches, shall reflect the vacated records and shall be recorded in all publications in which such records are reported, including, but not limited to, institutional media guides, recruiting material, electronic and digital media plus institutional, conference and NCAA archives. Any institution that may subsequently hire the affected head coaches shall similarly reflect the vacated wins in their career records documented in media guides and other publications cited above. Head coaches with vacated wins on their records may not count the vacated wins toward specific honors or victory "milestones" such as 100th, 200th or 500th career victories. Any public reference to the vacated contests shall be removed from the athletics department stationary, banners displayed in public areas and any other forum in which they may appear. Any trophies awarded by the NCAA in these sports shall be returned to the Association.

Finally, to ensure that all institutional and student-athlete vacations, statistics and records are accurately reflected in official NCAA publications and archives, the sports information director (or other designee as assigned by the director of athletics) must contact the NCAA Media Coordination and Statistics office and appropriate conference officials to identify the specific student-athletes and contests impacted by the penalties. In addition, the institution must provide the 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 or, if the vacation penalty is appealed, at the conclusion of the appeals process. The sports information director (or designee) must also inform the Office of the Committees on Infractions (OCOI) of this submission to the NCAA Media Coordination and Statistics office.

5. During this period of probation, the institution shall:
 - a. Continue to develop and implement a comprehensive educational program on NCAA legislation to instruct coaches, the faculty athletics representative, all athletics department personnel and all institutional staff members with responsibility for NCAA recruiting and certification legislation;
 - b. Submit a preliminary report to the OCOI by July 15, 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 April 15 during each year of probation. Particular emphasis should be placed on the institution's continued enhancements to its eligibility certification policies and procedures and monitoring of the eligibility certification process;

- d. Inform prospective student-athletes in the affected sport programs in writing that the institution is on probation for two years and detail the violations committed. If a prospective student-athlete takes an official paid visit, the information regarding violations, penalties and terms of probation must be provided in advance of the visit. Otherwise, the information must be provided before a prospective student-athlete signs a National Letter of Intent; and
 - e. Publicize specific and understandable information concerning the nature of the infractions by providing, at a minimum, a statement to include the types of violations and the affected sport programs and a direct, conspicuous link to the public infractions decision 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.
6. The institution shall send its certification staff (including representatives from the compliance staff, athletic academic support staff, registrar's office, and the faculty athletics representative) to an NCAA Regional Rules Seminar. (Self-imposed.) The panel further requires such attendance in both 2018 and 2019.
 7. The institution shall undergo an internal APP audit at the end of the 2017-18 academic year. (Self-imposed.)
 8. Following the receipt of the final compliance report and prior to the conclusion of probation, the institution's chancellor shall provide a letter to the COI affirming that the institution's current athletics policies and practices conform to all requirements of NCAA regulations.
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The COI advises NCCU that it should take every precaution to ensure that the terms of the penalties are observed. The COI will monitor the penalties during their effective periods. Any action by NCCU 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

Michael Adams
Thomas Hill, Chief Hearing Officer
Joel Maturi

APPENDIX ONE

**NORTH CAROLINA CENTRAL'S CORRECTIVE ACTIONS AS IDENTIFIED IN THE
JANUARY 26, 2018, SUMMARY DISPOSITION REPORT¹²**

1. NCCU has modernized its academic advising and degree audit systems. Specifically, the institution has implemented the use of a comprehensive set of web-based academic advising, degree audit and transfer tools to help students and advisors negotiate curriculum requirements across the entire campus and allow students to see their degree progression in real time. These updates have also centralized all degree progression information for easy reference during the certification process. The athletics academic support staff has been a part of the implementation process.
2. NCCU adopted changes to the general education credits requirement to allow for more flexibility with the foundational courses counting toward the specific degree audit.
3. NCCU and the athletics department have combined resources with an advising and support program designed to enhance students' successful transition and experiences during the first two years of college.
4. NCCU has increased the size of the academic support staff available for student-athletes. The athletics academic support staff now reports to the provost/vice chancellor for academic affairs.
5. NCCU has added certification staff.

¹² The SDR did not include a list of the institution's corrective actions as an exhibit. Instead, those actions were discussed in narrative form throughout the SDR. The panel has collected and paraphrased the institution's corrective actions here.

APPENDIX TWO
Constitution and Bylaw Citations

Division I 2012-13 Manual

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.

14.4.3.1 Fulfillment of Credit-Hour Requirements. Eligibility for competition shall be determined based on satisfactory completion of at least:

- (a) Twenty-four-semester or 36-quarter hours of academic credit prior to the start of the student-athlete's second year of collegiate enrollment (third semester, fourth quarter);
- (b) Eighteen-semester or 27-quarter hours of academic credit since the beginning of the previous fall term or since the beginning of the certifying institution's preceding regular two semesters or three quarters (hours earned during the summer may not be used to fulfill this requirement) (see Bylaw 14.4.3.1.4); and
- (c) Six-semester or six-quarter hours of academic credit during the preceding regular academic term (e.g., fall semester, winter quarter) in which the student-athlete has been enrolled full time at any collegiate institution (see Bylaw 14.1.9 for postseason certification).

14.4.3.1.8 Hours Earned or Accepted for Degree Credit. The provision that the calculation of credit hours under the progress-toward-degree regulation shall be based on hours earned or accepted for degree credit at the certifying institution in a student-athlete's specific baccalaureate degree program (see Bylaw 14.4.3.1) shall be met as follows:

- (a) During the first two years of enrollment, a student-athlete may use credits acceptable toward any of the institution's degree programs;
- (b) By the beginning of the third year of enrollment (fifth semester or seventh quarter), a student-athlete shall be required to have designated a program of studies leading toward a specific baccalaureate degree. From that point, the credits used to meet the progress-toward-degree requirements must be degree credit toward the student's designated degree program;
- (c) A student-athlete who changes his or her designated degree program may comply with the progress-toward-degree requirements if:
 - (1) The change in programs is documented appropriately by the institution's academic authorities;
 - (2) The credits earned prior to the change are acceptable toward the degree previously sought; and
 - (3) The credits earned from the time of the change are acceptable toward the new desired degree.

- (d) Once a student-athlete has begun his or her third year of enrollment (fifth semester or seventh quarter), a course may not be used to fulfill the credit-hour requirements for meeting progress toward degree if the student ultimately must repeat the course to fulfill the requirements of the student's major, even if the course fulfills an elective component of the student-athlete's degree program.

14.4.3.2 Fulfillment of Percentage of Degree Requirements. A student-athlete who is entering his or her third year of collegiate enrollment shall have completed successfully at least 40 percent of the course requirements in the student's specific degree program. A student-athlete who is entering his or her fourth year of collegiate enrollment shall have completed successfully at least 60 percent of the course requirements in the student's specific degree program. A student-athlete who is entering his or her fifth year of collegiate enrollment shall have completed successfully at least 80 percent of the course requirements in the student's specific degree program. The course requirements must be in the student's specific degree program (as opposed to the student's major).

16.8.1 Permissible. The permissible expenses for practice and competition that an institution may provide a student-athlete are defined in the following subsections. (See Bylaw 16.9 for expenses that may be provided by individuals or organizations other than the institution.)

16.8.1.2 Competition While Representing Institution. An institution may provide actual and necessary travel expenses (e.g., transportation, lodging and meals) to a student-athlete for participation in athletics competition, provided the student-athlete is representing the institution (competes in the uniform of the institution) and is eligible for intercollegiate competition. Such competition includes:

- (a) Regularly scheduled intercollegiate athletics events;
- (b) NCAA championship events and national governing body championship events in an emerging sport;
- (c) A postseason football game (see Bylaw 18.7);
- (d) Nonintercollegiate open, amateur competition;
- (e) Other institutional competition permissible under NCAA legislation, including postseason events; and
- (f) Fundraising activities that an institution counts against its maximum contest limitations per Bylaw 17.

Division I 2013-14 Manual

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.

14.4.3.1 Fulfillment of Credit-Hour Requirements. Eligibility for competition shall be determined based on satisfactory completion of at least:

- (a) Twenty-four-semester or 36-quarter hours of academic credit prior to the start of the student-athlete's second year of collegiate enrollment (third semester, fourth quarter);
- (b) Eighteen-semester or 27-quarter hours of academic credit since the beginning of the previous fall term or since the beginning of the certifying institution's preceding regular two semesters or three quarters (hours earned during the summer may not be used to fulfill this requirement) (see Bylaw 14.4.3.1.4); and
- (c) Six-semester or six-quarter hours of academic credit during the preceding regular academic term (e.g., fall semester, winter quarter) in which the student-athlete has been enrolled full time at any collegiate institution (see Bylaw 14.1.9 for postseason certification).

14.4.3.1.7 Hours Earned or Accepted for Degree Credit. The provision that the calculation of credit hours under the progress-toward-degree regulation shall be based on hours earned or accepted for degree credit at the certifying institution in a student-athlete's specific baccalaureate degree program (see Bylaw 14.4.3.1) shall be met as follows:

- (a) During the first two years of enrollment, a student-athlete may use credits acceptable toward any of the institution's degree programs;
- (b) By the beginning of the third year of enrollment (fifth semester or seventh quarter), a student-athlete shall be required to have designated a program of studies leading toward a specific baccalaureate degree. From that point, the credits used to meet the progress-toward-degree requirements must be degree credit toward the student's designated degree program;
- (c) A student-athlete who changes his or her designated degree program may comply with the progress-toward-degree requirements if:
 - (1) The change in programs is documented appropriately by the institution's academic authorities;
 - (2) The credits earned prior to the change are acceptable toward the degree previously sought; and
 - (3) The credits earned from the time of the change are acceptable toward the new desired degree.
- (d) Once a student-athlete has begun his or her third year of enrollment (fifth semester or seventh quarter), a course may not be used to fulfill the credit-hour requirements for meeting progress toward degree if the student ultimately must repeat the course to fulfill the requirements of the student's major, even if the course fulfills an elective component of the student-athlete's degree program.

14.4.3.2 Fulfillment of Percentage of Degree Requirements. A student-athlete who is entering his or her third year of collegiate enrollment shall have completed successfully at least 40 percent of the course requirements in the student's specific degree program. A student-athlete who is entering his or her fourth year of collegiate enrollment shall have completed successfully at least 60 percent of the course requirements in the student's specific degree program. A

student-athlete who is entering his or her fifth year of collegiate enrollment shall have completed successfully at least 80 percent of the course requirements in the student's specific degree program. The course requirements must be in the student's specific degree program (as opposed to the student's major).

14.10.1 Obligation of Member Institution to Withhold Student-Athlete From Competition.

If a student-athlete is ineligible under the provisions of the constitution, bylaws or other regulations of the Association, the institution shall be obligated to apply immediately the applicable rule and to withhold the student-athlete from all intercollegiate competition. The institution may appeal to the Committee on Student-Athlete Reinstatement for restoration of the student-athlete's eligibility as provided in Bylaw 14.11 if it concludes that the circumstances warrant restoration.

16.8.1 Permissible. An institution may provide actual and necessary expenses to a student-athlete to represent the institution in practice and competition (including expenses for activities/travel that are incidental to practice or competition). In order to receive competition-related expenses, the student-athlete must be eligible for competition.

Division I 2014-15 Manual

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.

12.11.1 Obligation of Member Institution to Withhold Student-Athlete From Competition.

If a student-athlete is ineligible under the provisions of the constitution, bylaws or other regulations of the Association, the institution shall be obligated to apply immediately the applicable rule and to withhold the student-athlete from all intercollegiate competition. The institution may appeal to the Committee on Student- Athlete Reinstatement for restoration of the student-athlete's eligibility as provided in Bylaw 12.12 if it concludes that the circumstances warrant restoration.

14.4.3.1 Fulfillment of Credit-Hour Requirements. Eligibility for competition shall be determined based on satisfactory completion of at least:

- (a) Twenty-four semester or 36 quarter hours of academic credit prior to the start of the student-athlete's second year of collegiate enrollment (third semester, fourth quarter);
- (b) Eighteen semester or 27 quarter hours of academic credit since the beginning of the previous fall term or since the beginning of the certifying institution's preceding regular two semesters

or three quarters (hours earned during the summer may not be used to fulfill this requirement) (see Bylaw 14.4.3.1.4); and

- (c) Six semester or six quarter hours of academic credit during the preceding regular academic term (e.g., fall semester, winter quarter) in which the student-athlete has been enrolled full time at any collegiate institution (see Bylaw 14.4.3.4 for postseason certification).

14.4.3.1.7 Hours Earned or Accepted for Degree Credit. The provision that the calculation of credit hours under the progress-toward-degree regulation shall be based on hours earned or accepted for degree credit at the certifying institution in a student-athlete's specific baccalaureate degree program (see Bylaw 14.4.3.1) shall be met as follows:

- (a) During the first two years of enrollment, a student-athlete may use credits acceptable toward any of the institution's degree programs;
- (b) By the beginning of the third year of enrollment (fifth semester or seventh quarter), a student-athlete shall be required to have designated a program of studies leading toward a specific baccalaureate degree. From that point, the credits used to meet the progress-toward-degree requirements must be degree credit toward the student's designated degree program;
- (c) A student-athlete who changes his or her designated degree program may comply with the progress-toward-degree requirements if:
 - (1) The change in programs is documented appropriately by the institution's academic authorities;
 - (2) The credits earned prior to the change are acceptable toward the degree previously sought; and
 - (3) The credits earned from the time of the change are acceptable toward the new desired degree.
- (d) Once a student-athlete has begun his or her third year of enrollment (fifth semester or seventh quarter), a course may not be used to fulfill the credit-hour requirements for meeting progress toward degree if the student ultimately must repeat the course to fulfill the requirements of the student's major, even if the course fulfills an elective component of the student-athlete's degree program.

14.4.3.2 Fulfillment of Percentage of Degree Requirements. A student-athlete who is entering his or her third year of collegiate enrollment shall have completed successfully at least 40 percent of the course requirements in the student's specific degree program. A student-athlete who is entering his or her fourth year of collegiate enrollment shall have completed successfully at least 60 percent of the course requirements in the student's specific degree program. A student-athlete who is entering his or her fifth year of collegiate enrollment shall have completed successfully at least 80 percent of the course requirements in the student's specific degree program. The course requirements must be in the student's specific degree program (as opposed to the student's major).

16.8.1 Permissible. An institution, conference or the NCAA may provide actual and necessary expenses to a student-athlete to represent the institution in practice and competition (including

expenses for activities/travel that are incidental to practice or competition). In order to receive competition-related expenses, the student-athlete must be eligible for competition.

Division I 2015-16 Manual

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.

12.11.1 Obligation of Member Institution to Withhold Student-Athlete From Competition. If a student-athlete is ineligible under the provisions of the constitution, bylaws or other regulations of the Association, the institution shall be obligated to apply immediately the applicable rule and to withhold the student-athlete from all intercollegiate competition. The institution may appeal to the Committee on Student-Athlete Reinstatement for restoration of the student-athlete's eligibility as provided in Bylaw 12.12 if it concludes that the circumstances warrant restoration.

16.8.1 Permissible. An institution, conference or the NCAA may provide actual and necessary expenses to a student-athlete to represent the institution in practice and competition (including expenses for activities/travel that are incidental to practice or competition). In order to receive competition-related expenses, the student-athlete must be eligible for competition.

Division I 2016-17 Manual

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.

12.11.1 Obligation of Member Institution to Withhold Student-Athlete From Competition. If a student-athlete is ineligible under the provisions of the constitution, bylaws or other regulations of the Association, the institution shall be obligated to apply immediately the applicable rule and to withhold the student-athlete from all intercollegiate competition. The

institution may appeal to the Committee on Student-Athlete Reinstatement for restoration of the student-athlete's eligibility as provided in Bylaw 12.12 if it concludes that the circumstances warrant restoration.

16.8.1 Permissible. An institution, conference or the NCAA may provide actual and necessary expenses to a student-athlete to represent the institution in practice and competition (including expenses for activities/travel that are incidental to practice or competition). In order to receive competition-related expenses, the student-athlete must be eligible for competition.