



**UNIVERSITY OF NORTH CAROLINA AT GREENSBORO**  
**PUBLIC INFRACTIONS DECISION**  
**JUNE 25, 2015**

**I. INTRODUCTION**

The NCAA Division I Committee on Infractions is an independent administrative body of the NCAA comprised of individuals from the NCAA Division I membership and the public. The committee is charged with deciding infractions cases involving member institutions and their staffs.<sup>1</sup> This case involved the University of North Carolina at Greensboro.<sup>2</sup> The committee, through a six-member panel, 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 then proposed further penalties to the institution and the institution agreed to the penalties; therefore, there is no opportunity to appeal.

The agreed-upon violations centered on the institution's improper certification of student-athletes' initial eligibility. Specifically, from the 2007-08 through 2012-13 academic years, the institution improperly certified the initial eligibility of 57 student-athletes in 13 sport programs. The institution permitted those student-athletes to practice, compete, receive athletically related aid and/or receive actual and necessary expenses associated with competition prior to the institution certifying their initial eligibility status. The parties agreed that the violation was Level II.

Additionally, the parties agreed that from the 2007-08 through 2010-11 academic years, the institution did not require the director of athletics or head coaches to review and sign squad lists and failed to keep squad lists on file. The parties disagreed over the violation level, but the panel ultimately determined the violation was Level II.

Finally, the parties agreed that the institution failed to monitor the initial eligibility certification process. The parties also agreed the institution failed to monitor and adhere to squad list requirements. The parties agreed that the violation was Level II.

---

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

<sup>2</sup> A member of the Southern Conference, the institution's total enrollment is approximately 18,600. The institution sponsors eight men's sports and nine women's sports. This is the institution's first infractions case.

The panel accepted the parties' SDR. The panel concluded that the parties' agreed-upon facts and violations constituted violations of NCAA bylaws. After considering the aggravating and mitigating factors, the panel classified this case as Level II-Standard. Applying the penalty guidelines set forth in the 2014-15 NCAA Division I Manual (Figure 19-1), the panel adopted and prescribed the following penalties: a two-year probationary period; a fine; the vacation of certain records; an outside compliance audit; and other administrative reporting requirements.

## II. CASE HISTORY

On August 1, 2007, NCAA legislation changed to require all student-athletes thereafter to receive final certification of amateurism status. A few years later, in 2010, the institution's athletics leadership changed. As part of the new leadership's early initiatives, the institution requested an outside compliance audit. The audit flagged potential issues with the institution's eligibility certification and squad list processes. In late spring and early summer 2011, the institution reviewed the eligibility certification status for its student-athletes over the previous five years and discovered that a number of student-athletes had not received final amateurism certification.

In fall 2011, the institution self-reported potential violations to the NCAA enforcement staff. In November 2012, roughly one year later, the institution contacted the enforcement staff requesting the status of the self-report. The enforcement staff requested that the institution conduct further review. In October 2013, the institution self-reported that between the 2003-04 and 2011-12 academic years it did not completely certify 82 student-athletes' initial eligibility.<sup>3</sup> In March 2014, the institution contacted the enforcement staff for a second time to determine the status of its self-reports.

In June 2014, the enforcement staff submitted a notice of inquiry (NOI) and through October 2014, conducted interviews with the institution. On January 8, 2015, the enforcement staff provided the institution with a draft notice of allegations (NOA). The following week, the institution accepted the proposed findings of fact and violations and agreed to utilize the summary disposition process. On April 21, 2015, the parties submitted the SDR to the NCAA Division I Committee on Infractions.

On May 15, 2015, a panel of the Division I Committee on Infractions reviewed the SDR via teleconference. The panel accepted the proposed SDR but determined that additional penalties – a two-year probationary period and administrative reporting requirements – were warranted. The panel proposed those penalties to the institution on May 20, 2015.

---

<sup>3</sup> The enforcement staff requested that the institution review student-athletes' initial eligibility between the 2007-08 and 2011-12 academic years. As a result of the additional review, the enforcement staff determined a total of 57 student-athletes had initial eligibility violations.

The panel also proposed that all the agreed-upon violations were Level II. The institution accepted the proposed penalties and the panel's determination of level on May 27, 2015.

### **III. PARTIES' AGREEMENTS**

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

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

**1. [NCAA Division I Manual Constitution 3.2.4.3; and NCAA Division I Manual Bylaws 12.1.1.1.3, 12.1.1.1.3.1, 14.01.1, 14.3.1, 14.11.1 and 16.8.1.2 (2007-08 through 2012-13)].**

From at least the 2007-08 through 2012-13 academic years, the institution improperly certified the initial eligibility status of 57 student-athletes in 13 sport programs.<sup>4</sup> Specifically:

- a. The institution permitted 50 student-athletes to practice, compete and/or receive actual and necessary travel expenses without meeting amateurism certification requirements. [NCAA Constitution 3.2.4.3 and NCAA Bylaws 12.1.1.1.3, 12.1.1.1.3.1 and 16.8.1.2 (2007-08 through 2012-13)]
  - (1) Six student-athletes were permitted to practice beyond the permissible 45-day period without meeting amateurism certification requirements. [NCAA Bylaws 12.1.1.1.3 and 12.1.1.1.3.1 (2007-08 through 2012-13)]
  - (2) Forty-four student-athletes were permitted to practice and compete without meeting amateurism certification requirements. [NCAA Bylaws 12.1.1.1.3, 12.1.1.1.3.1 and 16.8.1.2 (2007-08 through 2012-13)]
- b. The institution permitted 28 student-athletes to practice, compete, receive athletically related aid and/or actual and necessary travel expenses without meeting initial eligibility requirements. [NCAA

---

<sup>4</sup> The parties agreed that the institution improperly certified a total of 57 student-athletes' initial eligibility. The institution permitted 21 of those student-athletes to practice, compete, receive athletically related aid and/or actual and necessary travel expenses without meeting amateurism (Violation No. 1-a) and initial eligibility requirements (Violation No. 1-b).

Constitution 3.2.4.3 and NCAA Bylaws 14.01.1, 14.3.1, 14.11.1 and 16.8.1.2 (2007-08 through 2012-13)]

- (1) Three student-athletes were permitted to practice beyond the permissible period of time without meeting initial eligibility requirements. Two of the three student-athletes competed for subsequent academic years without initial eligibility certification and without the institution seeking reinstatement. [NCAA Bylaws 14.01.1, 14.3.1 and 14.11.1 (2007-08 through 2012-13)]
- (2) Seven student-athletes were permitted to practice and receive athletically related aid without meeting initial eligibility requirements. Six of the seven student-athletes competed for subsequent academic years without or prior to initial eligibility certification and/or without the institution seeking reinstatement. [NCAA Bylaws 14.01.1, 14.3.1 and 14.11.1 (2007-08 through 2012-13)]
- (3) Seven student-athletes were permitted to practice, compete and receive actual and necessary expenses to represent the institution without meeting initial eligibility requirements. Six of the seven student-athletes competed for subsequent academic years without or prior to initial eligibility certification and/or without the institution seeking reinstatement. [NCAA Bylaws 14.01.1, 14.3.1, 14.11.1 and 16.8.1.2 (2007-08 through 2012-13)]
- (4) Eleven student-athletes were permitted to practice, compete, receive actual and necessary expenses to represent the institution and receive athletically related aid without meeting initial eligibility requirements. Seven of the 11 student-athletes competed for subsequent academic years without or prior to initial eligibility certification and/or without the institution seeking reinstatement. [NCAA Bylaws 14.01.1, 14.3.1, 14.11.1 and 16.8.1.2 (2007-08 through 2012-13)]

2. **[NCAA Division I Manual Constitution 3.2.4.3; and NCAA Division I Manual Bylaws 15.5.10.1 and 30.13 (2007-08 Manual), 15.5.11.1 and 30.13 (2008-09 and 2009-10), and 15.5.11 and 15.5.11.2.1 (2010-11)]<sup>5</sup>**

From at least the 2007-08 through 2010-11 academic years, the institution failed in its obligation to properly certify eligibility of its student-athletes when the director of athletics and head coaches did not review or sign the squad list forms and did not keep the squad list forms on file.

3. **[NCAA Constitution 2.8.1]**

From at least the 2007-08 through 2012-13 academic years, the institution failed to consistently monitor the initial eligibility certification processes, which resulted in at least 57 ineligible student-athletes practicing, competing and/or receiving actual and necessary travel expenses prior to receiving final amateurism and/or academic certification from the NCAA Eligibility Center, as detailed in Violation No. 1. Additionally, it is agreed that from at least the 2007-08 through the 2010-11 academic years, the institution failed in its obligation to properly certify its student-athletes when it did not review or complete the squad list forms as detailed in Violation No. 2.

**B. PARTIES' AGREED-UPON AGGRAVATING AND MITIGATING FACTORS**

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

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

None.
  - b. Mitigating factors.

---

<sup>5</sup> Pursuant to NCAA Bylaw 19.6.4.3, the panel corrected the NCAA bylaws cited in the submitted April 21, 2015, SDR for Violation No. 2. Specifically, the SDR cited NCAA Bylaw 15.5.12.1 for the 2007-08 through 2009-10 academic years. The panel believed this was a typographical error because during the 2007-08 through 2009-10 academic years, NCAA Bylaw 15.5.12.1 either did not exist (2007-08 Division I Manual) or was associated with Waivers for Extraordinary Personnel Loss (2008-09 and 2009-10 Division I Manual). The panel has corrected the header to include NCAA Bylaw 15.5.10.1 Eligibility Requirement for the 2007-08 academic year and 15.5.11.1 Eligibility Requirement for 2008-09 through 2009-10 academic years.

- (1) Prompt acknowledgment of the violation, acceptance of responsibility and imposition of meaningful corrective measures and/or penalties. [NCAA Bylaw 19.9.4-(b)]
- (2) Affirmative steps to expedite final resolution of the matter. [NCAA Bylaw 19.9.4-(c)]

The enforcement staff presented, but the institution did not agree, that NCAA Bylaw 19.9.3-(g) (Multiple Level II violations) should apply to this case. The panel determined that NCAA Bylaw 19.9.3-(g) is an aggravating factor for this case because this case involved three Level II violations.

The institution proposed, but the enforcement staff did not agree, that NCAA Bylaw 19.9.4-(f) (exemplary cooperation) should apply to this case. The panel determined that the institution met its obligation under the bylaws, but its cooperation did not rise to exemplary.

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

The submitted SDR fully details the parties' positions in the infractions case and included the agreed-upon primary facts, violations and mitigating factors.<sup>6</sup> After reviewing the parties' agreements, proposals and respective positions, the panel accepted the parties' SDR and concluded that the facts constituted three Level II violations. Level II violations can include systematic violations that do not amount to a lack of institutional control or collective Level III violations. Specifically, the institution agreed that it committed Level II violations when it (1) failed to certify 57 student-athletes' initial eligibility status, (2) failed to adhere to squad list requirements and (3) failed to monitor its initial eligibility certification process.

First, the institution agreed that when, over the course of six academic years, it permitted 57 student-athletes to practice, compete and/or receive actual and necessary travel expenses without properly certifying the student-athletes' amateurism and initial eligibility statuses, it violated the NCAA Constitution and NCAA Bylaws 12, 14 and 16. Certifying initial eligibility is a basic requirement within the NCAA Division I Manual. NCAA Constitution 3.2.4.3 sets the principal core requirement that all member institutions are responsible for certifying student-athletes' eligibility under all NCAA bylaws before student-athletes are permitted to represent the institution in competition. Generally, NCAA Bylaw 12.1 requires student-athletes to receive final amateurism certification before practicing or competing for an institution.<sup>7</sup> Similarly, NCAA Bylaw

---

<sup>6</sup> The parties did not agree on any aggravating factors and originally disagreed on the level for Violation No. 2 (Squad Lists).

<sup>7</sup> NCAA Bylaw 12.1.1.3.1 provides a temporary certification for student-athletes who have not received final amateurism certification. Those student-athletes are permitted to practice, but not compete, for up to 45 days. Thereafter, student-athletes are not permitted to practice or compete until receiving final amateurism certification.

14 sets student-athlete eligibility requirements. Specifically, NCAA Bylaws 14.01.1 and 14.3.1 require institutions to certify student-athletes' eligibility prior to receiving financial aid, practicing or competing. At the time of the violations, NCAA Bylaw 14.11.1 obligated institutions to withhold ineligible student-athletes from competition.<sup>8</sup> Finally, at the time of the violations, NCAA Bylaw 16.8.1.2 permitted institutions to provide actual and necessary travel expenses to eligible student-athletes who represented the institution in competition.<sup>9</sup>

The institution acknowledged that the majority of the failures occurred because student-athletes failed to: (1) register with the Eligibility Center; (2) complete the required amateurism certification questionnaire; (3) request certification for a specific sport in which the student-athlete participated; (4) submit transcripts or test scores to the Eligibility Center; and/or (5) request final amateurism certification. Regardless of whether the student-athletes failed to comply with certain amateurism requirements, it was the institution's responsibility to certify all student-athletes' amateurism and initial eligibility statuses. When the institution failed to certify the amateurism and initial eligibility of 57 student-athletes, it failed to fulfill a core NCAA requirement and violated NCAA Constitution 3.2.4.3. Similarly, when the institution permitted student-athletes to practice, compete, receive athletically related aid and/or actual and necessary travel expenses it violated NCAA Bylaws 12.1.1.1.3, 12.1.1.1.3.1, 14.01.1, 14.3.1, 14.11.1 and 16.8.1.2. The institution committed a Level II violation.

Additionally, the institution agreed that from the 2007-08 through 2010-11 academic years, it did not require the director of athletics or head coaches to review or sign squad list forms and failed to keep the forms on file. During the time of the violations, NCAA Bylaws 15.5.10.1 and 30.13 (and later 15.5.11.1 and 15.5.11.2.1) detailed the requirements and procedures for squad list forms.<sup>10</sup> The bylaws required institutions to complete squad list forms. Additionally, the director of athletics and head coaches were required to certify student-athletes' eligibility by reviewing and signing squad list forms. The bylaws also required institutions to maintain squad list forms for review. For four years, the institution did not require the director of athletics or head coaches to review and sign squad lists. Likewise, the institution did not maintain certified squad lists. When the institution failed to require the director of athletics and its head coaches to review and certify the eligibility of student-athletes on squad list forms, it violated NCAA Constitution 3.2.4.3. Similarly, because the institution did not adhere to the specific squad list requirements and processes the institution violated NCAA Bylaws 15.5.10.1, 15.5.11.1, 30.13 and 15.5.11.2.1. In the submitted SDR, the parties disagreed over

---

<sup>8</sup> The obligation to withhold ineligible student-athletes from competition moved from NCAA Bylaw 14.11.1 to NCAA Bylaw 12.11.1 in the 2014-15 Division I Manual.

<sup>9</sup> Subsequent to the violations in this case, NCAA Bylaw 16.8.2.1 was removed from the 2013-14 Division I Manual. Actual and necessary expenses provided to eligible student-athletes for practice and competition is now regulated by NCAA Bylaw 16.8.1.

<sup>10</sup> In the 2010-11 Division I Manual, the procedures previously addressed in NCAA Bylaw 30.13 moved to NCAA Bylaw 15.5.11.2.1. The SDR also noted that the bylaws went through nonsubstantive revisions that have no impact on this case or the institution's responsibility under the bylaws.

whether the squad list violation was a Level II or Level IV violation. Because the violation was systemic, occurred over four academic years and, to some extent, may have permitted the initial eligibility failures to go undetected, the panel determined that the institution committed a Level II violation.

Finally, the institution agreed that from the 2007-08 through 2012-13 academic years, it failed to monitor its initial eligibility process. This failure resulted in 57 student-athletes practicing, competing, receiving athletics aid and/or receiving actual and necessary travel expenses when the institution had not certified their initial eligibility. Generally, NCAA Constitution 2.8.1 requires institutions to monitor their athletics programs and assure compliance. Here, the institution did not monitor the initial eligibility certification process and did not consistently follow its initial eligibility processes and procedures. As a result, the institution improperly certified the initial eligibility status for 57 student-athletes. When the institution failed to follow its initial eligibility processes and procedures and failed to monitor its initial eligibility certification, it violated NCAA Constitution 2.8.1. The institution committed a Level II violation.

During its review, the panel considered whether the foundational nature of the violations and the length of time the institution permitted them to occur supported a lack of institutional control violation. Ultimately, the panel concluded it did not, under the specific circumstances of this case. The panel cautions institutions to ensure that basic core requirements, like student-athletes' initial eligibility, are met as they are paramount for intercollegiate competition.

## **V. PENALTIES**

For the reasons set forth in Sections III and IV of this decision, the panel accepted the parties' agreed-upon factual basis and violations and concluded that this case involved Level II violations of NCAA legislation. Because the violations in this case occurred before the effective date of the current penalty structure, the panel reviewed whether the new penalty guidelines were more lenient and concluded that they were in this case. When reviewing a case under the new penalty guidelines, the panel assesses aggravating and mitigating factors by weight as well as number. After determining the appropriate aggravating and mitigating factors, the panel classified this case as Level II – Standard. When conducting its penalty analysis, the panel reviewed former NCAA Bylaw 19.5.2 and past cases as guidance. Under former NCAA Bylaw 19, the panel considered prescribing a \$500 fine per contest in which ineligible student-athletes participated, which would have made penalties more stringent. Therefore, the panel prescribed penalties under current NCAA Bylaw 19 and the penalty guidelines (Figure 19-1).

The institution agreed to the facts and violations, as well as the panel's proposed penalties, reporting requirements and the panel's final level determination; therefore, there is no opportunity to appeal.



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

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

1. Probation: Two years of probation from June 25, 2015, through June 24, 2017.<sup>11</sup>
2. Financial Penalty: The institution shall pay a \$5,000 fine. (Institution imposed).

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

3. Pursuant to former NCAA Bylaws 19.5.2-(h) and 31.2.2.3, the institution will vacate the individual and team records from events in which the 57 ineligible student-athletes participated after the institution improperly certified their initial eligibility status from the 2007-08 through 2012-13 academic years. This order of vacation includes all regular season competition, conference tournaments and NCAA postseason competition. (Institution imposed). The individual records of the 57 ineligible student-athletes will also be vacated. However, the individual finishes and any awards for all eligible student-athletes will be retained. Further, the institution's records regarding its athletics program, as well as records of all head coaches, will reflect the vacated records and will 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 an affected head coach 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 100<sup>th</sup>, 200<sup>th</sup> or 500<sup>th</sup> career victories. Any public reference to the vacated contests shall be removed from 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

---

<sup>11</sup> The institution proposed a one-year probationary period. Institutions may propose probationary periods, but the authority to prescribe NCAA probation rests solely with the committee. Periods of probation always commence with the release of the infractions decision.

contests impacted by the penalties. In addition, the institution must provide the NCAA Media Coordination and Statistics office with a written report, detailing those discussions. This document will be maintained in the permanent files of the NCAA Media Coordination and Statistics office. This written report must be delivered to the office no later than 45 days following the release of this decision. The sports information director (or designee) must also inform the Office of the Committees on Infractions of this submission to the NCAA Media Coordination and Statistics office.

4. Within the next six months, the institution's athletics department shall undergo a comprehensive compliance review by an outside agency with athletics compliance expertise. (Institution imposed). The results of this compliance review shall be included in the institution's first annual compliance report, and any recommendations made as a result of this compliance review shall be implemented as soon as possible, but not later than the time of the institution's second annual compliance report.
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 institution staff members with responsibility for the certification of student-athletes' eligibility for admission, financial aid, practice or competition;
  - b. Submit a preliminary report to the Office of the Committees on Infractions by August 15, 2015, setting forth a schedule for establishing this compliance and educational program;
  - c. File with the Office of the Committees on Infractions annual compliance reports indicating the progress made with this program by May 1 of each year during the probationary period. Particular emphasis should be placed on the certification of initial eligibility for student-athletes. The reports must also include documentation of the institution's compliance with the penalties adopted and prescribed by the committee;
  - d. Inform prospective student-athletes in the involved sport programs 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. The information shall also be included in institutional media guides and in an alumni publication. The institution's statement must: (1) clearly describe the infractions; (2) include the length of the probationary period associated with the major infractions case; and (3) 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. The institution may meet its responsibility in a variety of ways.
6. At the conclusion of the probationary period, the institution's president shall provide a letter to the committee affirming that the institution's current athletics policies and practices conform to all requirements of NCAA regulations.

---

The committee advises the institution that it should take every precaution to ensure that the terms of the penalties are observed. The committee will monitor the penalties during their effective periods. Any action by the institution contrary to the terms of any of the penalties or any additional violations shall be considered grounds for extending the institution's probationary period, prescribing more severe penalties or may result in additional allegations and violations.

NCAA COMMITTEE ON INFRACTIONS PANEL

Carol Cartwright  
Jack Ford  
Thomas Hill  
Jim O'Fallon  
Larry Parkinson  
Greg Sankey, Chief Hearing Officer

**APPENDIX**

**CORRECTIVE ACTIONS AS IDENTIFIED IN THE INSTITUTION'S APRIL 21, 2015,  
SUMMARY DISPOSITION REPORT**

1. The department of athletics implemented policies wherein all initial eligibility certification decisions are made by the certifying officer (housed in the Office of the Registrar) after consultation and review by the associate director of athletics for compliance/senior woman administrator, and the associate director of athletics for academics and student-athlete development.
2. The department of athletics implemented policies wherein all NCAA squad lists are reviewed by the associate director of athletics for compliance/senior woman administrator, the associate director of athletics for academics and student-athlete development, the head coach, and the certifying officer before the documents are presented to the athletics director (or designee) for final approval and signature.
3. The revised policies specific to the violations discovered in this matter have been incorporated into all rules education sessions with relevant department of athletics staff.
4. The institution will issue a written reprimand to the former athletics compliance administrator and a written admonishment to her former supervisor for their involvement in the violations found in this matter.