



FLORIDA A&M UNIVERSITY
PUBLIC INFRACTIONS DECISION
NOVEMBER 20, 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.¹ This case involved Florida A&M University (FAMU).² A panel of the committee 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 agreed with the violations comprising the case, but proposed further penalties to the institution. The institution agreed to the additional penalties; therefore, there is no opportunity to appeal.

The agreed-upon violations centered on the institution's failure to properly administer general student-athlete eligibility and playing season requirements between the 2010-11 and 2013-14 academic years and financial aid requirements during the summer of 2013. The parties agreed that these violations were Level II. Additionally, the parties agreed that, by failing to comply with bylaws relating to the administration of general student-athlete eligibility and playing season requirements, and by not meeting its obligation to provide written notification of reductions in student-athletes' financial aid, the institution failed to monitor its athletics programs in accordance with NCAA Constitution 2.8.1. As with the core violations, the parties agreed that this failure to monitor was Level II.³

The panel accepted the parties' factual agreements and the aforementioned violations occurred in this case. After considering the aggravating and mitigating factors, the panel classifies this case as Level II-Standard. The panel applied the penalty guidelines set

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

² A member of the Mid-Eastern Athletic Conference, the institution's total enrollment is approximately 7,300. The institution sponsors eight men's sports and eight women's sports. This is the institution's fourth infractions case, with previous cases in 2006, 1990 and 1976.

³ Pursuant to Bylaw 19.1.2-(b), failure to monitor is presumed to be a Level II violation unless the nature of the failure is "substantial or egregious."

forth in the 2015-16 NCAA Division I Manual (Figure 19-1 Penalty Guidelines) because the violations occurred primarily after the implementation of the new penalty structure in October 2012. However, in light of extenuating circumstances in this case and pursuant to NCAA Bylaw 19.9.6, the panel departed upward on two penalties, probation and a financial penalty. The panel adopts and prescribes the following penalties: a four-year probationary period; a financial penalty, the monies from which the institution shall retain to fund compliance-related activities; a requirement for annual compliance audits by an outside agency; mandatory attendance at regional rules seminars; and administrative reporting requirements.

II. CASE HISTORY

In October 2013, the institution received anonymous email messages alleging numerous violations of NCAA legislation involving the institution. Shortly thereafter, the institution shared the information with the Mid-Eastern Athletic Conference (MEAC). On November 8, 2013, the deputy commissioner of the MEAC contacted the NCAA enforcement staff to report that the conference and the institution were investigating the alleged violations. On November 25, 2013, after speaking with the commissioner of the MEAC, the enforcement staff agreed to allow the institution and conference to complete their investigation and submit the findings to the enforcement staff. On January 21 and February 7, 2014, the institution submitted reports of the investigation to the NCAA.

In April 2014, the enforcement staff commenced its investigation with assistance from the institution and the conference. Between April 2014 and June 2015, the enforcement staff, the institution and the conference conducted approximately 75 interviews and reviewed numerous documents. The investigation substantiated that the institution failed to administer general student-athlete eligibility and playing season requirements between the 2010-11 and 2013-14 academic years, and financial aid requirements during the summer of 2013.⁴ On July 6, 2015, the institution agreed to process this case via summary disposition. On August 31, 2015, the institution and enforcement staff submitted the summary disposition report to the NCAA Division I Committee on Infractions. On October 16, 2015, a panel of the Division I Committee on Infractions reviewed the SDR. On October 20, 2015, the panel notified the institution by letter that it accepted the violations contained in the SDR, but proposed additional penalties. The institution responded via letter on October 25 informing the panel that it accepted the additional penalties.

⁴ Similar violations occurred in the institution's 2006 infractions case when, during a five-year period, 72 student-athletes failed to execute the student-athlete statement and/or the drug-testing consent form prior to competing.

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 Bylaws 14.1.3.1, 14.1.3.2-(b), 14.1.4.1 and 14.1.4.2- (c) (2010-11 through 2013-14)].

During the 2010-11 through 2013-14 academic years, the institution failed to ensure that 259 student-athletes completed student-athlete statements prior to participation in intercollegiate competition and drug-testing consent forms prior to practice or competition or before the fourth week of classes, or failed to maintain those forms on file. Specifically, the following number of student-athletes did not complete student-athlete statements and drug-testing consent forms or such forms were not kept on file:

Sport	2010-11	2011-12	2012-13	2013-14
Baseball	6	9	11	0
Men's Basketball	4	2	8	1
Women's Basketball*	1	1	2	4
Women's Bowling	0	3	0	0
Men's Cross Country*	2	3	3	9
Women's Cross Country*	1	0	2	0
Football*	14	15	16	28
Men's Golf	0	0	4	6
Softball	6	1	3	0
Men's Swimming	0	1	0	0
Women's Swimming	2	12	0	0
Men's Tennis	1	4	5	10
Women's Tennis	2	3	6	0
Men's Track, Indoor*	9	4	11	13
Women's Track, Indoor*	4	0	3	13
Men's Track, Outdoor*	8	4	11	13
Women's Track, Outdoor*	4	1	3	15
Women's Volleyball	1	3	1	2
Total	65	66	89	114

*Approximately 75 student-athletes participated in two or more sports, and thus were counted twice or, in some instances, three times.

2. [NCAA Division I Manual Bylaw 17.1.5 (2010-11, 2011-12 and 2013-14)]

During the 2010-11, 2011-12 and 2013-14 academic years, the institution failed to ensure that 18 student-athletes completed a medical examination within six months before participation in practice. Specifically, the following number of student-athletes did not complete a medical examination within the required timeframe:

2010-11	
Sport	Number of Student-Athletes
Men's Cross Country	2
Men's Track, Indoor	2
Men's Tennis	1

2011-12	
Sport	Number of Student-Athletes
Football	1
Women's Volleyball	1

2013-14	
Sport	Number of Student-Athletes
Football	8
Men's Golf	2
Men's Cross Country	1

3. NCAA Division I Manual Bylaw 15.3.5.1 (2012-13)]

During the summer of 2013, the institution failed to provide 19 student-athletes written notification of a change in their athletics aid prior to July 1, 2013. Specifically, the institution failed to provide the following number of student-athletes the proper written notification before the reduction of their athletics aid:

Sport	Number of Student-Athletes
Baseball	7
Football	4
Women's Bowling	4
Men's Tennis	2
Women's Tennis	1
Women's Track, Indoor & Outdoor	1

4. [NCAA Constitution 2.8.1(2010-11 through 2013-14)]

The scope and nature of the violations detailed in Violation Nos. 1 through 3 demonstrate that the institution failed to appropriately monitor the administration of general student-athlete eligibility and playing season requirements and did not satisfy its obligation to provide written notification of student-athletes' reduction in athletics aid. Specifically:

- a. Regarding the institution's failure to appropriately monitor the administration of general student-athlete eligibility requirements, during the 2010-11 through 2013-14 academic years, the institution failed to ensure 259 student-athletes properly completed student-athlete statement and drug-testing consent forms and/or those documents were kept on file for later examination, as detailed in Violation No. 1.
- b. Regarding the institution's failure to appropriately monitor the administration of playing season requirements, during the 2010-11, 2011-12 and 2013-14 academic years, the institution failed to ensure that its head athletic trainer received proper NCAA rules education about mandatory medical examination legislation, contributing to 18 student-athletes not completing their medical examinations within six months before participation in practice, as detailed in Violation No. 2.
- c. Regarding the institution's failure to appropriately monitor its obligation to provide written notification of student-athletes' reduction in athletics aid, during the summer of 2013, the institution failed to confirm 19 student-athletes received written notification of a reduction in their athletics aid before July 1, 2013, as detailed in Violation No. 3.

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.
 - (1) A history of major violations by the institution. [NCAA Bylaw 19.9.3-(b)]
 - (2) Multiple Level II violations by the institution. [NCAA Bylaw 19.9.3-(g)]

- b. Mitigating factors.

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

IV. REVIEW OF CASE

The submitted SDR fully details the parties' positions in the infractions case and included the agreed-upon primary facts and violations in addition to mitigating and aggravating factors. After reviewing the parties' agreements, proposals and respective positions, the panel accepts the parties' SDR and concludes that the facts constitute four 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 ensure that student-athletes completed required forms prior to practice or competition and in some instances, retain the forms; (2) failed to ensure that some student-athletes completed medical examinations; (3) failed to provide student-athletes with written notification of changes in their athletics aid, including reductions in aid; and (4) failed to monitor the administration of general student-athlete eligibility and playing season requirements and, as part of its failure to monitor, did not satisfy its obligation to provide written notification of student-athletes' reduction in athletics aid.

First, during the 2010-11 through 2013-14 academic years, the institution committed Level II violations when it failed to ensure that 259 student-athletes did the following: (a) complete student-athlete statements prior to participation in intercollegiate competition and complete drug-testing consent forms prior to practice or competition; or (b) failed to maintain those forms. These failures resulted in violations of NCAA Bylaw 14.

With regard to the completion of student-athlete statements and drug-testing forms, NCAA Bylaw 14.1.3.1 mandates that student-athletes sign a statement in which they submit information related to eligibility, recruitment, financial aid, amateur status, previous positive-drug tests and involvement in organized gambling activities. NCAA Bylaw 14.1.4.1 requires student-athletes to sign a form in which they consent to drug

testing. Problems with submission of these required forms occurred during the 2010-11 academic year, at which time student-athletes completed and submitted these forms on paper. Beginning with the 2011-12 through 2013-14 academic years, the institution implemented an online compliance forms portal that provided the student-athletes access to these forms via an email link, allowing them to complete and submit digital copies of the statements and consent forms via the Internet. Unfortunately, for a variety of reasons, including technical problems, late add-ons to teams and student-athletes not receiving information about these required forms because of missed meetings, 211 student-athletes did not complete and submit these statements and consent forms in violation of NCAA Bylaws 14.1.3.1 and 14.1.4.1.

Additional violations of NCAA legislation occurred when the institution did not properly maintain these forms. NCAA Bylaws 14.1.3.2-(b) and 14.1.4.2-(c) require that student-athletes complete and sign these forms prior to competition and/or practice and that the institution retain them on file. Forty-eight student-athletes did not have statements and consent forms completed before the commencement of practice or the first date of competition. Moreover, approximately 84 of the 211 student-athletes noted above completed one or both forms, but the institution failed to ensure the online portal saved these forms, or otherwise retained them, resulting in violation of NCAA Bylaws 14.1.3.2-(b) and 14.1.4.2-(c).

The second area of violations involved medical examination requirements. NCAA Bylaw 17.1.5 mandates that student-athletes undergo a medical examination or evaluation administered or supervised by a physician within six months prior to participation in any practice, competition or out-of-season conditioning activities. The institution agreed that, during the 2010-11, 2011-12 and 2013-14 academic years, it committed Level II violations when it failed to ensure that 18 student-athletes completed a medical examination within six months before participation in practice. When the institution failed to ensure that all student-athletes had medical exams six months before practice commenced, it violated NCAA Bylaw 17.1.5. The primary reason this violation occurred was because the athletics training staff believed student-athlete physicals remained valid for one year. The training staff was unaware that NCAA legislation required student-athletes to complete a new physical within a six-month period before the commencement of practice.

The third area of violations involved the failure to notify some student-athletes of changes in their financial aid. NCAA Bylaw 15.3.5.1 mandates that institutions renew, or not renew, institutional athletics aid on or before July 1 prior to the academic year in which it is to be effective, and that this notification be in writing. In this case, during the summer of 2013, the institution committed Level II violations when it failed to provide 19 student-athletes written notification of reductions in their athletics aid prior to July 1, 2013. The financial aid office reported that the institution did not generate notification letters for some student-athletes' letters prior by July 1 because coaches failed to

communicate athletics aid decisions to the athletics compliance office in a timely manner. This delayed mailing the written notifications to the student-athletes, resulting in violations of NCAA Bylaw 15.3.5.1.

The fourth area of violations involved the institution's failure to appropriately monitor the administration of general student-athlete eligibility and playing season requirements and, as part of its failure to monitor, the institution did not satisfy its obligation to provide written notification of student-athletes' reduction in athletics aid. Generally, NCAA Constitution 2.8.1 requires institutions to monitor their athletics programs and assure compliance. Here, the institution did not monitor the administration of certain student-athlete eligibility and playing season requirements, including the completion of required forms and medical examinations, and it failed to provide timely written notification of changes in student-athletes' financial aid. These failures resulted in the institution violating NCAA Constitution 2.8.1 and, in doing so, committing a Level II violation.

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 constituted Level II violations of NCAA legislation. This case involved violations that occurred before and after the October 30, 2012, adoption of the current version of NCAA Bylaw 19. As a procedural matter and pursuant to NCAA Bylaw 19.9.1, the panel had to determine when the violations predominately occurred and which penalty structure to apply in this case. The panel determined that the violations predominately occurred after adoption of the new penalty structure; consequently, penalties set forth under Figure 19-1 of the 2015-16 Division I Manual (Penalty Guidelines) applied. When reviewing a case under the new penalty guidelines, the panel assesses aggravating and mitigating factors by weight, as well as number. The institution maintained that NCAA Bylaws 19.9.4-(c) *affirmative steps to expedite final resolution* and 19.9.4-(f) *exemplary cooperation* should apply as additional factors. The enforcement staff disagreed. The panel concluded that neither should apply, noting that, although the institution met its obligation to cooperate, it did not exceed it.

After determining the appropriate aggravating and mitigating factors, the panel classifies this case as Level II – Standard. Because there were extenuating circumstances in this case and pursuant to NCAA Bylaw 19.9.6, the panel departed from the core penalties set forth in Figure 19-1. The panel also added penalties pursuant to NCAA Bylaw 19.9.7 as set forth below. The panel accepted the parties' agreed-upon violations and the institution did not contest the panel's departure from the core penalties and the additional penalties. Consequently, 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 prescribes the following:

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

1. Probation: Four years of probation from November 20, 2015, through November 19, 2019.

Pursuant to NCAA Bylaw 19.9.6, the panel prescribes an additional two years of probation beyond the guideline maximum for a Level II-Standard case and one year more than the institution's proposed three years. The panel believes that additional probation is warranted because, as previously noted, some of the violations in this case were nearly identical to violations seen in the institution's 2006 infractions case and because the panel believes the institution needs additional time for oversight and monitoring by the Association.⁵

2. Financial Penalty: The institution shall pay a one-time fine of \$5,000 plus an amount equal to two percent (2%) of the institution's average athletics budget for the previous three years.⁶ These monies shall be retained by the institution and applied to the cost of the external compliance reviews required in Penalty No. 5. If any funds remain after payment for the reviews, those funds shall be applied to other compliance-related costs, including adding compliance staff and funding expenses associated with ensuring that the institution is in compliance with requirements for student-athletes' medical documentation.

Pursuant to NCAA Bylaw 19.9.6, the panel prescribes the two percent (2%) fine, which is one percent above the core fine one percent (1%) set forth in the Penalty Guidelines. The reason the panel prescribes this fine is to ensure that adequate financial resources are devoted to improving the institution's compliance program.

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

3. Public reprimand and censure.

⁵ 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.

⁶ The fine must be calculated in accordance with Division I Committee on Infractions Internal Operating Procedure 4-16-2 and 4-16-2-1.

4. Institutional staff members shall be prohibited from serving on the Board of Directors, Council or other committees of the Association for two years.
5. For each year of the probationary period, the institution shall have an independent, external agency or consultant experienced in NCAA compliance matters conduct a thorough review of the institution's athletics compliance program. The first year's external review shall establish a "baseline," and the subsequent external reviews shall include an assessment of the institution's efforts to address the recommendations or issues identified in the previous year's review, in addition to including any new issues or recommendations.
6. During each year of the probationary period, the director of athletics, the senior woman administrator the faculty athletics representative and all compliance office personnel shall be required to attend NCAA Regional Rules Seminars.
7. 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, athletics department personnel and all institutional staff members with responsibility for administration of financial aid and benefits to student-athletes;
 - b. Submit a preliminary report to the Office of the Committees on Infractions by January 15, 2016, 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 September 15 of each year during the probationary period. Particular emphasis should be placed on adherence to general student-athlete eligibility and playing season requirements and financial aid requirements. The reports shall include documentation of the institution's compliance with the penalties adopted and prescribed by the hearing panel. These reports must also contain the results of the compliance reviews conducted by the outside agency/consultant required in Penalty No. 5, along with accounting information relating to the financial penalty and the use of those funds for compliance purposes;
 - d. Inform all prospective student-athletes in writing that the institution is on probation for four 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

- e. advance of the visit. Otherwise, the information must be provided before a prospective student-athlete signs a National Letter of Intent; and
 - f. Publicize specific and understandable information concerning the nature of the infractions by providing, in a conspicuous location on the athletic department's main (or "front") webpage, a statement summarizing the violations and a link to the public infractions decision. The information shall also be included in institutional media guides (if published in paper or digital form) 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 infractions case; and (3) give a clear indication of what happened in the major 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.
8. 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. The committee shall consider any action by the institution contrary to the terms of the penalties or any additional violations 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

Thomas Hill
Eleanor Myers
Dave Roberts
Greg Sankey
Sankar Suryanarayan, Chief Hearing Officer

APPENDIX

CORRECTIVE ACTIONS AS CONTAINED IN THE INSTITUTION'S AUGUST 31, 2015, SUMMARY DISPOSITION REPORT

1. The institution provided a letter of admonishment to the head athletics trainer for her role in Violation No. 2.
2. The compliance coordinator resigned on August 14, 2015. Other senior athletics administrators who were responsible for the supervision of the athletics program during the period in which the violations in this case occurred are no longer employed at the institution.
3. The institution has entered into an agreement with a software company to implement electronic compliance monitoring systems. The software solutions implemented include:
 - A built-in compliance monitoring system to provide preventative messaging to coaches regarding potential NCAA rules violations;
 - An automated "rules engine" to review and flag recruiting and practice activities for potential Countable Athletically Related Activities (CARA) and recruiting violations; and
 - A student-athlete management program in which customizable prospect and student-athlete profile views will provide snapshots of information concerning the prospect/student-athlete, including financial aid, academics, eligibility, APP/APR data, etc.
4. The institution will develop a records retention system to allow for the timely production of significant athletics documentation (i.e., squad lists, current rosters, student-athlete statement and drug-testing consent forms, sickle cell testing and physical examinations, CARA reports, etc.)
5. The institution will budget for, and contract with, an external third-party group to conduct a thorough compliance review in the spring of 2016.
6. The institution will budget for the addition of a second full-time compliance official for the 2015-16 year and a third full-time compliance person for the 2016-17 year. Both positions will report directly to the associate athletics director for compliance.

7. The institution's compliance office will enhance its overall rules education program, and ensure that it provides athletics training department employees with NCAA rules education specific to that department on an annual basis.
8. In addition to those corrective actions specifically designed to address the violations at issue in this summary disposition report, the institution is also taking the following measures to adjust and strengthen specific areas of its athletics department that were tied to the Level III violations detected during the investigation. In that regard:
 - The institution is updating the current Athletics Policies and Procedures Manual to ensure that administrative procedures both within and outside the athletics department are in effect and operational. The revised manual will include:
 - A policy and procedure for the timely review of team rosters and competition results to ensure that all participating student-athletes are listed;
 - Procedures pertaining to the receipt and processing of official and unofficial transcripts, and the role of the compliance office in educating coaches concerning the policy; and
 - A revised athletics travel policy that is consistent with university travel policy. The revised policy will address procedures to monitor per diem distribution to student-athletes and maintain a record of such distributions.
9. The athletics compliance office will conduct a timely review of track and cross-country competition results to ensure that students who participate "unattached" in events do so consistent with NCAA rules.
10. The athletics department central office will establish procedures to execute tracers for transfer student-athletes to authenticate academics and athletics participation information received directly from a transfer student-athlete or his/her prior institution.
11. The institution will implement internal controls/procedures to obtain an annual report from the Florida A&M Foundation concerning representatives of its athletics interests, and send such representatives NCAA rules education information on an annual basis.
12. The institution will implement internal controls/procedures to inform institutional staff members and the local community of NCAA rules pertaining to nonscholastic practice and/or competition hosted at institutional athletics facilities.