



CAMPBELL UNIVERSITY
PUBLIC INFRACTIONS DECISION
AUGUST 11, 2016

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 Campbell University.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 proposed further penalties to the institution. Because the institution agreed to the violations and penalties, there is no opportunity to appeal.

The institution and the NCAA enforcement staff agreed two violations occurred in this case: improper certification of eligibility and a failure to monitor. The parties agreed both violations were Level II.

With respect to eligibility certification, the parties agreed that from the 2010-11 through the 2014-15 academic years, the institution improperly certified 34 student-athletes in 10 sports resulting in 42 violations of progress-toward-degree legislation. The student-athletes had not met certain NCAA Bylaw 14 requirements. Specifically, they: (a) did not meet percentage-of-degree requirements; (b) failed to maintain the required minimum grade-point average (GPA); or (c) failed to complete 18 degree applicable hours in the previous two regular academic terms. Each student-athlete competed and received actual and necessary travel expenses. The panel concludes the violation is Level II.

In regard to monitoring, the parties agreed that from the 2010-11 through the 2014-15 academic years, the institution failed to monitor the eligibility certification of transfer student-athletes by continually misapplying progress-toward-degree legislation. Further, the institution failed to address concerns raised by the conference office and the institution's compliance staff that the certifying officer lacked a proper understanding of relevant NCAA legislation. The panel concludes the violation is Level II.

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 Big South Conference, the institution's total enrollment is approximately 4,500. Campbell University sponsors 10 men's sports and 11 women's sports. This is the institution's first major, Level I or Level II infractions case.

The panel accepts the parties' factual agreements and that violations occurred in this case. Based on the timing of the violations, the panel prescribes penalties under the current penalty guidelines. After considering the aggravating and mitigating factors, the panel classifies this case as Level II-Standard. Adopting the institution's self-imposed penalties and utilizing NCAA Bylaw 19.9.5, penalty guidelines and NCAA Bylaw 19.9.7, additional penalties, the panel prescribes the following penalties: a one-year probationary period; a one-year postseason ban in baseball, a financial penalty, practice restrictions, vacation of records, and administrative reporting requirements.

II. CASE HISTORY

In February 2014, the institution was selected for an NCAA Division I Academic Performance Program (APP) audit by the NCAA academic and membership affairs (AMA) staff. The AMA staff and the institution discovered through the audit that the institution did not apply NCAA progress-toward-degree legislation correctly and, as a result, 34 student-athletes in 10 sports competed while ineligible. The institution completed its APP review in July 2015. In September 2015, the institution and NCAA enforcement staff began a cooperative investigation. In November 2015, the institution submitted a self-report to the enforcement staff. The enforcement staff provided a written notice of inquiry to the institution in mid-December 2015. In early March, 2016, the enforcement staff provided a draft notice of allegations to the institution to determine whether the parties agreed to process the case via summary disposition. Shortly thereafter, the institution notified the enforcement staff that it agreed to the summary disposition process.

On June 1, 2016, the parties submitted the SDR to the committee. On June 24, 2016, a panel of the committee considered the case and, four days later, proposed additional penalties to the institution. On July 18, 2016, the institution accepted the additional penalties.

III. PARTIES' AGREEMENTS

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

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

- 1. NCAA Division I Manual Bylaws 14.4.3.2 and 14.4.3.2.1 (2010-11 through 2014-15); 14.4.3.3 (2010-11 through 2013-14); 14.10.1, 14.11.1 and 16.8.1.2 (2010-11 through 2012-13); 14.9.1 and 14.10.1 (2013-14); 14.4.3.1-(b) and 16.8.1 (2013-14 and 2014-15); and 12.10.1 and 12.11.1 (2014-15)]**

The NCAA enforcement staff and institution agreed that at least from the 2010-11 through the 2014-15 academic years, the institution improperly certified 34 student-athletes in 10 sports, the majority of whom were transfers, resulting in 42 violations of progress-toward-degree legislation. As a result, the student-athletes competed and/or received travel expenses while ineligible. Specifically:

- a. From the 2010-11 through 2014-15 academic years, the institution improperly certified 31 student-athletes who failed to fulfill percentage-of-degree requirements. As a result, the student-athletes competed and/or received travel expenses while ineligible. [NCAA Bylaws 14.10.1, 14.11.1 and 16.8.1.2 (2010-11 through 2012-13); 14.4.3.2 and 14.4.3.2.1 (2010-11 through 2014-15); 14.9.1 and 14.10.1 (2013-14); 16.8.1 (2013-14 and 2014-15); and 12.10.1 and 12.11.1 (2014-15)]
- b. From the 2010-11 through 2013-14 academic years, the institution improperly certified seven student-athletes who failed to fulfill minimum GPA requirements. As a result, the student-athletes competed and/or received travel expenses while ineligible. [NCAA Bylaws 14.4.3.3 (2010- 11 through 2013-14); 14.10.1, 14.11.1 and 16.8.1.2 (2010-11 through 2012-13); and 14.9.1, 14.10.1 and 16.8.1 (2013-14)]
- c. In the 2013-14 and 2014-15 academic years, the institution improperly certified three student-athletes who failed to complete 18 degree applicable hours in the previous two regular academic terms. As a result, the student-athletes competed and/or received travel expenses while ineligible. [NCAA Bylaws 14.4.3.1-(b) and 16.8.1 (2013-14 and 2014-15); 14.9.1 and 14.10.1 (2013-14); and 12.10.1 and 12.11.1 (2014-15)]

2. [NCAA Constitution 2.8.1 (2010-11 through 2014-15)]

The NCAA enforcement staff and institution agree that the scope and nature of the violations set forth in Violation No. 1 demonstrate that the institution failed to adequately monitor the eligibility certification of transfer student-athletes by continually misapplying progress-toward-degree legislation and failing to address concerns raised by the conference office and the compliance staff that the certifying officer lacked a proper understanding of relevant NCAA legislation.

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.

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

b. Mitigating factors.

(1) The violations were unintentional, limited in scope and represent a deviation from otherwise compliant practices by the institution. [NCAA Bylaw 19.9.4-(g)]

(2) Other facts warranting a lower penalty range. [NCAA Bylaw 19.9.4-(h)]

IV. REVIEW OF CASE

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 the respective explanations surrounding those agreements, the panel accepts the parties' SDR and concludes that the facts constitute Level II violations. Level II violations provide or are intended to provide more than a minimal but less than a substantial advantage. They include, among others, multiple eligibility violations that do not amount to a lack of institutional control.

This case involved two agreed-upon Level II violations: the institution's improper certification of student-athletes and a failure to monitor. The panel agrees with the parties and concludes that the violations are Level II.

With respect to improper certification, the parties agreed that for five years, the institution improperly certified 34 student-athletes as eligible when they failed to meet certain progress-toward-degree requirements. The institution also permitted these student-athletes to compete and receive travel expenses. The conduct violated NCAA Bylaws 12, 14 and 16.³

Generally, NCAA Bylaw 14 outlines eligibility requirements. NCAA Bylaw 14.4 sets progress-toward-degree requirements with specific requirements for competition identified in NCAA Bylaw 14.4.3. Among others, NCAA Bylaw 14.4.3.1-(b) requires student-athletes to have completed 18 semester hours toward their designated degree in the previous two regular academic terms. In addition, beginning with a student-athlete's third year on campus, NCAA Bylaw 14.4.3.2 requires student-athletes to have completed certain percentage benchmarks toward their degree. Finally, NCAA Bylaw 14.4.3.3 requires student-athletes to meet minimum grade-point average requirements.

³ Several of the bylaws were renumbered during the time period in which the violations occurred. In this section, the panel addresses the violations generally, citing the NCAA bylaws effective during the 2013-14 academic year. The panel cites the 2013-14 Division I manual because the institution violated each of the progress-toward-degree requirements cited in Violation No. 1 during that academic year. Other years involved some, but not all, of the cited requirements. Agreed-upon Violation No. 1 contains the specific NCAA Division I manual citations during the span of violations (2010-11 through 2014-15 academic years).

As it relates to institutions' responsibilities, NCAA Bylaws 14.9.1 and 14.10.1 place the responsibility for certifying student-athletes' eligibility on the institution and requires the institution to withhold ineligible student-athletes from competition. Finally, NCAA Bylaw 16.8.1 permits institutions to provide actual and necessary travel expenses only to eligible student-athletes.

In total, the institution improperly certified 34 student-athletes when it failed to meet various provisions of NCAA Bylaw 14. Eight of the 34 student-athletes were improperly certified in multiple years. There were 42 separate instances of improper certification. Specifically, of these 42 instances, the vast majority, 31, involved student-athletes who failed to meet percentage-toward-degree benchmarks. In addition, two student-athletes did not meet minimum grade-point average requirements. One student-athlete failed to complete at least 18 semester-hours since the beginning of the previous fall. Further, there were four instances in which student-athletes both failed to meet percentage-toward-degree requirements and did not meet the minimum grade point average. Moreover, there was two student-athlete who both failed to complete 18 semester hours, and failed to meet percentage-toward-degree requirements. Finally, there was one instance in which a student-athlete both failed to complete 18 semester hours and did not meet the minimum grade point average. All of the student-athletes competed and received travel expenses.

When the institution improperly certified the 34 student-athletes as eligible, it violated numerous progress-toward-degree bylaws; particularly, the eligibility requirements for competition detailed in NCAA Bylaw 14.4.3. Additionally, when the institution permitted those 34 student-athletes to receive travel expenses, the institution violated NCAA Bylaw 16.8.1. Finally, the institution failed to fulfill its responsibilities under NCAA Bylaws 14.9.1 and 14.10.1 (2013-14 NCAA Division I Manual) when it permitted ineligible student-athletes to represent the institution in competition, did not ensure that student-athletes were properly certified and failed to withhold ineligible student-athletes from competition.⁴

With respect to monitoring, the parties agreed that over the course of five academic years, the institution failed to monitor the eligibility certification of transfer student-athletes by continually misapplying progress-toward-degree legislation. It also failed to address concerns raised by the conference office and the compliance staff that the certifying officer lacked a proper understanding of relevant NCAA legislation. The institution's insufficient monitoring and failure to address concerns about its eligibility certification process violated NCAA Constitution Article 2.

⁴ Effective August 1, 2013, NCAA Bylaw 14.10.1 was renumbered to 14.9.1 and NCAA Bylaw 14.11.1 was renumbered to 14.10.1. The following year, for the 2014-15 Manual, NCAA Bylaws 14.9.1 and 14.10.1 were renumbered to NCAA Bylaws 12.10.1 and 12.11.1 respectively.

Generally, NCAA Constitution 2.8.1 requires institutions to monitor their athletics programs and assure compliance. It also requires institutions to identify and report noncompliance.

In this case, the institution had a faulty eligibility certification process, particularly with regard to progress-toward-degree certification of transfer student-athletes. This was primarily due to the registrar's lack of understanding regarding the NCAA eligibility certification process and progress-toward degree requirements. Further, the institution failed to heed warnings from conference officials and the institution's own compliance office that the registrar, who was the certifying official, did not understand the NCAA eligibility certification process and progress-toward-degree legislation.

Under the NCAA Constitution, institutional staff members are required to comply with the applicable Association rules, and the member institution shall be responsible for such compliance. As a result of the registrar's misapplication and misunderstanding of eligibility certification legislation and the institution's failure to take action in response to warnings about the registrar's deficiencies, the institution permitted the eligibility violations to occur and did not fulfill its responsibilities under NCAA Constitution 2.8.1. The panel concludes that the violation is Level II.

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.

This case involved violations that occurred before and after the adoption of the current version of NCAA Bylaw 19. Pursuant to NCAA Bylaw 19.9.1, the panel reviewed when the violations occurred. The violations straddled the implementation of the new penalty structure and the panel determined that the violations predominated after the adoption of current NCAA Bylaw 19. Therefore, the panel determined that the current penalty structure should apply. Under the new penalty structure, the panel assessed the weight and number of the aggravating and mitigating factors in order to classify the case. The panel accepted most of the parties' agreed-upon aggravating and mitigating factors. The panel did not, however, determine that the institution's history of Level III/secondary self-reporting (NCAA Bylaw 19.9.4-(d)) established a mitigating factor in this case. Further the panel also determined that prompt acknowledgement (NCAA Bylaw 19.9.4-(b)) should not apply as a mitigating factor because the institution did not promptly respond to concerns raised by the conference office and the institution's compliance staff regarding the certifying officer's failure to understand relevant NCAA legislation. The panel classifies the institution's case as Level II-Standard.

The institution agreed to the facts, violations, violation levels and the panel's proposed penalties; 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 prescribes the following. Those penalties self-imposed or proposed by the institution are so noted:

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

1. Probation: One year of probation from August 11, 2016, through August 10, 2017, or completion of the final penalty, whichever is later.⁵
2. Financial penalty: The institution shall pay a \$5,000 fine. (Institution proposed)
3. Competition penalty: The baseball team ended the 2016 season with the last scheduled regular season game and was banned from postseason competition. (Institution imposed in accordance with the NCAA APR process, which is separate from the infractions process).

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

4. Public reprimand and censure.
5. The institution acknowledged that the student-athletes referenced in Violation No. 1 competed while ineligible and would be subject to NCAA Bylaw 19.9.7-(g) (vacation of records). The institution proposed a vacation of specific records. The panel prescribes a more complete vacation of records consistent with case precedent.⁶ Therefore, pursuant to NCAA 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 participated. This order of vacation includes all regular season competition and conference tournaments. The individual records of the 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 programs, as well as the records of 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 the affected

⁵ Probationary periods always commence with the release of the infractions decision. Pursuant to NCAA Bylaws 19.3.6-(e), 19.9.5.7, the committee tethers probationary periods to the prescribed penalties.

⁶ Among other examples, the committee has indicated that a vacation penalty is particularly appropriate when cases involve a failure to monitor violation. Further, the committee has consistently applied a comprehensive vacation of records in cases that involved student-athletes competing when they failed to meet eligibility or amateurism requirements. See *Samford University* (2016), *University of North Carolina, Greensboro* (2015), *University of Arkansas at Pine Bluff* (2014) and *Southeastern Louisiana University* (2013).

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. 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.

6. Baseball practice was reduced from 20 to 16 hours per week during the declared playing and practice season, as well as an additional required day off during the 2015-16 season. (Institution imposed in accordance with the NCAA APR process, which is separate from the infractions process).
7. Wrestling practice was reduced from 20 to 16 hours per week during the declared playing and practice season, as well as an additional required day off during the 2015-16 season. (Institution imposed in accordance with the NCAA APR process, which is separate from the infractions process).
8. Wrestling was subject to a 10 percent reduction in the playing and practice season and competition during the 2015-16 season. (Institution imposed in accordance with the NCAA APR process, which is separate from the infractions process).
9. Wrestling off-season hours were reduced from eight hours to four hours per week during the 2015-16 academic year. (Institution imposed in accordance with the NCAA APR process, which is separate from the infractions process).
10. Staff members responsible for eligibility certification shall attend an NCAA Regional Rules Seminar in 2017.
11. 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 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 October 1, 2016, setting forth a schedule for establishing this compliance and educational program;
 - c. File with the Office of the Committees on Infractions one annual compliance report indicating the progress made with this program by June 15, 2017. Particular emphasis should be placed on: (1) enhancements to the institution's eligibility certification policies and procedures; and (2) monitoring of the institution's eligibility certification process. The reports must also include documentation of the institution's compliance with the penalties adopted and prescribed by the committee;
 - d. Inform in writing prospective student-athletes in the involved sport programs that the institution is on probation for one year 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 program and a direct, conspicuous link to the public infractions decision located on the athletic department's "landing" 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 Level II infractions case; and (3) give members of the general public a clear indication of what happened in the Level II 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.
12. Following the receipt of the final compliance report and prior to the conclusion of probation, the institution's president shall provide a letter to the committee affirming that the institution's current athletics policies and practices conform to all requirements of NCAA regulations.
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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

John Black

Melissa Conboy

Alberto Gonzales

Joel Maturi

Joe Novak

Larry Parkinson, Chief Hearing Officer

Jill Pilgrim

APPENDIX

**CORRECTIVE ACTIONS AS IDENTIFIED IN THE INSTITUTION'S
JUNE 1, 2016, SUMMARY DISPOSITION REPORT (SDR)**

1. Increased staffing in the registrar's office with the addition of an assistant registrar for athletics compliance and reporting.
2. Implementation of new academic eligibility certification policies and procedures with enhanced cross-campus collaboration on academic eligibility matters.
3. Enhanced involvement by athletics academic staff in conjunction with the assistant registrar for athletics compliance and reporting with the approval of courses, selection of majors, change of academic majors and course adjustments.
4. Implementation of a new process to ensure all transfer student-athletes meet the 40/60/80 rule.
5. Additional NCAA rules education to student-athletes related to progress-toward-degree requirements.
6. The university will engage in a data review/audit in conjunction with the NCAA staff within the next four years in accord with NCAA APP requirements.
7. The university has issued a letter of admonishment to the registrar, and continues to evaluate the registrar's office to ensure consistent and collaborative interaction related to athletics compliance matters.