

THE JUDGE, JURY, AND EXECUTIONER: A COMPARATIVE ANALYSIS OF THE NCAA COMMITTEE ON INFRACTIONS DECISIONS

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INTRODUCTION

There is a common scene in popular culture where the story's antagonist tells the protagonist, "I am the judge, the jury, and the executioner."¹ The antagonist intends to convey that he has absolute power over the entire process, while the protagonist can do nothing but submit to the antagonist's will. The National Collegiate Athletic Association (NCAA) epitomizes this statement. The NCAA investigates a case and proposes initial penalties through its enforcement staff,² hears the case and levies penalties through the Committee on Infractions (Committee),³ and presides over all appeals through the Infractions Appeals Committee (IAC).⁴ Thus, the NCAA has absolute power in prescribing penalties—as the judge, jury, and executioner—for any member institution that has potentially committed rules violations. This Note focuses primarily on the Committee's consistency, or lack thereof, in levying penalties.

The Committee derives its power to be judge, jury, and executioner from NCAA Bylaw 19's Infractions Program.⁵ Under Article 19, the Committee has the unilateral ability to conclude that a violation occurred and to prescribe penalties it deems appropriate to the circumstances.⁶ The penalties range from financial penalties and vacation of records to major scholarship reductions and postseason bans.⁷ Although the IAC purports to serve as a check to the Committee's power, the standard for the IAC to overturn a penalty is "abuse

1. See, e.g., *THE LONGEST YARD* (MTV Films & Happy Madison Productions 2005); *MISSION: IMPOSSIBLE—ROGUE NATION* (Paramount Pictures 2015); *WHO FRAMED ROGER RABBIT* (Walt Disney Pictures 1988).

2. See NAT'L COLLEGIATE ATHLETIC ASS'N, 2017–18 NCAA DIVISION I MANUAL § 19.5 (2017) [hereinafter *NCAA BYLAWS 2017*], <http://www.ncaapublications.com/productdownloads/D118.pdf>.

3. See *id.* § 19.3.

4. See *id.* § 19.4.

5. See generally *id.* art. 19.

6. *Id.* § 19.3.6.

7. *Id.* § 19.9.5.

of discretion.”⁸ Thus, as long as the Committee is careful in crafting its opinion, the IAC is unable to overturn the penalty. This power places the Committee at the focal point of any debate regarding the NCAA penalty process.

Historically, the Committee employed a binary penalty structure that labeled violations as either secondary or major violations.⁹ The Committee deemed secondary violations as isolated, inadvertent incidents and all other violations as major violations.¹⁰ This structure led the Committee to categorize the vast majority of violations, and their subsequent penalties, under the major violations umbrella. The Committee’s grouping of most violations subject to penalties into one category resulted in many fans, players, industry professionals, and sports pundits determining that the Committee’s penalty process was simply arbitrary.¹¹ The public believed that the Committee lacked transparency in prescribing penalties to member institutions because the major violation designation provided little detail, if any, about the Committee’s process.¹²

In response to the criticism it faced, the NCAA implemented significant changes to the penalty process. In October 2012, the NCAA implemented a new four-tier violation system with corresponding penalty guidelines attached to each violation tier.¹³ The new penalty structure went into effect on August 1, 2013.¹⁴ The NCAA believed the new penalty structure would improve the efficiency and predictability of the penalty process, which would cause institutions to consider “whether it was in their interests to engage in bad behavior.”¹⁵ The NCAA sought to increase its transparency by providing clear signals and promoting openness in the Committee “so that everyone knows what the consequences for violations will be for them.”¹⁶ Although many individuals applauded the new penalty structure,¹⁷ many still believe that the

8. See NCAA INFRACTION APPEALS COMM., UNIVERSITY OF ALABAMA, TUSCALOOSA PUBLIC INFRACTIONS APPEALS COMMITTEE DECISION 18 (2002), <https://web3.ncaa.org/lstdbi/search/miCaseView/report?id=102485>.

9. See NAT’L COLLEGIATE ATHLETIC ASS’N, 2012–13 NCAA DIVISION I MANUAL art. 19.5 (2012) [hereinafter NCAA BYLAWS 2012], http://www.ncaapublications.com/productdownloads/D1_2012_01.pdf.

10. *Id.* § 19.02.2.

11. See Joshua R. Smith, An Outcome Determinant Analysis of NCAA Rules Violations: An Application of Multivariate Statistics to the Committee on Infractions’ Decisions on Major Cases 3 (Aug. 2012) (unpublished M.Ed. thesis, Bowling Green State University) (on file with OhioLINK, a division of the Ohio Department of Higher Education).

12. See *id.*

13. See Gary Brown, *Board Adopts Tougher, More Efficient Enforcement Program*, NCAA (Oct. 30, 2012), <http://www.ncaa.org/about/resources/media-center/news/board-adopts-tougher-more-efficient-enforcement-program>.

14. *Id.*

15. *Q&A with Oregon State President Ed Ray*, NCAA (Oct. 30, 2012), <http://www.ncaa.org/about/resources/media-center/news/qa-oregon-state-president-ed-ray>.

16. *Id.*

17. See, e.g., Brown, *supra* note 13.

Committee's penalty decisions are unfair and arbitrary. For example, University of Southern California's Athletic Director, Pat Haden, has vehemently claimed that all member institutions should have "concern about the NCAA's own institutional controls."¹⁸ Haden's comments came after a court forced the NCAA to release over 500 pages of confidential documents, which Haden believed showed the unfairness of the Committee's decisions.¹⁹ The Committee acknowledged the public's lack of trust in a recent case, stating that there were "attacks on the membership's infractions process and individual members of the panel."²⁰ Even the NCAA's president, Mark Emmert, admitted that the majority of the public had lost faith in the NCAA's governance and enforcement process.²¹ Despite the desire to bring more transparency and consistency to the Committee's penalty structure, the Committee continues to face the same criticisms it faced under the old structure.

This Note addresses those criticisms levied against the Committee by analyzing the consistency of its penalty decisions, under both the old and new structures. This Note also compares and contrasts the two penalty structures and updates previous research by incorporating data involving the new penalty structure, which has not been extensively examined. Further, because the Committee holds the power to impede on individuals' livelihoods through show-cause orders, to prevent student-athletes' participation, and to fine institutions hundreds of thousands of dollars, the Committee needs to be accountable to the public.²² This Note provides that accountability through an examination of the consistency of the Committee's decisions and a determination of the best penalty structure.

First, I will analyze the old penalty structure and the consistency of decisions under that structure. Next, I analyze the new penalty structure and the consistency of decisions under that structure. Then, I will compare the two penalty structures and determine the best structure for intercollegiate athletics. I conclude by presenting possible avenues to change the enforcement process outside of the NCAA's control.

18. See Scooby Axson, *USC AD Pat Haden: Documents Confirm NCAA Sanctions Unfair*, SPORTS ILLUSTRATED (Mar. 26, 2015), <https://www.si.com/college-football/2015/03/26/usc-ad-pat-haden-ncaa-sanctions-unfair>.

19. *Id.*

20. NCAA COMM. ON INFRACTIONS PANEL, UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL PUBLIC INFRACTIONS DECISION 1 (2017), https://www.ncaa.org/sites/default/files/Oct2017_University-of-North-Carolina-at-Chapel-Hill_InfractionsDecision_20171013.pdf.

21. Mitch Sherman, *Mark Emmert Says Public Losing Confidence in NCAA*, ESPN (Oct. 30, 2017), http://www.espn.com/college-sports/story/_/id/21227671/ncaa-president-mark-emmert-says-public-losing-confidence-governance-collegiate-athletics.

22. Cf. NCAA COMM. ON INFRACTIONS PANEL, UNIVERSITY OF MISSISSIPPI PUBLIC INFRACTIONS DECISION 55-59 (2017), https://www.ncaa.org/sites/default/files/Dec2017COI_MississippiIIInfractionsDecisionPUBLIC_20171201.pdf.

I. MAJOR/SECONDARY PENALTY STRUCTURE ANALYSIS

Before August 2013, the Committee designated all NCAA rules violations as either major or secondary violations.²³ Secondary violations were “isolated or inadvertent” violations that provided the institution a minimal advantage.²⁴ In contrast, major violations were “[a]ll violations other than secondary violations,” thus giving the Committee discretion to designate certain actions as major violations.²⁵ The Committee used “past cases as guidance” in determining the appropriate penalties to levy.²⁶ Additionally, the Committee considered various additional factors, such as repeat-violator status or the duration of the violation, that it did not publicize in the bylaws.²⁷ This lack of transparency contributed to the public criticism described in the Introduction. This Part provides an overview of the research conducted to address the public’s criticism and to determine the consistency of the Committee’s decisions under the major or secondary penalty structure.

A. *Early Research Concerning Major/Secondary Penalty Structure*

Much of the research concerning the old penalty structure focused only on comparing one contemporary case to a few other similar cases.²⁸ This limited research did not address the Committee’s overall consistency in levying penalties. For example, a 2009 study examined Indiana University’s basketball program’s major violations case.²⁹ The study compared Indiana’s violations and subsequent penalties to four other institutions that committed similar violations.³⁰ The study determined that the Committee’s penalties regarding Indiana’s violations were fair and consistent with precedent.³¹ But the limited scope of the study prevents one from drawing any macro conclusions regarding the overall nature of the Committee’s consistency. Additional studies have conducted research in a similar, limited fashion.³²

23. NCAA BYLAWS 2012, *supra* note 9, § 19.02.2.

24. *Id.* § 19.02.2.1.

25. *Id.* § 19.02.2.2.

26. NCAA COMM. ON INFRACTIONS PANEL, OKLAHOMA STATE UNIVERSITY PUBLIC INFRACTIONS DECISION 12 (2015).

27. NCAA BYLAWS 2012, *supra* note 9, art. 19.

28. Smith, *supra* note 11, at 3.

29. See generally T.J. Clifton, Note, *Does the Crime Justify the Punishment? An In-Depth Look at the Indiana University Phone Call Scandal*, 6 DEPAUL J. SPORTS L. & CONTEMP. PROBS. 73 (2009).

30. See *id.* at 80–87.

31. *Id.* at 95.

32. See, e.g., Frank Ferraro, *When Athletics Engulf Academics: Violations Committed by University of Minnesota Basketball*, 1 DEPAUL J. SPORTS L. & CONTEMP. PROBS. 13 (2003).

B. A 2012 Study on the Committee's Overall Consistency

This Subpart describes the methodology—of which I partially incorporate into my own study to maintain uniformity—and the results of a previous study concerning the Committee's overall consistency. Joshua Smith's 2012 study, the first to look at the Committee's decisions in entirety, utilized a regression analysis to determine the correlation between the severity of violations committed and the severity of penalties levied.³³ The study examined all 262 cases that the Committee decided between 1994 and 2012.³⁴ Smith, after consulting previous literature, cases, bylaws, and experts, assigned a numerical value—ranging from 1 to 5, with 1 being the least severe—to the various violations committed by an institution.³⁵ The violations were broken down into five categories: unethical conduct, amateurism, financial aid, playing and practice seasons, and recruiting.³⁶ Smith slightly altered his approach regarding penalties in that he assigned a numerical value—ranging from 1 to 4, with 1 being the least severe—to seven distinct penalties: television bans, postseason bans, probation, vacation of records, show-cause orders, recruiting limitations, and financial aid restrictions.³⁷ Smith attempted to take into account additional factors that the Committee did not publicize in the bylaws, such as repeat-violator status or a failure to self-report violations.³⁸ The study then aggregated all scores assigned to the violations and penalties and ran a regression analysis with those scores to determine various correlations.³⁹

Smith's study produced results that directly contradicted public sentiment at the time. The study found that the correlation between the violation and penalty's severity was statistically significant, or $p < .05$.⁴⁰ As a result, "the aggregate score of violations significantly predicts the severity of sanctions."⁴¹ Although the Committee did not prescribe the exact same penalties in each case, the severity of the violation matched the severity of the penalty. Smith concluded that the Committee's decisions were consistent throughout the selected time period because more severe violations resulted in more severe penalties.⁴² With respect to the posited additional factors, only one factor proved to have a statistically significant effect on the Committee's decision: an institution's decision to self-impose penalties directly reduced the severity of

33. See Smith, *supra* note 11, at 36–37.

34. *Id.* at 36.

35. *Id.* at 28.

36. *Id.* at 30.

37. *Id.* at 28–30.

38. *Id.* at 26.

39. *Id.* at 38.

40. *Id.* at 45.

41. *Id.* at 38.

42. *Id.*

penalties levied to it by the Committee.⁴³ In contrast, neither different divisions or institution size, repeat-violator status, nor self-reporting or self-discovering violations had a statistically significant effect on penalty severity.⁴⁴ Thus, Smith's study revealed that (1) an institution's decision to self-impose penalties was the only additional factor to affect the overall penalty severity, and (2) the Committee's previous decisions, which faced intense public criticism for being arbitrary, were consistent with past precedent.

II. FOUR-LEVEL PENALTY STRUCTURE

In response to the overwhelming criticism of the major/secondary penalty structure, the NCAA amended its bylaws on October 30, 2012.⁴⁵ The NCAA's new penalty structure "[i]ntroduces a four-tier violation hierarchy that ranges from severe breaches of conduct to incidental infractions," completely replacing the old two-category approach.⁴⁶ Level I violations are severe breaches of conduct that provide a substantial benefit to the violating institution.⁴⁷ Level II violations are significant breaches of conduct that provide more than a minimal but less than a substantial benefit.⁴⁸ Level III and Level IV violations are inadvertent violations that provide no more than a minimal benefit,⁴⁹ making them relatively inconsequential to the Committee's ultimate penalty decision.⁵⁰ The NCAA also included a list of aggravating and mitigating factors that increase or decrease the severity of penalties levied.⁵¹ Finally, the NCAA included penalty guidelines in the new penalty structure to promote transparency in the Committee's decision-making process.⁵² Although the penalty guidelines on their face should lead to more consistent decisions from the Committee, the bylaws allow the Committee to depart from the guidelines in "extenuating circumstances."⁵³ With its almost absolute authority, the Committee can find extenuating circumstances in virtually any case. Thus, Bylaw § 19.9.6, along with the already broad penalty guidelines, provides the Committee much more leeway to make inconsistent penalty decisions on a case by case basis.

The NCAA designed this new system to increase the predictability of

43. *Id.* at 50.

44. *Id.* at 38–39.

45. Brown, *supra* note 13.

46. *Id.*

47. NCAA BYLAWS 2017, *supra* note 2, § 19.1.1.

48. *Id.* § 19.1.2.

49. *Id.* § 19.1.3.

50. Because Level III and Level IV violations are so incidental, this Note primarily examines Level I and Level II violations.

51. NCAA BYLAWS 2017, *supra* note 2, § 19.9.2.

52. *Id.* fig.19-1.

53. *Id.* § 19.9.6.

penalties, provide clear signals to institutions regarding expected penalties, and improve the infractions process's efficiency.⁵⁴ The ultimate goal was to assure member institutions, and to a lesser extent the public, that the Committee's decisions were consistent by making the process more transparent.⁵⁵ This Part determines whether the NCAA achieved its stated goals for the new penalty structure by discerning the consistency of the Committee's decisions under the new structure.

A. Methodology

This Subpart describes the methodology and scope of this Note's study. I examined all fifty-five cases that utilized the new penalty structure from 2013 to 2017, excluding several cases from that time period where the institution's violations occurred predominantly before the new penalty structure, thus requiring the Committee to examine the case under the old penalty structure.⁵⁶ I combined the methods used in both the 2009 Clifton study and the 2012 Smith study, primarily using the Smith method to maintain greater uniformity in the models used and to allow for an easier comparison of both studies' results.

I began by discerning violation severity. In using Clifton's method, I performed a comparative analysis of each case's violations to determine cases of a similar nature.⁵⁷ I then ranked by severity and sorted similar cases into five major violation categories: recruiting, playing and practice season, amateurism, academic, and financial aid violations. Categorizing cases together allowed me to compare the violations and determine the similarity of each case's severity. Although the Smith study assigned numerical value to designate the violations' total severity level,⁵⁸ I selected to use a comparative case study of the violations to provide a more in-depth look at the violation severity variation.

After categorizing the cases, I utilized Smith's method and assigned a numerical value—ranging from 1 to 4, with 1 being the least severe—to each penalty.⁵⁹ This research focused primarily on seven penalty categories: recruiting limitations, fines, probation, vacation of records, playing-season limitations, financial-aid reductions, and postseason bans. Recruiting-limitation penalties received a score of 2 across the board because assigning value to the vast variation of each recruiting limitation's specific details is outside the

54. Brown, *supra* note 13.

55. *Id.*

56. *See, e.g.*, NCAA COMM. ON INFRACTIONS PANEL, UNIVERSITY OF NORTHERN COLORADO PUBLIC INFRACTIONS DECISION 3 (2017), <https://web3.ncaa.org/lstdbi/search/miCaseView/report?id=102654>.

57. *See generally infra* Table 1.

58. Smith, *supra* note 11, at 34.

59. *Id.* at 28.

scope of this study. Fines received a score of 1 for a \$5,000 fine and a 2 for any fine above that amount because the Committee is more frequently issuing fines, which are typically a negligible amount for the institution, thus making fines a less severe penalty.⁶⁰ Probation of one to two years received a score of 1, while three years and beyond received a 2.⁶¹ Vacation of records received a score of 1 across the board because the penalty has very little effect on the institution, as the penalty is retroactive and does not punish any future actions, such as recruiting or postseason play. Playing limitations also categorically received a score of 1 because the Committee has sparingly used this penalty, and—much like recruiting limitations—assigning value to each playing-season limitation’s specific details is outside the scope of this study.⁶² Similar to Smith’s methodology, this study “has split reduction in scholarships into those amounting to less than 10% of total grant-in-aids available for the program(s) and those amounting to 10% or greater.”⁶³ Therefore, financial aid reductions that were less than 10% of scholarships available received a score of 1, while financial aid reductions greater than 10% of scholarships available received a 3. Finally, postseason bans of one year received a score of 2, two years a 3, and three years and above a 4.

Once each penalty received a score, I aggregated all penalty scores in each case to determine the overall severity of the Committee’s decision. I used the aggregate penalty scores to compare cases with similar violations and determine whether the Committee was consistent in penalizing institutions. Finally, I examined aggravating and mitigating factors in cases that were not consistent to discern whether those factors caused the discrepancy in penalties. I describe the results Subpart II.B.

B. Data Analysis and Results

The new penalty structure has not produced consistent Committee decisions within the statistically significant threshold. The Committee has consistently levied penalties in certain cases, such as when the Committee prescribed penalties with an aggregate score of 3 against four institutions that improperly certified fewer than sixty student-athletes’ eligibility.⁶⁴ Although the Commit-

60. See generally *infra* Table 1 (showing that the majority of cases in the study contain at least a \$5,000 fine).

61. Smith, *supra* note 11, at 28.

62. See, e.g., NCAA COMM. ON INFRACTIONS PANEL, UNIVERSITY OF CALIFORNIA, LOS ANGELES PUBLIC INFRACTIONS DECISION 8–9 (2016), https://www.ncaa.org/sites/default/files/2016INF-PublicInfractionsDecisionUCLA_20160916.pdf; NCAA COMM. ON INFRACTIONS PANEL, SOUTHEASTERN LOUISIANA UNIVERSITY PUBLIC INFRACTIONS DECISION 21 (2015), <https://www.ncaa.org/sites/default/files/SELA%20PUBLIC%20Infractions%20Decision.pdf>.

63. Smith, *supra* note 11, at 30.

64. See NCAA COMM. ON INFRACTIONS PANEL, MISSISSIPPI VALLEY STATE UNIVERSITY PUBLIC INFRACTIONS DECISION 1 (2017), https://www.ncaa.org/sites/default/files/2017INF_MV_SUPublicIn

tee has levied some consistent penalties, each violation category I examined had at least one inconsistent Committee decision: with five categories of violations, the cases show that the Committee has made inconsistent decisions in at least 10% of cases, thus removing the Committee from a statistically significant level of consistency.⁶⁵ This Subpart further explains the discrepancies in the Committee's prescription of penalties.

The Committee has made several inconsistent decisions regarding recruiting violations. For example, the University of Louisiana at Lafayette's case involved an assistant coach that arranged for five recruits to receive fraudulent exam scores over three years and knowingly provided \$6,500 worth of impermissible inducements to student-athletes.⁶⁶ The resulting violations led to the Committee prescribing penalties with an aggregate score of 6.⁶⁷ In comparison, the head coach at the University of Hawaii at Manoa exceeded the number of permitted coaches on a few occasions while institutional representatives provided \$960 worth of impermissible inducements, had impermissible tryouts for five recruits, and falsified an admissions document.⁶⁸ The Committee prescribed penalties with an aggregate score of 8 in this case.⁶⁹ Although the University of Hawaii had more violations, these violations were all much less severe than Louisiana Lafayette's violations. Both universities provided impermissible benefits, with Hawaii providing \$5,540 less in benefits than Louisiana. Both universities had individuals commit fraud, with Hawaii falsifying one admissions document and Louisiana orchestrating a fraudulent exam scheme for five recruits. Although Hawaii had two playing and practice season violations that Louisiana did not have, the less severe nature of Hawaii's other violations should have made the playing and practice season violations negligible, at the least considering both institutions' aggregate penalty scores. Yet despite Hawaii's seemingly less severe violations, the Committee punished Hawaii more severely than Louisiana, with Hawaii receiving penalties with a score of 8 compared to Louisiana receiving penalties with a score of 6.⁷⁰

fractionsDecision_20170324.pdf; NCAA COMM. ON INFRACTIONS PANEL, ALCORN STATE UNIVERSITY PUBLIC INFRACTIONS DECISION 1 (2016), https://www.ncaa.org/sites/default/files/Alcorn%20Public%20Decision_20161019.pdf; NCAA COMM. ON INFRACTIONS PANEL, CAMPBELL UNIVERSITY PUBLIC INFRACTIONS DECISION 1 (2016), https://www.ncaa.org/sites/default/files/INF_PublicInfractionsDecisionCampbell_20160811.pdf; NCAA COMM. ON INFRACTIONS PANEL, UNIVERSITY OF NORTH CAROLINA AT GREENSBORO PUBLIC INFRACTIONS DECISION 1 (2015), <https://www.ncaa.org/sites/default/files/UNC%20Greensboro%20Public%20Decision.pdf>.

65. See generally *infra* Table 1.

66. NCAA COMM. ON INFRACTIONS PANEL, UNIVERSITY OF LOUISIANA AT LAFAYETTE PUBLIC INFRACTIONS DECISION 10, 14 (2016), <https://www.ncaa.org/sites/default/files/LouisianaLafayette%20Public%20Decision.pdf>.

67. See *infra* Table 1.

68. NCAA COMM. ON INFRACTIONS PANEL, UNIVERSITY OF HAWAII, MANOA PUBLIC INFRACTIONS DECISION 10, 12–15, 21 (2015), https://www.ncaa.org/sites/default/files/Hawaii_Public_Infractions_Decision_20151222.pdf.

69. See *infra* Table 1.

70. See *infra* Table 1.

In a case involving Appalachian State University, another example that involved impermissible contact with recruits, the Committee prescribed penalties with an aggregate score of 1 when an assistant coach *knowingly* sent 416 impermissible text messages.⁷¹ Comparatively, the Committee prescribed penalties with an aggregate score of 4 to West Virginia University when coaches *unknowingly* sent 294 impermissible text messages and made sixty-six impermissible calls to recruits.⁷² The West Virginia coaches committed less severe violations in that they unknowingly violated the bylaws and made fewer impermissible contacts than the Appalachian State coach, yet West Virginia faced a more severe punishment. The comparison of these cases demonstrates that the Committee made several inconsistent decisions regarding similar types of recruiting violations.

The Committee has also made inconsistent decisions regarding playing and practice season violations. For example, at Stanford University, athletics representatives provided \$3,488 of impermissible benefits to a student-athlete, the staff allowed athletes to violate countable athletically related activities (CARA) limits for four years, falsified CARA documentation, and failed to monitor CARA.⁷³ The Committee prescribed penalties with an aggregate score of 2 for these violations.⁷⁴ In contrast, at Southeastern Louisiana University, CARA violations occurred for only half a year, and the head coach led three impermissible tryouts and arranged for two recruits to have cost free lodging for a week.⁷⁵ These violations resulted in penalties with an aggregate score of 5. For Southeastern Louisiana, the playing and practice season violations were three-and-a-half years shorter, the impermissible benefits were much smaller as one week's lodging does not rise to \$3,488 of impermissible benefits, and the institution did not receive a failure-to-monitor violation. Further, Southeastern Louisiana had only one aggravating factor not included in Stanford's case and only one less mitigating factor.⁷⁶ Although Southeastern Louisiana conducted impermissible tryouts, Stanford received a failure-to-monitor violation that should have more than offset the impermissible tryouts. Thus, the Committee prescribed inconsistent penalties when Southeast-

71. NCAA COMM. ON INFRACTIONS PANEL, APPALACHIAN STATE UNIVERSITY PUBLIC INFRACTIONS DECISION 2 (2016), https://www.ncaa.org/sites/default/files/2016INF_AppalachianStatePublicInfractionsDecision_20161202.pdf; see *infra* Table 1.

72. NCAA COMM. ON INFRACTIONS PANEL, WEST VIRGINIA UNIVERSITY PUBLIC INFRACTIONS DECISION 1 (2015), <https://www.ncaa.org/sites/default/files/West%20Virginia%20Public%20Inf%20Decision.pdf>; see *infra* Table 1.

73. NCAA COMM. ON INFRACTIONS PANEL, STANFORD UNIVERSITY PUBLIC INFRACTIONS DECISION 2-4 (2016), https://www.ncaa.org/sites/default/files/2016INF_PublicInfractionsDecisionStanford_20160915.pdf.

74. See *infra* Table 1.

75. NCAA COMM. ON INFRACTIONS PANEL, SOUTHEASTERN LOUISIANA UNIVERSITY PUBLIC INFRACTIONS DECISION 9-15 (2015), <https://www.ncaa.org/sites/default/files/SELA%20PUBLIC%20Infractions%20Decision.pdf>.

76. See *infra* Table 1.

ern Louisiana, which had less severe violations, received a more severe punishment than Stanford.

Additionally, the Committee has prescribed inconsistent penalties regarding amateurism violations. A head coach at Florida International University provided \$600 of extra benefits to a student-athlete.⁷⁷ In comparison, an assistant coach at Prairie View A&M University arranged for an athletics representative to provide \$507 of extra benefits to a student-athlete.⁷⁸ Prairie View had the exact same aggravating factors as Florida International and had only one fewer mitigating factor.⁷⁹ Yet, Florida International received penalties with an aggregate score of 3, while Prairie View received penalties with an aggregate score of 5.⁸⁰ Prairie View committed a similar violation, distributed \$93 less than Florida International, and had very similar aggravating and mitigating factors, but faced a more severe penalty than Florida International. Thus, these violations demonstrate that the Committee prescribed inconsistent penalties when Prairie View received more stringent penalties than Florida International, which had almost the exact same violation.

Further, the Committee has also made inconsistent decisions pertaining to academic violations. At the University of Notre Dame, an athletic trainer completed coursework for eight student-athletes in twenty-two classes over the span of two years.⁸¹ The institution received penalties with an aggregate score of 3.⁸² In contrast, at Georgia Southern University, an assistant compliance director provided a flash drive with completed work to one student-athlete, while an assistant director of student-athlete services completed coursework for two student-athletes.⁸³ The institution received penalties with an aggregate score of 7.⁸⁴ Both institutions had the same aggravating factor and Georgia Southern had one more mitigating factor.⁸⁵ Despite the fact that Georgia Southern had more mitigating factors and committed academic misconduct for five fewer student-athletes, the Committee prescribed penalties

77. NCAA COMM. ON INFRACTIONS PANEL, FLORIDA INTERNATIONAL UNIVERSITY PUBLIC INFRACTIONS DECISION 1 (2017), https://www.ncaa.org/sites/default/files/2017ENF_FIUPublicDecision_20170428.pdf.

78. NCAA COMM. ON INFRACTIONS PANEL, PRAIRIE VIEW A&M UNIVERSITY PUBLIC INFRACTIONS DECISION 3 (2017), https://www.ncaa.org/sites/default/files/Nov2107COI_PrairieViewPublicDecision_20171121.pdf.

79. *See infra* Table 1.

80. *See infra* Table 1.

81. NCAA COMM. ON INFRACTIONS PANEL, UNIVERSITY OF NOTRE DAME PUBLIC INFRACTIONS DECISION 3-6 (2016), https://www.ncaa.org/sites/default/files/2016INF_PublicInfractionsDecisionNotreDame_20161122.pdf.

82. *See infra* Table 1.

83. NCAA COMM. ON INFRACTIONS PANEL, GEORGIA SOUTHERN UNIVERSITY PUBLIC INFRACTIONS DECISION 7-10 (2016), https://www.ncaa.org/sites/default/files/2016INF_GeorgiaSouthernPublicDecision_20160707.pdf.

84. *See infra* Table 1.

85. *See infra* Table 1.

that were more than twice as severe as those of Notre Dame, thus showing the Committee's inconsistent decision-making process regarding academic violations.

Finally, the Committee has prescribed inconsistent penalties in cases involving financial-aid violations. In one case, Indiana University provided \$42,224 worth of impermissible financial aid to fifty-two student-athletes, failed to follow proper financial-aid procedure on 520 occasions, provided 2,933 impermissible meals to seventy-five student-athletes, and also failed to monitor.⁸⁶ The institution received penalties with an aggregate score of 3 as a result.⁸⁷ In contrast, Florida A&M University improperly certified 277 student-athletes, failed to follow proper financial-aid procedures on nineteen occasions, and failed to monitor.⁸⁸ The institution received penalties with an aggregate score of 4.⁸⁹ The Committee prescribed more severe penalties on an institution that did not provide 127 student-athletes with any impermissible financial aid or benefits and failed to follow proper procedure on 501 fewer occasions. Although Florida A&M improperly certified 277 student-athletes, the improper certification violation is similar to failing to follow financial-aid procedure because in both instances the institution failed to follow necessary steps to certify the eligibility of student-athletes. Florida A&M had one more aggravating factor and one fewer mitigating factor than Indiana.⁹⁰ However, the minor discrepancy in aggravating and mitigating factors should not have resulted in Florida A&M facing stricter punishment for much less severe and infrequent violations. Thus, the Committee was inconsistent in providing penalties for certain financial aid violations.

I describe and compare these violation cases to demonstrate some of the Committee's inconsistency in levying penalties under the new structure. Although it may be argued that the institutions' self-imposed penalties are the cause of the inconsistency, the Committee has the ability to mitigate that effect by refraining from imposing its own penalties or allowing the institution to lift the self-imposed restrictions. Thus, the Committee has the power to ensure consistent decisions regardless of self-imposed penalties. Despite its ability to impose consistent penalties, the Committee prescribed inconsistent penalties in over 10% of its cases.⁹¹ Therefore, the Committee did not demon-

86. NCAA COMM. ON INFRACTIONS PANEL, INDIANA UNIVERSITY–PURDUE UNIVERSITY, FORT WAYNE PUBLIC INFRACTIONS DECISION 2–4 (2015), <https://www.ncaa.org/sites/default/files/IPFW%20Public%20Decision%20FINAL.pdf>.

87. *See infra* Table 1.

88. NCAA COMM. ON INFRACTIONS PANEL, FLORIDA A&M UNIVERSITY PUBLIC INFRACTIONS DECISION 3–5 (2015), <http://www.ncaa.org/sites/default/files/FAMU%20Public%20Decision.pdf>.

89. *See infra* Table 1.

90. *See infra* Table 1.

91. *See generally infra* Table 1.

strate a statistically significant level of consistency in levying penalties under the new penalty structure.

C. Limitations

Although this Note's study attempted to incorporate as much data as possible, there are limitations upon which future research can build. First, this study did not include show-cause orders in the penalty analysis. Show-cause orders minimally, if at all, affect institutions subject to penalties because show-cause orders focus punishment upon an individual actor, such as a coach or administrator, whom the institution most likely has already terminated.⁹² Thus, show-cause orders do not have a large enough effect on the institution to warrant inclusion in this study.

Second, the limited data set poses another limitation to this study. The Committee has operated under the new penalty structure for only a little over four years, resulting in fifty-five decisions using the new penalty structure.⁹³ In comparison, Smith's 2012 study utilized over four times the number of decisions incorporated into the new penalty structure analysis.⁹⁴ As the Committee issues more decisions under the new penalty structure, its consistency in levying penalties might also increase. When there are more decisions to examine, future research could produce more reliable data regarding the Committee's consistency.

Third, the method for comparing each institution's violations could serve as a limitation. Although Smith's 2012 study assigned values to each violation,⁹⁵ this study examined the specific details of each violation to discern a more accurate representation of each case's violations. In attempting to be more thorough, the multitude of varying violations in each decision made it more difficult to group similar cases together. Future research could combine both this study's and Smith's methodology to create a more accurate representation of violation severity.

Finally, the value attributed to the severity of each penalty is subject to change. In attempting to remain consistent with previous research, this study used similar values as those used in Smith's 2012 study, with some minor modifications to take into account the new penalty structure. Thus, the Committee could alter the weight it attributes to each penalty and subsequently alter a decision's accurate aggregate penalty score. Future research could include a more precise measure of each penalty's severity.

92. See, e.g., NCAA COMM. ON INFRACTIONS PANEL, UNIVERSITY OF SOUTHERN MISSISSIPPI PUBLIC INFRACTIONS DECISION 35-37 (2016), https://www.ncaa.org/sites/default/files/INF_UniversityofSouthernMississippiPublicDecision_20160408.pdf.

93. See generally *infra* Table 1.

94. Smith, *supra* note 11, at 36 (analyzing 262 cases).

95. *Id.* at 30-34.

III. COMPARISON OF OLD AND NEW PENALTY STRUCTURES

The new penalty structure's implementation has resulted in changes of both form and substance regarding the Committee's decision-making process. This Part addresses the various changes that occurred as a result of the new penalty structure. The changes in the penalty structure's form resulted in the new penalty structure consisting of a four-tier violation system, rather than the old two-tier system.⁹⁶ Further, the new penalty structure requires the use of penalty guidelines and aggravating/mitigating factors to prescribe penalties rather than basing decisions on past cases.⁹⁷ Thus, the new penalty structure's form is completely different from that of the old penalty structure.

In addition to the changes in form, substantive changes to the enforcement process reveal that the Committee prescribes penalties in a different way.⁹⁸ These substantive changes are evident when the Committee must decide a case that has violations occurring both before and after the new penalty structure's effective date.⁹⁹ When the case involves violations that occurred both before and after the new penalty structure's effective date, the Committee "conduct[s] a penalty analysis under both former Bylaw 19.5.2 [the old penalty structure] and current Bylaw 19.9 [the new penalty structure] to determine which penalty structure [is] more lenient."¹⁰⁰ To determine leniency, under the old penalty structure, the Committee looked to past cases, while under the new penalty structure, the Committee consults the penalty guidelines and aggravating and mitigating factors.¹⁰¹ The Committee has determined that the old penalty structure is more lenient in certain situations,¹⁰² but less lenient than the new penalty structure in others,¹⁰³ thus showing that the

96. Brown, *supra* note 13.

97. See, e.g., NCAA BYLAWS 2017, *supra* note 2, § 19.9.2, fig.19-1.

98. See, e.g., NCAA COMM. ON INFRACTIONS PANEL, UNIVERSITY OF NORTHERN COLORADO PUBLIC INFRACTIONS DECISION (2017), https://www.ncaa.org/sites/default/files/Dec2017INF_NorthernColoradoPUBLICDecisionAmended_20171220.pdf.

99. See, e.g., NCAA COMM. ON INFRACTIONS PANEL, OKLAHOMA STATE UNIVERSITY PUBLIC INFRACTIONS DECISION (2015), <https://www.ncaa.org/sites/default/files/Public%20Oklahoma%20State%20Decision.pdf>; NCAA COMM. ON INFRACTIONS PANEL, UNIVERSITY OF MISSISSIPPI PUBLIC INFRACTIONS DECISION (2016), https://www.ncaa.org/sites/default/files/2016INF_MississippiInfractionsPUBLICDecision_20161007.pdf.

100. NCAA COMM. ON INFRACTIONS PANEL, UNIVERSITY OF NORTHERN COLORADO PUBLIC INFRACTIONS DECISION 26 (2017), https://www.ncaa.org/sites/default/files/Dec2017INF_NorthernColoradoPUBLICDecisionAmended_20171220.pdf.

101. *E.g., id.*; NCAA COMM. ON INFRACTIONS PANEL, OKLAHOMA STATE UNIVERSITY PUBLIC INFRACTIONS DECISION 12 (2015), <https://www.ncaa.org/sites/default/files/Public%20Oklahoma%20State%20Decision.pdf>.

102. See, e.g., NCAA COMM. ON INFRACTIONS PANEL, SYRACUSE UNIVERSITY PUBLIC INFRACTIONS DECISION 3 (2015), <https://www.ncaa.org/sites/default/files/Syracuse%20Final%20Public%20Infractions%20Decision%20%28Corrected%29.pdf>.

103. See, e.g., NCAA COMM. ON INFRACTIONS PANEL, OKLAHOMA STATE UNIVERSITY PUBLIC INFRACTIONS DECISION 2, 12 (2015), <https://www.ncaa.org/sites/default/files/Public%20Oklahoma%20State%20Decision.pdf>.

Committee is not simply utilizing the same old system under the guise of a new rule. Both penalty structures contain substantive differences that may result in the Committee prescribing different penalties.

Further, in combination with the changes in form and substance, the old and new penalty structures do not have similar levels of consistency. The old penalty structure boasted a statistically significant level of consistency.¹⁰⁴ This means that at least 95% of the time, or $p < .05$, the violation severity value correlated with the penalty severity value.¹⁰⁵ Although the new penalty structure has some consistent decisions, it does not have the same level of consistency as the old penalty structure had.¹⁰⁶ The new penalty structure does not have a statistically significant level of consistency because over 10% of the cases with severe violations received comparatively less severe penalties than other cases with less severe violations.¹⁰⁷ Thus, the old penalty structure is seemingly more equipped to address the public's criticism regarding the consistency of the Committee's decisions.

Although the old penalty structure produces more consistent results, the NCAA should not completely abandon the new penalty structure. To ensure the highest level of consistency and provide a more efficient infractions process, the NCAA should create a hybrid penalty structure that utilizes both the old and new penalty structures. The new penalty structure presents a great advantage in that it provides much more detail to institutions regarding the Committee's decision-making process.¹⁰⁸ The new penalty guidelines, the description of aggravating and mitigating factors, and the four-tier violation system allow an institution to see how and why the Committee prescribed the penalties it imposed.¹⁰⁹ However, despite the inclusion of much more detail, the new penalty structure does not boast the same level of consistency as the old penalty structure.¹¹⁰ In creating a hybrid system, the NCAA could combine the best of both penalty structures into one fluid system. This hybrid system should maintain the majority of the new penalty structure's characteristics to preserve transparency while incorporating the old structure's review of "past cases as guidance" to increase the Committee's consistency.¹¹¹ This would combine the clarity and structure provided by the new penalty system with the consistency provided by the old penalty system. The hybrid system, rather than either penalty system acting alone, would best further the NCAA's

104. See Smith, *supra* note 11, at 38, 45.

105. *Id.*

106. See *supra* Subpart II.B.

107. See *supra* Subpart II.B.

108. See generally NCAA BYLAWS 2017, *supra* note 2, art. 19.

109. See *id.*

110. See *supra* Subpart II.B.

111. NCAA COMM. ON INFRACTIONS PANEL, OKLAHOMA STATE UNIVERSITY PUBLIC INFRACTIONS DECISION 12 (2015), <https://www.ncaa.org/sites/default/files/Public%20Oklahoma%20State%20Decision.pdf>.

goals of “sending clear signals to people” and having “more predictable penalties.”¹¹²

IV. POTENTIAL AVENUES FOR FUTURE CHANGE

Although many individuals, as well as institutions, have voiced complaints regarding the Committee’s power to levy penalties, there are few avenues to impact change within the NCAA. The Supreme Court has ruled that constitutional rights do not apply to situations involving the NCAA because the NCAA is not a state actor.¹¹³ Additionally, courts have ruled that the Dormant Commerce Clause precludes state laws from regulating the NCAA’s enforcement procedures.¹¹⁴ In citing the Dormant Commerce Clause, the Ninth Circuit believed that allowing states to regulate the NCAA would introduce the potential for burdensome and potentially conflicting requirements from all fifty states.¹¹⁵ Finally, courts have ruled that antitrust law, one of the more effective legal mechanisms for impacting change on the NCAA,¹¹⁶ does not apply to the majority of the NCAA’s enforcement procedures.¹¹⁷ Thus, courts have limited the legal remedies available to change the NCAA’s enforcement process by preventing state regulation as well as constitutional and antitrust claims. This Part examines the few remaining options to affect change in the NCAA.

The best option for effectuating change in the NCAA is likely through the Justice Department. In the fall of 2017, the Department of Justice arrested ten individuals, four of which were Division I coaches, for participating in a scheme that paid bribes to coaches, student-athletes, and their families.¹¹⁸ These illicit payments are exactly the type of impermissible benefits that are persistent throughout the country that NCAA Bylaws have outlawed.¹¹⁹ However, despite the prevalence of a larger bribery scheme, the NCAA was in the dark regarding the presence of the violations and the Justice Department’s involvement, thus showing the cracks in the NCAA’s rule enforcement pro-

112. *Q&A*, *supra* note 15.

113. *See Nat’l Collegiate Athletic Ass’n v. Tarkanian*, 488 U.S. 179, 195–99 (1988).

114. *See Nat’l Collegiate Athletic Ass’n v. Miller*, 10 F.3d 633, 638 (9th Cir. 1993).

115. *Id.* at 639–40.

116. *See, e.g., Nat’l Collegiate Athletic Ass’n v. Bd. of Regents of the Univ. of Okla.*, 468 U.S. 85, 104–08 (1984); *O’Bannon v. Nat’l Collegiate Athletic Ass’n*, 802 F.3d 1049, 1064–65, 1079 (9th Cir. 2015).

117. *See, e.g., Pennsylvania v. Nat’l Collegiate Athletic Ass’n*, 948 F. Supp. 2d 416, 424–25, 435 (M.D. Pa. 2013); *Justice v. Nat’l Collegiate Athletic Ass’n*, 577 F. Supp. 356, 379–80, 382–83 (D. Ariz. 1983).

118. Press Release, U.S. Attorney’s Office for S.D.N.Y., U.S. Attorney Announces the Arrest of 10 Individuals, Including Four Division I Coaches, for College Basketball Fraud and Corruption Schemes (Sept. 26, 2017), <https://www.justice.gov/usao-sdny/pr/us-attorney-announces-arrest-10-individuals-including-four-division-i-coaches-college>.

119. *See NCAA BYLAWS 2017*, *supra* note 2, art. 16.

cedures.¹²⁰ If the Department of Justice determines that similar bribery schemes are rampant throughout college sports, it could essentially supplant the NCAA as the main enforcing body of collegiate sports through its investigative and subpoena powers. At the least, the NCAA's lack of awareness and desire to maintain its status as the main enforcement mechanism of college sports could force the NCAA to implement changes to its enforcement process. It remains to be seen whether the Department of Justice will continue similar investigations and arrests in the future, but the Department's actions could cause a reactionary change within the NCAA.

If the Department of Justice does not bring about the desired change, then Congress provides a potential avenue to change NCAA enforcement proceedings. A court could consider much of the NCAA's activity as commercial activity because it regulates a multibillion-dollar industry.¹²¹ Thus, Congress could supplant the NCAA's regulatory authority through its Commerce Clause power. However, seeing how Congress has yet to implement specific legislation regarding the NCAA or college sports, it is unlikely that Congress would want to expand the federal government by involving itself in the NCAA's matters.

Finally, if all else fails, the institutions as well as the public working through the institutions can attempt to gain as much support as possible and work to change NCAA rules within the current system. In *NCAA v. Tarkanian*, the Supreme Court held that a university that disagreed with the NCAA's enforcement procedures should simply work "through the Association's legislative process to amend rules or standards it deemed harsh, unfair, or unwieldy."¹²² Because each institution participating in the NCAA is a voluntary member, each has the ability to alter the NCAA's procedures through voting in the NCAA's legislative process.¹²³ However, to change NCAA rules, the institution needs to garner at least a majority vote from the member institutions involved.¹²⁴ Thus, the vast amount of support necessary to alter NCAA legislation does not lend itself to a high likelihood of an institution changing the NCAA's enforcement process.

CONCLUSION

The Committee's new penalty structure does not boast the same level of

120. Michael McCann, *Entire Notion of NCAA 'Amateurism' May Be on the Line in FBI's Corruption Case*, SPORTS ILLUSTRATED (Sept. 26, 2017), <https://www.si.com/college-basketball/2017/09/26/fbi-corruption-college-basketball-fraud-louisville-bribe>.

121. Cf. Mark Koba, *What a College Athlete is Worth on the Open Market*, CNBC (Apr. 12, 2014), <https://www.cnbc.com/2014/04/12/whats-a-college-athlete-worth-in-pay-on-the-open-market.html>.

122. See Nat'l Collegiate Athletic Ass'n v. Tarkanian, 488 U.S. 179, 195 (1988).

123. See NCAA BYLAWS 2017, *supra* note 2, art. 5.

124. See *id.*; see also *id.* at ix.

consistency as the old penalty structure. This could have resulted from the Committee no longer using past cases as guidance, or simply because the system is relatively new. Whatever the cause may be, institutions wanting to alter the penalty structure to bring back increased levels of consistency face a daunting task. Courts have eliminated most legal remedies, Congress appears apathetic towards the issue, and the institutional voting requirements to amend NCAA legislation are high. The fear of the Department of Justice supplanting the NCAA's enforcement power may affect change on the process; however, it remains to be seen if the Justice Department's actions were a one-time event. Thus, seeing the lack of viable options as well as how much time it takes for change to occur within the NCAA, it seems as though collegiate sports programs should plan to adhere to the new penalty structure for the foreseeable future.

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TABLE 1: INSTITUTIONAL COMPARATIVE ANALYSIS

Recruiting Violations

1. Appalachian State University (2016)

Violations: Impermissible Recruiting Contact: An assistant coach sent in 416 impermissible text messages to a recruit's mother.

Aggravating/Mitigating Factors: Aggravating: None. **Mitigating:** Meaningful corrective measures; History of self-reporting minor violations; Implementation of compliance-methods system; Other facts warranting lower penalty; Limited scope of violation.

Penalties: \$5,000 fine.

Aggregate Penalty Score: 1.

2. University of Florida (2015)

Violations: Impermissible Recruiting Contact: An assistant coach had one impermissible contact with a recruit.

Aggravating/Mitigating Factors: Aggravating: None. **Mitigating:** Meaningful corrective measures; Affirmative steps to expedite final resolution; History of self-reporting minor violations; Implementation of compliance-methods system.

Penalties: Recruiting limitations.

Aggregate Penalty Score: 2.

3. University of Virginia (2017)

Violations: Impermissible Recruiting Contact: Seven coaches unknowingly engaged in impermissible contact with thirty-two recruits and took impermissible photographs.

Aggravating/Mitigating Factors: Aggravating: None. **Mitigating:** Prompt self-detection; Meaningful corrective measures; History of self-reporting minor violations; Implementation of compliance-methods system.

Penalties: \$5,000 fine; Recruiting Limitations.

Aggregate Penalty Score: 3.

4. Baylor University (2016)

Violations: Impermissible Recruiting Contact: On two occasions, two assistant coaches had impermissible contact with a recruit. **Impermissible Evaluation:** Two assistant coaches conducted three impermissible evaluations of two recruits. **Off-Campus, In-Person Scouting:** An assistant coach observed part of a game in which a future opponent participated.

Aggravating/Mitigating Factors: Aggravating: History of major violations. **Mitigating:** Acceptance of responsibility; Affirmative steps to expedite final resolution; History of self-reporting minor violations.

Penalties: \$5,000 fine; Recruiting limitations.

Aggregate Penalty Score: 3.

5. University of South Carolina (2017)

Violations: Impermissible Recruiting Contact: Assistant Coach 1 had an impermissible contact with a recruit. Assistant Coach 2 had an impermissible contact with three recruits. **Impermissible Tryout:** Assistant Coach 1 conducted an impermissible tryout with four recruits. Assistant Coach 2 conducted an impermissible tryout with three recruits.

Aggravating/Mitigating Factors: Aggravating: History of major violations. **Mitigating:** Meaningful corrective action; History of self-reporting minor violations.

Penalties: \$5,000 fine; Recruiting Limitations.

Aggregate Penalty Score: 3.

6. University of Alabama (2017)

Violations: Impermissible Recruiting Contact: On two occasions, an athletics representative arranged for Assistant Coach 1 and himself to have impermissible in-person contact with three recruits. Additionally, Assistant Coach 2 had impermissible contact with a recruit. Finally, the institution allowed an impermissible recruiter to have contact with a recruit.

Aggravating/Mitigating Factors: Aggravating: History of major violations. **Mitigating:** Acceptance of responsibility; History of self-reporting; Implementation of compliance-methods system.

Penalties: \$5,000 fine; Recruiting limitations.

Aggregate Penalty Score: 3.

7. Ohio State University (2017)

Violations: Impermissible Recruiting Inducements: An assistant coach knowingly provided \$758 in recruiting inducements to a recruit. **Impermissible Tryout:** The head coach conducted an impermissible tryout with the recruit.

Aggravating/Mitigating Factors: Aggravating: History of major violations; Authority figure participated in violation. **Mitigating:** Prompt self-detection; Meaningful corrective measures; History of self-reporting minor violations; Limited scope of violations.

Penalties: \$5,000 fine; Recruiting limitations.

Aggregate Penalty Score: 3.

8. Wichita State University (2015)

Violations: Extra Benefits: An administrative assistant provided \$7,594.18 worth of extra benefits to twenty-one student-athletes in the form of discounted apparel. **Impermissible Recruiting Inducements:** The administrative assistant provided \$277.50 worth of impermissible inducements to a junior college coach in the form of discounted apparel. **Failure to Monitor:** The institution failed to monitor when it allowed the administrative assistant to unknowingly provide the extra benefits and recruiting inducements.

Aggravating/Mitigating Factors: Aggravating: None. **Mitigating:** Meaningful corrective measures; Affirmative steps to expedite final resolution; History of self-reporting minor violations; Other factors warranting lower penalty.

Penalties: Probation of one year; \$5,000 fine; Vacation of records.
Aggregate Penalty Score: 3.

9. Jackson State University (2016)

Violations: **Unethical Conduct:** The head coach allowed a student-athlete to compete and receive expenses despite knowing that the student-athlete was a nonqualifier. Additionally, the head coach directed the student-athlete to participate under an assumed name. **Impermissible Recruiting Inducements:** The head coach provided \$92.50 of recruiting inducements to a recruit.

Aggravating/Mitigating Factors: **Aggravating:** History of major violations; Authority figure participated in violation. **Mitigating:** Prompt self-detection; Meaningful corrective measures.

Penalties: Probation of one year; \$5,000 fine; Vacation of records.
Aggregate Penalty Score: 3.

10. University of South Florida (2017)

Violations: **Impermissible Recruiting Inducements:** An assistant coach knowingly provided \$402–\$511 in recruiting inducements to two prospects.

Aggravating/Mitigating Factors: **Aggravating:** None. **Mitigating:** Acceptance of responsibility; Affirmative steps to expedite final resolution; History of self-reporting minor violations; Exemplary cooperation.

Penalties: \$5,000 fine; Minor financial aid reduction; Recruiting limitations.
Aggregate Penalty Score: 4.

11. University of California, Los Angeles (2016)

Violations: **Impermissible Recruiting Contact:** On two occasions, the assistant coach had impermissible in-person contact with a total of three student-athletes. **Impermissible Recruiting Inducements:** The assistant coach provided \$2,400 worth of impermissible recruiting inducements to recruits. Additionally, the institution provided an impermissible second official visit, which included approximately \$500 in expenses.

Aggravating/Mitigating Factors: **Aggravating:** Previous major violations; Multiple level II violations. **Mitigating:** Meaningful corrective measures; Affirmative steps to expedite final resolution; History of self-reporting minor violations; Implementation of compliance-methods system

Penalties: \$5,000 fine; Recruiting limitations; Playing season limitations.
Aggregate Penalty Score: 4.

12. Southeast Missouri State University (2016)

Violations: **Impermissible Recruiting Contact:** An assistant coach and the head coach had impermissible contact with a recruit. On four occasions, the assistant coach had impermissible in-person contact with recruits. The coach sent multiple impermissible Twitter messages to a recruit. **Impermissible Recruiting Inducements:** The assistant coach provided \$178 worth of recruiting inducements to prospects.

Aggravating/Mitigating Factors: **Aggravating:** Previous major violations. **Mitigating:** Prompt self-detection; Meaningful corrective measures; Affirmative steps to expedite final resolution; History of self-reporting minor violations; Implementation of compliance-methods system; Exemplary cooperation.

Penalties: Probation of one year; \$5,000 fine; Recruiting limitations.

Aggregate Penalty Score: 4.

13. West Virginia University (2015)

Violations: **Impermissible Recruiting Contact:** For about four years, coaches in fourteen sports sent 294 impermissible texts and made sixty-six impermissible calls to ninety-two recruits and sixteen parents of recruits.

Aggravating/Mitigating Factors: **Aggravating:** History of major violations; Multiple level II violations. **Mitigating:** Meaningful corrective measures; Affirmative steps to expedite final resolution; History of self-reporting minor violations.

Penalties: Probation of two years; Minor financial aid reductions; Recruiting limitations.

Aggregated Penalty Score: 4.

14. Rutgers, the State University of New Jersey, New Brunswick (2017)

Violations: **Impermissible Student Group Activity:** For five years, the institution allowed a student group to conduct impermissible hosting duties for recruits. **Improper Eligibility Certification:** For five years, the institution failed to follow its established drug testing policy for thirty-two student-athletes. **Academic Misconduct:** The head coach contacted a student-athlete's instructor to arrange for extra-credit work for a student-athlete. **Impermissible Recruiting Contact:** An assistant coach had one impermissible in-person contact with a recruit. **Failure to Monitor:** Because the institution did not follow its drug testing policies and permitted the student hosting group, the institution failed to monitor.

Aggravating/Mitigating Factors: **Aggravating:** Multiple level II violations; Authority figure participated in violation; Pattern of noncompliance. **Mitigating:** Prompt self-detection; History of self-reporting minor violations.

Penalties: Probation of two years; \$5,000 fine; Recruiting limitations.

Aggregate Penalty Score: 4.

15. Southeastern Louisiana University (2015)

Violations: **Countable Athletically Related Activities:** For half a year, coaches allowed student-athletes to exceed the maximum CARA limit. Additionally, the staff failed to accurately record the correct CARA amount. **Impermissible Recruiting Inducements:** The head coach arranged cost-free lodging for two recruits for one week. **Impermissible Tryout:** On three occasions, the head coach held impermissible tryouts for two recruits.

Aggravating/Mitigating Factors: **Aggravating:** History of major violations; Multiple level II violations; Authority figure participated in violation. **Mitigating:** Prompt self-detection; Meaningful corrective measures; Exemplary cooperation.

Penalties: Probation of one year; \$5,000 fine; Recruiting limitations; Playing season limitations.

Aggregate Penalty Score: 5.

16. Monmouth University (2017)

Violations: Impermissible Recruiting Inducements: The head coach provided or arranged for \$1,355 in impermissible inducements for a recruit. **Impermissible Try-out:** The head coach permitted a recruit to practice with the team for an entire semester. **Extra Benefits:** A student-athlete, at the direction of the head coach, provided \$1,955 worth of extra benefits to four student-athletes. **Failure to Monitor:** The institution failed to monitor as a result of the violations.

Aggravating/Mitigating Factors: **Aggravating:** Authority figure participated in violation; Violation caused significant ineligibility. **Mitigating:** Prompt self-detection; Meaningful corrective measures; Absence of prior major violations.

Penalties: Probation of two years; \$5,000 fine; Recruiting limitations; Vacation of records.

Aggregate Penalty Score: 5.

17. Sam Houston State University (2017)

Violations: Impermissible Recruiting Contact: The head coach impermissibly contacted a recruit through ninety-two Facebook messages. Additionally, the head coach arranged for two student-athletes to impermissibly contact four recruits. **Impermissible Recruiting Inducements:** The head coach knowingly provided or arranged for \$607 worth of impermissible benefits for a recruit. **Extra Benefits:** The head coach knowingly provided \$560 of extra benefits to a student-athlete. An athletics representative provided \$200 worth of extra benefits to the same student-athlete.

Aggravating/Mitigating Factors: **Aggravating:** Multiple level II violations; Authority figure participated in violation. **Mitigating:** Prompt self-detection; Meaningful corrective measures; History of self-reporting minor violations; Affirmative steps to expedite final resolution; Other facts warranting lower penalty.

Penalties: \$5,000 fine; Major financial aid reduction; Recruiting limitation.

Aggregate Penalty Score: 6.

18. University of Louisiana at Lafayette (2016)

Violations: Academic Misconduct: Over three years, an assistant coach arranged for five recruits to obtain fraudulent entrance exam scores. **Impermissible Recruiting Inducements:** The assistant coach knowingly provided \$6,500 worth of impermissible inducements to a student-athlete.

Aggravating/Mitigating Factors: **Aggravating:** Multiple level I violations; Violation caused significant ineligibility. **Mitigating:** Meaningful corrective measures; Affirmative steps to expedite final resolution; History of self-reporting minor violations; Exemplary cooperation.

Penalties: Probation of two years; \$5,000 fine; Minor financial aid reduction; Recruiting limitation; Vacation of records.

Aggregate Penalty Score: 6.

19. University of Missouri, Columbia (2016)

Violations: **Impermissible Recruiting Contact:** Athletics Representative 1 had three impermissible contacts and one impermissible evaluation of a recruit. **Impermissible Recruiting Inducements:** Athletics Representative 1 provided \$2,434 worth of impermissible inducements to a student-athlete. Additionally, the representative provided \$50 worth of impermissible inducements to a recruit's coach. **Extra Benefits:** Athletics Representative 1 provided \$8,002 worth of extra benefits to three student-athletes. Additionally, Athletics Representative 2 provided \$966 worth of extra benefits to eleven student-athletes. **Impermissible Tryout:** A student manager led a tryout for a student-athlete. **Failure to Monitor:** The institution failed to monitor as a result of the violations.

Aggravating/Mitigating Factors: **Aggravating:** History of major violations; Multiple level II violations; Violation caused significant ineligibility. **Mitigating:** Meaningful corrective measures; Affirmative steps to expedite final resolution; History of self-reporting minor violations; Exemplary cooperation.

Penalties: Probation of one year; \$5,000 fine; One-year postseason ban; Minor financial aid reduction; Recruiting limitations; Vacation of records.

Aggregate Penalty Score: 8.

20. University of Hawaii at Manoa (2017)

Violations: **Exceeding Coaching Limitations:** For one year, the head coach allowed the director of basketball operations to instruct student-athletes, exceeding the allowable number of coaches. **Extra Benefit:** An athletic representative provided \$560 in extra benefits to Student-Athlete 1. **Impermissible Recruiting Inducement:** An assistant coach provided \$400 in impermissible inducements to Student-Athlete 2. **Impermissible Tryout:** On two occasions, the head coach held impermissible tryouts for five recruits. **Unethical Conduct:** The head coach engaged in unethical conduct when he did not report Student-Athlete 1's extra benefits. The assistant coach engaged in unethical conduct by falsifying an admissions document.

Aggravating/Mitigating Factors: **Aggravating:** Multiple level II violations; Authority figure participated in violations; Violation caused significant ineligibility; Abuse of position of trust; Pattern of noncompliance. **Mitigating:** Meaningful corrective measures; Affirmative steps to expedite final resolution; History of self-reporting minor violations; Other factors warranting lower penalty.

Penalties: Probation of two years; \$10,000 fine plus 1% of the operating budget; Minor financial aid reduction; Recruiting limitations; Vacation of records; Playing season limitation.

Aggregate Penalty Score: 8.

21. University of the Pacific (2017)

Violations: **Academic Misconduct:** For one year, the head coach completed coursework for four recruits. Head Coach 1, an assistant coach, and a special assistant arranged for six prospects to take exams without proctors present. **Impermissible Recruiting Inducements:** The assistant coach knowingly provided \$1,300 worth of impermissible inducements to a recruit. The head coach also impermissibly arranged for athletics representatives to sponsor student visa applications for three recruits.

Failure to Monitor: As a result of the violations, the institution failed to monitor the program. **Impermissible Financial Aid:** Head Coach 2 unknowingly provided \$16,000 in impermissible financial aid to a student trainer.

Aggravating/Mitigating Factors: **Aggravating:** Multiple level I violations; Authority figure participated in violation; Violation caused significant ineligibility. **Mitigating:** Meaningful corrective measures; Affirmative steps to expedite final resolution; History of self-reporting minor violations; Exemplary cooperation.

Penalties: Probation of two years; \$5,000 fine; One-year postseason ban; Major financial aid reduction; Recruiting limitation; Vacation of records.

Aggregate Penalty Score: 10.

22. Southern Methodist University (2015)

Violations: **Impermissible Recruiting Contact:** On sixty-four occasions, the head golf coach had impermissible contact with ten recruits and seven parents of recruits. For four months, an athletics representative impermissibly helped recruit nine prospects, of which the head golf coach was aware. **Impermissible Recruiting Inducements:** The head golf coach provided \$777 in impermissible inducements to four recruits. **Academic Misconduct:** The administrative assistant completed coursework for one student-athlete in one class. **Unethical Conduct:** On two occasions, the compliance director knowingly falsified compliance documents.

Aggravating/Mitigating Factors: **Aggravating:** History of major violations; Unethical conduct; Authority figure participated in violations; Blatant disregard for NCAA rules. **Mitigating:** Meaningful corrective measures; Affirmative steps to expedite final resolution; History of self-reporting minor violations.

Penalties: Probation of three years; One-year postseason ban; \$5,000 fine plus 1% of operating budget; Major financial aid reduction; Recruiting limitations; Vacation of records.

Aggregate Penalty Score: 12.

23. University of Southern Mississippi (2016)

Violations: **Academic Misconduct:** For two years, the head coach directed his associate head coach and a graduate assistant manager to complete coursework for seven recruits. **Impermissible Recruiting Inducements:** For two years, two athletics representatives provided \$8,512.39 in impermissible inducements to two recruits.

Aggravating/Mitigating Factors: **Aggravating:** Multiple level I violations; History of major violations; Authority figure participated in violation; Violation caused significant ineligibility; Pattern of noncompliance. **Mitigating:** Meaningful corrective measures; Affirmative steps to expedite final resolution; History of self-reporting minor violations; Exemplary cooperation.

Penalties: Probation of three years; Two-year postseason ban; \$5,000 fine plus 1% of operating budget; Major financial aid reduction; Recruiting limitations; Vacation of records.

Aggregate Penalty Score: 13.

24. University of Mississippi (2017)

Violations: **Impermissible Recruiting Inducements:** Staff members arranged for athletics representatives to provide \$24,149 worth of impermissible inducements to nine recruits and one recruit's family. Athletics representatives provided \$2,853 worth of impermissible inducements for one recruit and one recruit's family. **Extra Benefit:** Athletics representatives provided \$5,295 worth of extra benefits to two student-athletes, a student-athlete's family, and arranged a loan for one of the athletes. **Academic Misconduct:** The operations coordinator and an assistant coach arranged for three student-athletes to receive fraudulent entrance exam scores. **Impermissible Recruiting Contact:** For one year, as a result of the efforts of an athletics representative, the coaching staff had continual impermissible contact with four recruits. The head coach unintentionally arranged for impermissible videos to be taken of three recruits. The head coach had an impermissible in-person contact with a recruit. An assistant coach had an impermissible in-person contact with two recruits. **Lack of Institutional Control:** As a result of these violations, the institution lacked institutional control.

Aggravating/Mitigating Factors: **Aggravating:** Multiple level I violations; History of major violations; Lack of institutional control; Multiple level II violations; Violations caused significant ineligibility; Pattern of noncompliance. **Mitigating:** Prompt self-detection; Meaningful corrective measures; Affirmative steps to expedite final resolution; History of self-reporting minor violations.

Penalties: Probation of three years; \$5,000 fine plus 1% of operating budget; Two-year postseason ban; Major financial aid reduction; Recruiting limitations; Vacation of records.

Aggregate Penalty Score: 13.

Playing and Practice Season Violations

1. San Jose State University (2016)

Violations: **Countable Athletically Related Activities:** For 1.5 years, the head coach allowed student-athletes to exceed the maximum CARA limit. **Impermissible Try-out:** The head coach directed a nonqualifier to participate in team activities. **Exceeding Coaching Limitations:** The head coach once permitted an outside consultant to provide instruction, exceeding the number of permissible coaches.

Aggravating/Mitigating Factors: **Aggravating:** Multiple level II violations. **Mitigating:** Meaningful corrective measures; Affirmative steps to expedite final resolution; History of self-reporting minor violations; Other factors warranting lower penalty.

Penalties: Probation of one year; \$5,000 fine.

Aggregate Penalty Score: 2.

2. Stanford University (2016)

Violations: **Extra Benefits:** Two athletics representatives provided \$3,488 worth of extra benefits to a student-athlete. **Countable Athletically Related Activities:** For four years, softball coaches allowed student-athletes to exceed the maximum CARA limit. Additionally, the staff failed to accurately record the correct CARA amount.

Failure to Monitor: The institution failed to monitor when it did not have systems in place to ensure CARA limitations were not violated.

Aggravating/Mitigating Factors: **Aggravating:** Multiple level II violations; Authority figure participated in violation. **Mitigating:** Meaningful corrective measures; Affirmative steps to expedite final resolution; History of self-reporting minor violations; Other factors warranting lower penalty.

Penalties: \$5,000 fine; Playing season limitations.

Aggregate Penalty Score: 2.

3. Morehead State University (2017)

Violations: Improper Eligibility Certification: For four years, the institution improperly certified the eligibility of forty-nine student-athletes and allowed those athletes to compete and receive expenses.

Aggravating/Mitigating Factors: **Aggravating:** History of major violations. **Mitigating:** Meaningful corrective measures; History of self-reporting minor violations; Limited scope of violation.

Penalties: Probation of one year; \$5,000 fine.

Aggregate Penalty Score: 2.

4. Alabama State University (2016)

Violations: Countable Athletically Related Activities: For one year, softball coaches allowed student-athletes to exceed the maximum CARA limit. Additionally, the staff failed to accurately record the correct CARA amount. The head coach also failed to implement previous penalties relating to CARA limitations. **Extra Benefits:** The institution unknowingly provided \$5,565 worth of extra benefits to 170 student-athletes. **Failure to Monitor:** The institution failed to monitor as a result of the violations involving the extra benefits provided by the bookstore.

Aggravating/Mitigating Factors: **Aggravating:** History of major violations. **Mitigating:** Meaningful corrective measures.

Penalties: Probation of two years; \$5,000 fine; Playing season limitation.

Aggregate Penalty Score: 3.

5. Campbell University (2016)

Violations: Improper Eligibility Certification: Institution improperly certified the eligibility of thirty-four student-athletes and allowed those athletes to compete and receive travel expenses. **Failure to Monitor:** The institution failed to monitor its program as a result of the violations.

Aggravating/Mitigating Factors: **Aggravating:** Multiple level II violations. **Mitigating:** Limited scope of violation; Other factors warranting lower penalty.

Penalties: Probation of one year; \$5,000 Fine; Vacation of records.

Aggregate Penalty Score: 3.

6. Jackson State University (2016)

Violations: Unethical Conduct: The head coach allowed a student-athlete to compete and receive expenses despite knowing the student-athlete was a nonqualifier.

Additionally, the head coach directed the student-athlete to participate under an assumed name. **Impermissible Recruiting Inducements:** The head coach provided \$92.50 worth of recruiting inducements to a recruit.

Aggravating/Mitigating Factors: **Aggravating:** History of major violations; Authority figure participated in violation. **Mitigating:** Prompt self-detection; Meaningful corrective measures.

Penalties: Probation of one year; \$5,000 fine; Vacation of records.

Aggregate Penalty Score: 3.

7. University of North Carolina at Greensboro (2015)

Violations: **Improper Eligibility Certification:** The institution improperly certified the initial eligibility of fifty-seven student-athletes and allowed those athletes to compete and to receive travel expenses. For four years, the institution failed to adhere to squad list requirements. **Failure to Monitor:** The institution failed to monitor its program as a result of the violations.

Aggravating/Mitigating Factors: **Aggravating:** Multiple level II violations. **Mitigating:** Meaningful corrective measures; Affirmative steps to expedite final resolution.

Penalties: Probation of two years; \$5,000 fine; Vacation of records.

Aggregate Penalty Score: 3.

8. Mississippi Valley State University (2017)

Violations: **Improper Eligibility Certification:** The institution improperly certified the initial eligibility of twenty-eight student-athletes and allowed those athletes to compete and to receive travel expenses. **Unethical Conduct:** The head coach directed three student-athletes to compete under assumed names. **Failure to Monitor:** The institution failed to monitor its program as a result of the violations.

Aggravating/Mitigating Factors: **Aggravating:** History of major violations; Multiple level II violations; Authority figure participated in violation. **Mitigating:** Meaningful corrective measures.

Penalties: Probation of two years; \$5,000 fine; Vacation of records.

Aggregate Penalty Score: 3.

9. Alcorn State University (2016)

Violations: **Improper Eligibility Certification:** The institution improperly certified twenty-eight student-athletes and allowed those athletes to compete and to receive travel expenses. **Failure to Monitor:** The institution failed to monitor its programs as a result of the violations and from its failure to provide adequate rules education.

Aggravating/Mitigating Factors: **Aggravating:** History of major violations; Multiple level II violations. **Mitigating:** Acceptance of responsibility; Implementation of compliance-methods system.

Penalties: Probation of two years; \$5,000 fine; Vacation of records.

Aggregate Penalty Score: 3.

10. Samford University (2016)

Violation: Improper Eligibility Certification: The institution improperly certified the eligibility of thirty-three student-athletes and allowed those athletes to compete and to receive travel expenses. **Failure to Monitor:** The institution failed to monitor as a result of the violations.

Aggravating/Mitigating Factors: Aggravating: History of major violations; Multiple level II violations. **Mitigating:** Meaningful corrective measures.

Penalties: Probation of three years; \$5,000 fine; Vacation of records.

Aggregate Penalty Score: 4.

11. Norfolk State University (2016)

Violations: Improper Eligibility Certification: The institution improperly certified the eligibility of forty-eight student-athletes and allowed those athletes to compete and to receive travel expenses. **Failure to Monitor:** The institution failed to monitor its program as a result of the violations.

Aggravating/Mitigating Factors: Aggravating: Multiple level II violations. **Mitigating:** Meaningful corrective measures.

Penalties: Probation of two years; \$5,000 fine; Vacation of Records; Minor financial aid reduction.

Aggregate Penalty Score: 4.

12. Florida A&M University (2015)

Violations: Improper Eligibility Certification: For four years, the institution improperly certified the eligibility of 277 student-athletes and allowed those athletes to compete and to receive travel expenses, while also failing to maintain required forms for those athletes. **Impermissible Financial Aid:** For one year, the institution failed to follow proper financial aid procedure on nineteen occasions. **Failure to Monitor:** The institution failed to monitor as a result of the violations.

Aggravating/Mitigating Factors: Aggravating: History of major violations; Multiple level II violations. **Mitigating:** Meaningful corrective measures.

Penalties: Probation of four years; \$5,000 fine plus 2% of operating budget.

Aggregate Penalty Score: 4.

13. Rutgers, the State University of New Jersey, New Brunswick (2017)

Violations: Impermissible Student Group Activity: For five years, the institution allowed a student group to conduct impermissible hosting duties for recruits. **Improper Eligibility Certification:** For five years, the institution failed to follow its established drug testing policy for thirty-two student-athletes. **Academic Misconduct:** The head coach contacted a student-athlete's instructor to arrange for extra-credit work for a student-athlete. **Impermissible Recruiting Contact:** An assistant coach had one impermissible in-person contact with a recruit. **Failure to Monitor:** Because the institution did not follow its drug testing policies and permitted the student hosting group, the institution failed to monitor.

Aggravating/Mitigating Factors: **Aggravating:** Multiple level II violations; Authority figure participated in violation; Pattern of noncompliance. **Mitigating:** Prompt self-detection; History of self-reporting minor violations.

Penalties: Probation of two years; \$5,000 fine; Recruiting limitations.

Aggregate Penalty Score: 4.

14. Southeastern Louisiana University (2015)

Violations: **Countable Athletically Related Activities:** For half a year, coaches allowed student-athletes to exceed the maximum CARA limit. Additionally, the staff failed to accurately record the correct CARA amount. **Impermissible Recruiting Inducements:** The head coach arranged cost-free lodging for two recruits for one week. **Impermissible Tryout:** On three occasions, the head coach held impermissible tryouts for two recruits.

Aggravating/Mitigating Factors: **Aggravating:** History of major violations; Multiple level II violations; Authority figure participated in violation. **Mitigating:** Prompt self-detection; Meaningful corrective measures; Exemplary cooperation.

Penalties: Probation of one year; \$5,000 fine; Recruiting limitations; Playing season limitations.

Aggregate Penalty Score: 5.

15. Oklahoma State University (2015)

Violations: **Improper Eligibility Certification:** The institution failed to follow its established drug testing policy for five student-athletes. **Impermissible Student Group Activity:** For four years, the institution allowed a student group to conduct impermissible hosting duties for recruits.

Aggravating/Mitigating Factors: **Aggravating:** Multiple level II violations; Authority figure participated in violation. **Mitigating:** Affirmative steps to expedite final resolution; History of self-reporting minor violations; Implementation of compliance-methods system; Exemplary cooperation.

Penalties: Probation of one year; \$8,500 fine; Recruiting limitations.

Aggregate Penalty Score: 5.

16. Monmouth University (2017)

Violations: **Impermissible Recruiting Inducements:** The head coach provided or arranged for \$1,355 worth of impermissible inducements for a recruit. **Impermissible Tryout:** The head coach permitted a recruit to practice with the team for an entire semester. **Extra Benefits:** A student-athlete, at the direction of the head coach, provided \$1,955 worth of extra benefits to four student-athletes. **Failure to Monitor:** The institution failed to monitor as a result of the violations.

Aggravating/Mitigating Factors: **Aggravating:** Authority figure participated in violation; Violations caused significant ineligibility. **Mitigating:** Prompt self-detection; Meaningful corrective measures; Absence of prior major violations.

Penalties: Probation of two years; \$5,000 fine; Recruiting limitations; Vacation of records.

Aggregate Penalty Score: 5.

17. Saint Peter's University (2016)

Violations: Unethical Conduct: For half a year, the head coach allowed four student-athletes to compete and to receive travel expenses while ineligible, even after the institution instructed him otherwise. Additionally, for three years, the head coach allowed two student-athletes to participate on his outside team. **Extra Benefits:** The head coach arranged for five student-athletes to receive roughly \$2,260 worth of extra benefits.

Aggravating/Mitigating Factors: Aggravating: Authority figure participated in violations. **Mitigating:** Prompt self-detection; Meaningful corrective measures.

Penalties: Probation of two years; One-year postseason ban; \$5,000 fine; Vacation of records.

Aggregate Penalty Score: 5.

18. California State University, Sacramento (2015)

Violations: Improper Eligibility Certification: The institution failed to follow its established drug testing policy for six student-athletes. **Impermissible Recruiting Contact:** For two months, the assistant coach made in-person contact with multiple recruits. Additionally, the assistant coach sent ninety-seven impermissible text messages and made forty-seven impermissible phone calls to nineteen recruits. **Countable Athletically Related Activities:** For four years, coaches allowed student-athletes to exceed the maximum CARA limit.

Aggravating/Mitigating Factors: Aggravating: Multiple level II violations; Authority figure participated in violations. **Mitigating:** Meaningful corrective measures; History of self-reporting minor violations; Implementation of compliance system methods.

Penalties: Probation of one year; \$5,000 fine; Minor financial aid reduction; Recruiting limitations; Playing season limitation.

Aggregate Penalty Score: 6.

19. Grambling State University (2017)

Violation: Improper Eligibility Certification: For 3.5 years, the institution improperly certified forty-five student-athletes and allowed those athletes to compete and to receive travel expenses. **Failure to Monitor:** The improper certifications showed that the institution failed to monitor the program. **Impermissible Recruiting Inducements:** An assistant coach knowingly provided \$1,563 in recruiting inducements to a recruit. **Impermissible Recruiting Contacts:** The assistant coach provided free housing for three months that caused excessive contact with the recruit. **Impermissible Tryout:** The coaches conducted impermissible tryouts for a student-athlete for two weeks.

Aggravating/Mitigating Factors: Aggravating: History of major violations; Multiple level II violations; Authority figure participated in violations; Premeditated violation. **Mitigating:** Prompt self-detection; Meaningful corrective measures; Affirmative steps to expedite final resolution.

Penalties: Probation of two years; \$5,000 fine; Minor financial aid reduction; Recruiting limitation; Vacation of records.

Aggregate Penalty Score: 6.

20. University of Missouri, Columbia (2016)

Violations: **Impermissible Recruiting Contact:** Athletics Representative 1 had three impermissible contacts and one impermissible evaluation of a recruit. **Impermissible Recruiting Inducements:** Athletics Representative 1 provided \$2,434 worth of impermissible inducements to a student-athlete. Additionally, the representative provided \$50 worth of impermissible inducements to a recruit's coach. **Extra Benefits:** Athletics Representative 1 provided \$8,002 worth of extra benefits to three student-athletes. Additionally, Athletics Representative 2 provided \$966 worth of extra benefits to eleven student-athletes. **Impermissible Tryout:** A student manager led a tryout for a student-athlete. **Failure to Monitor:** These violations showed that the institution failed to monitor the program.

Aggravating/Mitigating Factors: **Aggravating:** History of major violations; Multiple level II violations; Violation caused significant ineligibility. **Mitigating:** Meaningful corrective measures; Affirmative steps to expedite final resolution; History of self-reporting minor violations; Exemplary cooperation.

Penalties: Probation of one year; \$5,000 fine; One-year postseason ban; Minor financial aid reduction; Recruiting limitations; Vacation of records.

Aggregate Penalty Score: 8.

21. University of Hawaii at Manoa (2017)

Violations: **Exceeding Coaching Limitations:** For one year, the head coach permitted the director of basketball operations to instruct student-athletes, exceeding the allowable number of coaches. **Extra Benefit:** An athletic representative provided \$560 of extra benefits to Student-Athlete 1. **Impermissible Recruiting Inducement:** An assistant coach provided \$400 worth of impermissible inducements to Student-Athlete 2. **Impermissible Tryout:** On two occasions, the head coach held impermissible tryouts for five recruits. **Unethical Conduct:** The head coach engaged in unethical conduct when he did not report Student-Athlete 1's extra benefits. The assistant coach also engaged in unethical conduct by falsifying an admissions document.

Aggravating/Mitigating Factors: **Aggravating:** Multiple level II violations; Authority figure participated in violations; Violations caused significant ineligibility; Abuse of position of trust; Pattern of noncompliance. **Mitigating:** Meaningful corrective measures; Affirmative steps to expedite final resolution; History of self-reporting minor violations; Other factors warranting lower penalty.

Penalties: Probation of two years; \$10,000 fine plus 1% of the operating budget; Minor financial aid reduction; Recruiting limitations; Vacation of records; Playing season limitation.

Aggregate Penalty Score: 8.

Amateurism Violations

1. Stanford University (2016)

Violations: **Extra Benefits:** Two athletics representatives provided \$3,488 worth of extra benefits to a student-athlete. **Countable Athletically Related Activities:** For four years, softball coaches allowed student-athletes to exceed the maximum CARA

limit. Additionally, the staff failed to accurately record the correct CARA amount. **Failure to Monitor:** The institution failed to monitor the program because it did not have systems in place to ensure CARA limitations were not violated.

Aggravating/Mitigating Factors: **Aggravating:** Multiple level II violations; Authority figure participated in violation. **Mitigating:** Meaningful corrective measures; Affirmative steps to expedite final resolution; History of self-reporting minor violations; Other facts warranting lower penalty.

Penalties: \$5,000 fine; Playing season limitations.

Aggregate Penalty Score: 2.

2. Arkansas State University (2016)

Violations: **Extra Benefits:** The director of basketball operations provided a student-athlete with \$5,165 worth of extra benefits.

Aggravating/Mitigating Factors: **Aggravating:** History of major violations. **Mitigating:** Meaningful corrective measures; Affirmative steps to expedite final resolution; History of self-reporting minor violations; Implementation of compliance-methods system.

Penalties: \$5,000 fine; Vacation of records.

Aggregate Penalty Score: 2.

3. University of New Hampshire (2014)

Violations: **Extra Benefits:** An athletics representative provided \$22,336 worth of impermissible benefits to seven student-athletes. Additionally, the athletics representative provided \$427 in impermissible benefits to three former student-athletes. **Failure to Monitor:** The institution failed to monitor the athletics representative involved in the provision of extra benefits.

Aggravating/Mitigating Factors: **Aggravating:** History of major violations; Authority figure participated in violation; Violation caused significant ineligibility. **Mitigating:** Meaningful corrective measures.

Penalties: Probation of two years; \$5,000 fine.

Aggregate Penalty Score: 2.

4. Wichita State University (2015)

Violations: **Extra Benefits:** An administrative assistant provided \$7,594.18 worth of extra benefits to twenty-one student-athletes in the form of discounted apparel. **Impermissible Recruiting Inducements:** The administrative assistant provided \$277.50 worth of impermissible inducements to a junior college coach in the form of discounted apparel. **Failure to Monitor:** The institution failed to monitor the program because it allowed the administrative assistant to unknowingly provide the extra benefits and recruiting inducements.

Aggravating/Mitigating Factors: **Aggravating:** None. **Mitigating:** Meaningful corrective measures; Affirmative steps to expedite final resolution; History of self-reporting minor violations; Other factors warranting lower penalty.

Penalties: Probation of one year; \$5,000 fine; Vacation of records.

Aggregate Penalty Score: 3.

5. Florida International University (2017)

Violations: **Extra Benefits:** The head coach provided \$600 in extra benefits to a student-athlete. **Unethical Conduct:** The head coach knowingly provided the \$600, allowed the ineligible student-athlete to compete after receiving the benefit and failed to report the violations. **Failure to Promote Atmosphere of Compliance:** These violations showed that the head coach failed to promote an atmosphere of compliance.

Aggravating/Mitigating Factors: **Aggravating:** History of major violations; Multiple level II violations; Authority figure participated in violation. **Mitigating:** Acceptance of responsibility; Affirmative steps to expedite final resolution; History of self-reporting minor violations.

Penalties: Probation of one year; \$5,000 fine; Vacation of records.

Aggregate Penalty Score: 3.

6. Alabama State University (2016)

Violations: **Countable Athletically Related Activities:** For one year, softball coaches allowed student-athletes to exceed the maximum CARA limit. Additionally, the staff failed to accurately record the correct CARA amount. Finally, the head coach failed to implement previous penalties relating to CARA limitations. **Extra Benefits:** The institution unknowingly provided \$5,565 worth of extra benefits to 170 student-athletes. **Failure to Monitor:** The extra benefits provided by the bookstore showed that the institution failed to monitor the program.

Aggravating/Mitigating Factors: **Aggravating:** History of major violations. **Mitigating:** Meaningful corrective measures.

Penalties: Probation of two years; \$5,000 fine; Playing season limitation.

Aggregate Penalty Score: 3.

7. Prairie View A&M University (2017)

Violations: **Extra Benefits:** An assistant coach knowingly arranged for an athletics representative to provide \$507 worth of extra benefits to a student-athlete.

Aggravating/Mitigating Factors: **Aggravating:** History of major violations; Multiple level II violations; Authority figure participated in violation. **Mitigating:** Prompt self-detection; Meaningful corrective measures.

Penalties: Probation of two years; \$5,000 fine; Recruiting limitations; Vacation of records.

Aggregate Penalty Score: 5.

8. Monmouth University (2017)

Violations: **Impermissible Recruiting Inducements:** The head coach provided or arranged for \$1,355 in impermissible inducements for a recruit. **Impermissible Try-out:** The head coach permitted a recruit to practice with the team for an entire semester. **Extra Benefits:** A student-athlete, at the direction of the head coach, provided \$1,955 of extra benefits to four student-athletes. **Failure to Monitor:** These violations showed that the institution failed to monitor the program.

Aggravating/Mitigating Factors: **Aggravating:** Authority figure participated in violation; Violations caused significant ineligibility. **Mitigating:** Prompt self-detection; Meaningful corrective measures; Absence of prior major violations.

Penalties: Probation of two years; \$5,000 fine; Recruiting limitations; Vacation of records.

Aggregate Penalty Score: 5.

9. Saint Peter's University (2016)

Violations: **Unethical Conduct:** For half a year, the head coach allowed four student-athletes to compete and receive travel expenses while ineligible, even after the institution instructed him otherwise. Additionally, for three years, the head coach allowed two student-athletes to participate on his outside team. **Extra Benefits:** The head coach arranged for five student-athletes to receive roughly \$2,260 worth of extra benefits.

Aggravating/Mitigating Factors: **Aggravating:** Authority figure participated in violations. **Mitigating:** Prompt self-detection; Meaningful corrective measures.

Penalties: Probation of two years; One-year postseason ban; \$5,000 fine; Vacation of records.

Aggregate Penalty Score: 5.

10. Sam Houston State University (2017)

Violations: **Impermissible Recruiting Contact:** The head coach impermissibly contacted a recruit through ninety-two Facebook messages. Additionally, the head coach arranged for two student-athletes to make impermissible contact with four recruits.

Impermissible Recruiting Inducements: The head coach knowingly provided or arranged \$607 worth of impermissible benefits for a recruit. **Extra Benefits:** The head coach knowingly provided \$560 worth of extra benefits to a student-athlete. An athletics representative provided \$200 worth of extra benefits to the same student-athlete.

Aggravating/Mitigating Factors: **Aggravating:** Multiple level II violations; Authority figure participated in violation. **Mitigating:** Prompt self-detection; Meaningful corrective measures; History of self-reporting minor violations; Affirmative steps to expedite final resolution; Other factors warranting lower penalty.

Penalties: \$5,000 fine; Major financial aid reduction; Recruiting limitation.

Aggregate Penalty Score: 6.

11. University of Missouri, Columbia (2016)

Violations: **Impermissible Recruiting Contact:** Athletics Representative 1 had three impermissible contacts and one impermissible evaluation of a recruit. **Impermissible Recruiting Inducements:** Athletics Representative 1 provided \$2,434 worth of impermissible inducements to a student-athlete. Additionally, the representative provided \$50 worth of impermissible inducements to a recruit's coach. **Extra Benefits:** Athletics Representative 1 provided \$8,002 worth of extra benefits to three student-athletes. Additionally, Athletics Representative 2 provided \$966 worth of extra benefits to eleven student-athletes. **Impermissible Tryout:** A student manager led a try-

out for a student-athlete. **Failure to Monitor:** These violations showed that the institution failed to monitor the program.

Aggravating/Mitigating Factors: **Aggravating:** History of major violations; Multiple level II violations; Violation caused significant ineligibility. **Mitigating:** Meaningful corrective measures; Affirmative steps to expedite final resolution; History of self-reporting minor violations; Exemplary cooperation.

Penalties: Probation of one year; \$5,000 fine; One-year postseason ban; Minor financial aid reduction; Recruiting limitations; Vacation of records.

Aggregate Penalty Score: 8.

12. University of Hawaii at Manoa (2017)

Violations: **Exceeding Coaching Limitations:** For one year, the head coach permitted the director of basketball operations to instruct student-athletes, exceeding the allowable number of coaches. **Extra Benefit:** An athletic representative provided \$560 worth of extra benefits to student-Athlete 1. **Impermissible Recruiting Inducement:** An assistant coach provided \$400 worth of impermissible inducements to Student-Athlete 2. **Impermissible Tryout:** On two occasions, the head coach held impermissible tryouts for five recruits. **Unethical Conduct:** The head coach engaged in unethical conduct when he did not report Student-Athlete 1's extra benefits. The assistant coach engaged in unethical conduct by falsifying an admissions document.

Aggravating/Mitigating Factors: **Aggravating:** Multiple level II violations; Authority figure participated in violations; Violation cause significant ineligibility; Abuse of position of trust; Pattern of noncompliance. **Mitigating:** Meaningful corrective measures; Affirmative steps to expedite final resolution; History of self-reporting minor violations; Other factors warranting lower penalty.

Penalties: Probation of two years; \$10,000 fine plus 1% of the operating budget; Minor financial aid reduction; Recruiting limitations; Vacation of records; Playing season limitation.

Aggregate Penalty Score: 8.

13. University of Mississippi (2017)

Violations: **Impermissible Recruiting Inducements:** Staff members arranged for athletics representatives to provide \$24,149 worth of impermissible inducements to nine recruits and one recruit's family. Athletics representatives provided \$2,853 worth of impermissible inducements for one recruit and one recruit's family. **Extra Benefit:** Athletics representatives provided \$5,295 worth of extra benefits to two student-athletes and a student-athlete's family and arranged a loan for one of the athletes. **Academic Misconduct:** The operations coordinator and an assistant coach arranged for three recruits to receive fraudulent entrance exam scores. **Impermissible Recruiting Contact:** As a result of the efforts of an athletics representative, the coaching staff had continual impermissible contact with four recruits. The head coach unintentionally arranged for impermissible videos to be taken of three recruits. The head coach had an impermissible in-person contact with a recruit. An assistant coach had an impermissible in-person contact with two recruits. **Lack of Institutional Control:** These violations showed that the institution lacked institutional control.

Aggravating/Mitigating Factors: **Aggravating:** Multiple level I violations; History of major violations; Lack of institutional control; Multiple level II violations; Violations

caused significant ineligibility; Pattern of noncompliance. **Mitigating:** Prompt self-detection; Meaningful corrective measures; Affirmative steps to expedite final resolution; History of self-reporting minor violations.

Penalties: Probation of three years; \$5,000 fine plus 1% of operating budget; Two-year postseason ban; Major financial aid reduction; Recruiting limitations; Vacation of records.

Aggregate Penalty Score: 13.

Academic Violations

1. University of Georgia (2014)

Violations: Academic Misconduct: On one occasion, the head coach arranged for a student-athlete to receive special treatment in a class and a passing grade.

Aggravating/Mitigating Factors: Aggravating: History of major violations. **Mitigating:** Prompt self-detection; Meaningful corrective measures; Affirmative steps to expedite final resolution; Exemplary cooperation.

Penalty: \$5,000 fine.

Aggregate Penalty Score: 1.

2. Southeast Missouri State University (2017)

Violations: Academic Misconduct: An assistant coach involved individuals associated with the men's basketball program in a scheme to complete class work for one recruit.

Aggravating/Mitigating Factors: Aggravating: History of major violations. **Mitigating:** Prompt self-detection; Meaningful corrective measures; Affirmative steps to expedite final resolution; History of self-reporting minor violations; Implementation of a compliance-methods system; Exemplary cooperation.

Penalties: Probation of two years; \$5,000 fine.

Aggregate Penalty Score: 2.

3. University of Notre Dame (2016)

Violations: Academic Misconduct: For two years, a student athletic trainer committed academic misconduct in assisting two student-athletes in four courses. Additionally, the trainer completed coursework for six other student-athletes in eighteen classes. Finally, another student-athlete committed academic misconduct on his own in five courses. The institution erroneously allowed these athletes to compete.

Aggravating/Mitigating Factors: Aggravating: Multiple level II violations. **Mitigating:** Prompt self-disclosure; Affirmative steps to expedite final resolution; History of self-reporting minor violations.

Penalties: Probation of one year; \$5,000 fine; Vacation of records.

Aggregate Penalty Score: 3.

4. Rutgers, the State University of New Jersey, New Brunswick (2017)

Violations: **Impermissible Student Group Activity:** For five years, the institution allowed a student group to conduct impermissible hosting duties for recruits. **Improper Eligibility Certification:** For five years, the institution failed to follow its established drug testing policy for thirty-two student-athletes. **Academic Misconduct:** The head coach contacted a student-athlete's instructor to arrange for extra-credit work for a student-athlete. **Impermissible Recruiting Contact:** An assistant coach had one impermissible in-person contact with a recruit. **Failure to Monitor:** The institution's failure to follow its drug testing policies and its allowance of the student hosting group showed that the institution failed to monitor the program.

Aggravating/Mitigating Factors: **Aggravating:** Multiple level II violations; Authority figure participated in violation; Pattern of noncompliance. **Mitigating:** Prompt self-detection; History of self-reporting minor violations.

Penalties: Probation of two years; \$5,000 fine; Recruiting limitations.

Aggregate Penalty Score: 4.

5. University of Louisiana at Lafayette (2016)

Violations: **Academic Misconduct:** Over three years, an assistant coach arranged for five recruits to obtain fraudulent entrance exam scores. **Impermissible Recruiting Inducements:** The assistant coach knowingly provided \$6,500 worth of impermissible inducements to a student-athlete.

Aggravating/Mitigating Factors: **Aggravating:** Multiple level I violations; Violation caused significant ineligibility. **Mitigating:** Meaningful corrective measures; Affirmative steps to expedite final resolution; History of self-reporting minor violations; Exemplary cooperation.

Penalties: Probation of two years; \$5,000 fine; Minor financial aid reduction; Recruiting limitation; Vacation of records.

Aggregate Penalty Score: 6.

6. Weber State University (2014)

Violations: **Academic Misconduct:** A math instructor completed class work for five student-athletes, resulting in fraudulent academic credit.

Aggravating/Mitigating Factors: **Aggravating:** Unethical conduct; Premeditated violation; Authority figure participated in violation; Violation caused significant ineligibility; Abuse of a position of trust; Blatant disregard for NCAA rules. **Mitigating:** Prompt self-detection; Meaningful corrective measures; History of self-reporting minor violations; Exemplary cooperation.

Penalties: Probation of 3 years; \$5,000 fine plus 2% of operating budget; Major financial aid reduction.

Aggregate Penalty Score: 7.

7. Georgia Southern University (2016)

Violations: **Impermissible Academic Assistance:** An assistant compliance director provided a flash drive with completed coursework to a student-athlete who subse-

quently submitted the work for credit. Additionally, an assistant director of student-athlete services completed class work for two student-athletes.

Aggravating/Mitigating Factors: **Aggravating:** History of major violations. **Mitigating:** Prompt self-detection; Meaningful corrective measures; Affirmative steps to expedite final resolution; Implementation of compliance-methods system.

Penalties: Probation of two years; \$5,000 fine plus 1% of operating budget; Minor financial aid reduction; Recruiting limitations; Vacation of records.

Aggregate Penalty Score: 7.

8. California State University, Northridge (2016)

Violations: **Academic Misconduct:** For two years, the director of basketball operations knowingly completed coursework for four student-athletes. Additionally, during that time, he knowingly completed online coursework for eight student-athletes. **Unethical Conduct:** The director of basketball operations committed unethical conduct when he knowingly completed the coursework. **Failure to Monitor:** These violations showed that the institution failed to monitor the activities of the director of basketball operations.

Aggravating/Mitigating Factors: **Aggravating:** Multiple level I violations; Authority figure participated in violation; Violation caused significant ineligibility. **Mitigating:** History of self-reporting minor violations; Affirmative steps to expedite final resolution; Meaningful corrective measures; Exemplary cooperation.

Penalties: Probation of three years; One-year postseason ban; \$5,000 fine; Minor financial aid reduction; Vacation of records.

Aggregate Penalty Score: 7.

9. University of the Pacific (2017)

Violations: **Academic Misconduct:** For a total of one year, the head coach completed coursework for four recruits. Head Coach 1, an assistant coach, and a special assistant arranged for six prospects to take exams without proctors present. **Impermissible Recruiting Inducements:** The assistant coach knowingly provided \$1,300 worth of impermissible inducements to a recruit. Head Coach 1 also impermissibly arranged for athletics representatives to sponsor student visa applications for three recruits. **Failure to Monitor:** These violations showed that the institution failed to monitor the program. **Impermissible Financial Aid:** Head Coach 2 unknowingly provided \$16,000 worth of impermissible financial aid to a student trainer.

Aggravating/Mitigating Factors: **Aggravating:** Multiple level I violations; Authority figure participated in violation; Violation caused significant ineligibility. **Mitigating:** Meaningful corrective measures; Affirmative steps to expedite final resolution; History of self-reporting minor violations; Exemplary cooperation.

Penalties: Probation of two years; \$5,000 fine; One-year postseason ban; Major financial aid reduction; Recruiting limitation; Vacation of records.

Aggregate Penalty Score: 10.

10. Southern Methodist University (2015)

Violations: **Impermissible Recruiting Contact:** On sixty-four occasions, the head golf coach had impermissible contact with ten recruits and seven parents of recruits.

For four months, an athletics representative impermissibly helped recruit nine recruits, of which the head golf coach was aware. **Impermissible Recruiting Inducements:** The head golf coach provided \$777 in impermissible inducements to four recruits. **Academic Misconduct:** An administrative assistant completed coursework for one student-athlete in one class. **Unethical Conduct:** On two occasions, the compliance director knowingly falsified compliance documents.

Aggravating/Mitigating Factors: **Aggravating:** History of major violations; Unethical conduct; Authority figure participated in violations; Blatant disregard for NCAA rules. **Mitigating:** Meaningful corrective measures; Affirmative steps to expedite final resolution; History of self-reporting minor violations.

Penalties: Probation of three years; One-year postseason ban; \$5,000 fine plus 1% of operating budget; Major financial aid reduction; Recruiting limitations; Vacation of records.

Aggregate Penalty Score: 12.

11. University of Southern Mississippi (2016)

Violations: **Academic Misconduct:** For two years, the head coach directed his associate head coach and a graduate assistant manager to complete coursework for seven recruits. **Impermissible Recruiting Inducements:** For two years, two athletics representatives provided \$8,512.39 worth of impermissible inducements to two recruits.

Aggravating/Mitigating Factors: **Aggravating:** Multiple level I violations; History of major violations; Authority figure participated in violation; Violation caused significant ineligibility; Pattern of noncompliance. **Mitigating:** Meaningful corrective measures; Affirmative steps to expedite final resolution; History of self-reporting minor violations; Exemplary cooperation.

Penalties: Probation of three years; Two-year postseason ban; \$5,000 fine plus 1% of operating budget; Major financial aid reduction; Recruiting limitations; Vacation of records.

Aggregate Penalty Score: 13.

12. University of Mississippi (2017)

Violations: **Impermissible Recruiting Inducements:** Institutional staff members arranged for athletics representatives to provide \$24,149 worth of impermissible inducements to nine recruits and one recruit's family. Athletics representatives provided \$2,853 worth of impermissible inducements for one recruit and one recruit's family. **Extra Benefit:** Athletics representatives provided \$5,295 worth of extra benefits to two student-athletes and a student-athlete's family and arranged a loan for one of the athletes. **Academic Misconduct:** The operations coordinator and an assistant coach arranged for three recruits to receive fraudulent entrance exam scores. **Impermissible Recruiting Contact:** For one year, as a result of the efforts of an athletics representative, the coaching staff had continual impermissible contact with four recruits. The head coach unintentionally arranged for impermissible videos to be taken of three recruits. The head coach had an impermissible in-person contact with a recruit. Assistant Coach 4 had an impermissible in-person contact with two recruits. **Lack of Institutional Control:** These violations showed that the institution lacked institutional control.

Aggravating/Mitigating Factors: **Aggravating:** Multiple level I violations; History of major violations; Lack of institutional control; Multiple level II violations; Violations caused significant ineligibility; Pattern of noncompliance. **Mitigating:** Prompt self-detection; Meaningful corrective measures; Affirmative steps to expedite final resolution; History of self-reporting minor violations.

Penalties: Probation of three years; \$5,000 fine plus 1% of operating budget; two-year postseason ban; Major financial aid reduction; Recruiting limitations; Vacation of records.

Aggregate Penalty Score: 13.

Financial Aid Violations

1. Indiana University-Purdue University, Fort Wayne (2015)

Violations: **Impermissible Financial Aid:** The institution provided financial aid exceeding limitations by \$42,224 to fifty-two student-athletes. For four years, the institution failed to follow proper financial aid procedure on 520 occasions. Finally, the institution provided 2,933 impermissible meals to seventy-five student-athletes. **Failure to Monitor:** The impermissible financial aid and meals showed that the institution failed to monitor the program.

Aggravating/Mitigating Factors: **Aggravating:** Multiple level II violations. **Mitigating:** Meaningful corrective measures; History of self-reporting minor violations.

Penalties: Probation of two years; \$15,000 fine.

Aggregate Penalty Score: 3.

2. Florida A&M University (2015)

Violations: **Improper Eligibility Certification:** For four years, the institution improperly certified the eligibility of 277 student-athletes, allowed those athletes to compete and receive travel expenses, and failed to maintain required forms for those athletes. **Impermissible Financial Aid:** For one year, the institution failed to follow proper financial aid procedure on nineteen occasions. **Failure to Monitor:** These violations showed that the institution failed to monitor the program.

Aggravating/Mitigating Factors: **Aggravating:** History of major violations; Multiple level II violations. **Mitigating:** Meaningful corrective measures.

Penalties: Probation of four years; \$5,000 fine plus 2% of operating budget.

Aggregate Penalty Score: 4.

3. Lamar University (2016)

Violations: **Impermissible Financial Aid:** The head coach knowingly arranged for \$15,500 worth of impermissible financial aid for three student-athletes. Additionally, the head coach failed to follow proper financial aid procedure on two occasions when reducing student-athletes' scholarships.

Aggravating/Mitigating Factors: **Aggravating:** Authority figure participated in violation; Violation caused significant ineligibility; Blatant disregard for NCAA rules. **Mitigating:** Prompt self-detection; Meaningful corrective measures; Implementation of compliance-methods system.

Penalties: Probation of two years; One-year postseason ban; \$5,000 fine plus 1% of operating budget; Major scholarship reduction; Recruiting limitations; Vacation of records.

Aggregate Penalty Score: 10.

4. University of the Pacific (2017)

Violations: **Academic Misconduct:** For a total of one year, the head coach completed coursework for four recruits. Head Coach 1, an assistant coach, and a special assistant arranged for six prospects to take exams without proctors present. **Impermissible Recruiting Inducements:** The assistant coach knowingly provided \$1,300 worth of impermissible inducements to a recruit. Head Coach 1 also impermissibly arranged for athletics representatives to sponsor student visa applications for three recruits. **Failure to Monitor:** These violations showed that the institution failed to monitor the program. **Impermissible Financial Aid:** Head Coach 2 unknowingly provided \$16,000 in impermissible financial aid to a student trainer.

Aggravating/Mitigating Factors: **Aggravating:** Multiple level I violations; Authority figure participated in violation; Violation caused significant ineligibility. **Mitigating:** Meaningful corrective measures; Affirmative steps to expedite final resolution; History of self-reporting minor violations; Exemplary cooperation.

Penalties: Probation of two years; \$5,000 fine; One-year postseason ban; Major financial aid reduction; Recruiting limitation; Vacation of records.

Aggregate Penalty Score: 10.