



## **News Release**

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### **ALABAMA STATE UNIVERSITY** **PUBLIC INFRACTIONS REPORT**

#### **A. INTRODUCTION.**

On August 8, 2008, officials from Alabama State University, the Southwestern Athletic Conference, the former head football coach ("former head coach") with his counsel and a former assistant football coach ("former assistant coach A") with counsel, appeared before the NCAA Division I Committee on Infractions to address allegations of NCAA violations in the athletics programs at Alabama State, primarily in the football program. This case featured an admitted systemic lack of institutional control, which occurred over a number of years. A revolving door of administrators at the institution, including within the department of athletics, was a prime factor in the institution's inability to establish a viable compliance program, which ultimately resulted in the institution's failure to exercise institutional control. This failure, in turn, led to violations in several areas including recruiting, extra benefits, eligibility and, most notably, academic fraud, violations the committee considers among the most serious NCAA infractions. The violations set forth in this report were uncontested by the institution, although some were disputed by the involved coaches.

The genesis of this case was in October 2002 with reports to the institution of alleged NCAA violations in the institution's football program. The former head coach was hired on January 14, 2000. Both he and former assistant coach A were released by the institution in late 2003. The committee was concerned with the extraordinary length of time it took to process this case and it questioned both the enforcement staff and institution about this, noting in particular that for more than two and one half years, from September 2005 to February 2008, there appeared to be little or no activity in completing the case. From the information provided, the committee concluded that there were three primary reasons this case took an inordinate amount of time to complete:

1. A perpetual state of disarray, which existed within the institution's administration, including the constant turnover in personnel cited earlier in this report.

2. In the early stages of this case, confusion and poor record keeping on the part of athletics department personnel, which hindered the institution's ability to respond to requests for information from the enforcement staff.
3. The time it took for the institution to conduct two self-investigations and reports to the NCAA, one in 2003, which was cursory and incomplete and required extensive follow-up by the enforcement staff, and a second report completed in 2008. Contributing to the length of time it took to complete the second investigation/report was an exhaustive effort on the part of the institution to audit the records of all student-athletes who were enrolled at the institution over a period of several years.

The committee noted that some of the violations set forth in this report occurred both before and after the former head coach and former assistant coach A left the employ of the institution. The committee also noted that several individuals, including the former compliance director and the former director of football operations, both of whom likely could have provided information helpful in adjudicating this case, died during the six years it took to complete it. The committee was pleased, however, with the institution's recent efforts to "get its house in order" and its decision to devote the necessary resources needed to establish a viable and effective compliance program. Several procedural issues were broached by the attorneys for the former head coach and the former assistant coach. These issues are addressed in Appendix Three.

A member of the Southwestern Athletic Conference (SWAC), the institution has an enrollment of approximately 5,000 students. The institution sponsors six men's and seven women's intercollegiate sports. This was the institution's fourth major infractions case; the institution appeared before the committee in 1995 for a case involving the women's indoor and outdoor track, women's volleyball and the men's basketball programs. The institution also had previous infractions cases in 1987 and 1985, both of which involved the football program.

## **B. FINDINGS OF VIOLATIONS OF NCAA LEGISLATION.**

1. **INELIGIBLE PARTICIPATION IN PRACTICE, COMPETITION AND RECEIPT OF FINANCIAL AID.** [NCAA Bylaws 14.1.6.1 (1999-00 and 2002-03 NCAA Division I Manuals), 14.1.6.2 (2002-03 NCAA Division I Manual), 14.1.6.2.2 (2002-03 NCAA Division I Manual), 14.1.7.1 (1999-00, 2000-01 and 2002-03 NCAA Division I Manuals), 14.4.3.1.4 (2001-02 NCAA Division I Manual), 14.4.3.2 (2002-03 NCAA Division I Manual), 14.4.3.3, 14.5.4.3 (2000-01 NCAA Division I Manual), 14.5.4.3.1 (2000-01 NCAA Division I Manual) and 14.5.5.2.10 (2000-01 and 2002-03 NCAA Division I

**Manuals) (NOTE: Bylaws cited with no designation of Manual year refer to the 2007-08 NCAA Division I Manual)]**

During the 1999-00 to 2002-03 academic years, numerous student-athletes were permitted to practice, compete and receive athletically related financial aid while ineligible. The sports involved include football, men's and women's basketball, and baseball. These student-athletes were ineligible for a variety of reasons. Specifically:

- a. During the 2000-01 and 2001-02 academic years, six student-athletes (four in football, one in men's basketball and one in women's basketball) competed while ineligible due to their failure to designate a program of studies leading toward a specific baccalaureate degree by the beginning of the third year (fifth semester) of enrollment.
- b. During the 2000-01 to 2002-03 academic years, the erroneous application of the percentage-of-degree requirement legislation (25/50/75) resulted in the ineligible participation of 22 football student-athletes and one baseball student-athlete.
- c. During the 2000-01 to 2002-03 academic years, the institution erroneously certified the eligibility of four football student-athletes based on grade-point average miscalculations. The institution certified the student-athletes as eligible when the student-athletes entered their fourth and/or fifth years of collegiate enrollment, even though the student-athletes had not achieved 95 percent of the institution's grade-point average required for graduation.
- d. During the 1999-00 to 2002-03 academic years, five student-athletes (two in football, two in men's basketball and one in baseball) participated in organized practice sessions and/or competed despite not being enrolled in a minimum full-time program of studies leading to a baccalaureate or equivalent degree, as defined by the institution.
- e. During the 2000-01 academic year, a football student-athlete who was a nonqualifier out of high school, attended a two-year institution and graduated with an associate of arts degree in May 2000 before transferring to Alabama State. He was certified as eligible to receive financial aid, and to participate in practice and compete in games even though he had not completed at least 35 percent of the course requirements for his baccalaureate degree program at the institution.

- f. During the 2000 fall semester, a football student-athlete who had earned a bachelor's degree from a previous institution and was admitted to Alabama State as a graduate student did not meet the one-time transfer exception since the young man had previously transferred multiple times from four-year institutions.

### **Committee Rationale**

The institution and enforcement staff are in agreement as to the facts of these findings and that violations of NCAA legislation occurred. The committee finds that the violations occurred and that they are major. This ineligible participation is a component of the institution's admitted failure to exercise institutional control as set forth in Finding B-16.

## **2. IMPERMISSIBLE BENEFITS AND INDUCEMENTS. [NCAA Bylaws 13.2.1 (2000-01 and 2001-02 NCAA Division I Manuals), 13.2.2-(h), 14.5.5.2.10(a) and 16.11.2.1 (NOTE: Bylaws cited with no designation of Manual year refer to the 2007-08 NCAA Division I Manual)]**

During the summer of 2000 to the end of the 2001-02 academic year, seven football student-athletes and six prospective football student-athletes received impermissible inducements and extra benefits in the form of lodging and utilities and/or meals at no cost to the young men. Institutional policy prohibits the use of academic or athletics grants-in-aid for off-campus housing. Specifically:

- a. During the summer of 2000 through the end of the 2001-02 academic year, five football student-athletes received impermissible inducements and extra benefits in the form of lodging, meals in the institution's cafeteria and utilities (water and electricity) at either a institution-owned, off-campus apartment complex or a institution residence hall at no cost to the young men.
  - (1) A football student-athlete ("student-athlete 1") graduated from a Football Bowl Subdivision (FBS) institution on August 14, 2000, was awarded a full athletics grant-in-aid to attend Alabama State and was admitted August 23, 2000. He resided at a institution-owned apartment complex and ate meals in the institution's cafeteria during the 2000 preseason football practice and fall semester at no cost to the young man.

- (2) A football student-athlete ("student-athlete 2") graduated from a FBS institution on August 14, 2000, and was awarded a full athletics grant-in-aid to attend Alabama State and was admitted August 22, 2000. He resided at a institution-owned apartment complex and ate meals in the institution's cafeteria during the 2000 preseason football practice and fall semester at no cost to the young man.
  - (3) A football student-athlete ("student-athlete 3") attended a FBS institution and practiced and/or competed on the football team during the 1998-99 and 1999-00 academic years. He was awarded a full athletics grant-in-aid to attend Alabama State and was admitted January 10, 2001. He resided at an institution-owned apartment complex from December 2000 to the end of the 2001 spring semester at no cost to him.
  - (4) A football student-athlete ("student-athlete 4") graduated from a FBS institution on May 21, 2000. He was awarded a full athletics grant-in-aid to attend Alabama State and was admitted June 2, 2000. He resided at an institution-owned apartment complex and ate meals in the institution's cafeteria during the 2000 fall semester at no cost to him.
  - (5) A football student-athlete ("student-athlete 5") graduated from high school May 30, 1999, and was classified as a qualifier prior to attending a two-year institution from 1999-01. He was awarded a partial athletics grant-in-aid of tuition and meals to attend Alabama State and was admitted June 19, 2001. He also resided at the institution-owned apartment complex from August 2001 to April 30, 2002, at no cost to him.
- b. During the summer and fall of 2000, three football prospective student-athletes received impermissible inducements in the form of off-campus lodging, utilities and meals.
- (1) The first prospective student-athlete ("prospect 1") attended and competed in football for a FBS institution from August 1997 to January 2000. He was awarded a full athletics grant-in-aid to attend Alabama State and was admitted January 8, 2001. However, he arrived in Montgomery five months earlier, on August 14, 2000, and resided in an institution residence hall during preseason football practice and the institution-owned, off-campus

apartment complex during the fall semester of the 2000-01 academic year at no cost, despite the fact that he was not allowed to enroll for the fall semester of that academic year. He also consumed meals in the institution's cafeteria during the 2000 preseason football practice and fall semester at no cost.

(2) The second prospective student-athlete ("prospect 2") graduated from a two-year institution in August 2000 and on August 23, 2000, was awarded a full athletics grant-in-aid to attend Alabama State. Prospect 2 resided in an off-campus apartment complex from June 2000 to August 6, 2000, with two other prospects; ("prospect 3") and ("prospect 4") at no cost to the young man. He also ate two or three meals daily in the institution's cafeteria with the football team during summer workouts at no cost.

(3) Prospect 3 graduated from a two-year institution and on August 23, 2000, was awarded a full athletics grant-in-aid to attend Alabama State. He arrived in Montgomery in either June or July 2000 to participate in summer workouts and resided at the off-campus apartment complex. He ate three meals daily in the institution's cafeteria from either June or July to on or about August 6 at no cost to the young man.

c. A football student-athlete ("student-athlete 6") graduated with an associate of science degree from a two-year institution during the summer of 2000. He was awarded a full athletics grant-in-aid to attend Alabama State and was admitted June 7, 2001. He received impermissible extra benefits in the form of lodging and utilities when he resided in an off-campus apartment building owned by an alumnus from early June 2001 to the middle of the 2002 spring semester at no cost to the young man.

d. During the summer of 2000 to the end of the 2001-02 academic year, members of the football coaching staff arranged for, and/or members of the housing and residential life staff provided, impermissible inducements and extra benefits in the form of lodging and/or meals to three football prospective student-athletes ("prospects 5, 6 and 7" respectively) and one football student-athlete ("student-athlete 7"), at no cost to the young men.

(1) Football student-athlete 7 did not have an athletics scholarship to attend Alabama State when he enrolled at the institution in mid-January 2001. The former associate head football coach ("former associate head coach") accompanied student-athlete 7 (and his

brother) to another student-athlete's dormitory room and arranged for the two brothers to reside in the student-athlete's dormitory room until their housing issues had been resolved. Student-athlete 7 slept on the floor and his brother slept in a bed in the dormitory room for two to three days at no cost to the young men.

- (2) Prospect 5 arrived in Montgomery to participate in the football team's summer workouts in June 2000. The director of football operations at the time ("director of football operations") took prospect 5 to a dormitory room assigned to two football student-athletes and told them that prospect 5 was going to sleep on their couch during summer workouts. Prospect 5 slept in the dormitory rooms assigned to the two student-athletes and that of two other student-athletes, until mid-August, at no cost. Prospect 5 also ate three meals daily in the institution's cafeteria at no cost.
- (3) Prospect 6 arrived in Montgomery in early June 2002 during the evening and was picked up at the Birmingham airport by one of the institution's football coaches, who drove him to a dormitory on campus. The coach requested, and a dormitory attendant agreed, to allow prospect 6 to reside in a dormitory room from Monday to Friday at no cost to the young man. During the summer school session in 2002, prospect 6 consumed approximately five meals in the institution's cafeteria at no cost.
- (4) Prospect 7 arrived in Montgomery in June 2000 on a Saturday evening. The associate head coach paid for the young man to stay two nights at a local hotel. Prospect 7 was permitted to check into a dormitory the following Monday.

### **Committee Rationale**

The institution and enforcement staff were in substantial agreement as to the facts of this finding and that violations of NCAA legislation occurred. These findings are a component of the lack of institutional control finding (Finding B-16) and the failure to monitor finding against the former head coach (Finding B-17), both of which include a failure on the part of the football coaching staff to report violations to the institution (Finding B-16-h and B-17-j). The committee finds that the violations occurred and that they are major.

At the hearing, counsel for the head coach stated the following regarding this finding:

(The former head coach) has no knowledge of what is going on in the institution's housing department. He is not a bellhop and he is not delivering bags and helping people move in.

The committee noted that in Finding B-2-d, members of the coaching staff assisted three prospects and one student-athlete in obtaining impermissible housing and/or meals. The failure to monitor as it relates to the head coach stems from his staff encouraging student-athletes to move to the vicinity of the institution's campus, enroll in summer school and participate in summer work-outs in addition to the former head coach's failure to follow up with regard to where they were living and how they were paying for their lodging. In those instances, the coaches told the student-athletes they had a full athletics scholarship for the summer term, which was not true. NCAA legislation at the time did not allow institutions to provide financial aid for prospects enrolled in summer school classes prior to their initial full-time enrollment in the fall.

As early as 1998 (University of Cincinnati) the committee has warned, repeatedly, of the elevated risk of violations when prospects are on campus prior to their first full-time enrollment. In addition to the 1998 Cincinnati report, the committee has, on numerous occasions, stated that institutions have increased responsibility to be vigilant in tracking these prospects to assure compliance with NCAA bylaws. [See: Southeast Missouri State University (2008); Brigham Young University (2008); University of Arkansas (2007); University of West Virginia (2007); University of Kansas (2006); Savannah State University (2006); University of Missouri (2004); University of Wisconsin, Madison (2001); University of Nevada, Las Vegas (2000); University of Arkansas, Little Rock (1999); California State University, Fullerton (1999).] Such responsibility includes: (i) rules education, (ii) procedures in place which are reasonably calculated to track prospects and to assure rules compliance, and (iii) monitoring with follow-through to assure such procedures are followed. Failure to exercise such heightened vigilance demonstrates a lack of institutional control, as seen in this case.

As set forth in Finding B-2-b-(1), prospect 1 attended and competed in football for an FBS institution. He was suspended for one year from that institution for disciplinary reasons; the period of suspension began February 11, 2000, and concluded on February 11, 2001. After he was notified of his suspension, prospect 1 decided to transfer to Alabama State and his previous institution granted a release allowing the transfer. On August 14, 2000, prospect 1 travelled to Montgomery via a one-way airline ticket, ostensibly for what the former head coach said was "an official paid visit." [See Finding B-16.] In reality, it is more likely that prospect 1 travelled to the campus with the intention of enrolling at the institution and joining the football team. However, in a letter dated August 21, 2000, prospect 1's previous institution informed Alabama State that he had been placed on disciplinary probation for the previously specified period. Alabama State policy precluded admission to the institution during the period of time prospect 1

was suspended from his previous institution. Consistent with this policy, the institution's admission office denied prospect 1's admission to the institution for the fall semester of the 2000-01 academic year. On or about August 31, 2000, the then compliance officer told the former head coach that prospect 1 was "not admitted" to the institution.

Despite being denied admission to the institution and not completing a year-in-residence after the completion of the disciplinary suspension, prospect 1 began participating in athletically-related countable activities soon after his August 14, 2000, arrival on campus and concluding shortly before September 2, 2000, (which was the date of the institution's first football contest). NCAA legislation prohibited prospect 1 from participating in pre-season practice until he was admitted to the institution, which did not occur until January 2001. He also resided in a institution residence hall during preseason football practice and later, in a institution-owned, off-campus apartment complex during the fall semester of the 2000-01 academic year at no cost, despite the fact that he was not enrolled for the fall semester of that academic year. He also ate meals in the institution's cafeteria during the 2000 preseason football practice and fall semester at no cost.

The former head coach admitted in a memorandum dated July 14, 2003, that student-athletes 1 and 2 resided in an institution-owned off-campus apartment complex referenced in Finding B-2-a. The former head coach described this apartment complex as an "on-campus" facility, which it was not. The former head coach also claimed that student-athletes 1's and 2's athletics aid paid for the young men's residence in the apartment complex. However, institution records reflect that the two student-athletes did not receive on-campus housing while enrolled at the institution. [Note: Institutional policy prohibits the use of athletics or academic scholarships to pay for off-campus housing. This policy limits the use of an athletics or academic scholarship to on-campus facilities operated by the housing and residential life department.]

The committee also noted that there was some evidence that the former head coach had knowledge regarding impermissible housing being provided to at least one prospect. Student-athlete 4 reported that, a day before preseason football practice ended in the fall of 2000, the associate head coach asked him if three prospective student-athletes (prospect 1 and two unknown young men) could reside in his apartment (located in the institution-owned, off-campus complex) until their admission issues were resolved. At some point prior to the start of the 2000 fall semester, the two unknown prospects discovered that they were ineligible for the 2000-01 academic year and left the institution shortly thereafter. It was later determined that prospect 1 was also ineligible to be admitted to the institution for the fall semester of the 2000-01 academic year, but nonetheless, he continued to reside in student-athlete 4's apartment until at least mid-December. During the fall semester of that year, student-athlete 4 reported that he asked prospect 1 when he was going to move out of the apartment, and the prospect responded that the former head coach told him that he could remain in the apartment. Student-

athlete 4 then took the issue to the former head coach and asked him why prospect 1 was still living in his apartment. According to student-athlete 4, the former head coach responded by saying words to the effect, "(prospect 1) can stay ... and I am not going to make him go home ... (prospect 1) can stay there with you." Further, according to student-athlete 4, the former head coach also told him that he could obtain his own apartment if he wanted privacy, thereby permitting other football student-athletes to reside in the apartment. Student-athlete 4 said he quit the football team and vacated the apartment in mid-December because the former head coach permitted prospect 1 to continue to reside in his apartment. Student-athlete 4 affirmed that prospect 1 did not pay any rent for the apartment. The committee noted that prospect 1 was highly-recruited prior to his enrollment at the FBS institution he attended prior to transferring to Alabama State.

**3. ACADEMIC FRAUD. [NCAA Bylaws 10.1-(b), 14.01.3 (1999-00 and 2004-05 NCAA Division I Manuals), 14.01.3.2 (2001-02 and 2004-05 NCAA Division I Manuals), 14.4.3.1 and 14.4.3.1.3 (2000-01 NCAA Division I Manual), 14.11.1 and 14.11.4.3 (2000-01 NCAA Division I Manual) (NOTE: Bylaws cited with no designation of Manual year refer to the 2007-08 NCAA Division I Manual)]**

During the 1999-00 to 2004-05 academic years, an institutional staff member (or staff members) arranged for fraudulent academic credits for eight football student-athletes. Specifically:

- a. During the 1999-00 academic year, an institutional staff member changed a football student-athlete's ("student-athlete 8") incomplete grade to a letter grade in an art course without prior written authorization from the course instructor and institutional administrators.
- b. During the 2000-01 academic year, an institutional staff member changed a football student-athlete's ("student-athlete 9") letter grade of "F" to a "B" in a history course without prior written authorization from the course instructor and institutional administrators.
- c. During the 2000-01 academic year, an institutional staff member changed a football student-athlete's ("student-athlete 10") letter grade of "F" to "B" in a psychology course without prior written authorization from the course instructor and institutional administrators.
- d. During the 2000-01 and 2001-02 academic years, an institutional staff member changed a football student-athlete's ("student-athlete 11") letter

grades and an incomplete on numerous occasions in six different courses without prior written authorization from the course instructors and/or institutional administrators.

- e. During the 1999-00 and 2004-05 academic years, an institutional staff member changed a football student-athlete's ("student-athlete 12") two letter grades of "F" to "W" (withdrawal) in two courses without prior written authorization from the faculty members and/or institutional administrators.
- f. During the fall semester of 1999, a football student-athlete ("student-athlete 13") earned a letter grade of "C" in a biology course. On January 14, 2000, an institutional staff member deleted the original letter grade of "C" when he or she entered a "no grade" in the system and then replaced it with a letter grade of "A" without prior written authorization from the biology course instructor and/or institutional administrators.
- g. During the summer of 2001, an institutional staff member changed a football student-athlete's ("student-athlete 15") letter grade earned in the spring of 2001 in a history course on numerous occasions without prior written authorization from the course instructor and/or institutional administrators.
- h. During the 1999-00 and 2001-02 academic years, an institutional staff member changed a football student-athlete's ("student-athlete 14") letter grades in a health course and one other course on numerous occasions without prior written authorization from the course instructors and/or institutional administrators.

### **Committee Rationale**

The institution and enforcement staff were in substantial agreement as to the facts of this finding and that violations of NCAA legislation occurred when institutional staff member(s) arranged for fraudulent academic credits for eight football student-athletes. The committee finds that the violations occurred and that they are major. As noted in the introduction of this report, academic fraud is among the most serious of NCAA violations. This finding also serves as a component of the lack of institutional control finding (Finding B-16.)

Of the eight student-athletes listed, all but two received a benefit by avoiding ineligibility status due to the grade changes. For example, in Finding B-3-b, entering the fourth year of student-athlete 9's enrollment at Alabama State, he had a grade-point average (GPA)

which made him ineligible under NCAA progress towards degree legislation ("90-95 rule"). However, after the grade of "F" was changed to a grade of "B" in a history course, his GPA increased enough to permit him to be eligible. In Finding B-3-c, changing student-athlete 10's grade from an "F" to a "B" in a psychology course allowed the young man to avoid having two consecutive semesters with a GPA under 1.5. At Alabama State, if a student-athlete has two consecutive semesters with a GPA of 1.5 or below, he or she is placed on academic probation and is ineligible for athletics participation. In Finding B-3-d, student-athlete 11 had numerous grade changes that manipulated his grades so he could meet NCAA satisfactory progress legislation (the "25-50-75 rule") during the 2000-01 and 2001-02 academic years. Other similar instances occurred in this finding.

**4. VIOLATIONS OF RECRUITING AND FINANCIAL AID LEGISLATION RELATING TO FINANCIAL AID AGREEMENTS. [NCAA Bylaws 13.2.1 (2000-01 and 2002-03 NCAA Division I Manuals) and 15.3.2.3 (2002-03 NCAA Division I Manual)]**

During the 1999-00 to 2001-02 academic years, members of the football coaching staff provided 13 football prospective student-athletes with unsigned grant-in-aid agreements. The prospects subsequently arrived on campus and participated in athletically related activities. The football prospective student-athletes received grant-in-aid agreements that were not signed by the director of financial aid prior to the prospects' signatures.

**Committee Rationale**

The institution and enforcement staff were in substantial agreement as to the facts of these findings and that violations of NCAA legislation occurred. Grant-in-aid agreements must be signed by the director of financial aid before being provided to prospective student-athletes. In this instance, these grant-in-aid agreements were missing some or all of the required institution signatures at the time the prospects signed them. The enforcement staff and the institution believed the violations are secondary. The committee finds that the violations occurred and that they are secondary. This finding serves as a component of the failure to monitor finding against the former head coach (Finding B-17).

**5. EXTRA BENEFITS - IMPERMISSIBLE TELEPHONE CALLS. [NCAA Bylaws 16.11.2.1 and 16.11.2.2.2 (NOTE: Bylaws cited with no designation of Manual year refer to the 2007-08 NCAA Division I Manual)]**

During the summer of 2000 to the 2003 fall semester, numerous football student-athletes, including prospect 7 (while a student-athlete), prospect 3 (while a

student-athlete) and student-athletes 6 and 7, among others, placed impermissible calls at no cost to the young men by using the institution's long-distance telephone codes.

- a. A football student-athlete knew the institution's long-distance telephone code, which he used once or twice a week to call his mother from September 2000 (around the first football contest) to the end of January 2001. The calls each lasted five to 10 minutes.
- b. An unknown former assistant football coach gave a football student-athlete the institution's long-distance telephone code, which he used to make numerous telephone calls to his family and friends from the football offices. The football student-athlete used the code to call his parents at least four times a week, and they talked 45 minutes to one hour each time.
- c. A football student-athlete gave another football student-athlete the institution's long-distance telephone code, which he used to make numerous calls to his mother and friends from the summer of 2000 to the spring of 2001. The football student-athlete called his mother and friends at least 10 times per week, and they talked for 10 to 15 minutes per call.
- d. A football prospective student-athlete provided a football student-athlete with the institution's long-distance telephone code, which he used once or twice a week (before and after football practice) from the football team locker room to place five-minute telephone calls to family and friends.
- e. A football student-athlete obtained the institution's long-distance telephone code during the 1999-00 academic year and used it once or twice a day to call his parents, girlfriend and friends. He also used the telephone in a Residence Hall and the weight room (one time) to make his telephone calls, which lasted from one minute to three hours.
- f. A football student-athlete gave another football student-athlete the institution's long-distance telephone code during the 2000 fall semester, and the football student-athlete used the telephone in the players' locker room to make his calls either before or after football practice. He used the code and made 10 to 30 telephone calls, which lasted approximately five minutes, each week to his family and friends.
- g. A football student-athlete gave another football student-athlete the institution's long-distance telephone code, which he used to call his mother one to two times per week. They talked from 15 minutes to one

hour from April 2001 to the 2003 fall semester. He also used the telephones in the training or conference rooms.

- h. A football student-athlete gave another football student-athlete the institution's long-distance telephone code, and he used the code while using the telephones located in the football front office, coaches' offices and training room to call home.

### **Committee Rationale**

In order to place business-related long-distance calls, institutional employees received access codes from the institution's telecommunications department, primarily from the telecommunications coordinator and the telecommunications operator, with explicit instructions to keep these codes confidential. Nonetheless, the codes were obtained by student-athletes resulting in the violations set forth. In at least one instance, the confidential code was provided by an unidentified assistant football coach.

The institution and enforcement staff are in substantial agreement as to the facts of this finding and that violations of NCAA legislation occurred. The committee finds that the violations occurred and that they are major. After the hearing, the committee notified the institution that it believed the institution failed to monitor with regard to these impermissible calls and requested that it respond with its position on this issue. On September 2 the institution agreed with the committee; therefore, this finding is a component of the lack of institutional control finding detailed in Finding B-16.

### **6. IMPERMISSIBLE OUT-OF-SEASON WORKOUTS. [NCAA Bylaws 13.12.1 (1999-00 and 2001-02 NCAA Division I Manuals), 13.12.1.1 (2001-02 NCAA Division I Manual), 14.3.2.1, 14.3.2.1.1, 16.02.3, 17.02.1 (1999-00 and 2001-02 NCAA Division I Manuals) and 17.02.13 (2001-02 NCAA Division I Manual) (NOTE: Bylaws cited with no designation of Manual year refer to the 2007-08 NCAA Division I Manual)]**

During the 1999-00 to 2001-02 academic years, two prospective football student-athletes and several ineligible football student-athletes participated in out-of-season athletically related activities conducted by the former strength and conditioning coach ("former strength coach"). The former strength coach, along with the football coaching staff, also conducted winter conditioning activities wherein the coaches were assigned different stations during the workouts. Specifically:

- a. During the summer of 2001, the former strength coach conducted summer weightlifting sessions at which two football prospective student-athletes participated in approximately 18 sessions prior to the young men's enrollment at the institution.
- b. During the 2000, 2001 and 2002 spring semesters, 14 ineligible football student-athletes participated in winter conditioning activities and/or spring practice sessions conducted by the institution's football program. The former strength coach provided recognition or incentives (i.e., T-shirts) to a number of student-athletes based on the young men's attendance or performance during the spring activities.

### **Committee Rationale**

The institution and enforcement staff were in substantial agreement as to the facts of this finding and that violations of NCAA legislation occurred.

Nonqualifiers were permitted to participate in voluntary weightlifting in the presence of the strength and conditioning coach prior to April 9, 2001, if (1) the weightlifting sessions were voluntary, (2) the strength and conditioning coach did not conduct the workouts, and (3) the student-athletes were not required to report progress information related to their voluntary workout programs. Nonqualifiers were permitted to participate in voluntary weightlifting in the presence of the strength and conditioning coach after April 9, 2001, if (1) the weightlifting sessions were voluntary, (2) the strength and conditioning coach did not conduct the workouts, (3) the student-athletes were not required to report to a coach or other athletics department staff members (e.g., strength coach) any information related to the activity, (4) the student-athletes' attendance and participation in the activity (or lack thereof) was not recorded for the purpose of reporting such information to coaching staff or other student-athletes, and (5) neither the institution nor any athletics staff member provided recognition or incentives (e.g., awards) to a student-athlete based on his attendance or performance in the activity.

The committee finds that the violations occurred and that they are major in nature. This finding serves as a component of the lack of institutional control finding (Finding B-16) and the failure to monitor finding involving the former head coach (Finding B-17).

- 7. IMPERMISSIBLE TRANSPORTATION DURING PROSPECTIVE STUDENT-ATHLETES' OFFICIAL VISITS. [NCAA Bylaws 13.5.1 (2002-03 and 2003-04 NCAA Division I Manuals) and 13.7.5.1 (1999-00, 2000-01 and 2003-04 NCAA Division I Manuals)]**

During the 1999-00 to 2003-04 academic years, student hosts transported at least 10 football prospective student-athletes from the institution's campus in Montgomery, Alabama, to Tuskegee, Alabama, during official paid visits. The distance between the institution's campus and Tuskegee exceeds the 30-mile distance from campus for entertainment during official paid visits specified by NCAA recruiting legislation.

### **Committee Rationale**

The institution and enforcement staff are in substantial agreement as to the facts of this finding and that secondary violations of NCAA legislation occurred. This finding, as it concerns the tenure of the former head coach (January 14, 2000, to August 4, 2003), serves as a component of the failure to monitor finding involving the former head coach (Finding B-17). The committee finds that the violations occurred and that they are secondary in nature.

### **8. IMPERMISSIBLE RECRUITING CONTACTS. [NCAA Bylaws 13.02.3 (2001-02 NCAA Division I Manual) and 13.02.4.3 (NOTE: Bylaws cited with no designation of Manual year refer to the 2007-08 NCAA Division I Manual)]**

While traveling to an away contest in the fall of 2001, members of the football coaching staff made impermissible contact with three prospective student-athletes.

### **Committee Rationale**

The institution and enforcement staff are in substantial agreement as to the facts of this finding and that a secondary violation of NCAA legislation occurred. The former head coach agrees that he had an unavoidable incidental contact with the prospects at the restaurant but denies that his contact with the prospects violated Bylaw 13.02.3. Further, these findings are a component of the lack of institutional control finding (Finding B-16) and the failure to monitor finding against the former head coach (Finding B-17), both of which includes a failure on the part of the football coaching staff to report violations to the institution (Finding B-16-h and Finding B-17-j). The committee finds that the violation occurred and it is secondary.

On Friday, November 16, 2001, members of the football coaching staff made an in-person, off-campus contact with three football prospective student-athletes at a restaurant

in Mississippi. This impermissible contact lasted for five to 15 minutes and occurred during a quiet period. Former assistant coach A introduced three prospective student-athletes to members of the Alabama State football coaching staff at the restaurant. The contact occurred during a lunch break when the football team was being transported from Montgomery, Alabama, to Itta Bena, Mississippi, for a Saturday, November 17, 2001, contest with Mississippi Valley State University.

In his response to the notice of allegations, former assistant coach A reported that, while passing through Mississippi during the time in question, he received a call from a high school assistant football coach. In the course of the conversation, he (former assistant coach A) asked the high school coach if he would like to meet the Alabama State football staff for lunch because former assistant coach A knew the high school coach was interested in coaching at the collegiate level. Ultimately, the high school coach could not join the staff for lunch. Former assistant coach A stated that the team was travelling by bus, and the bus driver stopped at a location where there were several restaurants. Former assistant coach A stated that he, the former head coach, the former associate head coach and others in the travel party chose a restaurant for lunch. While the coaches were in the line to order their meals, three young men, two of whom former assistant coach A knew as prospects, came into the restaurant and got in the line to order their lunch. Former assistant coach A stated that he was "extremely surprised" to see the two prospects at the restaurant. Former assistant coach A recalled that he knew the two prospects from a prior trip he made to the area to evaluate them. Former assistant coach A reported that he greeted the prospects and introduced the two young men to the former head coach and at least the former associate head coach. Former assistant coach A stated that, after picking up his lunch, he sat at the only empty table in the restaurant. After the two prospects and the other young man ordered and paid for their lunch, they came over to the table where former assistant coach A was sitting and sat down in the only empty chairs in the restaurant until their food was ready for them to pick up. Once their order was called, they picked up their lunch and left the restaurant. Former assistant coach A contended that little more was said other than normal greetings and the contact was "incidental."

None of the members of the coaching staff reported this impermissible contact to the proper institution officials. Even though the contact appeared to be incidental, a decision was made to cease the recruitment of the three prospects. Because the recruitment of the young men was terminated, combined with the fact that the contact appeared to be isolated and incidental, the committee concluded that no recruiting advantage was obtained and thus the violation was secondary.

**9. RECRUITING VIOLATIONS – IMPERMISSIBLE MEALS AND TRANSPORTATION. [NCAA Bylaws 13.2.1 (2000-01 NCAA Division I**

**Manual), 13.5.1 (2000-01 NCAA Division I Manual), 13.6.1 (2000-01 NCAA Division I Manual) and 13.6.1.1 (2000-01 NCAA Division I Manual) (NOTE: Bylaws cited with no designation of Manual year refer to the 2007-08 NCAA Division I Manual)]**

During the 2001 spring semester, former assistant coach A provided impermissible inducements in the form of transportation and meals at no cost to two football prospective student-athletes ("prospects 8 and 9" respectively), in addition to family members and a friend of prospect 9.

### **Committee Rationale**

The institution and enforcement staff are in agreement as to the facts of these findings and that secondary violations of NCAA legislation occurred. Further, these findings are a component of the lack of institutional control finding (Finding B-16) which includes a failure on the part of the football coaching staff to report violations to the institution (Finding B-16-h). The committee finds that the violations occurred and that they are secondary.

The investigation revealed that, in January 2001, former assistant coach A transported the two prospects from the campus of a two-year college to prospect 9's father's residence (a distance of approximately 93 miles). Former assistant coach A then provided a meal to both prospects and prospect 9's parents, girlfriend and her child at an area restaurant at no cost to the parties. After dinner, former assistant coach A drove the two prospects from the restaurant back to the prospects' residence on the two-year college campus (a distance of approximately 87 miles).

### **10. RECRUITING VIOLATION – FAILURE TO NOTIFY OF OFFICIAL VISIT LIMITATIONS. [NCAA Bylaw 13.7.1.2.1 (1999-00 and 2001-02 NCAA Division I Manuals)]**

During the 1999-00 to 2001-02 academic years, prior to official paid visits, the institution failed to provide written notification to at least 22 football prospective students of the NCAA five-visit limitation.

### **Committee Rationale**

The institution and enforcement staff are in substantial agreement as to the facts of this finding and that secondary violations of NCAA legislation occurred. The committee finds that the violations occurred and that they are secondary. Further, these findings are a component of the lack of institutional control finding (Finding B-16) which includes a

failure on the part of the football coaching staff to report violations to the institution (Finding B-16-h) and the failure to monitor finding against the former head football coach (Finding B-17).

**11. RECRUITING VIOLATIONS – EXCESSIVE ENTERTAINMENT MONIES. [NCAA Bylaws 13.02.5.1-(e) (1999-00 NCAA Division I Manual) and 13.7.5.5-(a) (1999-00 NCAA Division I Manual)]**

During an official paid visit to the institution on February 4-6, 2000, two football student-athletes received impermissible extra benefits of entertainment money in excess of the amount permitted under NCAA legislation. Specifically:

- a. One football student-athlete was a student host for two prospective student-athletes and received \$120 in entertainment money (an excess of \$30) to entertain the prospects during their official paid visit.
- b. Another football student-athlete was a student host for three prospective student-athletes and received \$180 in entertainment money (an excess of \$60) to entertain the prospects during their official paid visit.

**Committee Rationale**

The institution and enforcement staff are in agreement as to the facts of this finding and that secondary violations of NCAA legislation occurred. The committee finds that the violations occurred and that they are secondary. This finding is a component of the failure to monitor finding against the former head coach (Finding B-17).

**12. RECRUITING VIOLATIONS – IMPERMISSIBLE INDUCEMENTS DURING OFFICIAL AND UNOFFICIAL VISITS. [NCAA Bylaws 13.02.14.2 (2000-01 NCAA Division I Manual), 13.02.14.2.1 (2000-01 NCAA Division I Manual), 13.02.15.1, 13.6.3 (2000-01 NCAA Division I Manual), 13.6.7.4 and 13.7.1.2.1 (2000-01 NCAA Division I Manual) (NOTE: Bylaws cited with no designation of Manual year refer to the 2007-08 NCAA Division I Manual)]**

During the weekend of February 2-4, 2001, a former assistant football coach ("former assistant coach B") arranged for cost free lodging and meals to be provided to a prospective student-athlete ("prospect 10") in conjunction with the prospect's unofficial visit to the institution's campus. Former assistant coach B also gave the prospect approximately \$30 for mileage. Because this was an

unofficial visit by prospect 10, these benefits could not be provided under NCAA legislation. Further, prospect 10's student host provided cash to him and another prospective football student-athlete ("prospect 11") during the visit.

### **Committee Rationale**

The institution and enforcement staff are in agreement as to the facts of this finding and that secondary violations of NCAA legislation occurred. Further, these findings are a component of the lack of institutional control finding (Finding B-16) which includes a failure on the part of the football coaching staff to report violations to the institution (Finding B-16-h). The committee finds that the violations occurred and that they are secondary.

During January 2001, former assistant coach B made recruiting contacts with several prospects living in Florida, including prospects 10 and 11, and a third prospect ("prospect 12"). During the course of these contacts, former assistant coach B invited prospects 11 and 12 to make official visits to the institution. When prospects 11 and 12 refused either to drive themselves or take the bus in order to travel to the institution's campus, former assistant coach B invited prospect 10 to make an unofficial visit and, in doing so, drive the other two prospects to the campus. Subsequent to the invitations to visit the institution's campus, prospect 12 verbally committed to attend an FBS institution. Shortly thereafter, prospect 12 informed former assistant coach B of his decision and that he would not be visiting the institution. Nonetheless, former assistant coach B encouraged prospect 12 to make the visit.

Prospects 10 and 11 drove from Florida to Montgomery on Friday, February 2, 2001, in prospect 10's automobile. Prospect 12 did not make the trip. Upon their arrival in Montgomery, the two prospects met former assistant coach B in the lobby of a local hotel. Former assistant coach B immediately asked the two, "Where is (prospect 12)?" Prospect 11 informed the coach that prospect 12 decided not to come. Former assistant coach B subsequently accompanied the young men to the hotel registration desk and requested the keys for the hotel room reserved in the names of prospect 11 and the now absent prospect 12. Upon providing the keys to prospects 10 and 11, former assistant coach B told prospect 10 "not to worry" about the arrangement.

That night, the prospects ate dinner with the coaching staff, other prospective student-athletes and student hosts at the football facilities. Later that night, the two prospects and the student host and others were entertained by strippers in a student-athlete's apartment. In conjunction with that entertainment, the student-athlete assigned to host the prospects gave prospect 11 \$5 to \$15 and prospect 10 \$15 to \$25 in order for the young men to tip the strippers.

On February 3, during the course of his unofficial visit, prospect 10 was improperly provided breakfast, lunch and dinner at no cost to him. That night, the student-athlete host took both prospects to an Alabama State basketball game and purchased a pizza for them after the game.

On February 4, prospect 10 was improperly provided breakfast at no cost before meeting with former assistant coach B and the former head coach at the hotel. Former assistant coach B reimbursed prospect 10 approximately \$30 for mileage.

**13. RECRUITING VIOLATIONS – EXCEEDING OFFICIAL PAID VISIT TIME LIMITS; PARTICIPATION IN ATHLETICALLY RELATED ACTIVITIES PRIOR TO ADMITTANCE TO INSTITUTION; PROVISION OF IMPERMISSIBLE INDUCEMENTS. IMPERMISSIBLE COMPETITION WHILE INELIGIBLE. [NCAA Bylaws 13.2.1 (2000-01 and 2001-02 NCAA Division I Manuals), 13.2.2-(h), 13.7.2 (2000-01 NCAA Division I Manual), 13.7.2.1 (2000-01 NCAA Division I Manual), 13.12.1 (2000-01 and 2001-02 NCAA Division I Manuals), 14.01.2 (2001-02 NCAA Division I Manual), 14.1.8.1, 14.1.8.1.1, 14.5.1.3, 16.5.1-(b) (2001-02 NCAA Division I Manual), 17.02.1 (2001-02 NCAA Division I Manual) and 17.1.1 (NOTE: Bylaws cited with no designation of Manual year refer to the 2007-08 NCAA Division I Manual)]**

The institution and members of the football coaching staff failed to comply with the NCAA official paid visit limitation legislation when it permitted the campus visits of prospect 1 and a second football prospective student-athlete ("prospect 13") to exceed 48 hours in August 2000 and July 2001, respectively.

Further, during the 2000-01 to 2001-02 academic years, student-athlete 3 (while a prospect) along with prospects 1 and 13 participated with the football team in athletically related activities on one or more occasions prior to being officially admitted to the institution and/or completing one year in residence after the completion of a disciplinary suspension. In addition, prior to his admission to the institution, prospect 13 received impermissible inducements in the form of medical services, lodging and meals during the 2001 preseason football practice sessions at no cost to the young man. Finally, on November 3, 2001, prospect 13 competed in one contest despite being below the minimum 12-credit-hour requirement for a full-time student at the institution.

### **Committee Rationale**

The institution and enforcement staff are in substantial agreement as to the facts of this finding and that violations of NCAA legislation occurred. The committee finds that the violation occurred and that it is major. Further, this finding is a component of the lack of institutional control finding (Finding B-16) which includes a failure on the part of the football coaching staff to report violations to the institution (Finding B-16-h) and the failure to monitor finding against the former head coach (Finding B-17).

As described in Finding B-2, on August 14, 2000, prospect 1 traveled to the institution's campus from Oklahoma via a one-way airline ticket, ostensibly for an official paid visit. Rather than leaving campus as required at the end of an official paid visit, he remained in Montgomery and attempted to gain admission to the institution. In the process, he exceeded the 48 hour limit for an official visit. Despite being initially denied admission to the institution due to a disciplinary suspension from the FBS institution he previously attended, he remained on campus, resided in an institution-owned off-campus apartment complex and received meals at an institution cafeteria, all at no cost, during the fall semester of the 2000-01 academic year. (See: Finding B-2-b-(1)) He also took part in preseason athletically related activities prior to being admitted to the institution, which was contrary to NCAA legislation. Prospect 1 was ultimately granted admission at Alabama State for the spring semester of the 2000-01 academic year.

With regard to prospect 13, on July 27, 2001, he traveled from Oklahoma to Montgomery at 10:15 a.m. Central Time for his official paid visit to the institution, and he departed Montgomery July 29 at 6:40 p.m. Central Time, thus exceeding the 48 hour limit for an official paid visit. Further, prospect 13 resided in an institution residence hall and ate meals in the institution's cafeteria, at no cost, while he participated in preseason practice in late August 2001. All of this occurred before prospect 13 was officially admitted to the institution and thus was still a prospective student-athlete. (Note: prospect 13 had previously attended a FBS institution. According to institution officials, prospect 13 did not have an admission application, transcript or test scores on file with the admissions office during the time in question. Additionally, while participating in these preseason football activities, prospect 13 suffered leg injuries for which he received cost-free medical services, a benefit he was not entitled to because he was not yet considered a student-athlete, but rather a prospect under NCAA legislation. [Note: prospect 13 was officially admitted to the institution on August 28, 2001.] Finally, on October 29, 2001, prospect 13 was dropped from a humanities course for failure to attend class. Thereafter, prospect 13 was enrolled in nine credit hours, which rendered him ineligible under NCAA legislation. At that point, prospect 13 should have been withheld from practicing and competing pursuant to NCAA Bylaws 14.01.2 and 14.1.6.1. However, on November 3, 2001, despite failing to maintain a full-time credit load, prospect 13 competed in Alabama State's contest with Grambling State University.

With regard to football student-athlete 3, as set forth in Finding B-2-a-(3), he attended a FBS institution and competed on its football team in 1999 and 2000. During the 2000-01 academic year, that institution placed him on disciplinary probation until June 2001. After being placed on probation, student-athlete 3 decided to transfer from the FBS institution to Alabama State. On January 10, 2001, football student-athlete 3 applied to Alabama State and was granted admission on January 20 for the spring 2001 semester. Student-athlete 3 did not inform Alabama State admission officials that he was on probation from his previous institution; thus, he was initially admitted and subsequently enrolled in 13 credit hours. [Note: As previously established, institutional policy precludes the admission of students on disciplinary suspension from previous institutions.] In response to a September 5, 2001, request for information from the compliance officer, student-athlete 3's previous institution informed Alabama State that the young man had been placed on disciplinary probation at that institution. Consistent with institutional policy, on September 6, the compliance officer provided a memorandum to the former head coach notifying him that student-athlete 3 "was not eligible at the time of departure from (his previous institution)." Despite this notification, on September 8, 2001, student-athlete 3 competed in the Alabama State contest with Alcorn State University. As previously stated, student-athlete 3 was, at the time, ineligible because he was on disciplinary probation at his previous institution. Moreover, NCAA legislation prohibited student-athlete 3 from competing on the football team until June 2002. Despite these restrictions, student-athlete 3 subsequently participated in seven more contests while ineligible during the 2001 football season.

**14. PROVISION OF IMPERMISSIBLE RESTAURANT MEALS. [NCAA Bylaws 13.02.15.1 and 13.7.5.5.2 (2001-02 NCAA Division I Manual) (NOTE: Bylaws cited with no designation of Manual year refer to the 2007-08 NCAA Division I Manual)]**

On December 14, 2001, during an official paid visit to the institution by a football prospective student-athlete ("prospect 14"), a former assistant coach permitted two football student-athletes, who were serving as prospect 6's student hosts, to receive free restaurant meals in violation of NCAA legislation.

**Committee Rationale**

The institution and enforcement staff are in agreement as to the facts of this finding and that a secondary violation of NCAA legislation occurred. The committee finds that the violations occurred and that they are secondary. Further, these findings are a component of the lack of institutional control finding (Finding B-16) which includes a failure on the

part of the football coaching staff to report violations to the institution (Finding B-16-h) and the failure to monitor finding against the former head coach in Finding B-17.

**15. RECEIPT OF SUPPLEMENTAL OUTSIDE INCOME WITHOUT PRIOR APPROVAL. [NCAA Bylaws 11.2.2 (2000-01 and 2003-04 NCAA Division I Manuals) and 11.3.2.1 (1999-00, 2000-01 and 2007-08 NCAA Division I Manuals)]**

Between January 2000 and December, 2003, members of the institution's football coaching staff received athletically related supplemental income and benefits from various sources outside the institution without obtaining the requisite annual prior written approval.

**Committee Rationale**

The institution and enforcement staff are in substantial agreement as to the facts of this finding and that violations of NCAA legislation occurred. The former head coach denies that he violated Bylaws 11.2.2 and/or 11.3.2.1 because he claimed that he did not earn any athletically related income outside of the institution from January 2000 through August 2003. The committee finds that the violation occurred and that it is secondary. Further, this finding is a component of the lack of institutional control finding (Finding B-16) which includes a failure on the part of the football coaching staff to report violations to the institution (Finding B-16-h) and the failure to monitor charge against the former head coach as outlined in Finding B-17.

The committee noted that the former head coach's 2002 contract contained the following language with respect to the issue of outside income:

(The former head coach) shall submit to the president of the institution annually in writing a request for approval for all athletically-related income and benefits from sources outside the institution, and (the former head coach) is required to receive annually from the chief executive officer of ASU prior written approval for all athletically-related income and benefits from sources outside the institution.

With regard to the source of outside income for which the coaches did not receive approval, the two coaches formed a business using a name they trademarked, which was a derivative of their last name. This business sold "apparel," other merchandise, and services, including "T-shirts, license plates, sweat tops," and other items. This merchandise was sold at the Alabama State's campus bookstore (beginning in 2000), as well as in the "tailgating area" during the institution's football contests. The revenue

from the merchandise sales was deposited into the coaches' personal checking account. The Alabama State football office was listed as the account's mailing address. Checks drawn on the account were used for numerous purchases, including season tickets, office supplies, t-shirts and travel. The coaches received all of the profits from the merchandise sale. However, the former head coach admitted to the NCAA enforcement staff that he failed to obtain permission from or provide written reports to the Alabama State chief executive office (president) concerning this source of outside income. He claimed that the institution was aware of his outside income because he sent memoranda and letters to the institution's president relating to his outside income and/or seeking information regarding how to report it. The institution conducted a thorough review of its files, which it contended were complete with regard to coaching contract information, and strongly denied receiving any of the documents purportedly provided by the former head coach relating to this issue.

The former associate head coach also denied engaging in any conversations with or obtaining permission from the Alabama State chief executive office (president) concerning the income generated from the enterprise. The former associate head coach admitted possessing knowledge that the former head coach's employment agreement with the institution included a provision concerning "generating money outside of" the institution.

**16. LACK OF INSTITUTIONAL CONTROL. NCAA Constitution 2.1.1 (2004-05 NCAA Division I Manual), 2.1.2, 2.8.1 and 6.01.1; and NCAA Bylaw 30.3.5 (1999-00, 2003-04 and 2004-05 NCAA Division I Manuals) (NOTE: Bylaws cited with no designation of Manual year refer to the 2007-08 NCAA Division I Manual)]**

During the 1999-00 to 2002-03 academic years, the institution exhibited a lack of institutional control, primarily over its football program. Specifically:

- a. During the 1999-00 to 2002-03 academic years, the institution failed to provide adequate NCAA rules-education to coaches, student-athletes, faculty, staff and representatives of the institution's athletics interests.
- b. During the 1999-00 to 2002-03 academic years, the institution failed to employ an adequate and consistent procedure for certifying and monitoring the eligibility of incoming, transfer or continuing student-athletes in that student-athletes were erroneously certified as eligible at times when they were not. As a result of this failure, ineligible student-athletes were improperly permitted to practice and compete, and received

athletically related financial aid at the institution, as referenced Findings B-1, B-6 and B-13.

- c. During the 1999-00 to 2002-03 academic years, the institution's compliance failures and lack of institutional control were due to a lack of (1) documentation of compliance-related data and (2) compliance education on a department-wide basis. The failure to adequately document compliance-related data in an organized or systematic fashion increased the likelihood for errors to be made in certifying student-athletes' eligibility and monitoring recruiting and practice activities, as referenced in Findings B-1, B-2, B-6 and B-13.
- d. During the 1999-00 to 2004-05 academic years, an institutional staff member (or staff members) arranged for fraudulent academic credits for numerous football student-athletes when the young men's original letter grades were changed and/or original incomplete grades were removed without such changes being approved by the relevant faculty members and administrators under institutional policy and procedures, as referenced in Finding B-3. These changes were made to ensure that these student-athletes remained academically eligible and resulted in ineligible participation by these student-athletes.
- e. During the 1999-00 to 2002-03 academic years, the institution's compliance staff and athletics administration failed to monitor prospective student-athletes' participation in summer workouts and student-athletes' participation in football practices, winter conditioning activities, spring football and competition, which resulted in ineligible prospective student-athletes and/or student-athletes' participation in these activities, as referenced in Findings B-1, B-6 and B-13.
- f. During the 2000-01 to 2002-03 academic years, the institution failed to monitor annually the athletically related supplemental income and benefits from sources outside the institution, for the former head coach and the former associate head coach, as referenced in Finding B-15.
- g. The institution's previous two directors of athletics, previous three interim directors of athletics, previous faculty athletics representative, previous certification officer; and previous assistant director of athletics for academic services and director of compliance, all had functions related to eligibility certification. However, the ultimate responsibility for the coordination of the certification of student-athletes' eligibility under NCAA initial- and continuing-eligibility rules was vested in the previous

certification officer and the previous assistant director of athletics for academic services/director of compliance. Both these individuals started their positions without NCAA rules-compliance training and did not receive comprehensive initial and follow-up training in NCAA progress-toward-degree legislation. Further, no one at the institution -- including the two previous directors of athletics; the three previous interim directors of athletics or the previous faculty athletics representative - had sufficient NCAA rules-compliance training. Consequently, the institution could not adequately monitor the work of the previous certification officer and the previous assistant director of athletics for academic services/compliance for accuracy. This led to violations referenced in Findings B-1, B-6 and B-13.

- h. During the 2001-02 academic year, institutional employees failed to report known violations of NCAA legislation to the institution, NCAA and/or the conference, as referenced in Findings B-2, B-8, B-9, B-10, B-12, B-13, B-14, and B-15.
- i. During the summer of 2000 and through the end of the 2001-02 academic year, the institution provided impermissible inducements and extra benefits to football prospective student-athletes and student-athletes when they received lodging, utilities and/or meals at no cost to the young men, as referenced in Findings B-2, B-9, B-12, B-13 and B-14.
- j. During the summer of 2000 to the 2003 fall semester, numerous football student-athletes used the institution's long-distance telephone codes to place impermissible calls at no cost to the young men as set forth in Finding B-5.

### **Committee Rationale**

The institution and enforcement staff are in agreement as to the facts of this finding and that violations of NCAA legislation occurred. The committee finds that the institution exhibited a lack of institutional control.

As the institution admitted in its response to the notice of allegations, beginning with the 1999-00 academic year and ending in the 2002-03 academic year, key personnel involved in the application of NCAA academic-progress rules lacked appropriate levels of expertise and knowledge of these rules resulting in an inadequate certification system and a number of improper certifications of the institution's student-athletes. Further, the lack of a comprehensive NCAA rules-compliance monitoring, education, and training

program at the institution created an environment that facilitated the violation of NCAA legislation by members of both the administrative staff and the football coaching staff. Moreover, according to the institution, a significant contributing factor in the lack of institutional control was the fact that, historically, the institution did not invest sufficient personnel, resources, training and attention to operate an effective athletics compliance program. For example, the athletics certification officer during this period of time simultaneously held a full-time faculty position and part-time athletics compliance position. As a result, the athletics certification officer was unable to devote the necessary time to carry out his certification duties and responsibilities. Further, the athletics compliance program was not coordinated on a comprehensive basis with other institutional departments, including the admissions office. As stated in the introduction of this report, the lack of personnel, resources, and training contributed to various compliance-related violations, delays, and issues. Symptomatic of this was the fact that the institution was cited by the Southwestern Athletic Conference (SWAC) for failure to submit eligibility forms and documentation on a timely basis.

Also contributing to the institution's compliance failures and resultant lack of institutional control was a general lack of compliance education and monitoring institution-wide. In particular, the lack of a comprehensive NCAA rules-compliance education, training, and monitoring program at the institution created an environment that facilitated violation of NCAA legislation by members of the department of housing and residential life, department of financial aid, athletics department, and the then football coaching staff, as well as the faculty athletics representative. Former members of the institution's football coaching staff and current campus administrators recalled the institution failed to provide any significant rules-compliance education programs (beyond preparation for the coaches' annual recruiting examination). Although there is evidence that the institution did provide coaches and student-athletes with a minimal rules-education program including rules education seminars conducted outside of the annual preseason meeting, the institution's efforts did not meet the standards associated with institutional control. In fact, the institution discovered personnel were not provided rules-education newsletters or current NCAA manuals.

**17. FAILURE TO MONITOR BY FORMER HEAD COACH. [NCAA Constitution 2.8.1 (NOTE: Bylaws cited with no designation of Manual year refer to the 2007-08 NCAA Division I Manual)]**

The scope and nature of the violations detailed in Findings B-2, B-4, B-6, B-7, B-8, B-10, B-11, B-13, B-14 and B-15 demonstrates that former head coach failed to monitor his and his staff's activities for NCAA rules compliance and thereby failed to maintain an atmosphere of compliance among his staff and within the intercollegiate football program. Specifically:

- a. From the summer of 2000 to the end of the 2001-02 academic year, members of the football coaching staff were involved in the provision of off-campus and on-campus housing and meals to football prospective student-athletes and student-athletes at no cost to the young men, as referenced in Finding B-2.
- b. During the 1999-00 to 2002-03 academic year, members of the institution's football coaching staff provided 13 football prospective student-athletes with unsigned athletics grant-in-aid agreements, as referenced in Finding B-4.
- c. During the 1999-00 to 2001-02 academic years, two prospective student-athletes and several former ineligible football student-athletes participated in out-of-season athletically related activities conducted by the former strength and conditioning coach. The former strength coach, along with the football coaching staff, also conducted the winter conditioning activities wherein the coaches were assigned different stations during the workouts. At the end of the summer, the strength coach provided recognition and incentive (i.e., T-shirts) to student-athletes for perfect attendance and for reaching certain athletically related achievement during the out-of-season workouts, as referenced in Finding B-6.
- d. During the 1999-00 to 2003-04 academic years, members of the football coaching staff failed to monitor the transportation of football prospective student-athletes outside the 30-mile radius from the institution's campus by student hosts, as referenced in Finding B-7.
- e. On Friday, November 16, 2001, the former head coach, along with members of his football coaching staff, had impermissible in-person contact with three prospective student-athletes and failed to report said impermissible contact, as referenced in Finding B-8.

- f. During August 2000 and July 2001, members of the football coaching staff failed to limit two football prospective student-athletes' official paid visits to 48 hours. Additionally, during the 2000-01 to 2001-02 academic years, members of the football coaching staff permitted (or, at a minimum, failed to implement procedures that prevented) football prospective student-athletes and student-athletes to participate with the football team in athletically related activities prior to being officially admitted to the institution and/or completing one year in residence after the completion of a disciplinary suspension, as referenced in Finding B-13. The former head coach is responsible for assuring that prospects and student-athletes are eligible prior to participation in practice and/or competition.
- g. From January 2000 to December 8, 2003, the former head coach and other members of the football coaching staff received athletically related supplemental income and benefits from various sources outside the institution without obtaining the requisite annual prior written approval from the institution's president and, after August 1, 2001, without providing the requisite annual written detailed account to the president, as referenced in Finding B-15.
- h. On December 14, 2001, during an official paid visit to the institution by a football prospective student-athlete, a former assistant coach permitted two football student-athletes, who were serving as prospect 14's student hosts, to receive free restaurant meals in violation of NCAA legislation, as referenced in Finding B-14.
- i. The former head coach and football coaching staff members were involved in violations of NCAA benefits and recruiting legislation, as referenced in Findings B-6, B-10 and B-11.
- j. There were no self-reports of violations referenced in Findings B-2 and B-8 to the institution by the former head coach or members of his staff.

### **Committee Rationale**

The institution and enforcement staff are in agreement as to the facts of this allegation and that violations of NCAA legislation occurred. The former head coach disagrees that he violated NCAA legislation. In his response to the notice of allegations, the former head coach wrote:

...absent acute knowledge by (the former head coach) of NCAA violations being committed by his staff and/or reasonable cause to believe violations

of NCAA were being committed by members of his staff, the duty to monitor would fall on the institution, the institution's athletics director, and compliance officer(s) and faculty athletics representative. Bylaw 2.8.1 states that members and groups shall comply with applicable Association rules, which places the responsibility of the adherence to rules on the institution, not on the head coach as (the former head coach) has been charged. Bylaw 2.8.1 does not specify nor mention the head coach. (A failure to monitor finding) against (the former head coach) is not supported by any reliable or credible evidence. There is no evidence or suggestion that (the former head coach) failed to act in the appropriate fashion in the face of NCAA rules violations. There is no evidence or suggestion that (the former head coach) had a reasonable belief to suspect that one or more of his staff was involved in violations of NCAA rules violations. There is no evidence or suggestion that compliance officials at the institution, athletics director, faculty athletics representative, or president informed, warned, or reprimanded (the former head coach) for any failure to abide by NCAA, SWAC, or institutional rules and bylaws.

The committee finds that the former head coach failed to monitor his program.

With respect to the former head coach's contention that he is not responsible for monitoring, the committee's 1996 Principles of Institutional Control paper and case precedent state otherwise. The Principles of Institutional Control paper has been widely distributed to the membership and explains the committee's position regarding what "institutional control" means. The paper contains the following:

A head coach has special obligation to establish a spirit of compliance among the entire team, including assistant coaches, other staff and student-athletes. The head coach must generally observe the activities of assistant coaches and students to determine if they are acting in compliance with NCAA rules. Too often, when assistant coaches are involved in a web of serious violations, head coaches profess ignorance, saying that they were too busy to know what was occurring and that they trusted their assistants. Such a failure by head coaches to control their teams, alone or with the assistance of a staff member with compliance responsibilities, is a lack of institutional control. (Or in this case, a failure to monitor.) This is not to imply that every violation by an assistant coach involves a lack of institutional control (or failure to monitor). If the head coach sets a proper tone of compliance and monitors the activities of all assistant coaches in the sport, the head coach cannot be charged with the secretive activities of an assistant bent on violating NCAA rules.

Moreover, infractions case precedent is replete with instances in which head coaches were cited for failure to monitor pursuant to Constitution 2.8.1. [See, for example: Brigham Young University (Infractions Report No. 273 – March 11, 2008); Long Beach State University (Infractions Report No. 275 – March 6, 2008); Bucknell University (Infraction Report No. 161 - July 15, 1999); California State University, Fullerton (Infractions Report No. 158- April 29, 1999); Baylor University (Infractions Report No. 122 - September 19, 1995); University of Louisville (Infractions Report No. 154 - September 22, 1998).]

In addition, in at least one instance, the former head coach knew that impermissible housing was being provided to a prospect (Finding B-2). In this instance, student-athlete 4 complained to the former head coach about the fact that former prospect 1 continued to live in his apartment, cost-free, while the prospect was attempting to gain eligibility to enroll at Alabama State during the fall of 2000. Ultimately, according to student-athlete 4, the former head coach told him, in no uncertain terms, that prospect 1 would be allowed to continue to live in his apartment. This stand by the former head coach prompted student-athlete 4 to move from the apartment.

Despite the above-described instance, the former head coach claimed that "there is no evidence or suggestion that [he] had a reasonable belief to suspect that one more of his staff was involved in violations of NCAA rules violations." Even were that true, it is beside the point. As previously stated, the responsibility of a head coach for his program goes well beyond dealing with specific instances of rules violations of which he has knowledge. Rather, a head coach has an affirmative obligation to be pro-active in creating an environment of compliance where coaches understand their obligation to avoid rules violations and to timely report any violations that occur. The committee noted that the former head coach was involved in a prior NCAA infractions cases that also included recruiting violations (Tennessee State University; Infractions Report No. 168 (January 5, 2000)) which should have underscored for him the importance of the football staff understanding and complying with recruiting requirements. The number and pervasiveness of the violations in the football program make clear that the former head coach failed in his responsibility. The committee finds that he failed to monitor the football program.

### **C. PENALTIES.**

For the reasons set forth in Parts A and B of this report, the Committee on Infractions found that this case involved major violations of NCAA legislation. In determining the appropriate penalties to impose, the committee considered the long period of time it took to complete the case and bring it before the committee. The committee was concerned

by the large number of violations and the fact that the institution did not have an effective compliance program for a protracted period of time, which was a significant contributing factor in an admitted lack of institutional control. The committee was also troubled by the fact that this case included academic fraud. Because of these concerns, the committee concluded that a lengthy period of probation was warranted. With regard to the former head coach, the committee was aware that, in 1999, he had appeared before the committee for violations associated with an infractions case at an institution where he had previously been employed as the head football coach. Despite his prior experience with an infractions case, the former head coach failed to take the necessary steps to monitor the Alabama State football program in order to ensure that it remained in compliance with NCAA legislation. The committee considered the institution's self-imposed penalties and corrective actions. [Note: The institution's corrective actions are contained in Appendix Two.] The penalties in this case are as follows. (The institution's self-imposed penalties are so noted. Due to the length of the investigation, most of the self-imposed penalties have been served.)

1. Public reprimand and censure.
2. Five years of probation beginning December 10, 2008, and terminating on December 9, 2013.
3. The institution's football team shall end its 2009 season with the playing of its last regularly scheduled, in-season contest and shall not be eligible to participate in any postseason competition. [Note: The committee formally would have precluded the institution from competing in postseason competition in 2008 but, by the time of issuance of this report, the team already had not qualified for postseason competition in 2008.]
4. The institution limited official paid visits in the football program during the 2003-04 and 2004-05 academic years to 46. [Note: the limit is 56.] (Self-imposed by the institution and adopted by the committee).
5. The institution withheld all football coaches from engaging in recruiting activities for two weeks during the December 1-14, 2003, period. (Self-imposed by the institution and adopted by the committee.)
6. The institution limited the value of financial aid awards (equivalencies) in football to 58.74 during the 2004-05 academic year and 54.11 during the 2005-06 academic year. [Note: The limit for football grants-in-aid at FCS institutions is 63.] (Self-imposed by the institution and adopted by the committee.)

7. The institution limited to 80 the total number of counters in the football program during the 2004-05 and 2005-06 academic years. [Note: The limit for total counters at FCS institutions is 85.] (Self-imposed by the institution and adopted by the committee.)
8. The institution limited the initial counters in the football program during the 2004-05 and 2005-06 academic years to no more than 20. [Note: The limit for initial counters at FCS institutions is 30.] (Self-imposed by the institution and adopted by the committee.)
9. Due to competition by ineligible student-athletes, the institution forfeited all regular season football contests in the 2000 season and 2001 season. Further, the institution forfeited the 2001 SWAC championship. (Self-imposed by the institution and adopted by the committee. However, consistent with committee policy, the committee treats all contests won by the institution during the 2000 and 2001 seasons as "vacated" rather than "forfeited.")
10. In association with the vacation of all football contests won by the institution in 2000 and 2001, including the SWAC championship in 2001, the institution's records regarding football, as well as the individual records of the ineligible student-athletes shall be vacated. Further, the record of the former head coach, will be reconfigured to reflect the vacated wins and so recorded in all publications in which football records for the affected seasons are reported, including, but not limited to, media guides, recruiting material, electronic media and institutional and NCAA archives. Any public reference to these vacated contests, including the 2001 SWAC football championship, shall be removed from athletics department stationery, banners displayed in public areas and any other forum in which they may appear.

Finally, to ensure that all institutional and student-athlete vacations, statistics and records are accurately reflected in official NCAA publication and archives, the sports information director (or other designee as assigned by the director of athletics) must contact the NCAA director of statistics, to identify the specific student-athlete(s) and contest(s) impacted by the penalties. In addition, the institution must provide the NCAA statistics department a written report, detailing those discussions with the director of statistics. This document will be maintained in the permanent files of the statistics department. This written report must be delivered to the NCAA statistics department no later than 90 days following the initial Committee on Infractions release or, if the vacation penalty is appealed, the final adjudication of the appeals process, whichever is later.

11. Due to the academic fraud in this case, and pursuant to Bylaw 19.5.2.7, the NCAA president shall forward a copy of this report to the appropriate regional accrediting agency.
12. The former head coach's current employer shall, pursuant to the provisions of Bylaw 19.5.2.2-(1), show cause why it should not be penalized if it does not require the former head coach to attend regional compliance seminars in 2009 and 2010. The institution currently employing the former head coach shall submit compliance reports to the committee by September 1, 2009, and September 1, 2010. The reports should emphasize the institution's monitoring of, and rules education sessions for, the former head coach with particular emphasis on proper recruiting practices and the monitoring expectations of coaching staff members employed at NCAA member institutions. These reports shall also contain a list of the educational sessions the former head coach attended at the 2009 and 2010 compliance seminars, together with his certification of attendance. The aforementioned requirements imposed upon the former head coach and the reporting requirements shall be in effect for a period retroactive to the date the former head coach was hired at his current institution and ending on December 9, 2010. The length of these restrictions and reporting requirements would have been longer but for the delay in processing this case to conclusion. Should the former head coach be employed by any other member institution prior to December 9, 2010, the obligations and reporting requirements set forth above shall remain in effect at the new institution for the balance of the two-year period.
13. The above-listed penalties are independent of and supplemental to any action that has been or may be taken by the Committee on Academic Performance through its assessment of contemporaneous, historical, or other penalties.
14. The institution shall initiate a review of its athletics compliance program by a competent, external agency as soon as one can be scheduled. The background and qualifications of the reviewer shall be provided to the committee and the institution shall comply with all recommendations made by the reviewer in a timely fashion. The results of this external review shall be included in the institution's 2009 annual compliance report. If the institution needs assistance or guidance in scheduling the review or finding a qualified reviewer, it should contact the SWAC office or NCAA Membership Services.
15. During the period of probation, the institution shall:

- a. Continue to develop and implement a comprehensive educational program on NCAA legislation, including seminars and testing, to instruct the coaches, the faculty athletics representative, all athletics department personnel and all institution staff members with responsibility for the certification of student-athletes for admission, retention, financial aid or competition;
  - b. Submit a preliminary report to the office of the Committees on Infractions by February 1, 2009, setting forth a schedule for establishing this compliance and educational program; and
  - c. File with the office of the Committees on Infractions annual compliance reports showing the progress made with this program by September 15 of each year during the five-year probationary period. Particular emphasis should be placed on monitoring of prospective student-athletes who arrive on-campus prior to initial full-time enrollment, grade-changing procedures and an effective program of rules education. The reports must also include documentation of the institution's compliance with the penalties adopted and imposed by the committee.
16. At the conclusion of the probationary period, the institution's president shall provide a letter to the committee affirming that the institution's current athletics policies and practices conform to all requirements of NCAA regulations.
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As required by NCAA legislation for any institution involved in a major infractions case, Alabama State shall be subject to the provisions of NCAA Bylaw 19.5.2.3, concerning repeat violators, for a five-year period beginning on the effective date of the penalties in this case, December 10, 2008.

Should Alabama State or any involved individual appeal either the findings of violations or penalties in this case to the NCAA Infractions Appeals Committee, the Committee on Infractions will submit a response to the members of the appeals committee.

The Committee on Infractions advises the institution that it should take every precaution to ensure that the terms of the penalties are observed. The committee will monitor the penalties during their effective periods, and any action contrary to the terms of any of the penalties or any additional violations shall be considered grounds for extending the institution's probationary period, as well as imposing more severe sanctions in this case.

Should any portion of any of the penalties in this case be set aside for any reason other than by appropriate action of the Association, the penalties shall be reconsidered by the Committee on

Infractions. Should any actions by NCAA legislative bodies directly or indirectly modify any provision of these penalties or the effect of the penalties, the committee reserves the right to review and reconsider the penalties.

NCAA COMMITTEE ON INFRACTIONS

Jack H. Friedenthal  
Eileen K. Jennings  
Alfred J. Lechner, Jr.  
Josephine R. Potuto, chair  
Bonnie Slatton  
Dennis E. Thomas  
Thomas Yeager

## APPENDIX ONE

### CASE CHRONOLOGY.

#### 2002

October – An attorney representing two Columbus, Georgia, prospective football student-athletes notified Alabama State that his clients were presented with "phony" National Letters of Intent. The attorney also reported the prospects were promised non-existent athletics grants-in-aid by former assistant coach B.

December – Former assistant coach B provided the institution with a letter that described numerous allegations of NCAA rules violations. The Alabama State president at the time initiated an internal investigation into these allegations. The institution formed a NCAA infractions investigation committee, which was responsible for conducting the internal investigation. The investigation committee did not complete its investigation.

#### 2003

April 10 – The institution retained outside legal counsel to complete the internal investigation.

July 22 – The institution, through its outside counsel, submitted to the NCAA a self-report, entitled "Men's Football Self-Report."

July 25 – The institution, again through its outside counsel, submitted an amended self-report to the NCAA's enforcement services staff.

August 3 – The director of athletics at the time announced his resignation. The senior woman administrator was named interim director of athletics.

August 4 – The institution announced the suspension with pay of the former head coach, its associate head coach and another assistant coach.

September 26 – The institution's outside legal counsel submitted a "merged" self-report to the enforcement staff.

October 1 – The enforcement staff submitted a letter to outside counsel containing questions concerning the institution's internal investigation.

October 7 and 8 – The NCAA enforcement staff conducted a meeting with outside counsel concerning the institution's self-report.

October 27 and 28, and November 4 and 5 – The institution conducted a termination hearing for the former head coach.

November 11 – The enforcement staff issued a notice of inquiry to the institution.

November 12 – The institution's outside counsel submitted a response to the NCAA's Informational Inquiry dated October 1, 2003.

December 15 –The institution canceled the former associate head coach's employment agreement.

## **2004**

June 23 – The institution's interim director of athletics submitted an additional self-report.

## **2005**

January 21 – The enforcement staff submitted a letter to the institution's president listing unfilled requests for information previously requested by the NCAA enforcement staff to the interim director of athletics.

August 26 – The enforcement staff submitted a status letter informing the institution's president that the NCAA enforcement staff was awaiting the institution's response to numerous requests for information, as well as an audit of the office of student records and registration pertaining to alleged academic fraud.

September 22 – Alabama State retained a new outside legal counsel to assist the institution with completing the internal investigation and conducting an eligibility audit of student-athlete academic records.

## **2008**

February 11 – The institution submitted a supplemental self-report to the NCAA enforcement staff. The supplemental self-report incorporated additional information concerning violations previously self-disclosed to the NCAA enforcement staff. The supplemental self-report also included findings of possible rules violations discovered during the September 22, 2005, through February 11, 2008, internal investigation conducted by the institution.

March 24 – The institution submitted a second supplemental self-report to the NCAA enforcement staff. The second supplemental self-report contained revised and additional

findings of possible rules violations discovered during the February 11, 2008, through March 23, 2008, internal investigation conducted by the institution.

April 24 – The enforcement staff issued a Notice of Allegations to the institution, the former head coach, the former associate head coach and former assistant coach A.

April 28 – The enforcement staff issued a revised Notice of Allegations to the former head coach.

May 13 – After consultation with membership services and secondary enforcement, the enforcement staff informed the former associate head coach that the allegations he was named in were secondary and it was not necessary for him to file a written response to the Notice of Allegations.

July 8 – Counsel for former assistant coach A requested a continuance of the hearing to December 2008. The chair of the committee denied the request.

August 8 – The institution, the former head coach and former assistant coach A appeared before the NCAA Division I Committee on Infractions.

December 10 - Infractions Report No. 289 was released.

## APPENDIX TWO

### **CORRECTIVE ACTIONS AS LISTED IN THE INSTITUTION'S June 27, 2008, RESPONSE TO THE NOTICE OF ALLEGATIONS.**

1. Alabama State has implemented a "transformation plan" in which it will continue to develop and implement a comprehensive educational program on NCAA legislation, including: (a) mandatory attendance for selected staff at NCAA rules compliance seminars; and (b) testing to instruct the football coaching staff, the faculty athletics representative, student hosts, athletics department personnel and all institution staff members with responsibility for the certification of student-athletes for admission, eligibility, retention, financial aid and recruitment. This process was started during the 2003-04 academic year and the institution will continue the implementation of this measure during the 2008-09 and 2009-10 academic years pursuant to the transformation plan.
2. The athletics compliance office is: (a) reviewing recruiting legislation with the football coaching staff; (b) providing a recruiting calendar at the beginning of each academic year to each member of the football coaching staff; and (c) posting dead period reminders in the football coaching staff office. The institution began the implementation of this self-corrective measure during a self-imposed probation period (2003-04 and 2004-05 academic years). The institution will continue the implementation of this measure during the 2008-09 and 2009-10 academic years pursuant to the transformation plan.
3. The athletics compliance office has started to make unannounced audits of athletics recruiting methods and procedures. The institution began the implementation of this self-corrective measure during its self-imposed probation period (2003-04 and 2004-05 academic years). The institution will continue the implementation of this measure during the 2008-09 and 2009-10 academic years pursuant to the transformation plan.
4. The athletics compliance office developed procedures requiring all coaches to submit a report on their day-to-day activities on all off-campus recruiting trips. The institution began the implementation of this self-corrective measure during the 2003-04 and 2004-05 academic years. The institution will continue the implementation of this measure during the 2008-09 and 2009-10 academic years pursuant to the transformation plan.
5. The institution shall: (a) hire an additional staff member for the office of student records and registration, who shall serve as the registrar's liaison to the athletics department and chair the athletics eligibility certification team; and (b) conduct a process improvement project concerning the athletics eligibility certification process during the fall 2008 semester that shall designate the registrar's office as the lead department in athletics certification and establish an athletics eligibility certification team. The institution will

continue the implementation of this measure during the 2008-09 and 2009-10 academic years pursuant to the transformation plan.

6. In 2003 Alabama State declined to renew the former head coach's employment agreement.
7. In 2003 Alabama State declined to renew the employment of former assistant coaches A and B. Furthermore, both were disassociated from the institution's athletics programs.
8. In July 2008, the institution removed the illicit grade changes and restored the student-athletes' original grades (i.e., the grades originally submitted by the respective faculty members) documented in Finding B-3.

### APPENDIX THREE

#### PROCEDURAL ISSUES RAISED BY INVOLVED PARTIES.

1. Conflict of Interest. Counsel for former assistant coach A argued that there was a conflict of interest involving an attorney who represented the former assistant coach early in the processing of the case and was purported to also be involved in a case in which he was "represent(ing) the NCAA's interests" during that time. In reality, the attorney in question did not represent the NCAA. The attorney in question represented an individual in a civil law suit in which the NCAA was also named as a defendant. The NCAA, pursuant to an agreement with the attorney's client, paid the legal fees for the attorney's representation of the individual. There was no joint defense agreement in place between the NCAA and the attorney's client and at no time did the attorney in question represent the NCAA. Under questioning from the committee, the attorney for the former assistant coach conceded that there was no connection between the civil law suit and the current infractions case involving his client and Alabama State. There were not sufficient grounds to conclude that a conflict of interest existed in the situation involving the former assistant coach and his former attorney, thus the committee ruled that there was no prejudice.
2. Insufficient Time to Prepare for the Hearing. Counsel for former assistant coach A also argued that, because of the fact that his client had to discharge his previous attorney, and retain new legal counsel, he (the current counsel) did not have sufficient time to prepare for the hearing and, further, the NCAA did not grant a requested continuance of the hearing. According to the attorney for the former assistant coach, this resulted in a denial of due process. The committee ruled that these issues did not result in a denial of due process. Former assistant coach A submitted a thorough packet of materials which was considered by the committee and he actively participated, with his attorney, in the hearing.
3. Alleged Failure to Provide 90 Days for Submission of Response. Counsel for former assistant coach A also argued that the "NCAA failed to provide (his client) with a 90-day period to respond to the allegations." The committee noted that former assistant coach A's notice of allegations was dated April 24 and requested a written response by June 27. The former assistant coach, unlike the other individuals at risk in this case, did not comply with the deadline, but rather submitted his written response on July 29, 2008, which was, in fact, **more than** 90 days after the notice of allegations was issued. Despite missing the deadline, his submission was fully considered by the committee.
4. Inability to Obtain "Physical" Copies of Documents. The attorney for the former head coach objected to the fact that he could not obtain physical copies of documents used in this case, but only a "virtual" copy from the enforcement staff's Internet-based custodial

site. The committee noted that the Internet-based custodial site, unlike the previous arrangements for custodial sites which were established at law firms, offers round-the-clock access. Previously, material was accessible only when the law office was open for business. Because of this fact, the committee ruled that there was no prejudice. The attorney also contended that the former head coach was "not afforded the opportunity to present these records to the committee. This is incorrect, as the involved parties are allowed to ask that documents be considered by the committee.

5. Length of Time to Process the Case. Both the attorney for the former head coach and the attorney for former assistant coach A argued prejudice against their clients because of the length of time it took to bring this case before the committee. As set forth earlier in this report, the committee was also concerned with the excessive amount of time it took to process this case. Much of the delay was, as previously indicated, due to disarray within the institution's administration and its inability not only to maintain institutional control, but to effectively respond to an NCAA infractions investigation. The committee noted that there was no violation of NCAA bylaws relating to the statute of limitations, as the Notice of Allegations was issued on November 11, 2003. Although this delay was regrettable, it did not hinder the coaches' ability to respond to the inquiry, thus no prejudice resulted. The committee concluded that despite the delay in concluding this case, it was important to address all issues raised by the inquiry, including the alleged culpability of the two involved coaches.