



**FLORIDA STATE UNIVERSITY**  
**PUBLIC INFRACTIONS REPORT**  
**MARCH 6, 2009**

**A. INTRODUCTION.**

On October 18, 2008, officials from Florida State University and a former learning specialist ("former learning specialist") in the athletics department, along with her legal counsel, appeared before the NCAA Division I Committee on Infractions to address allegations of NCAA violations at the institution. This case involved three former University Athletics Academic Support Services (AASS) staff members (including the former learning specialist) who gave improper assistance resulting in academic fraud to numerous student-athletes representing multiple sport programs. There were also associated violations relating to the provision of impermissible benefits and a failure to monitor by the institution.

This case was extremely serious because of the large number of student-athletes involved and the fact that academic fraud is considered by the committee to be among the most egregious of NCAA infractions. A significant portion of the academic fraud violations involved a music course that had been offered online to both student-athletes and other students without incident for more than 10 years before its academic integrity was compromised in the fall semester of 2006, resulting in academic fraud occurring during the fall of 2006, the spring of 2007 and the summer of 2007.

In addition to the academic improprieties associated with the online music course, the former learning specialist provided impermissible assistance to at least three student-athletes by typing portions of papers assigned to them. She also provided answers to an online psychology course quiz for a student-athlete by instructing a second student-athlete to complete the quiz on behalf of the student-athlete enrolled in the course. The institution did not contest either the violations associated with the academic improprieties or the failure to monitor its academic support unit. The former learning specialist disputed most of the allegations made against her.

The violations documented in this report can be attributed to two primary factors:

- a. The online exams for the music course were not administered in a structured environment. There was no requirement for a proctor, and the institution acknowledged that the course professor did not have sufficient safeguards in place to prevent students from obtaining exam answers.

- b. Supervision of the AASS by the institution did not occur in a consistent manner. This created an environment which allowed the former learning specialist and other academic support personnel to take actions to violate both NCAA legislation and institutional guidelines.

As stated earlier in this report, the academic improprieties in this case involved a large number of student-athletes across multiple sports specifically, 10 sports (football, baseball, men's track and field, women's track and field, men's swimming, women's swimming, men's basketball, women's basketball, softball and men's golf). Ultimately, 61 student-athletes went through the NCAA's reinstatement process. The institution believed it was likely that more student-athletes received improper assistance in the online music course, but concluded that the evidence to substantiate this belief was circumstantial and inconclusive.

Reinstatement was processed in two components. The first group was composed of 22 student-athletes. Of this first group of student-athletes, the NCAA's Student-Athlete Reinstatement (SAR) staff initially ruled that four student-athletes would be withheld from 40-percent of a season of competition, one would receive a 50-percent withholding, and 15 would be withheld from a full season of competition, all with no further loss of eligibility. (**Note 1:** One student-athlete withdrew from the institution and the SAR staff was awaiting information on the remaining student-athlete. **Note 2:** SAR guidelines in effect at the time of the violations specified that the minimum reinstatement condition for a student-athlete who committed academic fraud was to lose a year of eligibility and also to be withheld from a year of competition.)

As part of the discussions about the SAR staff's initial decision, the SAR staff indicated that it would reconsider the penalty if information showed that culpability for the violations primarily rested with the institution and not the student-athlete. Because the institution strongly believed that its processes and personnel were primarily responsible for the improper assistance, it submitted additional information on that issue, suggesting that a 30-percent withholding penalty would be appropriate because the culpability for the violations centered on the institution.

In late November 2007, the SAR staff advised the institution that it accepted the institution's suggested 30-percent withholding penalty, with the understanding that the 30-percent penalty was available only to those student-athletes who previously had been forthcoming and those who came forward in the immediate future. The institution agreed to meet individually with all student-athletes with remaining eligibility who had taken the course to inform them of this opportunity and to advise them that the opportunity would be withdrawn if truthful information was not provided during that interview. Ultimately, an additional 39 student-athletes acknowledged receiving improper assistance in the

online music course. This group of 39 student-athletes was forwarded to the SAR staff as the second submission for restoration of eligibility. In the end, the 61 student-athletes who went through the eligibility restoration process were withheld from 30-percent of their respective sports' competition beginning in December 2007 and continuing into the 2008-09 academic year.

A member of the Atlantic Coast Conference, Florida State University has a total enrollment of approximately 41,000 students and sponsors nine men's and 10 women's intercollegiate sports. This was the institution's seventh major infractions case; its most recent appearance before the committee was in 1996 for a case involving the football program. The institution also had infractions cases in 1984 (football); 1983 (men's basketball); 1974 (football); 1970 (men's basketball); and in 1968 (men's basketball).

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

### **1. UNETHICAL CONDUCT – ACADEMIC FRAUD AND REFUSAL TO PROVIDE INFORMATION; EXTRA BENEFITS. [NCAA Bylaws 10.1-(a), 10.1-(b), 16.01.1, 16.02.3, 16.3.1.1.1-(a), 16.11.2.1 and 32.1.4]**

During the 2004-05 through 2006-07 academic years, the former learning specialist, a former tutor for athletics ("former tutor") and a former academic advisor ("former academic advisor") failed to deport themselves with the generally recognized standards normally associated with the conduct and administration of intercollegiate athletics and violated the provisions of ethical conduct when they knowingly arranged for fraudulent academic credit for numerous student-athletes and provided improper academic assistance.

Further, in the fall of 2007, the former academic advisor refused to cooperate with the investigation and thus violated another provision of NCAA ethical conduct legislation as well as the cooperative principle.

As a result of the academic improprieties perpetrated by the three staff members, 61 student-athletes also violated the provisions of ethical conduct, and several student-athletes represented the institution in intercollegiate athletics competition at a time they were ineligible to do so. Specifically:

- a. On or about March 23, 2007, the former learning specialist provided correct answers for an online Sports Psychology (PET-4214) quiz to a men's basketball student-athlete ("student-athlete 1") and requested that student-athlete 1 enter the answers onto an online exam form on behalf of another men's basketball student-athlete ("student-athlete 2"). Student-

athlete 1 submitted the answers for student-athlete 2 at the request of the former learning specialist even though student-athlete 1 was not enrolled in the sports psychology class, and student-athlete 2 was not aware of this action by student-athlete 1.

- b. Prior to the 2005-06 academic year, the former learning specialist created a so-called study guide, contained in a three-ring binder (hereafter, "the binder") which contained previous exam questions for the Music Cultures of the World (MUH-2051) online course. In the fall of 2006, the former learning specialist asked the former tutor to review all the test answers in the binder to ensure all answers were correct. The former tutor did as requested. The amended binder contained questions and correct answers taken from the previous exams of the online course, which served as a "bank" of questions and answers from which all the questions and answers were randomly selected for subsequent exams. Between the fall of 2006 and the spring of 2007, the former learning specialist maintained the binder in her office and provided it to student-athletes upon request. She allowed them to use binder while they were taking exams in the course, even though the instructions from the online course stated that the exam was not to be taken using course texts or supplemental study guides. The binder was used by at least five student-athletes (one softball, two men's track and field and two football) when taking an exam for the online music course.

Additionally, during the exam, the former learning specialist provided at least one student-athlete (football) with the correct answers to some of the online exam questions for the music course. In total, the former learning specialist provided at least six student-athletes with either (1) the correct answers to the online exams, or (2) permitted the student-athletes to use her binder while taking their exams, in violation of the instructions from the online course instructor.

- c. During the 2004-05 through 2006-07 academic years, the former learning specialist provided improper typing assistance on her word processor for at least three student-athletes. Specifically, the former learning specialist typed portions of the papers of the student-athletes who she believed had learning disabilities. Such assistance was not available to other student-athletes at the AASS facility, and institutional policy required that any accommodations to students with disabilities be provided through the Student Disability Resource Center (SDRC).

- d. During the 2006-07 academic year, the former tutor arranged for 55 student-athletes who were enrolled in the MUH-2051 course to receive fraudulent academic credit when he provided student-athletes with answers to online exam questions or assisted them in correctly answering the online exam questions.
- e. During the 2006-07 academic year, the former academic advisor instructed the former tutor to provide answers to exam questions for student-athletes who were enrolled in the online music course. The former academic advisor also instructed at least seven track and field student-athletes (both men's and women's track and field) to be present in either the computer lab or tutorial rooms within the AASS area at a time when he knew the former tutor would be present to provide the student-athletes with correct answers for the MUH-2051 online exams. The former academic advisor advised the student-athletes that the assistance the former tutor provided was permissible.

### **Committee Rationale**

The institution and the enforcement staff were in substantial agreement regarding the facts of Findings B-1-a through B-1-e and that these facts constituted violations of NCAA legislation. The former learning specialist disagrees that she violated NCAA bylaws relating to ethical conduct and extra benefits. Neither the former tutor nor the former academic advisor submitted written responses to the notice of allegations and the former academic advisor refused to cooperate with the investigation. The committee finds that the violations occurred and that they are major.

### **Finding B-1-a**

Concerning Finding B-1-a, the facts of this finding were not in dispute. The former learning specialist agreed with the facts and acknowledged that she "made a mistake" when she requested that student-athlete 1 input answers to a quiz in an online Sports Psychology course on behalf of student-athlete 2. She contended, however, that her actions did not rise to the level of academic fraud because there was no motive on her part to provide correct answers on behalf of student-athlete 2.

The committee concludes that the former learning specialist's actions rose to the level of academic fraud. She logged into student-athlete 2's online academic account to determine whether he had completed his exam that was due that day. (Note: It was common practice in AASS for student-athletes to provide academic advisors with their user names and passwords for their online academic accounts.) When the former learning specialist observed that student-athlete 2 had not completed the exam, she

attempted to call him. When she failed to reach the young man, she asked student-athlete 1 to input the answers on behalf of student-athlete 2 so that student-athlete 2 would not fail the quiz. Student-athlete 1 completed the quiz, answering all of the questions correctly. Student-athlete 2 was fraudulently credited with 10 out of 10 points on the quiz.

In support of its conclusion that the former learning specialist committed academic fraud, the committee notes that the NCAA Division I Academic/Eligibility Compliance Cabinet Subcommittee on Legislative Interpretations issued an official interpretation dated September 6, 2000, that states, in relevant part:

The subcommittee reviewed the application of Bylaw 10.1-(b) as it relates to academic fraud and agreed that the following guidelines generally should be used in determining whether an incident of academic fraud should be reported to the NCAA as a violation of Bylaw 10.1-(b) or should be handled exclusively at the institutional level in accordance with its policies applicable to all students.

The subcommittee confirmed that an institution is required to report a violation of Bylaw 10.1-(b) any time an institutional staff member (e.g., coach, professor, tutor, teaching assistant) is knowingly involved in arranging fraudulent academic credit or false transcripts for a prospective or enrolled student-athlete, regardless of whether the institutional staff member acted alone or in concert with the prospective or enrolled student-athlete.

#### **Finding B-1-b**

Concerning Finding B-1-b, the institution and the enforcement staff agreed that the former learning specialist developed a so called "study guide" which contained answers to questions for the online music course exams and that the binder was used by several student-athletes to obtain answers in completing the exams. The institution could not confirm that in every instance a student-athlete used the binder, when taking the online music exams or that a student athlete obtained it directly from the former learning specialist. However, the institution agreed that the former learning specialist's involvement with the use of the binder violated NCAA ethical-conduct legislation. The institution and the enforcement staff agreed that the former learning specialist provided correct answers to at least one student-athlete on his online music course exams.

The former learning specialist acknowledged that she kept the binder for the online music course in her office, to which student-athletes had access, but she denied that she expressly permitted student-athletes to use the binder during their exams.

The so-called study guide consisted of a three-ring binder which contained past exams as well as various reference materials from the course textbook and workbook. The former learning specialist acknowledged that she asked the former tutor, who had an excellent command of the subject matter, for correct answers to exam questions. Over time, all the answers to all of the exam questions were accumulated in the binder/study guide.

Five student-athletes reported that they used the information contained in the binder while taking the online exams in the music course. They reported the following information relative to use of the binder/study guide:

- Student-athlete 3, who took the online music course in the fall of 2006, reported that while she did not work directly with the former learning specialist, she used the binder on the exams.
- Student-athlete 4, who took the music course in the spring of 2007, reported that he used the binder on all the tests and that he obtained the binder from the former learning specialist. Student-athlete 4 recalled waiting to receive it from her.
- Student-athlete 5, who took the music course in the fall of 2006, reported that he used the binder to study for the first test. Student-athlete 5 also recalled that the binder had five examples of tests for the first exam and that one of the five was identical to the first test. For the remaining tests, he used the binder.
- Student-athlete 6, who took the music course in the fall of 2006, reported that the binder was on a table in one of the tutorial rooms in the AASS building and he used the binder for his exams.
- Student-athlete 7, who took the music course in the fall of 2006, reported that the former academic advisor told him that the binder was located outside of the learning specialist's office and had copies of old exams. He used the binder during the exams.

The committee concludes that academic fraud in the online music course was facilitated by the flawed process for administering the course exams. The online exams for the music course were not administered in a structured environment. There was no requirement for a proctor, and the institution acknowledged that there were insufficient safeguards in place to prevent students from obtaining exam answers. The professor who created the online music course reported that he taught the course for many years except during the spring and summer of 2006 when he was on sabbatical. Two other faculty members assumed the responsibility for teaching the course during the time the professor was on sabbatical. During this period, online exams were allowed to be completed open-

book. The professor reported that while he was teaching the course, there was no question that the course had a closed-book exam format. The online page instructional sheet that accompanied the exam stated clearly that the exams were closed-book, and no notes and no assistance of any kind were permitted.

While the exams had a time limit once they were open, they were available for approximately one week from any location. The students could print them off after the student took the exam, although the printed exams did not include the student's answers. Further, the course exam questions did not change from semester to semester. As stated earlier in this report, examinations were created from a limited pool of questions, and numerous copies of previous exams were available on campus. Previous examinations, as well as the answers to the questions on these examinations, were collected in the study guide/binder described above and maintained in the AASS area.

At the hearing the institution was questioned about how online tests were administered in the AASS and how it viewed the involvement of tutors with student-athletes in the completion of examinations. The following exchange occurred:

**COMMITTEE MEMBER:** Tutors sitting down and working on graded assignments is a very different thing, whether you want to say it is open book or not. (Former director of AASS), tell me about taking tests in the athletic academic center. Is there a room set apart when they are taking online tests, or are they out in wherever the students are anywhere?

**FORMER DIRECTOR OF AASS:** The structure was supposed to be where the student would check in at the front desk. Our tutorial coordinator would assign them to a room, and they would be assigned to a specific room for testing...

**COMMITTEE MEMBER:** But you would have to sign in saying I want to take an online test, or do you just sign in to say I want a room to study in? What would you be telling (the tutorial coordinator)?

**FORMER DIRECTOR OF AASS:** The student would be telling (the tutorial coordinator) "I am scheduled to take my test today, and I need a room to take the test." Then what our students were doing, were supposed to be doing, were coming into the facility. If they were meeting with the tutor prior to taking the test, they would meet with the tutor for an hour before, review the materials, be prepared for the test, and then walk away from the tutor and go in and take their test.

**COMMITTEE MEMBER:** Did you have any policy about tutors assisting on graded assignments?



**FORMER DIRECTOR OF AASS:** We did, very much so. The first time I heard that a tutor was in a room with a student during the testing process was through our internal auditors in October '07.

**COMMITTEE MEMBER:** But that says you were surprised to find that it happened. It doesn't say you had a policy in place in advance.

**FORMER DIRECTOR OF AASS:** My answer to (the tutorial coordinator), when I heard that, was "how on earth would we even assume that we would ever let a tutor in a room with a student while they are testing?"

**COMMITTEE MEMBER:** Were there written policies that said tutors may not assist on graded assignments?

**FORMER DIRECTOR OF AASS:** I don't know if that was addressed in our tutorial manual or not. It was understood in our program that students were not to be with tutors while they are testing.

**COMMITTEE MEMBER:** To the institution, is there anybody here today representing the institution who can state that it was appropriate for (the former learning specialist), or any tutor, to assist the students in a graded exercise, be it a test or a paper? Does the silence mean no?

**UNIVERSITY PROVOST:** No.

**COMMITTEE MEMBER:** Is there anybody there prior to this audit with knowledge of a tutor or (the former learning specialist) assisting a student in a graded exercise?

**FORMER DIRECTOR OF AASS:** There was no knowledge on my part, no...

**UNIVERSITY PROVOST:** No knowledge that I was aware of.

**COMMITTEE MEMBER:** From the institution's point of view, what is wrong with that, a tutor or (the former learning specialist) assisting a student in a graded exercise?

**UNIVERSITY PROVOST:** It is not the student's work. You are evaluating someone else's work, not the student's.

The written policies pertaining to the administration and testing in the online music course and the institution's policies in general with regard to the testing, contrasted sharply with the manner in which the former learning specialist viewed the administration of this course. Although the former learning specialist denied that she

provided any student-athletes with answers to test questions during an exam, she reported that, in her estimation, the class was very open and "student-friendly" until some point in 2007. During the time in which the course exams were administered in an open-book fashion, the former learning specialist believed she could help a student-athlete who was taking an exam. She viewed giving a student-athlete answers to exam questions the same as serving as a resource to the student-athletes if they needed assistance with the exams. She also believed there were no parameters or restrictions placed on students while taking exams for this course.

Her view of the course and how she could help student-athletes was confirmed by a football student-athlete who took the course in the spring of 2007. In this instance, the student-athlete ("student-athlete 8") reported that the former learning specialist provided him with answers on his music exams and when he got "stuck," the former learning specialist would lead him in the "right direction." This practice was also confirmed by the former tutor who reported that in the fall of 2006, the former learning specialist asked him for answers to the questions for the online music exam. As he answered the questions, the former learning specialist gave the answers that he provided to a student-athlete who was with her taking the exam. The former tutor stated that he also witnessed the same student entering the answers on the computer.

During the hearing, the former learning specialist was questioned regarding her views of how she could assist a student-athlete with examinations associated with the online music course.

**COMMITTEE MEMBER:** You see no difference, Doctor, in the preparation with a tutor and then the tutor assisting in a graded exercise?

**FORMER LEARNING SPECIALIST:** If the class allowed for a tutor to be with them in an exercise, I see no difference.

**COMMITTEE MEMBER:** Do you know of one class, one professor, one example where the professor said to a student, individually, or class-wise, that you can take this test with the assistance of another person, a tutor, you or somebody else?

**FORMER LEARNING SPECIALIST:** In the music class, when it said open book, and the way the music class was structured, there was no restrictions placed on whether or not the students could use resources that were available to them, including a tutor, to help them prior to the class changes.

**COMMITTEE MEMBER:** Does the institution have any position other than what I understand to be that it would be objectionable, unethical, to have an assistant during the time of an exam?

**UNIVERSITY PROVOST:** It would be unethical and unacceptable.

**Finding B-1-c**

Concerning Finding B-1-c, it was originally alleged that the former learning specialist violated NCAA legislation by "editing" and typing portions of papers. The former learning specialist acknowledged that she typed handwritten "draft papers" on her word processor, but did not believe that this assistance violated NCAA legislation. The former learning specialist contended that, as a learning specialist, her job was to assess the needs of learning-disabled student-athletes and implement learning programs designed to assist learning disabled student-athletes with their learning deficiencies. The student-athletes whom she assisted had the kind of disabilities that required her assistance and, as stated in her response to the allegation, "us(ing) a word processor instead of a pen or pencil to aid in the development of a student's outline" was, in her view, permissible under the circumstances.

After reviewing the information pertaining to this allegation, the committee finds that there was insufficient evidence to support a finding that the former learning specialist "edited" academic papers on behalf of student-athletes. Rather, the committee concludes that the improper assistance provided by the former learning specialist was limited to the typing of papers, or portions of papers, for student-athletes, an impermissible extra benefit. The institution agreed that an extra benefit had been provided, but concluded that academic fraud did not occur. The committee notes that AASS staff members observed the former learning specialist at a computer typing papers with student-athletes. As stated in the text of Finding B-1-c, the SDRC was the only entity on the institution's campus that had the authority to provide accommodations, to include typing, for students with disabilities.

**Finding B-1-d**

Concerning Finding B-1-d, the former tutor acknowledged that he provided answers to 55 student-athletes who were taking the MUH-2051 online course during the 2006-07 academic year.

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**Finding B-1-e**

Concerning Finding B-1-e, the former academic advisor instructed the former tutor to provide answers to exam questions for student-athletes who were enrolled in the online

music course, the institution believed that there was insufficient information to conclude that the former academic advisor instructed the former tutor to provide answers. However, the committee notes that seven student-athletes reported that the former academic advisor told them to either work with the former tutor or that the tutor would help them with the online music course exams. Moreover, the former tutor reported that the former academic advisor instructed him to provide answers to student-athletes during the taking of the exam for the online music course.

The former academic advisor also instructed at least seven student-athletes to be present in either the computer lab or tutorial rooms within the AASS area at a time when he knew the former tutor would be present to provide the student-athletes with correct answers for the music course's online exams.

The committee concludes that the information reported by seven student-athletes and the former tutor was credible. All seven of the student-athletes were student-athletes for whom the former academic advisor had responsibility. In addition, all of them received either an A or a B in the course when they originally took it. [Note: In the spring of 2008 all 61 student-athletes who had remaining eligibility were required to retake the course after the academic fraud was discovered. Of these 61 student-athletes who retook the course, two received the same or an improved grade, while the remaining 59 received a lesser grade.]

The committee concludes that the former academic advisor directed the student-athletes to seek the former tutor because the former academic advisor knew that the former tutor was providing answers to the online music course exams. In doing so, the former academic advisor violated the principles of ethical conduct.

Further, despite repeated requests by both the institution and the enforcement staff to interview him, the former academic advisor refused to speak to investigators and therefore did not respond to the allegations made against him. Moreover, after the hearing, the committee sent a letter to the former academic advisor informing him of the committee's decision to charge him with a failure to cooperate and providing him an opportunity to respond. No response was received to this letter. As a result, the committee alleged, and ultimately found that, in addition to academic fraud, the former academic advisor also violated ethical conduct legislation by refusing to furnish information relevant to the investigation and, further, violated the cooperative principle. Specifically:

- On September 27, 2007, the former academic advisor refused a request by the institution's outside consultant to meet for an in-person interview.

- In the fall of 2007, the former academic advisor did not respond to requests for an interview made by the institution's legal counsel.
- On November 7, 8 and 9, 2007, the enforcement staff left telephone messages with the former academic advisor requesting a meeting to discuss matters pertaining to the case. The former academic advisor did not respond.
- On November 20, 2007, the enforcement staff made a written request of the former academic advisor to interview with the enforcement staff and the institution. The former academic advisor refused to participate.
- On February 20, 2008, the enforcement staff sent a letter to the former academic advisor again requesting an interview. No response to the letter was received.
- Via a January 8, 2009, letter, the committee informed the former academic advisor that it was alleging unethical conduct and a failure to cooperate against him due to above cited instances when he either refused to meet with investigators or did not respond to attempts to interview him. The committee provided the former academic advisor an opportunity to respond to the allegation. No response was received.

This lack of cooperation by the former academic advisor violated both NCAA ethical conduct legislation and the principle of cooperation.

## **2. FAILURE TO MONITOR. [NCAA Constitution 2.8.1]**

The scope and nature of the violations detailed in this report demonstrates that the institution failed to monitor certain aspects of its AASS program. Specifically, the institution failed to (a) detect that the AASS director did not sufficiently review or forward to the institution's NCAA compliance staff information available to him concerning potential violations of NCAA legislation involving the former learning specialist; (b) monitor the AASS area to ensure that the Music Cultures of the World (MUH-2051) exams were taken in an appropriate, structured environment; (c) detect that the AASS area operated contrary to its policies when the former learning specialist and the former tutor were permitted to be present when student-athletes took online exams for the online music course and (d) review a contemporaneous report generated by the registrar's office for the 2006-07 academic year, which reflected that the grades obtained by student-athletes in the MUH-2051 course were higher on average than grades obtained by nonstudent-athletes in this course.

### **Committee Rationale**

The institution and the enforcement staff were 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 it is major.

### **C. PENALTIES.**

For the reasons set forth in Parts A and B of this report, the Committee on Infractions finds that this case involves several major violations of NCAA legislation. In determining the appropriate penalties to impose, the committee considered the institution's self-imposed penalties and corrective actions. [Note: The institution's corrective actions are contained in Appendix Two.] Further, the committee considered the institution's cooperation in this case. It determined that the cooperation exhibited by the institution met its obligation under Bylaw 32.1.4, Cooperative Principle, which requires member institutions to cooperate in investigations.

As stated in the introduction of this report, academic fraud is among the most egregious of NCAA violations. The committee was concerned with the large number of student-athletes involved in the fraud and especially by the fact that individuals within the institution's AASS unit were involved. The committee was further troubled by the fact that there were warning signs indicating that academic improprieties were taking place, but these warning signs were, for the most part, ignored. The committee imposes the following penalties (the institution's self-imposed penalties are so noted):

1. Public reprimand and censure.
2. Four years of probation commencing March 6, 2009, and concluding March 5, 2013. (The institution placed the institution's athletics program on probation for a period of two years, beginning on February 13, 2008).
3. Limits in the number of grant-in-aids in football, men's and women's basketball, men's and women's swimming, men's and women's track and field, baseball, softball and men's golf. The committee assessed the limitations in grants-in-aid to be imposed in each sport by focusing on the number of student-athletes found to have committed violations. The decision as to the scope of the reductions was affected by the fact that there was ineligible participation and the violations clearly warranted a vacation penalty. Had no vacation penalty been imposed, the scholarship limitations would have been more stringent. The following grant limitations were imposed:

- Football: Limit to 83 total grants in 2008-09, 82 in 2009-10 and 84 in 2010-11. [**Note 1**: The maximum allowed under NCAA legislation is 85. **Note 2**: for 2008-09, the institution self-imposed two grant reductions from the maximum allowed (=83) and will self-impose three reductions for 2009-10 (=82). The committee imposed an additional reduction of one grant from the maximum in 2010-11 (=84). **Note 3**: The institution averaged 84.25 total grants the previous 4 years.]
- Men's Basketball: Limit to 12 total grants in 2008-09 and 12 in either 2009-10 or 2010-11. [Note 1: The maximum allowed under NCAA legislation is 13. **Note 2**: for 2008-09 the institution self-imposed a reduction of one from the maximum allowed (=12). The committee imposed an additional reduction of 1 grant from the maximum to be taken in either the 2009-10 or 2010-11 academic years, at the university's discretion.] **Note 3**: The institution averaged 11.75 grants the previous four years.]
- Women's Basketball: Limit to 13 grants in 2008-09. The committee imposed an additional limitation of 13 grants to be taken in either the 2009-10 or 2010-11 academic years at the university's discretion. [**Note 1**: the maximum allowed is 15. **Note 2**: The institution averaged 13 grants in women's basketball the previous four years.]
- Baseball: Limit to 11.33 grants in 2008-09. [**Note 1**: the maximum allowed is 11.7. **Note 2**: The university averaged 11.69 grants the previous four years.] (Institution imposed)
- Men's Swimming: Limit to 9.1 grants in 2008-09. [**Note 1**: The maximum allowed is 9.9. **Note 2**: The institution averaged 9.82 grants the previous four years.] (Institution imposed)
- Women's Swimming: Limit to 12.8 grants in 2008-09. The committee imposed an additional limitation to 12 grants to be imposed in either the 2009-10 or 2010-11 academic years, at the university's discretion. [**Note 1**: The maximum allowed is 14. **Note 2**: The institution averaged 12.93 grants the previous four years.]
- Men's Track and Field: Limit to 12.1 grants in 2008-09. [**Note 1**: The maximum allowed is 12.6. **Note 2**: The institution averaged 12.58 grants the previous four years] (Institution imposed)

- Women's Track and Field: Limit to 17.32 grants in 2008-09. [**Note 1**: The maximum allowed is 18. **Note 2**: The institution averaged 17.97 grants the previous four years.] (Institution imposed)
  - Softball: Limit to 11 grants in 2008-09 and 11.95 in 2009-10. [**Note 1**: The maximum allowed is 12. **Note 2**: The institution averaged 11.81 grants the previous four years.] (Institution imposed)
  - Men's Golf: Limit to 4.36 grants in 2008-09. [**Note 1**: The maximum allowed is 4.5. **Note 2**: The institution averaged 4.45 grants the previous four years.] (Institution imposed)
4. The violations in this case involve all the factors identified by the committee as particularly relevant to imposition of a vacation penalty in a major case: there were a large number of violations – the violations were committed by a minimum of 61 student-athletes in 10 separate sports; the violations were serious and intentional; student-athletes competed while academically ineligible; there was a finding of institutional failure to monitor; there was wide-spread academic fraud; the academic fraud was perpetrated purposefully by three different individuals in the institution's academic athletic support services, including the former learning specialist. Their culpability was especially egregious as they were among the institutional staff members with particular responsibility to maintain academic integrity; their conduct resulted in unethical conduct findings against each of them. The institution evaluated its processes and staff culpability and concluded that it had prime responsibility for the academic fraud. Pursuant to NCAA Bylaws 19.5.2.2-(e)-(2) and 31.2.2.3-(b), the institution will vacate all wins in which the 61 student-athletes in the sports of football, men's and women's basketball, men's and women's swimming, men's and women's track, baseball, softball and men's golf competed while ineligible during 2006 and 2007. This includes regular season contests, post-season contests and any NCAA championship competition. The individual records of the student-athletes shall be vacated as well. Further, the institution's records regarding all of the involved sports, as well as the records of the head coaches of those sports will reflect the vacated records and will be recorded in all publications in which these records are reported, including, but not limited to, institution media guides, recruiting material, electronic and digital media plus institution and NCAA archives. Any public reference to tournament performances won during this time shall be removed, including, but not limited to, athletics department stationery and banners displayed in public areas such as the venues in which the specified teams compete. 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 a written report to the NCAA statistics department 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.

5. 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.
6. Due to the widespread academic fraud in this case, and in accordance with Bylaw 19.5.2.7, the NCAA will forward a copy of the public infractions report to the appropriate regional accrediting agency.
7. Because of the former learning specialist's involvement in the academic fraud set forth in this report, any NCAA institution which employs her during a four-year period commencing with the date of this report (March 6, 2009) shall, pursuant to the provisions of Bylaw 19.5.2.2-(1), show cause why it should not be penalized if it does not restrict the former learning specialist from having any contact with student-athletes. This restriction shall remain in effect until March 5, 2013. Further, any institution that employs the former learning specialist during the specified four-year period shall submit a report to the Director - Committees on Infractions no later than 30 days after it first employs the former learning specialist. The report shall set forth the employing institution's understanding of the above-listed penalty in effect at the time of initial employment and its responsibilities to monitor compliance. The report also shall set forth how the employing institution will monitor her conduct to assure compliance with the penalty. Thereafter every year until March 5, 2013, an employing institution will submit a supplemental report that continues to document its monitoring of the former learning specialist and compliance rules education provided to the former learning specialist. At the end of this four-year period, or upon termination of employment while the show-cause order is in effect, the president of the employing institution shall provide a letter to the committee affirming that the penalty was complied with during the time of employment at the employing institution. If the president is unable to so affirm, he shall so inform the committee.
8. With regard to the former academic advisor, the limitations set forth in Penalty C-7 shall apply, with the exception that it will be in effect for a period of five years

rather than four (March 6, 2009, to March 5, 2014). The additional year of the show-cause penalty is due to the former academic advisor's refusal to cooperate with the investigation.

9. With regard to the former tutor, the limitations set forth in Penalty C-7 shall apply, with the exception that it will be in effect for a period of three years rather than four (March 6, 2009, to March 5, 2012).
  10. During this 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 May 15, 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 indicating the progress made with this program by October 15 of each year during the probationary period. Particular emphasis should be placed on monitoring to ensure academic integrity is maintained and to provide education to student-athletes on the importance of adherence to high standards of conduct in their academic affairs. The reports must also include documentation of the institution's compliance with the penalties adopted and imposed by the committee.
  11. 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, Florida State University 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, March 6, 2009.

Should Florida State University or the 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. Any action by the institution contrary to the terms of any of the penalties or any additional violations shall be considered grounds for extending the institution's probationary period or imposing more severe sanctions or may result in additional allegations and findings of violations. An institution that employs a coach while a show-cause order is in effect and fails to adhere to the penalties imposed subjects itself to allegations and findings of violations.

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

Eileen K. Jennings

Andrea (Andi) Myers

Alfred J. Lechner, Jr.

James (Jim) Park Jr.

Josephine (Jo) R. Potuto

Dennis E. Thomas, vice (acting) chair

## APPENDIX ONE

### CASE CHRONOLOGY.

#### **2007**

March 28 - Officials from Florida State University were made aware that the former learning specialist within the AASS unit had provided impermissible assistance to a former men's basketball student-athlete taking a sports psychology online quiz.

April 2007 – The institution's president requested the institution's office of audit services to investigate this academic matter to determine whether the incident was isolated or if there was evidence of a more widespread pattern of similar behavior among employees in the AASS unit.

April 3 – The former learning specialist was placed on administrative leave.

June 20- The former tutor resigned his position after he acknowledged providing improper academic assistance to student-athletes in the MUH-2051 online course.

July 27 – The former director of athletics and the associate director of athletics for compliance telephoned the NCAA vice president of enforcement, to inform him that the institution had begun investigating academic irregularities within the athletics department.

September 26 – The vice president of enforcement was notified by letter that the institution completed its initial investigation and identified 22 student-athletes who were involved in varying levels of academic misconduct related to the MUH-2051 online course.

October 16 - The institution submitted a request for the restoration of athletics eligibility to the NCAA student-athlete reinstatement staff for the initial group of student-athletes who admitted to committing academic fraud in the MUH-2051 online course.

November 7 - The NCAA student-athlete reinstatement staff rendered a decision for the initial group of student-athletes who were identified as having committed academic fraud.

November 7, 8, and 9 - The enforcement staff telephoned the former academic advisor and requested an in-person interview to discuss his knowledge of and involvement in possible violations of NCAA legislation.

November 20 - The enforcement staff submitted a letter to the former academic advisor requesting an in-person interview.

November 21 – The former academic advisor telephoned the enforcement staff and indicated by voicemail that he had no interest in participating in any interviews with the enforcement staff.

November 21 - The NCAA student-athlete reinstatement staff apprised the institution that it accepted the institution's 30-percent reduction penalty with the understanding that the 30-percent penalty would be available only to those student-athletes who previously had been forthcoming and admitted that they had committed academic fraud and to student-athletes who came forward in the immediate future and acknowledged their involvement in academic fraud regarding the MUH-2051 online course.

December 21 - The NCAA student-athlete reinstatement staff restored with conditions the eligibility of the initial group of student-athletes who admitted to committing academic fraud.

## **2008**

February 12 - The institution submitted a self-report to the NCAA enforcement staff.

February 20 - The NCAA enforcement staff made another request in writing to the former academic advisor and requested that he participate in an in-person interview.

February 25 - The enforcement staff submitted a notice of inquiry to the institution.

June 10 - The enforcement staff submitted a notice of allegations to the president of the institution, the former learning specialist, the former tutor and the former academic advisor.

June 11 – The former tutor informed the enforcement staff that he would not participate in the processing of this case.

September 11 - The institution submitted its response to the notice of allegations.

September 13 – The former learning specialist submitted her response to the notice of allegations.

September 19 - The enforcement staff conducted a prehearing conference with the former learning specialist.

October 18 – The institution and the former learning specialist (along with her legal counsel) appeared before the NCAA Division I Committee on Infractions.

**2009**

January 8 – The committee notified the former academic advisor that it was alleging unethical conduct and a failure to monitor against him due to his refusal to submit to an interview with institutional and NCAA officials.

March 6 – Infractions Report No. 294 is released.

## APPENDIX TWO

### **CORRECTIVE ACTIONS AS LISTED IN THE INSTITUTION'S September 10, 2008, RESPONSE TO THE NOTICE OF ALLEGATIONS.**

The institution has (or will) implement several corrective actions. They include the following:

1. Did not renew the contracts of both the former learning specialist and the former tutor.
2. Removed the then director of the AASS from his position.
3. Required all athletics department administrative and non-administrative staff to attend a four-hour training program instructed by the compliance consultant on "Decision Making in the NCAA Compliance Environment".
4. Disassociated the former academic advisor from the institution due to his: (a) involvement in violations set forth in this report and (b) refusal to cooperate with this inquiry by refusing to interview with the institution or the NCAA Enforcement Staff.
5. Reviewed and enhance the working relationship between the learning specialist positions within the AASS and the SDRC and consider relocating the AASS learning specialist positions to the SDRC.
6. The institution has made significant changes in the AASS unit and in the administration of the athletics department.
7. In the summer of 2007 an internal audit was conducted. Numerous student-athletes and staff were interviewed in order to determine whether procedures should be modified or added. The audit staff issued a report with several recommendations. After its reorganization, the AASS staff agreed to implement these recommendations and detailed specific activities to obtain that goal. The actions below highlight some of the auditors' recommendations and additional actions developed by the institution:
  - A. Encouraged student-athletes with disabilities to register with and take advantage of the services provided to them by the University Student Disability Resource Center (SDRC).
  - B. Ensured that the director of AASS has the available information concerning the determination of whether a student-athlete is considered learning disabled.
  - C. Developed a policy for the AASS to report all known violations of the academic honor code to the dean of the faculties.

- D. Adopted a policy that AASS staff has only "view only" access to the student-athletes' "blackboard" information, which would strengthen security over the student-athletes' information and help protect their accounts from possible misuse by others.
- E. Implemented a institution-wide practice in which all online exams that count for significant credit in an undergraduate course are given in a structured environment under the supervision of a proctor.
- F. Enhanced monitoring of trends in grades of students in online courses.
- G. Developed a system within the AASS concerning tutorial assignments for student-athletes, including the identification of student-athletes assigned to each tutor for each semester.
- H. Reviewed and strengthen the Academic Honor Policy to accommodate situations when numerous students are involved in an academic irregularity when the institution had primary responsibility for the violation.
- I. Required more frequent communication between the athletics department, the AASS, and the dean of undergraduate students. While such communication is helpful for all areas, this relates primarily to discussions about the AASS.
- J. Required all student-athletes to receive information on the type of assistance that is permissible by tutors.
- K. Improved monitoring procedures for tutors in the AASS.
- L. Required all log-ons with all institution servers to be recorded and those recordings to be retained.
- M. Retained a consultant firm to review the AASS and make appropriate recommendations.
- N. Established guidelines concerning student-athletes and tutors for student-athletes to sign prior to the beginning of their tutorial relationship.
- O. Will review the appropriate reporting lines for the AASS.