



FLORIDA STATE UNIVERSITY

NEWS

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FSU REPORTS RULES VIOLATIONS TO NCAA

Tallahassee, FL — Florida State University has completed its investigative "self-report" on rules violations and submitted it to the National Collegiate Athletics Association (NCAA) along with a list of corrective measures and punitive actions it has undertaken to prevent future violations.

The investigation was conducted with the assistance of NCAA officials, The Compliance Group consulting firm, and Atlantic Coast Conference officials, and FSU officials concluded that two Athletic Academic Support Services (AASS) staff and approximately 60 student-athletes in several sports were involved to some degree in rules violations.

The violations were connected primarily with online testing for a single, online course taken by student-athletes in the fall semester of 2006 and in the spring and summer semesters of 2007.

"We believe that our investigation has been thorough and exhaustive," said FSU Provost Larry Abele, who chaired the university's Investigative Committee. "This university and its Athletics Department have accepted responsibility, made changes in the processes and systems and imposed penalties as warranted."

The list of corrective and punitive actions submitted to the NCAA include:

- Instituting significant changes in the format and structure of all online courses;
- Reviewing all online courses and requiring that all exams be taken in a setting that includes a proctor;
- Implementing significant changes in the structure and processes of the Athletic Academic Support Services unit;
- Examining and modifying the university's systems for monitoring academic course work taken by student-athletes;

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- Making changes at five senior-staff levels in the Athletics Department area and within the AASS area, including not renewing the contracts of two AASS staff members a learning specialist and an academic tutor;
- Reviewing and enhancing the working relationship between the learning specialist position within the AASS and the university-wide Student Disability Resource Center (SDRC) and considering relocating the AASS learning specialist positions to the SDRC.
- Placing the university's athletics programs on probation for two years, effective Feb. 13, 2008;
- Reducing the number of grants-in-aid in several sports, depending upon the number of involved student-athletes — and in proportion to reductions imposed by the NCAA Student-Athlete Reinstatement Staff; and
- Requiring all Athletics Department administrative and non-administrative staff to attend a four-hour training program instructed by an outside consultant on "Decision-Making in the NCAA Compliance Environment.

As for the sanctioning of FSU student-athletes, approximately 60 of them have or will suffer some loss of eligibility.

After numerous discussions between university officials and the NCAA Student-Athlete Reinstatement (SAR) staff and a meeting at the NCAA office, SAR agreed to the university's proposed 30 percent across-the-board loss of eligibility for those students who came forward and admitted being the recipients of improper assistance.

The university's report has been sent to the NCAA staff for review, and the university will not make additional comments on the report.

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FOR PUBLIC RELEASE

Report to the
NATIONAL COLLEGIATE ATHLETICS ASSOCIATION
From
FLORIDA STATE UNIVERSITY*

February 14, 2008

*This document has been modified in order to be released to the public.

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I. INTRODUCTION

A. Overview of Report – The purpose of this report is to self-report violations, on behalf of Florida State University (hereinafter “University”), of NCAA legislation involving student-athletes in several sports. The violations primarily resulted from the impermissible activities of two then members of the University’s Athletic Academic Support Services (AASS) during the summer of 2006 and the fall and spring of the 2006-07 academic year.

In the spring of 2007, Dr. T.K. Wetherell, President of the University, requested the University’s Office of Audit Services review a situation concerning possible violations of NCAA legislation. On July 27, 2007, at the direction of then Director of Athletics Dave Hart, Brian Battle of the athletics department’s compliance office had a telephone conversation with NCAA Vice President for Enforcement Services David Price wherein Battle informed Price that the University was continuing to review information concerning potential academic irregularities involving student-athletes in several sports. The athletics department likewise notified appropriate personnel at the Atlantic Coast Conference (ACC) Office. By a letter dated September 26, 2007, President Wetherell notified Price that the institution’s preliminary review was completed. The September letter summarized the institution’s inquiries to date.

This report will:

- i. detail further the institution’s investigative efforts;
- ii. identify violations;
- iii. summarize the information obtained during the University’s inquiries;
- iv. provide an overview of the results of the institution’s restoration requests; and
- v. detail corrective and punitive actions that the institution has or will impose.

B. Overview of Violations – As noted above, the activities, primarily of two then members of the AASS staff, resulted in violations occurring in that then Learning Specialist Dr. Brenda Monk and then Graduate Student and Tutor (The Tutor) provided improper assistance to student-athletes. The majority of this impermissible assistance involved online exams for an online course in which numerous student-athletes were enrolled. The level of assistance received by each student-athlete varied.

The institution also reviewed the issue of whether other institutional staff or members of the athletics department knew or should have known of this assistance. As a result, the institution acknowledges failure to adequately monitor: (i) the actions of the two then employees; and (ii) the course in general. The AASS also should have more thoroughly reviewed information reported to it concerning possible impermissible assistance being provided by Monk.

As a result of interviews with numerous student-athletes who took the online course, the eligibility of approximately 61 student-athletes has been affected. The institution does not believe any additional eligibility issues will arise.

The University notes that:

- i. nearly all of the violations occurred during a three-semester period, with much of the improper academic assistance occurring during the spring semester of the 2006-07 academic year;
- ii. the University's investigative efforts identified the problem soon after the improper assistance occurred.

C. Overview of Corrective and Punitive Actions – The institution believes this case is significant because it involves academic improprieties. One of the primary responsibilities of the institution is the academic preparation of its students, including student-athletes. The University entrusts its staff members to provide permissible assistance to its student-athletes to ensure their academic success. However, this assistance must be provided within NCAA guidelines and University policy. The institution and its athletics department are accepting responsibility, have made changes in the processes and systems, and have imposed penalties on the University's athletics program.

The corrective and punitive actions that the University has undertaken (or soon will be implementing) are detailed in Section VI of this report and are summarized below:

- i. instituted significant changes in the format and structure of certain online courses;
- ii. implemented significant changes in the structure and processes of the AASS unit;
- iii. reviewed all online courses and required that all exams be taken in a proctor setting;
- iv. examined and modified the institution's systems for monitoring academic coursework taken by student-athletes;

- v. made (and will continue to make) personnel changes within the athletics department;
and
- vi. imposed grant cuts in several sports.

II. ATHLETICS DEPARTMENT AND AASS ORGANIZATION AND RESPONSIBILITIES

- A. Athletics Department – President Wetherell was appointed president of FSU in December 2002 and took office in January 2003. Dave Hart was the director of athletics until December 31, 2007, having been appointed to that position in 1995 by then President D'Alemberte. Robert Minnix, who is the senior associate director of athletics, supervises the institution's compliance efforts. Minnix has been in that position since 1996. Minnix has a direct reporting line to Hart and an additional reporting line to Betty Steffens, the University's General Counsel. Brian Battle is the associate director of athletics and assists Minnix. Battle has served in that position at the University for approximately 10 years. He was hired away from the University in 2005, but returned in 2006.
- B. AASS – The AASS is housed within the Moore Athletic Center, which is located on the north end zone of Doak Campbell Stadium. The support area includes a 32-station computer lab for student-athletes, ten private tutorial rooms, and a five-station "meeting center" for student-athletes with academic deficiencies and/or learning disabilities.

The exact number of individuals within the AASS has varied slightly over the past few years, but the overall structure generally has included a director, administrative assistant, six academic advisors, several graduate assistants, one or two learning specialists, and approximately 40 to 70 tutors.

Mark Meleney was named the director of the AASS in 1994. He has his undergraduate and graduate degrees from Florida State University. In 1996, the program won the "Program of Excellence" award from the Athletic Management Magazine. Meleney has a dual reporting line to Dave Hart and Karen Laughlin, the Dean of Undergraduate Studies.

The former employees of the AASS who will be mentioned extensively in this report are:

- Brenda Monk – Monk was hired by the University in 2000 for the position of assistant director for educational services. She had over 30 years of service with the State of Mississippi Public School system and an extensive background in special education, including responsibilities as a clinical psychologist. At the University, Ms. Monk reported to Meleney. Her responsibilities included program development and educational

assistance to student-athletes. Due to her education and experience, she often worked with student-athletes perceived or diagnosed with learning disabilities. Monk was placed on administrative leave on April 3, 2007, after the information concerning a possible violation in which she was involved was discovered. She resigned from the institution on July 5, 2007.

- The Tutor - The Tutor was a graduate student hired as a part-time tutor. The Tutor tutored for several courses. After University officials learned of possible violations involving the improper assistance he provided to student-athletes, he was asked to resign.

III. REVIEW OF INSTITUTIONAL INQUIRY

- A. Initial Information – The initial information that prompted the inquiry related to Monk and a student-athlete. In late March 2007, Monk allegedly asked the student-athlete to sit at a computer and submit answers for an online exam for another student-athlete. Monk provided the first student-athlete with the answers for this exam. Monk coordinated the learning assistance provided by AASS to both student-athletes.

After being instructed by Monk to insert these answers on an exam for the second student-athlete, the first student-athlete contacted his academic advisor. (After consultation with the NCAA Membership Services Staff, the University determined that the first student-athlete did not violate NCAA legislation. The University's Academic Honor Committee also reviewed the issue and determined that no violations of the honor code occurred.) In accordance with the University's reporting policy, the employee who learned of this information forwarded it to Meloney, who notified Laughlin. The information was forwarded to the appropriate supervisory personnel. Upon receipt of the information, President Wetherell requested that the Office of Audit Services review the incident and determine whether the incident "was isolated or if there was evidence of a more widespread pattern of similar behavior among employees in the AASS."

- B. Auditor's Inquiry – The audit staff began its inquiry in the spring of 2007, and the focus of the initial interviews was on those student-athletes who worked with Monk. However, the auditors asked not only about any assistance from Monk but also about other potential academic irregularities. This inquiry led to the discovery of information concerning assistance provided by The Tutor in an online course, in which all of the exams were allowed to be taken online at any location, without any proctoring. (The course in which the first student-athlete received the answers from Monk and inserted into the exam was not the same course.)

The auditors initially interviewed approximately 31 student-athletes who would have had regular interaction with Monk as part of the learning assistance she provided. One of these student-athletes reported information that questioned whether The Tutor provided improper assistance when the student-athletes were taking online exams for the online course. After consultation with the ACC Office and the institution's compliance staff, the decision was made to identify all student-athletes in the previous five semesters (spring 2006, summer 2006, fall 2006, spring 2007, and summer 2007) that had enrolled in the online course. It

was determined that approximately 146 student-athletes had enrolled in the course during these five semesters. The audit staff interviewed a total of approximately 118 student-athletes, primarily those who had remaining eligibility or remained in the Tallahassee area after their eligibility had expired.

The interviews conducted by the auditing staff occurred during June, July, and August 2007. As a result of these interviews, the institution identified a group of approximately 23 student-athletes in several sports with remaining eligibility that reported potential violations of University policies and NCAA legislation. All of these potential violations involved receiving allegedly improper assistance from either Monk or The Tutor.

In early September 2007, the auditing staff had completed a rough draft of the preliminary report of its inquiry. At that time, the institution began withholding those student-athletes who admitted receiving some degree of improper assistance from Monk or The Tutor. A final report was prepared by the auditing staff and forwarded to the President in late September. This report, which was released publicly, was forwarded to the NCAA Enforcement Staff as an attachment to the September 26 letter from President Wetherell to Price.

As the auditors' inquiry was concluding and a draft of the preliminary report was circulated to certain individuals within the University, the institution realized that an additional review of the information was necessary by individuals who had more experience in NCAA legislation. During this time, discussions were held with the University's Provost Lawrence Abele, Faculty Athletics Representative Joe Beckham, University General Counsel Betty Steffens, and members of the athletics department. This review became more formalized and the University appointed a committee to coordinate its additional actions. This Investigative Committee was composed of Abele, Beckham, Steffens, and Hart. Assisting the committee were Minnix and Battle of the athletics department's compliance staff. The institution also realized that additional interviews would need to be undertaken.

In order to have a thorough and impartial analysis of the information that was assembled by the auditors, the institution retained The Compliance Group (TCG). Stacey Karpinski was directly involved in conducting follow-up interviews, and Chuck Smart was involved with project coordination. Shortly after the University audit report was forwarded to the NCAA, Smart contacted Price. It was determined that the institution would continue its investigative efforts and would periodically update the Enforcement Staff. The institution also would

involve the Enforcement Staff in certain interviews, it being understood that the Enforcement Staff may be more involved in the near future. (In November and December 2007, the Enforcement Staff was involved in joint interviews with the University's staff and consultants.)

At the same time the University was completing the necessary steps in order to submit a report to the NCAA Enforcement Staff, the compliance staff began coordinating the submission of restoration requests on behalf of student-athletes. While the process of submitting restoration requests on behalf of the student-athletes ran parallel to the process for the institution to review all issues potentially involving institutional responsibility, some factors impacted both processes. Due to the number of restoration requests, much of the efforts of the University and TCG focused upon these requests during October and early November 2007.

- C. Restoration Requests - Since the initial interviews by the auditors focused on the identification of the student-athletes that may have been involved in improper assistance and not necessarily on obtaining the information necessary for a reinstatement request, Minnix or Battle and Karpinski jointly or individually interviewed student-athletes in the group of approximately 23 in order to obtain more detailed information. This information was utilized in the restoration request. In October, the University submitted requests for the restoration of eligibility for approximately 22 student-athletes. Throughout this report, those submissions will be categorized as the "initial submission." All of these requests focused upon the improper assistance provided by The Tutor and received by certain student-athletes in the online course.

Subsequent to the "initial submission" in mid October, the University had extensive discussions with the Student-Athlete Reinstatement (SAR) Staff about various aspects of the information submitted in the request. Subsequent to the SAR Staff's initial decision in late October, the primary focus of the University's efforts in November and December was to undertake numerous additional interviews with student-athletes, resulting in the withholding of an extensive number of student-athletes from competition. These efforts included reviewing and resolving the eligibility of the student-athletes in the "second submission" to the NCAA. These actions will be detailed later in this report.

- D. Additional Investigative Efforts - Extensive actions were undertaken to not only determine the reasons the violations occurred but also to identify other student-athletes who may have

been involved. During the interviews conducted by Minnix and Karpinski with those student-athletes who initially acknowledged receiving assistance, a few student-athletes indicated that they had provided truthful information about the assistance they received from The Tutor but that they believed other student-athletes received similar assistance and were not forthcoming during their interviews with the auditors. As a result, the institution met with those student-athletes who had taken the online course but had not reported any improprieties. These discussions were organized by term of the online course (e.g., spring 2007, summer 2007, etc.). These student-athletes were reminded of their responsibility under NCAA Bylaw 10.1 and that forthrightness was a mitigating factor that could assist in a restoration request. As a result of these discussions, one additional student-athlete reported information concerning an impropriety involving the course.

During this same time period, with the assistance of the University's information technology staff, Provost Abele began an extensive analysis of available computer records of course results. This analysis occurred over a several-week period, as more information became available. These results were useful for the institution's inquiry.

A significant issue for the Investigative Committee was whether certain student-athletes should be withheld from competition even though the student-athletes initially denied receiving any improper assistance. Based upon the analysis of several factors, including computer records, the Investigative Committee identified additional student-athletes to interview who had not reported receiving any improper assistance.

The Investigative Committee met regularly to assess the available information for certain student-athletes. On some occasions, student-athletes were allowed to play, while on other occasions, student-athletes were withheld pending further review. Due to the complexity of this issue, the University sought the opinion of Price and NCAA Staff during an October 24, 2007, telephone conference. Price's advice was instrumental in giving the Investigative Committee direction for its decision-making process, which among other things, led to a declaration that the course had been compromised. (Institutional officials subsequently met in person with Price and NCAA Staff on November 12, 2007, to again discuss this issue. This discussion was held in conjunction with the University's discussions with the SAR Staff.)

In addition to conducting another round of interviews with student-athletes, the Investigative Committee believed it was appropriate to request another interview with Monk and The

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Tutor, as each had been interviewed by the auditors, which was prior to the discovery of the detailed information concerning the online course. Due to scheduling conflicts, they were not interviewed until early November. By that time, it was determined that the Enforcement Staff should be present for certain interviews; hence the Enforcement Staff was present for the Monk and The Tutor interviews. Monk was interviewed on November 7 and The Tutor was interviewed on November 8. In January, the Enforcement Staff and the University interviewed Monk again, and The Tutor was interviewed alone by the Enforcement Staff.

The Investigative Committee also believed it was appropriate to review the issue of "who knew what" within the AASS and the athletics department concerning any assistance being provided by Monk or The Tutor. In that regard, the institution conducted interviews with nearly all members of the AASS who were employed during the previous two years and members of the athletics department compliance staff.

- E. Report – Following the interviews with the principals in the case, University officials concluded sufficient information existed to determine that violations of University and NCAA policy had occurred. The University then initiated a series of corrective and punitive actions. Section VI of this report reflects those actions.

IV. NCAA STUDENT-ATHLETE REINSTATEMENT REQUEST

A. Initial Submission – As noted in this report, the University submitted a restoration request for an initial group of student-athletes in mid October. At that time, the University:

- i. determined the set of facts upon which to make its decisions;
- ii. determined whether a violation occurred and if so, the appropriate legislative citation;
and
- iii. submitted a restoration request.

As per NCAA policy, the University declared the student-athletes ineligible and requested the restoration of the student-athletes subject to the student-athletes fulfilling certain withholding conditions. The University placed these approximately 22 student-athletes into one of four categories, depending upon the extent of the involvement of the student-athlete in receiving answers for the online course. The four categories are as follows, with the number of student-athletes within that category in parenthesis:

1. No withholding (one student-athlete);
2. Withholding the student-athlete from 30 percent of all contests in that sport for one season (four student-athletes);
3. Withholding the student-athlete from 65 percent of all contests in that sport for one season (eight student-athletes); and
4. Withholding the student-athlete from all contests in that sport for one season (nine student-athletes).

Prior to submission of the requests, the University reviewed precedent in NCAA SAR Staff decisions and discussed these precedents with NCAA Staff. Generally speaking, previous precedent indicated a loss of one year of eligibility and the withholding from competition for the next season. The University believed significant extenuating circumstances warranted mitigation of previous precedent.

The SAR Staff ruled that three student-athletes would receive a 40 percent withholding, one would receive a 50 percent withholding, and 15 would receive a one-year withholding. (One

student-athlete withdrew from the University and the NCAA Staff was awaiting information on one student-athlete.)

B. Second Submission - As part of the discussions about the SAR Staff's initial decision, the SAR Staff indicated that it would reconsider the penalty if information existed that the culpability for the violations primarily rested with the institution and not the student-athlete. Since the institution strongly believed that its processes and personnel were primarily responsible for the improper assistance, it submitted additional information. Certain institutional officials and TCG staff talked personally with the NCAA Staff at the NCAA Office in mid November about this additional information.

The discussions focused on the following University concerns:

1. University and athletics department personnel created an atmosphere that facilitated the inappropriate assistance. While the student-athletes should have shown better judgment, the University bore primary responsibility for the irregularities that occurred within the course.
2. The Investigative Committee remained concerned that more student-athletes (other than those in the initial submission) may have received inappropriate assistance and the University needed a means to encourage those additional student-athletes to come forward. The University was concerned that the student-athletes currently in the restoration process were receiving a significant penalty not only because of the institution's involvement but also due to their honesty in answering the auditors' questions. The University believed more student-athletes (and probably students in general) received improper assistance in the course, but the evidence to substantiate this belief was circumstantial and inconclusive.
3. The University needed a means to address item (2) above on a collective as opposed to an individual basis and asked the SAR Staff to reconsider its initial decision and apply a 30 percent penalty to all student-athletes who came forward, acknowledged involvement, and cooperated in the continuing investigation.

During the later weeks of November 2007, the University and the SAR Staff communicated frequently about the University's reconsideration request. During this time, the University also determined that the course was "compromised" due to the reasons discussed in this report. As a result, it was determined and reported to the NCAA Staff that in the spring semester of 2008, all student-athletes who had been enrolled in the course during the fall 2006, spring 2007, and summer 2007 semesters would be required to retake the online course regardless of whether they acknowledged improper assistance. The spring 2008 course will utilize significantly revised exam procedures that the University believes will curtail any opportunity for improper assistance. The grades obtained on these exams will be the grades utilized in determining final course grades that will be applied to student-athletes' transcripts. During the summer of 2008, after these grades have been determined, an analysis will be undertaken prior to competition for the next year to determine if the "new grade" would affect the student-athlete's eligibility.

In late November 2007, the SAR Staff advised the institution that it accepted the University's 30 percent reduction 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. It was not an "open ended" decision. The University agreed to meet individually with all student-athletes 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.

After receiving the decision from the SAR Staff, the institution began scheduling interviews with the student-athletes. These occurred during December 2007. In some instances, a parent(s) of the student-athlete and legal counsel were present. On numerous other occasions, the parents or legal counsel of the student-athlete telephoned University representatives prior to the interview to ask procedural questions. Karpinski and/or Battle conducted the interviews. NCAA Assistant Director of Enforcement Joyce Thompson was present for a number of the interviews. During interviews with approximately 75 student-athletes, approximately 39 student-athletes acknowledged receiving improper assistance in the online course. These were forwarded to the SAR Staff for formal notification that these student-athletes will be subject to the 30 percent withholding condition.

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As a result, approximately 61 student-athletes have been affected to date, as the "initial submission" contained approximately 22, and the "second submission" contained approximately 39 student-athletes.

The University greatly appreciates the assistance of the NCAA and the SAR Staff. Most importantly, the University appreciates the SAR Staff's decision to view the involvement of the student-athletes on a collective rather than an individual basis. As indicated above, the institution had concerns early in the process that some student-athletes were not being forthcoming regarding their involvement in receiving improper assistance. The SAR Staff's decision was the catalyst for the second group of 39 student-athletes coming forward. It also allowed the institution to obtain more information in identifying the involvement in or knowledge of institutional staff members pertaining to any provision of improper assistance.

V. ACKNOWLEDGED VIOLATIONS

A. Learning Specialist

Dr. Brenda Monk, a then learning specialist within the institution's Athletic Academic Support Services (AASS), provided improper academic assistance to several student-athletes in the AASS offices:

1. *During the fall and spring semesters of the 2006-07 academic year, Monk:*
 - a. *directed the first student-athlete to complete an online exam for the second student-athlete and provided the first student-athlete with correct answers to the exam. The second student-athlete was not aware of this assistance until after it occurred; and*
 - b. *provided answers directly or indirectly to student-athletes in the online course. Monk was aware that the online exams for the course were similar to exams from previous semesters. Nevertheless, she developed a notebook of exam questions and answers that were provided to the student-athletes, and she provided assistance to student-athletes taking the exams that was excessive and contrary to NCAA legislation.*
 2. *Monk provided improper academic assistance to several student-athletes that was in excess of what should have been provided in her role as a learning specialist. This included typing papers for a few student-athletes and providing assistance on papers.*
-

Paragraph #1

Regarding the facts, on March 23, 2007, the second student-athlete came to the AASS for a study session with Monk, who reminded him that he had an exam due that day. Later that day, when the second student-athlete did not return to study hall to submit the exam, Monk logged on to a computer in the computer lab using the second student-athlete's e-mail and password. The first student-athlete was sitting close to Monk. Monk asked the first student-athlete to enter in the answers for the second student-athlete's exam. Monk sat with the first student-athlete while he submitted the answers that were provided to him by Monk. The first student-athlete was not in this or a related class. The first student-athlete reported the information to an academic advisor in the AASS.

Monk reported that the second student-athlete was in a class that required him to do an assignment. She believed the second student-athlete had already completed the assignment, but it needed to be delivered to the professor. She assumed that the second student-athlete left his paper that had the answers to the assignments on her desk. although she reported she

no longer had the document and was not sure if the second student-athlete's name was on the paper. She reported that she asked the first student-athlete to type in answers for the second student-athlete. She reiterated that she believed the second student-athlete was the source of these answers. She did not remember why she asked the first student-athlete to insert the answers as opposed to her inserting the answers, other than that she was physically drained on that day and upset with the team and the second student-athlete because they were doing work at the last minute. She stated this was a "wrong judgment call." As part of her job, she had access to numerous student-athletes' e-mails and access to their user id's and passwords. She reported this was the first and only time she arranged for answers to be posted for a student.

The second student-athlete became aware of the assistance provided by Monk after it had occurred. While it would have been helpful for the second student-athlete to have alerted institutional officials when he became aware of the assistance provided by Monk, he did not ask nor was he aware of what occurred until after receipt of the assistance.

The institution requested an interpretation from the NCAA Membership Services Staff concerning whether the first student-athlete's involvement in this situation violated any NCAA legislation. After consultation with the NCAA Membership Services Staff, the institution determined that it did not. The University's Academic Honor Committee also reviewed this issue and did not believe the young man violated any University policy, as it determined that the first student-athlete was not the benefactor of any improper assistance. The Academic Honor Committee also considered that the first student-athlete revealed this information to University officials approximately three days after the occurrence. The dean of students also reviewed the information to determine whether there was a violation of the student conduct code, and it was determined that the first student-athlete would not be charged.

Concerning Paragraph #1b and assistance in the online course, the University believes that Monk provided a few answers to a few student-athletes on the exams for the online course and allowed some student-athletes to use a notebook that contained questions and answers for the exams in the online course.

Monk reported during her joint interviews with the institution and the NCAA Enforcement Staff that she believed that the online course was open book until the spring of 2007 and, as a

result, she could help a student-athlete who was taking the exam. She indicated that The Tutor was a very brilliant man who knew all the answers to the questions. She reported that prior to the spring 2007 semester, if she was helping a student-athlete, she and The Tutor "might interact" on a particular question for a student-athlete. She said that the exams were a "very open" process and that a student could use any resource on the exams, including the tutor and previous questions and answers. She reported that there were no restrictions on "helping" a student in the course on an exam.

Regarding the notebook, Monk indicated it was a study guide that contained questions and answers to previous exams in the course. She acknowledged that she thought the questions in the notebook were similar to those on the exam, but she was not sure. She said she also did not know if the answers were correct. She allowed a student-athlete to check out the notebook and that the only check to prohibit a student-athlete from using the notebook for the exam was the student's integrity.

Paragraph #2

The institution acknowledges that Monk provided this extra benefit to a few student-athletes. This information was discovered during interviews by the audit staff during the spring and summer of 2007 and during Monk's recent interviews. In regard to Monk's assistance with the papers, some student-athletes reported that while they wrote the papers themselves, Monk helped type some of their papers.

Monk reported that:

- i. the student-athletes completed the papers and she only typed papers for those student-athletes who were unable to type at that time. (It is the University's position that an individual other than a learning specialist should have been involved in providing this service);
- ii. she provided thoughts to the student-athletes that might have been used in the student-athletes' papers. She was unable to identify any specific student-athletes for whom she provided this assistance;

- iii. she would assist a student-athlete with preparing an outline for a paper and possibly typing the outline in the computer for the student-athlete. She said a student-athlete would provide the thoughts and she would assist in preparing the outline; and

- iv. she occasionally provided academic assistance as an accommodation that was appropriate for the student-athlete's disability. (The University believes that if a student-athlete was to receive an accommodation due to a disability, it should be documented and provided to the student-athletes by the Student Disability Resource Center.)

B. Tutor

During the 2005-06 and 2006-07 academic years, The Tutor, a then tutor in the Athletic Academic Support Services (AASS), provided improper academic assistance to numerous student-athletes in several sports for exams for the online course by providing the student-athletes: (i) answers to the exam questions; or (ii) information that assisted them in correctly answering the questions.

Further, numerous student-athletes also violated the provisions of the NCAA ethical conduct legislation by their receipt of these answers from The Tutor or then Learning Specialist Brenda Monk.

The University's inquiry initially focused upon the enrollment of the student-athletes in the online course during the semesters of spring 2006, summer 2006, fall 2006, spring 2007, and summer 2007, as those were the semesters that The Tutor tutored for the course. Based upon information provided by The Tutor and the student-athletes to the auditors, the inquiry's focus narrowed to improper assistance provided by The Tutor during three semesters – fall 2006, spring 2007, and summer 2007.

The Tutor began employment at the institution as a tutorial assistant. Shortly thereafter, he began tutoring in several subjects, including the online course. He resigned in June 2007 after his interview with the audit staff in which he acknowledged providing the assistance described later in this report.

The student-athletes' academic advisors within the AASS frequently recommended the online course because it met three program course requirements for graduation and could be taken online – allowing the student-athletes more time to adjust their schedules for team travel and practice.

The grade for the course is based upon the results of five papers and five online exams. Four of the papers were graded as Pass/Fail. One paper was worth 10 percent of the course grade (20 points). Four of the five exams had 40 questions and one had 20 questions, resulting in a total of 180 online questions. Each 40-question exam was worth 20 percent of the course grade, while the 20-question exam was worth 10 percent. The total points in the course were 200. (When offered during the summer, only four exams were given.) The exams did not require a proctor. Study guides and tutorials were available online. These guides contained

information from the textbook that the instructor believed was important. There also was a supplemental paperback guide that accompanied the textbook that contained review questions and answers very similar to the actual exams.

As noted above, the institution reviewed the information concerning the enrollment of the student-athletes in the course over the past five semesters and focused on three semesters. It was determined that the most substantiated amount of improper assistance occurred during the spring semester of the 2006-07 academic year. A total of 62 student-athletes were enrolled during this semester, along with 198 other students.

The institution also notes a significant factor in the provision of answers (and failure by the AASS to become aware of the provision) was confusion whether the course was "open or closed book." A few current or former members of the AASS indicated their belief that the course was open book throughout this period. Monk believed the course was open book until the spring semester of 2007. The Tutor believed the course was open book during each semester.

The course was developed to reach distance learners throughout the State of Florida. As a result, the course was offered online and in the classroom. (A few student-athletes took the course via the classroom and no improper assistance was provided.) Concerning the online course, the professor who developed the course taught it for all of the last ten years except for the spring of 2006 and summer of 2006 when two other instructors were involved. Whenever the professor taught the online course, the exams were considered closed book. For the two semesters that the professor did not teach the online course, exams were permitted to be open book. The syllabus for each semester did not clarify this requirement, although the online exams, at least for the spring of 2007, expressly stated that the student was to complete the exam without assistance.

The University notes that:

- a. The structure and implementation of the course facilitated the opportunity for improper assistance. The online exams for the online class were not administered in a structured environment. There was no requirement for a proctor, and any student enrolled in the course who had access to a computer with Internet access could view

the exams. The institution acknowledges that the professor did not have sufficient safeguards in place to prevent students from obtaining exam answers.

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. (Subsequent to these incidents, the Provost has directed the professor to make changes in the course that would reduce the likelihood of a student receiving improper assistance. Significant changes have been made.)

- b. The course exams did not change from semester to semester. Examinations were constructed from a limited pool of questions and numerous copies of previous exams were available on campus. In essence, little effort by students was needed to obtain questions and answers from exams previously administered online.

Also, several individuals reported that a binder/notebook was available in the AASS that contained a study guide and copies of the exams with answers. The student-athletes could review the guide prior to the exam. Some student-athletes admitted using the binder during the exam.

- c. The improper assistance occurred in the academic services facility. The assistance provided by the tutor was in: (i) the 32-station computer lab within the AASS in full view of others; and (ii) a tutorial cubicle within the AASS. Two student-athletes reported that they received assistance at a site other than that within the AASS facility, both at the same site. Several student-athletes reported their belief that if a University tutor in the academic services area was providing the assistance, it must be permissible.

Based upon the interviews with the student-athletes during the auditors' inquiry or as part of the restoration process, student-athletes provided the following general information concerning their culpability:

- a. Several student-athletes who took the course in the spring 2007 semester indicated that it was common knowledge among the student-athletes that The Tutor would help the student-athletes with their exams in the online class:

- b. It appeared that The Tutor had memorized the answers because the exam questions had not changed from semester to semester. (The Tutor confirmed he had memorized the majority of the answers);
- c. The level of assistance varied by student-athlete. Some indicated they received one answer on one exam, while others indicated they received nearly all of the answers on several exams. (The Tutor confirmed that the assistance he provided varied by the level of request for assistance sought by the student-athletes);
- d. Some student-athletes indicated they had arranged tutorial sessions with The Tutor to study for the exam and that The Tutor provided them answers during this session. Some student-athletes reported that they were aware when The Tutor was in the lab and they would go to the lab to take the exam at that time. (The Tutor reported that student-athletes often would drop in on his sessions without being scheduled); and
- e. Other student-athletes indicated that they did not ask for answers but that The Tutor would walk up to them and tell them that they had an incorrect answer and would suggest an answer or simply gave the correct answer. (The Tutor generally disputed this contention, as he indicated he provided the level of assistance that was requested of him.)

The Tutor confirmed that he received training on NCAA legislation on at least two occasions annually. On these occasions, Minnix or Battle presented an approximate one-hour presentation on NCAA academic fraud and extra benefit legislation. This training included the provision of a tutoring handbook, which included information on academic integrity and extra benefits and provided a warning to the tutor not to do work for the student-athletes. All tutors were required to sign an "Academic Support Affidavit" each semester, which referenced their knowledge of NCAA legislation relating to unethical conduct, fraudulent academic credit, etc. The Tutor signed this affidavit. The University believes The Tutor was made aware of NCAA legislation and made a conscious decision not to abide by the applicable NCAA standards.

The Tutor was interviewed by the audit staff on June 20, 2007, and by the Enforcement Staff and University representatives on November 8, 2007. He provided a second interview to the Enforcement Staff in January 2008 but did not allow University representatives to be in attendance. During his first interviews, The Tutor reported that every semester, he attended the orientation session for the tutors to learn about policies and procedures, including NCAA legislation. The Tutor said as an institutional employee, he received a tutor's handbook, which he was required to review throughout his employment.

The University believes that The Tutor's overall position is that he provided assistance because the course was open book and, since at least one other person within the AASS was providing answers, it was an acceptable practice for a tutor. The Tutor indicated that many of the answers for the exams were in the workbook or the online notes and the exams had never changed over time. He reported that since all of the answers to the exams were in the workbook or online, it upset him that the students would need to read a large textbook. During the November interview, The Tutor reiterated that the course was designed in order for anyone to provide assistance to a student or student-athlete enrolled in the course and that if the instructor objected, he would have changed the course format and questions and required a proctor. The Tutor insisted the course exams were considered open book.

The Tutor acknowledged providing some answers to some student-athletes beginning in the fall of 2006 and indicated the level of assistance to each student-athlete depended upon that student-athlete's specific request. Some student-athletes requested a lot of answers, while others only wanted answers if they were "stuck." The Tutor said the student-athletes asked him for answers or an advisor (or "others higher up") asked him to give answers. The Tutor reported he was following instructions given to him. He would not identify any advisors. Later in the interview, he added that some advisors knew he was providing answers. The Tutor would not respond as to whether he had a specific conversation with an advisor or whether a student-athlete told him that the student-athlete's advisor told the student-athlete to ask him for the answers.

The Tutor added that he talked directly with and was encouraged to provide answers by learning specialists who worked for Monk. He reported he saw Monk give answers in the online course to some student-athletes. He indicated he began providing answers after Monk

asked him for an answer when Monk was tutoring a student-athlete in the course. He said that since Monk provided answers, he believed it was an acceptable practice.

The Tutor said he did not wish to provide names of individuals who encouraged him to provide answers because the course, due to the format and structure, was not taken seriously by the University or the athletics department and now the University is on a "witch hunt." He reiterated that he believed his conduct was permissible because Monk was doing the same.

C. *Athletic Academic Support Services (AASS) failed to adequately:*

- (i) *review information available to it concerning potential violations of NCAA legislation; or*
- (ii) *monitor the enrollment of numerous student-athletes in an online course even though these members:*
 - *encouraged the student-athletes to enroll in the course and to request a specific tutor; and*
 - *arranged for the student-athlete to take online exams for this course with the tutor present.*

Specifically:

Concerning (i), on more than one occasion, then Director of the AASS Mark Meleney did not adequately review information reported to him involving the possible typing of papers by Brenda Monk, a then employee of AASS, for student-athletes.

Concerning (ii), the academic advisors encouraged numerous student-athletes to enroll in the course since the course met three University graduation requirements. Due to the number of student-athletes enrolled in the course during the spring 2007 semester, then Academic Advisor Aaron Vause was specifically assigned to ensure that the approximately 70 enrolled student-athletes were completing course assignments. Although nearly all of the student-athletes enrolled in the course during the semester were receiving an A in the course, insufficient efforts within the AASS were undertaken to monitor the student-athletes' performance in the course. Further, Academic Advisors encouraged several student-athletes enrolled in the course to utilize a certain tutor for the course and, contrary to AASS policy, encouraged or arranged for the tutor to be present when several student-athletes took an online exam for the course - exams during which the tutor frequently provided improper academic assistance.

The institution acknowledges that:

- i. *At least two members of the AASS staff reported to Meleney their knowledge of Monk typing papers for student-athletes. Although the director questioned Monk about this practice, he did not undertake additional inquiries nor report this information to the University's NCAA compliance staff;*
- ii. *Members of the AASS did not monitor the online course even though:*
 - *in excess of 140 student-athletes during a five-semester period were enrolled, including approximately 62 in the spring 2007 semester;*

- grades were received by numerous student-athletes that were not representative of the student-athletes' grades in other courses;
- the AASS staff was aware that Monk was checking out a binder to student-athletes in the AASS area that contained the exam questions and answers for the online course for the student-athletes' use in studying for the exams; and
- The Tutor, a then tutor for the online course, was providing numerous student-athletes with answers to questions in the online course in the computer lab or the study areas within the AASS and no AASS staff noticed this provision.

The University reviewed the issue of whether any member of the advising team was aware of the assistance provided by The Tutor. As noted earlier in this report, The Tutor indicated that advisors within the AASS sent student-athletes to him in order for him to provide answers to the student-athletes. The Tutor would not identify the advisors.

The advising staff of AASS reported that student-athletes were encouraged to take this class because it met three course graduation requirements, the flexibility it offered the student-athletes, and because student-athletes were doing well in the class. However, none reported that they knew The Tutor was providing answers nor that they encouraged student-athletes to be present when The Tutor was tutoring.

Numerous student-athletes reported that the advisors encouraged them to take the course and that the advisors encouraged them to get The Tutor as a tutor. Several student-athletes reported that their advisors encouraged them to take the exams when The Tutor was tutoring in the AASS facility. A few student-athletes reported that they believed their advisor knew that The Tutor was providing answers based upon comments that the advisor made. However, none reported specific detailed information that specifically indicated the advisors knew and, as a result, the University cannot substantiate a finding that an advisor knew of the provision of answers. However, the institution believes that members of the AASS reasonably should have known of this assistance based upon the information that was available.

The institution had implemented extensive educational and training programs and believed the actions of Monk and The Tutor were deliberate and not misinterpretations of NCAA

legislation. Both Monk and The Tutor confirmed in their interviews that the institution provided training to them. During these two academic years, the institution had: (i) a tutoring handbook; (ii) conducted an orientation session each semester for all tutors; and (iii) provided training to the tutoring staff on at least one occasion each semester. Each tutor also signed an affidavit indicating that they understood NCAA legislation and would abide (or had abided) by it.

As a result of the auditors' interviews with the AASS staff and tutors, the auditors believed that it was evident that the AASS staff understood the ethical boundaries of what constituted helping a student to do their work and what work a student had to do. All AASS staff, including Monk and The Tutor, were questioned regarding any outside pressure they might have felt to provide inappropriate assistance to student-athletes. All indicated no coaches or athletics department staff pressured them.

VI. CORRECTIVE AND PUNITIVE ACTIONS

A. Corrective Actions – The institution has (or will) implement corrective actions. One of the responsibilities of the auditors during the summer of 2007 when interviewing numerous student-athletes and staff was to determine whether procedures should be modified or added. The actions below include some of the auditors' recommendations and additional actions developed by the institution:

- i. Encourage student-athletes with disabilities to register with and take advantage of the services provided to them by the University Student Disability Resource Center (SRRC). The institution will ensure that those student-athletes who qualify for additional academic assistance due to their learning disability understand the opportunities that are available to them. In order to receive accommodations, the student-athlete must register with the SRRC.
- ii. Ensure that the Director of AASS has the available information concerning the determination of whether a student-athlete is considered learning disabled. This includes requiring the Director of the AASS to review the need for student-athletes to receive special accommodations. Documentation should be maintained of any disability that provides for special accommodations for a student-athlete.
- iii. Develop a policy for the AASS to report all known violations of the academic honor code to the Dean of the Faculties. The AASS staff was aware of their responsibilities to report violations of NCAA legislation to appropriate University personnel. However, there was no written policy that they should report such violations to the Office of the Dean of the Faculties in order that the University's academic honor code process could begin.
- iv. Adopt a policy that AASS staff have only "read 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. It has been a practice for AASS staff to ask the student-athletes to provide their academic advisor with their blackboard user names and passwords. This has provided the opportunity for the advisors to monitor the student-athlete's performance in the class

and to check the student-athlete's schedule. This was an almost universal practice and the student-athletes raised no objections. However, this provides the opportunity for the AASS staff to sign on to the blackboard account and enter exam answers, without the student-athlete's authorization.

- v. Implement a University-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. The institution is reviewing its procedures not only for this course but for all online exams that count for significant credit in an undergraduate course to ensure that the exams are provided under the supervision of a proctor.
- vi. Monitor trends in grades of students in online courses. The University has developed a report that provides a comparison in each undergraduate class of grades received by the student-athletes versus the grades received by the general student population. These reports were generated and reviewed by the Registrar from approximately 1990 to 2006. During the 2006-07 academic year, while the Registrar received the report, it was not reviewed. In the future, these reports will be in more detail and be reviewed by the FAR, Chair of the Academic Subcommittee, and Provost after each semester in order to identify any unexpected trends in the grade performance of the student-athlete population.
- vii. Develop a system within the AASS concerning tutorial assignments for student-athletes, including the identification of student-athletes assigned to each tutor for each semester.
- viii. Review 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.
- ix. Require more frequent communication between the athletics department, the AASS, and the Dean of Undergraduate Studies. While such communication is helpful for all areas, this relates primarily to discussions about the AASS.

- x. Require all student-athletes to receive information on the type of assistance that is permissible by tutors.
- xi. Improve monitoring procedures for tutors in the AASS.
- xii. Require all logons with all University servers to be recorded and those recordings to be retained.

B. Punitive Actions – The following punitive actions have been or will be undertaken:

- i. Place the institution's athletics program on probation for a period of two years, effective February 13, 2008.
- ii. Reduce the number of grant-in-aids in several sports depending upon the number of involved student-athletes in those sports and in proportion to reduction imposed by the NCAA Student-Athlete Reinstatement Staff.
- iii. Did not renew the contract of a then learning specialist and a then academic tutor.
- iv. Require all athletics department administrative and non-administrative staff to attend a four-hour training program instructed by an outside consultant on "Decision Making in the NCAA Compliance Environment."
- v. Make changes at five senior levels in the athletics department area and within the AASS area.
- vi. Review and enhance the working relationship between the learning specialist positions within the AASS and the University-wide Student Disability Resource Center (SDRC) and consider relocating the AASS learning specialist positions to the SDRC.

VII. CONCLUSION

The institution appreciates the opportunity to submit this information and looks forward to the expeditious resolution of this matter.