

January 29, 2009

Mr. David Price
Vice President of Enforcement
National Collegiate Athletic Association
700 West Washington Street
P.O. Box 8222
Indianapolis, IN 46206-8222

P.O. Box 600
State University, AR 72467-0600

Phone:
870-972-3030

Fax:
870-972-3465

www.astate.edu

Re: Report of Arkansas State University on Certification of Student-Athletes

Dear Mr. Price:

This letter is our report to the National Collegiate Athletic Association of the investigation into the certification of student-athletes at Arkansas State University about which I have written to you previously.

I first informed you on August 25, 2008, that our Department of Intercollegiate Athletics had become aware of a possible misinterpretation of campus academic standards which had raised concerns with the certification process. Our preliminary review indicated that two athletic academic advisors who left their positions on June 30, 2008, had miscalculated hours needed for progress toward degree thereby making some ASU student-athletes ineligible.

We also reported our concerns to the Sun Belt Conference and Ms. Kathy Keene, Associate Commissioner, traveled to our campus to assist with our investigation. The file of every student-athlete attending Arkansas State University was examined for eligibility. Multiple levels of review were conducted by new athletic academic advisors, academic administrators, our compliance officer, our faculty athletic representative, independent reviewers, and representatives of the Sun Belt Conference and the NCAA. Our findings revealed that some students had indeed been certified as eligible when they had not met progress toward degree requirements as set out in bylaws 14.4.3.2 and 14.4.3.2.2. All student-athletes had taken and passed classes. Those classes were simply inappropriately credited toward degree requirements.

ASU requested progress toward degree waivers for twenty-one (21) student-athletes. See Exhibit A. The National Collegiate Athletic Association approved all of the requests for waivers with conditions on only three. The only student-athlete required to sit out 15 games this season completed all requirements imposed by the NCAA and has resumed competition.

At the close of our internal review, we requested that the Sun Belt Conference and The Compliance Group, an independent organization experienced in reviewing and advising on situations regarding certification, conduct an on-site comprehensive review of the certification process for student-athletes at Arkansas State University. The cover letter and report of the Sun Belt Conference and The Compliance Group is attached as Exhibit B. Arkansas State University concurs with the finding that "there was no unethical conduct or purposeful intent to certify student-athletes as eligible for competition contrary to NCAA legislation." ASU accepts and will implement the recommendations contained in the report. To that end, I have sent a letter to our chief academic officer and to our director of athletics directing them to oversee the implementation of all recommendations contained in the report. See Exhibit C.

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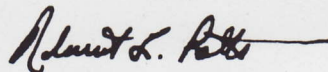
One athletic academic advisor who misapplied the eligibility formula has already been replaced, and a search is being completed for the second advisor. We have reassigned the Associate Director of Athletics and Senior Women's Administrator to duties outside the Department of Intercollegiate Athletics and have hired a new Associate Director of Athletics and Senior Women's Administrator. ASU also has removed the certifying officer who was involved in this matter from any further athletic certification duties and has reassigned those duties temporarily to the Faculty Athletic Representative while a search is being conducted for a new full-time certifying officer. In short, every person directly involved in the erroneous certification of student-athletes has been removed and has been replaced by the institution.

Our investigation reveals that 10 student-athletes competed while ineligible. Eight of those student-athletes competed in 10 or more contests and we are self-imposing the maximum fine of \$5,000 per student-athlete. One student-athlete competed in six contests and we are self-imposing the maximum fine of \$3,000. One student-athlete competed in one contest and we are self-imposing the maximum fine of \$500. An eleventh student-athlete was ineligible but did not compete. We therefore enclose a check payable to the NCAA in the amount of \$43,500 as the self-imposed monetary penalty for these mistakes.

Also, copies of this letter are being placed in the employment files of Dr. Dean Lee, Director of Intercollegiate Athletics; Melanie Richardson, former Associate Director of Athletics and Senior Women's Administrator; and Sharon McDaniel, former certifying officer.

This incident has been very distressing to all those involved in intercollegiate athletics at Arkansas State University. We apologize to the NCAA and its members for our inadvertent errors in this matter. The excellent assistance provided by the NCAA, the Sun Belt Conference, and The Compliance Group has allowed us meticulously to review our procedures for certifying student-athletes. Every person directly associated with the errors in certification has been replaced; the stringent recommendations from the external review are being implemented, and the maximum fines have been paid by ASU to the NCAA for each student-athlete who participated while ineligible. We trust that these definitive steps will ensure full compliance in the future and adequately penalize the University for its mistakes of the past. We will be glad to provide any additional information you may need and stand ready to travel to Indianapolis to answer any questions you may have regarding this matter.

Best regards,



Robert L. Potts
Chancellor

RLP:mb

Enclosures

EXHIBIT A

Progress Towards Degree Waivers Fall 2008

NOTE: Student-Athlete names redacted per FERPA.

Sport	Deficiency
Football	9
Football	2
Football	5
Football	10
Track	1
Baseball	4
Baseball	5
Football	10
Track	1
Baseball	7
Baseball	2
Men's Basketball	12
Bowling	5
Soccer	0.2
Football	3
Football	10
Men's Basketball	6
Football	4
Football	6
Track	2
Men's Basketball	16



601 Poydras Street, Suite 2355
New Orleans, LA 70130-6078



8889 Bourgade Street
Lenexa, Kansas 66219

January 13, 2009

Dr. Robert Potts
Chancellor
Arkansas State University
P.O. Box 1000
State University, Arkansas 72467

Dear Dr. Potts:

Enclosed is the report of the certification process for student-athletes at Arkansas State University. The report summarizes the results of the November 12-14, 2008 campus visit related to the certification of student-athletes. The report also addresses recommendations the institution will consider or implement to address vulnerabilities related to certifying initial, continuing, and transfer eligibility of student-athletes.

We reviewed eligibility certification documentation and procedures, pulled corresponding files and student-athlete records, and conducted interviews with University and athletic department staff members (Attachment 1). We concluded that the certification of student-athletes was the responsibility of the athletic academic advisors and the certifying officer in the Registrar's Office. More specifically, the athletic academic advisors created a spreadsheet each semester outlining the academic profile of each student-athlete regarding their current progress towards degree (i.e., six-hour rule, percentage, credit hour requirements, degree applicable hours). The advisors would subsequently meet with the certifying officer in the Registrar's Office and review each individual student-athlete, "checking off" that they had met their respective NCAA "academic benchmarks" based on the information from the athletic academic advisors. The formal declaration then was made.

We concluded that:

- a. Although it is our belief that the certifying officer was knowledgeable regarding NCAA rules, and did attend professional development seminars related to rules education on a consistent basis, the certifying officer did not verify the documentation that was used to create the academic profiles of each student-athlete. She did not consider herself "ultimately responsible for certifying eligibility for all student-athletes" as stated in the 2005 NCAA Self Study report. She considered herself the, "Gatherer of information" but not the final authority in determining whether or not student-athletes had met the specific NCAA academic requirements. This created a process whereby the certifying officer was relying on the athletic academic advisors to provide accurate information regarding the student-athletes' progress towards degree (PTD).

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Dr. Robert Potts
January 13, 2009
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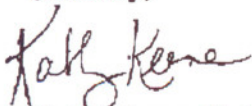
- b. Athletic academic advisors were misunderstood in the application of NCAA rules related to PTD. They were inconsistent in the evaluations of transfer credit to ASU, and in calculating the number of hours that were degree applicable. Furthermore, it was determined that the athletic academic advisors were not properly managed by their immediate supervisor, the Associate Athletics Director for Academic Services. There was little interaction between the Associate Athletics Director for Academic Services and the athletic academic advisors in terms of reviewing documents related to the certification of student-athletes. There was no assurance on the part of the Associate Athletics Director for Academic Services that the athletic academic advisors adhered to NCAA PTD regulations, as well as, University degree requirements. There were also inconsistencies in applying procedures related to student-athletes choosing a major or changing that major, and in advising student-athletes for courses that met their degree requirements ,and
- c. There was a lack of understanding between offices as to who was responsible for different aspects of eligibility certification. There was no clear designation as to who had "final authority" to certify the eligibility of student-athletes. However, we conclude that there was no unethical conduct or purposeful intent to certify student-athletes as eligible for competition contrary to NCAA legislation

It is apparent that Arkansas State University is very diligent in correcting the practices involved in the certification of student-athletes and in operating with the utmost integrity when dealing with NCAA, Sun Belt Conference, and institutional rules and regulations. We are hopeful that this review will assist in continuing those efforts.

In closing, the cooperation and hospitality extended to us by all with whom we had the opportunity to work is greatly appreciated.

Please do not hesitate to contact either of us should you have any questions regarding the report or any other compliance related matter.

Sincerely,



Kathy Keene, Ph.D.
Associate Commissioner for Compliance
Sun Belt Conference



Mr. Rick Allen
Consultant
The Compliance Group

cc: Ms. Lucinda McDaniel, Legal Counsel
Dr. Dean Lee, Director of Athletics

Arkansas State University
Student-Athlete Certification Review
November 12-14

I. Current Observations of Initial Eligibility

- Initial Eligibility is mainly a function of the Assistant Athletic Director for Compliance (AADC). She is responsible for working with the coaches to identify new student-athletes enrolling to ASU.
- The Assistant Athletic Director for Compliance (AADC) maintains the Institution's request list (IRL) and updates coaches regarding the PSA's status with the Eligibility Center.
- Once on campus, the AADC ensures that all appropriate compliance paperwork and NCAA forms (Student-Athlete Statement, Drug-Testing Consent Form) are completed.
- The Compliance Committee, which consists of the AADC, Athletic Academic Advisors, the Associate Athletics Director for Student-Services, Faculty Athletics Representative, and representatives from Housing, Financial Aid, Admissions, and the Registrar's Office meet on a regular basis to review the status of each incoming PSA and completion of necessary paperwork to make the transition to ASU.
- The Compliance Committee does not discuss specific certification and eligibility problems with student-athletes.

II. Current Observations of Transfer Eligibility

- Transfer evaluations were completed by the athletic academic advisors using unofficial transcripts. There was insufficient documentation regarding transfer evaluations, which courses were used for progress towards degree (PTD), which courses were degree applicable and how many hours remained in the degree program.
- Academic Departments (i.e. department chairs, faculty advisors) were not consulted consistently to complete a degree audit on transfer credits.
- Upon initial enrollment by transfer student-athletes to ASU, there was insufficient documentation in athletic department student-athletes' files regarding AA degrees, 48 transferable hours, and percentage of degree.
- Transfer student-athletes were not appropriately evaluated at the time of entry into ASU, which caused student-athletes to repeat courses at ASU that they had already taken at their previous institutions.
- Transfer student-athletes' were also placed into degree programs that were not conducive to meeting their NCAA eligibility requirements. In most instances, had the transcripts been evaluated by the appropriate University official, student-athletes would have retained more transferable degree hours, and satisfied progress towards degree requirements by being placed in another degree program upon enrollment to ASU.
- Transfer student-athletes were advised to take too many elective courses that did not apply towards their degree resulting in insufficient degree applicable hours to satisfy percentage requirements.

III. Current Observations of Continuing Eligibility

- Remedial courses that were included in the 24 hours for the student-athlete's first year of attendance were not removed in subsequent years and were used to determine degree percentage in subsequent semesters.

- English Comp I was not removed after the freshman year to determine eligibility if the grade was a “D.” A grade of “D” cannot be used to satisfy degree credit beyond the first year of collegiate enrollment.
- There was confusion among which departments have required minors and how those fit into progress towards degree requirements. There was also some confusion on academic enhancements required by ASU and how those are applied to the academic records of transfer student-athletes.
- Registration procedures were not followed by many student-athletes. This created situations where student-athletes were not meeting with their faculty advisors but were being advised by the athletic academic advisors. Student-athletes were enrolling in too many electives that were advised by the athletic academic advisors and then those courses were counted towards degree when there were no more electives available in the degree program.
- Student-athletes were not monitored to ensure that proper procedures were followed when changing their major. Therefore, changes were being made by on-campus personnel without proper guidance from the Athletics Department to determine how the change in major would impact their eligibility.

IV. Overall Observations

- The certifying officer was not verifying the eligibility of student-athletes. She was using the recommendations from the athletic academic advisors who were not properly supervised nor properly applying NCAA legislation pertaining to PTD.
- Policies and procedures regarding transfer evaluations, registration of student-athletes, and change of major were not consistently followed by the Athletics Department.
- Student-athletes were not meeting with their faculty advisors regarding course registration. This created situations where the academic athletic advisors misadvised student-athletes on which courses would be degree applicable.
- There is a lack of communication between the Compliance Office and Athletic Academic Services Office in regards to student-athlete eligibility.

V. Overall Staff and Procedural Recommendations

- A full-time certifying officer for the Institution should be employed whose main responsibility is to certify all student-athletes. The certifying officer must have the expectation that he/she is the final authority for eligibility certification.
- The Associate Athletic Director for Student Services (AADSS) should have a clear understanding and working knowledge of certifying progress towards degree for student-athletes. The AADSS should be well versed in University regulations pertaining to curriculum programs and degree audits. The individual should have the expectation that this position is a critical component in the certification process of student-athletes.
- An Eligibility Certification “Team” which will consist of the Associate Athletic Director for Student Services (AADSS), the Assistant Athletic Director for Compliance (AADC), and the Certifying Officer should be established. The team should meet once a week to review and receive updates on all matters related to the certification of student-athletes. The “Team” should be led by the AADSS.
- The Eligibility Certification “Team” should meet with the Faculty Athletic Representative at the end of each semester to review certification files of each student-athlete.
- The AADSS and the AADC should meet with the Director of Athletics at the end of each semester to review certification of each sport team and eligibility concerns of specific student-athletes.

- The AADC should meet with the FAR prior to signing each squad lists to offer any updates and answer any questions regarding the eligibility of student-athletes during the semester.
- The AADSS should meet and educate faculty advisors on basic PTD rules for student-athletes, and the importance of advising student-athletes to take courses that are degree applicable. These meetings should be conducted formally within each college and should occur on an annual basis.
- The AADSS, in conjunction with the academic advisors, should obtain all transfer evaluations from the appropriate college or departments to verify and document the number of hours that are degree applicable.
- The AADSS must enforce athletic policies as stated in the student-athlete handbook regarding priority registration, dropping or adding a class, and changing a major.
- Student-athletes and coaches must be educated on these procedures and the importance of obtaining appropriate documentation from faculty advisors in terms of course registration, and athletic academic advisors in terms of dropping and adding a course, and change of major.
- The Certifying Officer, in conjunction with the Registrar's Office, should place holds on all student-athlete accounts, thereby not allowing faculty advisors or other campus personnel to drop/add a course for a student-athlete, change their major, or register for classes without the knowledge and approval of the Athletic Department.
- The signature of the AADC should be included on the drop/add form and the change of major form to ensure that student-athletes will continue to be in compliance with eligibility rules for practice and competition.
- The Eligibility Certification Team should be required to attend the NCAA Regional Rules Seminars and Sun Belt Conference Compliance Workshop each year.

VI. Specific Procedural Recommendations to the Certification Process

New 4-4 transfer student-athletes

1. The AADC will contact all head coaches to inquire whether they are planning to bring in any new 4-4 transfer student-athletes for the respective term. If so, request all necessary paperwork (copy of admission application, transcript copies) from coaches or Admissions Office as appropriate.
2. The AADC will ensure that the permission to contact has been received and that the previous institution has no exception to the one-time transfer exception (if appropriate).
3. The AADC will review the transfer's file to confirm the 5-year clock and the remaining seasons of eligibility, will confirm that they satisfy a 4-4 transfer exception, and will document the appropriate exception.
4. The AADC will forward the transfer list to the Certifying Officer who will ensure that they have completed their admission application and check their Eligibility Center status for academic and amateurism certification.
5. The AADSS will obtain a transfer evaluation of the transcript for courses that are transferable, and identify any transferable courses that may qualify for course substitutions.
6. The AADSS will contact the appropriate college or department to obtain an evaluation of the degree credit hours that will be applicable to the student-athlete's desired or most beneficial degree plan.
7. The Certifying Officer, in conjunction with the AADC will ensure that the following academic requirements have been satisfied:

- a. Credit-hour requirements (Bylaw 14.4.3.1.2)
 - b. 6-hour rule (Bylaw 14.4.3.1.2.1)
 - c. Designation of degree, if appropriate (Bylaw 14.4.3.1.6)
 - d. Appropriate percentage of degree (Bylaw 14.4.3.2)
8. Once on campus, the AADC will ensure that all appropriate compliance paperwork and NCAA forms (Student-Athlete Statement, Drug-Testing Consent Form) are completed.
 9. The Eligibility Certification team will review all documentation and ensure that 4-4 transfers meet transfer-eligibility requirements to be certified eligible for aid, practice, and competition.
 10. The AADC will ensure that each 4-4 transfer will be added to the appropriate squad list and that the Certifying Officer and FAR has reviewed and signed the updated squad list prior to submission to the conference office.

New 2-4 (or 4-2-4) transfer student-athletes

1. The AADC will contact all head coaches to inquire whether they are planning to bring in any new 2-4 transfer student-athletes for the respective term. If so, request all necessary paperwork (copy of admission application, transcript copies) from coaches or Admissions Office as appropriate.
2. The AADC will review the transfer's paperwork to confirm the remaining seasons of eligibility, and the time remaining on the transfer's 5-year clock.
3. The AADC will forward this list to the Certifying Officer who will ensure that they have completed their admission application and check their Eligibility Center status for academic and amateurism certification.
4. If the AADC has learned through the coaching staff or through the transfer's admission application that the transfer plans to obtain their AA degree to satisfy transfer requirements, the AADC will ask the Certifying Officer to confirm receipt of the AA degree with the Registrar of the awarding institution.
5. If the transfer is a 4-2-4 transfer, the AADC will work with the Certifying Officer to confirm the calendar year lapse required since departure from the first 4-year institution.
6. The AADSS will obtain a transfer evaluation of the transcript for courses that are transferable, and identify any transferable courses that may qualify for course substitutions.
7. The AADSS will contact the appropriate college or department to obtain an evaluation of the degree credit hours that will be applicable to the student-athlete's desired or most beneficial degree plan.
8. The Certifying Officer, in conjunction with the AADC will ensure that the following academic requirements have been satisfied:
 - a. Credit-hour requirements (Bylaw 14.4.3.1.2)
 - b. 6-hour rule (Bylaw 14.4.3.1.2.1)
 - c. Designation of degree, if appropriate (Bylaw 14.4.3.1.6)
 - d. Appropriate percentage of degree (Bylaw 14.4.3.2)
 - e. 2-4 transfer requirements (Bylaw 14.5.4.1, 14.5.4.2, 14.5.4.2.1, 14.5.4.5.1, 14.5.4.5.2)
9. Once on campus, the AADC will ensure that all appropriate compliance paperwork and NCAA forms (Student-Athlete Statement, Drug-Testing Consent Form) are completed. The AADC will also monitor the 14-day and 45-day temporary certification period.

10. The Eligibility Certification team will review all documentation and ensure that 2-4 (and 4-2-4) transfers meet transfer-eligibility requirements to be certified eligible for aid, practice, and competition.
11. The AADC will ensure that each 2-4 transfer will be added to the appropriate squad list and that the Certifying Officer and FAR have reviewed and signed the updated squad list prior to submission to the conference office.

New freshman student-athletes

1. The AADC will contact all head coaches to inquire whether they are planning to bring in any new freshman student-athletes for the respective term. If so, request copy of admission application from Admissions Office.
2. The AADC will forward list to the Certifying Officer who will tag freshman in the Eligibility Center, will ensure that they have completed their admission application for enrollment, and will check their Eligibility Center status for academic and amateurism certification. The AADC will follow up with freshmen who still need to submit additional information to the Eligibility Center.
3. Once on campus, the AADC will ensure that all appropriate compliance paperwork and NCAA forms (Student-Athlete Statement, Drug-Testing Consent Form) are completed. The AADC will also monitor the 14-day and 45-day temporary certification period.
4. The Eligibility Certification team will review all documentation and ensure that freshmen meet initial-eligibility requirements to be certified eligible for aid, practice, and competition.
5. The AADC will ensure that the freshmen will be added to the appropriate squad list and that the Certifying Officer and FAR has reviewed and signed the updated squad list prior to submission to the conference office.

Continuing student-athletes

1. The AADC will print a current squad list for each team and provide a copy to the AADSS and the Certifying Officer.
2. The Certifying Officer will submit pre-certification forms (Attachment 2) to campus advisors during the semester for approval of hours towards degree.
3. The Certifying Officer will review transcripts for continuing student-athletes as soon as semester grades are posted to student-athlete records in Banner. The grades earned will be checked against pre-certification forms.
4. If there is a question regarding whether a particular course, or a particular grade for a course, is applicable to the “progress towards degree” calculation, the Certifying Officer will contact the student-athlete’s Academic Advisor in their major college for confirmation. In the event that the Academic Advisor and/or appropriate faculty member is unavailable and a confirmation is needed in a timely manner, the Dean of the University College will have the final authority to make that determination.
5. The Certifying Officer will ensure that the following academic requirements have been satisfied:
 - a. 6-hour rule (Bylaw 14.4.3.1(c))
 - b. GPA rule (Bylaw 14.4.3.3.1)
 - c. Designation of degree, if 5th semester for a student-athlete (Bylaw 14.4.3.1.6)
 - d. Appropriate percentage of degree for any student-athlete that requires continuing mid-year certification (Bylaw 14.4.3.2)

6. The Eligibility Certification team will review all documentation and ensure that continuing student-athletes have met PTD requirements to be certified eligible for aid, practice, and competition.
7. The AADC will ensure that any necessary changes to eligibility status are noted on each team's squad list and that the Certifying Officer and FAR have reviewed and signed the updated squad list.
8. The AADSS and the AADC meets with the Director of Athletics and Head Coach to review eligibility and squad list. Both Director of Athletics and Head Coach sign squad lists prior to submission to the conference office.
9. Certifying Officer creates a list of all student-athletes who have eligibility deficiencies. This data is provided to the AADC and the AADSS in order to provide recommendations on courses and a plan of action to meet the deficiency for the next semester.



January 29, 2009

Dr. G. Daniel Howard
Vice Chancellor for Academic Affairs and Research
P. O. Box 179
State University, AR 72467

Dr. Dean Lee
Director of Athletics
P. O. Box 1000
State University, AR 72467

P.O. Box 600
State University, AR 72467-0600

Phone:
870-972-3030

Fax:
870-972-3465

www.astate.edu

Re: Implementation of the Compliance Group and Sun Belt Conference Recommendations
Concerning Eligibility Certification of Student Athletes at Arkansas State University

Dear Dan and Dean:

As you both are aware, mistakes by certain employees within your respective divisions caused 21 ASU student athletes to be inappropriately certified to the NCAA when they had not met progress toward degree requirements as required by NCAA bylaws 14.4.3.2 and 14.4.3.2.2. We have self reported these infractions to the NCAA, and have self imposed a penalty on ourselves of \$43,500 for these violations. It is imperative that steps be taken to make sure that our processes, procedures, and personnel do not allow any such violations to occur in the future.

To that end, I am enclosing a cover letter and report from the Sun Belt Conference and the compliance group detailing the nature of these infractions and in sections V. and VI. of the report making staff and procedural recommendations for the certification process that will prevent these types of inadvertent violations in the future.

I hereby request that you meet at your earliest convenience to determine which of you will implement which of these recommendations and that each and every recommendation is implemented as soon as reasonably possible.

Following your meeting, I would like for you to submit to me a joint report specifying how your duties and those that report to you have been divided, the plans for seeing that each of these recommendations is implemented and the specific persons within your organization who will be responsible for overseeing the implementation of each of these recommendations. Thereafter, I would appreciate a report at the conclusion of the implementation process.

Thank you very much for your prompt attention to this important matter.

Best regards,

Robert L. Potts
Chancellor