Athletics Compliance Operating Manual
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ATHLETICS COMPLIANCE OFFICE (ACO)

Florida International University (FIU) is committed and obligated to the principle of institutional control in operating its athletics program in a manner that is consistent with the letter and the spirit of the National Collegiate Athletic Association (NCAA), Conference, and University rules and regulations.

The Athletics Compliance Office (ACO) coordinates, monitors, and verifies compliance with all NCAA requirements and educates the various constituencies of the University and the community regarding NCAA and conference regulations. The ACO is dedicated to providing educational programs and interpretive support to ensure that all individuals involved with the athletics program understand and adhere to the University's athletics compliance expectations. To achieve this goal, a comprehensive and detailed education program is conducted through the year with staff inside and outside the athletics department. In order to maintain strong lines of communication, the Director of University Athletics Compliance participates weekly in the athletics department senior staff meeting, meets with the General Counsel every other week, and is involved with several other meetings, along with the ACO staff, during the semester with entities outside of the athletics department. In addition, the Director meets with the Faculty Athletics Representative (FAR) and the Director of the Student-Athlete Academic Center (SAAC) at least once per month, to update him or her on any issues within the ACO ensure that his or she is up-to-date on any potential issues.

The athletics department is committed to the principle of Institutional Control (See Page 10 for definition of Institutional Control) through the education of coaches, staff, student-athletes and other individuals within the athletics program. The ACO has put into place monitoring procedures and educational programs that provide guidance in how to work within the rules. Each individual within the athletics department is obligated to maintain competency in knowledge of rules, to act within his or her realm of responsibility in full compliance with the rules and to report any violations of the rules.

When a violation occurs, the coaching and non-coaching athletics department staff should immediately inform the Director of University Athletics Compliance (DUAC). The DUAC will conduct an investigation to determine if a rules violation has occurred, and report the findings to the appropriate parties, as outlined in the rules violation investigating and reporting policy. Your absolute cooperation and honesty regarding an investigation is not only expected by required per NCAA Bylaw 10.1 (Unethical Conduct). (See page 20 for definition of Unethical Conduct). Rules violations are reported to the conference office and NCAA with copies going to the President, Faculty Athletics Representative (FAR), Conference Commissioner, Director of Athletics, General Counsel and any staff members involved. Appropriate NCAA prescribed and self-imposed penalties will be included as well as any corrective action that was taken to rectify the situation that caused the problem.

Integrity and Compliance with NCAA and Conference rules is of utmost importance to FIU, and its intercollegiate athletics department. As a member of the NCAA, FIU is responsible for the actions of its coaches, student-athletes, faculty and staff, alumni, donors, boosters and friends. It is the goal of the ACO to place the University in a pro-active position by educating, overseeing, and monitoring the intercollegiate athletics program and maintaining a positive compliance environment.
**FIU ATHLETICS COMPLIANCE OFFICE (ACO) MISSION STATEMENT**

The mission of the FIU Athletics Compliance Office (ACO) is to function within the realm of the University's compliance structure, coordinating, monitoring and verifying compliance with all NCAA and Conference requirements, and to educate the athletics department staff members, student-athletes, the various constituencies of the University and the community regarding NCAA regulations. The ACO is committed and compelled to the principle of institutional control in the operation of the athletics department in a way that is within the rules and regulations of the NCAA, the Conference and the University.

**ACO VISION STATEMENT**

The vision of the ACO is to be recognized as one of the most comprehensive and proactive compliance programs in the areas of institutional control, education, and rules violation prevention. The ACO shall do so by remaining dedicated to maintaining the highest standards of excellence and professionalism while working together with all athletics staff members, student-athletes, FIU personnel, alumni, boosters, and the external community. An environment that promotes respect, communication and teamwork will be the byproduct. Professional growth in the area of rules compliance will be encouraged and accomplished by fostering an environment that is supportive of the NCAA operating principles of competitive equity, diversity, gender equity, and improvement of the personal well-being of our student-athletes.

**COMPLIANCE PLAN OF ACTION**

**GOAL #1:** Establish institutional operating procedures to prevent violations of NCAA, Conference and University rules.

**GOAL #2:** Maintain the highest level of integrity and ethical conduct and adhere to the principles of institutional control.

**GOAL #3:** Develop a compliance atmosphere where the ACO is utilized as a means for education and prevention of rules violations.

**GOAL #4:** Strive to make the continuing compliance education process engaging, understandable, and enjoyable.

**GOAL #5:** Establish clear lines of communication throughout the University on athletics compliance related issues.
The Athletics Compliance Office (ACO) staff reports directly to the President through the Office of the General Counsel. The Athletics Compliance Office (ACO) is located in the US Century Bank Arena, Room 154.

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**Dr. Pete Markowitz (Effective July, 2013)**
Faculty Athletics Representative (FAR)
Prof. of Physics CP 209
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RULES INTERPRETATIONS
PROCEDURE

Purpose: An important function of the Athletics Compliance Office is to provide timely and accurate answers to questions from, not only the athletic department staff, but anyone who needs information regarding the NCAA rules and regulations. These constituencies can include the University at-large, student-athletes, prospective student-athletes, parents, high school counselors, and FIU boosters.

Responsibility: Athletics Compliance Office (ACO)
All Athletics Department Staff Members

Procedure:

When faced with a question or concern regarding NCAA rules and regulations, the following process should be followed in order for accurate interpretations to be provided:

1. Utilize the NCAA Manual. If the information in the manual does not clearly answer your question, move on to Step 2.
2. Contact the Athletics Compliance Office (ACO). Requests for rules clarifications and interpretations can be made by telephone, text, email or in person at any time. However, we recommend submitting questions in writing (email is quickest) so that you can receive a written response. This not only protects both parties from confusion, but also allows the bylaw and/or interpretation citation to be included in the response to verify the answer.
3. The ACO staff will respond to questions within 24 hours of the request.
4. A copy of the written response will be filed in the ACO.
CONTACT WITH FACULTY, NCAA, CONFERENCE OR UNIVERSITY OFFICES 
PROCEDURE

Purpose: To maintain institutional control and the integrity of the procedures regarding student-athlete eligibility and progress towards the degree, by allowing only the ACO or athletics department administrators to contact University, faculty, the NCAA and Conferences offices.

Responsibility: Athletics Compliance Office (ACO) 
All Athletics Department Staff Members

Procedure:

University
1. Coaching staff members are **prohibited** from contacting faculty, deans, the Registrar’s, Financial Aid, or Admissions offices, regarding student-athletes status, eligibility or progress towards degree issues.
2. All such contact should be made through the ACO, SAAC, FAR or athletics administration.

Outside the University
1. Coaching staff members are **prohibited** from contacting the NCAA national office, or the Conference office regarding student-athletes status, eligibility or waivers issues, or rules interpretive issues, other than game rules.
2. All such contact should be made through the ACO, FAR or the athletics administration.
INVESTIGATION AND REPORTING OF POSSIBLE VIOLATIONS
PROCEDURE

Purpose: An important responsibility of the Athletics Compliance Office (ACO) is to report NCAA or Conference rule violations. To do so is a part of maintaining the principle of institutional control for the FIU Department of Athletics. FIU expects compliance with all rules and regulations of the NCAA and Conference policies and procedures. All individuals involved with the athletic department have a duty to report possible violations of NCAA or Conference rules or policies. Compliance is everyone's responsibility. Loyalty to co-workers, student-athletes or athletics boosters cannot take precedence over loyalty to the Florida International University and the commitment to comply with NCAA and Conference policies and rules.

Responsibility: Athletics Compliance Office (ACO)
All Athletics Department AND Institutional Staff Members

Procedure:

1. Any alleged or self-discovered possible violation of NCAA or Conference rules should be immediately reported to the Director of University Athletics Compliance. Reports of such possible violations to a superior may be made, but all individuals must also report any such allegations, suspicions or incidents to the Director of University Athletics Compliance.

2. The Director of University Athletics Compliance will initially determine if a violations has actually occurred, at what level (i.e. secondary or major), and whether or not restitution of eligibility is needed.

3. **Determined as a Secondary Violation:**
   a. The Director of University Athletics Compliance will direct the ACO staff member, responsible for the sport or area, to investigate the allegation or incident and develop the following: (See Check List)
      - A list of all persons, including contact information involved in the incident;
      - A list of potential questions;
      - Each person of the list will be interviewed in-person or if not possible, by conference call;
      - Two ACO staff member shall be present at each interview or conference call, one taking notes and as a witness to the interview, on conducting the interview;
      - Each person interviewed will be asked to put their statement in writing, signed and dated then submitted to the ACO;
      - ACO will review the statement and verify against ACO written notes;
      - ACO staff member will acquire all relevant documentation to verify facts;
      - ACO staff member will then draft a preliminary report, including all documentation for the Director’s review, including eligibility restitution and/or letter of admonishment or reprimand if required;
      - ACO staff member will then share the report with the persons involved to confirm the facts again; and
      - Final draft submitted to the Director of University Athletics Compliance for review.
   b. The Director of University Athletics will verbally provide a report to the General Counsel and Athletic Director, or designee, prior to submission of the formal report.
c. The Director of University Athletics Compliance and the Athletic Director will determine appropriate penalties (if not already prescribed by the NCAA penalty schedule).

d. Director of University Athletics will submit the final report electronically to the Conference or the NCAA (dependent upon the level), the Athletic Director, Sport Administrator, General Counsel, Head Coach or Department Head, Violator and FAR.

e. A letter of admonishment or reprimand is given to violator(s) and included in the documentation materials, along with any other penalties (e.g. fine for ineligibility student-athlete competing in a competition).

f. The ACO will file the original in the office, and an electronic copy on the Compliance Drive.

g. Once a response is received from the NCAA or the Conference office, a copy of the response is added to the original file, and an electronic copy on the Compliance Drive.

4. **Determined as a Major Violation:**

a. If the incident rises to the level of a potential major violation, then the Director of University Athletics Compliance will verbally, immediately inform the President, via General Counsel (GC), Athletic Director (AD), and the Faculty Athletic Representative (FAR).

b. Based on the seriousness of the allegation or incident, the President, GC, Director of University Athletics Compliance, AD, and FAR will make an initial determination of whether the Conference and the NCAA should be notified and whether additional University staff members should be included in the deliberations (i.e., the President, University spokesperson), or if outside counsel or other individuals should be employed to assist in the investigation.

c. Unless otherwise directed by the President, initial investigative work will be conducted by the Director of University Athletics Compliance with the assistance of GC. Specific responsibility for investigation/action by each administrator will be defined & well-documented.

d. Initial findings will be reported to the President, GC, AD, FAR and appropriate University personnel.

e. If the investigation reveals no violation, or determined that the violation is in fact secondary, the findings will shared with the President, GC, AD and FAR. If no violation has occurred, then the findings will be documented and filed. If a secondary violation has occurred, it will be reported as outlined above.

f. If the investigation reveals a potential major violation, and the investigation has been completed, the University will submit a detailed report to the NCAA and the Conference, which shall include, where appropriate, self-imposed penalties.

g. Final determination as to whether a violation is secondary or major in nature shall be made by the NCAA enforcement staff. FIU will be notified after the report has been filed.

h. If the enforcement staff of the NCAA believes the reported violations are major in nature, the Infractions case will be processed either through the summary-disposition process or through use of an official inquiry. The information in a self-report can be utilized either in the summary-disposition process or in the official-inquiry process.

i. The Director of University Athletics Compliance and AD will assure the implementation of any sanctions imposed on any University staff members, representatives of the University's athletic interests, or student-athletes.

5. The Director of University Athletics Compliance will keep a record of all reported NCAA and Conference violations and make a report to the University Compliance Committee at the end of each academic year.
Additional Guidelines:

1. In all cases, the Director of University Athletics Compliance and the GC, in consultation with other staff members should immediately analyze what steps must be taken to minimize damages (e.g., treatment of all eligibility matters before further competition and eliminate the potential for a reoccurrence of similar violations).

2. Where appropriate, the University should designate a primary spokesperson. The University will stress the importance to all other employees that public comments should not be made and that all matters related to the case, whether of a secondary or major nature, should be treated as entirely confidential. The effectiveness and credibility of internal investigations will be damaged if this confidentiality is breached.

3. The University spokesperson should anticipate open records requests and other inquiries from the public and the media and should review proposed responses with the Office of General Counsel.

4. Effective and regular communication among key institutional staff members is essential throughout any investigation. The spirit of any investigative process at the FIU is one of cooperation and trust among all involved University personnel and regular communication with the NCAA and Conference personnel, in a cooperative process.
Secondary Violation:

1. The Director of University Athletics Compliance will direct the ACO staff member, responsible for the sport or area, to investigate and document the allegation or incident.

2. The ACO sports person shall develop the following to aid in the conduct of the investigation:
   - A list of all persons, including contact information, involved in the incident;
   - A list of potential questions;
   - Each person of the list will be interviewed in person or by conference call;
   - Two ACO staff members shall be present at each interview or conference call, one taking notes and as a witness to the interview, one conducting the interview;
   - Each person interviewed will be asked to put their statement in writing, signed and dated then submitted to the ACO;
   - ACO will review the statement and verify against ACO written notes;
   - ACO staff member will acquire all documentation to verify facts;
   - ACO staff member will then draft a preliminary report, including all documentation for the Director’s review, including eligibility restitution, and letters of admonishment or reprimand, as required;
   - ACO staff member will then share the report with the persons involved to confirm the facts again; and
   - Final draft submitted to the Director of University Athletics Compliance for review.

3. The Director will verbally provide a report to the General Counsel and Athletic Director, or designee, prior to submission of the formal report.

4. The Director of University Athletics Compliance and the Athletic Director will determine appropriate penalties (if not already prescribed by the NCAA penalty schedule).

5. The Director of University Athletics Compliance will submit the final report electronically to the Conference or the NCAA (dependent upon the level), the Athletic Director, Sport Administrator, General Counsel, Head Coach or Department Head, Violator(s) and FAR.

6. A letter of admonishment or reprimand is given to violator(s) and included in the documentation materials, along with any other penalties (e.g. fine for ineligibility student-athlete competing in a competition).

7. The ACO will file the original in the office, and an electronic copy on the Compliance Drive.

8. Once a response is received from the NCAA or the Conference office, a copy of the response is added to the original file, and an electronic copy on the Compliance Drive.
NCAA SELF-REPORT OF NCAA SECONDARY VIOLATION

Institution: FLORIDA INTERNATIONAL UNIVERSITY  Sport: ____________

Rule(s) Involved: NCAA Bylaw(s)  Conference: CONFERENCE USA

Date/Location of Violation: ____________________________

Involved Individual(s) [including student-athletes or prospects]:

☐ Level I  ☐ Level II  ☐ Level IV
☐ Level III  ☐ De Minimis [does not affect student-athlete’s eligibility]
☐ Eligibility of involved SA/PSA affected
☐ Restitution [student-athlete’s eligibility reinstated upon the repayment of the value of the impermissible benefit to a charity, but need not go through the reinstatement process]

Facts of the Case [Attach all necessary documentation]:

What occurred:

Reason(s) for violation [include any mitigating factors] and how violation was discovered:

Statement indicating whether the institution is seeking reinstatement of eligibility [include names]:

Institution’s response [including self-imposed sanctions or disciplinary action(s)]:

VALERIE M. SHELEY
Director of University Athletics Compliance

Date

Valerie M. Sheley

Cc: FIU President (Via General Counsel)  FAR
    Athletic Director  Athletics Chief of Staff or SWA
    Head Coach or unit Supervisor  Conference Office
BRIEF SUMMARY OF NEW NCAA ENFORCEMENT STRUCTURE
(EFFECTIVE: AUGUST 1, 2013)

Level I - Severe Breach of Conduct:

A severe breach of conduct is behavior that seriously undermines or threatens the integrity of any NCAA enduring value, including any violation that provides or is intended to provide a substantial or extensive impermissible benefit, recruiting, competitive or other advantage. Among other examples, the following may constitute a severe breach of conduct:

1. Lack of institutional control;
2. Academic fraud;
3. Failure to cooperate in an NCAA enforcement investigation;
4. Individual unethical or dishonest conduct, regardless of whether the underlying institutional violations are considered Level I;
5. Bylaw 11.1.2.1 (Responsibility of Head Coach) violation by a head coach resulting from an underlying Level I violation by an individual with the sport program;
6. Cash payments or other benefits intended to secure, or which resulted in, enrollment of a prospective student-athlete;
7. Intentional violations or reckless indifference to the NCAA Constitution or bylaws; or
8. Collective Level II and/or III violations.

Level II – Significant Breach of Conduct:

A significant breach of conduct is behavior that provides or is intended to provide more than a minimal but less than a substantial or extensive impermissible benefit, recruiting, competitive or other advantage; or involves conduct that may compromise any NCAA enduring value. Among other examples, the following may constitute a significant breach of conduct:

1. Violations that do not rise to the level of a Level I violation and are more serious than a Level III violation;
2. Fail to monitor (these violations will be presumed Level II but may be deemed to be of a Level I nature if the failure is substantial or egregious);
3. Systemic violation that do not amount to lack of institutional control;
4. Multiple recruiting, financial aid, or eligibility violations that do not amount to lack of institutional control;
5. Bylaw 11.1.2.1 (Responsibility of Head Coach) violations by a head coach resulting from an underlying Level II violation by an individual with the sport program; or

Level III – Breach of Conduct:

Introduction - Rev. 9/26/2013
A breach of conduct is behavior that is isolated or limited in nature; provides no more than a minimal impressible benefit, recruiting, competitive or other advantage. Among other example, the following may constitute a breach of conduct:

1. Inadvertent violation that are isolated or limited in nature; or
2. Extra-benefit, financial aid, academic eligibility and recruiting violations, provided they do not create more than a minimal advantage.

**Level IV – Incidental Infraction:**

An incidental infraction is a minor infraction that is technical in nature and does not constitute a Level III violation. Incidental infractions generally will not impact eligibility for intercollegiate athletics. Multiple or repeated Level IV infraction collectively may constitute a Level III violation.
What is a head coach's responsibility for ensuring NCAA violations do not occur within his/her program?

As of October 30, 2012, NCAA Division I Bylaw 11.1.2.1 will state that an institution's head coach is presumed to be responsible for the actions of all assistant coaches and administrators who report, directly or indirectly, to the head coach. A head coach shall promote an atmosphere of compliance within his or her program and shall monitor the activities of all assistant coaches and administrators involved with the program who report, directly or indirectly, to the coach.

If the NCAA enforcement staff alleges that a head coach violated Bylaw 11.1.2.1 as a result of his/ her involvement in a major/Level I or II violation(s), what could happen?

Pursuant to Bylaw 11.1.2.1, a head coach is presumed responsible for major/Level I and Level II violations (e.g., academic fraud, recruiting inducements) occurring within his or her program unless the coach can show that he or she promoted an atmosphere of compliance and monitored his or her staff. After August 1, 2013, if the Committee on Infractions finds that a head coach violated Bylaw 11.1.2.1, he or she may be suspended, pursuant to a show-cause order, for an entire season for Level I violations and half of a season for Level II violations. The number of contests that a head coach would be suspended from will depend on the severity of the violation(s) committed by his/her staff or the coach himself/ herself.

Are there secondary/Level III violations that may result in a suspension of a head coach?

Yes. Currently, for specific secondary violations that involve the sports of Division I men's basketball (e.g., camp employment) and football (e.g., impermissible recruiters) a head coach and assistant coaches may be suspended for committing secondary violations by the institution at the direction of the enforcement staff.

Beginning August 1, 2013 for all sports, suspensions of coaches for designated Level III recruiting violations will be released publicly by the enforcement staff. In addition, a history (most recent five years) of the coach's Level III violations will be made available to member institutions that request such information. The enforcement staff will identify, where possible, which Level III violations were self-reported by the head coach or his/her staff.

Men’s Baseketball
Women’s Basketball
Football
All other sports

Introduction - Rev. 9/26/2013
**Division I Men's Basketball: Effective August 1, 2013.** head coaches may be suspended for identified Level III violations committed by assistant coaches on or after August 1, 2013. The assistant men's basketball coach or staff member who commits the violation also would face suspension. The list of identified Level III violations as discussed with the National Association of Basketball Coaches (NABC) includes:

- In-person, off-campus contacts during adead period [particularly during the National Letter of Intent (NLI) signing dead period].
- Exceeding the permissible number of opportunities with a prospective student-athlete.
- Intentional or significant game-day simulations and/or permissible recruiting aids.
- Providing team gear or other inducements to prospective student-athletes.
- Violations that occur as a result of engaging non-scholastic third parties in the recruiting process.
- Collective recruiting violations and/or other intentional recruiting violations (e.g., multiple impermissible early phone calls, multiple impermissible contacts, providings inducements).
- Impermissible benefits to student-athletes or inducements to prospective student-athletes by third parties that the coaching staff knows about or is involved with.

**Division I Football: Effective August 1, 2013.** head coaches may be suspended for identified Level III violations committed by assistant coaches on or after August 1, 2013. The assistant football coach or staff member who commits the violation also would face suspension. The list of identified Level III violations as discussed with the American Football Coaches Association (AFCA) includes:

- In-person, off-campus contacts during a dead period (particularly during the NLI signing dead period).
- Exceeding the permissible number of contacts with a prospective student-athlete.
- Intentional or significant game-day simulations and/or impermissible recruiting aids.
- Providing team gear or other inducements to prospective student-athletes.
- Violations that occur as a result of engaging non-scholastic third parties in the recruiting process (e.g., prescheduled unofficial visits that are impermissibly funded, etc.).
- Collective recruiting violations and/or other intentional recruiting violations (e.g., multiple impermissible early phone calls, multiple impermissible contacts, providing inducements).
- Holding 7-on-7 events on an institution's campus and/or otherwise attending or being involved in non-scholastic events.
- Impermissible benefits to student-athletes or inducements to prospective student-athletes by third parties that the coaching staff knows about or is involved with.
- Providing a written offer of athletically related financial aid to a prospective student-athlete prior to August 1 of the prospect's senior year in high school.

**Division I Women's Basketball: Effective August 1, 2013.** head coaches may be suspended for identified Level III violations committed by assistant coaches on or after August 1, 2013. The assistant women's basketball coach or staff member who commits the violation also would face suspension. The list of identified Level III violations as discussed with the Women's Basketball Coaches Association (WBCA) includes:

- In-person, off-campus contacts during a dead period (particularly during the NLI signing dead period).
- Exceeding the permissible number of opportunities with a prospective student-athlete.
- Intentional or significant game-day simulations and/or impermissible recruiting aids.
- Providing team gear or other inducements to prospective student-athletes.
- Violations that occur as a result of engaging non-scholastic third parties in the recruiting process
• Collective recruiting violations and/or other intentional recruiting violations (e.g., multiple impermissible early phone calls, multiple impermissible contacts, providing inducements).
• Impermissible benefits to student-athletes or inducements to prospective student-athletes by third parties that the coaching staff knows about or is involved with.
• Providing a written offer of athletically related financial aid to a prospective student-athlete prior to August 1 of the prospect's senior year in high school.

Division I Sports other than Football and Basketball; Effective on or after August 1, 2013: Per the Working Group on Collegiate Model – Enforcement's direction, the enforcement staff is seeking feedback from coaches and sport associations affiliated with the NCAA regarding head coaches being suspended for identified Level III violations committed by assistant coaches on or after August 1, 2013. The following is the proposed list of Level III (secondary) violations:
• In-person, off-campus contacts during a dead period (particularly during the NLI signing dead period).
• Exceeding the permissible number of contacts with a prospective student-athlete.
• Intentional or significant game-day simulations and/or impermissible recruiting aids.
• Providing team gear or other inducements to prospective student-athletes.
• Violations that occur as a result of engaging non-scholastic third parties in the recruiting process (e.g., prescheduled unofficial visits that are impermissibly funded, etc.).
• Collective recruiting violations and/or other intentional recruiting violations (e.g., multiple impermissible early phone calls, multiple impermissible contacts, providing inducements).
• Impermissible benefits to student-athletes or inducements to prospective student-athletes by third parties that the coaching staff knows about or is involved with.
• Providing a written offer of athletically related financial aid to a prospective student-athlete prior to August 1 of the prospect's senior year in high school.

What can a head coach do to promote an atmosphere of compliance and monitor the activities of his or her staff?

The action plans described below may assist a head coach in promoting an atmosphere of compliance and monitoring the activities of his or her staff.

Action Plan: Communication

A head coach should demonstrate and document a commitment to compliance through ongoing communication with his or her athletics director, compliance staff and coaching staff. The outline below was created to assist a head coach with managing this dialogue.

• Meet with the chancellor or president to discuss his/her expectations for NCAA rules compliance.
• Meet with the athletics director to discuss his/her expectations for NCAA rules compliance. Suggested talking points:
  o Athletics director's philosophy and expectations on rules compliance.
  o Compliance resources for your program.
  o Program's shared responsibility with compliance staff.
  o Establish a plan in writing for continued dialogue with athletics director to discuss the institution's and program's compliance environment and expectations (e.g., regularly scheduled meetings with minutes, etc.).
• Meet with the compliance director to discuss his/her expectations for NCAA rules compliance. Suggested talking points:
  o Compliance director's philosophy and expectations on rules compliance.
  o Compliance resources for your program.
  o Discuss compliance staff's and program's expectations for submitting rules interpretations and waiver requests, and determine how to best resolve any disagreements over the submission of such requests.
  o Program's shared responsibility with compliance staff.
  o Expectations for reporting actual and potential NCAA rules issues (e.g., immediate action; reporting lines).
  o Establish a written plan for continued dialogue with compliance director to discuss the institution's and program's compliance environment and expectations (e.g., regularly scheduled meetings, etc.).
  o Establish a written plan for ongoing dialogue between coaching staff and compliance staff to discuss key issues facing the sport and program (e.g., agents, initial eligibility, pre-enrollment amateurism, etc.).
• Meet jointly with the president, athletics director and compliance director to discuss the institution's and program's compliance environment and expectations.
• Meet with coaching and support staff to discuss head coach's expectations for NCAA rules compliance. Include a written document outlining the head coach’s commitment to ethical conduct along with suggested talking points:
  o Program's ethical standards.
  o Expectations for reporting actual and potential NCAA rules issues (e.g., immediate action; reporting lines).
  o Review president's, athletics director's and compliance director's philosophy and expectations for rules compliance.
  o Expectations for regular communication between coaching staff and compliance staff.
  o Establish a plan for continued dialogue with staff to discuss the institution's and program's compliance environment and expectations (e.g., regularly scheduled meetings, etc.).
  o Establish ongoing dialogue with staff to review any issues involving prospective student-athletes and current student-athletes (e.g., agents, initial eligibility, pre-enrollment amateurism, etc.).

**Action Plan: Monitoring**

A head coach also should demonstrate a commitment to compliance through monitoring his or her staff's activities in consultation with the compliance staff. This may include staff meetings with agendas that specifically address compliance issues. The outline below was created to assist a head coach with managing his/her monitoring responsibilities.

• Actively look for red flags of potential violations. For example, if a prospective student-athlete takes an unofficial visit to campus, ask how the prospective student-athlete paid for the trip.
• Ask questions. For example, if a coach is suspicious of a third party or handler being involved in a prospective student-athlete's recruitment, ask questions of the coaching staff about the person. Emphasize the program's ethical standards, set the tone for what is and is not acceptable in dealing with third parties and keep a written record of the conversations.
• In consultation with the compliance director, create written procedures to ensure your staff is monitoring your program's rules compliance. Suggested procedures:
  o Assign a staff liaison(s) to the compliance staff.
- Assign staff members to monitor specific areas of compliance (e.g., recruiting contacts, initial eligibility, amateurism, telephone contacts).
- Regularly evaluate staff members to ensure their areas of compliance are monitored and that all responsibilities are executed in a timely manner.
- Ensure that the entire program has adequate and ongoing compliance training and that there is a plan in place for discussion of important information.
- Determine reporting lines for resolving actual and potential NCAA rules issues.
- Determine reporting lines to alert compliance staff of issues involving prospective student-athletes and current student-athletes (e.g., agents, initial eligibility pre-enrollment amateurism, etc.).

- Regularly solicit feedback from your staff members concerning their areas of compliance and the program's overall compliance environment in order to ensure that the monitoring systems are functioning properly. Ask the staff where the biggest areas for mistakes or ethical traps exist. Where is the grey area and how will the staff deal with it?
- Ensure that the program immediately notifies the compliance staff when concerns or red flags occur related to potential NCAA rules violations. A lack of immediate action by the head coach will be a significant factor in determining whether the head coach met the obligations imposed by Bylaw 11.1.2.1.

Additional Considerations: Documentation

A head coach should document the ways in which he/she has communicated and/or demonstrated a commitment to compliance and be able to produce documentation relating to the procedures in place for monitoring the program's rules compliance. Potential areas for documentation:

- Meetings with athletics director, compliance staff and coaching staff.
- Program's procedures for monitoring specific areas of compliance.
- Reports to compliance of actual and potential NCAA rules issues.
- Monitoring efforts undertaken by the program to ensure that the staff and student-athletes are complying with NCAA rules and compliance obligations.

Please note that the ultimate determination of whether a head coach has exercised proper control over his/her program rests with the NCAA Committee on Infractions, and a failure to promote an atmosphere of compliance and/or failure to monitor determination will consider the unique facts and circumstances of each case. There is no way to set forth a checklist of items that will in all circumstances prevent a finding. Further, it is important that you consult with your athletics administration and compliance staff for additional guidance on how to tailor the best action plan for your institution.

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**Division I Committee on Infractions Case Precedent - NCAA Bylaw 11.1.2.1**

The following information is a summary of some of the Division I Committee on Infractions case decisions that included a finding that the head coach failed to promote an atmosphere of compliance and/or monitor compliance within his or her program and underscore how the action plans may be of use.

**Key Takeaways**

1. The head coach and staff have an obligation to report potential rules violations and actual rules violations to the administration.
   - Ask your staff about any red flags in a prospect’s recruitment or a student-athlete's
enrollment and immediately alert compliance.
2. The head coach has an obligation to ensure that his/her program's monitoring systems are operating properly.
   • Ask your staff about any issues with the program's monitoring systems and alert compliance (e.g., timeliness, accuracy).
3. The head coach and staff have an obligation to consult with compliance staff to determine if their actions are consistent with NCAA rules.
   • Ask compliance staff before acting, especially in areas of grey.
4. The head coach and staff have an obligation to identify situations where circumstances could result in NCAA violations, alert compliance and monitor the situation closely.

Fact Scenarios: Bylaw 11.1.2.1 Violations

The following information summarizes some of the factors that were noted by the Committee on Infractions in public infractions reports when finding that the head coach failed to meet his responsibilities under Bylaw 11.1.2.1.

1. The head coach and staff knew that an agent/booster had a relationship with an elite prospect.
   • The head coach failed to alert the compliance staff and administration of possible improprieties between the agent/booster and prospect.
   • The head coach and staff knew of the prospect's limited financial resources and did not take any steps to determine whether the relationship between the prospect and agent/booster involved violations of NCAA legislation.
   • The NCAA Committee on Infractions noted that Bylaw 11.1.2.1 does not require a head coach to investigate wrongdoing, but it does require the head coach to recognize potential problems, address them and report them to the athletics administration.
2. The head coach and staff knew that several incoming two-year institution transfer student-athletes were deficient academically and were taking numerous classes in a short period of time to meet eligibility requirements.
   • The head coach asked his staff only general questions about the prospects' progress and did not ask how the prospects were supporting themselves, how the prospects were traveling around town, how their classes were being paid for and how involved his staff was with the prospects.
   • The head coach failed to involve the compliance staff in monitoring the prospects' situations.
3. The head coach and staff encouraged a booster/high school coach to assist the program in recruiting and believed that the booster's employment as a high school coach superseded his status as a booster.
   • The head coach failed to consult with compliance to determine whether the booster's actions were permissible.
4. The head coach and staff were told that they could not have any involvement with an on-campus non-scholastic event, but the head coach provided the event operator with access to the program's boosters in order to solicit funding for the event.
   • The head coach failed to consult with compliance staff to determine if his interactions with the event operator posed any potential NCAA rules issues.
   • The head coach permitted his incoming assistant coaches to attend the event (during a quiet period) and failed to consult with compliance staff to determine if their attendance was permissible.
5. The institution's program telephone contacts were subject to heightened scrutiny due to past violations.
The sport program's system for monitoring telephone contacts was not functioning properly because the coaches were submitting inaccurate information and were not submitting the logs in a timely manner.

The head coach had no knowledge that the system was not functioning, and when he was made aware that coaches were not submitting their logs in a timely manner, he failed to resolve the issue with his staff.

The Committee on Infractions noted that promoting an atmosphere of compliance requires more than general comments about compliance responsibilities.

**Fact Scenarios: Monitoring Expectations**

The following information summarizes some of the monitoring considerations that were noted by the Committee on Infractions in public infractions reports that predate the adoption of Bylaw 11.1.2.1 (2005).

1. Institution failed to monitor a prospective student-athlete, who was living in the university's locale, the summer prior to initial enrollment.
   - The head coach failed to provide the institution with information about the prospect that would have facilitated the institution's monitoring efforts.
   - Effective rules compliance demands more than providing rules education and requires actually checking to see whether the staff complies with the rules.

2. A prospective student-athlete received impermissible housing from a current student-athlete the summer prior to initial enrollment.
   - The institution should have monitored the prospect's circumstances, particularly as it relates to lodging, because of the heightened possibility for rules violations.
   - The head coach should have inquired about the prospect's lodging and determined whether it was permissible.

3. A booster engaged in numerous impermissible contacts with a prospect and provided the prospect with $4,000 of cash payments while the prospect was residing in the locale of the institution during the summer prior to initial enrollment.
   - The monitoring efforts should have included rules education for the prospect, and the institution should have formally monitored the prospect's presence in the locale of the institution.
   - The prospect's status as an elite prospect should have created a heightened sense of awareness and prompted the institution to increase vigilance and closer monitoring.

4. An international student-athlete, who was a non-qualifier, received cash from the director of operations in order to satisfy financial burdens.
   - The Committee on Infractions noted that when an international student-athlete is also a non-qualifier, who is ineligible to receive athletically related financial aid, the institution has a greater responsibility to monitor the student-athlete in order to avoid potential rules violations.
   - Although the director of operations concealed the payments and left no "paper trail," the institution does not avoid responsibility to monitor the situation since the institution had other information available to prompt an inquiry (e.g., non-qualifier, international student-athlete).

5. A booster assisted the coaching staff in its recruiting efforts by having impermissible recruiting contacts with prospective student-athletes.
   - The Committee on Infractions noted that a head coach is expected to recognize potential NCAA violations and report them to the athletics administration.
   - The head coach failed to recognize that the individual's promotion of the institution to prospects caused him to become a booster of the institution.
What is Institutional Control?

Bylaw 6.01.1 - Institutional Control
The control and responsibility for the conduct of intercollegiate athletics shall be exercised by the institution itself and by the conference(s), if any, of which it is a member. Administrative control or faculty control, or a combination of the two, shall constitute institutional control.

Generally, an institution demonstrates institutional control when:

1. Formal institutional policies and procedures for compliance are in place and being monitored and enforced, and are established in such a way as to deter violations before they occur;

2. Communication of compliance procedures occurs clearly and regularly and steps are taken to alter or correct a compliance system when there is an indication the system is not working;

3. Upon learning of a violation, the institution takes swift and meaningful action;

4. The institution makes clear that violations of NCAA rules will result in discipline and possible discharge;

5. The institution makes clear that the individuals have the responsibility to self-report any NCAA rules violation without fear of negative consequences; and

6. Meaningful compliance education programs exist for personnel engaged in athletic related activities.
UNETHICAL CONDUCT
(Bylaw 10.1)

Unethical conduct by a prospective or enrolled student-athlete or a current or former institutional staff member, which includes any individual who performs work for the institution or the athletics department even if he or she does not receive compensation for such work, may include, but is not limited to, the following:

(a) Refusal to furnish information relevant to an investigation of a possible violation of an NCAA regulation when requested to do so by the NCAA or the individual's institution;

(b) Knowing involvement in arranging for fraudulent academic credit or false transcripts for a prospective or an enrolled student-athlete;

(c) Knowing involvement in offering or providing a prospective or an enrolled student-athlete an improper inducement or extra benefit or improper financial aid;

(d) Knowingly furnishing or knowingly influencing others to furnish the NCAA or the individual's institution false or misleading information concerning an individual's involvement in or knowledge of matters relevant to a possible violation of an NCAA regulation;

(e) Receipt of benefits by an institutional staff member for facilitating or arranging a meeting between a student-athlete and an agent, financial advisor or a representative of an agent or advisor (e.g., "runner");

(f) Knowing involvement in providing a banned substance or impermissible supplement to student-athletes, or knowingly providing medications to student-athletes contrary to medical licensure, commonly accepted standards of care in sports medicine practice, or state and federal law. This provision shall not apply to banned substances for which the student-athlete has received a medical exception per Bylaw 31.2.3.5; however, the substance must be provided in accordance with medical licensure, commonly accepted standards of care and state or federal law;

(g) Failure to provide complete and accurate information to the NCAA, the NCAA Eligibility Center or an institution's admissions office regarding an individual's academic record (e.g., schools attended, completion of coursework, grades and test scores);

(h) Fraudulence or misconduct in connection with entrance or placement examinations;

(i) Engaging in any athletics competition under an assumed name or with intent to otherwise deceive; or

(j) Failure to provide complete and accurate information to the NCAA, the NCAA Eligibility Center or the institution's athletics department regarding an individual's amateur status.
JumpForward is the Compliance Solutions software program used by FIU athletics to assist the coaching staffs in tracking their recruiting efforts, as well as managing the status of their current student-athletes. The program helps prevent violations by sending warnings when an action you are about to take appears to be a violation.

It is the responsibility of each staff to ensure that all of the records that they input into the system are accurate, thereby ensuring that the system can provide a proper warning before one proceeds with the impermissible action.

FIU currently utilizes JumpForward for the following areas:
- Roster information
- Playing seasons
- Countable athletically-related activities (CARA)
- Mass texts to student-athletes
- Prospective-student athlete information
  - Contacts
  - Evaluations
  - Demographic information
  - Communication status
  - Grouping of prospects (ranking, class, area, etc.)
  - Film logs
- Transcript evaluations
- Phone call reporting
- Official visit approvals
- Unofficial visit approvals
- Complimentary ticket requests
  - Student-athlete
  - Prospective student-athlete on official or unofficial visit
- Eligibility for practice/competition
- Scholarship requests
- Change of status forms
- Scholarship reduction/cancellations
- Travel authorization reports (TARs)
- Mass e-mails to prospective student-athletes

As FIU continues to learn the JumpForward system, we will be using it for more areas. If you think that it would improve overall efficiency to move something to JumpForward, please contact the compliance office, who will contact JumpForward to see if it is a feasible change.

A training session can be arranged at any time with a representative from JumpForward.

If you have any questions or issues with JumpForward, our institutional liaison is Blake Simon. Our account manager on the coach’s side through JumpForward is Nathan Maxcey, available at Nathan.maxcey@jumpforward.com or 312-784-2948.
CONTACTS AND EVALUATIONS

Here is a step-by-step guide on how to input contacts and evaluations into JumpForward, which is the system that all contacts and evaluations must be logged.

Contact and Evaluation
1. Select PSA from database;
2. Select Compliance tab;
3. Select Contact and Evaluation tab.

Contact
1. Select Add New Contact;
2. Select Date;
3. Select contact type (face-to-face conversation, incidental meeting, pre-arranged meeting);
4. Select Evaluation type (Home – PSA’s home, School – PSA School, other);
5. Select Persons Present – click the box next to any coach who was involved with the contact;
6. Add City and State in which the visit occurred and include any notes;
7. Click SAVE CONTACT. Contact will be saved and added to the contact evaluation count.

Evaluations
1. Select Add New Evaluation tab;
2. Select the Date ranges for the evaluation;
3. Select the evaluation type;
   • Standard Evaluation – one day evaluation;
   • Consecutive Day Tournament – multi-day tournament that allows you to add total number of days that apply to the recruiting person days;
   • Tier Tournament Evaluation – Allows the user to add total number of days that apply for recruiting person days and also allows the user to assign evaluation to a tournament or event that was created in the event tab;
   • Summer Evaluation – Allows coaches to add evaluations for PSA’s in the summer but does not get added to the contact/evaluation total list.
4. Select the coaches who were on this evaluation;
5. Complete any other questions depending on what type of evaluation you select; and
6. Select SAVE EVALUATION. Evaluation will be saved and added to the evaluation count.
Adding a Prospect

You can get to adding a prospect in two spots.

Once you have made it to the Add Prospect Screen you can fill in the fields with the prospects information and submit. Keep in mind there are 2 required fields, Choose Recruiting Coach and High-School Grad Year.
After you submit you can go directly to the prospect profile to view or continue adding information.

**School Contacts**

You can record a Contact at the School level in JumpForward. During a CONTACT PERIOD, School EVALUATIONS should be recorded as CONTACTS. Click on the School at which you wish to record a CONTACT.

Click on the CONTACT tab, and then click the SET CONTACT button. Fill out the pop up form and click the SAVE CONTACT button. Note that this will record a CONTACT for every prospect attached to that school who is the appropriate Graduation Year. If there are no prospects at the school it will save to the school record. When you add a new prospect and select
that school, the system will remind you that there was a CONTACT recorded with the date and give you an opportunity to assign that CONTACT to the prospect you are adding if appropriate.

**School Evaluations**

You can record an Evaluation at the School level in JumpForward. Click on the School at which you wish to record an EVALUATION.

Click on the EVALUATION tab, and then click the SET MASS EVALUATION button. Fill out the pop up form and click the SAVE EVALUATION button. Note that this will record an EVALUATION for every prospect attached to that school. If there are no prospects at the school it will save to the school record. When you add a new prospect and select that school, the system
will remind you that there was an EVALUATION recorded with the date and give you an opportunity to assign that EVALUATION to the prospect you are adding if appropriate.

**Forms**

Several forms can be submitted through JumpForward.

- Athletic Scholarship Request.
- Change in Status.
- Scholarship Reduction/Cancellation.
- TAR.

The process for filling these forms out is:

1. Log in to JumpForward.
2. Go to ‘Compliance’ tab.
3. Click on Form Library.
4. Choose the form you wish to fill out.
5. Click on ‘Submit’.
6. Fill out form.
7. Submit.

**Adding Contacts and Evaluations**

1. Choose PSA.
2. Choose ‘Compliance’.
3. Choose ‘Contacts and Evaluations.’

**Adding Contacts**

a. Select Add New Contact.
b. Select date.
c. Select Contact Type (face to face conversation, incidental meeting, pre-arranged meeting).
d. Select Evaluation Type: (Home – PSA’s home, School – PSA School, Other).
e. Select Persons Present – click the box next to any coach who was involved with the contact.
f. Add City and State in which the Visit occurred and put any notes.
g. Click save Contact. Contact will be saved and added to the contact evaluation count.

Adding Evaluations
a. Select Add New Evaluation.
b. Select the date ranges for the Evaluation.
c. Select the Evaluation Type:
   - Standard Evaluation – One day Evaluation.
   - Summer Evaluation – Allows coaches to add evaluations for kids in the summer but does not get added to the contact evaluation totals list.
d. Select the coaches who were on this evaluation.
e. Complete another questions depending on what type of evaluation you select.
f. Select Save Evaluation. Evaluation will be saved and added.
g. If you need to view or edit a previously submitted evaluation click the “+” button next to Academic Year. Once the “+” button is clicked you will see any evaluation that has been submitted for the selected academic year for that PSA. Find the contact you wish to edit and click the “edit” link.

Calling From Landline or Other Phone
One PSA are added, coaches can navigate to their prospect database and click on the PSA they wish to call.
- Once inside the PSA’s account the coach needs to click the Compliance tab then the Phone Call Tab then on the Make a Automatic Call.
  - A widow will pop up on the screen and ask coach to select which number (s)he wants to call from and which number for the PSA (s)he would like to call and the click place call.
- The system will call the coach’s phone number and after (s)he picks up will immediately dial the SA’s phone number.
  - Once the coach is done with the call, (s)he will need to classify the type of call it was.
- If a coach needs to update or change the number (s)he is calling from, (s)he can do so by clicking the admin tab, the settings tab, then my phone numbers tab.
  - Here, a coach can add additional phone numbers.
Help Section

Information on basically any question you may have regarding JumpForward can be found in the ‘Help’ section of the site, which is the green ‘Help’ in the top right corner of your screen.