



May 30, 2017

The Athletic Academic Integrity Project
Academicintegrity2017@gmail.com
513-646-4953

Dear Professors Idsvoog, Foster and Grubb:

This is in response to your December 21, 2016, Public Records Request to Oklahoma State University related to The Drake Group's Athletic Academic Integrity Project.

While your request for specific documents related to reviews of potential instances of academic corruption in our athletics department only involves reviews conducted or contracted by the Provost's Office, the following letter and supporting documentation will serve as our institutional response to your request. Please note that while the Provost's Office has neither requested nor conducted a review for academic corruption within our athletic department within the time frame you provided, the institution's athletics department and academic support program for its athletics program has been through a comprehensive review and investigation due to allegations of academic corruption.

This investigation was the result of a series of reports published by Sports Illustrated magazine in September of 2013. The five-part series made significant allegations of various improprieties with the institution's football program and violations of NCAA rules, including impermissible extra-benefits, recruiting violations, wide-spread drug abuse and academic fraud. In fact, Sports Illustrated committed a full chapter in this series to claims of academic corruption and fraud being conducted in our athletics program on behalf of football student-athletes.

During the course of this investigation, over 100 individuals were interviewed by the NCAA and the institution's outside consultant with nearly all of these individuals being asked questions related to possible instances of academic corruption, fraud or improper academic assistance. In addition, the NCAA Enforcement Staff requested the emails of approximately 150 athletics department staff members that included 60 search terms related to possible violations, with many of these terms specifically related to academic matters. As a result, the institution provided copies of approximately 50,000 emails sent or received during a three and a half year period for review ending in December, 2013. Following all of those interviews and a review of all those emails NO instances of academic improprieties, fraud or corruption were found or alleged by the NCAA Enforcement Staff. See Public Infractions Decision of the NCAA dated April 24, 2015 (attached).

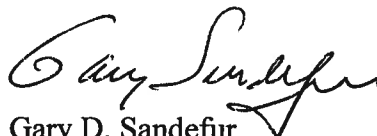
In October of 2014, the NCAA and Oklahoma State University released an unprecedented joint statement at the conclusion of the 13-month investigation in which the allegations made by Sports Illustrated were described as “fundamentally unfounded”. *See* Joint Statement of the NCAA and Oklahoma State University dated October 21, 2014 (attached).

While allegations were made by the NCAA related to the investigation and a one-year probation was issued by the Committee on Infractions due to two unrelated Level II violations, none of the allegations or findings were related to academic corruption, fraud or improper assistance. It is worthwhile to note that the Chief Hearing Officer of the NCAA Committee on Infractions described Oklahoma State University’s cooperation and transparency during this review as “the model of the way the process should work”.

Attached you will find the following documents related to this review:

1. Oklahoma State University Statement on Sports Illustrated Series, September 7, 2013
2. Joint statement of the NCAA and Oklahoma State University, October 21, 2014
3. Public Infractions Decision of the NCAA, April 24, 2015

Sincerely,

A handwritten signature in cursive script, appearing to read "Gary Sandefur".

Gary D. Sandefur
Provost & Senior Vice President



NCAA, Oklahoma State University issue joint statement

Joint statement by the NCAA and Oklahoma State University concerning an inquiry into the OSU football program after Sports Illustrated published a series of stories alleging a number of serious improprieties

(STILLWATER, Okla., October 21, 2014) -- After a thorough review by the NCAA Enforcement Staff and an outside consultant hired by Oklahoma State University, allegations of misconduct in the Oklahoma State football program as reported by the media in September 2013 were fundamentally unfounded.

Although a few individuals outside the university refused to cooperate, investigators reviewed approximately 50,000 emails and interviewed nearly 100 individuals involved with Oklahoma State's football program, including current and former coaches, administrators, student-athletes, students and prospects.

Oklahoma State fully cooperated with the NCAA Enforcement Staff and participated in the interviews. As a result of the information collected during these joint interviews, the NCAA will issue a notice of allegations detailing three possible Level II violations.

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OKLAHOMA STATE UNIVERSITY
PUBLIC INFRACTIONS DECISION
APRIL 24, 2015

I. INTRODUCTION

The NCAA Division I Committee on Infractions is an independent administrative body of the NCAA comprised of individuals from the Division I membership and the public that is charged with deciding infractions cases involving member institutions and their staffs.¹ This case involved the institution's failure to comply with its drug testing policy and the football program's impermissible use of a gender-based student hosting group to assist in football recruiting activities at Oklahoma State University.² The panel concluded the institution failed to comply with its established drug testing policy with respect to five student-athletes in the football program. The panel also concluded the institution impermissibly allowed the all-female Orange Pride student group to be organized under the direction of the football program and to participate in hosting duties during recruiting events for prospective student-athletes. The panel prescribed core penalties in this case pursuant to NCAA Bylaw 19.9 and the accompanying Figure 19-1 Penalty Guidelines, as well as other administrative penalties.

With regard to the violations, the institution and the NCAA enforcement staff substantially agreed that the institution failed to comply with its established drug testing policy and failed to comply with established NCAA recruiting legislation. Specifically, they agreed the institution permitted five football student-athletes to participate in competition when they should have been withheld from competition because they failed institutional drug tests. The institution also agreed the operation of its Orange Pride program violated NCAA recruiting legislation when it organized the student group under the direction of the football program. The institution and the enforcement staff disagreed

¹ Infractions cases are decided by hearing panels comprised of NCAA Division I Committee on Infractions members. Decisions issued by hearing panels are made on behalf of the Committee on Infractions. Pursuant to NCAA Bylaw 19.3.3, a five-member panel considered this case.

² Oklahoma State University is a member of the Big 12 Conference. Oklahoma State sponsors eight women's programs and eight men's programs. The undergraduate campus enrollment is 20,821 and the total campus enrollment is 25,854. This is the institution's fifth major infractions case. Previous infractions cases took place in 1978 (football), 1980 (football), 1989 (football) and 1992 (wrestling).

whether the institution failed to monitor its drug testing policy and Orange Pride program. The panel concluded the institution did not fail to monitor.

Additionally, the institution and the enforcement staff disagreed over the appropriate violation levels. The panel concluded the resulting violations of NCAA legislation were Level II – Mitigated. Level II violations are defined as significant breaches of conduct.

Because these violations straddled the implementation of the new penalty structure, the panel conducted a penalty analysis under both former NCAA Bylaw 19.5.2 and current NCAA Bylaw 19.9 to determine which penalty structure was more lenient. The panel concluded the penalties under Level II – Mitigated were more lenient than those under the former penalty structure. Applying the new Figure 19-1 Penalty Guidelines for a Level II – Mitigated case, the panel prescribed the following principal core and additional penalties: a financial penalty; one-year of probation and reporting on compliance with the institution's drug testing policy; the panel has accepted all of the institution's self-imposed penalties; and other appropriate penalties as prescribed in the penalties section of this report.

II. CASE HISTORY

This case stemmed from a series of articles published by a sports media outlet in early September 2013, alleging NCAA violations within the institution's football program. On September 5, 2013, the institution contacted the NCAA enforcement staff to inform them of the article's allegations. In the ensuing 11 months, the enforcement staff and the institution undertook an extensive inquiry into the alleged violations of NCAA legislation. The enforcement staff and the institution completed a review of over 50,000 emails and other records produced by Oklahoma State. The investigation also included some 90 interviews of current and former student-athletes, current and former coaches, current and former staff at the institution and representatives of the institution's athletics interests.

On October 8, 2013, the enforcement staff issued a verbal notice of inquiry to the institution. Subsequently, the enforcement staff issued its notice of allegations (NOA) on October 17, 2014. The enforcement staff informed the institution that it would process the violations as significant breaches of conduct (Level II). On October 28, 2014, pursuant to NCAA Bylaw 19.9.7.7.2, the institution requested an accelerated hearing. On November 25, 2014, the chief hearing officer granted the request. On November 24, 2014, the institution submitted its response to the NOA. The enforcement staff submitted its reply and statement of the case on December 12, 2014. On January 15, 2015, the enforcement staff submitted an errata memorandum clarifying Allegation No.1(d) and

written reply page 1–4 as it pertained to one student-athlete's positive drug tests after the institution amended the policy. On January 22, 2015, the panel conducted the hearing.

III. FINDINGS OF FACT

The Institution's Drug Testing Policy

The institution acknowledged violations regarding the consequences and progressive steps taken after positive tests during two separate versions of its drug testing policy. The first policy existed from 2007 through 2011. The second version of the policy became effective in 2011 after certain revisions were made to the initial policy.

In its written response to the NOA and at the hearing, the institution acknowledged that from January 2008 through October 2012, it failed to follow its own drug testing policy and procedures related to the consequences of positive tests by student-athletes in the football program.³ The institution's drug testing policy in effect from 2007 through the 2010-11 academic year provided that after a first positive drug test, a student-athlete shall receive counseling. After a second positive drug test, a student-athlete shall be suspended equal to 10 percent of the relevant sport's season. Upon a third positive drug test, a student-athlete shall be suspended equal to 50 percent of the relevant sport's season. The institution permitted five former football student-athletes who tested positive for banned substances to participate in intercollegiate athletics competition when they should have been withheld from competition.⁴ The institution permitted these student-athletes to compete in NCAA contests without being subjected to the mandatory corrective and/or disciplinary actions required by the institution's established drug testing policy.

The institution revised its drug testing policy in 2011 to provide more discretion for the director of athletics. The institution acknowledged there was one former football student-athlete who it permitted to compete in the first four games of the 2013 football season before he was later dismissed from the football team. His participation was in contravention of the institution's revised drug testing policy. In total, the institution permitted five student-athletes to compete in seven games when in violation of the drug testing policy. The revised policy provided the director of athletics, as the program's

³ At the hearing, the enforcement staff admitted it did not review any of the institution's other sport programs' compliance with the written drug testing policy. Similarly, the institution stated it was unaware of any of its other sports programs having had issues with compliance with the drug testing policy.

⁴ In its written response, the institution disclosed that during the period of the fall 2007 through the spring of 2013, the institution conducted approximately 1,572 drug tests. Of this total, 94 were positive tests, and 67 of those positive tests involved student-athletes.

administrator, with discretion to suspend a student-athlete "up to" 10 percent of the season for a second positive drug test and "up to" 50 percent of the season for a third positive drug test. That discretion did not exist in the previous version of the drug testing policy.

At the hearing, the director of athletics stated he "mistakenly" thought he had some "latitude" as the drug program's administrator, to make exceptions to the drug testing policy under the institution's initial policy. He stated he made the decisions to approve exceptions to the drug testing policy after he consulted with the head football coach. He deferred to the head football coach's recommendations on whether to suspend the affected student-athletes because he trusted the head football coach. The head football coach felt suspending the student-athletes under the initial drug testing policy was not in the student-athletes' best interests. However, at the hearing, the director of athletics admitted "there is no question" he should have abided by "the letter of the law," and the affected student-athletes should have been suspended consistent with the institution's established testing drug testing policy. Also at the hearing, the head football coach admitted he was "guilty" of making decisions that contravened the institution's initial drug testing policy. Yet the director of athletics was designated by the institution as the safeguard and drug testing plan administrator for the institution's drug testing policy. It was his responsibility to monitor the drug testing program and its implementation.

The head football coach consulted with the director of athletics in each of the five instances, four under the initial policy and once under the revised policy, when the institution's established drug testing policies were not followed by the director of athletics after student-athletes tested positive for banned substances. In each of those five instances the director of athletics, as the drug testing program's monitor, deviated from the institution's drug testing policy and procedures. However, under the institution's initial drug testing policy beginning in the 2007–08 academic year, the director of athletics did not have the discretion to deviate from the institution's drug testing policy. The institution revised the drug testing policy effective for the 2011–12 academic year. The revision provided the director of athletics, as the plan's administrator and monitor, with discretion on whether to suspend a student-athlete after the second and third positive tests. The director of athletics had no such discretion for a fourth positive test under the initial policy or the revised policy.

The Orange Pride's Hosting Activities

As a result of the published articles, the institution and enforcement staff began an investigation of the institution's Orange Pride program in the fall of 2013. The Orange

Pride was an all-female group in existence for over 15 years.⁵ The football program organized and directed the Orange Pride, and even selected its members. There were no male members of the group although the institution allowed membership to any student on campus. The institution permitted members of its Orange Pride student group to serve as student hosts during official and unofficial visits of prospective football student-athletes. However, the institution did not designate or utilize these female students in a manner consistent with the institution's policy for providing campus visits or tours to prospective students in general. The Orange Pride performed both administrative and hosting duties, but it is only the hosting duties they performed that implicated NCAA recruiting legislation.

In its written response and at the hearing, the institution admitted it permitted members of the Orange Pride to perform hosting duties to prospective student-athletes or their families. On official visits, those hosting duties included attending meals on and off-campus with coaching staff and prospective football student-athletes and participating in campus tour activities. Similarly, during unofficial visits, some Orange Pride members interacted with prospective football student-athletes in the team dining area by answering questions from those prospects and their families or guests. While Orange Pride members were given some minimal training by the institution's admissions office, and group members volunteered six hours in the admissions office during the academic year, the vast majority of their duties related to the recruitment of prospective football student-athletes and the football staff directed their efforts.

On July 24, 2014, the enforcement staff and the institution submitted a joint interpretation request to the NCAA Academic and Membership Affairs (AMA) staff to determine if the institution's use of the Orange Pride program was inconsistent with NCAA legislation. On July 30, 2014, AMA issued its response to the joint interpretation request and concluded the Orange Pride program operated contrary to the intent of NCAA recruiting legislation. Additionally, the NCAA had previously issued educational columns in 2004, 2010 and 2012, regarding the use of programs similar to Orange Pride.⁶ Those educational columns noted groups like Orange Pride could perform administrative duties but could not perform hosting duties.

While the institution admitted it operated its Orange Pride program in violation of NCAA recruiting legislation from 2009–13, it had members of its compliance staff perform some

⁵ In the NOA, the enforcement staff alleged the violations in the Orange Pride program extended from 2004–13. Because the panel did not conclude the violations indicated a pattern of willful violations or indicated blatant disregard of NCAA legislation, the four-year statute of limitations period applied here. *See* NCAA Bylaw 19.5.11.

⁶ The relevant educational columns were published on November 16, 2004, September 14, 2010 and August 17, 2012. Indeed from 2012 to the present, educational columns and hot topics are binding to the extent that the legislation and interpretations on which they are based remain applicable.

occasional reviews of the program. Beginning in 2005 the institution believed it had aligned the Orange Pride program with its admissions office in an attempt to comply with NCAA recruiting legislation. Thereafter, the compliance staff occasionally reviewed the Orange Pride program regarding various activities being performed by the group's members in the admissions office. Members of the compliance staff were present during all official and unofficial visits and observed Orange Pride activities. A member of the compliance staff was stationed in the football office and observed the group's activities on a daily basis.

IV. ANALYSIS

A. FAILURE TO COMPLY WITH THE INSTITUTION'S DRUG TESTING POLICY [NCAA Bylaws 10.2, 14.01.3, 31.2.3.4-(e) (2008-09 through 2012-13 Division I Manual)]

The institution failed to follow its own drug testing policy and procedures with respect to five football student-athletes' positive drug tests. The institution and the enforcement staff substantially agreed on the facts and that the violation occurred. The panel concluded that Level II violations occurred.

1. NCAA legislation regarding knowledge of use of banned drugs and compliance with other NCAA and conference legislation

10.2 Knowledge of Use of Banned Drugs. A member institution's athletics department staff members or others employed by the intercollegiate athletics program who have knowledge of a student-athlete's use at any time of a substance within the banned-drug classes, as set forth in Bylaw 31.2.3.1, shall follow institutional procedures dealing with drug abuse or shall be subject to disciplinary or corrective action as set forth in Bylaw 19.9.

14.01.3 Compliance With Other NCAA and Conference Legislation.

To be eligible to represent an institution in intercollegiate athletics competition, a student-athlete shall be in compliance with all applicable provisions of the constitution and bylaws of the Association and all rules and regulations of the institution and the conference, if any, of which the institution is a member. A violation of this bylaw that relates only to a violation of a conference rule shall be considered an institutional violation per Constitution 2.8.1; however, such a violation shall not affect the student-athlete's eligibility.

2. **Between the 2007–08 and 2012–13 academic years, the institution failed to comply with its drug testing policy and procedures when it permitted five football student-athletes to participate in intercollegiate athletics competition when they should have been withheld from competition.**

The institution violated NCAA legislation when it failed to comply with its drug testing policy and procedures after five football student-athletes tested positive for NCAA banned substances between the 2007–08 and 2012–13 academic years. As a result, five student-athletes competed in a total of seven games when they should have been withheld from competition. While a significant competitive advantage did not result from the institution's violations of the drug testing policy, its actions resulted in more than a minimal competitive advantage and involved conduct that could have undermined or threatened the integrity of the NCAA Collegiate Model. Accordingly, the institution violated NCAA Bylaws 10.2 and 14.01.3.

NCAA Bylaw 10.2 requires member institutions to abide by their institutional policy and procedures dealing with drug use. The bylaw requires athletics personnel with knowledge of a student-athlete's use of a banned substance to comply with the institution's drug testing policy. Here, the director of athletics, as program administrator, deviated from the institution's established drug testing policy when he permitted four football student-athletes to participate in intercollegiate athletics competition without subjecting them to the requirements of the 2007–08 version of the drug testing policy. The director of athletics mistakenly believed he had discretion to deviate from the institution's drug testing policy when, in fact, he had no such discretion under the 2007–08 version of the policy. After the institution revised the drug testing policy for the 2011–12 academic year, the director of athletics was given discretion to deviate from the policy upon a second and third positive test by a student-athlete. However, even after the revision to the drug testing policy allowing greater discretion, one student-athlete who tested positive for a banned substance was allowed to compete without receiving a mandatory counseling session in violation of the institution's revised drug testing policy. At the hearing, the institution acknowledged that it violated NCAA Bylaw 10.2.

When the institution permitted five football student-athletes to participate in intercollegiate athletics competition in violation of its own drug testing

policy, it violated NCAA Bylaw 10.2.⁷ In so doing, the institution also violated NCAA Bylaw 14.01.3 because the five student-athletes were not in compliance with the institution's drug testing policy. While a member institution is not required to have a drug testing policy, NCAA legislation does require that an institution follow its drug testing policy if it does have one. The panel expects member institutions and their athletics staff to adhere to their respective drug testing policies and procedures in order to protect and enhance student-athlete well-being.

After receiving information presented at the hearing on the issue of level of violation, the panel considered the number of student-athletes involved, the duration of the violations, the number of instances when student-athletes competed while they should have been suspended under the institution's drug testing policy, and the deliberate determinations of institutional staff to deviate from the institution's drug testing policy. The panel concluded the facts found constituted Level II violations of NCAA bylaws because the violations provided more than a minimal competitive advantage not rising to the level of Level I violations but were more serious than Level III violations.

B. IMPERMISSIBLE USE OF STUDENT HOSTS [NCAA BYLAWS 13.6.7.5 (2004-05 through 2013-14), 13.7.2.1.7 (2004-05 through 2010-11) and 13.7.2.1.8 (2011-12 through 2013-14) NCAA Division I Manuals]

Between the 2009–10 and 2012–13 academic years, the institution permitted its football program to select, organize, and direct the Orange Pride student group and engage in impermissible hosting activities for prospective football student-athletes and their families on official and unofficial visits to campus. The panel concluded that Level II violations occurred.

1. NCAA legislation regarding student hosts on official and unofficial visits

13.6.7.5 Student Hosts. The student host must be either a current student-athlete or a student designated in a manner consistent with the institution's policy for providing campus visits or tours to prospective students in general. . . .

⁷ In the NOA, the enforcement staff brought allegations under NCAA Bylaw 31.2.3.4-(e) (2008-09 NCAA Division I Manual). This bylaw included a list of banned-drug classes that member institutions and student-athletes shall be held accountable for within NCAA drug testing programs. Subsection (e) included "street drugs" as a class of banned drugs. Because the institution's drug policy contained this list, the panel concluded no violation of this bylaw occurred.

13.7.2.1.8 Student Hosts. A student host used during an unofficial visit must either be a current student-athlete or a student who is designated in a manner consistent with the institution's policies for providing campus visits or tours to prospective students in general.⁸

2. **Over the course of four academic years, Orange Pride members engaged in impermissible hosting activities during official and unofficial visits to campus by prospective football student-athletes and their families when they accompanied prospects to on-campus and off-campus meals, participated in campus tour activities and interacted with prospects in the team dining area.**

When the institution permitted Orange Pride members to engage in hosting activities, despite being on notice that such use was impermissible, it violated NCAA Bylaw 13. From the 2009–10 through the 2012–13 academic years the institution acknowledged it permitted its football program to select, organize and direct the Orange Pride student group while it engaged in impermissible hosting activities in violation of NCAA recruiting legislation. Generally, NCAA Bylaws 13.6.7.5 and 13.7.2.1.8 govern the use of student hosts on official and unofficial visits. Both bylaws prohibit the use of student hosts in a manner inconsistent with the institution's policies on providing campus tours or visits to prospective students in general.

Both NCAA Bylaw 13.6.7.5, regarding official visits, and NCAA Bylaw 13.7.2.1.8, regarding unofficial visits, require student hosts to be either a current student-athlete or a student who is designated in a manner consistent with the institution's policies for providing campus tours or visits to prospective students in general. The Orange Pride members were neither student-athletes nor students properly designated consistent with the institution's policy for providing campus tours to prospective students in general.

The Orange Pride was a group of all-female students selected, organized, and directed by the institution's football staff. The group was in existence for over 15 years. During the relevant time period, Orange Pride members served as student hosts during official and unofficial visits of prospective football student-athletes. They did so even though they were not designated and directed by the admissions office, the office responsible

⁸ In 2011, the numbering of NCAA Bylaw 13.7.2.1.7 changed to 13.7.2.1.8. However, the legislation remained unchanged.

for providing campus tours to prospective students in general. It is uncontested that Orange Pride members were present during on-campus and some off-campus meals to converse and answer questions from prospective student-athletes and their families. They also accompanied football staff members during campus tours and spoke with prospective student-athletes and their families in a nonadministrative capacity during these visits to the institution's campus.

The way the institution operated and used the Orange Pride program violated NCAA recruiting legislation. The panel was especially concerned with the institution's continued use of the group despite being on notice for several years that such use of gender-based student hosting groups was impermissible.⁹ The NCAA published educational columns in 2004, 2010 and 2012, placing all member institutions on notice regarding the most current legislation on the proper use of student hosts. The educational columns cite and are based on NCAA Bylaws 13.6.7.5 and 13.7.2.1.8, among others, and their official and staff interpretations. These educational columns were made public and widely circulated among NCAA membership and utilized by institutional compliance staff. The institution's use of the Orange Pride was contrary to NCAA recruiting legislation. Yet, the institution continued the program until a published media report prompted a joint investigation by the institution and the enforcement staff. Although occurring for a longer period of time, the violations are confined to the 2009–10 to 2012–13 academic years under NCAA Bylaw 19.5.11's four-year statute of limitations. No exceptions to the statute of limitations period were present in this case.

Moreover, in response to the enforcement staff's and the institution's joint interpretation request, AMA stated that NCAA legislation never intended for athletic departments to be involved in the hiring process of general student hosts, regardless of the nature of the hiring standards. While the institution did use the Orange Pride members to perform some administrative tasks, it was clear that the impermissible hosting functions that the group performed were widespread over a long period of time. As a result, from 2009 through 2013, the Orange Pride performed hosting duties for prospective football student-athletes (or their parents or legal guardians) contrary to NCAA recruiting legislation.

⁹ At the hearing, the institution admitted there were no male members of the Orange Pride, although it did state that membership in the organization was open to "any student on campus."

The panel concluded the facts as found constituted Level II violations of NCAA bylaws because they provided or were intended to provide more than a minimal but less than a substantial recruiting advantage.

V. VIOLATIONS NOT DEMONSTRATED

Failure to Monitor

While the institution's actions or omissions resulted in violations of NCAA legislation in its drug testing program and the operation of the Orange Pride program, it did not fail to monitor its football program. The enforcement staff alleged the institution failed to monitor its football program to ensure compliance with NCAA legislation with respect to its drug testing policy. At the hearing, the institution acknowledged it failed to comply with the institutional drug testing policy. The panel considered the number of student-athletes involved, the duration of the violations, the number of instances when student-athletes competed while they should have been suspended under the institution's drug testing policy. The panel, however, concluded this violation was not demonstrated. The institution had a compliance system in place at the time the violations occurred. The director of athletics was the drug policy's administrator and designated monitor. The director of athletics and head football coach communicated with one another on a regular basis regarding student-athlete discipline, including when the five football student-athletes tested positive for banned substances. While the ultimate decisions made by athletics staff in this case resulted in NCAA violations, a failure to monitor was not demonstrated with respect to the institution's drug testing policy.

Similarly, the institution had a monitoring system in place for the Orange Pride program. The institution believed, albeit erroneously, that the Orange Pride program was sufficiently aligned with the institution's admissions office and the institution's compliance staff was responsible for monitoring the group's involvement with the admissions office. Orange Pride members were required to volunteer six hours per academic year in the admissions office. Additionally, there were some meetings that occurred between the admissions office and the compliance staff to confirm an understanding of the duties Orange Pride members performed. Compliance staff was present on all unofficial visit weekends and many official visit weekends to observe the group's activities. The institution had a member of the compliance staff embedded into the football office and observed the daily activities of the Orange Pride. Although members of the athletic staff erroneously believed the Orange Pride program complied with NCAA recruiting legislation, and its monitoring program failed to detect the foregoing violations, the panel concluded a failure to monitor was not warranted under NCAA Bylaw 2.8.1.

VI. PENALTIES

For the reasons set forth in Sections III and IV of this decision, the panel concluded this case involved Level II violations of NCAA legislation. The panel conducted a separate analysis and made a separate determination as to whether to prescribe penalties under the former or current NCAA Bylaw 19 penalty guidelines. Because several of the violations occurred before the effective date, the panel reviewed whether the new penalty guidelines were more lenient and concluded that they were in this case. In considering penalties under the former penalty structure, the panel reviewed past cases as guidance. In considering the penalties under the new penalty structure, the panel reviewed the aggravating and mitigating factors and utilized the new penalty guidelines (Figure 19-1) to appropriately classify the case and violations.

The panel then determined the applicable penalty classification. Level II violations are significant breaches of conduct. The panel concluded the institution committed a Level II violation when it failed to comply with its drug testing policy and procedures when certain student-athletes tested positive for banned substances. The violation gave the institution more than a minimal but less than a substantial competitive advantage. Similarly, the panel concluded the institution committed a Level II violation when it permitted the use of Orange Pride members to perform hosting duties inconsistent with the institution's policies on providing campus tours and visits for prospective students in general. This violation also provided the institution with more than a minimal but less than substantial recruiting advantage.

To determine the appropriate classification of this Level II case as either mitigated, standard or aggravated, the panel considered aggravating and mitigating factors pursuant to NCAA Bylaws 19.9.3 and 19.9.4. When applying the penalty guidelines, the panel also assessed aggravating and mitigating factors by weight as well as number. NCAA Bylaw 19.9.3-(b) identifies an institution's Level I, Level II or major infractions history as an aggravating factor; however, pursuant to NCAA Bylaw 19.9.3-(b)(1), because over 20 years have elapsed since the institution's last major infractions case, the panel did not determine it was an aggravator in this case. The panel determined the following factors applied, resulting in the panel classifying this case as Level II – Mitigated for the institution.

Aggravating Factors for the Institution

19.9.3-(g): Multiple Level II violations by the institution;

19.9.3-(h): Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct.

Mitigating Factors for the Institution

- 19.9.4-(c): Affirmative steps to expedite final resolution of the matter;
- 19.9.4-(d): An established history of self-reporting Level III or secondary violations;
- 19.9.4-(e): Implementation of a system of compliance methods designed to ensure rules compliance and satisfaction of institutional control/coaches' control standards;
- 19.9.4-(f): Exemplary cooperation.

All of the penalties prescribed in this case are independent of and supplemental to any action the Committee on Academics has taken or may take through its assessment of postseason ineligibility, historical penalties or other penalties. The institution's corrective actions are contained in the Appendix. After considering all information relevant to the case, the panel determined that the number and nature of the mitigating factors outweighed the aggravating factors with regard to the institution. The panel prescribed the following:

Core Penalties for Level II – Mitigated Violations (NCAA Bylaw 19.9.5)

1. Probation: Pursuant to NCAA Bylaw 19.9.6 the panel prescribes a one-year probationary period from April 24, 2015, to April 23, 2016, due to the number of years involved in the violations and to ensure that proper policies and procedures are in place to prevent and detect any reoccurrences;
2. Financial Penalties:
 - a. The institution shall pay a \$5,000 fine;
 - b. Additionally, the institution shall pay a \$3,500 fine, representing \$500 for each of seven games in which a student-athlete participated in intercollegiate athletics when he should have been withheld from competition in accordance with the institution's drug testing policy. (Institution imposed);
3. Recruiting Restrictions: The institution shall limit official visits to 30 per year during the 2015-16 and 2016-17 academic years. The institution shall also reduce the number of coaches participating in off-campus evaluations by one (from 10 to nine in the fall and nine to eight in the spring) during the 2015-16 and 2016-17 academic years. The institution shall also reduce the number of evaluation days in the fall by 10 days and in the spring by 10 days during the 2015-16 and 2016-17 academic years. (Institution imposed).

Additional Penalties for Level II – Mitigated Violations (NCAA Bylaw 19.9.7)

4. Public reprimand and censure;
5. Publication of the institution's probation on the institution's website, the NCAA website, and in the institution's brochures and media guides;
6. The institution and its football program shall cease any and all use of the Orange Pride program. The institution is precluded from organizing any other student group to assist in recruiting prospective student-athletes for four years. When the four-year time period has expired, the institution shall not reconstitute a student host group within athletics, but must do so out of its admissions office consistent with how it provides campus tours or visits to prospective students in general.
7. During the period of probation, the institution shall:
 - a. Continue to develop and implement a comprehensive educational program on NCAA legislation to instruct the coaches, the faculty athletics representative, all athletics department personnel and all institution staff members with responsibility for the implementation and adherence to the institution's drug testing policy and NCAA recruiting legislation regarding the use of student hosts;
 - b. Submit a preliminary report to the Office of the Committees on Infractions by June 15, 2015, setting forth a schedule for establishing this compliance and educational program;
 - c. File with the Office of the Committees on Infractions an annual compliance report indicating the progress made with this program by January 15, 2016. Particular emphasis should be placed on rules education for support staff and education regarding the institution's drug testing policy and NCAA recruiting legislation on the use of student hosts. The report must also include documentation of the institution's compliance with the penalties adopted and prescribed by the panel and imposed by the institution;
 - d. Inform prospective student-athletes in football that the institution is on probation for one year and detail the violations committed. If a prospective student-athlete takes an official paid visit, the information regarding violations, penalties and terms of probation must be provided in advance of the visit. Otherwise, the information must be provided before a prospective student-athlete signs a National Letter of Intent; and

- e. Publicize specific and understandable information concerning the nature of the infractions by providing, at a minimum, a statement to include the types of violations and the affected sport programs and a direct, conspicuous link to the public infractions report located on the athletic department's main webpage and in the media guides for the involved sports. The institution's statement must: (i) clearly describe the infractions; (ii) include the length of the probationary period associated with the major infractions case; and (iii) give members of the general public a clear indication of what happened in the major infractions case to allow the public (particularly prospective student-athletes and their families) to make informed, knowledgeable decisions. A statement that refers only to the probationary period with nothing more is not sufficient.
8. Following the receipt of the final compliance report and prior to the conclusion of probation, the institution's president shall provide a letter to the committee affirming that the institution's current athletics policies and practices conform to all requirements of NCAA regulations.

The Committee on Infractions advises the institution that it should take every precaution to ensure that it observes the terms of the penalties. The committee will monitor the penalties during their effective periods. Any action by the institution contrary to the terms of any of the penalties or any additional violations shall be considered grounds for extending the institution's probationary period, prescribing more severe penalties or may result in additional allegations and violations.

NCAA COMMITTEE ON INFRACTIONS PANEL

Greg Christopher (Chief Hearing Officer)
Bobby Cremins
Joel D. Maturi
James O'Fallon
Greg Sankey

APPENDIX

CORRECTIVE ACTIONS AS IDENTIFIED IN THE INSTITUTION'S NOVEMBER 24, 2014, RESPONSE TO THE NOTICE OF ALLEGATIONS

1. The institution issued letters of admonition to the director of athletics, head football coach, and the senior associate athletic director for compliance in connection with the violations;
2. The institution also required all sports specific administrative staff members, sports medicine, and athletics training staff to participate in a two-hour drug awareness program.



Oklahoma State University comments on planned series of articles by Sports Illustrated suggesting inappropriate actions and activities with its football program primarily between 2001 and 2007.

(STILLWATER, Okla., September 7, 2013) -- Sports Illustrated has informed Oklahoma State University that it plans to publish a series of articles beginning this week about alleged misconduct in the OSU football program starting in 2001. Sports Illustrated advised that the articles are based on interviews with former players, coaches and staff members.

In meetings with OSU officials, Sports Illustrated outlined allegations involving inappropriate activities and actions, the vast majority of which occurred between 2001 and 2007. The allegations outlined do not involve any current coaches or players.

“Oklahoma State University is deeply troubled by these claims. We will investigate the accuracy of the allegations and take all appropriate action,” said OSU President Burns Hargis. “We do not condone or tolerate improper conduct in our athletic programs. OSU requires everyone affiliated with the university to follow the rules and adhere to the highest ethical standards.” Sports Illustrated did not provide OSU all the specifics of the accusations, or the names of those it interviewed. And it appeared some of the accusations are based on hearsay. Once the stories are published and OSU has more details, it will investigate them thoroughly with the assistance of an independent investigator. OSU has contacted the NCAA and advised it of the accusations described.

OSU Vice President of Athletics Mike Holder said, “We are shocked by the allegations raised about our football program. We take the allegations seriously. Whether they have merit or not, we don’t know. But we will find out.

“Our athletic department understands the high expectations OSU President Burns Hargis and the OSU Board of Regents have set for us. Our coaches and staff understand we will not tolerate any violations that compromise our pursuit of excellence, the highest of ethical standards, and full compliance with NCAA rules and regulations,” Holder said.

He continued, “We are committed to playing by the rules on and off the field. We strive to be a source of pride for our fans, our university and the Big 12 Conference.”

In closing, Holder expressed confidence in Coach Gundy and the staff and their commitment to the highest standards. “Our most important mission is doing all we can to prepare our student athletes to be successful and productive citizens throughout their lives,” Holder said.

Sports Illustrated notified OSU officials on August 28 of the planned series, which they said has been in the works for almost a year. Senior writer George Dohrmann and executive editor B.J. Schecter came to Stillwater the week of September 2 to provide details of the series and said reporter Thayer Evans also was part of the reporting team.

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