

## NEWS & INSIGHTS

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### LIGHTFOOT'S TAKE ON ALABAMA A&M UNIVERSITY'S LACK OF INSTITUTIONAL CONTROL AND FAILURE TO MONITOR

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By: **Enrique J. Gimenez**

On September 11, 2018, the Division I Committee on Infractions (COI) found that Alabama A&M University (AAMU) exhibited a lack of institutional control (LOIC) when it improperly certified 101 student-athletes in nearly all of the university's sport programs during the 2011-12 to 2015-16 academic years. The case, considered through the summary disposition process, was ultimately classified as Level I-Standard.

#### **BACKGROUND**

The parties agreed that: AAMU's compliance staff lacked the requisite experience and rules education and training to conduct certification; AAMU did not appropriately involve staff outside of athletics in certification; and the certifying staff failed to correctly apply the legislation. The COI described AAMU's systemic problems as some of the most extensive and widespread certification failures in recent case history.

#### **KEY TAKEAWAYS**

1. The COI suggested that a LOIC finding is appropriate when institutions fail to ensure that appropriately trained and educated individuals are certifying student-athletes, certification does not involve appropriate administrators outside of athletics, the staff incorrectly applies legislation, and/or leadership fails to promptly act when certification processes fail;
2. The COI continued its trend of imposing additional and significant penalties beyond those AAMU had self-imposed, including (but not limited to) post-season bans across multiple sports, scholarship reductions, recruiting restrictions, a heightened financial penalty, and five years of probation; and
3. The institution was successfully able to reduce its classification from Level I-Aggravated to Level I-Standard based on the weighing of aggravating and mitigating factors. More specifically, the COI panel agreed to assess less aggravating weight to Bylaw 19.9.3-(b) *A history of Level I, Level II or major violations* because of the amount of time that had lapsed since AAMU's prior cases in 1996 and 1986 and because the present case involved different certification failures. The panel also changed its assessment of Bylaw 19.9.4-(b) *Prompt acknowledgement of the violation, acceptance of responsibility and imposition of meaningful corrective actions and/or penalties*, giving it more mitigating weight after AAMU provided additional information clarifying its corrective actions related to certification and academic performance of student-athlete.