



Alabama Agricultural & Mechanical University

OFFICE OF THE PRESIDENT

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September 13, 2018

Dr. Mark Emmert, President
The National Collegiate Athletic Association
700 W. Washington Street
P.O. Box 6222
Indianapolis, Indiana 46206-6222

Dear President Emmert

Alabama A&M University has received the decision of its appeal to the Committee on Infractions. We are pleased that the committee considered our additional information provided and reduced the penalties and sanctions from the initial decision. Nonetheless, I have a few observations that I think are warranted as it relates to the process and the ultimate decision rendered on behalf of the NCAA in future cases. At the outset, let me clearly indicate that I am not forwarding these observations as a member of the Presidential Advisory Committee, the Board of Directors, or Chair of the Council of Presidents and Chancellors for SWAC. These are my personal observations as it relates to Alabama A&M University.

First, I applaud the NCAA for its efforts to inform decisions based on data and information. However, for the data to accurately impact the decision, the assumptions upon which the data input that is used must be appropriate for the case under consideration. As it relates to violations of certifying athletes, the number of violations is not an accurate indicator of the seriousness of the violation. If, as in the case of Alabama A&M University, the report clearly communicated that the “violations of certifying were not intentional.” They occurred because of a lack of knowledge of the relevant policies and how they should be applied. Therefore, if an individual lacked the appropriate understanding and incorrectly applies the rule for progress toward the degree, there will be multiple instances of those occurrences until there is intervention in the system to correct the problem. Case in point, a review of the distribution of the areas of errors for Alabama A&M University is given below:

<u>VIOLATION</u>	<u>NUMBER</u>	<u>PERCENT</u>
Seasons of Competition: Five Year Rule	5	3%
Full-Time Enrollment	2	1%
Progress toward Degree Requirements	127	86%
Transfer Requirement	13	9%

As you can see, most of the errors occurred with the determination of progress toward degree. Thus, the number of cases is not indicative of the seriousness of the problem. Level I violations should be limited to those cases where there was evidence of (a) intentional misconduct, (b) deliberate violation, (c) willful disregard for NCAA rules, (d) person in authority participating in or condoning violations. In the absence of one of the foregoing, failure to properly certify athletes should be a Level II violation.

Second, it is noted on page 9 of the Committee on Infractions report for Alabama A&M University, that there were eleven (11) instances of violations of certification since 2016. It is noteworthy that nine (9) of the eleven institutions are HBCUs. Given the preponderance of the representation of our institutions in this finding, intentionally or unintentionally, from a perception viewpoint, it raises questions regarding the process as well as the effectiveness of the consultative and technical assistance provided our institutions, which are recognized by the NCAA as limited resource universities, in complying with applicable regulations.

Third, in composing committees to hear cases, I encourage the NCAA to provide for institutions a “jury of their peers.” Providing such is the foundation of our appellate process in this nation.

Finally, the NCAA does not regard the violation of certification as so egregious that the findings are presented at a press conference. The NCAA provides that the university will receive a public reprimand for the violations. While the NCAA has no control over the local media in our communities, for those of us who find ourselves in a hostile media environment, the public reprimand can become synonymous to a “public execution.” I refer you to the media coverage which emanated from the release of the Committee’s report for Alabama A&M University. Regretfully, the same media coverage did not accompany the release of the teams which had a perfect 1000 APR, which for AAMU were Bowling and Softball. This is certainly not an area that the NCAA can control, but we want the NCAA to be sensitive to the potential fallout that might occur, particularly as it relates to certain types of member institutions.

President Emmert, as the NCAA strives to better represent its diverse membership, I hope that these observations will be helpful in formulating future policies, regulations, technical assistance, procedures, committees, etc., to enhance the NCAA overall and the membership, in particular.

Sincerely,



Andrew Hugine, Jr., Ph.D.
President