

## CASE SUMMARY

### *Wisconsin football program violated recruiting communications rules*

Recruiting violations occurred at Wisconsin when nine football coaches and staff members placed impermissible phone calls to prospects, according to an agreement approved by a Division I Committee on Infractions hearing panel. As a result of the violations, football head coach Luke Fickell violated head coach responsibility rules.

Specifically, the school, assistant football coach Matt Mitchell, former assistant coach Greg Scruggs, former director of player personnel Max Stienecker and the enforcement staff agreed that the violations occurred when staff placed 139 impermissible phone calls to 48 prospects. Of the impermissible calls, 117 were placed prior to the first permissible contact date for the prospects. Sixty of the calls lasted one minute or less.

The violations were uncovered due to the school's compliance monitoring systems for phone communications, which monitored in real time when staff members used mobile phones to contact a prospect. The system also included software that retroactively screened phone logs for potential impermissible calls. Upon detecting the impermissible calls, the school self-reported the violations and immediately self-imposed penalties while it began a collaborative investigation with enforcement staff.

The enforcement staff and parties agreed that the violations occurred as the result of a combination of factors, including the new football staff's unfamiliarity with the school's compliance processes for recruiting and logging calls, plus the involved coaches' and staff members' misunderstanding of rules pertaining to recruiting calls and/or incorrect belief that rules for recruiting calls had been lifted.

Finally, because head coaches are responsible for the actions of their staff, the enforcement staff, school and Fickell agreed that he violated head coach responsibility rules.

The violations were classified as Level II-Mitigated for all parties.

The parties agree to the following penalties:

- One year of probation.
- A \$25,000 fine.
- A one-year show-cause order for Scruggs. During that time, any employing member school will restrict him from engaging in recruiting communication for two months and will suspend him from one regular-season contest.
- A one-year show-cause order for Stienecker. During that time, any employing member school will restrict him from all recruiting communications with high school prospects from June 15-21, 2025.

- A prohibition of recruiting communications for three weeks during the 2023-24 academic year (self-imposed by the school).
- A reduction in fall evaluation days by three and a reduction in spring recruiting person days by nine during the 2023-24 academic year (self-imposed by the school).
- A prohibition for Fickell and Mitchell from recruiting communications with high school prospects for one week from June 15-21, 2025.

Members of the Committee on Infractions are drawn from the NCAA membership and public. The panel members who reviewed this case are:

- Jody Conradt, retired women's basketball head coach and special assistant to athletics at Texas.
- Jeremy Jordan, dean of the David B. Falk College of Sport and Human Dynamics at Syracuse.
- Roderick Perry, former athletics director at Indiana University-Purdue University Indianapolis and chief hearing officer for the panel.

## NEGOTIATED RESOLUTION<sup>1</sup>

University of Wisconsin-Madison – Case No. 020330

June 12, 2025

### I. CASE SYNOPSIS

The University of Wisconsin-Madison (institution); Luke Fickell (Fickell), head football coach; Matt Mitchell (Mitchell), assistant football coach; Greg Scruggs (Scruggs), former assistant football coach; Max Stienecker (Stienecker), former director of player personnel; and NCAA enforcement staff agree with the violations and penalties detailed below. The parties also agree this case should be resolved as Level II – Mitigated for all parties.<sup>2</sup>

The case originated in early September 2023 when the institution notified the enforcement staff that it self-detected potential impermissible telephone calls in its football program. The enforcement staff authorized the institution to proceed with an independent investigation. The institution subsequently determined that during the first half of 2023, nine football coaches and staff members placed 139 impermissible telephone calls to 48 football prospective student-athletes. One hundred seventeen telephone calls were placed prior to the first permissible date to call the prospective student-athletes and 22 calls occurred after a permissible call was made between April 15 and May 31, 2023.<sup>3</sup> Sixty of the impermissible telephone calls lasted one minute or less.

On January 16, 2024, the institution submitted a violation self-report through Requests/Self-Reports Online (RSRO). The institution self-imposed the following penalties for the football program, which were completed during the 2023-24 academic year: (a) a three-week prohibition on recruiting communications applicable to all football personnel; (b) a reduction of fall evaluation days by three; and (c) a reduction of spring recruiting-person days by nine. The penalties aligned with the top of the range for Level II – Mitigated cases in Figure 19-1.<sup>4</sup>

After reviewing the self-report, the enforcement staff began a collaborative supplemental investigation with the institution. From February through December 2024, the enforcement staff requested and reviewed relevant documents, interviewed multiple individuals and engaged in substantive discussions with the institution about resolution of the matter. The investigation

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<sup>1</sup> In reviewing this agreement, the hearing panel made editorial revisions pursuant to NCAA Division I Committee on Infractions (COI) Internal Operating Procedure (IOP) 4-7-1-2. These modifications did not affect the substance of the agreement.

<sup>2</sup> Due to the current landscape of collegiate athletics and in an effort to serve the best interests of the Association, the parties deviated from Division I Bylaw 19.12 (Penalties) and/or Figure 19-1 (Penalty Matrix) for the involved individuals. This discretion was based on the specific facts of this case and has no precedential value.

<sup>3</sup> [Division I Proposal 2023-14 \(Recruiting – Football Comprehensive Recruiting Model\)](#) was enacted August 1, 2023, and repealed Bylaws 13.1.3.1.3 and 13.1.3.1.3.1. This legislative change permitted telephone calls to football prospects beginning June 15<sup>th</sup> after the prospect's sophomore year of high school. The vast majority of the 139 impermissible calls would have been permissible under current rules.

<sup>4</sup> Penalty Guidelines, 2023-24.

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substantiated that the violations occurred due to a combination of factors, including: (a) the involved football personnel were hired by the institution in December 2022 and January 2023 and were unfamiliar with the institution's compliance processes and its recruiting and compliance software technology and procedures for logging and/or initiating telephone calls; (b) the involved football coaches and staff members misunderstood certain aspects of telephone call legislation (e.g., returning a missed call, calling back after a dropped call that was initiated permissibly, and calling a prospective student-athlete right after a campus visit); and (c) a misunderstanding that telephone call rules were deregulated and no longer applicable.

At the time of the violations, the institution had in place compliance monitoring systems related to telephone communications. Specifically, the institution utilized a compliance and recruiting software platform to monitor telephone calls in real-time if the staff member utilized the mobile application to place a call to a prospect. The staff member also had the ability to manually log calls into the software platform at the conclusion of the call. Additionally, the institution utilized the software platform's ability to retroactively screen monthly telephone logs for potentially impermissible calls. The institution's retroactive monitoring actions detected the potential violations.

## II. PARTIES' AGREEMENTS

### A. Agreed-upon findings of fact, violations of NCAA legislation and violation levels.

1. [NCAA Division I Manual Bylaws 13.1.3.1.3 and 13.1.3.1.3.1 (2022-23)] (Level II)

The institution, Mitchell, Scruggs, Stienecker and enforcement staff agree that from January 10 through July 25, 2023, Mitchell, Scruggs, Stienecker and six other football staff members violated NCAA recruiting communication legislation by placing a total of 139 impermissible telephone calls to 48 football prospective student-athletes. Of those calls, 117 calls were placed prior to the first permissible date to call the football prospective student-athletes, and 22 calls occurred after a permissible call was made between April 15 and May 31, 2023. The following chart identifies the impermissible calls:

Name	Total Impermissible Calls	Total PSAs <sup>5</sup>	Early Calls (Bylaw 13.1.3.1.3)	Extra Calls During Permissible Period (Bylaw 13.1.3.1.3.1)
Scruggs	71	20	55	16
Stienecker	19	14	14	5
Mitchell	19	8	19	0
Head Coach	9	7	9	0

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<sup>5</sup> Thirteen of the prospective student-athletes were called by multiple staff members.

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Assistant Coach 1	7	5	7	0
Recruiting Staff	6	2	6	0
Scouting Staff	5	2	5	0
Assistant Coach 2	2	2	1	1
Assistant Coach 3	1	1	1	0

### 2. [NCAA Division I Manual Bylaw 11.1.1.1 (2022-23)] (Level II)

The institution, Fickell and enforcement staff agree that from January 10 through July 25, 2023, Fickell is responsible for the violations detailed in Agreed Upon Finding of Fact No. 1.

#### **B. Agreed-upon aggravating and mitigating factors.**

Pursuant to NCAA Bylaw 19.10.3-(e), the parties agree that the aggravating and mitigating factors identified below are applicable.

The parties assessed the factors by weight and number and agree that this case should be properly resolved as Level II – Mitigated for all parties.

#### **Institution:**

##### 1. Aggravating factors (Bylaw 19.12.3.1).

- a. Multiple Level I and/or Level II violations for which the institution is responsible [Bylaw 19.12.3.1-(a)].
- b. Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct [Bylaw 19.12.3.1-(e)].

##### 2. Mitigating factors (Bylaw 19.12.4.1).

- a. Prompt self-disclosure of the violations [Bylaw 19.12.4.1-(a)].
- b. Prompt acknowledgement and acceptance of responsibility for the violations [Bylaw 19.12.4.1-(b)].
- c. Institution self-imposed meaningful corrective measures and/or penalties [Bylaw 19.12.4.1-(c)].
- d. An established history of self-reporting Level III or secondary violations [Bylaw 19.12.4.1-(e)].<sup>6</sup>

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<sup>6</sup> The institution reported 71 Level III violations from 2019 to 2024, approximately 14 violations each year.

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- e. Implementation of a system of compliance methods designed to ensure rules compliance [Bylaw 19.12.4.1-(f)].
- f. The absence of prior conclusions of Level I, Level II or major violations within the past 10 years [Bylaw 19.12.4.1-(g)].

### **Involved Individual (Fickell):**

#### 1. Aggravating factor (Bylaw 19.12.3.2).

Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct [Bylaw 19.12.3.2-(d)].

#### 2. Mitigating factors (Bylaw 19.12.4.2).

- a. Prompt acknowledgement of and acceptance of responsibility for the violations [Bylaw 19.12.4.2-(b)].
- b. The absence of prior conclusions of Level I, Level II or major violations [Bylaw 19.12.4.2-(e)].

### **Involved Individual (Mitchell):**

#### 1. Aggravating factor (Bylaw 19.12.3.2).

Persons of authority condoned, participated in or negligently disregarded the violations or related wrongful conduct [Bylaw 19.12.3.2-(d)].

#### 2. Mitigating factors (Bylaw 19.12.4.2).

- a. Prompt acknowledgement of and acceptance of responsibility for the violations [Bylaw 19.12.4.2-(b)].
- b. The absence of prior conclusions or Level I, Level II or major violations [Bylaw 19.12.4.2-(e)].

### **Involved Individual (Scruggs):**

#### 1. Aggravating factor (Bylaw 19.12.3.2).

Persons of authority condoned, participated in or negligently disregarded the violations or related wrongful conduct [Bylaw 19.12.3.2-(d)].

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2. Mitigating factors (Bylaw 19.12.4.2).
  - a. Prompt acknowledgement of and acceptance of responsibility for the violations [Bylaw 19.12.4.2-(b)].
  - b. The absence of prior conclusions or Level I, Level II or major violations [Bylaw 19.12.4.2-(e)].

### **Involved Individual (Stienecker):**

1. Aggravating factors (Bylaw 19.12.3.2).

The enforcement staff did not identify any aggravating factors.

2. Mitigating factors (Bylaw 19.12.4.2).
  - a. Prompt acknowledgement of and acceptance of responsibility for the violations [Bylaw 19.12.4.2-(b)].
  - b. The absence of prior conclusions or Level I, Level II or major violations [Bylaw 19.12.4.2-(e)].

### **III. OTHER VIOLATIONS OF NCAA LEGISLATION SUBSTANTIATED; NOT ALLEGED**

None.

### **IV. REVIEW OF OTHER ISSUES**

None.

### **V. PARTIES' AGREED-UPON PENALTIES<sup>7</sup>**

All penalties agreed upon in this case are independent and supplemental to any action that has been or may be taken by the NCAA Division I Committee on Academics through its assessment of postseason ineligibility, historical penalties or other penalties.

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<sup>7</sup> All penalties must be completed during the time periods identified in this decision. If completion of a penalty is impossible during the prescribed period, the institution shall make the NCAA Division I Committee on Infractions aware of the impossibility and must complete the penalty at the next available opportunity.

Pursuant to Bylaw 19.10.3-(e), the parties agree to the following penalties<sup>8</sup>:

**Core Penalties for Level II – Mitigated Violations (Bylaw 19.12.7)**

1. Probation: One year of probation from **June 12, 2025**, through **June 11, 2026**.
2. The institution shall pay a fine of \$25,000 to the NCAA.
3. Show-cause order: Scruggs violated NCAA recruiting telephone call legislation when he initiated numerous impermissible early telephone calls with high school prospective student-athletes. Therefore, Scruggs shall be subject to a one-year show cause order from **June 12, 2025**, through **June 11, 2026**. In accordance with Bylaw 19.12.7.4 and Committee on Infractions Internal Operating Procedure (IOP) 5-15-5, any employing member institution shall restrict Scruggs from engaging in any recruiting communications for a period of two months during the one-year show-cause period. Any member institution that employs Scruggs in an athletically related position during the one-year show-cause period, shall abide by the terms of the show-cause order unless it contacts the office of the Committees on Infractions to make arrangements to show cause why the terms of the order should not apply.
4. Suspension: Bylaw 19.12.7.5 and Figure 19-1 penalty guidelines contemplate suspensions. Therefore, any member institution that employs Scruggs in an athletically related position shall suspend Scruggs from one regular season contest during the first season of employment within the show-cause period. The provisions of this suspension apply to all athletically related duties and require that Scruggs not be present with or have contact or communication with football coaching staff members or student-athletes during the suspension period. The suspension begins on the date of the first scheduled contest of the championship segment. The prohibition includes all athletically related activities for the suspension period that begins at 12:01 a.m. on the day of the contest and ends at 11:59 p.m. on the day of the contest. During the suspension period, Scruggs may not participate in any coaching activities, including, but not limited to, team travel, practice, video study, recruiting and team meetings. Any employing institution may not utilize Bylaw 11.02.2.1 to replace Scruggs on a temporary basis during the period of suspension. The result of the contest from which Scruggs is suspended shall not count toward the coach's career record if he is in the role of a head coach at the time of suspension.
5. Show-cause order: Stienecker violated NCAA recruiting telephone call legislation when he engaged in impermissible early telephone calls with high school

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<sup>8</sup> As noted above, due to the current landscape of collegiate athletics and in an effort to serve the best interests of the Association, the parties deviated from Bylaw 19.12 (Penalties) in agreeing to appropriate penalties for the involved individuals. This discretion was based on the specific facts of this case and has no precedential value.



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prospective student-athletes. Therefore, Stienecker shall be subject to a one-year show-cause order from **June 12, 2025**, through **June 11, 2026**. In accordance with Bylaw 19.12.7.4 and Committee on Infractions IOP 5-15-5, any employing member institution shall prohibit Stienecker from all recruiting communications with high school prospective student-athletes from June 15 through 21, 2025. Any member institution that employs Stienecker in an athletically related position during the one-year show-cause period, shall abide by the terms of the show-cause order unless it contacts the office of the Committees on Infractions to make arrangements to show cause why the terms of the order should not apply.

6. Recruiting restrictions: The institution prohibited recruiting communications in the football program for three weeks during the 2023-24 academic year. (Self-imposed)
7. The institution reduced the number of fall evaluation days by three and reduced the number of spring recruiting person days by nine in the football program during the 2023-24 academic year. (Self-imposed)
8. The institution shall prohibit Fickell and Mitchell from all recruiting communications with high school prospective student-athletes for one week from June 15 through June 21, 2025.

### **Additional Penalties for Level II – Mitigated Violations (Bylaw 19.12.9)**

9. Public reprimand and censure through the release of the negotiated resolution agreement.
10. During this period of probation, the institution shall:
  - a. Continue to develop and implement a comprehensive educational program on NCAA legislation to instruct coaches, the faculty athletics representative, all athletics department personnel and all institutional staff members with responsibility for recruiting legislation.
  - b. Submit a preliminary report to the office of the Committees on Infractions by **August 1, 2025**, 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 **May 1<sup>st</sup>** during the year of probation. Particular emphasis shall be placed on rules education and monitoring related to recruiting.

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- d. Inform prospects in football in writing that the institution is on probation for one year and detail the violations committed. If a football prospect 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 football prospect signs the institution's written offer of admission and/ or financial aid.
  - 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 decision located on the athletics department's main website "landing page" and in the media guides for the football program. Permissible website posting locations include the main navigation menu or a sidebar menu. The link may not be housed under a drop-down menu. Further, the link to the posting (i.e., the icon or the text) must be titled "NCAA Infractions Case." With regard to the content of the posting, the institution's statement must: (i) clearly describe the infractions; (ii) include the length of the probationary period associated with the case; and (iii) give members of the general public a clear indication of what happened in the case to allow the public (particularly prospects and their families) to make informed, knowledgeable decisions. A statement that refers only to the probationary period with nothing more is not sufficient.
11. Following the receipt of the final compliance report and prior to the conclusion of probation, the institution's chancellor shall provide a letter to the Committee on Infractions affirming that the institution's current athletics policies and practices conform to all requirements of NCAA regulations.

## VI. OTHER AGREEMENTS

The parties agree that this case will be processed through the NCAA negotiated resolution process as outlined in Bylaw 19.10, and a hearing panel comprised of members of the Committee on Infractions will review the negotiated resolution. The parties acknowledge that the negotiated resolution contains agreed-upon findings of fact of NCAA violations and agreed-upon aggravating and mitigating factors based on information available at this time. Nothing in this resolution precludes the enforcement staff from investigating additional information about potential rules violations. The parties agree that, pursuant to Bylaw 19.1.3, the violations identified in this agreement occurred and should be classified as Level II – Mitigated.

If a hearing panel approves the negotiated resolution, the institution, Fickell, Mitchell, Scruggs and Stienecker agree that they will take every precaution to ensure that the terms of the penalties are observed. The institution, Fickell, Mitchell, Scruggs and Stienecker acknowledge that they

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have or will impose and follow the penalties contained within the negotiated resolution, and these penalties are in accordance with those prescribed in Bylaws 19.12.7, 19.12.8, 19.12.9 and 19.12.10. The office of the Committees on Infractions will monitor the penalties during their effective periods. Any action by the institution, Fickell, Mitchell, Scruggs or Stienecker contrary to the terms of any of the penalties or any additional violations may be considered grounds for prescribing more severe penalties or may result in additional allegations and violations.

The parties acknowledge that this negotiated resolution may be voidable by the Committee on Infractions if any of the parties were aware or become aware of information that materially alters the factual information on which this negotiated resolution is based.

The parties further acknowledge that the hearing panel, subsequent to its review of the negotiated resolution, may reject the negotiated resolution. Should the hearing panel reject the negotiated resolution, the parties understand that the hearing panel will issue instructions for processing of the case pursuant to hearing resolution (Bylaw 19.8) or limited resolution (Bylaw 19.9) and prior agreed-upon terms of the rejected negotiated resolution will not be binding.

Should a hearing panel approve the negotiated resolution, the parties agree that they waive NCAA hearing and appellate opportunities.

## **VII. DIVISION I COMMITTEE ON INFRACTIONS APPROVAL**

Pursuant to NCAA Bylaw 19.10.1, the panel approves the parties' negotiated resolution agreement. The panel's review of this agreement is limited. Panels may only reject a negotiated resolution agreement if the agreement is not in the best interests of the Association or if the agreed-upon penalties are manifestly unreasonable. *See* Bylaw 19.10.4. In this case, the panel determines the agreed-upon facts, violations, aggravating and mitigating factors, and classifications are appropriate for this process. Further, the parties classified this case as Level II-Mitigated for the institution, Fickell, Mitchell, Scruggs and Stienecker. The agreed-upon penalties align with the ranges identified for core penalties for Level II-Mitigated cases in Figure 19-1 and Bylaw 19.12.7 and the additional penalties available under Bylaw 19.12.9. Pursuant to Bylaw 19.10.6, this negotiated resolution has no precedential value.

The COI advises the institution, Fickell, Mitchell, Scruggs and Stienecker that they should take every precaution to ensure that they observe the terms of the penalties. The COI will monitor the institution while it is on probation to ensure compliance with the penalties and terms of probation and may extend the probationary period, among other action, if the institution does not comply or commits additional violations. Likewise, any action by the institution and/or Fickell, Mitchell, Scruggs or Stienecker contrary to the terms of any of the penalties or any additional violations shall be considered grounds for prescribing more severe penalties and/or may result in additional allegations and violations.

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NCAA COMMITTEE ON INFRACTIONS PANEL

Jody Conradt

Jeremy Jordan

Roderick Perry, chief hearing officer

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APPENDIX

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**APPENDIX**

**UNIVERSITY OF WISCONSIN-MADISON'S CORRECTIVE ACTIONS**

1. The institution provided letters of education to each football staff member who initiated impermissible telephone calls.
2. The institution provided rules education to all football personnel regarding telephone call and recruiting communications legislation.
3. The institution will provide ongoing rules education regarding telephone call limits at least two times per academic year to all football personnel.
4. The institution initiated improvements to its processes and timeliness related to telephone call monitoring.