

Jim Harbaugh: Alleged NCAA Violations and a Move to the NFL

By Martin J. Greenberg and Margaret Williams

I. Who is Jim Harbaugh?

Jim Harbaugh (“Harbaugh”) is the new head coach of the Los Angeles Chargers (“Chargers”).¹ Harbaugh was the head coach at the University of Michigan (“Michigan”) until January of 2024.² He was a quarterback in high school, college, and the NFL, before becoming a successful coach at both the professional and collegiate levels.³ Harbaugh was the quarterback at Palo Alto High School, where he passed for 2,903 total yards, had thirty-four touchdowns, and was voted as the All-League player.⁴ In 1982, Harbaugh started at Michigan.⁵ He passed for 5,449 yards, thirty-one touchdowns, and twenty-two picks, and ran for 296 yards and twelve scores during his four years at Michigan.⁶ Harbaugh also finished third in the 1986 Heisman Trophy selection.⁷

Harbaugh played in the NFL from 1987 to 2001, where he played for five teams.⁸ “[The Chicago Bears] selected Harbaugh with the twenty-sixth overall pick in the first round of the 1987 NFL draft.”⁹ While in Chicago, he won the Chicago Tribune Big Ten Conference (“Big Ten”) Most Valuable Player Award.¹⁰ Harbaugh then signed with the Indianapolis Colts (“Colts”) to play from 1994 to 1998, where he became known as “Captain Comeback” for his ability to “pull victory from defeat.”¹¹ Harbaugh was then traded to the Baltimore Ravens, where he played just eleven games.¹²

¹ Bromberg, Nick & Baer, Jack, *Jim Harbaugh leaves Michigan for Chargers head-coaching job*, Yahoo Sports, Jan. 24, 2024, <https://sports.yahoo.com/jim-harbaugh-leaves-michigan-for-chargers-head-coaching-job-234625018.html>.

² *Id.*

³ Donahue, Ben, *The Life And Career Of Jim Harbaugh (Story)*, Pro Football History, May 26, 2023, <https://www.profootballhistory.com/jim-harbaugh/>.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Football: Jim Harbaugh*, Michigan Sports, <https://mgoblue.com/sports/football/roster/coaches/jim-harbaugh/5706>.

⁸ Donahue, *supra* note 3.

⁹ *Id.*

¹⁰ *Football: Jim Harbaugh*, *supra* note 7.

¹¹ Donahue, *supra* note 3.

¹² *Id.*

In 1999, Harbaugh played for the San Diego Chargers, where he filled in for the starting quarterback, Ryan Leaf, while Leaf was injured.¹³ For the 2000 season, Harbaugh served as the backup quarterback.¹⁴ Finally, he signed with the Carolina Panthers in 2001, but did not play or start a single regular season game.¹⁵ Harbaugh announced his retirement from the NFL in 2001.¹⁶ His years playing in the NFL earned him great success.

During his career, he passed for 26,288 yards, 129 touchdowns, and 117 interceptions and added 2,787 yards on the ground with 18 rushing scores. Harbaugh went to the Pro Bowl, was the NFL Comeback Player of the Year, and led the NFL in passer rating all in 1995. In 2005, the Indianapolis Colts added Harbaugh to their Ring of Honor.¹⁷

Harbaugh began his coaching career as an unpaid offensive assistant and recruiter at Western Kentucky from 1994 to 2001 under his father, Jack Harbaugh, who was the head coach.¹⁸ Harbaugh was the Oakland Raiders' quarterbacks coach for the 2002 and 2003 seasons.¹⁹ From 2004 to 2007, Harbaugh was the head coach for the University of San Diego, where he led the team "to a 29-6 overall record and back-to-back 11-1 seasons in 2005 and 2006."²⁰ From 2007 to 2011, Harbaugh was the head coach for Stanford University, where he led the team to a 12-1 record in his first year, and an Orange Bowl win in 2010.²¹ Harbaugh was hired as the head coach for the San Francisco 49ers in 2011, where he stayed until 2014.²² He led the San Francisco 49ers to multiple NFC Championship games, and Super Bowl XLVII.²³

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

In 2014, Harbaugh became Michigan’s head football coach.²⁴ During the 2015 season, Michigan had a 10-3 record, and won the Citrus Bowl.²⁵ From 2016 to 2019, Michigan appeared in four straight bowl games.²⁶ Covid-19 shortened the 2020 season, and Michigan ended with a 2-6 record.²⁷ The 2021 season proved greater success, with a record of 12-2, earning “the program’s first conference title since 2004.”²⁸ The 2022 season was even more impressive, with a program history 13-0 record and played in the semi-final College Football Playoffs in the Fiesta Bowl.²⁹

Overall, Harbaugh has guided the Wolverines to a 61-24 record and is 43-17 in Big Ten games. He had led U-M to four 10-win seasons and six bowl games, including the 2021 College Football Playoff Semifinal, two New Year’s Six bowls and three additional New Year’s Day bowl games.³⁰

Harbaugh’s Michigan team has also earned several other awards.³¹ “Fifteen Wolverines have earned All-American honors under Harbaugh, including seven consensus honorees,” and two Heisman Trophy finalists, Aidan Hutchinson and Jabrill Peppers.³² The team has also collected the 2016 Mackey Award, 2016 Senior CLASS Award, 2016 Lott IMPACT Trophy, 2021 Rotary Lombardi Award, 2021 Ted Hendricks Award, 2021 Lott IMPACT Trophy, and 2021 Lou Groza Award.³³ “Under Harbaugh, 29 players have secured first-team All-Big Ten honors.”³⁴ Harbaugh ended his career at Michigan with a 34-13 win over the University of Washington in the 2024 College Football Playoffs National Championship.³⁵

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Football: Jim Harbaugh, supra note 7.*

²⁹ Donahue, *supra note 3.*

³⁰ *Football: Jim Harbaugh, supra note 7.*

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ Dinich, Heather, *Michigan tops Washington to win CFP national championship*, ESPN, Jan. 8, 2024, https://www.espn.com/college-football/story/_/id/39269723/michigan-wolverines-top-washington-huskies-win-cfp-title.

II. What did Harbaugh allegedly do, and what are Level I and Level II violations?

In July of 2023, Harbaugh was accused of four Level II violations, “which include meeting with recruits during a COVID-19 dead period (a time during the calendar year where coaches cannot meet with recruits physically), texting a recruit outside of an allowable time period, and have coaches watch players work out over Zoom.”³⁶ What is more serious is the alleged Level I violation, “which is lying to the investigations about the things he allegedly did.”³⁷ Allegations include that Harbaugh “refused to sign a document admitting that he was dishonest during the first meeting.”³⁸ Harbaugh argued that “he did not remember the events that led to the recruiting violations.”³⁹ Offensive Coordinator Sherrone Moore and Tight Ends Coach Grant Newsome were given “one-game suspensions for their roles in the recruiting violations.”⁴⁰ Reports also alleged that the NCAA “found a receipt for cheeseburgers at The Brown Jug restaurant in Ann Arbor, which was believed to be from a meeting between Harbaugh and two recruits during an NCAA recruiting dead period.”⁴¹ Derrick Crawford (“Crawford”), NCAA Vice President of Hearing Operations, stated that the investigation did not come just from the cheeseburgers.⁴²

³⁶ Acosta, Joseph, *Jim Harbaugh’s suspension over literal beef in recruiting, explained*, SB Nation, July 26, 2023, <https://www.sbnation.com/college-football/2023/7/26/23807499/jim-harbaugh-suspension-michigan-football-recruiting-violations>.

³⁷ *Id.*

³⁸ Silverstein, Adam, *Michigan coach Jim Harbaugh expected to be suspended four games for false statements to NCAA*, CBS Sports, July 25, 2023, <https://www.cbssports.com/college-football/news/michigan-coach-jim-harbaugh-expected-to-be-suspended-four-games-for-false-statements-to-ncaa/>.

³⁹ *Id.*

⁴⁰ Acosta, *supra* note 36.

⁴¹ Sutelan, Edward, *What did Jim Harbaugh do? Why Michigan coach missed Wolverines’ first three games after self-imposed suspension*, The Sporting News, Sept. 23, 2023, <https://www.sportingnews.com/us/ncaa-football/news/michigan-jim-harbaugh-three-games-self-imposed-suspension/5d36f52ea1c4421cc860a59f>.

⁴² *Id.*

The National Collegiate Athletic Association (“NCAA”) has a four-tier system to determine violations and consequences of violating the NCAA Constitution and Bylaws.⁴³ Level I and Level II violations are the most serious.⁴⁴

Level I violations are defined as:

Violations that seriously undermine or threaten the integrity of the NCAA collegiate model as set forth in the Constitution and Bylaws, including any violation that provides or is intended to provide a substantial or extensive recruiting, competitive or other advantage, or a substantial or extensive impermissible benefit.⁴⁵

Examples of Level I violations are:

Lack of institutional control; academic fraud; failure to cooperate in an NCAA enforcement investigation; individual unethical or dishonest conduct; head coach responsibility violation by a head coach resulting from an underlying Level I violation by an individual within the sport program.⁴⁶

Level II violations are defined as:

Violations that provide or are intended to provide more than a minimal but less than a substantial or extensive recruiting, competitive or other advantage; includes more than a minimal but less than a substantial or extensive impermissible benefit; or involves conduct that may compromise the integrity of the NCAA collegiate model as set forth in the Constitution and Bylaws.⁴⁷

Examples of Level II violations are:

Violations that do not rise to the level of Level I violations and are more serious than Level III violations; failure to monitor; systemic violations that do not amount to a lack of institutional control; multiple recruiting, financial aid, or eligibility violations that do not amount to a lack of institutional control.⁴⁸

⁴³ *New Violation Structure Introduced*, NCAA, Available at: <https://www.ncaa.org/news/2013/8/1/new-violation-structure-introduced.aspx>.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

III. What was the agreed upon penalty for lying to the NCAA?

The penalty is relative to the violation. Therefore, when the NCAA is lied to or misled, they may increase the punishment of what a coach might have gotten had the coach been honest and forthright about lower-level violations.⁴⁹ Harbaugh is not the first coach to receive a punishment for allegedly lying, violating the NCAA Constitution and Bylaws. Similarly to Harbaugh's alleged recruiting and lying to the NCAA violations, University of Tennessee Men's Basketball Coach Bruce Pearl ("Pearl") received a three-year show-cause punishment for violating recruiting rules including excess conversations with recruits and hosting a recruit at Pearl's house, which led to his dismissal.⁵⁰ University of Connecticut Men's Basketball Coach Kevin Ollie ("Ollie") also received a three-year show-cause penalty for multiple infractions including:

student managers keeping statistics on pickup games and reporting back to the coaches; a video coordinator breaking down film with players; a friend of Ollie's who was a trainer not charging players for workouts; and Ollie arranging a call between a recruit and the former Huskies stars Ray Allen and Rudy Gay... NCAA investigators also charged Ollie with lying or misleading them.⁵¹

Ohio State University Football Coach Jim Tressel ("Tressel") received a five-game suspension for lying about knowledge of ineligible players participating in games and players receiving "improper benefits from the owner of a tattoo parlor."⁵² University of Alabama Football Coach Bo Davis ("Davis") was forced to resign "after lying about illegally meeting with four high school prospects

⁴⁹ Brown, Brandon, *The Latest On Jim Harbaugh's Potential Suspension*, Sports Illustrated, Aug. 6, 2023, <https://www.si.com/college/michigan/football/michigan-football-jim-harbaugh-suspension-bruce-feldman-wolverines>.

⁵⁰ Potter, Cliff, *University of Tennessee Entangled in Web of Bruce Pearl Lies to NCAA*, Bleacher Report, Sept. 16, 2010, <https://bleacherreport.com/articles/464424-university-of-tennessee-entangled-in-web-of-bruce-pearl-lies-to-ncaa>.

⁵¹ Witz, Billy, *UConn Agrees to Pay Former Coach Kevin Ollie \$3.9 Million*, The New York Times, Sept. 15, 2022, <https://www.nytimes.com/2022/09/15/sports/ncaabasketball/uconn-pay-kevin-ollie.html?referringSource=articleShare>.

⁵² Miller, Rusty, *NCAA accuses Ohio State coach Jim Tressel of lying*, The Florida Times-Union, Apr. 25, 2011, <https://www.jacksonville.com/story/sports/college/2011/04/26/ncaa-accuses-ohio-state-coach-jim-tressel-lying/15905995007/>.

in Texas during December 2014.”⁵³ Coaches Pearl, Ollie, Tressel, and Davis all demonstrate the importance of honesty to investigations by the NCAA, even more so than the lesser infractions.⁵⁴

Despite the first reported prediction of a four-game suspension for Harbaugh’s actions, Yahoo! Sports columnist Dan Wetzel said that the deal is off.⁵⁵ He further went on to state that

[t]he case will now go through the normal hearing process, which likely will push any punishment into 2024.⁵⁶ Due to the ongoing investigation, Michigan could not give more specifics other than that they are ‘continuing to work cooperatively with the NCAA staff on an enforcement matter.’⁵⁷

Crawford stated that

[t]he Michigan infractions case is related to impermissible on and off-campus recruiting, during the COVID-19 dead period and impermissible coaching activities – not a cheeseburger. It is not uncommon for the COI [Committee on Infractions] to seek clarification on key facts prior to accepting. The COI may also reject a NR [negotiated resolution] if it determines that the agreement is not in the best interests of the Association or the penalties are not reasonable. If the involved parties cannot resolve a case through the negotiated resolution process, it may proceed to a hearing, but the committee believes cooperation is the best avenue to quickly resolve issues.⁵⁸

In response to Crawford’s statement, Tom Mars, Harbaugh’s attorney, replied that

[p]ursuant to the NCAA’s internal operating procedures, and under threat of penalties, Michigan, the involved coaches, and their lawyers are prohibited from uttering a word about this ongoing case. Yet the NCAA can issue a public statement putting its spin on the case?⁵⁹

Regarding the COI’s actions, Matt Rooney from *Bleacher Nation* responded saying that

[w]hile the punishment of missing four home games against significantly lesser opponents may have been weaker than the Infractions Committee wanted, this

⁵³ Stultz, Brian, *Case of Bo Davis Further Proves Lying to NCAA Is Worse Than Actual Violation*, Stadium, Jan. 19, 2017, <https://watchstadium.com/bo-davis-punishment-lying-ncaa-worse-violation-01-19-2017/>.

⁵⁴ *Id.*

⁵⁵ Crawford, Kirkland and Garcia, Tony, *Michigan football coach Jim Harbaugh’s suspension agreement called off, per report*, The Columbus Dispatch, Aug. 13, 2023, <https://www.dispatch.com/story/sports/college/big-10/2023/08/13/jim-harbaugh-four-game-suspension-called-off-michigan-coach/70584435007/>.

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ Thamel, Pete, *Sources: NCAA deal with Michigan’s Jim Harbaugh rejected*, ESPN, Aug. 12, 2023, https://www.espn.com/college-football/story/_/id/38180842/source-ncaa-deal-michigan-jim-harbaugh-rejected.

⁵⁹ *Id.*

seems like a crappy way to do business on their part. The NCAA and Harbaugh agreed on a deal. I'm not sure why a committee within the NCAA, weeks after the deal was agreed upon, should be stepping in this late and causing a hold-up.⁶⁰

Mike Florio, Editor-in-Chief of *Pro Football Talk*, in offering similar sentiments to Matt Rooney, said,

[f]rankly, it's a crappy way for the NCAA to do business. Why bother to negotiate with the NCAA when the people at the front lines of the negotiation don't have the final and binding authority to settle the deal?⁶¹

Now that the negotiated suspension is no longer an option, the hearing process will take months and the punishments may become much worse.⁶² Due to the extended hearing process, Harbaugh was projected to coach Michigan for the 2023 season.⁶³ However, "Michigan has decided to impose a punishment on its own [...] [t]he school [suspended] Harbaugh for three games to start the season."⁶⁴ The decision to act on its own might lessen the eventual punishment that will be imposed upon Michigan by the NCAA.⁶⁵ "By suspending Harbaugh for three games, the idea is that it will count toward the NCAA's eventual punishment and help to space out the full absence over two seasons."⁶⁶ Michigan's decision "comes at a time when Harbaugh potentially could have avoided any scrutiny if he'd left for the NFL after the 2023 season."⁶⁷ Harbaugh had interviewed

⁶⁰ Rooney, Matt, *Report: Jim Harbaugh Expected to Coach All of 2023 After Suspension Deal Breaks Down*, Bleacher Nation, Aug. 14, 2023, <https://www.bleachernation.com/nfl/2023/08/14/report-jim-harbaugh-expected-to-coach-all-of-2023-after-suspension-deal-breaks-down/>.

⁶¹ Florio, Mike, *NCAA backed out of agreed four-game suspension for Jim Harbaugh*, NBC Sports, Aug. 13, 2023, <https://www.nbcsports.com/nfl/profootballtalk/rumor-mill/news/ncaa-backed-out-of-agreed-four-game-suspension-for-jim-harbaugh>.

⁶² McMann, Aaron, *Jim Harbaugh vs. NCAA: Making sense of Michigan coach's suspension saga*, Michigan Live, Aug. 12, 2023, <https://www.mlive.com/wolverines/2023/08/jim-harbaugh-vs-ncaa-making-sense-of-michigan-coachs-suspension-saga.html>.

⁶³ Breiler, Christopher, *NCAA Issues Statement On Harbaugh Situation, Alleged Infractions*, Sports Illustrated, Aug. 12, 2023, <https://www.si.com/college/michigan/football/michigan-wolverines-football-jim-harbaugh-ncaa-suspension-infractions-cheeseburger>.

⁶⁴ Florio, Mike, *Michigan self-imposes a three-game suspension on Jim Harbaugh*, NBC Sports, Aug. 21, 2023, <https://www.nbcsports.com/nfl/profootballtalk/rumor-mill/news/michigan-self-imposes-a-three-game-suspension-on-jim-harbaugh>.

⁶⁵ *Id.*

⁶⁶ Sutelan, *supra* note 41.

⁶⁷ *Id.*

for multiple NFL team jobs beginning in early 2022, but did not move to coach at any of those NFL teams.⁶⁸ Michigan Athletic Director Warde Manuel stated that “[w]hile the ongoing NCAA matter continues through the NCAA process, today’s announcement is our way of addressing mistakes that our department has agreed to in an attempt to further that process.”⁶⁹ The NCAA is expected to engage in a hearing process at a later date.⁷⁰ Meanwhile, Harbaugh was back on the field to coach Michigan after missing a Michigan-imposed three game suspension.⁷¹

IV. Comments on Lying to the NCAA

“The Whole Truth and Nothing But The Truth” are the buzz words for the NCAA intolerance for unethical behavior among head coaches, especially with respect to lying, misleading, or making false statements in an investigation. False or misleading statements during an investigation of relatively minor infractions can result in Level 1 rules violations.⁷²

Joel Maturi, former University of Minnesota Athletic Director and an NCAA Investigator in the Kevin Ollie - University of Connecticut case, said that “the NCAA has put greater emphasis on the responsibilities of head coaches and that being candid and honest are important factors to preserving the collegiate model. Failing to give the enforcement staff truthful information significantly harms its ability to conduct a thorough and timely investigation.”⁷³

⁶⁸ *Id.*

⁶⁹ Straka, Dean, *Jim Harbaugh suspension: Four Michigan assistants will split head coaching duties during three-game absence*, CBS Sports, Aug. 24, 2023, <https://www.cbssports.com/college-football/news/jim-harbaugh-suspension-four-michigan-assistants-will-split-head-coaching-duties-during-three-game-absence/>.

⁷⁰ Thamel, *supra* note 58.

⁷¹ Sutelan, *supra* note 41.

⁷² Silverstein, *supra* note 36.

⁷³ Bauer-Wolf, Jeremy, *Coach’s Lies Bring Harsh NCAA Punishment*, Insider Higher Ed, July 2, 2019, <https://www.insidehighered.com/news/2019/07/03/ncaa-slams-former-uconn-coach-lies-during-investigation-minor-rules-violations>.

NCAA Bylaw 10.1(D) clearly states the NCAA’s expectations and defines unethical conduct as, “knowingly furnishing the NCAA or the individual’s institution with false or misleading information concerning the individual’s involvement in or knowledge of matters relevant to a possible violation of an NCAA regulation.”⁷⁴

Former Ohio State Football Coach Urban Meyer has said that he is in favor of simple and severe penalties for anyone caught lying to the NCAA saying that “[i]f you intentionally lie about committing violations, your career is over.”⁷⁵ Meyer called for a zero tolerance policy on deception. While the truth may hurt, lying may be more severe than the truth and has absolutely no place in NCAA investigations.

V. Michigan’s Sign-Stealing Accusations

After having to serve a Michigan-imposed suspension for recruiting violations, Harbaugh found himself in another three-game suspension by the Big Ten for allegedly “violating the conference’s sportsmanship policy.”⁷⁶ Connor Stalions, a former staffer for Michigan, “allegedly bought tickets for more than 30 games – many of them within the Big Ten – and used ‘illegal technology’ to steal signs.”⁷⁷ While no evidence proved that Harbaugh knew about the sign-stealing, he can still be held responsible.⁷⁸ NCAA Bylaw 11.1.1.1, titled “Responsibility of Head Coach,” states that,

⁷⁴ NAT’L COLLEGIATE ATHLETIC ASS’N, DIV. I art. 10.1(d), Legislative Services Database, <https://web3.ncaa.org/lstdbi/bylaw?bylawId=3426>.

⁷⁵ Murphy, Dan, *Urban Meyer says coaches intentionally lying about violations should be done*, ABC News, Sept. 28, 2017, <https://abcnews.go.com/Sports/urban-meyer-coaches-intentionally-lying-violations/story?id=50162875>.

⁷⁶ CBS Sports Staff, *Michigan football sign-stealing scandal: News updates as evidence mounts in alleged cheating investigation*, CBS Sports, Oct. 30, 2023, <https://www.cbssports.com/college-football/news/michigan-football-sign-stealing-scandal-news-updates-as-evidence-mounts-in-alleged-cheating-investigation/live/>.

⁷⁷ *Id.*

⁷⁸ Dodd, Dennis, *Even if unaware, Jim Harbaugh can be held responsible by NCAA for Michigan sign-stealing scandal*, CBS Sports, Nov. 1, 2023, <https://www.cbssports.com/college-football/news/even-if-unaware-jim-harbaugh-can-be-held-responsible-by-ncaa-for-michigan-sign-stealing-scandal/>.

[a]n institution’s head coach is presumed to be responsible for the actions of all institutional staff members who report, directly or indirectly, to the head coach. An institution’s head coach shall promote an atmosphere of compliance within the program and shall monitor the activities of all institutional staff members involved with the program who report, directly or indirectly, to the coach.⁷⁹

This Bylaw means that regardless of Harbaugh’s actual knowledge of an actions violating any Bylaws, as head coach, he is responsible for everyone’s actions within the program.⁸⁰

In an effort to keep Harbaugh on the field, Michigan argued that, because other schools also steal signs, Harbaugh should not be punished.⁸¹ Michigan even had text messages between staffers of other Big Ten teams, proving these allegations.⁸² However, the Big Ten focused on the extent of the sign-stealing that allegedly took place and denied receiving “any information that any other member schools engaged in impermissible advance in-person scouting.”⁸³ Harbaugh ended up serving his three-game suspension imposed by the Big Ten.⁸⁴

VI. Harbaugh’s Move to the NFL

Despite Harbaugh’s total of six games suspended, Michigan still managed to make, and win, the College Football Playoff’s National Championship. After winning the National title game and a perfect season at Michigan, Harbaugh decided to leave Michigan and go to the Chargers.⁸⁵ The announcement was made in a Tweet on January 24, 2024, from the Chargers stating, “ladies and

⁷⁹ NAT’L COLLEGIATE ATHLETIC ASS’N, DIV. I art. 11.1.1.1, Legislative Services Database, <https://web3.ncaa.org/lstdbi/bylaw?ruleId=5289&refDate=20180914>.

⁸⁰ Dodd, *supra* note 78.

⁸¹ Russo, Ralph D., *Jim Harbaugh banned from No. 2 Michigan’s final 3 games over alleged sign-stealing scheme*, NBCDFW, Nov. 10, 2023, <https://www.nbcdfw.com/news/sports/big-ten-bans-jim-harbaugh-from-michigans-final-3-games-over-alleged-sign-stealing-scheme/3384473/>.

⁸² *Id.*

⁸³ *Id.*

⁸⁴ Buczek, Joseph, *University of Michigan football coach Jim Harbaugh accepts three-game suspension*, CBS News, Nov. 16, 2023, <https://www.cbsnews.com/detroit/news/university-of-michigan-football-coach-jim-harbaugh-accepts-three-game-suspension/>.

⁸⁵ Bromberg & Baer, *supra* note 1.

gentlemen, we got him. We've agreed to terms with Jim Harbaugh to be our head coach."⁸⁶ Dean Spanos, the owner of the Chargers, stated, "Jim Harbaugh is football personified, and I can think of no one better to lead the Chargers forward."⁸⁷ John Spanos, President of Football Operations, added, "nobody has built a team more successfully, and repeatedly, in recent history than Jim Harbaugh ... we couldn't be more excited to have him."⁸⁸

While Michigan supported Harbaugh through the NCAA violation investigations, the sign-stealing scandal, and fought to keep him in Ann Arbor, Harbaugh's new contract with the Chargers and an opportunity to get back to the NFL led to his departure.⁸⁹ Responding to Harbaugh's departure, Michigan's Athletic Director Warde Manuel said,

Jim did exactly what he sought to do at Michigan: build our program to consistently win Big Ten Championships and compete for national championships, culminating with a record three-straight outright conference titles and the national championship this year... We have been discussing a new contract that would make Jim the highest paid coach in college football. In the end, he wanted to explore and ultimately decided to pursue a return to coaching in the NFL. We can't thank Jim enough for all that he has done for our student-athletes, staff and Michigan Football. He will always be a huge part of our rich history, and will be remembered as an all-time great Wolverine, as both a championship player and coach.⁹⁰

After details leaked about Harbaugh's contract with the Chargers, details of the negotiations between Harbaugh and Michigan also leaked that "Michigan reportedly offered him a deal worth \$12.5 million annually, and OutKick [...] reported shortly before his hiring that Harbaugh was seeking \$18 million a year."⁹¹ Harbaugh has reportedly accepted a \$16 million per year for a five-

⁸⁶ *Id.*

⁸⁷ Allen, William, *Jim Harbaugh's contract with the LA Chargers: salary, years, details ...*, AS, Jan. 25, 2024, <https://en.as.com/nfl/jim-harbaughs-contract-with-the-la-chargers-salary-years-details-n/>.

⁸⁸ *Id.*

⁸⁹ Bromberg & Baer, *supra* note 1.

⁹⁰ Allen, *supra* note 87.

⁹¹ Hookstead, David, *Jim Harbaugh Being Paid A Fortune By The Chargers: REPORT*, Outkick, Jan. 31, 2024, <https://www.outkick.com/jim-harbaugh-chargers-salary-report/>.

year term.⁹² Because Harbaugh achieved success at the San Francisco 49ers before moving to college coaching, he is expected to make another successful transition back to the NFL.⁹³

VII. Conclusion

Harbaugh found himself at the center of multiple NCAA investigations in 2023 and has now moved to the NFL. These investigations and sanctions have emphasized the importance the NCAA places on honesty. The alleged recruiting violations and suspension due to alleged lying to investigators demonstrated the importance of honesty when responding to NCAA investigations. The suspension for the alleged sign stealing scandal demonstrated the importance of honesty when on the field and appropriate sportsmanship. The sign-stealing discipline may be resolved, but Harbaugh would still face an ongoing investigation by the NCAA regarding the recruiting violations if he stayed at Michigan. He decided to head back to the NFL to coach for the Chargers. However, this move is not a guaranteed “safe harbor” from possible NCAA violation sanctions.⁹⁴

Harbaugh’s motive for his move to the NFL is unclear. One theory is that he made the decision to avoid sanctions from the NFL. However, Tressel’s suspension following his move to the NFL in 2011 suggests that the NFL will not tolerate such decisions.⁹⁵ Tressel was suspended until Week 7 from his position with the Colts after leaving Ohio State amidst the scandal.⁹⁶ While neither the Colts nor the NFL admitted that the NCAA violation was the reason for Tressel’s suspension, the decision was viewed as a point that “[n]o one should escape discipline by leaving college for the

⁹² *Id.*

⁹³ *Id.*

⁹⁴ Rapoport, Ian & Pelissero, Tom, *NFL likely won't be safe harbor for Michigan HC Jim Harbaugh from potential NCAA discipline*, NFL.com, Oct. 29, 2023, <https://www.nfl.com/news/nfl-likely-won-t-be-safe-harbor-for-michigan-hc-jim-harbaugh-from-potential-ncaa>.

⁹⁵ *Id.*

⁹⁶ *Id.*

pros.”⁹⁷ Tressel’s situation may serve as precedence for any disciplinary action that Harbaugh may face. However, neither the Chargers nor the NFL have announced anything that would suggest Harbaugh will not be starting the 2024-2025 season on the field with the Chargers. He will remain the Chargers’ head coach, but may face a suspension imposed by the NFL or the Chargers to demonstrate that the league takes rules violations at any level of football seriously.

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⁹⁷ *Id.*