

Update: Jim Harbaugh Sanctions
By Martin J. Greenberg and Margaret Williams

On or about May 1, 2024, an article was posted on Greenberg’s Coaching Corner entitled Jim Harbaugh: Alleged NCAA Violations and a Move to the NFL. Shortly thereafter, on or about August 7, 2024, the NCAA Division I Committee on Infractions (“COI”) released a decision regarding Jim Harbaugh’s (“Harbaugh”) alleged actions. The public release announced the punishment of “a four-year Show-Cause Order (“Order”) and one-year suspension.”¹ The punishment will be enforced from August 7, 2024 through August 6, 2028.² This Order means that Harbaugh would be “barred from athletically related activities, including team travel, practice, video study, recruiting and team meetings” for “100% of the first season of employment” if he were to return to college coaching at a NCAA school.³

Tom Mars, Harbaugh’s attorney, stated on X (formerly Twitter), “[t]he way I see it, Coach Harbaugh’s perspective, today’s COI decision is like being in college and getting a letter from your high school saying you’ve been suspended because you didn’t sign the yearbook.”⁴

The Order represents the NCAA COI’s interest in protecting and enforcing compliance with recruiting regulations set forth by the NCAA manual. Even though Harbaugh will not likely face repercussions as he is now the Head Coach of the Los Angeles Chargers, if he were to return to college coaching before August 6, 2028, Harbaugh will have to face the punishment.

¹ Chengelis, Angelique S., *Jim Harbaugh sanctioned by NCAA in UM recruiting probe. Here are details*, The Detroit News, Aug. 7, 2024, <https://www.detroitnews.com/story/sports/college/university-michigan/wolverines/2024/08/07/jim-harbaugh-sanctioned-for-involvement-in-um-recruiting-probe-here-are-details/74702983007/>.

² *Id.*

³ *Id.*

⁴ *Id.*

The NCAA COI forty-eight page Report on the investigation and decision included a statement from a former recruiting director at the University of Michigan (“Michigan”) that “Harbaugh urged him to ‘get guys to campus’ and fostered a culture of indifference, urging staffers to ‘go up to the line and cross if you ha(ve) to.’”⁵ The Report further elaborates that the former recruiting director “was present at several of Harbaugh’s off-campus meetings with recruits” that were part of the investigated impermissible recruiting violations and helped arrange impermissible visits for recruits.⁶ Harbaugh denied the allegations regarding the impermissible recruiting.⁷ The NCAA investigation into allegations of impermissible recruiting led Michigan to self-impose a suspension of Harbaugh for the first three games in 2023.⁸ Despite the self-imposed penalties, Michigan still received their own punishment for the behavior of the head coach and recruiting staff by the NCAA.

"Jim Harbaugh violated recruiting and inducement rules, engaged in unethical conduct, failed to promote an atmosphere of compliance and violated head coach responsibility obligations, resulting in a four-year show cause order."⁹

⁵ McMann, Aaron, *Ex-Michigan staffer told NCAA: Culture under Harbaugh was to ‘go to the line and cross it,’* MLive, Aug. 8, 2024, <https://www.mlive.com/wolverines/2024/08/former-michigan-staffer-told-ncaa-culture-under-harbaugh-was-go-to-the-line-and-cross-it.html>.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ Brizuela, James, *NCAA Hands Down Severe Punishment to Jim Harbaugh for Violations at Michigan*, Newsweek, Aug. 7, 2024, <https://www.newsweek.com/sports/ncaa/ncaa-hands-down-severe-punishment-jim-harbaugh-violations-michigan-1936031>.

The NCAA also ruled that Harbaugh had lied to investigators about meeting with recruits during the Covid-19 dead period.¹⁰ The Show Cause penalty is the way to make certain that the punishment of a coach is transferred to any other member school that hires him.¹¹ While the sanctions remain in effect, the university and the coach must report to the NCAA every six months until the end of the Show Cause penalty.¹²

Harbaugh, in response to the Order and Report, stated as follows:

"Never lie. Never cheat. Never steal. I was raised with that lesson," Harbaugh said. "I have raised my family on that lesson. I have preached that lesson to the teams that I've coached. No one is perfect. If you stumble, you apologize and you make it right. Today, I do not apologize. I did not participate, was not aware, nor complicit in those said allegations. So for me, it's back to work and attacking with an enthusiasm unknown to mankind."¹³

Harbaugh's violations during the recruiting dead period were Level II but "his provision of false or misleading information" is a Level I - the harshest levied by the NCAA - and is defined as a violation that seriously undermines or threatens the integrity of the Collegiate Model.¹⁴ Harbaugh "refused" to participate in a hearing before the COI.¹⁵

The NCAA and Michigan also "reached an agreement with the NCAA enforcement staff regarding recruiting and coaching by non-coaching staff members, and Michigan agreed it failed

¹⁰ Chengelis, *supra* note 1.

¹¹ *Id.*

¹² *Id.*

¹³ Brizuela, *supra* note 9.

¹⁴ Chengelis, *supra* note 1.

¹⁵ *Id.*

to monitor the football program. Michigan was given three years' probation, a fine of \$5,000 plus 1% of its football budget and a number of recruiting limitations.”¹⁶

Despite the Order for Harbaugh and the punishment of the Michigan football program, Michigan will still honor Harbaugh as “an honorary captain for the school’s home opener against Fresno State.”¹⁷ Harbaugh’s alleged actions were contrary to the regulations set forth in the manual, but do not erase the impact that Harbaugh made on the program during the 2023-2024 season. Harbaugh “le[d] Michigan to a 15-0 season and a national championship. It was the Wolverine’s first title in either the College Football Playoff or BCS era and the school’s first since a shared national title in 1997.”¹⁸

As stated in the original article, Coach Jim Tressel’s sanctions by the Colts may serve as a precedent for a NFL team to impose their own sanctions on their coach to send a message about following rules that are set in place at any level. However, there have not been any reports regarding a self-imposed punishment by the Los Angeles Chargers for Harbaugh in response to the NCAA punishment. The fact that he has not missed practice, or a preseason game emphasizes the fact that his move to the NFL has shielded him from his punishment.

The NCAA decision involves the incidents alleged against Harbaugh regarding the recruiting violations. The decision does not involve the sign stealing allegations, and there is no

¹⁶ *Id.*

¹⁷ Bromberg, Nick, *Despite NCAA sanctions, Michigan to honor Jim Harbaugh at 2024 home opener*, Aug. 9, 2024, <https://sports.yahoo.com/despite-ncaa-sanctions-michigan-to-honor-jim-harbaugh-at-2024-home-opener-231043532.html?guccounter=1>.

¹⁸ *Id.*

prognostication that similar punishments may or may not occur. Only time will tell what decisions the COI will make.

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