



STANFORD UNIVERSITY
PUBLIC INFRACTIONS DECISION
SEPTEMBER 15, 2016

I. INTRODUCTION

The NCAA Division I Committee on Infractions (COI) is an independent administrative body of the NCAA comprised of individuals from the Division I membership and the public. The committee is charged with deciding infractions cases involving member institutions and their staffs.¹ This case involved violations in Stanford University's football and softball programs.² A panel of the committee considered this case through the cooperative summary disposition process in which all parties agreed to the primary facts and violations, as fully set forth in the summary disposition report (SDR). The panel proposed further penalties to the institution and the former head softball coach. Because they both agreed to the violations and penalties, there is no opportunity to appeal.

The enforcement staff and the institution agreed that a then football student-athlete received extra benefits from athletics representatives during a two-year period between June 2012 and May 2014. These violations occurred in the context of what was described as a "non-traditional housing program" wherein student-athletes resided with athletics representatives and Stanford alumni during the summer months. The permissibility of this program was not in question. Further, the parties agreed that, during a four-year period from 2010 to 2014, the softball coaching staff permitted certain softball student-athletes to participate in impermissible countable athletically related activities (CARA). As a result of this impermissible CARA, and occasional failure to accurately record CARA hours, the head softball coach failed to promote an atmosphere of compliance. Finally, the enforcement staff and the institution agreed that the institution failed to monitor the participation of softball student-athletes in CARA. The parties agreed the violations are Level II. The panel concurs.

The panel accepts the parties' factual agreements and that violations occurred in this case. After considering the aggravating and mitigating factors, the panel classifies the case as Level II-Standard for the institution and Level II-Standard for the former head softball coach. Utilizing the penalty guidelines and NCAA bylaws authorizing additional penalties, the panel prescribes the following penalties: public reprimand and censure, a financial penalty, practice restrictions (self-imposed) and a one-year show-cause order for the conduct of the former head softball coach.

¹ Infractions cases are decided by hearing panels comprised of NCAA Division I Committee on Infractions members. Decisions issued by hearing panels are made on behalf of the Committee on Infractions.

² A member of the Pac-12 Conference, the institution's total enrollment is approximately 16,800. The institution sponsors 15 men's sports and 17 women's sports. This is the institution's first major, Level I or Level II infractions case.

I. CASE HISTORY

This case originated in May 2014 when parents of softball student-athletes contacted the institution and the NCAA enforcement staff to express concerns regarding the administration and conduct of the softball program under the then head softball coach (the former head softball coach). Among these concerns were excessive practice time. During the same timeframe, the athletics department also received information regarding a representative of the institution's athletics interests providing extra benefits to a then football student-athlete (the former football student-athlete). The institution then began an inquiry into both matters and confirmed violations occurred. In early September 2014, the institution submitted a self-report to the NCAA enforcement staff. On April 14, 2015, the enforcement staff provided a written notice of inquiry to the institution. In late January 2016, the enforcement staff provided a draft notice of allegations to the institution and to the former head softball coach to determine if the summary disposition process could be used. In early February 2016, all parties confirmed agreement to process the case through summary disposition. On July 7, 2016, the enforcement staff submitted the SDR to the COI.

The panel reviewed the SDR by teleconference on August 4, 2016, and accepted the violations and corrective actions. In letters dated August 9, 2016, the panel proposed additional penalties to the institution and the former head softball coach. The former head softball coach accepted the penalty associated with his conduct in an August 10, 2016, email from his attorney to the NCAA Office of the Committees on Infractions. The institution responded to the panel in an August 17, 2016, letter accepting the proposed additional penalties.

II. PARTIES' AGREEMENTS

The parties jointly submitted a SDR that identifies an agreed-upon factual basis, violations of NCAA legislation and violation levels. The SDR identifies:

A. PARTIES' AGREED-UPON FACTUAL BASIS, VIOLATIONS AND VIOLATION LEVELS OF NCAA LEGISLATION

- 1. [NCAA Division I Manual Bylaws 16.11.1.2-(a), 16.11.1.5-(a) and 16.11.2.1 (2011-12 through 2014-15); 16.11.2.3-(c) (2011-12 and 2012-13); and 16.11-2.2-(c) (2013-14 and 2014-15)]**

The NCAA enforcement staff and institution agree that on various occasions between June 2012 and May 2014, two representatives of the institution's athletics interests (the athletics representatives) provided extra benefits to a former football student-athlete valued at \$3,488. Specifically:

- a. In January 2014, the athletics representatives purchased a bicycle for the former football student-athlete and permitted him to repay them the

purchase price on a deferred payback basis. The impermissible benefit was valued at \$3,091. [NCAA Bylaws 16.11.1.2-(a) and 16.11.2.1 (2013-14)]

- b. In early 2014, the athletics representatives permitted the former football student-athlete and his friend to stay overnight at a family house in Stinson Beach, California, at no cost. The impermissible benefit was valued at \$179. [NCAA Bylaw 16.11.2.1 (2011-12 through 2014-15)]
 - c. Between June 2012 and May 2014, the athletics representatives provided the former football student-athlete intermittent use of an automobile on approximately 10 occasions. The impermissible benefit was valued at \$58. [NCAA Bylaws 16.11.2.1 (2011-12 through 2014-15); 16.11.2.3-(c) (2011-12 and 2012-13); and 16.11.2.2-(c) (2013-14 and 2014-15)]
 - d. On various dates between June 2012 and May 2014, the athletics representatives provided the former football student-athlete the following impermissible benefits: two items of clothing (shirt and shorts); small holiday gifts (snacks); use of a bicycle for fitness and recreation; a movie outing; and occasional meals at local restaurants. The total value of the impermissible benefits was approximately \$160. [NCAA Bylaws 16.11.1.5-(a) and 16.11.2.1 (2011-12 through 2014-15)]
- 2. [NCAA Division I Manual Bylaws 17.1.6.1 and 17.1.6.3.4 (2010-11 through 2013-14)]**

The NCAA enforcement staff, institution and the former head softball coach agree that on more than one occasion from 2010 through 2014, the softball coaching staff permitted certain softball student-athletes' participation in CARA to exceed the maximum of four hours per day and 20 hours per week. Specifically, CARA limits were violated when four to six student-athletes participated in bullpen sessions that were not counted toward the student-athletes' daily and weekly CARA limits. On some other occasions, the softball team's daily practice activities also exceeded CARA limits. On some of those occasions, the former head softball failed to record an accurate amount of time the softball student-athletes participated in CARA.

- 3. [NCAA Division I Manual Bylaws 11.1.2.1 (2010-11 and 2011-12) and 11.1.1.1 (2012-13 and 2013-14)]**

The NCAA enforcement staff, institution and the former head softball coach, agree that from 2010 through 2014, the former head softball coach was responsible for the violations outlined in Violation No. 2. Specifically, the former head softball coach failed to promote an atmosphere of compliance within the softball program when he directed or supervised, or had knowledge

of assistant softball coaches directing or supervising, student-athletes' participation in countable athletically related activities (CARA) that exceeded NCAA legislated time limits. In addition, the former head softball coach routinely submitted inaccurate CARA reports to the compliance staff that did not reflect actual time spent in CARA.

4. [NCAA Division I Manual Constitution 2.8.1 (2010-11 through 2014-15)]

The NCAA enforcement staff and institution agree that from 2010 through 2015, the scope and nature of the violations detailed in Violation No. 2 demonstrate that the institution failed to adequately monitor the participation of softball student-athletes in countable athletically related activities (CARA). Specifically, the institution failed to establish compliance systems that were adequate to ensure student-athletes did not participate in CARA in excess of NCAA time limits. Further, although the institution's internal audit staff notified the athletics department in December 2013 that its compliance system for monitoring CARA was deficient, the athletics department failed to take appropriate action to immediately address the deficiency. [NCAA Constitution 2.8.1 (2010-11 through 2014-15)]

B. PARTIES' AGREED-UPON AGGRAVATING AND MITIGATING FACTORS

Pursuant to NCAA Bylaw 19.6.2-(g), the parties agreed to the following aggravating and mitigating factors:

1. Agreed-upon aggravating and mitigating factors. [NCAA Bylaws 19.9.3 and 19.9.4]

a. Aggravating factors.

(1) Institution.

(a) Multiple Level II violations by the institution or involved individual. [NCAA Bylaw 19.9.3-(g)]

(b) Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct. [NCAA Bylaw 19.9.3-(h)]

(2) The former head softball coach.

(a) Multiple Level II violations by the institution or involved individual. [NCAA Bylaw 19.9.3-(g)]

(b) Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct. [NCAA Bylaw 19.9.3-(h)]

b. Mitigating factors.

(1) Institution.

- (a) Prompt acknowledgment of the violation, acceptance of responsibility and the imposition of meaningful corrective measures and/or penalties. [NCAA Bylaw 19.9.4-(b)]
- (b) Affirmative steps to expedite final resolution of the matter. [NCAA Bylaw 19.9.4-(c)]
- (c) An established history of self-reporting Level III or secondary violations. [NCAA Bylaw 19.9.4-(d)]
- (d) Other facts warranting a lower penalty range. [NCAA Bylaw 19.9.4-(h)]

(2) The former head softball coach.³

None.

III. REVIEW OF CASE

The SDR fully detailed the parties' positions in the infractions case and included the agreed-upon primary facts, violations, violation level and aggravating and mitigating factors. After reviewing the parties' principal factual agreements and the respective explanations surrounding those agreements, the panel accepts the parties' SDR and concludes that the facts constitute Level II violations of NCAA legislation. Specifically, the institution agrees that Level II violations occurred in the following four areas: (1) impermissible benefits provided by athletics representatives; (2) CARA violations; (3) head coach responsibility; and (4) failure to monitor. The infractions in this case violated NCAA Constitution 2 and NCAA Bylaws 11, 16 and 17.

With regard to the impermissible benefits, the institution agreed that two athletics representatives, a married couple, violated benefits and expenses legislation when they provided various items and services to a former football student-athlete. These impermissible benefits included four types: (1) the purchase of a bicycle on a deferred payback basis; (2) cost-free overnight lodging for the student-athlete and a friend; (3) cost-free use of an automobile and; (4) various items including holiday gifts, clothing, a movie outing and restaurant meals.

³ The enforcement staff maintained that no mitigating factors applied to the former head softball coach while he argued that there were three mitigating factors that should apply. The panel agreed with one, but disagreed with the other two. See Section V. Penalties.

These violations occurred within the context of a relationship that developed when the former football student-athlete intermittently resided with the two athletics representatives between June 2012 and May 2014. The student-athlete lived with the athletics representatives as the result of the institution's so-called "nontraditional housing program," whereby the athletics department arranged for student-athletes, the majority being football student-athletes, to reside with local donors, alumni and representatives of its athletics interests over the summer months and outside of the regular academic year.⁴ This conduct violated NCAA Bylaw 16.

NCAA Bylaw 16 governs benefits and expenses that can, and cannot, be provided to student-athletes. More specifically, NCAA Bylaw 16.11.1 outlines permissible benefits, gifts and services and the conditions that must be met for them to be permissible. Among these permissible benefits, NCAA Bylaw 16.11.1.2-(a) allows for deferred payback loans. However, such loans must be available to "regular" students consistent with NCAA Bylaw 16.02.3, the "extra benefit rule." Further, NCAA Bylaw 16.11.1.5-(a) allows for athletics representatives to provide a student-athlete an occasional home meal "on infrequent and special occasions." On the other hand, NCAA Bylaws 16.11.2.1, 16.11.2.3 (2011-12 and 2012-13) and 16.11.2.2 (2013-14 and 2014-15) generally prohibit athletics representatives from providing "benefits" to student-athletes not permitted by NCAA rules. Such prohibited benefits include areas such as loans, transportation, and use of automobiles.

When the athletics representatives purchased a bicycle for the former football student-athlete, and permitted him to repay them the purchase price on a deferred payback basis, the conduct violated NCAA Bylaws 16.11.1.2-(a) and 16.11.2.1 because the loan was a benefit not permitted by NCAA legislation and not available to "regular" students. Moreover, when the athletics representatives provided cost-free overnight lodging for the former football student-athlete and a friend, the conduct violated NCAA Bylaw 16.11.2.1 for similar reasons. An additional violation occurred when the athletics representatives allowed the student-athlete free use of an automobile. This action violated NCAA Bylaw 16.11.2.1. The conduct also violated NCAA Bylaws 16.11.2.3-(c) (2011-12 and 2012-13); and 16.11.2.2-(c) (2013-14 and 2014-15) because these bylaws expressly prohibit athletics representatives from providing student-athletes use of an automobile. Finally, when the athletics representatives provided the former football student-athlete various benefits including clothing, gifts, movie outings and restaurant meals, violations of NCAA Bylaw 16.11.2.1 occurred. A violation of NCAA Bylaw 16.11.1.5-(a) also occurred because this bylaw allows athletics representatives to provide occasional meals for a student-athlete at the representatives' homes, but not at restaurants. Collectively, these violations were Level II.

This case also involved CARA violations. The institution and the former head softball coach agreed that from 2010 through 2014, the softball coaching staff permitted certain softball student-athletes' participation in CARA to exceed the maximum of four hours per day and 20 hours per

⁴ The institution established the nontraditional housing program because of the difficulty football student-athletes encountered in attempting to find housing over the summer months because most rental properties required a 12-month lease. The institution contacted interested donors, alumni and representatives of its athletics interests who were willing to house football student-athletes staying in the institution's locale over the summer. According to the institution, the housing arrangements were vetted, including appropriate rent to be paid by student-athletes. It was monitored to ensure rules compliance and thus was permissible under NCAA legislation. However, the institution has since terminated the program because of the "risk associated with the program."

week. In other instances, the entire team's daily practice activities also exceeded CARA limits. Occasionally, the former head softball failed to record an accurate amount of time the softball student-athletes participated in CARA. This conduct violated NCAA Bylaw 17.

NCAA Bylaw 17.1.6.1 requires that a student-athlete's participation in countable athletically related activities shall be limited to a maximum of four hours per day and 20 hours per week. Further, NCAA Bylaw 17.1.6.3.4 requires countable hours to be recorded on a daily basis for each student-athlete regardless of whether the student-athlete is participating in an individual or team sport. When the former head softball coach and his staff permitted practice hours to exceed the daily and weekly limits, they committed Level II violations of NCAA Bylaw 17.1.6.1. Further, when the former head softball coach failed on occasion to record an accurate amount of time the softball student-athletes participated in CARA, he committed Level II violations of NCAA Bylaw 17.1.6.3.4.

The former head softball coach violated head coach responsibility legislation as the result of the CARA violations. NCAA Bylaw 11.1.1.1 specifies that an institution's head coach is presumed to be responsible for the actions of staff members under his supervision. An institution's head coach shall promote an atmosphere of compliance within his or her program and shall monitor the activities of all assistant coaches and administrators involved with the program. The former head softball coach failed to promote an atmosphere of compliance when he directed, supervised, or had knowledge of CARA violations in his program. He also failed to promote an atmosphere of compliance when he submitted inaccurate CARA reports. The former head softball coach agreed that his actions relative to the CARA violations were contrary to NCAA Bylaw 11.1.1.1. An NCAA Bylaw 11.1.1.1 violation by a head coach resulting from underlying Level II violations is presumed to be a Level II violation.

The CARA violations were due in part to the institution's failure to monitor. NCAA Constitution 2.8.1 requires member institutions to comply with all applicable rules and regulations of the Association and to monitor its programs to assure compliance with NCAA legislation. The institution agreed that it failed to monitor when it did not establish compliance systems that were adequate to ensure student-athletes did not participate in CARA in excess of NCAA time limits. Further, the athletics department failed to take appropriate action in late 2013 when the internal audit staff warned the athletics department that its compliance system for monitoring CARA was deficient. The institution's failure to establish measures to monitor CARA in the softball program violated NCAA Constitution 2.8.1, a Level II violation.

IV. PENALTIES

For the reasons set forth in Sections III and IV of this decision, the panel accepts the parties' agreed-upon factual basis and violations and concludes that this case involved Level II violations of NCAA legislation. The panel then determined the applicable penalty classification. Level II violations are significant breaches of conduct that provide or are intended to provide more than a minimal but less than a substantial or extensive recruiting, competitive or other advantage.

The enforcement staff and the institution agreed that two aggravating factors and four mitigating factors were present for the institution. After weighing the aggravating and mitigating factors, the panel classifies this case as Level-II Standard for the institution. The enforcement staff and the former head softball coach agreed that two aggravating factors were present for the former head softball coach. The panel agrees that these apply. The enforcement staff believed that there were no mitigating factors present for the former head softball coach, while he maintained that there were three mitigating factors: (1) prompt acknowledgment of the violation, acceptance of responsibility and the imposition of meaningful corrective measures and/or penalties; (2) the violations were unintentional, limited in scope and represent a deviation from otherwise compliant practices; and (3) other factors were present warranting a lower penalty range.

The panel agreed with the aggravating factors assessed by the enforcement staff and agreed to by the former head softball coach. Further, the panel agreed with one mitigating factor proposed by the former head softball coach; that he promptly acknowledged the violations and was subject to meaningful penalties. However, the panel disagreed with the former head softball coach's contention that the violations were unintentional and that there were other factors warranting a lower penalty range. After weighing the head softball coach's aggravating and mitigating factors, the panel classifies this case as Level-II Standard for the former head softball coach.

This case involved violations that occurred before and after the adoption of the current version of NCAA Bylaw 19 in October 2012. Pursuant to NCAA Bylaw 19.9.1, the panel reviewed when the violations occurred and determined that the violations predominated after the adoption of current NCAA Bylaw 19. Therefore, the current penalty structure applies.

Because the parties agreed to the facts, violations and the panel's proposed penalties, there is no opportunity for appeal. All penalties prescribed in this case are independent and supplemental to any action that has been or may be taken by the Committee on Academics through its assessment of postseason ineligibility, historical penalties or other penalties.

The institution's corrective actions are contained in the Appendix. After considering all information relevant to the case, the panel prescribes the following penalties. Those penalties that were self-imposed by the institution are so noted:

Core Penalties for Level II-Standard Violations (NCAA Bylaw 19.9.5)

1. Financial penalty: The institution shall pay \$5,000 to the Association.⁵
2. The former head softball coach agreed that he violated NCAA playing and practice season legislation when he directed or supervised, or had knowledge of assistant softball coaches directing or supervising, student-athletes' participation in CARA that exceeded NCAA legislated time limits. In addition, the former head softball coach routinely submitted inaccurate CARA reports to the compliance staff that did not reflect actual time spent in

⁵ The fine shall be paid consistent with *Division I COI Internal Operating Procedure 4-16-2, Financial Penalty*.

CARA. Finally, as a result of these violations, the former head softball coach agreed that he failed to promote an atmosphere of compliance. Therefore, the panel prescribes a one-year show-cause order associated with the former head softball coach. During this period, which begins on September 15, 2016, and ends on September 14, 2017, the panel requires that any institution hiring the former head softball coach conduct compliance education sessions with him focusing on CARA legislation. Further, during this year, the former head softball coach shall attend an NCAA Regional Rules Seminar at his own expense, regardless of whether he is employed at a member institution. Within 30 days of the release of this decision or 30 days after the hiring of the former head softball coach, whichever is later, any employing institution shall file a report with the Office of the Committees on Infractions setting forth its agreement with these requirements or requesting a date to appear before a hearing panel to show cause why the requirements should not apply. Further, six months after he is hired and at the conclusion of the show-cause order, any employing institution shall file further reports documenting fulfillment of these requirements.

Additional Penalties for Level II-Standard Violations (NCAA Bylaw 19.9.7)

3. Public reprimand and censure.
4. Prohibited the softball program from conducting out-of-season countable athletically related activities following the 2014 season. (Institution imposed)
5. Reduced softball practice hours by 2.5 hours per week when in-season for two academic years, 2014-15 and 2015-16, (approximately a reduction of 60 hours per year or 120 hours total); and two hours per week when out-of-season for two years, 2014-15 and 2015-16 (approximately 10 hours per year or 20 hours total). (Institution imposed)

The committee advises the institution that it should take every precaution to ensure that the terms of the penalties are observed. The committee will monitor the penalties during their effective periods. Any action by the institution contrary to the terms of any of the penalties or any additional violations shall be considered grounds for extending the institution's probationary period, prescribing more severe penalties or may result in additional allegations and violations.

NCAA COMMITTEE ON INFRACTIONS PANEL
Britton Banowsky, Chief Hearing Officer
Bobby Cremins
Alberto Gonzales
Thomas Hill
Gary L. Miller
Joseph Novak
Sankar Suryanarayan

APPENDIX

**THE INSTITUTION'S CORRECTIVE ACTIONS AS IDENTIFIED IN THE JULY 7,
2016, SUMMARY DISPOSITION REPORT.**

1. The former head softball coach was allowed to resign from Stanford University on May 30, 2014, in lieu of termination for cause.
2. The associate head softball coach's employment from Stanford University was involuntarily terminated on May 30, 2014. The coach's employment was terminated without cause; however, it was motivated by the failure of the coach to further pursue her belief that there may have been practice hours violations, as well as a desire to permit the softball program to move in a different direction without the involvement of coaches who were present when practice time issues occurred.
3. An assistant softball coach's employment from Stanford University was involuntarily terminated on May 30, 2014. The coach's employment was terminated without cause; however, it was motivated by a desire to permit the softball program to move in a different direction without the involvement of coaches who were present when practice time issues occurred.
4. In October 2014, the athletics department began requiring that student-athletes verify practice logs for all NCAA sponsored sports on a monthly basis.