



UNIVERSITY OF ALASKA, ANCHORAGE
PUBLIC INFRACTIONS REPORT
MAY 2, 2014

I. INTRODUCTION

The NCAA Division II Committee on Infractions is an independent administrative body comprised of individuals from the membership and the public. The committee is charged with deciding infractions cases involving member institutions and their staff. This case involves the University of Alaska, Anchorage.¹ The case also includes the institution's former head women's basketball coach ("head coach") and a former women's volunteer assistant basketball coach ("volunteer coach").² The committee considered this case through the cooperative summary disposition process, in which all parties agree to the primary facts and violations as fully set forth in the Summary Disposition Report (SDR). Because the institution and head coach disagreed with some additional penalties proposed by the committee, the committee conducted an expedited penalty hearing.

As detailed in the SDR, the head coach and volunteer coach provided impermissible benefits to two women's basketball student-athletes. Specifically, after promising the two student-athletes "full ride" scholarships, but being unable to deliver funds covering a full grant-in-aid, the head coach provided money to the volunteer coach and instructed her to deposit it into the accounts of the two student-athletes. The institution, head coach and volunteer coach were all in substantial agreement with the facts and that violations occurred. The committee concludes that the head coach and volunteer coach provided impermissible cash benefits to the student-athletes and that the actions of the head coach constituted unethical conduct.

Further violations occurred when a representative of the institution's athletics interests ("representative") provided extra benefits to women's basketball student-athletes when he accompanied the team to away-from-home contests. The parties contended, and the committee concluded, that those violations were secondary.

¹ The institution has an enrollment of approximately 18,000 and has membership in the Great Northwest Athletics Conference, Mountain Pacific Sports Federation and Western Collegiate Hockey Association. This is the institution's third major infractions case. Its previous cases were in 1984 (men's basketball) and 1978 (men's basketball).

² For the purposes of this report, the former head women's basketball coach will be referred to as "head coach," because he was in that position when the violations occurred. For the same reasons, the former women's basketball volunteer assistant coach will be referred to as "volunteer coach."

After reviewing the parties' principal factual agreements and respective explanations surrounding those agreements, the committee accepts the parties' SDR and concludes that those agreements constitute major and secondary violations of NCAA bylaws. The committee concludes that the following principal penalties are appropriate: two years of probation, vacation of records, reductions in scholarships for the women's basketball program, a show-cause order for the head coach and other penalties as detailed in the penalty section of this decision.

II. CASE HISTORY

In July 2012, a returning women's basketball student-athlete ("student-athlete 1") contacted an associate director of athletics at the institution ("associate director of athletics") regarding her athletics grant-in-aid. Student-athlete 1 was concerned that her scholarship paperwork for the upcoming 2012-13 academic year indicated a decrease in the amount she received during 2011-12 and that she would no longer be receiving a full scholarship. The associate director of athletics reviewed student-athlete 1's paperwork records on file in the department, which showed that student-athlete 1 was due to receive the same amount of aid as she had the previous year and that she had not previously received a full grant-in-aid.

Based on this information, the institution initiated an investigation of the women's basketball program. It determined that the head coach had, during both the fall and spring semesters of the 2011-12 academic year, supplemented institutional aid by giving cash to the volunteer coach and instructing her to deposit it directly into the institutional and personal accounts of student-athlete 1 and another women's basketball student-athlete ("student-athlete 2"). The volunteer coach followed the head coach's instructions. On July 18, 2012, the institution contacted the enforcement staff to report what it found during its investigation. The enforcement staff conducted a further investigation and issued a verbal notice of inquiry on January 7, 2013. After all parties agreed to process the case through summary disposition, the enforcement staff provided the proposed findings to all parties on August 30, 2013. The parties submitted the SDR to the committee on November 22, 2013.

The committee reviewed the SDR on January 22, 2014, and sent a letter to all parties on January 27. In the letter, the committee asked the parties to consider some revisions to the language of the findings to state that the head coach and volunteer coach provided impermissible benefits to the student-athletes rather than merely arranged for the benefits. The committee also proposed further penalties to the institution and head coach. All parties responded by February 10, agreeing to revisions in the factual findings and some of the proposed additional penalties.³ The head coach and the institution objected to

³ The head coach's present employer also responded, objecting to a portion of the show-cause penalty proposed for the head coach's actions.

portions of the proposed penalties; therefore, pursuant to Bylaw 32.7.1.4.3, the committee conducted an expedited hearing by videoconference regarding penalties on March 22, 2014.

III. PARTIES' AGREEMENTS

The parties jointly submitted a SDR that identifies an agreed-upon factual basis and violations of NCAA legislation.⁴ The SDR identifies:

A. THE HEAD COACH AND VOLUNTEER COACH PROVIDED EXTRA BENEFITS TO TWO WOMEN'S BASKETBALL STUDENT-ATHLETES. [NCAA Division II Manual Bylaws 16.02.3 and 16.11.2.1 (2011-12)]

In August and September 2011 and January and February 2012, the head coach and volunteer coach provided impermissible cash extra benefits of \$7,320 to two women's basketball student-athletes. Specifically:

- a. In the fall of 2011, the head coach provided the volunteer coach with cash and instructed her to deposit the money into the institutional and personal bank accounts of student-athletes 1 and 2. Acting on the instructions, in August 2011, the volunteer coach paid the balance of the student-athletes' institutional fees, which totaled \$1,365 each. Further, in September 2011, the volunteer coach deposited \$500 into student-athlete 1's personal bank account and \$400 into student-athlete 2's personal bank account.
- b. In the winter of 2012, the head coach provided the volunteer coach with cash and instructed her to deposit the money into the personal bank account of student-athlete 1 and the institutional and personal bank accounts of student-athlete 2. Acting on the instructions, the volunteer coach subsequently deposited \$1,800 into student-athlete 1's personal bank account and \$700 and \$1,190 into student-athlete 2's personal and institutional bank accounts, respectively.

B. THE HEAD COACH ENGAGED IN UNETHICAL CONDUCT AND FAILED TO PROMOTE AN ATMOSPHERE FOR COMPLIANCE. [NCAA Division II Manual Bylaws 10.01.1, 10.1, 10.1-(c) and 11.1.2.1 (2011-12)]

The head coach failed to deport himself in accordance with the generally recognized high standards of honesty and sportsmanship normally associated with

⁴ These agreed-upon violations also reflect language changes proposed by the committee and accepted by the parties.

the conduct and administration of intercollegiate athletics for his knowing involvement in NCAA violations outlined in Violation No. 1. Further, the head coach failed to promote an atmosphere for compliance when he involved the volunteer coach in the commission of those violations.

IV. REVIEW OF VIOLATIONS

The submitted SDR fully details the parties' positions in the infractions case and includes the agreed-upon primary facts and violations. In concluding whether the facts constitute violations and the appropriate penalties for those violations, the committee fully reviewed the applicable bylaws and the jointly submitted SDR. The committee accepts the SDR and concludes that the primary facts detailed in Section III establish violations of NCAA legislation.

During his recruitment of student-athletes 1 and 2, the head coach offered both of them what they described as "full ride" scholarships. Student-athlete 1 stated that she would not have considered attending the institution without the offer, while student-athlete 2 stated that she immediately chose to attend the institution as a result of the offer.

Prior to student-athletes 1 and 2 arriving on campus, their families noticed that the amounts of aid listed in the scholarship papers they received did not represent a full grant-in-aid. When they inquired about the discrepancies, members of the women's basketball coaching staff assured them that all costs would be covered once they enrolled.⁵ The student-athletes and their families were unaware that the manner by which the coaches covered the scholarship shortfalls violated NCAA legislation. They believed that the money deposited into the student-athletes' accounts was allowable as supplements to the scholarships they had already been awarded.

The head coach and volunteer coach violated NCAA Bylaws 16.02.3 and 16.11.2.1 when they provided the cash benefits to student-athletes 1 and 2. Because the coach's promise and ultimate delivery of the benefits were significant factors in the student-athletes' choices to attend the institution, the institution gained a significant recruiting and competitive advantage through these violations. Further, the head coach's intentional violation of well-known and commonly understood rules regarding student-athlete benefits constituted unethical conduct pursuant to Bylaw 10.1. Finally, his conduct demonstrated a failure to promote an atmosphere for rules compliance within his program, as is his duty per Bylaw 11.1.2.1.

⁵ The head coach personally assured student-athlete 1. One of his assistant coaches gave the same assurance to student-athlete 2.

V. SECONDARY VIOLATION [NCAA Division II Manual Bylaws 16.02.3 and 16.11.2.1 (2011-12)]

In accordance with Bylaw 19.02.2.1, the committee concludes that the following facts agreed-upon and submitted by the parties constitute a secondary violation of NCAA bylaws.

In November 2011, the representative provided extra benefits for 12 women's basketball student-athletes while accompanying the women's basketball team to away-from-home contests. Specifically, the representative arranged and paid for local transportation via shuttle bus, a pregame meal and entertainment. The extra benefits were valued at \$151.85 for each student-athlete.

VI. PENALTIES

For the reasons set forth in Sections III, IV and V of this report, the Committee on Infractions concludes that this case involved major and secondary violations of NCAA legislation. In prescribing the penalties, the committee considered the institution's cooperation in the processing of this case. Cooperation during the infractions process is addressed in NCAA Bylaws 19.01.3 and 32.1.4. The committee concludes that the cooperation exhibited by the institution was consistent with its obligation under the bylaws. The committee notes that the institution acted decisively to investigate information it received regarding possible violations, self-discovered and self-reported the violations and cooperated with NCAA investigators.

Because the institution, head coach and volunteer coach agreed to the factual findings and violations, they have no opportunity to appeal any of the findings. The institution, in addition to its self-imposed penalties, agreed to further penalties proposed by the committee. However, the institution did not agree to Penalty VI-4. It therefore has the opportunity to appeal that penalty. Similarly, the head coach did not agree to the show-cause order, set forth below as Penalty VI-6. Therefore, he has the opportunity to appeal the three game suspension prescribed in the show-cause order.

After considering all information relevant to the case, the committee prescribes the following sanctions.⁶ Those self-imposed by the institution are noted:

⁶ The institution's corrective actions are found at Appendix A.

General Administrative Penalties

1. Public reprimand and censure.
2. Two years of probation from May 2, 2014, through May 1, 2016. The institution proposed that it be on probation in 2013-14 and 2014-15.
3. The institution shall undergo an audit of its athletics policies and procedures, performed by an outside agency, prior to June 30, 2015. (Institution imposed) The institution shall abide by all recommendations made by the auditor. Further, the institution shall attach a copy of the audit to its annual compliance report (See Penalty VI-10-(c) below) and document in the compliance report that it is abiding by all recommendations.

Penalties for the Women's Basketball Program

4. If the amounts of impermissible aid provided by the coaches to student-athletes 1 and 2 during the 2011-12 academic year had been included in the institutional aid the student-athletes received, the institution would have exceeded the grant limitations of Bylaw 15.5.2.1.2 by .37. In adhering to case precedent that penalizes institutions double the amount of impermissible aid when they exceed grant limits, the institution shall award no more than the equivalent of 9.26 women's basketball grants-in-aid for the 2014-15 academic year. This amount represents a reduction of .74 from the allowable maximum of 10.0 grants. This penalty may be delayed one academic year if all grants for 2014-15 are already committed.
5. Pursuant to NCAA Bylaws 19.5.2-(g) and 31.2.2.4, the institution shall vacate all women's basketball wins from the 2011-12 regular season and conference tournaments in which student-athlete 1 participated from the time she became ineligible through the time her eligibility was reinstated.⁷ If student-athlete 1 participated in 2011-12 NCAA postseason competition while ineligible, that competition shall also be vacated. The committee is not directing that student-athlete 1's individual records be vacated. Further, the institution's records regarding women's basketball, as well as the record of the head coach, will reflect the vacated records and will be recorded in all publications in which women's basketball records are recorded, including, but not limited to, institutional media guides, recruiting materials, electronic and digital media plus institutional,

⁷ Student-athlete 2 did not participate in any competitions during the period in which she was ineligible.

conference and NCAA archives. The institution presently employing the head coach, and any institution which shall subsequently hire the head coach, shall similarly reflect the vacated wins in his career records documented in media guides and other publications cited above. Head coaches with vacated wins on their records may not count the vacated wins to attain specific honors or victory "milestones" such as 100th, 200th or 500th career victories. Any public reference to the vacated contests shall be removed from athletics department stationary, banners displayed in public areas and any other forum in which they may appear.

To ensure that all institutional vacations, statistics and records are accurately reflected in official NCAA publications and archives, the sports information director (or other designee as assigned by the director of athletics) must contact the NCAA director of statistics and appropriate conference officials to identify the specific contests impacted by the penalties. In addition, the institution must provide the NCAA statistics department a written report that confirms the affected contest records and how those records will specifically change. This written report must be delivered to the NCAA statistics department no later than 45 days following the release of this report, with a copy provided to the Office of the Committees on Infractions at that time. The institution must confirm in its first annual compliance report that it has taken all required actions relating to changed records.

Penalties for the Coaches' Conduct

6. The head coach promised student-athletes 1 and 2 that they would receive full grants-in-aid for the 2011-12 academic year. When the financial aid papers sent to student-athlete 1 from the institution prior to the academic year beginning indicated that she would receive amounts of aid less than a full grant, student-athlete 1 and her family questioned the head coach, who told them that they would receive further aid when they arrived on campus. To make up for the shortfall to both student-athlete 1 and 2, the head coach provided cash to the volunteer coach and had her deposit it into the institutional and personal accounts of the student-athletes. The head coach was aware that his conduct violated NCAA legislation. His actions in committing intentional violations of NCAA legislation and involving the volunteer coach in the violations were contrary to the principles of ethical conduct and demonstrated a failure to promote an atmosphere for rules compliance in the women's basketball program.

Pursuant to Bylaw 19.5.2.2, the committee prescribes a two-year show-cause order for the head coach. The show-cause period shall run from May 2, 2014, through May 1, 2016. During the first year this penalty is in effect (the 2014-15 academic year), the head coach shall be suspended from all coaching duties for

the first three conference games. The suspension shall commence at 11:59 p.m. on the day of the contest immediately preceding the first conference game and shall expire at 11:59 p.m. on the day of the third conference game. During the suspension, the head coach shall not be present in the venues where the games are played and shall have no contact with other members of the coaching staff or members of the women's basketball team. Further, during the suspension, the head coach shall not participate in any activities that are defined as "coaching," including, but not limited to, team travel, recruiting, practice, video review and team meetings.

If the head coach leaves his present employment and takes another position at a member institution during the term the show cause is in effect, he and the member institution shall contact the Office of the Committees on Infractions to schedule an appearance before the committee. The purpose of the appearance shall be to consider whether the member institution should be subject to the show-cause provisions of Bylaw 19.5.2.2, which could limit the head coach's athletically related duties at the new member institution for a designated period.⁸

No later than June 30, 2015, and June 30, 2016, the head coach's present employing institution, or any other member institution employing the head coach, shall file a report with the Office of the Committees on Infractions documenting that it has complied with all sanctions of this show-cause order. The report should also contain details regarding any further rules violations committed by the head coach.

7. The volunteer coach was aware that she was violating NCAA legislation when she accepted cash from the head coach and deposited it in the accounts of student-athletes 1 and 2. However, the volunteer coach had just begun her first coaching job, reported to the head coach and would not have committed the violations but for his directive. Therefore, no show-cause order will be issued resulting from the conduct of the volunteer coach. However, a record of her violations will be maintained in the Office of the Committees on Infractions and will be available to member institutions who inquire into the volunteer coach's infractions history.

Penalties for the Representative's Conduct

8. The institution has disassociated the representative, stating that it will "decline all assistance and prohibit all athletics benefits and privileges." (Institution imposed)

⁸ The head coach's present employing institution reported several institutional actions it is taking with respect to the head coach. Those actions are found at Appendix B.

This disassociation shall be effectuated pursuant to NCAA Bylaw 19.5.2-(q), shall be for at least the institution's probationary period and shall include:

- a. Refraining from accepting financial or other assistance from the representative for its athletics program or in the recruiting of prospective student-athletes or for supporting enrolled student-athletes; and
- b. Prohibition of providing to the representative any athletics benefit or privilege not generally available to the public at large or on a basis different from that provided to the public at large.

Other Administrative Penalties and Measures

9. The institution shall pay a \$5,000 fine to the NCAA.
10. During this period of probation, the institution shall:
 - a. Continue to develop and implement a comprehensive educational program on NCAA legislation to instruct the coaches, the faculty athletics representative, all athletics department personnel and all institution staff members with responsibility for the certification of student-athletes' eligibility for admission, financial aid, practice or competition;
 - b. Submit a preliminary report to the Office of the Committees on Infractions by June 15, 2014, setting forth a schedule for establishing this compliance and educational program; and
 - c. File with the Office of the Committees on Infractions an annual compliance report indicating the progress made with this program on March 1 during every year of probation. The report must include documentation of the institution's compliance with the penalties adopted and prescribed by the committee.
11. During the period of probation, the institution shall:
 - a. Inform prospective student-athletes in women's basketball that the institution is on probation for two years and provide detail regarding the violations committed. The information must be provided before a prospective student-athlete signs a National Letter of Intent and no later than when the NCAA Eligibility Center provides a prospective student-athlete with the institution's academic data (See Bylaw 13.3.1.2).

- b. Publicize specific and understandable information concerning the nature of the infractions by providing a statement to include the types of violations committed, the affected sport program, the term of probation and the penalties on the homepage of the institution's athletics website and in the women's basketball media guide. Additionally, the institution shall provide a direct conspicuous link to the public infractions report on the athletics department's main webpage. The institution's statement must give members of the general public a clear indication of what happened in the major infractions case to allow the public (particularly prospective student-athletes and their families) to make informed, knowledgeable decisions. A statement that refers only to the probationary period with nothing more is not sufficient.
12. At the conclusion of the probationary period, the institution's president shall provide a letter to the committee, affirming that the institution's current athletics policies and practices conform to all requirements of NCAA regulations and that all conditions of probation have been satisfied.

As required by NCAA legislation for any institution involved in a major infractions case, the University of Alaska, Anchorage, shall be subject to the provisions of NCAA Bylaw 19.5.2.3, addressing repeat violators, for a five year period beginning with the effective date of the penalties in this case, May 2, 2014.

Should the University of Alaska, Anchorage, or the head coach appeal the penalties they did not agree to in this case to the NCAA Division II Infractions Appeals Committee, the Committee on Infractions will submit a response to the Infractions Appeals Committee. As set forth in applicable NCAA bylaws and procedures of the Infractions Appeals Committee, penalties that are appealed are automatically stayed until the appeal is concluded.

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 or prescribing more severe sanctions or may result in additional allegations and findings of violations. An institution that employs an individual while a show-cause order is in effect against that individual, and fails to adhere to the penalties prescribed, subjects itself to allegations and possible findings of violations.

Should any portion of any of the penalties in this case be set aside for any reason other than by appropriate action of the Association, the penalties shall be reconsidered by the committee. Should any action by NCAA legislative bodies directly or indirectly modify any provision of these penalties or the effect of the penalties, the committee reserves the right to review and reconsider the penalties.

NCAA COMMITTEE ON INFRACTIONS

Douglas Blais

Jean Paul Bradshaw, acting chair

Bridget Lyons

Harry O. Stinson III

Jane Teixeira

APPENDIX A

CORRECTIVE ACTIONS AS REPORTED IN THE PARTIES' NOVEMBER 22, 2013, SUMMARY DISPOSITION REPORT

Cash Payments - After the violation of cash payments was discovered, the associate athletic director, worked with the accounting disbursements office to change their procedure for accepting cash from someone other than the student themselves. The institution takes in a large percentage of their student debt via cash, so there was no way to discontinue that practice. Requiring everyone (not just the student) to provide ID to prove their identity and have it noted on the receipt, will create an environment that results in quicker detection of a problem. The compliance office now requests reports of all cash payments and checks the payee's identity with that newly gathered data. There is no process that would avoid this situation without a creating a severe burden to the accounting process and the whole student population. The information gathered at the time, will be an effective deterrent.

Student Education on Direct Deposits & Team Travel Expenses – The associate athletics director added sections in the Seawolf Student-Athlete Handbook to clarify how the institution direct deposit works so no other staff member could fraudulently obtain a student-athlete's bank account information to make unauthorized payments. The handbook also went into greater depth of situations with boosters accompanying teams on the road and that only institutional coaches or administrators may cover any expense during that time.

Coach Education – The associate athletics director has added the topic of team travel and expenses to topical conversations during coaches meetings to confirm their understanding that no booster or parent may cover any expense without a staff member paying for a legal benefit first. That can then be followed up by a booster or parent donating the amount to the department of athletics.

Education in General – The associate athletics director created a Facebook page to highlight brief compliance topics in addition to the annual distribution of "Fans Guide to NCAA Compliance" and other in-person educational offerings.

Travel Forms – The associate athletics director added an affirming statement on travel forms that coaches and staff must sign prior to being reimbursed for travel, that they have presented all receipts (accurate reflection of trip expenses) and that no booster paid for any travel expense.

Athletic Department Operations and Compliance Manual - This document is under re-write due to a change in leadership and all relevant topic areas are under review to insure processes are updated to reflect all modifications.

APPENDIX B

LIMITATIONS PLACED ON THE HEAD COACH BY HIS PRESENT INSTITUTION⁹

The head coach will receive a letter of reprimand for his role in this major infractions case, and a copy of that letter will be placed in his personnel file.

The head coach will be required to meet with the director of athletics and the associate athletic director for compliance, to discuss the letter of reprimand and his present employing institution's expectations for rules compliance moving forward. The employing institution's head women's basketball coach also will be required to attend this meeting.

The head coach has been placed on "compliance probation" and will be subject to substantial disciplinary action for any future NCAA rules violations, which may include immediate termination for any Level I or II violations, any intentional Level III or IV violations, or any ethical conduct/financial aid/extra benefit-related violations.

As a direct result of the head coach's involvement in this case, he did not receive a salary increase for the 2013-14 fiscal year that he otherwise would have received. His eligibility to receive a salary increase for the 2014-15 fiscal year will depend upon his rules compliance performance between now and June 30, 2015, and will be contingent upon his successful completion of the requirements placed upon him by his present employing institution.

The head coach will be suspended from coaching the first three games of the 2013-14 women's basketball season (i.e., two exhibition contests and the first regular season game).

The head coach will be required to complete an ethics training class at his own expense before June 1, 2014.

The head coach will be required to attend an NCAA Regional Rules Seminar during the summer of 2014.

⁹ The head coach serves as an assistant women's basketball coach at his present institution.