



YORK COLLEGE
PUBLIC INFRACTIONS DECISION
MAY 19, 2017

I. INTRODUCTION

The NCAA Division III Committee on Infractions (COI) is an independent administrative body of the NCAA comprised of individuals from the Division III membership and the public. The COI decides infractions cases involving member institutions and their staffs. This case centered on violations of NCAA eligibility bylaws, some of them intentional, in the men's basketball program at York College.¹ Other violations sprung from these certification issues.

The case consisted of three major violations. First, the institution and/or the former head men's basketball coach, who also served as the director of athletics, improperly certified the eligibility of eight men's basketball student-athletes during the 2011-12 through 2014-15 academic years. The second violation occurred when the former head men's basketball coach violated head coach responsibility legislation and the principles of ethical conduct. Specifically, the former head coach knowingly improperly certified the eligibility of two men's basketball student-athletes and provided false or misleading information to the institution and NCAA enforcement staff during the investigation. Finally, due to weaknesses in the athletics department's organizational structure, the institution failed to monitor the academic certification process within the men's basketball program. The institution agreed to all the violations, while the former head men's basketball coach generally denied that he violated NCAA bylaws.

Based on the violations in this case, the COI adopts and prescribes the following principle penalties: two years of probation, a financial penalty, required attendance at NCAA Regional Rules Seminars, a vacation of all contests in which ineligible student-athletes competed, a three-year show-cause order associated with the former head men's basketball coach's conduct and administrative reporting requirements.

II. CASE HISTORY

This case originated in late January 2015 when an anonymous source contacted York College and other member institutions of the City University of New York Athletic Conference (CUNYAC) alleging that the institution allowed men's basketball student-athletes to compete while academically ineligible. In response to this information, the institution launched an

¹ A member of the City University of New York Athletic Conference (CUNYAC), York College has an enrollment of approximately 8,500 students. It sponsors nine women's and eight men's sports. The institution had no previous major infractions cases.

internal inquiry and followed with a self-report to the NCAA enforcement staff in early September 2015. In late March 2016, the enforcement staff sent the institution a verbal notice of inquiry and later provided a written notice of inquiry at the institution's request. From early April to mid-June 2016, the enforcement staff and the institution conducted a joint investigation. On July 18, 2016, the enforcement staff issued a notice of allegations (NOA) to the institution and the former head men's basketball coach. In late September 2016, the institution requested a 90-day extension to respond to the NOA, which the COI chair granted. The institution and the former head men's basketball coach submitted their responses to the NOA in mid-December 2016. The enforcement staff submitted the case summary to the COI and the former head men's basketball coach on March 20, 2017. The institution appeared before the COI on April 21, 2017. The former head men's basketball coach declined to appear at the hearing.

III. FINDINGS OF FACT

This case focused on the eligibility certification process for men's basketball student-athletes at the institution. The CUNYAC, the institution and the NCAA have certain processes that must be followed for proper certification of eligibility and student-athletes are required to meet certain standards to be eligible for competition.

Institutions designate athletics department staff members to certify eligibility, and conferences usually have deadlines by which student-athletes must be certified to be eligible for competition. At York College, athletics department staff members, not coaches, generated the team rosters and, in the process, reviewed the eligibility of student-athletes. These staff members informed coaches of student-athletes who were ineligible. York College designated the former head men's basketball coach, who was also the director of athletics (former head coach) as the institution's primary eligibility certification official in the athletics department. The chair of the department of health and physical education and gerontological studies oversaw athletics. He served as the former head coach's direct supervisor and was the other official who signed eligibility rosters. But the chair of the department acknowledged that he did not review the rosters and relied on the former head coach to ensure that the student-athletes were eligible. Further, the CUNYAC has specific deadlines by which institutions must determine the eligibility statuses of student-athletes and submit eligibility rosters before student-athletes can engage in competition.

In addition to required administrative procedures for certification, student-athletes must meet specific conditions for eligibility. The CUNYAC requires that its member institutions' student-athletes maintain at least a 2.0 grade-point average (GPA) to be eligible. Further, the NCAA requires student-athletes to be enrolled in no less than 12-semester or quarter hours for eligibility.

The institution agreed that it certified eight men's basketball student-athletes as eligible who either did not have the required 2.0 minimum GPA, were enrolled in less than 12 semester hours or the institution did not certify eligibility by the CUNYAC deadline. Two of these eight student-athletes' eligibility certifications directly involved the former head coach.

With respect to the institution's certifications, during the 2011-12 academic year, the institution certified the eligibility of two student-athletes (student-athlete 1 and 2, respectively) who had below a 2.0 GPA. Further, during the 2012-13 academic year, the institution certified the eligibility of one student-athlete who had below a 2.0 GPA (student-athlete 3) and one student-athlete who was not enrolled in a minimum of 12 semester hours (student-athlete 4). In addition, during the 2013-14 academic year, the former head coach certified the eligibility of two men's basketball student-athletes, (student-athletes 5 and 6, respectively) who had GPAs below 2.0. Finally, on one occasion, the institution failed to review the eligibility statuses of its men's basketball student-athletes by the CUNYAC certification deadline, which resulted in student-athlete 4 and two additional student-athletes (student-athletes 7 and 8, respectively) participating in one men's basketball contest with GPAs below 2.0.

The former head coach signed the eligibility forms in his capacity as the director of athletics. For six of the eight men's basketball student-athletes, the former head coach certified them as eligible without being aware of potential eligibility issues. On the other hand, he knew student-athletes 5 and 6 did not have the minimum 2.0 GPA. Specifically, following the 2013 fall semester, the institution's compliance coordinator and an assistant men's basketball coach (the assistant coach) informed the former head coach that four men's basketball student-athletes did not have the 2.0 minimum GPA to be eligible. Shortly after the staff members notified the former head coach of the four student-athletes' grade-point deficiencies, he removed two of the student-athletes from the roster. But he did not remove student-athletes 5 and 6, who had considerably more playing time than the two student-athletes he removed from the roster.²

Further, CUNYfirst, the institution's online student information system, correctly reflected that student-athletes 5 and 6 had GPAs below 2.0. Information system records revealed that the former head coach accessed student-athletes 5's and 6's transcripts through CUNYfirst prior to certifying their eligibility. Nonetheless, the former head coach twice signed the form certifying student-athletes 5 and 6 as eligible for the 2014 spring semester. He certified them on December 30, 2013, and again on January 22, 2014. Thereafter, student-athletes 5 and 6 competed in 15 contests and received travel expenses during the 2014 spring semester, including the CUNYAC championship game and two postseason NCAA Division III Championship contests.

The former head coach denied certifying the eligibility of student-athletes 5 and 6 knowing that they did not meet eligibility requirements. He maintained that he did not recall the compliance coordinator and the assistant coach informing him that student-athletes 5 and 6 did not have the requisite 2.0 GPA for eligibility. He also claimed that he did not access the CUNYfirst system prior to certifying their eligibility. He further claimed that four other staff members had his username and password for accessing the CUNYfirst system, including the compliance coordinator and the assistant coach. Two of these individuals reported that they had the former head coach's username and password. However, one reported he never used it unless he was in

² Student-athlete 5 was the 2013-14 CUNYAC Player of the Year, leading the institution to the CUNYAC championship and a berth in the 2014 NCAA Division III Men's Basketball Tournament.

the presence of the former head coach and he was not aware that student-athletes 5 and 6 had eligibility issues following the 2013 fall semester. The other individual was the compliance coordinator. She stated that she had her own username and password by the time in question. Computer records confirmed that. The remaining two individuals said that they had their own usernames and passwords and denied ever using the former head coach's login information.

IV. ANALYSIS

The improper certification of eight men's basketball student-athletes, two of whom by the former head coach, led to several more serious violations. The former head coach certified two of the eight men's basketball student-athletes knowing they were ineligible. In doing so, the former head coach failed to promote an atmosphere for compliance. He also engaged in unethical conduct through his knowing certification of ineligible student-athletes and by providing false or misleading information. Because the institution improperly certified the eligibility of the student-athletes, it failed to fulfill its monitoring responsibilities. The institution agreed to all the allegations and that major violations occurred. The former head coach denied all the allegations made against him. The COI concludes that the violations occurred and they are major.

A. IMPROPER CERTIFICATION OF ELIGIBILITY [NCAA Bylaws 14.01.1, 14.01.2, 14.01.3, 14.1.1, 14.1.8.1, 14.9.1 and 16.8.1.2 (2011-12 through 2014-15 Division III Manual)]

During a four-year period, the institution and the former head coach improperly certified the eligibility of several men's basketball student-athletes. The enforcement staff and the institution agreed to the underlying facts of this violation. The former head coach disagreed. The COI concludes that the certification violations occurred.

1. NCAA legislation relating to certification of eligibility and receipt of expenses while ineligible.

The applicable portions of the bylaws may be found in Appendix Two.

2. During a four-year period beginning with the 2011-12 academic year, the institution and the former head coach improperly certified the eligibility of eight men's basketball student-athletes who subsequently competed while ineligible.

From the 2011-12 through 2014-15 academic years, the institution and the former head coach improperly certified the eligibility of eight men's basketball student-athletes. The student-athletes either did not meet the minimum required GPA, were not enrolled full-time and/or were

not certified prior to the CUNYAC certification deadline. This conduct violated Bylaws 14 and 16.³

Bylaw 14 and its subparts set forth requirements for incoming, continuing and transferring student-athletes in order to be eligible to practice, compete and/or receive expenses associated with competition. As a general principle, Bylaws 14.01.1 and 14.9.1 prohibit institutions from allowing a student-athlete to compete who has not met eligibility requirements and require institutions to withhold ineligible student-athletes from competition. Specific to the eligibility requirements at issue in this case, Bylaws 14.01.2 and 14.1.8.1 specify that, in order to be eligible for practice and competition, a student-athlete must be enrolled in at least a minimum full-time program of studies and be in good academic standing. To be considered "full-time," a student-athlete must be enrolled in no less than 12 semester or quarter hours. Further, Bylaws 14.01.3 and 14.1.1 require a student-athlete meet all NCAA eligibility rules, and those of the institution and conference as well, in order to compete in the regular season and postseason. Among the CUNYAC's requirements for eligibility is a minimum 2.0 GPA and certification of eligibility by specific deadlines. Finally, Bylaw 16.8.1 permits institutions to provide student-athletes with expenses associated with competition, but only if they are eligible to compete.

The institution agreed that the eight men's basketball student-athletes did not meet the necessary requirements, yet the institution improperly certified them as eligible and allowed them to compete while ineligible. In some instances, the institution provided the ineligible student-athletes with impermissible expenses associated with competition. The number of regular season contests in which the ineligible student-athletes competed ranged from one to 15. The former head coach certified two of these student-athletes knowing they were ineligible. In addition to participating in 15 regular season games while ineligible, student-athletes 5 and 6 also participated in two contests of the 2014 Division III Men's Basketball Tournament.

At various times, all eight student-athletes did not have the minimum GPA of 2.0. When the institution and/or the former head coach certified the eligibility of student-athletes with less than the minimum GPA and allowed them to compete while ineligible, the institution and the former head coach violated Bylaws 14.01.1, 14.01.2, 14.1.1 and 14.9.1. In a separate instance, student-athlete 4 was enrolled in less than 12 semester hours. By certifying him as eligible and allowing him to compete, the institution violated Bylaws 14.01.1, 14.1.1, 14.1.8.1 and 14.9.1. The institution also failed to certify the eligibility of men's basketball student-athletes' prior to the CUNYAC deadline. Consequently, student-athletes 4, 7 and 8 competed in one contest. This failure violated Bylaws 14.01.1, 14.01.2, 14.01.3, 14.1.1, and 14.9.1.⁴ Finally, in five instances, ineligible student-athletes received expenses associated with competition in violation of Bylaw 16.8.1.

³ The institution and the enforcement staff also cited Bylaw 31.2.2.4 in this violation. However, Bylaw 31.2.2.4 relates to penalties when an ineligible student-athlete participates in championship competition. Therefore, Bylaw 31.2.2.4 is referenced in the penalty section of this decision.

⁴ In addition to the institution failing to assess the eligibility of these three student-athletes by the CUNYAC certification deadline, all three had below the minimum 2.0 GPA to be eligible.

Although most recent Division III infractions cases center on violations of financial aid legislation, the COI has concluded in past cases that competition by academically ineligible student-athletes constitute violations under Bylaw 14. *See Hunter College* (2016) (concluding that an information systems employee changed entrance/placement test scores allowing five student-athletes to be admitted to the institution and to compete while academically ineligible; and *California Institute of Technology* (2012) (concluding the institution allowed 30 student-athletes to practice and/or compete even though they were not enrolled full time, were not in good academic standing, or both).

B. HEAD COACH RESPONSIBILITY AND UNETHICAL CONDUCT [NCAA Bylaws 11.1.2.1 10.01.1, 10.1 and 10.1-(d) (2013-14 and 2015-16 Division III Manuals)]

The former head coach failed to promote an atmosphere for compliance and violated the principles of ethical conduct when he knowingly certified two ineligible men's basketball student-athletes and provided false or misleading information. The enforcement staff and institution agreed to this violation. The former head coach disagreed. The COI agrees that the violations occurred.

1. NCAA legislation relating to head coach responsibility and ethical conduct.

The applicable portions of the bylaws may be found in Appendix Two.

2. The former head coach violated the principles of ethical conduct and his responsibility as a head coach when he knowingly improperly certified the eligibility of two men's basketball student-athletes and provided false or misleading information to the institution and NCAA enforcement staff.

The former head coach was aware that two of his student-athletes were academically ineligible after the 2013 fall semester. Later, when questioned about his knowledge and role in the improper certification of the two student-athletes, the former head coach provided false or misleading information to the institution and the enforcement staff during an interview conducted in April 2016. His conduct violated Bylaws 11 and 10.

Bylaw 11 governs conduct of athletics personnel. More specifically, Bylaw 11.1.2.1 requires all head coaches to promote an atmosphere for rules compliance within their programs. In addition to the requirement to comply with the rules and regulations of the Association, coaches have an affirmative obligation to conduct themselves in an ethical manner as set forth in Bylaw 10. Included in this legislation is Bylaw 10.01, the general principle of ethical conduct that requires those associated with intercollegiate athletics to practice honesty and sportsmanship at all times. Conversely, Bylaw 10.1 identifies behaviors that constitute unethical conduct. Among these behaviors is the knowing provision of false or misleading information to the enforcement staff and institutions, as specified in Bylaw 10.1-(d).

The former head coach failed to fulfill his head coach responsibilities. Two staff members, the compliance coordinator and one of his assistant coaches, informed him on multiple occasions that two of his student-athletes were ineligible following the 2013 fall semester. Further, he checked the transcripts of the two student-athletes through the institution's online student information system, which correctly reflected that the two student-athletes were ineligible. Therefore, he was aware of the two student-athletes' ineligibility, yet, on two occasions, he certified them as eligible. By knowingly certifying two ineligible student-athletes, the former head coach failed to promote an atmosphere for rules compliance within his program in violation of Bylaw 11.1.2.1.

The former head coach's actions also violated the principles of ethical conduct. When he certified the eligibility of the two student-athletes knowing they were ineligible, he acted dishonestly, violating Bylaw 10.01. Later, during an interview conducted by the enforcement staff and the institution, the former head coach provided false or misleading information regarding his knowledge of the two student-athletes' ineligibility. In doing so, he violated Bylaw 10.1-(d).

The COI has previously emphasized that head coaches must fulfill their obligations under NCAA Bylaw 11. *See College of Staten Island (2013)* (concluding that, among other violations, the former head swimming coach committed a major head coach responsibility violation when he provided inducement and benefits, including impermissible housing, to student-athletes); *Occidental College (2013)* (concluding that the former head volleyball coach committed a major head coach responsibility violation when he failed to ensure that his program abided by basic NCAA legislation); *Illinois College (2012)* (concluding that the former head football coach committed a major head coach responsibility violation when he and two of his former assistant coaches knowingly sent over 500 impermissible text messages); and *Kean University (2012)* (concluding that the former head women's basketball coach committed a major head coach responsibility violation when she, among other conduct, failed to consult with the compliance office when she initiated the process which resulted in a grade change for a student-athlete who had fallen below the 2.0 minimum GPA to be eligible).

The COI has also determined that knowingly allowing ineligible student-athletes to compete constitutes unethical conduct. *See Lincoln University (Pennsylvania) (2010)* (concluding that the head track coach who was also the director of athletics engaged in unethical conduct when he knowingly permitted three ineligible student-athletes to compete and receive expenses); and *Southern Vermont College (2009)* (concluding that the head women's rugby coach engaged in unethical conduct when she was aware of two student-athletes' ineligibility, but allowed them to compete).

Finally, the COI has previously concluded that providing false or misleading information constitutes unethical conduct under Bylaw 10. *See Staten Island* (concluding that the former head swimming coach provided false or misleading information when he denied arranging impermissible benefits, including housing, for student-athletes); and *Illinois College* (concluding

that the head football coach provided false or misleading information to the institution's director of athletics when questioned about sending impermissible text messages).

C. FAILURE TO MONITOR AND FAILURE TO WITHHOLD INELIGIBLE STUDENT-ATHLETES [NCAA Constitution 2.8.1 and Bylaw 14.9.1 (2013-14 and 2015-16 Division III Manuals)]

The institution failed to monitor its men's basketball program. It failed to provide adequate rules education to staff members. It also failed to ensure several men's basketball student-athletes were properly certified, and failed to withhold ineligible student-athletes from competition. The enforcement staff and institution agreed to the facts and that a major violation occurred. The COI concludes that the institution failed to monitor.

1. NCAA legislation relating to institution's monitoring and withholding responsibilities.

The applicable portions of the bylaws may be found in Appendix Two.

2. The institution failed to fulfill its obligations under the NCAA constitution and bylaws when it did not provide adequate oversight of the former head coach, neglected to provide sufficient rules education, improperly certified eight men's basketball student-athletes and failed to withhold these ineligible student-athletes from competition.

The institution acknowledged that it failed to exercise appropriate oversight of the former head coach in his dual roles as both a head coach and the chief administrator in the athletics department, particularly in his responsibilities for eligibility certification. The former head coach's immediate supervisor did not properly oversee the former head coach's eligibility certification responsibilities. The institution also agreed that it did not provide sufficient eligibility certification education to the compliance coordinator and to an academic advisor, who had a role in certification. Because of these failures, student-athletes competed while academically ineligible. Those failures violated NCAA Constitution 2 and Bylaw 14.

Constitution 2.8.1 requires member institutions to monitor their athletics programs to ensure compliance with NCAA rules and regulations. Further, Bylaw 14.9.1 requires institutions to withhold ineligible student-athletes from competition.

The institution failed to engage appropriate oversight and monitoring of the eligibility certification process for men's basketball in general, and in particular, the former head coach's conflicted role in this process. As the director of athletics, the former head coach wielded the authority to certify the academic eligibility of his men's basketball student-athletes, an inherent conflict of interest. The former head coach could act with impunity in certifying ineligible men's basketball student-athletes, which he did on at least two occasions. This situation was exacerbated by the fact that the chair of the department of health and physical education and gerontological studies, who oversaw athletics and served as the former head coach's direct

supervisor, was the other certifying official, but he did not review the eligibility certification rosters for accuracy prior to signing them. The institution also did not provide sufficient eligibility certification education for certain key personnel involved in the eligibility certification process. These failures violated Constitution 2.8.1. Finally, the institution failed to withhold from competition eight men's basketball student-athletes who were ineligible, thus violating Bylaw 14.9.1.

The COI has consistently concluded that improper certification of eligibility constitutes violations under the NCAA Constitution. See *California Institute of Technology* (2012) (concluding that the institution lacked control when it allowed 30 student-athletes to practice and/or compete even though they were not enrolled full time, were not in good academic standing, or both); *Southern Vermont University* (2009) (concluding that the institution lacked control when it allowed numerous student-athletes to compete while ineligible as the result of failures to complete mandatory NCAA forms and/or before being certified as eligible or were academically ineligible due to poor grades.); and *Lincoln University (Pennsylvania)* (2010) (concluding the institution lacked control when it allowed 27 student-athletes to practice, compete and receive travel-related expenses while ineligible as the result of, among other factors, failing to attain the necessary minimum grade-point average).

V. PENALTIES

For the reasons set forth in Sections III and IV of this decision, the COI concludes that this case involved major violations of NCAA legislation. The institution and the former head coach committed major infractions when they improperly certified the eligibility of eight men's basketball student-athletes, including two student-athletes the former head coach knew were ineligible. This improper certification caused student-athletes to compete while academically ineligible and, in some instances, receive impermissible expenses associated with competition. The former head coach also failed his head coach responsibilities and engaged in unethical conduct when he knowingly certified ineligible student-athletes and when he provided false or misleading information to the institution and the enforcement staff.

In prescribing the penalties, the COI considered the institution's cooperation in the processing of this case. Bylaws 19.01.3 and 32.1.3 address cooperation during the infractions process. The COI concludes that the cooperation exhibited by the institution was consistent with its obligation under the bylaws.

The institution proposed a "forfeiture" of contests in which ineligible student-athletes competed, but suggested no additional penalties. It argued against probation even though the case included a failure to monitor. The COI notes that virtually all Division III infractions cases that involved either a lack of institutional control or a failure to monitor included a period of probation. The COI decides that probation is appropriate in this case. See *Kalamazoo College* (2016) (concluding that the institution failed to monitor its awarding of financial aid, resulting in three years of probation); *Rose-Hulman Institute of Technology* (2015) (concluding that the institution

failed to educate its admissions and financial aid personnel, causing a failure to monitor the institution's financial aid packaging and resulting in two years of probation); *Emory & Henry College* (2015) (concluding that the institution failed to monitor when it did not detect rules violations and educate representatives of the institution's athletics interests and staff members with respect to the establishment and awarding of scholarships, resulting in two years of probation); *University of Wisconsin, Superior* (2014) (concluding that the institution failed to monitor when it did not educate personnel involved in creating and administering the university's scholarship foundation, which triggered financial aid violations that resulted in two years of probation.); and *Dennison University* (2014) (concluding that the institution failed to monitor the composition of financial aid packages awarded to student-athletes and adequately educate its admissions and financial aid personnel concerning NCAA financial aid regulations, resulting in two years of probation).

Finally, the institution participated in the 2014 Division III NCAA Men's Basketball championship. Bylaw 31.2.2.4 gives the COI added authority to prescribe a financial penalty when an ineligible student-athlete participated in championship competition and the institution knew of the ineligibility, as was demonstrated in this case. The institution agreed that Bylaw 31.2.2.4 applied. Therefore, the COI determines that a financial penalty is warranted.

The COI prescribes the following penalties. The institution's corrective actions are contained in Appendix One.

Penalties, Disciplinary Measures and Corrective Actions (NCAA Bylaw 19.5.2)

1. Public reprimand and censure.
2. Two years of probation from May 19, 2017, through May 18, 2019.⁵
3. Pursuant to Bylaw 31.2.2.4, the institution shall pay a \$4,000 fine.
4. Due to improper certification of eligibility, eight student-athletes competed while academically ineligible. Therefore, pursuant to Bylaws 19.5.2-(g) and 31.2.2.3, the institution shall vacate all contests in which the eight ineligible student-athletes participated. This order of vacation includes all regular season competition, conference tournaments and any postseason competition. The institution shall also vacate the individual records of the ineligible student-athletes for those contests in which they competed while ineligible. Further, the record of the former head coach will reflect the vacated records and will be recorded in all publications in which these records are reported, including, but not limited to, institutional media guides, recruiting material, electronic and digital media plus institutional, conference and NCAA archives. Any institution that may subsequently hire the former head coach shall similarly reflect the vacated wins in their career records documented in media guides and other publications

⁵ Probationary periods always commence with the release of the infractions decision.

cited above. The former head coach 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 these vacated contests shall be removed from athletics department stationery, banners displayed in public areas and any other forum in which they may appear. The institution shall return to the NCAA any individual or team awards presented by the Association, if applicable.⁶

5. Each of the following staff members shall attend an NCAA Regional Rules Seminar at least once during the period of probation: the director of athletics, the athletics department's chief compliance administrator and the staff member to whom the director of athletics reports. Information presented at the seminars shall be shared broadly both within the athletics department and with other campus offices and staff that interact with athletics.
6. The former head coach improperly and knowingly certified the eligibility of two men's basketball student-athletes. This improper certification caused the student-athletes to compete while academically ineligible and receive impermissible expenses associated with competition. The former head coach also failed his head coach responsibilities and engaged in unethical conduct when he knowingly certified the ineligible student-athletes and when he provided false or misleading information to the institution and the enforcement staff.

Therefore, pursuant to Bylaw 19.5.2.2, the COI prescribes a three-year show-cause order for the former head coach. The show-cause period shall run from May 19, 2017, through May 18, 2020. Should the former head coach become employed at a member institution during the term the show cause is in effect, within 30 days of the former head coach's hiring, that employing institution shall contact the Office of the Committees on Infractions (OCOI) to make arrangements to show cause why restrictions on his athletically related duties should not apply.

In the past, the committee has prescribed show-cause orders for coaches who have knowingly allowed ineligible student-athletes to compete. *See Lincoln (PA)*, (concluding, among other violations, that the head track coach allowed three student-athletes to compete who he knew were ineligible). In *Lincoln (PA)*, the committee prescribed a three-year show cause order for the former head track coach; and *Southern Vermont* (concluding, among other violations, that the head women's rugby coach knowingly allowed two student-athlete to compete while ineligible). In *Southern Vermont*, the committee prescribed a four-year show-cause order for the former head women's rugby coach's conduct.

7. During this period of probation, the institution shall:

⁶ The institution proposed a "forfeiture" of contests in which ineligible student-athletes participated. For statistical purposes, the NCAA considers these contests to be vacated, i.e. stricken from the record as noted in Penalty No. 4.

- a. Develop or continue to develop and implement a comprehensive educational program on NCAA legislation to instruct coaches, the faculty athletics representative, all athletics department personnel and all institution staff members with responsibility for the eligibility certification of student-athletes;
 - b. Submit a preliminary report to the OCOI by July 1, 2017, setting forth a schedule for establishing this compliance and educational program;
 - c. File with the OCOI annual compliance reports indicating the progress made with this program by April 15 of each year during the two-year probationary period. The reports shall emphasize adherence to NCAA eligibility legislation and the steps taken to ensure that the college properly certifies student-athletes for competition. The report shall also contain documentation of the institution's compliance educational efforts. Finally, the reports must include documentation proving fulfillment of the penalties adopted and prescribed by the committee;
 - d. Inform prospective student-athletes in men's basketball that the institution is on probation for two years and explain the violations committed. The information must be provided in writing and for the full term of probation. The institution must provide this information as soon as practicable after the prospective student-athlete is recruited pursuant to Bylaw 13.02.8 and, in all instances, before the prospective student-athlete signs a financial aid agreement or initially enrolls at the institution, whichever is earlier; and
 - e. Publicize specific and understandable information concerning the nature of the infractions by providing, in a conspicuous location on the athletic department's main (or "landing") webpage, a statement summarizing the violations and a link to the public infractions decision. The information shall also be included in institutional media guides (if published in paper or digital form) and in an alumni publication. The institution's statement must clearly describe the infractions case and the associated penalties. A statement that refers only to the probationary period with nothing more is not sufficient. A copy of the pages from media guides, alumni publication and information provided in recruiting material shall be included in the annual compliance report.
8. At the conclusion of the probationary period, the institution's president shall provide a letter to the Committee on Infractions affirming that the institution's current athletics policies and practices conform to all requirements of NCAA regulations.
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As required by NCAA legislation for any institution involved in a major infractions case, York College shall be subject to the provisions of Bylaw 19.5.2.3, concerning repeat violators, for a five-year period beginning on the effective date of the penalties in this case, May 19, 2017.

NCAA COMMITTEE ON INFRACTIONS

Amy Hackett, chair

Effel Harper

Brian Halloran

Nancy Meyer

Gerald Young

APPENDIX ONE

THE INSTITUTION'S CORRECTIVE ACTIONS

1. On April 23, 2015, the former head coach was removed from his position. After the investigation was completed, on November 20, 2015, the institution moved to terminate him. Disciplinary charges were filed and the matter is now pending in arbitration.
2. The position of athletic director will no longer also hold a coaching position in order to prevent any future conflicts of interest.
3. Effective August 2015, the institution implemented an institution-wide policy limiting full-time employees from engaging in non-teaching adjunct work within the same department that they hold full-time positions, without prior approval of the executive director of human resources. This policy prevents a head coach from serving in any other role in the department, including compliance.
4. In fall, 2015, the institution's student information system (CUNYfirst) was modified so that the institution's coaches and compliance team will receive automated updates when an individual drops below 12 enrolled credits or their GPA drops below a 2.0. CUNYAC now requires each member college to submit, monthly, a list of student-athletes who are participating, their GPA and number of enrolled credits.
5. Effective December 2015, the institution created the Intercollegiate Compliance Committee. The committee consists of members of the registrar's office, business office, financial aid and full-time members of the department. The committee's goal is to enhance compliance in the department by means of communication between the departments and providing the departments with compliance education workshops
6. Effective December 17, 2015, the athletics department no longer reports to the chair of the department of health and physical education and gerontological studies. Instead, the department now reports to the vice president of the division of student development. This change separated athletics from the academic department and as a result, there is a clearer distinction between academics and recreational activities.
7. In September 2016, the institution, in its commitment to ensuring a higher degree of compliance education, retained an outside consultant to provide additional compliance education and training for the compliance administrator and the department staff. The institution has also begun the process of utilizing NCAA's Compliance Assistant to ensure compliance not only in academics, but in the areas of financial aid, recruiting and eligibility.

APPENDIX TWO

Bylaw Citations

Division III 2011-12 Manual

14.01.1 Institutional Responsibility. An institution shall not permit a student-athlete to represent it in intercollegiate athletics competition unless the student-athlete meets all applicable eligibility requirements and the institution has certified the student-athlete's eligibility. Violations of this bylaw in which the institution fails to certify the student-athlete's eligibility before allowing the student-athlete to represent the institution in intercollegiate competition shall be considered an institutional violation per Constitution 2.8.1; however, such violations shall not affect the student-athlete's eligibility, provided all the necessary information to certify the student-athlete's eligibility was available to the institution and the student-athlete would have been otherwise eligible for competition.

14.01.2 Academic Status. To be eligible to represent an institution in intercollegiate athletics competition, a student-athlete shall be enrolled in at least a minimum full-time program of studies, be in good academic standing and maintain satisfactory progress toward a baccalaureate or equivalent degree. A student-athlete enrolled in a two-year degree program shall be eligible only if that student-athlete was admitted to the institution under the same standards as four-year degree-seeking students and if the two-year degree program is not a terminal program. A waiver of the minimum full-time enrollment requirement may be granted for a student enrolled in the final term of the baccalaureate program (see Bylaw 14.1.8.1.6.3). Also, a student may represent the institution while enrolled as a graduate or professional student or while enrolled and seeking a second baccalaureate degree at the same institution (see Bylaw 14.1.9).

14.01.3 Compliance with Other NCAA and Conference Legislation. To be eligible to represent an institution in intercollegiate athletics competition, a student-athlete shall be in compliance with all applicable provisions of the constitution and bylaws of the Association and all rules and regulations of the institution. A student-athlete's violation of a conference rule does not affect the student-athlete's eligibility; however, the violation shall be considered an institutional violation per Constitution 2.8.1. Specific attention is called to legislation affecting eligibility in the following areas.

14.1.1 Postseason and Regular-Season Competition. To be eligible for regular-season competition and NCAA championships, the student-athlete shall meet all applicable NCAA and Division III eligibility requirements.

14.1.8.1 Requirement for Practice or Competition. To be eligible for practice or competition, a student-athlete shall be enrolled in at least a minimum full-time program of studies leading to a baccalaureate or equivalent degree as defined by the institution. For purposes of this bylaw and its subsections, to be eligible for competition, a student-athlete shall be enrolled in not less

than 12-semester or quarter hours, regardless of the institution's definition of minimum full-time program of studies. For practice only, a violation of this bylaw shall be considered an institutional violation per Constitution 2.8.1; however, it shall not affect the student-athlete's eligibility.

14.9.1 Obligation of Member Institution to Withhold Student-Athlete from Competition. If a student-athlete is ineligible under the provisions of the constitution, bylaws or other regulations of the Association, the institution shall be obligated to apply immediately the applicable rule and to withhold the student-athlete from all intercollegiate competition. The institution may appeal to the Committee on Student-Athlete.

16.8.1.2 Competition While Representing Institution. An institution may provide actual and necessary travel expenses (e.g., transportation, lodging and meals) for a student-athlete to represent the institution in competition, provided the student-athlete is eligible for intercollegiate competition.

Division III 2012-13 Manual

14.01.1 Institutional Responsibility. An institution shall not permit a student-athlete to represent it in intercollegiate athletics competition unless the student-athlete meets all applicable eligibility requirements and the institution has certified the student-athlete's eligibility. Violations of this bylaw in which the institution fails to certify the student-athlete's eligibility before allowing the student-athlete to represent the institution in intercollegiate competition shall be considered an institutional violation per Constitution 2.8.1; however, such violations shall not affect the student-athlete's eligibility, provided all the necessary information to certify the student-athlete's eligibility was available to the institution and the student-athlete would have been otherwise eligible for competition.

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not affect the student-athlete's eligibility; however, the violation shall be considered an institutional violation per Constitution 2.8.1. Specific attention is called to legislation affecting eligibility in the following areas.

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16.8.1.2 Competition While Representing Institution. An institution may provide actual and necessary travel expenses (e.g., transportation, lodging and meals) for a student-athlete to represent the institution in competition, provided the student-athlete is eligible for intercollegiate competition.

Division III 2013-14 Manual

2.8.1 Responsibility of Institution. Each institution shall comply with all applicable rules and regulations of the Association in the conduct of its intercollegiate athletics programs. It shall monitor its programs to assure compliance and to identify and report to the Association instances in which compliance has not been achieved. In any such instance, the institution shall cooperate fully with the Association and shall take appropriate corrective actions. Members of an institution's staff, student-athletes, and other individuals and groups representing the institution's athletics interests shall comply with the applicable Association rules, and the member institution shall be responsible for such compliance.

10.01.1 Honesty and Sportsmanship. Individuals employed by (or associated with) a member institution to administer, conduct or coach intercollegiate athletics and all participating student-athletes shall act with honesty and sportsmanship at all times so that intercollegiate athletics as a

whole, their institutions and they, as individuals, shall represent the honor and dignity of fair play and the generally recognized high standards associated with wholesome competitive sports.

10.1 Unethical Conduct.

Unethical conduct by a prospective or enrolled student-athlete or a current or former institutional staff member, which includes any individual who performs work for the institution or the athletics department even if he or she does not receive compensation for such work, may include, but is not limited to, the following:

- (d) Knowingly furnishing or knowingly influencing others to furnish the NCAA or the individual's institution false or misleading information concerning an individual's involvement in or knowledge of matters relevant to a possible violation of an NCAA regulation;

11.1.2.1 Responsibility of Head Coach. It shall be the responsibility of an institution's head coach to promote an atmosphere for compliance within the program supervised by the coach and to monitor the activities regarding compliance of all assistant coaches and other administrators involved with the program who report directly or indirectly to the coach.

14.01.1 Institutional Responsibility. An institution shall not permit a student-athlete to represent it in intercollegiate athletics competition unless the student-athlete meets all applicable eligibility requirements and the institution has certified the student-athlete's eligibility. Violations of this bylaw in which the institution fails to certify the student-athlete's eligibility before allowing the student-athlete to represent the institution in intercollegiate competition shall be considered an institutional violation per Constitution 2.8.1; however, such violations shall not affect the student-athlete's eligibility, provided all the necessary information to certify the student-athlete's eligibility was available to the institution and the student-athlete would have been otherwise eligible for competition.

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14.01.3 Compliance with Other NCAA and Conference Legislation. To be eligible to represent an institution in intercollegiate athletics competition, a student-athlete shall be in compliance with all applicable provisions of the constitution and bylaws of the Association and

all rules and regulations of the institution. A student-athlete's violation of a conference rule does not affect the student-athlete's eligibility; however, the violation shall be considered an institutional violation per Constitution 2.8.1. Specific attention is called to legislation affecting eligibility in the following areas.

14.1.1 Postseason and Regular-Season Competition. To be eligible for regular-season competition and NCAA championships, the student-athlete shall meet all applicable NCAA and Division III eligibility requirements.

14.1.8.1 Requirement for Practice or Competition. To be eligible for practice or competition, a student-athlete shall be enrolled in at least a minimum full-time program of studies leading to a baccalaureate or equivalent degree as defined by the institution. For purposes of this bylaw and its subsections, to be eligible for competition, a student-athlete shall be enrolled in not less than 12-semester or quarter hours, regardless of the institution's definition of minimum full-time program of studies. For practice only, a violation of this bylaw shall be considered an institutional violation per Constitution 2.8.1; however, it shall not affect the student-athlete's eligibility.

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16.8.1.2 Competition While Representing Institution. An institution may provide actual and necessary travel expenses (e.g., transportation, lodging and meals) to a student-athlete who is eligible for intercollegiate competition, provided the student-athlete departs for the competition not earlier than 48 hours before the start of the actual competition and remains not more than 36 hours following the conclusion of the actual competition even if the student-athlete does not return with the team.

Division III 2014-15 Manual

14.01.1 Institutional Responsibility. An institution shall not permit a student-athlete to represent it in intercollegiate athletics competition unless the student-athlete meets all applicable eligibility requirements and the institution has certified the student-athlete's eligibility. Violations of this bylaw in which the institution fails to certify the student-athlete's eligibility before allowing the student-athlete to represent the institution in intercollegiate competition shall be considered an institutional violation per Constitution 2.8.1; however, such violations shall not affect the student-athlete's eligibility, provided all the necessary information to certify

the student-athlete's eligibility was available to the institution and the student-athlete would have been otherwise eligible for competition.

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Division III 2015-16 Manual

2.8.1 Responsibility of Institution. Each institution shall comply with all applicable rules and regulations of the Association in the conduct of its intercollegiate athletics programs. It shall monitor its programs to assure compliance and to identify and report to the Association instances in which compliance has not been achieved. In any such instance, the institution shall cooperate fully with the Association and shall take appropriate corrective actions. Members of an institution's staff, student-athletes, and other individuals and groups representing the institution's athletics interests shall comply with the applicable Association rules, and the member institution shall be responsible for such compliance.

10.01.1 Honesty and Sportsmanship. Individuals employed by (or associated with) a member institution to administer, conduct or coach intercollegiate athletics and all participating student-athletes shall act with honesty and sportsmanship at all times so that intercollegiate athletics as a whole, their institutions and they, as individuals, shall represent the honor and dignity of fair play and the generally recognized high standards associated with wholesome competitive sports.

10.1 Unethical Conduct. Unethical conduct by a prospective or enrolled student-athlete or a current or former institutional staff member, which includes any individual who performs work for the institution or the athletics department even if he or she does not receive compensation for such work, may include, but is not limited to, the following:

- (d) Knowing furnishing or knowingly influencing others to furnish the NCAA or the individual's institution false or misleading information concerning an individual's involvement in or knowledge of matters relevant to a possible violation of an NCAA regulation.

11.1.2.1 Responsibility of Head Coach. It shall be the responsibility of an institution's head coach to promote an atmosphere for compliance within the program supervised by the coach and to monitor the activities regarding compliance of all assistant coaches and other administrators involved with the program who report directly or indirectly to the coach.

14.9.1 Obligation of Member Institution to Withhold Student-Athlete from Competition. If a student-athlete is ineligible under the provisions of the constitution, bylaws or other regulations of the Association, the institution shall be obligated to apply immediately the applicable rule and to withhold the student-athlete from all intercollegiate competition. The institution may appeal to

the Committee on Student-Athlete Reinstatement for restoration of the student-athlete's eligibility as provided in Bylaw 14.11 if it concludes that the circumstances warrant restoration.

31.2.2.4 Institutional Penalty for Ineligible Participation. When an ineligible student-athlete participates in an NCAA championship and the student-athlete or the institution knew or had reason to know of the ineligibility, the Committee on Infractions may prescribe a financial penalty.