



**ROSE-HULMAN INSTITUTE OF TECHNOLOGY**  
**PUBLIC INFRACTIONS DECISION**  
**December 22, 2015**

**I. INTRODUCTION**

The NCAA Division III Committee on Infractions is an independent administrative body of the NCAA comprised of individuals from the Division III membership and the public. The committee decides infractions cases involving member institutions and their staffs. On October 22, 2015, officials from Rose-Hulman Institute of Technology appeared at a hearing before the committee to address allegations of major violations in its athletics program. This case involved impermissible financial aid packaging for numerous student-athletes at Rose-Hulman Institute of Technology.<sup>1</sup> The institution acknowledged it provided impermissible financial aid to several student-athletes. The institution also acknowledged it failed to monitor and adequately educate its staff about NCAA rules. As a result, 13 student-athletes received a sum of \$38,993 in impermissible financial aid. Due to the duration of the impermissible financial aid, the number of student-athletes affected and the amount of excess financial aid involved, the committee concludes the violation was major. Similarly, the committee concludes the institution committed a major violation by failing to monitor and educate its staff on NCAA rules. Additionally, during the course of the hearing, the committee concluded that the institution committed a separate secondary violation when it provided an extra benefit to three student-athletes through an unwritten post-enrollment appeals process that restored previously disallowed financial aid.<sup>2</sup>

In light of the major infractions as set forth in this decision, the committee prescribes the following principal penalties: two years of probation, a Level II Review by the NCAA Division III Financial Aid Committee, as well as other appropriate penalties as detailed in the penalty section of this decision.

**II. CASE HISTORY**

This case began in 2013 after the NCAA reviewed the institution's financial aid practices. Pursuant to the NCAA Division III financial aid reporting program, the institution submitted its financial aid report for the 2012-13 academic year to the NCAA Division

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<sup>1</sup> A member of the Heartland Collegiate Athletic Conference, Rose-Hulman Institute of Technology has an enrollment of approximately 2,400 students. It sponsors nine women's and nine men's sports. The institution had no previous infractions history.

<sup>2</sup> The secondary infraction is set forth in Section V of this decision.

III Financial Aid Committee (Financial Aid Committee) on September 17, 2013. On November 25, 2013, the Financial Aid Committee requested the institution submit documentation justifying the previously reported data. The institution provided a written response to the Financial Aid Committee's request on January 24, 2014. On March 7, 2014, the Financial Aid Committee informed the institution that it had concluded the institution was in violation of NCAA Bylaw 15.4.1 and then referred the matter to the NCAA enforcement staff. Shortly thereafter, the enforcement staff and the institution began a cooperative inquiry into the violation.

The enforcement staff provided the institution with a notice of inquiry on August 20, 2014, and proposed findings on September 18, 2014. The parties initially processed the case through the summary disposition process. On January 20, 2015, the parties submitted a summary disposition report (SDR) to the NCAA Division III Committee on Infractions (committee). On April 15, 2015, the committee requested further information regarding whether the institution followed its established policies and procedures when it provided student-athletes with a post-enrollment appeals process to reconsider pre-enrollment criteria for financial aid. The institution responded to the committee's request on April 16, 2015, indicating that it had followed its established policies and procedures. On April 30, 2015, the committee requested further information about whether the institution may have afforded an extra benefit to three student-athletes that was not generally available to non-athlete students. The institution had adjusted the pre-enrollment (high school) extracurricular information supplied by the three student-athletes after the institution had provided an undocumented post-enrollment financial aid appeals process to them. The institution responded to this request on May 21, 2015, indicating that it did not afford an extra benefit to three student-athletes who took advantage of the post-enrollment appeals process.

On June 4, 2015, the committee rejected the SDR. On the same date, the committee also informed both the institution and the enforcement staff that, in addition to the two allegations contained in the SDR, the committee would address the institution's undocumented post-enrollment appeals process at the hearing. On June 9, 2015, the enforcement staff issued its notice of allegations (NOA) to the institution. The institution timely submitted its response to the NOA on August 20, 2015. While the notice of allegations did not specifically address the institution's undocumented appeal process, the institution did address the issue in its response to the NOA. The enforcement staff conducted a prehearing conference with the institution on September 11, 2015. The enforcement staff submitted its case summary on September 14, 2015. The case summary did address the institution's undocumented appeal process. The committee held a hearing in the case on October 22, 2015.

### **III. FINDINGS OF FACT**

#### **The Institution's Financial Aid Awarding Process**

In 2013 and 2014, the Financial Aid Committee discovered issues in the institution's financial aid awarding process through a financial aid report review. The institution acknowledged at all stages of the case that it failed to exclude high school athletics participation in its awarding of financial aid to student-athletes.<sup>3</sup> The institution used a Regimen Matrix Program (RMP) for calculating financial aid awards. The institution developed RMP in 2007 to consistently and fairly calculate financial aid packages based on financial need and pre-enrollment accomplishments. The institution's athletics department and personnel was not involved in the RMP process and no athletics staff ever provided input into the RMP. The institution intentionally excluded the athletics department from the RMP process because the institution wanted to maintain a level playing field for financial aid awards to student-athletes and non-athlete students. By maintaining a wall between the athletics department and the financial aid award process, the institution sought to ensure that athletics personnel did not influence financial aid awards to student-athletes. There was no intent by the institution to circumvent or otherwise violate NCAA rules. The institution mistakenly believed that its financial aid process complied with the Division III philosophy and NCAA bylaws. Nonetheless, the institution acknowledged that it failed to exclude previous athletics participation in the formulation of financial aid packaging.

The RMP assessed a financial aid applicant's "need rank" and "academic rank." When calculating the need rank, the RMP slotted applicants into one of six groups based on familial contribution from the Free Application for Federal Student Aid (FAFSA) information. "1" was the least need and "6" was the most need. Similarly, when calculating the academic rank, the RMP slotted applicants into one of six groups. For the groups, "1" was the strongest academic qualification and "6" was the weakest. The institution's admissions office provided to the financial aid office the academic rank information. This information included the admissions' office scoring of applicants based on factors such as grade-point average (GPA), class rank, standardized test scores, strength of high school and overall academic curriculum, extracurricular activities and leadership, including athletics participation. The overwhelming majority of an applicant's academic rank was based upon GPA, class rank, standardized test scores, and quality of curriculum. Under the RMP, the institution utilized extracurricular activities

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<sup>3</sup> The institution acknowledged in its response to the NOA and at the hearing that it failed to exclude athletics participation in its financial aid awards to student-athletes from the 2010-11 academic year through the 2014-15 academic year. The SDR defined the period of allegations to include the 2013-14 and 2014-15 academic years as well. However, the NOA removed those two years from the period of allegations. Based on the institution's acknowledgement at the hearing and in its written submissions, the committee finds the institution failed to exclude athletics participation in its financial aid packing through the 2013-14 and 2014-15 academic years.

and leadership potential for only about four percent of the academic rank. The institution used a particular method to determine an applicant's extracurricular activity score and leadership potential score.

The admissions staff used a method that counted each applicant's extracurricular activities, up to 10 per applicant. Admissions provided a score to the financial aid office. No type of extracurricular activity counted more than any other. Thus, an athletic extracurricular activity counted the same as a participation in any other similar non-athletic activity. Similarly, the admissions staff also provided to the financial aid office an applicant's leadership score based upon the admissions office's activity-neutral assessment of the applicant. The financial aid staff then inputted the extracurricular and leadership scores into the RMP to derive a financial aid award. The financial aid staff did not have any knowledge of the activities that the RMP used to calculate the academic rank. Thus, financial aid did not know whether a particular applicant participated in high school athletics or intended to participate in athletics at the institution. However, the institution acknowledged there were multiple instances in the 2010-11 through 2014-15 academic years when it failed to exclude a student-athlete's high school athletics participation from the RMP academic rank calculation. As a result, the institution admitted in its response to the NOA and at the hearing, that 13 student-athletes in multiple sports received \$38,933 in financial aid that would not have been awarded had the institution not included the student-athletes' high school athletics participation prior to the RMP academic rank calculation.

#### *The Institution's Post-enrollment Financial Aid Appeals Process*

After the institution became aware of the issues in its financial aid packaging, it identified four student-athletes whom received excess financial aid because the institution factored athletics participation into their financial aid. In December 2014, the institution notified the four student-athletes that they would need to meet with the assistant vice president for enrollment management to discuss their financial aid. During those meetings, the institution informed the student-athletes of the institution's mistake in the RMP process that resulted in them receiving improper financial aid. The institution presented the student-athletes with the choice of forfeiting their excess financial aid and continuing athletics participation or retaining their current financial aid levels and ceasing athletics participation. One student-athlete agreed to cease athletics participation. The other three decided to give up their excess financial aid and continue athletics participation. Each of these three student-athletes asked what they could do to restore their previous levels of financial aid. The institution provided to each student an expedited appeal process.

The institution failed to apply a documented or formally memorialized appeal process when it provided appeals to the three student-athletes who chose to appeal. The appeal process required the student-athletes to submit a written appeal request to the institution's

standing Financial Aid Appeal Committee, composed of three institutional staff members. Each of the three student-athletes submitted written requests for appeals and also submitted additional information relevant to the calculation of their academic rank in the RMP process. In the appeals process, the institution's financial aid appeals committee only considered relevant pre-enrollment extracurricular information that did not include athletics participation. In January 2015 the financial aid appeals committee considered the additional information supplied by the student-athletes. The institution restored the three student-athletes' previous levels of financial aid because the additional information, not including athletics participation, moved them into a different academic rank. The institution did not make the post-enrollment appeal process available to all students. The process was an informal custom or practice of the financial aid office staff. It was not generally known around campus. In fact, the institution admitted that prior to the appeals of the three student-athletes in this matter; it had never conducted a post-enrollment appeal of the academic rank. Indeed, those appeals had always occurred pre-enrollment when a prospective student-athlete had received an initial financial aid award amount. The institution admitted that the mid-year timing of the appeals was unique, but the discovery of NCAA violations in its financial aid packaging necessitated the timing. However, the institution did not seek to consult with its conference office or the NCAA prior to providing this unique post-enrollment appeal process to the three student-athletes. Consultation would have ensured that the process was consistent with NCAA legislation.

#### **The Institution's Monitoring of the Financial Aid Process and Education of Admissions and Financial Aid Personnel**

The institution agreed that it failed to monitor and sufficiently educate its admissions and financial aid staff to ensure compliance with NCAA legislation regarding financial aid packaging for student-athletes. At the hearing, the institution similarly acknowledged and the committee agrees that the violation resulted from a misguided attempt to create a wall between financial aid and athletics, but there was no intent to purposely violate NCAA rules. The enforcement staff agreed with the institution that there was no intent to flout NCAA financial aid rules. The athletics department was not involved in the financial aid packaging of student-athletes. In fact, at the hearing, the institution disclosed that athletics staff was so "afraid" to be involved in financial aid issues and they were "warned off" from involving themselves in financial aid that some of the athletics coaches did not even know what the institution's RMP acronym meant. The institution admitted that this led to a "blind spot" in the financial aid process where some institutional staff members knew about the financial aid process but little or nothing about NCAA rules. Others knew NCAA rules but little or nothing about the financial aid process. The financial aid office and the athletics office did not communicate about student-athlete financial aid packaging. Moreover, the institution failed to seek any guidance from its conference office with respect to relevant NCAA legislation and its application.

#### IV. ANALYSIS

The major violations in this case involved two areas: (A) financial aid packaging by institutional staff that included previous athletics participation on prospective student-athletes' admissions applications and (B) the institution's failure to monitor the financial aid award process and to educate institutional staff on applicable NCAA legislation. The enforcement staff and the institution agreed that institutional staff failed to remove previous athletics participation from prospective student-athletes' financial aid packaging. The parties also agreed the institution failed to monitor the financial aid award process or educate its admissions and financial aid personnel. Both parties agreed the violations were major. The committee concludes that the facts constitute major violations of NCAA legislation.

A. **THE INSTITUTION FAILED TO EXCLUDE PREVIOUS ATHLETICS PARTICIPATION FROM THE FINANCIAL AID AWARD PROCESS. [NCAA Division III Manual Bylaws 15.4.1-(a) and 15.4.6 (2010-11 through 2014-15)]**

Over a period of five academic years, the institution failed to exclude the admission office's consideration of previous athletics participation or performance before review of prospective student-athletes' financial aid packaging. The enforcement staff and the institution substantially agreed on the facts and that the violation occurred. The committee concludes that a major violation occurred.

1. **NCAA legislation regarding financial aid packaging.**

**15.4.1 Consistent Financial Aid Package.** The composition of the financial aid package offered to a student-athlete shall be consistent with the established policy of the institution's financial aid office, regular institutional agency, office or committee for all students and shall meet the following criteria:

(a) A member institution shall not consider athletics leadership, ability, participation or performance as a criterion in the formulation of the financial aid package . . . .

**15.4.6 Matrix-Rating System.** In instances in which admissions officers use a matrix-rating system where, as part of the admissions process, any consideration of athletics leadership, ability, participation or performance is used in the matrix, such consideration must be excluded before review of the student-athlete's application for financial aid.

2. **During the 2010-11 through 2014-15 academic years, the institution failed to exclude consideration of athletics participation in its financial aid packaging resulting in 13 student-athletes in multiple sports receiving \$38,933 in impermissible financial aid.**

The institution violated NCAA financial aid legislation when it failed to exclude consideration of athletics participation in the financial aid packaging of 13 student-athletes in multiple sports. The failure to exclude athletics participation in its RMP system resulted in these student-athletes receiving a total of \$38,993 in impermissible financial aid. Both the institution and the enforcement staff substantially agreed that the violation was major.

NCAA Bylaw 15.4.1 generally requires member institutions to offer student-athletes consistent financial aid packaging that complies with the institution's established policy for all students. NCAA Bylaw 15.4.1(a) specifically prohibits member institutions from considering athletics ability, participation or performance as a permissible criterion in the formulation of financial aid packages. Similarly, NCAA Bylaw 15.4.6 requires member institutions that utilize a RMP system to exclude athletics ability, leadership, participation or performance before any review of a student-athlete's financial aid.

In this case, the institution admitted in its written response to the NOA and at the hearing that it failed to exclude athletics participation from its RMP calculations for 13 student-athletes' financial aid packages over a period of five academic years. The flawed RMP calculations resulted in \$38,993 in impermissible financial aid to student-athletes. The committee concludes the institution committed a major violation when it failed to exclude athletics participation from its financial aid packaging. While the institution's violation of NCAA financial aid legislation was certainly not intentional, it was nonetheless preventable. One of the reasons this violation could have been prevented is because the committee has issued several decisions in cases over the past several years involving these kinds of violations. The institution could have taken note of the mistakes of other institutions in past cases and benefitted by putting policies and procedures in place to detect and prevent such violations. Also, the institution could have consulted with its conference office or the NCAA on whether its financial aid packaging complied with NCAA rules.

Moreover, the committee is concerned that member institutions continue to have these kinds of financial aid violations. The committee has considered violations of NCAA Bylaw 15.4.1 on several occasions over

the past several years and given extensive guidance on how such violations can be prevented and the committee's diminishing tolerance for such violations. The committee has cautioned institutions that it will consider a full range of penalties when such violations occur. For example, in the case of *University of Wisconsin, La Crosse* (2012), the committee expressed its concern with the prevalence of NCAA Bylaw 15.4.1 financial aid violations:

This case is another in a series of situations involving financial aid violations by member institutions. The cases have been referred to this committee for approximately the past three years and have involved failures to comply with various sections of NCAA Bylaw 15.4, particularly 15.4.1 (a), (b), (c) and (d). Since January 2010 the committee has been placing offending institutions on probation and publishing infractions decisions detailing the violations. There has been ample opportunity for all Division III members to take heed of our reports, review their methods of awarding financial aid and ensure they are in compliance with all applicable NCAA legislation. All member institutions are admonished that, from this point forward, this committee will consider a full range of penalties when these cases are brought before us.

In addition to *Wisconsin, LaCrosse*, other more recent cases have discussed violations of NCAA Bylaw 15.4.1. *See, e.g., Baldwin Wallace* (2014) (failing to exclude athletics consideration from financial aid packages of 63 student-athletes over four academic years totaling \$107,156 in impermissible financial aid); and *Denison* (2014) (failing to exclude athletics consideration from financial aid packages of 24 student-athletes over five academic years and impermissible financial aid ranging from \$1,443 to \$9,000 per year).

These cases have placed member institutions on notice for years that such violations are preventable and unacceptable. The committee cautions again all member institutions that violations of NCAA Bylaw 15.4.1 strike at the heart of the Division III philosophy. The committee will continue to conclude that similar conduct constitutes major violations. For the foregoing reasons, the committee concludes the facts found constitute a major violation of NCAA legislation.

**B. THE INSTITUTION FAILED TO MONITOR ITS ADMISSIONS AND FINANCIAL AID STAFF. [NCAA Division III Manual Constitution 2.8.1 (2010-11 through 2014-15)]**

Over a period of five academic years, the institution failed to monitor its admissions and financial aid staff in the administration of calculating the financial aid packages of several student-athletes in multiple sports who received impermissible financial aid. As a result of the institution's failure to monitor and properly educate its staff, 13 student-athletes received \$38,993 in impermissible financial aid when athletics participation was not excluded from consideration of the affected student-athletes' financial aid packages. The enforcement staff and the institution substantially agreed on the facts and that the violation occurred. The committee concludes that a major violation occurred.

**1. NCAA Constitution regarding institutional responsibility.**

**2.8.1 Responsibility of Institution.** Each institution shall comply with all applicable rules and regulations of the Association in the conduct of 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.

**2. During the 2010-11 through 2014-15 academic years, the institution failed to monitor its RMP financial aid award process for compliance with NCAA legislation. In addition to failing to monitor its financial aid packaging, the institution failed to adequately educate its admissions and financial aid staff about pertinent NCAA legislation.**

The institution violated its obligations under NCAA Constitution 2.8.1 when it failed to properly educate its admissions and financial aid staff about pertinent NCAA legislation on financial aid packaging for student-athletes. Because the institution failed to adequately educate its admissions and financial aid staff, those personnel were unable to identify the failure to exclude athletics participation in the RMP process as an NCAA violation. In doing so, the institution failed to monitor its financial aid packaging.

NCAA Constitution 2.8.1 requires all member institutions to monitor their athletics programs. Member institutions must exclude athletics participation from financial aid packaging and must educate their staffs on NCAA rules compliance. Moreover, institutional staff must be able to identify and report instances in which rules compliance is not achieved.

Here, the institution initiated a RMP system in 2007 to assist it in formulating consistently-calculated financial aid packages for its students. While institutions are permitted to consider athletics leadership, participation or performance in admissions of student-athletes, they are prohibited from doing so when awarding financial aid. While the violations in this case resulted, in part, due to the institution's well-intended desire to establish a "wall" between admissions and financial aid and the athletics department, the committee advises against such artificial barriers. The committee recommends the better practice is to have a healthy and ongoing communication line between the various touch points on a campus to ensure NCAA rules compliance and be able to troubleshoot and identify potential issues or violations. Had the institution's admissions and financial aid staffs been educated about NCAA rules and in communication with the athletics staff about potential issues in financial packaging, the violations in this case may have been prevented or at least identified.

Conversely, had athletics staff been familiar with the institution's RMP process, they could have identified issues with their student-athletes financial aid packages that inadvertently considered athletics participation in the RMP process. NCAA legislation does not permit athletics staff to arrange or modify a student-athlete's financial aid package, serve on an institution's financial aid committee, or be involved in any manner in the review of institutional financial assistance to be awarded to a student-athlete. However, the prohibition does not and should not preclude an institution's admissions and financial aid office from appropriately communicating with athletics staff about compliance with relevant NCAA financial aid legislation. Institutions should encourage discussions among their various relevant departments regarding general financial aid policy. Such an approach is appropriate and advisable. The committee encourages such communication between units on campus as a best practice to ensure adherence to NCAA legislation.

Because relevant institutional staff did not receive NCAA rules education, they could not properly identify and report the NCAA rules violations in this case. The violations in this case were identified in 2014 only after a review by the Financial Aid Committee, which concluded the institution

was in violation of NCAA Bylaw 15.4.1 and the matter was referred to the enforcement staff. The committee encourages member institutions to make full use of the NCAA staff liaisons, conference offices, and the committee's infractions decisions as resources and guidance for how to properly administer their financial aid award process and properly educate and monitor institutional staff regarding NCAA rules education and compliance.

The institution admitted in its response to the NOA and at the hearing that it failed to provide its admissions and financial aid staffs NCAA rules education regarding financial aid issues. As a result, 13 student-athletes received \$38,993 in impermissible financial aid over a period of five academic years. When the institution failed to educate its staff about relevant NCAA legislation and its staff could not identify a NCAA violation because of the lack of education, it violated its obligations under NCAA Constitution 2.8.1. In recent cases, the committee has concluded institutions that have violated NCAA Bylaw 15.4.1 have also failed to monitor. *See, e.g., Baldwin Wallace (2014); Denison (2014); Wisconsin, River Falls (2014); and Wisconsin, La Crosse (2012).* Member institutions are on notice that these types of cases will be viewed closely by the committee for what steps the institution has taken to fulfill its obligations under NCAA Constitution 2.8.1 and relevant bylaws.

The committee concludes the facts found constitute major violations of NCAA legislation.

## **V. SECONDARY VIOLATION**

In accordance with its authority under NCAA Bylaws 19.4.3 and 19.02.2.1, the committee concludes the institution committed a secondary violation when it provided three enrolled student-athletes with an undocumented post-enrollment appeals process that resulted in the restoration of all of their financial aid after it had been reduced because of the institution's violations discussed in Section IV of this decision. The committee concludes that the institution provided these student-athletes with an impermissible extra benefit as defined in NCAA Bylaw 16.01.1. The institution provided three student-athletes with a post-enrollment appeal process that had never been used before and was not made generally available to all students. The committee concludes that the institution's violation was isolated and inadvertent and provided only minimal impermissible extra benefits to the affected student-athletes.

The committee strongly suggests that institutions have well-documented policies and procedures that are applicable to all students, and that those policies and procedures

should be regularly updated and made readily available to all students.<sup>4</sup> Finally, the committee cautions institutions that as they take steps to correct a rules violation, they should be mindful to do so in a manner that does not create an extra benefit for student-athletes. Depending on the specific facts of a case, such an extra benefit could implicate a major or a secondary violation.

## **VI. PENALTIES**

For the reasons set forth in Sections III and IV of this decision, the Committee on Infractions concluded that this case involved major violations of NCAA legislation. The institution committed major infractions when it awarded impermissible financial aid to 13 student-athletes and failed to educate and monitor its admissions and financial aid staffs about applicable NCAA legislation.<sup>5</sup> The institution also committed a secondary violation when it afforded three student-athletes a post-enrollment appeals process that was undocumented and unavailable to the rest of the student population.

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 concluded that the cooperation exhibited by the institution was consistent with its obligation under the bylaws.

The committee prescribed the following penalties. The institution's self-imposed penalties are specifically identified. The institution's corrective actions are contained in the Appendix.

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

1. Public reprimand and censure.

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<sup>4</sup> As a result of this infractions case the institution formally memorialized in writing its financial aid appeal process in spring 2015.

<sup>5</sup> As a result of the violations occurring the 2010-11 through 2014-15 academic years, the institution had one student-athlete compete as a freshman in the 2014 NCAA Division III Baseball postseason tournament. Historically, the committee would vacate all postseason wins. The committee also has the bylaw authority to vacate all wins by the institution in which ineligible student-athletes competed. However, the committee is unable to do so in this case. Due to noncontroversial legislation adopted by the Division III Management Council in June 2014, student-athletes who received impermissible financial aid, but were unaware that they received improper financial aid, were not deemed ineligible and would not need to seek reinstatement. Noncontroversial legislation is immediately effective after it is adopted. This case and three other infractions cases were pending at the time the legislation was adopted. The noncontroversial legislation was subsequently referred back to committee for a broader discussion at the NCAA Convention in January 2015. The result is the legislation was no longer effective as of January 17, 2015. However, the noncontroversial legislation applies to the institution and those involved in the three other pending infractions cases involving impermissible financial aid during the effective period. There was no indication that the baseball student-athlete in this case was aware that he had received impermissible financial aid. Therefore, the committee cannot vacate any postseason wins from the institution's 2013-14 NCAA Division III Baseball tournament appearance.

2. Two years of probation from December 22, 2015, through December 21 2017. (One year was proposed by the institution).<sup>6</sup>
3. During the period of probation, the institution shall request a Level II review from the NCAA Division III Committee on Financial Aid for any issues previously identified in that committee's 2015-16 review of the institution (institution imposed). The institution shall abide by any recommendations made by the reviewer.
4. The committee approves the institution's spring 2015 corrective action of an outside audit of its athletics policies and procedures and other related units on campus. The institution shall submit the results of its spring 2015 audit with its first annual compliance report. The institution shall also complete a supplemental outside audit of its financial aid policies and procedures with particular emphasis on its post-enrollment financial aid appeals processes. The supplemental audit shall also be submitted with its first annual compliance report.
5. During each year of the period of probation, at least one member of the institution's admissions, financial aid, and athletics staffs must attend at least one NCAA Regional Rules Seminar.
6. During 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 institutional staff members with responsibility for admissions and financial aid packaging;
  - b. Submit a preliminary report to the Office of the Committees on Infractions by February 1, 2016, setting forth a schedule for establishing this compliance and educational program;
  - c. File with the Office of the Committees on Infractions annual compliance reports indicating the progress made with the program by November 15 of each year during the period of probation. Particular emphasis should be placed on financial aid legislation and the institution's obligations under Constitution 2.8.1. These reports must include documentation of the institution's compliance with the penalties adopted and prescribed by the committee;

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<sup>6</sup> Institutions may propose probationary periods, but the authority to prescribe NCAA probation rests solely with the committee. Periods of probation always commence with the release of the infractions decision.

- d. Inform all prospective student-athletes in the affected sports (football, women's basketball, women's track and field, men's soccer, men's track and field, baseball) 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 NCAA 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 (institution imposed); and
  - e. For the full term of probation, publicize specific and understandable information concerning the nature of the infractions by providing, at a minimum, a statement including the types of violations and the affected sport programs and a direct, conspicuous link to the public infractions decision located on the athletic department's main webpage. The information shall also be included in the institution's media guide and in any alumni publication. The statement must: (i) clearly describe the infractions; (ii) include the length of probation associated with the major infractions case; and (iii) 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 (institution imposed).
7. 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.
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As required by NCAA legislation for any institution involved in a major infractions case, Rose-Hulman Institute of Technology shall be subject to the provisions of NCAA Bylaw 19.5.2.3, concerning repeat violators, for a five-year period beginning on the effective date of the penalties in this case December 22, 2015. Further, the committee advises the institution that it should take every precaution to ensure that it observes the terms of the penalties. 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 will cause the committee to consider extending the institution's probationary period, prescribing more severe penalties, or may result in additional allegations violations.

NCAA DIVISION III COMMITTEE ON INFRACTIONS

Amy Hackett, chair  
Tracey Hathaway  
Gerald Houlihan  
Gerald Young

## APPENDIX

### **CORRECTIVE ACTIONS AS IDENTIFIED IN THE INSTITUTION'S AUGUST 20, 2015, RESPONSE TO THE NOTICE OF ALLEGATIONS.**

1. Rose-Hulman corrected the financial aid process which violated NCAA Bylaws 15.4.1 and 15.4.6. The Institute no longer considers pre-enrollment athletics participation as part of the extracurricular activity or leadership components of applicants' admissions data. This ensures that the information transferred from the admissions office to the financial aid office for incorporation into the RMP complies with the relevant bylaws. This corrective action is effective for all applicants seeking admission to Rose-Hulman for the 2015-16 academic year.
2. For the 17 then-current Rose-Hulman student-athletes identified under the worst-case scenario analysis as receiving financial aid in excess of what could permissibly be awarded, Rose-Hulman performed case-by-case, line-by-line reviews of their admissions applications and then recomputed their RMP-based financial aid awards excluding high school athletics participation but continuing to include other extracurricular activities and leadership indicators. This detailed analysis identified four student-athletes whose high school athletics participation actually resulted in their receipt of greater financial aid than what was permissible. Rose-Hulman contacted these student-athletes, informed them about the violations which resulted in their placement in an incorrect RMP position and receipt of excess financial aid, and requested them to choose between forfeiting the excess financial aid or ceasing collegiate athletics participation at Rose-Hulman. One student-athlete chose to cease participating in athletics at the Institute. Three student-athletes forfeited their excess financial aid, but then appealed their placement in lower RMP positions and reductions in financial aid. The appeals occurred consistent with the Institute's established appeal process. The financial aid adjustment process and subsequent appeals occurred during December of 2014 and January of 2015.
3. In the spring of 2015, Rose-Hulman's athletics director and compliance coordinator attended a NCAA regional rules seminar.
4. In the spring of 2015, Rose-Hulman's athletics director and compliance coordinator began conducting a compliance-focused meeting to be attended by all head coaches, all full-time assistant coaches and athletics staff, a senior member of the admissions office staff, and a senior member of the financial aid office staff once each trimester.
5. In the spring of 2015, Rose-Hulman engaged a law firm with significant experience assisting NCAA institutions in rules compliance matters, to conduct a thorough NCAA rules compliance review of the Institute's athletics program and related administrative divisions (e.g., admissions office, financial aid office, registrar's office).

6. In the spring of 2015, the Institute memorialized in writing its financial aid appeal process.
7. In the summer of 2015, Rose-Hulman implemented a "dotted-line" reporting channel from the athletics department's compliance coordinator to the institution's president and began scheduling one-on-one compliance update meetings between the compliance coordinator and the president once each trimester.
8. In the summer of 2015, Rose-Hulman added language to its financial aid office's webpage noting that as a member of NCAA Division III Rose-Hulman will not consider a financial aid applicant's athletics participation or aspirations, pre-enrollment or at the Institute, in determining financial aid awards.
9. Upon issuance of the Committee on Infraction's report in this matter, Rose-Hulman will engage an outside consultant with significant NCAA rules compliance experience to conduct a special educational session to be attended by all head coaches, all full-time assistant coaches and athletics staff, a senior member of the admissions office staff, and a senior member of the financial aid office staff. This special educational session will include an explanation of the Committee on Infraction's report, a review of the relevant bylaws, and a discussion of the corrective measures and sanctions.