



**GEORGETOWN UNIVERSITY**  
**PUBLIC INFRACTIONS REPORT**  
**September 2, 2009**

**A. INTRODUCTION.**

On June 5, 2009, officials from Georgetown University, including the institution's head baseball coach ("head coach") together with his legal counsel, appeared before the Division I Committee on Infractions to address allegations of NCAA violations in the baseball program. This case was originally presented to the committee in the form of a summary disposition report. Pursuant to NCAA Bylaw 32.7, the committee reviewed the summary disposition report during its February 2009 hearing weekend. The summary disposition process is used in lieu of a formal, in-person hearing if all parties agree on the findings of fact and the involved institution proposes meaningful penalties. It is the committee's discretion to accept the findings and penalties set forth in the document, or to reject the summary disposition in favor of a hearing. In this case, after a thorough examination and discussion of the summary disposition report by the committee, and a further review of the issues requested by Georgetown's outside counsel, the committee concluded that the case would best be considered in a full hearing before the committee.

The case was narrow in scope, centering on violations of NCAA legislation resulting from the misuse of federal work-study funds to pay members of the institution's baseball team for work not performed. These violations were self-discovered and self-reported by the university. There was also an admitted failure to monitor by the institution and the head coach related to these violations. Although the issues were limited, the violations occurred over a lengthy period of time, seven years, and resulted in excess payments to 26 baseball student-athletes estimated at \$61,552.

A member of the Big East Conference, the institution has an enrollment of approximately 14,148 students. The institution sponsors 14 men's and 15 women's intercollegiate sports. This was the institution's first major infractions case.

**B. FINDINGS OF VIOLATIONS OF NCAA LEGISLATION.**

- 1. VIOLATIONS OF STUDENT-ATHLETE EMPLOYMENT CRITERIA; IMPROPER FINANCIAL AID. [NCAA Bylaws 12.4.1-(a), 15.01.1, 15.01.2 and 15.2.7-(b)]**

During the 2000-01 through 2006-07 academic years, 26 baseball student-athletes employed by the baseball team in the institution's work-study program received approximately \$61,552 for work they did not perform.

### **Committee Rationale**

The enforcement staff and institution were in substantial agreement as to the facts of this finding and that those facts constitute violations of NCAA legislation. The committee finds that the violations occurred.

The assistant baseball coaches responsible for work-study supervision instructed student-athletes to record on their timecards blocks of time totaling no more than 20 hours per week under the assumption that sufficient work would be assigned to justify the hours. Student-athletes recorded and were paid for up to 20 hours of work per week, but were not always assigned and did not always perform the work for which they were compensated.

According to information received from the institution, for many years, the baseball program employed a number of its student-athletes (typically five to seven each academic year) to assist with maintenance of the baseball field, distribution of team equipment and uniforms, laundry and other operational tasks related to the baseball program. Prior to the summer of 2000, the student-athletes were hired through the equipment room, and were directed and supervised by the equipment manager or his designee. Hours were tracked by punching in and out on a time clock. During these years, most of the work performed by the baseball student-athletes was at the institution's on-campus field and facilities, a short distance from the equipment room.

In 2000, the baseball field had to be relocated off-campus to accommodate the need for an additional residence hall and academic buildings on the institution's urban campus. The institution began using a field that is part of the Montgomery County, Maryland, Parks and Recreation system as its home baseball field. This facility is 12 miles from the institution's campus. The field is not owned, operated, controlled or maintained by the institution, and is shared by many public users who do not require that it be maintained at a level appropriate for a Division I program. The institution's baseball program, therefore, assumed the responsibility for ensuring that the field was maintained at a Division I level, and much of this work was done by the team's work-study student-athletes. In that a significant amount of the work assigned to the baseball work-study student-athletes occurred at this off-campus field, supervision of the student-athletes was functionally shifted from the equipment manager to one of the assistant baseball coaches. Around this time, because the work was occurring off-campus, the student-athletes stopped using the time clock to track their time and switched to handwritten timecards.

The head coach, who has served in that capacity since June 1999, stated he delegated the administration of work-study to his "second" assistant coach, and had little or no involvement in its daily oversight. The assistant baseball coach who most recently supervised baseball work-study ("assistant coach") confirmed that responsibility for work-study had been delegated to him, and explained that the assistant coach assigned this responsibility was tasked with hiring work-study students at the beginning of each academic year, supervising the student-athletes' work, collecting and reviewing timecards from the student-athletes, and submitting timesheets with the student-athletes' hours to the athletics department's business office for payroll processing. The assistant coach also explained that when he was first hired at Georgetown, he worked half time as an assistant baseball coach and half time in the equipment room. When he was made a full-time assistant coach in the 2005-06 academic year, he ceased his equipment room duties and continued supervising the baseball work-study student-athletes as assistant coach. Thus, during approximately the 2005-06 academic year, all aspects of administering and supervising the baseball work-study student-athletes were transitioned from the equipment room to the baseball program.

Student-athletes who participated in work-study through the baseball program worked throughout the academic year, although not for all of the hours for which they were compensated. They had multiple and varied responsibilities, which can be grouped into three categories: "regular duties," "occasional tasks" and laundry responsibilities.

The "regular duties" generally included cleaning and removing trash from the baseball field, press box, and dugouts following practices and games; cleaning the locker room; maintaining the field as needed. "Occasional tasks" included setting up and taking down the batting cage; cleaning and repairing the batting cage; setting up the locker room after the soccer team vacated; assisting with inventory and distribution of equipment and apparel; participating in the annual fall fund-raising telethon; shoveling snow or removing ice on the field; "tarping" the field; and contacting teammates with schedule changes. Prior to the 2006-07 academic year, the student-athletes had significant laundry responsibilities. At the beginning of the 2006-07 academic year, the equipment room started doing the laundry for all athletics teams, and baseball work-study student-athletes were no longer regularly assigned to do such work. However, the student-athletes still had occasional laundry duties on away trips during the 2007 spring season, but such duties were not as extensive as they had been in prior years.

The student-athletes were paid between \$8 and \$9 an hour depending on how many years they had worked. The average hourly rate for all university work-study students is \$8.50 to \$9 an hour and the overall range is generally \$7.50 to \$15 an hour.

After the baseball program was required to use the off-campus baseball field, there developed a general understanding that keeping track of the specific work intervals, which occurred at various times, in various increments, and often off campus, was too

difficult and not required. Thus, the assistant coach overseeing work-study for baseball instructed the student-athletes to record a maximum of 20 hours each week with the understanding that they would be assigned and would complete work sufficient to warrant payment for those hours. The student-athletes did not focus on tracking the specific times they worked, and did not believe or understand that was something they needed to do.

The student-athletes and the assistant coach acknowledged that the timecards did not accurately capture the actual hours worked. They explained that because the work assigned to the student-athletes was often performed at the off-campus baseball field over small, non-consecutive periods that were inconvenient to track, the student-athletes were instructed to record up to 20 hours each week without regard to whether the hours they specified were the times they actually worked. The student-athletes indicated that the assistant coach instructed them to complete the timecards in this manner, and assured them that they need not be concerned about tracking specific hours because he would ensure that they received enough work to support the hours submitted. The assistant coach reported that he intended to give the student-athletes sufficient work to support the time reported and that he was generally able to do so, but that it became more difficult when laundry duties were no longer needed during the 2006-07 academic year. Although the assistant coach said that he never instructed student-athletes to submit time that would result in their being paid for more hours than they actually worked, it was evident that the assistant coach perceived work-study payments as a financial aid entitlement for financially needy baseball student-athletes, provided the student-athletes fulfilled the designated assignments and duties. This perspective explains why he did not track the hours closely and instead focused on the assignments and completion of tasks.

As seen in the table below provided in the university's response to the notice of allegations, the percentage of pay legitimately earned by the baseball student-athletes during the seven year period in question varied widely from a low of 10% to a high of about 92% within periods of the academic year and between the academic years 2000-01 through 2006-07.

**Percentage of Amount Paid Earned by the Student-Athletes**

<b>Segment</b>	<b>2000-01 through 2005-06</b>	<b>2006-07</b>
Fall In Season	70%	25%
Out of Season	30%	10%
Spring Season	92.5%	40%

The table reflects the fact that after laundry duties were removed from the list of responsibilities during the 2006-07 year, it became more difficult to find sufficient work to legitimize the time reported and pay received by the student-athletes.

**2. FAILURE TO MONITOR. [NCAA Constitution 2.8.1]**

During the 2000-01 through 2006-07 academic years, the institution and the head coach failed to monitor federal work-study employment in the baseball program to ensure that student-athletes were compensated only for work actually performed.

**Committee Rationale**

The enforcement staff, the institution and the head coach were in substantial agreement as to the facts of this finding and that those facts constitute violations of NCAA legislation. The committee finds that the violation occurred.

The failure to monitor is attributable to the fact that the institution had no internal controls or systems to monitor the work study program for baseball student-athletes or to detect whether abuses took place. It also failed to provide training to baseball work-study supervisors and student-athletes regarding the accurate completion and review of timecards. Further, the head coach failed to ensure that baseball work-study supervisors used an effective timekeeping system that accurately accounted for work performed by student-athletes to prevent the receipt of unearned compensation. At the hearing, the head coach admitted that he failed to monitor the work-study program and accepted the blame for his inattention to this matter which resulted in the finding.

**HEAD COACH...**I am profoundly sorry that I didn't take an active hand in this oversight. It is a decision that I have viewed the past two years since I was brought aware of this problem...because if I had oversight, if I had overseen this program properly as I should have, none of us would be here today.

**C. PENALTIES.**

For the reasons set forth in Parts A and B of this report, the Committee on Infractions found that this case involved major violations of NCAA legislation. Although the violations were limited to abuse of the work-study program and an associated failure to monitor, the committee was troubled by several aspects of this case. First, the violations in this case occurred over a protracted period of time, seven years. Second, the number of student-athletes involved and the amount of money improperly obtained was large, 26 and over \$61,500 respectively. Third, at least two, possibly three, different assistant coaches over seven years helped facilitate the abuse of the work-study program through

either inattention or misguidance. As a result, the committee concluded that significant penalties were appropriate. These penalties included a vacation of records due to the ineligible participation by the involved student-athletes. Further, the significant value of unearned payments received by student-athletes prompted the committee to consider an elimination of all athletically related aid for the baseball program. Instead, the committee limited the number of equivalencies for baseball to the level of previous years and combined that limitation with a financial penalty. In determining the appropriate penalties to impose, the committee considered the institution's self-imposed penalties and corrective actions. [Note: The institution's corrective actions are contained in Appendix Two.] Further, the committee considered the institution's cooperation in this case. It determined that the cooperation exhibited by the institution was consistent with Bylaw 32.1.4, Cooperative Principle, which requires member institutions to cooperate in investigations, but did not warrant consideration by the committee for a possible reduction in penalties. The committee imposes the following penalties (the institution's self-imposed penalties are so noted):

1. Public reprimand and censure.
2. Three years of probation beginning on September 2, 2009, and concluding on September 1, 2012. [Note: the university had suggested a two-year probationary period.]
3. As a self-imposed penalty, the baseball program did not receive a scheduled increase of 3.0 athletics grants-in-aid for the 2007-08 and 2008-09 academic years, which, had it been implemented, would have raised the total available equivalency grants from 5.0 to 8.0 in each of those years. As an additional penalty, the committee extends the 5.0 limit in equivalencies for baseball to the 2009-10, 2010-11 and 2011-12 academic years to coincide with the 3-year probationary period. [**Note 1:** The NCAA limit for equivalencies in baseball is 11.7. **Note 2:** If the institution has previously obligated more than 5.0 equivalencies for the upcoming 2009-10 academic year, it may delay the implementation of the 5.0 limit to the 2010-11 academic year, in which case the 5.0 limit in baseball equivalencies would expire at the conclusion of the 2012-13 academic year.]
4. Because the violations occurred over seven academic years and involved benefits in excess of \$61,000 to 26 student-athletes, the institution shall, in accordance with Bylaw 19.5.2.2(f), pay a fine to the NCAA in the amount of \$61,000, the approximate value of the impermissible benefits received by the student-athletes. The committee considered a higher fine, but when combined with the financial aid limits imposed in Penalty C-3 and the vacation penalty set forth below in

Penalty C-5, this amount was deemed appropriate. [See: University of Colorado (June 21, 2007), University of Alabama (June 11, 2009).]

5. The violations in this case involve three of the factors identified as relevant to imposition of a penalty in a major case in which records are vacated: 1) there were a large number of violations – the violations were committed by approximately 26 baseball student-athletes. The violations in some instances were serious and involved amounts in the thousands of dollars; 2) there was direct involvement by a coach, in this particular case, multiple assistant coaches over the course of seven years; and 3) the institution admitted that it failed to monitor the federal work-study program for baseball student-athletes. Therefore, pursuant to NCAA Bylaws 19.5.2.2-(e)-(2) and, 31.2.2.3-(b), the institution will vacate all wins in which any of the 26 ineligible student-athletes competed while ineligible during the 2000-01 through 2006-07 baseball seasons. The individual records of the student-athletes shall be vacated as well. Further, the institution's records regarding baseball as well as the record of the head coach will reflect the vacated records and will be recorded in all publications in which baseball records for the 2000-01 through the 2006-07 seasons are reported, including, but not limited to institution media guides, recruiting material, electronic and digital media plus institution and NCAA archives. Any public reference to these vacated contests shall be removed from athletics department stationery, banners displayed in public areas and any other form in which they may appear.

Finally, to ensure that all institutional and student-athlete vacations, statistics and records are accurately reflected in official NCAA publication and archives, the sports information director (or other designee as assigned by the director of athletics) must contact the NCAA director of statistics, to identify the specific student-athlete(s) and contest(s) impacted by the penalties. In addition, the institution must provide the NCAA statistics department a written report, detailing those discussions with the director of statistics. This document will be maintained in the permanent files of the statistics department. This written report must be delivered to the NCAA statistics department no later than 45 days following the initial Committee on Infractions release or, if the vacation penalty is appealed, the final adjudication of the appeals process.

6. During this period of probation, the institution shall:
  - a. Continue to develop and implement a comprehensive educational program on NCAA legislation, including seminars and testing, to instruct the coaches, the faculty athletics representative, all athletics department personnel and all institution staff members with responsibility for the

- certification of student-athletes for admission, retention, financial aid or competition;
- b. Submit a preliminary report to the office of the Committees on Infractions by November 1 setting forth a schedule for establishing this compliance and educational program; and
  - c. File with the office of the Committees on Infractions annual compliance reports indicating the progress made with this program by June 1 of each year during the probationary period. Particular emphasis should be placed on proper administration and oversight of financial aid in general and work-study programs in particular. The reports must also include documentation of the institution's compliance with the penalties adopted and imposed by the committee.
7. The above-listed penalties are independent of and supplemental to any action that has been or may be taken by the Committee on Academic Performance through its assessment of contemporaneous, historical, or other penalties.
8. 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, Georgetown University 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, September 2, 2009.

Should the university or the involved individual appeal either the findings of violations or penalties in this case to the NCAA Infractions Appeals Committee, the Committee on Infractions will submit a response to the appeals committee.

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

Should any portion of any of the penalties in this case be set aside for any reason other than by appropriate action of the Association, the penalties shall be reconsidered by the

Committee on Infractions. Should any actions by NCAA legislative bodies directly or indirectly modify any provision of these penalties or the effect of the penalties, the committee reserves the right to review and reconsider the penalties.

**NCAA COMMITTEE ON INFRACTIONS**

John S. Black  
Paul T. Dee, chair  
Eileen K. Jennings  
Andrea (Andi) Myers  
Dennis E. Thomas

## APPENDIX ONE

### CASE CHRONOLOGY.

#### **2008**

April 29 - The institution self-reported possible violations of NCAA legislation within the baseball program.

May 12 - The enforcement staff conducted initial on-campus interviews.

July 1 - The enforcement staff conducted additional on-campus interviews.

November 14 - The enforcement staff, institution and the head baseball coach agreed to process the case via summary disposition.

#### **2009**

February 5 - The summary disposition report was submitted to the Division I Committee on Infractions.

February 23 - The Committee on Infractions determined that the case should be considered during a hearing.

March 4 - The enforcement staff issued a notice of allegations to the institution and the head coach and requested written responses by March 24, 2009.

March 12 - The institution requested, and was granted, an extension for a response to the notice of allegations.

May 1 - The Committee on Infractions and enforcement staff received responses to the notice of allegations from the institution and the head coach.

May 6 - The enforcement staff conducted a prehearing conference with the institution and the head coach.

June 5 - The university and the head coach appeared before the NCAA Division I Committee on Infractions.

September 2 - Infractions Report No. 305 was released.

## APPENDIX TWO

### **CORRECTIVE ACTIONS AS IDENTIFIED IN THE INSTITUTION'S May 1, 2009, RESPONSE TO THE NOTICE OF ALLEGATIONS.**

As part of the initiatives the current athletics director instituted when he was hired in July of 2005, the athletics department has established a plan for continuing to improve and enhance its compliance program. These ongoing improvements are part of the natural progression and continued enhancement found in most university athletics compliance programs, particularly those striving to remain at the forefront of compliance best practices. As part of this plan, the institution contracted for an external compliance review during the 2006-07 academic year, which provided the institution useful information about how to most effectively enhance its compliance program.

The institution imposed the following corrective actions, some of which were planned prior to the discovery of these violations, but are nonetheless related:

- a. The head baseball coach was reprimanded and had his salary frozen, effective June 2008, for the 2008-09 academic years. The head baseball coach was also required to attend a 2008 NCAA Regional Rules Seminar.
- b. Effective with the 2007-08 academic year and continuing for two years, through the period of probation imposed on the baseball program, no student-athlete may accept a work-study position with the team for which he or she competes.
- c. For the baseball program, the tasks previously performed by baseball federal work-study at the off campus baseball field are now completed by new maintenance staff.
- d. Time sheets for student-athlete employment, work-study or otherwise were modified to include a signatory approval by the compliance office.
- e. The athletics director and/or the baseball sports supervisor will continue to meet regularly (at least monthly) with the head baseball coach, regarding his management of the overall baseball program and the execution of his duties as head baseball coach.
- f. The compliance office conducted additional education sessions with coaches, staff and student-athletes regarding employment and work-study.
- g. Beginning in the spring of 2009, anyone in athletics who directly supervises work-study students or student-athletes will be required to attend in-person training provided by the office of student employment.
- h. The rules education provided to coaches, staff and student-athletes in all sports will

include information specific to employment of student-athletes, including information regarding the new policies and procedures. Such information will be included in the student-athlete handbook and the athletics compliance office's policies and procedures handbook for coaches and staff. In addition, educational information related to student-athlete employment will be sent to representatives of athletics interests and local businesses.

- i. The athletics department will continue to enhance its compliance monitoring systems proactively.
- j. The assistant coach who most recently supervised baseball work-study is no longer employed by the institution, effective the end of June 2007.