



CALIFORNIA STATE UNIVERSITY, SACRAMENTO
PUBLIC INFRACTIONS DECISION
APRIL 19, 2018

I. INTRODUCTION

The NCAA Division I Committee on Infractions (COI) is an independent administrative body of the NCAA comprised of individuals from the Division I membership and the public. The COI is charged with deciding infractions cases involving member institutions and their staffs.¹ This case involved the men's and women's tennis programs at California State University, Sacramento (Sacramento State).² A panel of the COI considered this case through the cooperative summary disposition process in which the participating parties agreed to the primary facts and violations, as fully set forth in the summary disposition report (SDR). Sacramento State applied corrective actions and penalties, which the panel adopted. However, the panel proposed additional penalties for the institution and show-cause orders for four involved former staff members. Sacramento State accepted the additional penalties. The four involved individuals did not respond to the panel's notification of the show-cause orders. Therefore, pursuant to NCAA Bylaw 19.6, the parties do not have the opportunity to appeal.

This is the latest in a series of five infractions cases the COI has encountered in the past three years that centered on tennis programs, and it is the most egregious because of the number and breadth of the violations. A lack of oversight by Sacramento State allowed women's and men's tennis staff members to commit numerous violations of NCAA legislation over the course of five academic years. Many of the violations, and the most serious, resulted from the misconduct of a former director of women's and men's tennis. From 2012 to 2017, he violated a broad range of NCAA legislation concerning recruiting, eligibility, financial aid, awards and benefits, coaching staff limitations, the cooperative principle and ethical conduct. Much of this impermissible activity took place at an off-campus tennis facility owned by the tennis director and used by both programs. Further, a booster provided impermissible benefits to four women's tennis student-athletes.

In a more limited fashion, other tennis staff members also committed violations. Among these other staff members was a former volunteer assistant women's tennis coach who failed to fully cooperate with the investigation. An assistant men's tennis coach and an acting head women's coach impermissibly arranged housing for incoming student-athletes. Additionally, both a

¹ Infractions cases are decided by hearing panels comprised of COI members. Decisions issued by hearing panels are made on behalf of the COI.

² A member of the Big Sky Conference, Sacramento State has an enrollment of approximately 30,800. The institution sponsors nine men's sports and 12 women's sports. This is Sacramento State's third major, Level I or Level II infractions case. These include a case in 2015 involving recruiting and drug policy violations in the football program and a case in 1972 that involved eligibility violations in men's basketball and track.

former head women's tennis coach and a former head men's tennis coach routinely exceeded countable athletically related activity (CARA) limits and were responsible for other violations. In doing so, both also violated head coach responsibility legislation. The institution also failed to ensure the implementation of certain required medical examination processes. Finally, Sacramento State failed to monitor when it did not exercise proper oversight of the tennis programs and when it did not adhere to required medical processes. This case is also another example of the increased risk of violations when prospects move near campus prior to enrollment.

At the institutional level, the violations largely resulted from Sacramento State's failure to properly oversee the two non-revenue sports programs of men's and women's tennis. Sacramento State permitted the former director of men's and women's tennis, and, to a lesser extent, the coaches, to conduct these programs with great latitude and little supervision resulting in violations in numerous areas of NCAA legislation. This lack of oversight reflected a failure to monitor. Member institutions must closely monitor all sports, including non-revenue sports, especially when much of the sports' activity occurs at off-campus facilities.

The financial aid, extra benefits, recruiting and coaching limit violations committed by the former director of men's and women's tennis, along with impermissible housing arrangements, tryouts and the provision of extra benefits by a booster are collectively Level I. A Level I violation also occurred when the former director engaged in unethical conduct by knowingly providing impermissible benefits and recruiting inducements and by failing to cooperate with the investigation. The conduct and violations associated with the other former staff members are Level II. Finally, the institution's failure to monitor is Level I.

The panel accepts the parties' factual agreements and concludes violations occurred. Because the violations predominantly occurred after October 30, 2012, the current penalty structure applies. The panel classifies this case as Level I-Standard for Sacramento State, Level I-Aggravated for the former director of men's and women's tennis and Level II-Standard for the other three involved individuals, the former head women's tennis coach, the former head men's tennis coach and the former volunteer women's assistant coach. Utilizing the current penalty guidelines and NCAA bylaws authorizing additional penalties, the panel adopts and prescribes the following penalties: three years of probation, a two-year postseason ban in women's tennis, a financial penalty consisting of a \$5,000 fine plus one percent of the women's tennis budget, recruiting restrictions in women's tennis, a vacation of records, disassociation of the former director of men's and women's tennis and show-cause orders for the former director of men's and women's tennis and three other involved tennis staff members. The penalty section details these and other penalties.

II. CASE HISTORY

Potential violations in Sacramento State's tennis programs first surfaced in late June 2016, when a women's tennis student-athlete reported CARA violations to an institutional official. Sacramento State immediately launched an internal investigation and notified the enforcement

staff. By early November 2016, Sacramento State completed its initial investigation and submitted a self-report of violations in the women's tennis program to the NCAA enforcement staff. On December 5, 2016, the enforcement staff issued a verbal notice of inquiry. From January through March 2017, the institution and enforcement staff conducted on-campus interviews. In mid-February 2017, Sacramento State self-reported violations in the men's tennis program. Two months later, the institution self-reported violations related to mandatory medical examination processes. Sacramento State and the enforcement staff conducted further investigation during the spring and summer of 2017. In late August 2017, the parties agreed to use the summary disposition process. On November 10, 2017, the enforcement staff submitted the final summary disposition report to the COI.³ Of the four individuals considered to be "at risk" in this case, only the former head men's tennis coach participated in the enforcement staff's investigation and consented to using the summary disposition process. Pursuant to Bylaw 19.6.1, involved individuals' non-participation does not bar the other parties from processing the case via summary disposition.

A panel reviewed the SDR in early January 2018, and accepted the facts comprising the case but concluded that additional penalties were appropriate. On January 26, 2018, the panel proposed the additional penalties to the institution and show-cause orders to the former director of men's and women's tennis (director), the former head women's tennis coach (head women's coach), the former head men's tennis coach (head men's coach) and the former volunteer assistant women's tennis coach (volunteer coach). Sacramento State accepted the additional penalties on January 30, 2018. The former staff members for whom the panel proposed show-cause orders did not respond.

III. PARTIES' AGREEMENTS

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

The parties jointly submitted an SDR that identified an agreed-upon factual basis, violations of NCAA legislation, aggravating factors, mitigating factors and violation levels.⁴ The SDR identified:

³ Pursuant to COI Internal Operating Procedure (IOP) 4-9-2-1, panels in future cases may view this decision as less instructive than a decision reached after a contested hearing because violations established through the summary disposition process constitute the parties' agreement.

⁴ This decision provides the agreed-upon factual basis, violations of NCAA legislation and violations levels exactly as stated in the SDR, except for shortening references to the parties and the tennis club where many of the violations occurred and correcting a typographical error relating to the agreed-upon Level I failure to monitor violation.

1. [NCAA Division I Manual Bylaws 14.11.1 and 16.8.1.2 (2012-13); 11.7.1.1.1, 11.7.1.1.1.1, 11.7.1.1.1.1.1, 11.7.1.2 and 11.7.4 (2012-13 and 2013-14); 13.1.2.1, 13.1.2.1.1, 13.1.3.4.1,⁵ 13.2.1, 13.2.1.1, 13.11.1 and 16.11.2.1 (2012-13 through 2016-17);⁶ 14.10.1 (2013-14); 15.01.2 and 15.01.3 (2013-14 and 2014-15); 16.8.1 (2013-14 through 2016-17); and 11.7.1.1, 11.7.2, 11.7.3, 11.7.6 and 12.11.1 (2014-15 through 2016-17)] (Level I)

The enforcement staff, institution and the tennis director agree that from at least the summer of 2012 through the spring of 2017, the tennis director violated NCAA financial aid, extra benefits, recruiting and countable coach legislation by providing impermissible benefits and recruiting inducements and engaging in impermissible activities as a noncoaching staff member.⁷ An assistant men's tennis coach and the then head women's tennis coach also violated NCAA recruiting legislation by impermissibly arranging housing for men's and women's tennis prospects. Additionally, a representative of the institution's athletics interests provided impermissible benefits to women's tennis student-athletes. Further, the men's and women's tennis staff conducted impermissible tryouts of numerous men's and women's tennis prospects. The total approximate value of the benefits was \$70,575. As a result of the impermissible benefits, the student-athletes competed and received actual and necessary expenses while ineligible. Specifically:

- a. From the fall of 2013 through the spring of 2015, the tennis director provided or arranged for a booster to provide funds in the amount of their tuition to two then women's tennis student-athletes (student-athletes 1 and 2, respectively) after Sacramento State did not renew the student-athletes' athletically related financial aid. The tennis director and/or a booster provided student-athlete 1's tuition during the 2013-14 and 2014-15 academic years and student-athlete 2 tuition for the 2013-14 academic year. The approximate value of the benefits was \$56,785.
- b. Between the summer of 2012 and the fall of 2016, the tennis director impermissibly arranged and/or paid for housing for incoming women's tennis prospects. In the summer of 2012, the tennis director paid security deposits and/or the first month of rent for then women's tennis prospects (student-athletes 3 and 4, respectively) and student-athlete 1 for their off-

⁵ Bylaws 13.1.2.1 and 13.1.3.4.1 were revised October 30, 2014; however, these amendments had no substantive effect on the alleged violations.

⁶ Bylaw 16.11.2.1 was revised, effective August 1, 2013, and August 7, 2014; however, the amendments had no substantive effect on the alleged violations.

⁷ The institution notified the enforcement staff of its inquiries into potential violations within the women's tennis program on July 6, 2016. Therefore, the relevant period for possible violations in this case dates back to July 6, 2012.

campus apartment.⁸ The approximate value of these inducements was at least \$1,300. Additionally, the tennis director consistently arranged and/or attempted to arrange housing for incoming women's tennis student-athletes with a local apartment complex and/or with women's tennis student-athletes.

- c. Between the summer of 2012 and the spring of 2017, the tennis director arranged for then women's tennis prospect (student-athlete 5) and then men's tennis prospects (student-athletes 6 and 7, respectively) to receive free and/or discounted tennis instruction and/or facility use at the racquet club the director owned (tennis club). Student-athlete 5 received free private lessons and enrollment in a tennis academy conducted at the tennis club in the summer of 2013. Student-athlete 6 received free enrollment in the tennis academy between the summer of 2012 and summer of 2015. Student-athlete 7 received free or discounted enrollment in the tennis academy and/or use of the tennis club in the summer of 2016 through the spring of 2017.⁹ The approximate value of these inducements was \$11,160.
- d. In the spring and summer of 2016, the tennis director impermissibly arranged for student-athlete 7 to receive housing from a booster (booster 1), who was a member of the tennis director's club. Student-athlete 7 resided with booster 1 from the summer of 2016 through the spring of 2017. On one occasion in September or October 2016, student-athlete 7 stayed approximately one week cost free with another member of the tennis club who was also a booster (booster 2). The approximate value of these inducements was \$231.
- e. Between the summer of 2012 and the fall of 2016, the tennis director engaged in impermissible activities as a noncoaching staff member. Specifically, the tennis director was the sole or primary recruiter for then men's and women's tennis prospects, conducted telephone or video calls with prospective student-athletes, engaged in off-campus recruiting, occasionally made tactical or technical decisions regarding the women's tennis program and observed women's tennis student-athletes engaged in nonorganized voluntary athletically related activities. These activities caused the institution to exceed the permissible number of countable coaches in both men's and women's tennis.

⁸ Although many of the individuals involved in the violations were prospects at the time of the violations, all but one, student-athlete 7, later became student-athletes at Sacramento State. For the purposes of the report, all are identified as "student-athletes."

⁹ The tennis director retired in October 2016; however, student-athlete 7 continued to receive free use of the tennis club through the spring of 2017.

- f. Between the summer of 2013 and the spring of 2017, an assistant men's tennis coach (assistant men's coach), and the then acting head women's tennis coach (acting head women's coach) impermissibly arranged housing for three then men's tennis prospects and a women's tennis prospect. Specifically, the assistant men's coach impermissibly arranged for then men's tennis prospect (student-athlete 8) to stay at booster 1's home for approximately two to three days before the campus dorms opened for the 2016 fall semester. The approximate value of this inducement was \$99. Additionally, the assistant men's coach impermissibly arranged housing for two then men's tennis prospects (student-athletes 9 and 10, respectively) at their off-campus apartments for the 2013 and 2015 fall semesters, respectively. Further, in the spring of 2017, the acting head women's coach arranged for a women's tennis prospect (student-athlete 11) to live with a current women's tennis student-athlete for the following academic year.
 - g. Between at least the fall of 2012 and December 2016, the men's and women's tennis staff conducted impermissible tryouts of numerous prospects when four men's and women's coaching staff members, including the head women's coach, were involved in coaching prospects during the tennis academy conducted at the tennis club.
 - h. Between the fall of 2012 and the spring of 2017, booster 2 occasionally provided four then women's tennis student-athletes (student-athletes 12, 13, 14 and 15, respectively) dinner, movie admission and/or gifts valued at less than \$25. Additionally, booster 2 provided student-athletes 12 and 13 a cell phone discount, through enrolling them on his cellular plan. The approximate value of the benefits was at least \$1,000.
2. **[NCAA Division I Manual Bylaws 17.1.6.1, 17.1.6.2-(a) and 17.1.6.2.1.1 (2012-13 and 2013-14); 17.1.7.1, 17.1.7.2-(a) and 17.1.7.2.1 (2014-15 through 2016-17); and 17.1.7.3.2.1 (2015-16)] (Level II)**

The enforcement staff, institution, the head men's coach and the head women's coach agree that between the fall of 2012 and the spring of 2016, men's and women's tennis programs routinely exceeded CARA limitations due to coaches mandating participation in, monitoring and/or rewarding or punishing student-athletes' participation in voluntary athletically related activities. Specifically:

- a. The head women's coach and the women's tennis program did not count CARA challenge matches mandated and/or observed by coaches, captains' practices arranged and/or mandated by coaches, morning practices directed or observed by coaches, summer activities that coaches asked to be reported and other drills assigned by coaches during times outside of

practice. Additionally, the women's tennis team impermissibly conducted CARA following a match April 22, 2016.

- b. The head men's coach and the men's tennis program did not count CARA captains' practices, monitored and/or asked about by coaches and summer activities that coaches asked to be reported.
3. **[NCAA Division I Manual Bylaws 11.1.2.1 (2012-13) and 11.1.1.1 (2013-14 through 2015-16)] (Level II)**

The enforcement staff, Sacramento State and the head women's coach agree that between the summer of 2012 and the spring of 2016, the head women's coach is presumed responsible for the violations detailed in Violation Nos. 1-(b), 1-(e), 1-(g) and 2-(a) and did not rebut the presumption of responsibility. Specifically, the head women's coach could not demonstrate that he promoted an atmosphere for compliance within the women's tennis program because of his personal involvement in the violations and/or his failure to consult with compliance about potential serious violations of NCAA rules.

4. **NCAA Division I Manual Bylaws 11.1.2.1 (2012-13) and 11.1.1.1 (2013-14 through 2016-17)] (Level II)**

The enforcement staff, Sacramento State and the head men's coach agree that between the summer of 2012 and the fall of 2016, he is presumed responsible for the violations detailed in Violation Nos. 1-(e), 1-(f) and 2-(b) and did not rebut the presumption of responsibility. Specifically, the head men's coach could not demonstrate that he promoted an atmosphere for compliance and monitored his staff within the men's tennis program because of his personal involvement in the violations, his failure to consult with compliance about potential serious violations of NCAA rules and his failure to monitor the recruiting activities of his assistant coach.

5. **[NCAA Division I Manual Bylaws 10.1-(c) (2012-13 through 2015-16); 10.01.1 and 10.1 (2012-13 through 2016-17); and 10.1-(a), 10.1-(b), 19.2.3 and 19.2.3.2 (2016-17)] (Level I)**

The enforcement staff, Sacramento State and the tennis director agree that during at least the summer of 2012 until the spring of 2017, the tennis director violated the NCAA principles of ethical conduct when he knowingly provided impermissible benefits and recruiting inducements to student-athletes and prospective student-athletes, refused to furnish information relevant to an investigation of possible violations of NCAA regulations and failed to cooperate fully with the investigation. Specifically:

- a. From the fall of 2013 through the spring of 2015, the tennis director knowingly provided women's tennis student-athletes impermissible benefits in the form of tuition payments, as detailed in Violation No. 1-(a).
- b. From the summer of 2012 through the spring of 2017, the tennis director knowingly provided impermissible recruiting inducements to men's and women's tennis prospects, as detailed in Violation Nos. 1-(b) through 1-(d).
- c. On September 28, 2016, and February 22, 2017, the tennis director refused to furnish information relevant to an investigation of possible violations of NCAA regulations and failed to cooperate fully with the investigation when he refused to identify the source of funds for the impermissible extra benefits detailed in Violation No. 1-(a) when requested to do so by the institution and enforcement staff.

6. [NCAA Division I Manual Bylaws 10.01.1, 10.1, 10.1-(a), 19.2.3 and 19.2.3.2 (2016-17)] (Level II)

The enforcement staff, Sacramento State and the volunteer coach agree that between the spring and the summer of 2017, the volunteer coach violated the NCAA principles of ethical conduct when he refused to interview with the institution and NCAA enforcement staff and failed to cooperate fully with the investigation. Specifically, the volunteer coach refused to respond to multiple interview requests from the institution and enforcement staff.

7. [NCAA Division I Manual Bylaws 17.1.5¹⁰ and 17.1.5.1 (2012-13 through 2016-17)] (Level II)

Sacramento State and the enforcement staff agree that from the summer of 2012 through the spring of 2017, Sacramento State failed to meet the mandatory medical examination requirements. Specifically:

- a. From the summer of 2012 until October 29, 2015, Sacramento State impermissibly permitted nurse practitioners to complete mandatory medical examinations of student-athletes before NCAA legislation allowed nurse practitioners to perform that role.
- b. From the summer of 2012 through the spring of 2017, Sacramento State permitted approximately 10 to 20 student-athletes per year, who were beginning their initial seasons of eligibility or trying out for a team, to participate prior to meeting the sickle cell solubility test requirements.

¹⁰ NCAA Bylaw 17.1.5 was amended effective October 29, 2015, to permit nurse practitioners whose state medical licensure allows for health care practice independent of physician supervision to complete mandatory medical examinations. Prior to October 29, 2015, it was impermissible for a nurse practitioner to conduct a medical examination.

- c. From the fall of 2013 until January 2017, Sacramento State did not require all student-athletes trying out for any team to undergo medical examinations or evaluations administered or supervised by a physician prior to their tryouts.
8. **[NCAA Division I Manual Constitution 2.8.1 (2012-13 through 2016-17)] (Level I)**

Sacramento State and the enforcement staff agree that between the summer of 2012 and spring of 2017, the scope and nature of the violations detailed in Violation Nos. 1-(b), 1-(e), 1-(f), 1-(g), 2 and 7 demonstrate that the institution violated the NCAA principle of rules compliance when it failed to adequately monitor its men's and women's tennis programs and mandatory medical examination processes to ensure compliance with applicable NCAA legislation. Specifically:

- a. Between at least the fall of 2012 and December 2016, Sacramento State failed to adequately monitor its men's and women's tennis programs' affiliation with tennis club owned by the tennis director as detailed in Violation No. 1-(g).
- b. Between the summer of 2012 and the summer of 2016, Sacramento State failed to adequately monitor the involvement of the tennis director and an assistant men's tennis coach in arranging housing for incoming prospects, as detailed in Violation Nos. 1-(b) and 1-(f).
- c. Between the summer of 2012 and the fall of 2016, Sacramento State failed to adequately monitor the tennis director's involvement in the recruiting and coaching functions of the men's and women's tennis programs, as detailed in Violation No. 1-(e).
- d. Between the fall of 2012 and the spring of 2016, Sacramento State failed to adequately monitor CARA of its men's and women's tennis team occurring at the tennis club, as detailed in Violation No. 2.
- e. Between the fall of 2012 and the spring of 2017, Sacramento State failed to adequately monitor its compliance with NCAA mandatory medical examination legislation, as detailed in Violation No. 7.

B. PARTIES' AGREED-UPON AGGRAVATING AND MITIGATING FACTORS

Pursuant to Bylaw 19.6.2-(g), the parties agreed to the following aggravating and mitigating factors:¹¹

Sacramento State

1. Aggravating factors [Bylaw 19.9.3]
 - a. Multiple Level I violations. [Bylaw 19.9.3-(a)]
 - b. A history of Level I, Level II or major violations. [Bylaw 19.9.3-(b)]
 - c. Multiple Level II violations. [Bylaw 19.9.3-(g)]
 - d. Persons of authority condoned, participated in or negligently disregarded the violation(s) or related wrongful conduct. [Bylaw 19.9.3-(h)]
 - e. One or more violations caused significant ineligibility to student-athletes. [Bylaw 19.9.3-(i)]
 - f. A pattern of noncompliance within the sport programs involved. [Bylaw 19.9.3-(k)]

2. Mitigating factors [Bylaw 19.9.4]
 - a. Prompt acknowledgement of the violation, acceptance of responsibility and imposition of meaningful corrective measures. [Bylaw 19.9.4-(b)]
 - b. An established history of self-reporting Level III or secondary violations.¹² [Bylaw 19.9.4-(d)]
 - c. Exemplary cooperation.¹³ [Bylaw 19.9.4-(f)]

Tennis Director

1. Aggravating factors [Bylaw 19.9.3]
 - a. Multiple Level I violations. [Bylaw 19.9.3-(a)]
 - b. Unethical conduct, failing to cooperate during an investigation or refusing to provide all relevant or requested information. [Bylaw 19.9.3-(e)]

¹¹ The tennis director, the head women's coach and the volunteer assistant women's coach did not participate in the processing of this case. Consequently, they did not contest the aggravating and mitigating factors.

¹² The institution reported 60 Level III or secondary violations from August 1, 2012, through July 31, 2017, an average of 12 per year.

¹³ According to the enforcement staff, Sacramento State conducted timely and thorough investigations when it discovered areas of potential violations. On some occasions, information gathered during the investigation caused the institution to conduct further inquiry in another area and discover violations. Additionally, the institution assisted in securing the cooperation of individuals who may not have been inclined to otherwise participate in the investigation. These efforts often involved senior administration, such as the vice president for student affairs.

- c. Persons of authority condoned, participated in or negligently disregarded violation. [Bylaw 19.9.3-(h)]
- d. One or more violations caused significant ineligibility to student-athletes. [Bylaw 19.9.3-(i)]
- e. Intentional, willful or blatant disregard for the NCAA constitution and bylaws. [Bylaw 19.9.3-(m)]

2. Mitigating factors [Bylaw 19.9.4]

The absence of prior Level I, Level or major violations committed by the involved individual. [Bylaw 19.9.4-(h)]

Head Men's Coach

1. Aggravating factors [Bylaw 19.9.3]

- a. Multiple Level II violations [Bylaw 19.9.3-(g)]
- b. Persons of authority condoned, participated in or negligently disregarded violation. [Bylaw 19.9.3-(h)]

2. Mitigating factors [Bylaw 19.9.4]

The absence of prior Level I, Level or major violations committed by the involved individual. [Bylaw 19.9.4-(h)]

Head Women's Coach

1. Aggravating factors [Bylaw 19.9.3]

- a. Multiple Level II violations. [Bylaw 19.9.3-(g)]
- b. Persons of authority condoned, participated in or negligently disregarded violation. [Bylaw 19.9.3-(h)]

2. Mitigating factors [Bylaw 19.9.4]

The absence of prior Level I, Level or major violations committed by the involved individual. [Bylaw 19.9.4-(h)]

Volunteer Assistant Coach:

1. Aggravating factors [Bylaw 19.9.3]

Unethical Conduct, failing to cooperate during an investigation. [Bylaw 19.9.3-(e)]

2. Mitigating factors [Bylaw 19.9.4]

The absence of prior Level I, Level or major violations committed by the involved individual. [Bylaw 19.9.4-(h)]

IV. REVIEW OF CASE

The SDR fully detailed the parties' positions in this case and included the agreed-upon primary facts, violations, violation levels and aggravating and mitigating factors. After reviewing the parties' principal factual agreements and respective explanations surrounding those agreements, the panel accepts the parties' SDR and concludes Level I and Level II violations occurred.

Sacramento State's oversight failures allowed women's and men's tennis staff members to commit numerous violations of NCAA legislation over the course of five academic years. The director committed many of the violations. The director took advantage of a permissive compliance environment and engaged in intentional conduct that violated legislation in the areas of financial aid, awards and benefits, eligibility, recruiting and coaching staff limits. Many of the violations occurred at the off-campus tennis club owned by the director.¹⁴ Other staff members, including the head women's coach, the head men's coach, an acting head women's coach and the assistant men's coach also engaged in violations, primarily relating to recruiting inducements, impermissible tryouts and exceeding CARA limits.¹⁵ Further, a volunteer assistant women's coach failed to fully cooperate with the investigation. In addition to coaches, boosters also engaged in violations. Some of the violations supported head coach responsibility failures by the head coaches of both tennis teams. Further, the tennis director's knowing provision of impermissible benefits and recruiting inducements violated the principles of ethical conduct, as did his refusal to furnish information relevant to the investigation and his failure to cooperate. Unrelated to violations in the tennis program, Sacramento State failed to meet mandatory medical examination requirements over at least a five-year period. Finally, the rampant violations in the tennis programs and the failure to comply with required medical examination processes over the course of five years reflected a failure to monitor by Sacramento State. The impermissible conduct in this case triggered violations of Constitution 2 and Bylaws 10, 11, 12, 13, 14, 15, 16 and 17.¹⁶

¹⁴ Throughout the period in which the violations occurred, the institution's on-campus tennis facilities were generally required for use in health and physical education courses. The institution determined that the on-campus facilities were unsuitable for intercollegiate athletics because they were in poor condition. In order to conduct the men's and women's tennis programs at a safe, collegiate-level facility, the programs practiced and competed at the director's racquet club.

¹⁵ The enforcement staff did not consider the assistant men's tennis coach and the acting head women's basketball coach to be "at risk" in this case because their violations were limited to a few instances in which they impermissibly arranged housing.

¹⁶ The full text of specific bylaws violated are set forth in Appendix Two.

Activities and Conduct of the Tennis Director

The tennis director's conduct violated NCAA legislation in numerous areas, including financial aid, awards and benefits, eligibility, recruiting, and coaching duties. He also engaged in unethical conduct. The parties agreed that the tennis director's separate instances of misconduct, including unethical conduct, collectively rise to a Level I violation individually assessed to him.

Impermissible Financial Aid, Benefits and Resultant Ineligibility

Sacramento State's decision to not renew the scholarships of two international women's tennis student-athletes led the director to provide or arrange for a booster to provide tuition for the two student-athletes. The director's involvement in the provision of this impermissible financial aid violated Bylaws 15 and 16 and resulted in ineligible participation under Bylaws 12 and 14.¹⁷

Bylaw 15 sets forth the processes and regulations that govern financial aid, while Bylaw 16 relates to awards and benefits. Bylaw 12 governs eligibility. Bylaws 15.01.2 and 15.02.3 prohibit a student-athlete from receiving financial aid other than that permitted by the Association and those who receive impermissible aid are rendered ineligible. Similarly, Bylaw 16.11.2.1 prohibits a student-athlete from receiving extra benefits not authorized under NCAA legislation. Bylaw 16.8.1 permits an institution to provide actual and necessary expenses associated with competition but only for eligible student-athletes. A student-athlete becomes ineligible when he/she receives impermissible benefits or financial aid. When that occurs, Bylaw 12 requires the institution to withhold the student-athlete from competition.

The nonrenewal of aid for the two student-athletes prompted the director to take matters into his own hands. The director either provided or arranged for a booster to provide tuition funds for one student-athlete's tuition during the 2013-14 and 2014-15 academic years and the other student-athlete's tuition for the 2013-14 academic year. One of the student-athletes regained her scholarship for the 2015-16 academic year and competed for Sacramento State. The payments on behalf of the two student-athletes were substantial, totaling \$56,785.

The parties agreed that the director's provision and/or arrangement of tuition payments for the two student-athletes violated financial aid, benefits, and eligibility legislation. In the area of financial aid, when the director provided and/or arranged for tuition payments on behalf of the two student-athletes, he violated Bylaw 15 because the tuition payments constituted financial aid not administered by the institution. These payments also constituted extra benefits prohibited under Bylaw 16.11.2.1. Pursuant to Bylaw 15, the receipt of the tuition payments from the director rendered the student-athletes ineligible. Consequently, when one of the student-athletes received expenses associated with one competition during the 2014-15 season and the entire 2015-16 season while ineligible, a violation of Bylaw 16.8.1 occurred. Finally, when Sacramento State failed to withhold the student-athlete who competed in one match in the 2014-15 season and the entire 2015-16 season, it violated Bylaw 12.

¹⁷ In the 2012-13 Manual, **Obligation of Member Institution to Withhold Student-Athletes from Competition** was codified in Bylaw 14.11.1. In the 2013-14 Manual, that legislation was renumbered to Bylaw 14.10.11 and in the 2014-15 Manual and subsequent Manuals, it is now under Bylaw 12.11.1. For the purposes of this decision, the Bylaw 12 cite will be referenced when institutions fail to withhold ineligible student-athletes from competition.

The provision or arrangement of impermissible financial aid by staff members has occurred in several cases in recent years. Institutions must be proactive in educating staff members and student-athletes regarding financial legislation and closely monitor all aspects relating to student-athletes' cost of attendance. See *Prairie View A&M University* (2017) (concluding that an assistant men's basketball coach arranged for payment of an intersession course a student-athlete needed to complete in order to maintain eligibility for the second semester); *Monmouth University* (2017) (concluding that the head men's tennis coach directed a student-athlete to give cash to three other student-athletes cover housing expenses) and; *Lamar University* (2016) (concluding that the head men's golf coach knowingly provided, or arranged to provide, impermissible funds for at least three student-athletes to pay the cost of books, rent and tuition expenses). This case reaffirms the need for institutions to closely monitor student-athletes' payments of educational expenses.

Recruiting Inducements, Extra Benefits and Resultant Ineligibility

In addition to the director's involvement in the provision of impermissible financial aid, he routinely provided impermissible recruiting inducements and extra benefits to prospects and student-athletes. These impermissible inducements and benefits consisted of housing arrangements, cost-free tennis instruction and facility use. The director's provision of housing benefits, tennis instruction and facility use violated Bylaws 13 and 16 and resulted in ineligible participation under Bylaw 12.

Bylaw 13 governs recruiting. Bylaw 13.2.1 prohibits staff member from making arrangements for or providing benefits to a prospect while Bylaw 13.2.1.1 specifically prohibits certain arrangements and inducements, among which is free or reduced cost housing and free or reduced cost services. Pursuant to Bylaw 16, an institution may provide a student-athlete with expenses associated with competition if the student-athlete is eligible. Bylaw 12 obligates the institution to withhold the student-athlete from competition.

As it relates to housing, the director often arranged housing for incoming student-athletes. This activity included referring student-athletes to a particular apartment complex, arranging roommate pairings and securing other benefits such as a waiver of the initial month's rent. Further, on at least one occasion, he paid expenses associated with the housing of two women's student-athletes. He also arranged for one men's student-athlete to reside with a booster who was a member of the tennis club he owned, and the same student-athlete received cost-free housing from another booster for a short period. The approximate value of these inducements/benefits was at least \$1,300.

In addition to arranging or providing impermissible housing, the tennis director also arranged cost free or discounted tennis instruction for three then prospective student-athletes, two of whom later became student-athletes at Sacramento State. Further, he allowed them to receive cost-free use of the facilities at his tennis club. The approximate value of the instruction and facility use was \$11,160.

The housing arrangements, cost-free or reduced cost tennis instruction and facility use, along with the student-athletes' receipt of these benefits violated recruiting, benefits, and eligibility

legislation. First, by arranging housing and/or paying housing expenses, arranging cost-free or reduced cost tennis instruction and cost-free facility use, the director provided impermissible recruiting inducements in violation of Bylaw 13. Further, once the involved student-athletes, who were prospects at the time, became student-athletes, the receipt of these benefits rendered them ineligible. When they competed for the institution and received competition-related expenses, violations of Bylaw 16 occurred. Relatedly, because Sacramento State did not withhold these ineligible student-athletes from competition, it violated Bylaw 12.

Relating to housing, as the COI has repeatedly warned, a prospect's presence in an institution's locale prior to enrollment, and the resultant need for housing, creates an increased risk for violations. See *The Ohio State University* (2017) (concluding that an assistant men's swimming coach and others arranged or provided housing and other recruiting inducements to an international prospect prior to his enrollment); *Monmouth* (concluding that the former head men's tennis coach impermissibly arranged off-campus housing for an international prospect.); *University of South Florida* (2017) (concluding that a former assistant coach provided impermissible recruiting inducements, including housing, to two prospects who stayed in the locale of campus prior to enrollment); and *Boise State University* (2011) (concluding coaches and others provided impermissible recruiting inducements, including housing arrangements, to multiple prospects in multiple sports who traveled to the locale of campus prior to enrollment). This case is yet another example in which staff members impermissibly arranged housing for incoming student-athletes, despite the fact that the membership has been on notice for years that such conduct violates NCAA legislation.

With respect to free or reduced cost lessons or practice sessions for prospects, the committee has encountered a few such cases in recent years. Member institutions must be diligent in ensuring that coaches do not provide lessons or engage in "practice" with prospects prior to their enrollment. See *Coastal Carolina University* (2016) (concluding that the head men's golf coach provided free golf lessons to a prospective student-athlete); and *Boise State* (concluding that the head women's tennis coach participated in impermissible practice sessions with a prospective student-athlete prior to the prospect's enrollment, and the head coach arranged and observed other practice sessions involving the prospect that were conducted by an enrolled student-athlete). When prospects are on campus prior to enrollment, or when staff members work at athletics facilities catering to prospects, as in this case, precautions must be taken to ensure that impermissible instruction does not occur.

Impermissible Activity as a Noncoaching Staff Member

Beyond arranging and providing impermissible recruiting inducements and benefits, during at least a four-year period, the director engaged in coaching and recruiting activity that, under NCAA legislation, can only be performed by an "authorized staff member" and/or a countable coach. Because the institution employed its limit of two coaches in men's and women's tennis, the director's coaching activity caused violations in the areas of athletic personnel employment and recruiting in violation of Bylaws 11 and 13.

Bylaw 11 governs the conduct and employment of athletics personnel, including the definition of a countable coach and limits on the numbers of coaches in each sport. Namely, Bylaw 11.7.1

identifies the duties of staff members that trigger "countable coach" status. Under Bylaw 11.7.1, a countable coach is an individual who makes "technical or tactical" instructions to student-athletes and/or engages in off-campus recruiting. As it relates to recruiting duties under Bylaw 11, only head coaches and assistant coaches may directly engage in "recruiting coordination" activities, including evaluations and recruiting communications. Bylaw 11.7.3 prohibits a noncoaching staff member from participating in on-court or on-field activities and from observing student-athletes engaging in voluntary athletically related activities. Finally, Bylaws 11.7.4 and 11.7.6 prescribe a limit of two coaches in both men's and women's tennis.

In the area of recruiting, Bylaw 13.1.2.1 requires that all recruiting contacts with a prospect (and family members of a prospect) shall be made only by authorized institutional staff members (i.e. coaches). Relatedly, Bylaw 13.1.2.1.1 requires off-campus recruiters to be certified on an annual basis to ensure they are knowledgeable of recruiting legislation. Bylaw 13 also identifies requirements and limitations governing recruiting communications. More specifically, Bylaw 13.1.3.4.1 requires that all telephone calls made to a prospect (or family member) be made by the head coach or one or more of the assistant coaches who count toward the coaching number limits in the applicable sport.

The director engaged in a plethora of activities and duties that are solely the responsibility of countable coaches under Bylaw 11. He determined lineups for the women's tennis team, made tactical and technical decisions for the women's tennis program, observed women's tennis student-athletes and engaged in non-organized voluntary athletically related activities. When he engaged in these activities, he violated Bylaws 11.7.1 and 11.7.3. Further, because Sacramento State employed the legislated limit of two coaches in men's and women's tennis, and the director's coaching activity triggered countable coach status, his actions caused the institution to exceed the number of allowable tennis coaches in violation of Bylaws 11.7.4 and 11.7.6.

In addition to violating coaching duty legislation under Bylaw 11, the director participated in recruiting activity that, pursuant to Bylaw 13, is reserved solely for "authorized institutional staff members." Specifically, the director emailed, telephoned and video conferenced prospects, made scholarship offers, evaluated prospects and engaged in off-campus recruiting activities. Because Sacramento State did not designate the director as a countable coach, and therefore he was not an institutional staff member authorized to recruit, he violated legislation under Bylaw 13.1 when he engaged in the described recruiting activity.

Staff members engaging in coaching activity for which they are not authorized has been a part of several infractions cases in recent years. Institutions must take steps to prevent the "blurring of lines" in the duties of coaches and non-coaching staff members. *See University of Northern Colorado* (2017) (concluding that the head men's basketball coach instructed a director of basketball operations to take a student-athlete to an off-campus gym for basketball workouts in violation of countable coach legislation.); *University of Hawaii, Manoa* (2015) (concluding that the institution violated countable coach legislation when a director of men's basketball operations participated in scouting sessions and provided on-court coaching instruction to men's basketball student-athletes); and *University of Michigan* (2010) (concluding that the institution violated countable coach legislation when five "quality control" football staff members

monitored and conducted skill-development activities with student-athletes, offered advice on technique and critiqued film with student-athletes.) NCAA legislation is explicit regarding what duties are reserved solely for coaches. This case again demonstrates that institutions and head coaches must be diligent in ensuring that there is a strict separation of duties and responsibilities between coaching staff members and non-coaching staff to ensure that non-coaching staff members do not engage in activity assigned only to coaches.

Unethical Conduct

The director's involvement in the violations cited above and his failure to cooperate during the investigation violated legislation relating to ethical conduct and cooperation. Specifically, the director knowingly provided impermissible financial aid and recruiting inducements and benefits to prospects and student-athletes. He also refused to furnish information relevant to an investigation of possible violations and failed to cooperate with the investigation. His conduct violated Bylaws 10 and 19.

Bylaw 10 governs ethical conduct in collegiate athletics. Bylaw 10.01.1 generally requires those employed by or associated with an institution's athletics program to act with honesty and sportsmanship at all times. Bylaw 10.1 identifies several categories of unethical conduct, including refusing to furnish information relevant to an investigation and knowing involvement in offering or providing a prospective or an enrolled student-athlete an improper inducement or extra benefit or improper financial aid. Similar to Bylaw 10.1, Bylaw 19.2.3 requires staff members to cooperate with and assist the NCAA enforcement staff. The responsibility to cooperate requires individuals to make a complete disclosure of any relevant information, including any information requested by the enforcement staff. Relatedly, Bylaw 19.2.3.2 specifies that failing to satisfy the responsibility to cooperate may result in an independent allegation and/or be considered an aggravating factor for purposes of determining a penalty.

With regard to the director's knowingly engaging in conduct that violated financial aid legislation, he provided (or arranged for the provision of) over \$56,000 in tuition payments for two student-athletes whose scholarships were not renewed. The director acknowledged his involvement in the payments and understood doing so was impermissible under NCAA legislation. Moreover, the director also knowingly provided recruiting inducements in the form of housing arrangements and free or reduced cost tennis instructions and facility use. Finally, the director refused to furnish information and cooperate during the investigation. Specifically, the director declined to identify the individual he claimed provided funds to him in order to pay the impermissible tuition expenses he provided to two student-athletes. He declined to provide this information after reviewing the requirements of Bylaw 10.1 on interview notice forms and being reminded of his responsibility to cooperate under ethical conduct legislation. By knowingly engaging in conduct that violated NCAA legislation and his failure to cooperate, the director violated Bylaws 10.01.1, 10.1 and 19.2.3

The panel concludes that, pursuant to Bylaw 19.1.1, the director's knowing involvement in providing impermissible benefits and recruiting inducements, combined with his refusal to provide information and cooperate with the investigation is a Level I violation because the director's violations: (1) were not isolated or limited; (2) provided or were intended to provide a

substantial or extensive recruiting, competitive or other advantage; (3) involved substantial or extensive impermissible benefits; (4) were intentional and more serious than Level II violations; and (5) seriously undermined or threatened the integrity of the NCAA Collegiate Model.

The director's misconduct violated a broad range of NCAA legislation that, taken as a whole, rose to a Level I violation. Further, he refused to cooperate with the investigation, also a Level I violation. In the aggregate, this misconduct is a serious breach of conduct and a Level I violation for the director. The COI has concluded Level I violations for individuals who both engaged in underlying Level I violations and failed to cooperate. See *Southern Mississippi* (2016) (the associate head men's basketball coach engaged in Level I academic fraud violations and committed further Level I violations by not cooperating); and *Lamar University* (2016) (concluding that the head men's golf coach committed Level I violations when he provided extra benefits and refused to cooperate in the investigation). Consistent with Bylaws 19.1.1-(c) and (d), a Level I assessment is appropriate for individuals who refuse to cooperate with the investigation and who knowingly provide impermissible benefits and recruiting inducements. Individuals who engage in Level I violations and later fail to cooperate with the investigation compound the seriousness of their violations, which may result in more stringent penalties.

Recruiting Activity by Other Staff Members

In addition to the impermissible recruiting activity conducted by the director, other tennis staff members also engaged in recruiting violations, some of which were similar to the director's activities. These violations involved the arrangement of housing for prospects and impermissible tryouts in violation of Bylaws 13 and 16. Further, ineligible student-athletes competed in violation of Bylaw 12.

Impermissible Housing Arrangements for Prospects

In addition to the director's involvement in making housing arrangements on behalf of incoming student-athletes other staff members engaged in similar conduct. An assistant men's coach and an acting head women's coach also arranged housing for prospects, but in more limited ways.

Bylaw 13 prohibits staff member from arranging for or providing impermissible benefits to prospective student-athletes and identifies certain arrangements and inducements that are impermissible, among which is housing. Bylaw 16.8.1 permits an institution to provide eligible student-athletes with expenses associated with competition, while Bylaw 12 obligates an institution to withhold ineligible student-athletes from competition.

Regarding the assistant men's tennis coach, on several occasions he secured housing for incoming international men's tennis student-athletes. His efforts included making arrangements for a student-athlete to temporarily reside with a family who were members of the tennis club owned by the director. Further, on at least two occasions, the assistant men's coach communicated directly with staff at a local apartment complex to reserve housing for incoming student-athletes.

An acting head women's coach's also arranged housing. She facilitated the exchange of contact information between an incoming student-athlete and an enrolled student-athlete. The incoming student-athlete arrived in the fall of 2017 but did not plan to enroll until the spring of 2018. The incoming student-athlete and the enrolled student-athlete subsequently became roommates because of the acting head coach's efforts.

The two staff members' involvement in arranging housing and student-athletes' receipt of these benefits violated legislation in the areas of recruiting, benefits, and eligibility. By arranging housing for prospects, the two violated Bylaw 13. Further, once the prospects became student-athletes, the receipt of the housing benefits rendered them ineligible. When they competed for the institution and received competition-related expenses, violations of Bylaw 16.8.1 occurred. Relatedly, because Sacramento State did not withhold these ineligible student-athletes from competition, it violated Bylaw 12.

This case, as well as the cases previously cited, *Ohio State*, *Monmouth*, *South Florida* and *Boise State* illustrate the need for institutions to be proactive in preventing violations when student-athletes arrive prior to enrollment. For many years, the COI has cautioned the membership about potential pitfalls that can occur in these circumstances. See *Radford University* (2012) (citing twelve previous cases in which the COI warned of the elevated risk of violations when prospects arrive early on campus). Specifically, the COI has explained that prospects who are on campus prior to enrollment are "responsible for all of their meals and lodging expenses," and "[t]hese situations can result in impermissible inducements/benefits being supplied by someone associated with the institution[.]" *University of Kansas* (2006). This case provides yet another example of the risks associated with prospects' early arrival on campus.

Impermissible Tryouts

The participation of prospects and tennis staff members in the tennis academy conducted at the tennis club owned by the director resulted in violations of recruiting legislation governing tryouts. Specifically, between at least the fall of 2012 and December 2016, several coaching staff members, including the head women's coach, impermissibly interacted with and coached men's and women's prospects in the tennis academy conducted at the director's tennis club. The impermissible tryouts violated Bylaw 13.

Bylaw 13 governs recruiting. Bylaw 13.11.1 prohibits a member institution from conducting any physical activity (e.g., practice session or test/tryout) at which a prospect reveals, demonstrate or displays athletics abilities.

Men's and women's coaching staff members coached prospects who enrolled in the tennis academy conducted at the tennis club owned by the director. Because competition was not a requirement of the tennis academy, it did not meet exceptions in NCAA legislation that allow coaching staff involvement at a local sports club. Consequently, the interactions between the coaches and the prospects in conjunction with the tennis academy constituted impermissible tryouts and violated Bylaw 13.11.1.

Impermissible tryouts are an important matter to the membership because they allow coaches to assess the abilities of prospects in a closed setting. These violations confer an unfair advantage in the recruiting process on institutions that engage in them to the detriment of institutions that comply with the legislation. See *University of South Carolina* (2017) (two assistant football coaches conducted impermissible tryouts of prospects at their high school); *University of Mississippi* (2016) (an assistant track coach conducted impermissible tryouts of 20 prospects when she arranged for the prospects to attend official team practices during their official paid visits and observed the prospects as they ran together with enrolled women's cross country student-athletes); and *Southeastern Louisiana University* (2015) (the head women's volleyball coach and an assistant coach conducted multiple impermissible tryouts when they observed a prospect participate in volleyball activity during an unofficial visit and a volunteer coach gave instruction to another prospect at the head coach's direction during summer camp and both the head coach and volunteer coach observed the prospect's activity while the head coach also provided instruction). As seen in this case, member institutions must be vigilant in ensuring that impermissible tryouts do not occur, whether associated with campus visits, or activity at an off-campus facility, as occurred with Sacramento State.

Impermissible Benefits Provided by a Booster

In addition to the provision of housing for a prospect by a local family who was a member of the tennis club, another tennis club member provided impermissible benefits to women's student-athletes. As a result of the relationships he developed with these student-athletes, this booster occasionally provided student-athletes meals, movie admission and other gifts. Additionally, this booster enrolled two student-athletes on his cellular phone plan, thus providing them a discount on their cell phone use. The total value of the benefits was at least \$1,000. The booster's provision of impermissible benefits violated Bylaw 16 and resulted in ineligible competition in violation of Bylaw 12.

Bylaw 16.11.2.1 prohibits a student-athlete from receiving "extra benefits." Bylaw 16.8.1 permits an institution to provide competition-related expenses, but student-athletes must be eligible. Bylaw 12 obligates member institutions to withhold ineligible student-athletes from competition.

The booster's provision of gifts and discounts to the four student-athletes violated benefits legislation and triggered eligibility violations. A prohibition against boosters providing recruiting inducements and extra benefits is a fundamental and well-known rule within the membership. Yet boosters continue to be involved in infractions cases. Boosters' providing recruiting inducements and benefits confer an unfair advantage over institutions that educate their boosters about what they can and cannot do within the limits of NCAA legislation, and take measures to prevent them from becoming involved in violations. In this case, the provision of meals, movie admission and other gifts, including enrollment in a cell phone plan, constituted impermissible benefits in violation of Bylaw 16.11.2.1. Further, because the receipt of these benefits rendered the student-athletes ineligible and they subsequently competed, the institution violated Bylaw 16.8.1 occurred. Finally, because Sacramento State did not withhold these ineligible student-athletes from competition, it violated Bylaw 12.

Booster violations have been the subject of infractions cases for decades, yet, despite a universal understanding that boosters cannot provide recruiting inducements and extra benefits, several recent Division I cases included booster involvement. *See Mississippi* (concluding that boosters impermissibly provided meals, transportation, lodging, the use of automobiles and cash payments to prospective and enrolled student-athletes, their families and acquaintances.); *Sam Houston State University* (2017) (concluding that the head coach and a booster arranged for a local family to house a student-athlete at their home at no cost for approximately two and a half months, both before and after she enrolled at the institution.); and *University of New Hampshire* (2014) (concluding that over a four-year period, a booster provided impermissible benefits in the form of cash, meals, travel expenses and educational expenses to multiple women's student-athletes and their family members, in the sports of track and field, ice hockey and volleyball). Similar to these cases, the Sacramento State case illustrates the need for member institutions to be diligent in preventing boosters from providing impermissible benefits to prospects and student-athletes, both by monitoring booster interaction with student-athletes and through targeted booster education.

Level of Violations

The parties agree that, cumulatively, the extra benefits and impermissible financial aid provided by the director, along with his impermissible coaching activities, the impermissible benefits and recruiting inducements provided by other staff members, the tryout violations and the extra benefits provided by a booster are, taken together, a severe breach of conduct, a Level I violation. These activities touched on a broad spectrum of legislation, including: conduct and employment of academic personnel, general eligibility, recruiting inducements, tryouts, financial aid and extra benefits.

Based on five factors and pursuant to Bylaw 19.1.1, the panel concludes that these violations together rise to Level I because the violations: (1) were not isolated or limited; (2) provided or were intended to provide a substantial or extensive recruiting, competitive or other advantage; (3) involved substantial or extensive impermissible benefits; (4) were intentional and more serious than Level II violations; and (5) seriously undermined or threatened the integrity of the NCAA Collegiate Model. Few Division I SDRs in the past 20 years involved a single violation with the breadth of bylaws implicated in Violation No. 1. In addition to involving a substantial monetary value (over \$70,000), these benefits provided a number of advantages to the institution, including keeping student-athletes at the institution following a scholarship loss when they may not have been able to remain at the institution, easing the transition for incoming student-athletes by securing housing arrangements for them, providing access to training opportunities for prospects to improve their performance before arriving on campus, facilitating a talented prospect relocating to the area of campus by arranging access to housing and training and creating opportunities to evaluate local prospects through their participation in the tennis academy conducted at the tennis club owned by the director.

Severe misconduct involving staff members similar to the actions of the director in this case have resulted in Level I violations in recent cases. *See Mississippi* (concluding that two football staff members committed Level I violations when they arranged for a booster to provide

impermissible inducements to prospects and when a booster assisted in recruiting four prospects by providing them and some family members with impermissible recruiting inducements and arranging contacts between family members and Mississippi coaches); and *University of Louisiana at Lafayette* (2016) (concluding that a former assistant football coach committed Level I violations when he provided a football student-athlete with cash payments to defray the cost of his living and educational expenses, both when the student-athlete was a prospect and after he enrolled at the institution). As reflected in *Mississippi* and *Louisiana at Lafayette*, this case demonstrates the need for member institutions to closely monitor all aspects of its athletics programs, including recruiting, coaching activity and the activity of boosters, both a recruiting context and in the provision of extra benefits to student-athletes. This is particularly true for so-called "nonrevenue sports," that do not get the attention and publicity of more visible sports such as football and basketball.

CARA Violations

Between the fall of 2012 and the spring of 2016, women's and men's tennis programs routinely exceeded CARA limitations. Coaches in both programs mandated participation in and/or monitored student-athletes' involvement in a variety of tennis activities that were not recorded as CARA in violation of Bylaw 17.

Bylaw 17 governs playing and practice seasons. Restrictions and limitations relating to CARA are set forth in Bylaw 17.1. Specifically, Bylaw 17.1 limits a student-athlete's participation in CARA during the playing season to a maximum of four hours per day and 20 hours per week. Outside the playing season, Bylaw 17.1 limits a student-athlete's participation in required weight training, conditioning and skill-related instruction to a maximum of eight hours per week, with not more than two hours per week spent on skill-related workouts. Finally, pursuant to Bylaw 17.1, CARA is prohibited during vacation periods and the summer.

In the women's program, the impermissible CARA encompassed five types of activity. First, the head women's coach and the director mandated challenge matches during the fall season. Second, the women's tennis staff ordered year-round captains' practices. Third, the coaches expected student-athletes to attend morning training sessions held when women's tennis coaches were coaching at the tennis academy. Fourth, the head coach and the director created a point system as a means to monitor the activities of the women's tennis program over the summer. Fifth, the women's staff periodically assigned other athletics activities outside of practice times, such as private lessons with the volunteer assistant coach or the completion of extra tennis drills. Additionally, over the winter break during the 2014-15 academic year, the staff asked student-athletes to participate in tennis matches and report the results when they returned for the spring semester. Finally, an isolated violation of CARA occurred in late April 2016 when the head women's coach impermissibly required the women's tennis team to participate in a practice following a match earlier that day.

In the men's program, the impermissible CARA involved two types of activity not counted as CARA. First, similar to what occurred in the women's program, captain practices occurred outside the regular playing and practice season. While these sessions were occurring, the head

men's coach and the assistant coach were teaching lessons and were able to view the student-athletes' participation. Second, the men's staff monitored student-athletes' athletically related activities during the summer of 2016. The coaching staff asked student-athletes to report the tournaments in which they participated, the practice matches they played and their fitness training during the summer.

The above described CARA activity in the women's and men's tennis programs violated Bylaw 17.1. The membership has made it clear that the demands on student-athletes' time be properly controlled to ensure not only their academic success, but to also achieve a well-rounded collegiate experience. CARA limitations are also a means to safeguard student-athlete health and welfare through mandatory rest and recuperation between competitions and other athletically related activity. In Sacramento State's case, when the tennis student-athletes participated in the above activities initiated by the coaching staffs during the playing and practice season, but not counted as CARA by the coaches, the student-athletes routinely exceeded the daily and weekly hourly limits in violation of Bylaw 17.1. Further, when the tennis student-athletes participated in the activities initiated by the coaching staffs outside the playing and practice season, student-athletes frequently exceeded the off-season eight-hour weekly limit, again violating Bylaw 17.1. Finally, when the men's and women's tennis staffs initiated CARA activity that took place during vacation periods and the summer, violations of Bylaw 17.1 occurred.

By exceeding CARA restrictions, institutions can gain an unfair advantage over other member institutions that properly limit hours devoted to practice, conditioning and other CARA. Moreover, exceeding CARA can also risk student-athlete health and welfare. *See San Jose State University* (2016) (concluding that the head women's basketball coach failed to meet his responsibility to set an atmosphere for rules compliance by conducting impermissible out-of-season CARA over three semesters and directing a nonqualifier student-athlete to participate in team CARA); *Alabama State University* (2016) (concluding that the head softball coach failed to prevent her program from engaging in CARA that exceeded the time limits imposed by NCAA legislation); *Stanford University* (2016) (during a four-year period, the softball coaching staff permitted certain softball student-athletes to participate in CARA); and *Eastern Michigan University* (2012) (concluding the head women's basketball coach required student-athletes to participate in CARA on numerous occasions that exceeded the daily and weekly practice hour limitations). In order to ensure that student-athletes devote the necessary time to academic and other activities, and to safeguard their health and welfare, it is incumbent on member institutions to comply with CARA limits and to aggressively monitor CARA activity. The fact that this case originated with a student-athlete reporting CARA violations is indicative of the importance student-athletes place on CARA limits. It also reaffirms the need to establish a proper balance between student-athletes' academics, their athletics responsibilities and other campus endeavors, while also safeguarding their health and welfare.

Based on four factors and pursuant to Bylaw 19.1.2, the panel concludes that the CARA violations are Level II because the violations: (1) were not isolated or limited; (2) provided or were intended to provide more than a minimal competitive advantage; (3) were more serious than Level III violations; and (4) compromised the integrity of the NCAA Collegiate Model. In *San Jose State*, *Alabama State*, *Stanford* and *Eastern Michigan*, the COI concluded Level II

CARA violations because of the advantages provided to the institutions that violated the legislation. Similarly, in Sacramento State's case, by committing the CARA violations over numerous academic years, the institution's men's and women's tennis programs gained additional training opportunities not available to other institutions that complied with CARA limits.

Head Coach Responsibility Failures

The parties agreed that both the head women's coach and the head men's coach failed to fulfill their head coach responsibility. Between the summer of 2012 and the spring of 2016, the head women's coach failed to exercise proper oversight and is presumed responsible for violations that occurred in his program in the areas of housing, recruiting, tryouts and CARA. During the same timeframe as the head women's coach, the head men's coach is presumed responsible for violations that occurred in his program relating to recruiting and CARA. He also failed to monitor his staff. This conduct violated Bylaw 11.

Bylaw 11 governs the conduct and ethics of athletics personnel. Bylaw 11.1.1.1 establishes an affirmative duty for head coaches to monitor their staff members and promote an atmosphere of compliance within their programs.¹⁸ Head coaches are presumed responsible for violations in their programs but may refute this presumption by demonstrating they promoted an atmosphere of rules compliance and monitored staff members.

The head women's coach failed to identify and address potential issues relating to housing for incoming student-athletes, many of whom were international and were not familiar with the United States in general and, in particular, the Sacramento area. Further, he failed to detect, or ignored, the recruiting activity undertaken by the director and did not report or consult with compliance about the director's recruiting efforts. In addition, he did not consult with compliance to determine whether his activities at the director's tennis club created risks of potential violations of legislation relating to impermissible tryouts. The head women's coach's reluctance to consult with compliance was a significant factor in his failure to meet his head coach responsibility. Finally, he had personal involvement in the CARA violations. These failures reflect that the head women's coach failed his responsibility as a head coach and violated Bylaw 11.1.1.1.

The COI has regularly concluded head coach responsibility violations when the coach makes his or her uninformed determinations without consulting with compliance. *See Houston Baptist* (2018) (concluding that head football coach initiated an impermissible student-athlete host program without consulting with the compliance office); *Monmouth* (concluding that the head men's tennis coach impermissibly arranged housing for the prospect and permitted him to practice before enrollment and did not consult with the compliance staff prior to making these arrangements); *Grambling State University* (2017) (the former head women's track and field coach violated head coach responsibility legislation and that if she inquired about the permissibility of the living arrangement of the prospect that arrived early, she would have

¹⁸ Prior to the 2013-14 academic year, Bylaw 11.1.1.1 was numbered as Bylaw 11.1.2.1. Some of the head coach responsibility failures in this case dated back to the 2012-13 academic year when the head coach control legislation was cited under Bylaw 11.1.2.1. For the purposes of this decision, Bylaw 11.1.1.1 is cited for all of the head coach control violations.

learned of a recruiting violation); and *University of Hawaii at Manoa* (2015) (the former head men's basketball coach violated head coach responsibility legislation when he determined an extra benefits violation did not occur without consulting the compliance staff). Similar to these cases, the head women's coach here failed to consult the compliance staff and did not promote an atmosphere of compliance.

Similar to the head women's coach, the head men's coach allowed the director to have a free hand in recruiting. He made no effort to understand or oversee the director's recruiting activity. Consequently, the head men's coach failed to detect the impermissible recruiting activity undertaken by the director. Further, as with the head women's coach, the head men's coach had personal involvement in the CARA violations. Finally, the head women's coach failed to monitor his assistant coach's involvement in the impermissible arrangement of housing for incoming student-athletes. These shortcomings reflect head coach control failure in violation of Bylaw 11.1.1.1.

The COI has previously concluded that head coaches failed to monitor when they over-relied on staff members. See *University of Northern Colorado* (2017) (concluding that the head men's basketball coach did not monitor his staff to ensure their recruiting activities were compliance with NCAA legislation); *University of Louisville* (2017) (concluding that the head men's basketball coach failed to monitor when he delegated responsibility to a staff member to supervise visiting prospects in a basketball dormitory and did not check in with the staff member to verify that he was following NCAA rules and institutional policies); and *Prairie View A&M University* (2017) (the head men's basketball coach failed to monitor an assistant coach who impermissibly arranged an intersession course for a student-athlete in an attempt to preserve the student-athletes eligibility). Likewise, as this case demonstrates, it is of utmost importance for head coaches to regularly communicate with compliance and to have a full understanding of the actions of staff members.

Bylaw 19.1.2-(e) establishes that head coach responsibility failures resulting from underlying Level II violations are Level II head coach responsibility violations. In this case, although some of the underlying violations that occurred in the men's and women's tennis programs were Level I, the panel concludes that the violations are Level II for two reasons. The director, not the head coaches, was the individual personally involved in the underlying Level I violations in the two tennis programs. Further, the other violations in which the two head coaches were involved, such as the exceeding of CARA limits, were Level II. See *Ohio State* (a head men's swimming coach, who committed Level II recruiting violations and did not take steps to prevent other recruiting violations, also committed a Level II head coach responsibility violation); *Sam Houston State* (concluding a head women's tennis coach who committed multiple Level II recruiting and extra-benefits violations also committed a Level II head coach responsibility violation); and *Florida International University* (2017) (a head women's basketball coach who committed a Level II violation when he provided an impermissible \$600 cash benefit to one of his student-athletes also committed a Level II head coach responsibility violation). The underlying Level II violations in which the two head coaches were involved support a Level II head coach responsibility violation for both coaches.

Unethical Conduct – Volunteer Assistant Women's Coach

In addition to unethical conduct on the part of the director of men's and women's tennis, a volunteer assistant women's tennis coach also engaged in unethical conduct. Namely, after initially participating, the volunteer coach refused to interview with the institution and NCAA enforcement staff and thus failed to cooperate with the investigation. His refusal to cooperate violated Bylaws 10 and 19.

Bylaws 10.1-(a) and 19.2.3 require staff members to cooperate with and assist the NCAA enforcement staff. Relatedly, Bylaw 19.2.3.2 specifies that failing to satisfy the responsibility to cooperate may result in an independent allegation and/or be considered an aggravating factor for purposes of determining a penalty.

The volunteer coach was cooperative during a portion of this case. At other times, he was not. When he refused to interview with the enforcement staff, the volunteer assistant coach failed to cooperate in violation of Bylaws 10.1-(a) and 19.2.3.

The COI has emphasized the importance of cooperating with an investigation in several recent cases. *See University of Louisville* (2017) (a director of basketball operations' refusal to participate in an interview, file a response or attend the infractions hearing constituted a failure to meet ethical conduct standards [Bylaw 10] and the responsibility to cooperate [Bylaw 19]); and *Georgia Southern University* (2016) (a compliance officer's refusal to participate in interviews, respond to the allegations and participate in the infractions hearing violated Bylaws 10 and 19). The responsibility to cooperate is critical to developing complete information and a fair, accurate investigation. In this case, the full cooperation of the volunteer coach may have assisted the enforcement staff and the institution in gaining a more complete understanding of this case.

Pursuant to Bylaw 19.1.1-(c), a failure to cooperate is typically conduct that results in a Level I violation. In this case, however, the parties agreed that, because the volunteer coach cooperated during a portion of the investigation, his failure to cooperate was a Level II violation. Precedent for failing to cooperate being a Level II violation exists. In both instances, similar to the volunteer coach in this case, the individuals partially cooperated. *See University of North Carolina* (2017) (concluding a Level II violation for an involved individual's partial participation); and *Syracuse University* (2015) (same). The panel concludes that the volunteer coach's failure to cooperate is a Level II violation because, similar to the individuals cited in *Syracuse* and *North Carolina*, he cooperated during a portion of the case processing.

Failure to Implement Medical Examination Requirements

Apart from the tennis violations, Sacramento State also failed to meet certain mandatory medical examination requirements required for student-athletes to participate in athletics. Specifically, the institution impermissibly permitted nurse practitioners to complete mandatory medical

examinations of student-athletes before NCAA legislation authorized this.¹⁹ Further, Sacramento State allowed student-athletes to participate in athletics prior to meeting sickle cell test requirements. Finally, Sacramento State did not require all student-athletes engaging in tryouts to undergo medical examinations administered by a physician prior to their tryouts. These failures violated Bylaw 17.

Bylaw 17 governs playing and practice seasons and includes certain safety requirements. Bylaw 17.1.5 requires that, prior to participation in any practice, competition or out-of-season conditioning activities (permissible voluntary individual workouts), student-athletes who are beginning their initial season of eligibility and students who are trying out for a team shall undergo a medical examination or evaluation administered or supervised by a physician. Bylaw 17.1.5.1 further requires student-athletes who are beginning their initial season of eligibility and students who are trying out for a team to undergo a sickle cell solubility test, unless documented results of a prior test are provided to the institution, or the prospect or student-athlete declines the test and signs a written release.

Sacramento State impermissibly allowed nurse practitioners to complete mandatory examinations for student-athletes from the summer of 2012 until late October 2015. During this period, the institution's health services employed nurse practitioners to conduct all physical examinations. Sacramento State also permitted approximately 10-20 student-athletes (or prospects) per year from the summer of 2012 to the spring of 2017 to participate in activities before meeting sickle cell testing requirements. All student-athletes received sickle cell testing, but they participated before the institution obtained the results. Finally, from the fall of 2013 until January 2017, Sacramento State failed to require all student-athletes trying out to undergo medical examinations or evaluations administered or supervised by a physician prior to trying out for teams.

Sacramento State's use of nurse practitioners to conduct physicals from the summer of 2012 to October 2015 complied with California law, but violated Bylaw 17.1.5 in effect at the time. Sacramento State also violated Bylaw 17.1.5.1 by permitting student-athletes (or prospects) to participate in activities before meeting sickle cell testing requirements. Finally, Sacramento State violated Bylaw 17.1.5 when it failed to require all student-athletes trying out for teams to undergo medical examinations or evaluations administered or supervised by a physician prior to their tryouts.

Only one previous case involved violations relating to medical requirements and, in that case, the COI determined the violations were Level II. *See Florida A&M University (2015)* (the institution committed Level II violations when, over the course of three academic years, it failed to ensure that 18 student-athletes completed a medical examination within six months before participation in practice). Both *Florida A&M* and this case demonstrate the importance of complying with required medical processes in order to safeguard the health and safety of student-athletes.

¹⁹ Effective October 29, 2015, Bylaw 17.1.5 was amended to allow nurse practitioners to conduct physicals.

Pursuant to Bylaw 19.1.2, and consistent with *Florida A&M*, the panel agrees with the parties that the failure to comply with medical requirements is a Level II violation because the violations: (1) were not isolated or limited, (2) involved systemic violations that were more serious than Level III violations and (3) compromised the integrity of the NCAA Collegiate Model.

Failure to Monitor

Sacramento State failed to monitor its men's and women's tennis programs to ensure compliance with NCAA legislation in several ways. This failure included Sacramento State's lack of oversight of the two programs' affiliation with the director's tennis club. Further, Sacramento State failed to monitor the involvement of staff members in arranging housing. Moreover, Sacramento State failed to monitor the director's coaching and recruiting activities for the two tennis programs. Also, the institution failed to monitor CARA that occurred at the director's tennis club. Finally, Sacramento State failed to monitor when it did not comply with mandatory medical examination legislation. These violations occurred over an extended period of time, beginning with the 2012-13 and concluding in the 2016-17 academic year. In failing to monitor over this five-year period, Sacramento State violated Constitution 2.

Constitution 2 sets forth core principles for institutions conducting intercollegiate athletics programs. Constitution 2.8.1 requires an institution to abide by all rules and regulations, monitor compliance and report instances of noncompliance.

While the institution's oversight failures relative to the tennis programs and required medical procedures did not rise to a lack of institutional control, they demonstrate the absence of certain elements of an effective monitoring program and support a failure to monitor violation. Because Sacramento State conducted its tennis programs at an off-campus facility, it was incumbent upon the institution to engage in more rigorous monitoring at the tennis club. Even though Sacramento State took some steps, including providing rules education for the tennis staff at the club during the 2015-16 academic year and visiting the club to distribute or collect compliance-related forms, it did not do enough. In addition to these activities, the institution should have engaged in additional compliance activity, including more spot checks of the club throughout the year. By taking a more proactive approach to its compliance efforts relative to the tennis club, some of the violations in this case may have been avoided, particularly relating to tryout and CARA violations, as well as the director's impermissible coaching activity. Sacramento State's lack of oversight and monitoring was a significant contributing factor in numerous, serious violations occurring in the men's and women's tennis programs over a five-year period. Further, the institution also should have been more diligent in making certain that it followed legislated medical requirements. This lack of oversight and monitoring violated Constitution 2.8.1.

This case should serve as a cautionary tale to member institutions for two reasons. First, although non-revenue sports programs, such as tennis, usually do not attract the fan support and media attention of other more visible programs (e.g. football and basketball) sufficient compliance resources must be devoted to these programs so as to ensure that they follow NCAA legislation. Compliance responsibilities and resources should not vary by sports programs

popularity. Instead, the same expectations apply to all sports programs. This did not occur at Sacramento State as reflected by the institution's admission that it "was unable to devote the necessary resources to ensure the men's and women's tennis programs were meeting the expectations put forth in the institution's rules education initiatives." Second, this case also exposed potential pitfalls when sports programs are conducted at off-campus facilities where violations can go undetected. As previously mentioned, in such circumstances, it is imperative that institutions engage in periodic, but regular, spot checking at these remote facilities and to engage in enhanced compliance education with the respective sports staffs. This did not occur at Sacramento State. Consequently, because of this lack of oversight and deficient monitoring at the tennis club, numerous, serious violations of NCAA legislation occurred over a five-year period in the areas of CARA, coaching duties and tryouts.

Since 1989, over 100 infractions cases included a failure to monitor violation. However, unlike this case, a failure to monitor typically applies to a limited area in which an institution failed to exercise appropriate oversight. See *Houston Baptist* (concluding that the institution failed to adequately monitor the football program's compliance with the recruiting legislation related to student hosts.); *Monmouth* (concluding that the institution failed to monitor its men's tennis program and the conduct of the former head coach to ensure compliance with NCAA legislation during the fall 2015 term); *University of the Pacific* (2017) (concluding that the institution failed to monitor the activities of the men's basketball coaching staff related to prospects' distance learning courses.); and *Campbell University* (2016) (concluding that the institution failed to adequately monitor the eligibility certification of transfer student-athletes.) Sacramento State's oversight failures were serious and comparable to cases that included a lack of institutional control. See *Syracuse University* (2015) (concluding that, over approximately 10 years, the institution failed to exercise proper control over the administration of its athletics program and employed deficient monitoring systems, which allowed violations to occur on and off campus that involved: (1) student-athlete academics; (2) the institution's compliance with its own drug policy and (3) staff and student- athlete relationships and engagement with the community and a representative.).

However, in this case, the parties agreed that Sacramento State demonstrated the basic elements of institutional control and the failures at issue in this case were related to the institution's monitoring efforts. Sacramento State's monitoring failures touched on five areas ranging from failing to monitor the men's and women's tennis programs' affiliation with the director's tennis club, to not complying with required medical requirements. Due to the serious nature of these oversights, the parties agreed that the failure to monitor was a Level I violation, as discussed in greater detail below.

Pursuant to Bylaw 19.1.2- (b), a failure to monitor is presumed to be Level II. However, there is an exception to that rule if the failure is "substantial or egregious." In this case, the parties agreed that the failure to monitor was "substantial or egregious." A primary factor in this determination was the serious nature of Violation No. 1, a Level I violation that touched upon numerous areas of NCAA legislation. Moreover, a component of Sacramento State's failure to monitor included the institution not sufficiently monitoring the director, who engaged in serious, systemic violations over a five-year period. Therefore, the panel agrees with Sacramento State

and the enforcement staff that the failure to monitor in this case is Level I. The panel notes that, since 2012 when the new enforcement processes and procedures were adopted by the membership, this is the first case in which a failure to monitor violation has been assessed as Level I.

V. PENALTIES

For the reasons set forth in Sections III and IV of this decision, the panel accepts the parties' agreed-upon factual basis and violations and concludes this case involved Level I and Level II violations. Level I violations are severe breaches of conduct that seriously undermine or threaten the integrity of the NCAA Collegiate Model, including any violation that provides or is intended to provide a substantial or extensive recruiting, competitive or other advantage, or a substantial or extensive impermissible benefit. Level II violations are significant breaches of conduct that provide or are intended to provide more than a minimal but less than a substantial or extensive recruiting advantage, including violations that involve more than a minimal but less than a substantial or extensive impermissible benefit.

Pursuant to Bylaw 19.9.1, the panel prescribes penalties under the current penalty structure because the violations in this case predominantly occurred after October 30, 2012. In considering penalties, the panel first reviewed aggravating and mitigating factors identified in Bylaws 19.9.2, 19.9.3 and 19.9.4 to determine the appropriate classifications for the parties. The panel then used the current penalty guidelines (Figure 19-1) and Bylaws 19.9.5 and 19.9.7 to prescribe penalties.²⁰

Sacramento State and the enforcement staff agreed to six aggravating factors and three mitigating factors, including exemplary cooperation. The panel determines that all nine factors apply. With respect to the head men's coach, the parties agreed that two aggravating factors and one mitigating factor apply. Likewise, the panel determines that all three of these factors apply.

The tennis director, the head women's coach and the volunteer assistant women's coach did not participate in the processing of this case and therefore, took no position regarding their aggravating and mitigating factors. The panel determines that all aggravating and mitigating factors apply to those parties.

The panel assessed the aggravating and mitigating factors by weight and number. Based on its assessment, the panel concludes that this case is Level I-Standard for Sacramento State, Level I-Aggravated for the tennis director and Level II-Standard for the head men's tennis coach, head women's tennis coach and former volunteer assistant women's coach.

²⁰ The membership recently adjusted and expanded the ranges in the penalty guidelines related to scholarship reductions and the duration of postseason bans, probation and show-cause orders. The adjusted guidelines became effective on August 1, 2017. Because the panel considered this case after the effective date of the adjusted guidelines, the panel used the adjusted guidelines to prescribe penalties.

Pursuant to Bylaw 19.6, no parties have the opportunity to appeal. Specifically, because Sacramento State agreed to the facts and violations, and accepted the panel's proposed additional penalties, the institution does not have the opportunity to appeal. Further, because the head men's coach agreed to the facts and violations in which he was involved and did not respond the panel's proposed show-cause order, he may not appeal. Finally, because the tennis director, the head women's tennis coach and volunteer assistant women's coach did not participate in the summary disposition process and all failed to respond the panel's proposed show-cause orders relative to them, they, likewise, do not have the opportunity to appeal.

All penalties prescribed in this case are independent and supplemental to any action that has been or may be taken by the NCAA Division I Committee on Academics through its assessment of postseason ineligibility, historical penalties or other penalties. In prescribing penalties, the panel considered Sacramento State's cooperation in all parts of this case and, based on the enforcement staff's assessment, determines it was exemplary. The panel also considered Sacramento State's self-imposed penalties and corrective actions. The corrective actions are set forth in Appendix Two. After considering all information relevant to this case, the panel prescribes the following penalties (self-imposed penalties are so noted):

Core Penalties for Level I-Standard Violations (Bylaw 19.9.5)

1. Probation: A three-year probationary period beginning April 19, 2018 and concluding April 18, 2021.
2. Financial penalty: Sacramento State shall pay a \$5,000 fine. (Self-imposed.) In addition, the institution shall make a one-time payment of an amount equal to 1 percent of its annual women's tennis budget averaged over the past three years. This is the minimum legislated financial penalty for a Level I-Standard case. A complete accounting of this financial penalty shall be included in the institution's first annual compliance report.²¹
3. Postseason ban: Sacramento State's women's tennis team ended its 2016-17 season with its last regular season match and did not participate in postseason conference or NCAA tournament competition. Further, the women's tennis team will not participate in postseason competition following the 2017-18 season as well. (Self-imposed.)
4. Scholarship reductions: The women's tennis program reduced by two the total number of permissible grants-in-aid for the 2017-18 and 2018-19 academic years. (Self-imposed.)²²

Core Penalty for Level I-Aggravated Violation (Bylaw 19.9.5)

5. Show-cause order, former director of men's and women's tennis. This case involved the director of men's and women's tennis' intentional violations of NCAA legislation. As a

²¹ The financial penalty must be calculated in accordance with COI IOP 5-15-2 and 5-15-2-1.

²² For the past four years, the women's tennis team has used the maximum number of grants-in-aid, eight, pursuant to Bylaw 15.5.2.1. The reduction of two scholarships constitutes a 25% reduction of scholarships (counters) for two academic years.

person of authority, the director should be held to a high standard. When the director knowingly provided impermissible benefits and recruiting inducements to student-athletes and prospects, he did not comport with that standard and engaged in unethical conduct. Further, the director had a responsibility to cooperate with the investigation. He also engaged in unethical conduct when he failed to cooperate with the enforcement staff and institution. Therefore, the director will be informed in writing by the NCAA that he will be subject to a five-year show-cause order from April 19, 2018 to April 18, 2023. If he seeks employment or affiliation with an athletically related position at an NCAA member institution during the show-cause period, the employing institution shall, within 30 days of hiring him, be required to contact the OCOI to make arrangements to show cause why restrictions on his athletically related activity should not apply.

Although each case is unique, the five-year show-cause order is consistent with show-cause orders prescribed in recent cases that involved unethical conduct for knowingly engaging in conduct that violated NCAA legislation. *See Southeast Missouri State University (2017)* (prescribing a six-year show-cause order for an assistant men's basketball coach who coach knowingly arranged for the receipt of fraudulent academic credit for a prospect, provided false or misleading information and failed to fully cooperate with the investigation); *California State University, Northridge (2016)* (prescribing a five-year show-cause order for a former director of men's basketball operations who engaged in unethical conduct when he knowingly completed and submitted coursework for four men's basketball student-athletes and knowingly provided impermissible academic benefits to eight men's basketball student-athletes); and *Lamar University (2016)* (prescribing a five-year show-cause order for a former head men's golf coach who engaged in unethical conduct when he knowingly provided or arranged for approximately \$15,500 in impermissible benefits to three student-athletes and refused to cooperate with the enforcement staff and institution.) The membership has made it clear that unethical conduct violations merit stringent penalties. In this case, because the directors knowingly engaged in conduct that violated several areas of NCAA legislation, combined with this failure to cooperate, the panel concluded that a five-year show cause is appropriate.

Core Penalties for Level II-Standard Violations (Bylaw 19.9.5.5)

6. Show-cause order, head men's tennis coach: The head men's tennis coach is presumed responsible for Sacramento State exceeding coaching limits in men's tennis, for the arrangement of impermissible housing for three men's tennis prospects and for his personal involvement in the men's tennis team exceeding CARA limits. He also failed to monitor his assistant coach. He did not rebut the presumption of responsibility. Specifically, he could not demonstrate that he promoted an atmosphere for compliance and monitored his staff within the men's tennis program because of his failure to consult with compliance about potential serious violations of NCAA legislation, his failure to monitor the recruiting activities of his assistant coach and his personal involvement in violations. Therefore, the head coach shall be subject to a two-year show-cause order from April 19, 2018 to April 18, 2020. If he seeks employment or affiliation with an athletically related position at an NCAA member institution during the show-cause period, the employing institution shall, within 30

days of hiring him, be required to contact the OCOI to make arrangements to show cause why restrictions on his athletically related activity should not apply.

Head Coach Restriction: The institution intended to suspend the head men's tennis coach from coaching duties for 10 percent of the spring 2018 championship season. However, in late January 2018, he resigned and did not fulfill that penalty. Consequently, as part of this show-cause order, and pursuant to Bylaw 19.9.5.5, should the head men's tennis coach become employed in a head coach position at an NCAA member institution during the two-year show-cause period, the head coach shall be suspended from 10 percent of the men's tennis championship segment during his first season of employment. The provisions of the suspension require that the head coach not be present in the facility where the matches are played and have no contact or communication with members of the men's tennis coaching staff or student-athletes during the suspension period. The prohibition includes all coaching activities for the period of time which begins at 12:01 a.m. the day of the first match of the championship season and ends at 11:59 p.m. on the day of the match that constitutes the end of the suspension period. During that period, the head coach may not participate in any coaching activities, including, but not limited to, team travel, practice, video study, recruiting and team meetings. The results of those matches from which the head coach is suspended shall not count in the head coach's career coaching record. Finally, if employed by a member institution during the two-year show-cause order, the head men's tennis coach shall be required to attend an NCAA Regional Rules Seminar during each year of the show cause.

Although each case has its own facts, the former head coach's penalties are consistent with those prescribed in previous cases that involved head coach who failed their responsibilities as head coaches through their personal involvement in violations or by failing to report violations. See *Houston Baptist* (prescribing a two-year show cause and recruiting restrictions for the head football coach who initiated an impermissible student host program, failed to consult with the compliance office and violated head coach responsibility legislation); *Grambling State* (prescribing a two-year show-cause order for the head men's track coach who failed to stop and report a known violation and failed in his head coach responsibility); and *Saint Francis University* (2014) (prescribing a two-year show cause order with a two-game suspension for the head football coach who violated benefits and head coach responsibility legislation.) Head coaches are held to a high standard of conduct and the membership has made it clear that head coaches should be held accountable when they fail their responsibilities. The panel agrees and concluded that a two-year show cause is appropriate for the head men's coach's misconduct.

7. Show cause order, head women's tennis coach. The head women's coach is presumed responsible for Sacramento State exceeding coaching limits in women's tennis, the arrangement of impermissible housing for three women's tennis prospects, conducting impermissible tryouts and for his personal involvement in the women's tennis team exceeding CARA limits. He did not rebut the presumption of responsibility. Specifically, he could not demonstrate that he promoted an atmosphere for compliance within the women's tennis program because of his personal involvement in the violations and/or his failure to consult with compliance about potential serious violations of NCAA legislation. Therefore,

the head women's coach will be informed in writing by the NCAA that he will be subject to a two-year show-cause order from April 19, 2018 to April 18, 2020. If he seeks employment or affiliation with an athletically related position at an NCAA member institution during the show-cause period, the employing institution shall, within 30 days of hiring him, be required to contact the Office of the Committees on Infractions (OCOI) to make arrangements to show cause why restrictions on his athletically related activity should not apply. The head women's coach resigned before the institution could implement a suspension. Further, because the head women's tennis coach's violations were Level II-Standard, the penalty guidelines do not require a suspension and the panel decided not to prescribe a suspension in this instance. The two-year show cause is consistent with the COI's decisions in the previous cases cited involving *Houston Baptist*, *Grambling State* and *Saint Francis University*.

8. Show cause order, former volunteer assistant women's coach. The volunteer assistant women's tennis coach violated the NCAA principles of ethical conduct when he refused to interview with the institution and NCAA enforcement staff and failed to cooperate fully with the investigation. Specifically, the volunteer coach refused to respond to multiple interview requests from the institution and enforcement staff. Therefore, the volunteer coach shall be subject to a two-year show-cause order from April 19, 2018 to April 18, 2020. If he seeks employment or affiliation with an athletically related position at an NCAA member institution during the show-cause period, the employing institution shall, within 30 days of hiring him, be required to contact the OCOI to make arrangements to show cause why restrictions on his athletically related activity should not apply.

Additional Penalties for Level I-Standard Violations (Bylaw 19.9.7)

9. Public reprimand and censure (accomplished through release of the public infractions decision).
10. Vacation of records. Due to their receipt of impermissible inducements and benefits as described in Section IV, the women's tennis student-athletes referenced in the violations were rendered ineligible for collegiate competition. The violations were collectively Level I, intentional, numerous and occurred over multiple years. Most of the violations involved institutional staff members, primarily the former director of men's and women's tennis. Therefore, pursuant to Bylaws 19.9.7-(g), Sacramento State shall vacate all regular season and postseason wins in which ineligible women's tennis student-athletes competed from the time they became ineligible through the time (if any) they were reinstated as eligible for competition through the student-athlete reinstatement process.²³ The individual records of the ineligible student-athletes shall also be vacated. (Self-imposed). Further, Sacramento State's records regarding women's tennis, as well as the record of the former head coach,

²³ COI IOP 5-15-4 states that a vacation penalty is particularly appropriate when cases involve ineligible competition and a failure to monitor violation. The COI has routinely prescribed a vacation of records in cases that involved student-athletes competing when they failed to meet amateurism and eligibility requirements and the institution failed to monitor. See University of Tennessee, Chattanooga (2018); Monmouth; Grambling State; Mississippi Valley State University (2017); Alcorn State University (2016); Campbell University (2016); and Samford University (2016).

shall reflect the vacated records and be recorded in all publications in which women's tennis 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 women's tennis coach shall similarly reflect the vacated wins in the former head coach's career records documented in media guides and other publications cited above. Head coaches with vacated wins on their records may not count the vacated wins to attain specific honors or victory "milestones" such as 100th, 200th or 500th career victories. Any public reference to these vacated contests shall be removed from athletics department stationery, banners displayed in public areas and any other forum in which they may appear. Any trophies or other team awards attributable to the vacated contests shall be returned to the Association.²⁴

11. Disassociation of the tennis director. Pursuant to COI IOP 5-15-5, Sacramento State shall disassociate the tennis director for a period of not less than five years. The disassociation shall include:
 - a. Refraining from accepting any assistance from the director that would aid in the recruitment of prospects or the support of enrolled student-athletes;
 - b. Refusing financial assistance or contributions to Sacramento State's athletics program from the director or his business interests;
 - c. Ensuring that no athletics benefit or privilege is provided to the director, either directly or indirectly, that is not available to the public at large; and
 - d. Implementing other actions that Sacramento State determines to be within its authority to eliminate the involvement the tennis director in the institution's athletics program.
12. CARA limits, women's tennis. A reduction in CARA for the women's tennis program from 20 to 17 hours per week for the 2016-17 and 2017-18 championship segments. (Self-imposed.)
13. CARA limits, men's tennis. A reduction in CARA for the men's tennis program from 20 to 18 hours per week for the 2016-17 championship segments. (Self-imposed.)

²⁴ Sacramento State did not self-impose a vacation in men's tennis. According to the institution, only one men's tennis student-athlete competed while ineligible and the underlying benefit he received was of minimal value, less than \$100. Consequently, the panel agreed with the institution and declined to prescribe this penalty.

14. Recruiting restrictions. A ban on international recruiting trips by countable coaches in the women's tennis program for two years, 2016-2017 and 2017-2018. (Self-imposed.)²⁵
15. During the period of probation, Sacramento State 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 NCAA recruiting and certification legislation;
 - b. Submit a preliminary report to the OCOI by June 1, 2018, 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 January 15 during each year of probation. Particular emphasis shall be placed on monitoring the institution's recruiting activity, particularly in the sport of football, and compliance education pertaining to recruiting;
 - d. Inform in writing men's and women's tennis prospects that Sacramento State is on probation for three years and detail the violations committed. If a prospect takes an official paid visit, the information regarding violations, penalties and terms of probation must be provided in advance of the visit. Otherwise, the information must be provided before a prospect signs a National Letter of Intent;
 - e. Publicize specific information concerning the infractions by providing, at a minimum, a statement to include the types of violations in the tennis programs and a direct, conspicuous link to the public infractions report located on the athletic department's main or "landing" webpage. The information shall also be included in the men's and women's tennis media guides (either paper or digital versions) and in an alumni publication. The institution's statement must: (1) clearly describe the infractions and how they occurred; and (2) include the penalties associated with the infractions case; and
 - f. Following the receipt of the final annual compliance report and prior to the end of probation date, the institution's president shall provide a letter to the COI affirming that the institution's current athletics policies and practices conform to all requirements of NCAA regulations.

²⁵Pursuant to Bylaw 19.9.5 and the penalty guidelines, for a Level I Standard case, recruiting restrictions in the areas of visits, communications and off-campus recruiting are prescribed. In this case, Sacramento State self-imposed a two-year ban on international recruiting trips applicable to the women's tennis program. Because most of the members of the women's tennis team were international student-athletes, and the most serious violations in this case centered on women's student-athletes from countries other than the United States, the panel concluded that the ban on international recruiting trips in women's tennis was an appropriate and sufficient recruiting penalty under the circumstances. Therefore, the panel deviated from the core recruiting penalties for a Level I Standard case.

The COI advises Sacramento State that it should take every precaution to ensure the terms of the penalties are observed. The COI will monitor the penalties during their effective periods. Any action by Sacramento State contrary to the terms of any of the penalties or any additional violations may be considered grounds for prescribing more severe penalties or may result in additional allegations and violations.

NCAA COMMITTEE ON INFRACTIONS PANEL

William Bock

Bobby Cremins

Tom Hill

Joel Maturi

Vince Nicastro, Chief Hearing Officer

Sankar Suryanarayan

APPENDIX ONE

**SACRAMENTO STATE'S CORRECTIVE ACTIONS AS IDENTIFIED IN THE
NOVEMBER 10, 2017, SUMMARY DISPOSITION REPORT**

1. The tennis director retired from the institution and thereby resigned his position effective October 17, 2016. Due to his separation from the institution, the source of the severe extra benefit and precollege expenses was eliminated.
2. The head women's tennis coach was placed on a leave of absence as of July 22, 2016, pending the results of the investigation. He was instructed not to have any contact with the team. Due to the findings of the investigation, he was asked to resign from his position. He officially separated from the institution on June 30, 2017.
3. The head men's tennis coach was issued a written admonishment and suspended from coaching duties for 10 percent of the men's tennis program's spring of 2018 championship segment of its season.²⁶
4. Because violations involved the tennis academy at the club owned by the director, the volunteer assistant women's coach resigned from his position on January 19, 2016, due to his connection to the tennis academy.
5. The interim (acting) head women's tennis coach originally working for the tennis club while in this interim role due to the level of income she received as coach. Consequently, upon becoming the interim head coach, Sacramento State provided the interim coach with a time base and salary that enabled her to no longer work for the tennis club. This change increased her independence and allowed her to fully participate in compliance and athletics department staff meetings.
6. The administration of the institutions tennis programs has been reorganized to promote head coach compliance accountability. Specifically, the director of tennis position was eliminated in order to promote direct oversight and communication between the athletics administration and the head tennis coaches.
7. To enhance proper compliance operations and institutional control, personnel in the athletics compliance office were evaluated, and the need for stronger officers was determined. An assistant director of compliance was removed from his position, and two full-time assistant directors were hired in his place to increase the athletics compliance office to a full-time staff of four.

²⁶ The head men's tennis coach resigned on January 16, 2018, after the submission of the SDR and before he fulfilled his suspension.

8. The athletics department hired a strength coach, effective September 29, 2016, which eliminated concerns about training extra benefits tennis student-athletes could have received when he was solely employed by the tennis club.
9. The women's tennis facility was moved on campus early in the fall 2016 semester. All mandatory practices are held on the tennis courts located on campus. This move allows administration and the athletics compliance office to closely monitor practice. Since the move, the athletics compliance office has observed practice multiple times and routinely walks by due to the proximity of the courts.
10. Beginning in the fall of 2016, the coaches for the women's tennis team relocated to an office in the main athletics building where the athletics compliance office is also located. This proximity will enhance access for the coaches as well as increase opportunities for monitoring the sport.
11. The men's tennis team was moved on campus in the fall of 2017 after renovations to twelve tennis courts made the move feasible.
12. Because the previous tennis coaching staff was not consistent in their attendance at compliance meetings, current coaches have been notified in writing of their ongoing requirement to attend compliance meetings regularly. The athletics compliance office created a spreadsheet to track all coaches' attendance at meetings. This spreadsheet is sent to the athletics director and sport supervisor at the beginning of each month. Tennis coaches have been instructed to report to the athletics director in advance when they will miss any scheduled compliance meeting.
13. Data regarding compliance meeting attendance and compliance email logs for all coaches on their staff will be presented and discussed.
14. The men's tennis staff has been instructed in writing that they (1) may have no role in facilitating prospective student-athletes and current student-athletes rooming together during the summers or prospective student-athletes finding housing during the summer prior to enrollment; (2) may have no role in facilitating housing for prospective student-athletes; and (3) failure to abide by this expectation will result in immediate discipline up to and including termination.
15. The athletics compliance office has increased compliance training sessions with the tennis program's student-athletes and coaches. These training sessions have emphasized the areas of non-compliance identified during this case.
16. Sacramento State has hired a law firm with a nationwide practice assisting NCAA institutions with compliance and infractions matters to conduct a compliance review in the fall of 2017. This review will analyze any potential areas for improved monitoring

and will ensure the athletics compliance office has implemented the best compliance practices.

APPENDIX TWO

Constitution and Bylaw Citations

Division I 2012-13 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:

(c) Knowing involvement in offering or providing a prospective or an enrolled student-athlete an improper inducement or extra benefit or improper financial aid.

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.

11.7.1.1.1 Countable Coach. An athletics department staff member must count against coaching limits as soon as the individual participates (in any manner) in the coaching of the intercollegiate team in practice, games or organized activities directly related to that sport, including any organized staff activity directly related to the sport.

11.7.1.1.1.1 Noncoaching Activities. Institutional staff members involved in noncoaching activities (e.g., administrative assistants, academic counselors) do not count in the institution's coaching limitations, provided such individuals are not identified as coaches, do not engage in any on- or off-field coaching activities (e.g., attending meetings involving coaching activities, analyzing video involving the institution's or an opponent's team), and are not involved in any off-campus recruitment of prospective student-athletes or scouting of opponents.

11.7.1.1.1.1 Exception—Noncoaching Staff Member with Sport-Specific Responsibilities.

A noncoaching staff member with sport-specific responsibilities (e.g., director of operations, administrative assistant) may participate in organized activities involving only the coaching staff or may perform administrative duties (e.g., attend meetings involving coaching activities, analyze video of the institution's or an opponent's team, track statistics during practice or competition). However, such an individual is prohibited from participating in instructional activities with student-athletes and any on-court or on-field activities (e.g., assist with drills, throw batting practice), and is prohibited from participating with or observing student-athletes in the staff member's sport who are engaged in nonorganized voluntary athletically related activities (e.g., pick-up games).

11.7.1.2 Recruiting Coordination Functions. The following recruiting coordination functions (except related routine clerical tasks) must be performed by the head coach or one or more of the assistant coaches who count toward the numerical limitations in Bylaw 11.7.4.

11.7.4 Limitations on Number of Coaches and Off-Campus Recruiters. There shall be a limit on the number of coaches who may be employed by an institution and who may contact or evaluate prospective student-athletes off campus at any one time in each sport as follows:

13.1.2.1 General Rule. All in-person, on- and off-campus recruiting contacts with a prospective student-athlete or the prospective student-athlete's relatives or legal guardians shall be made only by authorized institutional staff members. Such contact, as well as correspondence and telephone calls, by representatives of an institution's athletics interests is prohibited except as otherwise permitted in this section. Violations of this bylaw involving individuals other than a representative of an institution's athletics interests shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility.

13.1.2.1.1 Off-Campus Recruiters. An institutional staff member is not permitted to recruit off campus until he or she has been certified on an annual basis as to knowledge of applicable recruiting rules per Bylaw 11.5.1.1.

13.1.3.4.1 Institutional Coaching Staff Members—General Rule.²⁷ All telephone calls made to a prospective student-athlete (or the prospective student-athlete's parents, legal guardians or coaches) must be made by the head coach or one or more of the assistant coaches who count toward the numerical limitations in Bylaw 11.7.4 (see Bylaw 11.7.1.2). In bowl subdivision football and women's rowing, such telephone calls also may be made by a graduate assistant coach, provided the coach has successfully completed the coaches' certification examination per Bylaw 11.5.1.1.

²⁷ Bylaws 13.1.2.1 and 13.1.3.4.1 were revised October 30, 2014; however, these amendments had no substantive effect on the violations.

13.2.1 General Regulation. An institution's staff member or any representative of its athletics interests shall not be involved, directly or indirectly, in making arrangements for or giving or offering to give any financial aid or other benefits to a prospective student-athlete or his or her relatives or friends, other than expressly permitted by NCAA regulations. Receipt of a benefit by a prospective student-athlete or his or her relatives or friends is not a violation of NCAA legislation if it is determined that the same benefit is generally available to the institution's prospective students or their relatives or friends or to a particular segment of the student body (e.g., international students, minority students) determined on a basis unrelated to athletics ability.

13.2.1.1 Specific Prohibitions. Specifically prohibited financial aid, benefits and arrangements include, but are not limited to, the following:

- (a) An employment arrangement for a prospective student-athlete's relative;
- (b) Gift of clothing or equipment;
- (c) Co-signing of loans;
- (d) Providing loans to a prospective student-athlete's relatives or friends;
- (e) Cash or like items;
- (f) Any tangible items, including merchandise;
- (g) Free or reduced-cost services, rentals or purchases of any type;
- (h) Free or reduced-cost housing;
- (i) Use of an institution's athletics equipment (e.g., for a high school all-star game);
- (j) Sponsorship of or arrangement for an awards banquet for high school, preparatory school or two-year college athletes by an institution, representatives of its athletics interests or its alumni groups or booster clubs; and
- (k) Expenses for academic services (e.g., tutoring, test preparation) to assist in the completion of initial-eligibility or transfer-eligibility requirements or improvement of the prospective student-athlete's academic profile in conjunction with a waiver request.

13.11.1 Prohibited Activities. A member institution, on its campus or elsewhere, shall not conduct (or have conducted on its behalf) any physical activity (e.g., practice session or test/tryout) at which one or more prospective student-athletes (as defined in Bylaws 13.11.1.1 and 13.11.1.2) reveal, demonstrate or display their athletics abilities in any sport except as provided in Bylaws 13.11.2 and 13.11.3.

14.11.1 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 14.12 if it concludes that the circumstances warrant restoration.

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 for

participation in athletics competition, provided the student-athlete is representing the institution (competes in the uniform of the institution) and is eligible for intercollegiate competition. Such competition includes:

- (a) Regularly scheduled intercollegiate athletics events;
- (b) NCAA championship events and national governing body championship events in an emerging sport;
- (c) A postseason football game (see Bylaw 18.7);
- (d) Non-intercollegiate open, amateur competition;
- (e) Other institutional competition permissible under NCAA legislation, including postseason events; and
- (f) Fundraising activities that an institution counts against its maximum contest limitations per Bylaw 17.

16.11.2.1 General Rule.²⁸ The student-athlete shall not receive any extra benefit. The term "extra benefit" refers to any special arrangement by an institutional employee or representative of the institution's athletics interests to provide the student-athlete or his or her relatives or friends with a benefit not expressly authorized by NCAA legislation.

17.1.5 Mandatory Medical Examination.²⁹ Prior to participation in any practice, competition or out-of-season conditioning activities (or in Division I, permissible voluntary summer conditioning in basketball and football or voluntary individual workouts pursuant to the safety exception), student-athletes who are beginning their initial season of eligibility and students who are trying out for a team shall be required to undergo a medical examination or evaluation administered or supervised by a physician (e.g., family physician, team physician). The examination or evaluation must be administered within six months prior to participation in any practice, competition or out-of-season conditioning activities. In following years, an updated history of the student-athlete's medical condition shall be administered by an institutional medical staff member (e.g., sports medicine staff, team physician) to determine if additional examinations (e.g., physical, cardiovascular, neurological) are required. The updated history must be administered within six months prior to the student-athlete's participation in any practice, competition or out-of-season conditioning activities for the applicable academic year.

17.1.5.1 Sickle Cell Solubility Test. The examination or evaluation of student-athletes who are beginning their initial season of eligibility and students who are trying out for a team shall include a sickle cell solubility test, unless documented results of a prior test are provided to the institution or the prospective student-athlete or student-athlete declines the test and signs a written release.

²⁸ Bylaw 16.11.2.1 was revised, effective August 1, 2013, and August 7, 2014; however, the amendments had no substantive effect on the alleged violations.

²⁹ NCAA Bylaw 17.1.5 was amended effective October 29, 2015, to permit nurse practitioners whose state medical licensure allows for health care practice independent of physician supervision to complete mandatory medical examinations. Prior to October 29, 2015, it was impermissible for a nurse practitioner to conduct a medical examination.

17.1.6.1 Daily and Weekly Hour Limitations—Playing Season. A student-athlete's participation in countable athletically related activities (see Bylaw 17.02.1) shall be limited to a maximum of four hours per day and 20 hours per week.

17.1.6.2 Weekly Hour Limitations—Outside the Playing Season.

(a) **Sports other than Football.** Outside of the playing season, from the institution's first day of classes of the academic year or September 15, whichever occurs earlier, to one week prior to the beginning of the institution's final examination period at the conclusion of the academic year, only a student-athlete's participation in required weight training, conditioning and skill-related instruction shall be permitted. A student-athlete's participation in such activities per Bylaw 17.02.1 shall be limited to a maximum of eight hours per week with not more than two hours per week spent on skill-related workouts. All countable related activities outside the playing season are prohibited one week prior to the beginning of the final examination period for the applicable academic term through the conclusion of each student-athlete's final exams.

17.1.6.2.1.1 Sports Other Than Championship Subdivision Football. In sports other than championship subdivision football, a student-athlete may not participate in any countable athletically related activities outside the playing season during any institutional vacation period and/or summer. Strength and conditioning coaches who are not countable coaches and who perform such duties on a department-wide basis may design and conduct specific workout programs for student-athletes, provided such workouts are voluntary and conducted at the request of the student-athlete.

Division I 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:

- (c) Knowing involvement in offering or providing a prospective or an enrolled student-athlete an improper inducement or extra benefit or improper financial aid

11.1.1.1 Responsibility of Head Coach. An institution's head coach is presumed to be responsible for the actions of all assistant coaches and administrators who report, directly or indirectly, to the head coach. An institution's head coach shall promote an atmosphere of compliance within his or her program and shall monitor the activities of all assistant coaches and administrators involved with the program who report, directly or indirectly, to the coach.

11.7.1.1.1 Countable Coach. An athletics department staff member must count against coaching limits as soon as the individual participates (in any manner) in the coaching of the intercollegiate team in practice, games or organized activities directly related to that sport, including any organized staff activity directly related to the sport.

11.7.1.1.1.1 Noncoaching Activities. Institutional staff members involved in noncoaching activities (e.g., administrative assistants, academic counselors) do not count in the institution's coaching limitations, provided such individuals are not identified as coaches, do not engage in any on- or off-field coaching activities (e.g., attending meetings involving coaching activities, analyzing video involving the institution's or an opponent's team), and are not involved in any off-campus recruitment of prospective student-athletes or scouting of opponents.

11.7.1.1.1.1 Exception—Noncoaching Staff Member with Sport-Specific Responsibilities.

A noncoaching staff member with sport-specific responsibilities (e.g., director of operations, administrative assistant) may participate in organized activities involving only the coaching staff or may perform administrative duties (e.g., attend meetings involving coaching activities, analyze video of the institution's or an opponent's team, track statistics during practice or competition). However, such an individual is prohibited from participating in instructional activities with student-athletes and any on-court or on-field activities (e.g., assist with drills, throw batting practice), and is prohibited from participating with or observing student-athletes in the staff member's sport who are engaged in nonorganized voluntary athletically related activities (e.g., pick-up games).

11.7.1.2 Recruiting Coordination Functions. The following recruiting coordination functions (except related routine clerical tasks) must be performed by the head coach or one or more of the assistant coaches who count toward the numerical limitations in Bylaw 11.7.4.

11.7.4 Limitations on Number of Coaches and Off-Campus Recruiters. There shall be a limit on the number of coaches who may be employed by an institution and who may contact or evaluate prospective student-athletes off campus at any one time in each sport as follows: (NOTE: For men's and women's tennis the limit is two for coaches and for off-campus recruiters)

13.1.2.1 General Rule. All in-person, on- and off-campus recruiting contacts with a prospective student-athlete or the prospective student-athlete's relatives or legal guardians shall be made only by authorized institutional staff members. Such contact, as well as correspondence and telephone calls, by representatives of an institution's athletics interests is prohibited except as otherwise permitted in this section. Violations of this bylaw involving individuals other than a representative of an institution's athletics interests shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility.

13.1.2.1.1 Off-Campus Recruiters. An institutional staff member is not permitted to recruit off campus until he or she has been certified on an annual basis as to knowledge of applicable recruiting rules per Bylaw 11.5.1.1.

13.1.3.4.1 Institutional Coaching Staff Members—General Rule. All telephone calls made to a prospective student-athlete (or the prospective student-athlete's parents, legal guardians or coaches) must be made by the head coach or one or more of the assistant coaches who count toward the numerical limitations in Bylaw 11.7.4 (see Bylaw 11.7.1.2). In bowl subdivision football and women's rowing, such telephone calls also may be made by a graduate assistant coach, provided the coach has successfully completed the coaches' certification examination per Bylaw 11.5.1.1.

13.2.1 General Regulation. An institution's staff member or any representative of its athletics interests shall not be involved, directly or indirectly, in making arrangements for or giving or offering to give any financial aid or other benefits to a prospective student-athlete or his or her relatives or friends, other than expressly permitted by NCAA regulations. Receipt of a benefit by a prospective student-athlete or his or her relatives or friends is not a violation of NCAA legislation if it is determined that the same benefit is generally available to the institution's prospective students or their relatives or friends or to a particular segment of the student body (e.g., international students, minority students) determined on a basis unrelated to athletics ability.

13.2.1.1 Specific Prohibitions. Specifically prohibited financial aid, benefits and arrangements include, but are not limited to, the following:

- (a) An employment arrangement for a prospective student-athlete's relative;
- (b) Gift of clothing or equipment;
- (c) Co-signing of loans;
- (d) Providing loans to a prospective student-athlete's relatives or friends;
- (e) Cash or like items;
- (f) Any tangible items, including merchandise;
- (g) Free or reduced-cost services, rentals or purchases of any type;
- (h) Free or reduced-cost housing;
- (i) Use of an institution's athletics equipment (e.g., for a high school all-star game);

- (j) Sponsorship of or arrangement for an awards banquet for high school, preparatory school or two-year college athletes by an institution, representatives of its athletics interests or its alumni groups or booster clubs; and
- (k) Expenses for academic services (e.g., tutoring, test preparation) to assist in the completion of initial-eligibility or transfer-eligibility requirements or improvement of the prospective student-athlete's academic profile in conjunction with a waiver request.

13.11.1 Prohibited Activities. A member institution, on its campus or elsewhere, shall not conduct (or have conducted on its behalf) any physical activity (e.g., practice session or test/tryout) at which one or more prospective student-athletes (as defined in Bylaws 13.11.1.1 and 13.11.1.2) reveal, demonstrate or display their athletics abilities in any sport except as provided in Bylaws 13.11.2 and 13.11.3.

14.10.1 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.

15.01.2 Improper Financial Aid. Any student-athlete who receives financial aid other than that permitted by the Association shall not be eligible for intercollegiate athletics.

15.01.3 Financial Aid Not Administered by Institution. Any student who receives financial aid other than that administered by the student-athlete's institution shall not be eligible for intercollegiate athletics competition, unless it is specifically approved under the Association's rules of amateurism (see Bylaw 12) or the aid is:

- (a) Received from one upon whom the student-athlete is naturally or legally dependent; or
- (b) Awarded solely on bases having no relationship to athletics ability; or
- (c) Awarded through an established and continuing program to aid students under the conditions listed in Bylaw 15.2.6.3.

16.8.1 Permissible. An institution may provide actual and necessary expenses to a student-athlete to represent the institution in practice and competition (including expenses for activities/travel that are incidental to practice or competition). In order to receive competition-related expenses, the student-athlete must be eligible for competition.

16.11.2.1 General Rule. The student-athlete shall not receive any extra benefit. The term "extra benefit" refers to any special arrangement by an institutional employee or representative of the institution's athletics interests to provide the student-athlete or his or her relatives or friends with a benefit not expressly authorized by NCAA legislation.

17.1.5 Mandatory Medical Examination. Prior to participation in any practice, competition or out-of-season conditioning activities (or in Division I, permissible voluntary summer conditioning in basketball and football or voluntary individual workouts pursuant to the safety exception), student-athletes who are beginning their initial season of eligibility and students who are trying out for a team shall be required to undergo a medical examination or evaluation administered or supervised by a physician (e.g., family physician, team physician). The examination or evaluation must be administered within six months prior to participation in any practice, competition or out-of-season conditioning activities. In following years, an updated history of the student-athlete's medical condition shall be administered by an institutional medical staff member (e.g., sports medicine staff, team physician) to determine if additional examinations (e.g., physical, cardiovascular, neurological) are required. The updated history must be administered within six months prior to the student-athlete's participation in any practice, competition or out-of-season conditioning activities for the applicable academic year.

17.1.5.1 Sickle Cell Solubility Test. The examination or evaluation of student-athletes who are beginning their initial season of eligibility and students who are trying out for a team shall include a sickle cell solubility test, unless documented results of a prior test are provided to the institution or the prospective student-athlete or student-athlete declines the test and signs a written release.

17.1.6.1 Daily and Weekly Hour Limitations—Playing Season. A student-athlete's participation in countable athletically related activities (see Bylaw 17.02.1) shall be limited to a maximum of four hours per day and 20 hours per week.

17.1.6.2 Weekly Hour Limitations—Outside the Playing Season.

(a) **Sports other than Football.** Outside of the playing season, from the institution's first day of classes of the academic year or September 15, whichever occurs earlier, to one week prior to the beginning of the institution's final examination period at the conclusion of the academic year, only a student-athlete's participation in required weight training, conditioning and skill-related instruction shall be permitted. A student-athlete's participation in such activities per Bylaw 17.02.1 shall be limited to a maximum of eight hours per week with not more than two hours per week spent on skill-related workouts. All countable related activities outside the playing season are prohibited one week prior to the beginning of the final examination period for the applicable academic term through the conclusion of each student-athlete's final exams.

17.1.6.2.1.1 Sports Other Than Championship Subdivision Football. In sports other than championship subdivision football, a student-athlete may not participate in any countable athletically related activities outside the playing season during any institutional vacation period and/or summer. Strength and conditioning coaches who are not countable coaches and who perform such duties on a department-wide basis may design and conduct specific workout programs for student-athletes, provided such workouts are voluntary and conducted at the request of the student-athlete.

Division I 2014-15 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:

- (c) Knowing involvement in offering or providing a prospective or an enrolled student-athlete an improper inducement or extra benefit or improper financial aid

11.1.1.1 Responsibility of Head Coach. An institution's head coach is presumed to be responsible for the actions of all assistant coaches and administrators who report, directly or indirectly, to the head coach. An institution's head coach shall promote an atmosphere of compliance within his or her program and shall monitor the activities of all assistant coaches and administrators involved with the program who report, directly or indirectly, to the coach.

11.7.1.1 Countable Coach. An institutional staff member or any other individual outside the institution (e.g., consultant, professional instructor) with whom the institution has made arrangements must count against coaching limits in the applicable sport as soon as the individual participates (in any manner) in any of the following:

- (a) Provides technical or tactical instruction related to the sport to a student-athlete at any time;
- (b) Makes or assists in making tactical decisions related to the sport during on-court or on-field practice or competition; or
- (c) Engages in any off-campus recruiting activities.

11.7.2 Recruiting Coordination Functions. The following recruiting coordination functions (except related routine clerical tasks) must be performed by the head coach or one or more of the assistant coaches who count toward the numerical limitations in Bylaw 11.7.6:

- (a) Activities involving athletics evaluations and/or selection of prospective student-athletes; and
- (b) Making telephone calls to prospective student-athletes (or prospective student-athletes' parents, legal guardians or coaches).

11.7.3 Noncoaching Staff Member with Sport-Specific Responsibilities. A noncoaching staff member with sport-specific responsibilities (e.g., director of operations, administrative assistant) is prohibited from participating in on-court or on-field activities (e.g., assist with drills, throw batting practice, signal plays) and is prohibited from participating with or observing student-athletes in the staff member's sport who are engaged in nonorganized voluntary athletically related activities (e.g., pick-up games).

11.7.6 Limitations on Number of Coaches and Off-Campus Recruiters. There shall be a limit on the number of coaches (other than graduate assistant coaches per Bylaw 11.01.3, undergraduate assistant coaches per Bylaw 11.01.4 and volunteer coaches per Bylaw 11.01.5) who may be employed by an institution and who may contact or evaluate prospective student-athletes off campus in each sport. (NOTE: For men's and women's tennis the limit is two for coaches and for off-campus recruiters)

12.11.1 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 12.12 if it concludes that the circumstances warrant restoration.

13.1.2.1 General Rule. All in-person, on- and off-campus recruiting contacts with a prospective student-athlete or the prospective student-athlete's relatives or legal guardians shall be made only by authorized institutional staff members. Such contact, as well as correspondence and telephone calls, by representatives of an institution's athletics interests is prohibited except as otherwise permitted in this section. Violations of this bylaw involving individuals other than a representative of an institution's athletics interests shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility.

13.1.2.1.1 Off-Campus Recruiters. An institutional staff member is not permitted to recruit off campus until he or she has been certified on an annual basis as to knowledge of applicable recruiting rules per Bylaw 11.5.1.1.

13.1.3.4.1 Institutional Coaching Staff Members—General Rule. All telephone calls made to a prospective student-athlete (or the prospective student-athlete's parents, legal guardians or coaches) must be made by the head coach or one or more of the assistant coaches who count toward the numerical limitations in Bylaw 11.7.6 (see Bylaw 11.7.2). In bowl subdivision

football and women's rowing, such telephone calls also may be made by a graduate assistant coach, provided the coach has successfully completed the coaches' certification examination per Bylaw 11.5.1.1.

13.2.1 General Regulation. An institution's staff member or any representative of its athletics interests shall not be involved, directly or indirectly, in making arrangements for or giving or offering to give any financial aid or other benefits to a prospective student-athlete or his or her relatives or friends, other than expressly permitted by NCAA regulations. Receipt of a benefit by a prospective student-athlete or his or her relatives or friends is not a violation of NCAA legislation if it is determined that the same benefit is generally available to the institution's prospective students or their relatives or friends or to a particular segment of the student body (e.g., international students, minority students) determined on a basis unrelated to athletics ability.

13.2.1.1 Specific Prohibitions. Specifically prohibited financial aid, benefits and arrangements include, but are not limited to, the following:

- (a) An employment arrangement for a prospective student-athlete's relative;
- (b) Gift of clothing or equipment;
- (c) Co-signing of loans;
- (d) Providing loans to a prospective student-athlete's relatives or friends;
- (e) Cash or like items;
- (f) Any tangible items, including merchandise;
- (g) Free or reduced-cost services, rentals or purchases of any type;
- (h) Free or reduced-cost housing;
- (i) Use of an institution's athletics equipment (e.g., for a high school all-star game);
- (j) Sponsorship of or arrangement for an awards banquet for high school, preparatory school or two-year college athletes by an institution, representatives of its athletics interests or its alumni groups or booster clubs; and
- (k) Expenses for academic services (e.g., tutoring, test preparation) to assist in the completion of initial-eligibility or transfer-eligibility requirements or improvement of the prospective student-athlete's academic profile in conjunction with a waiver request.

13.11.1 Prohibited Activities. A member institution, on its campus or elsewhere, shall not conduct (or have conducted on its behalf) any physical activity (e.g., practice session or test/tryout) at which one or more prospective student-athletes (as defined in Bylaws 13.11.1.1 and 13.11.1.2) reveal, demonstrate or display their athletics abilities in any sport except as provided in Bylaws 13.11.2 and 13.11.3.

15.01.2 Improper Financial Aid. Any student-athlete who receives financial aid other than that permitted by the Association shall not be eligible for intercollegiate athletics.

15.01.3 Financial Aid Not Administered by Institution. Any student who receives financial aid other than that administered by the student-athlete's institution shall not be eligible for

intercollegiate athletics competition, unless it is specifically approved under the Association's rules of amateurism (see Bylaw 12) or the aid is:

- (a) Received from one upon whom the student-athlete is naturally or legally dependent; or
- (b) Awarded solely on bases having no relationship to athletics ability; or
- (c) Awarded through an established and continuing program to aid students under the conditions listed in Bylaw 15.2.6.3.

16.8.1 Permissible. An institution may provide actual and necessary expenses to a student-athlete to represent the institution in practice and competition (including expenses for activities/travel that are incidental to practice or competition). In order to receive competition-related expenses, the student-athlete must be eligible for competition.

16.11.2.1 General Rule. The student-athlete shall not receive any extra benefit. The term "extra benefit" refers to any special arrangement by an institutional employee or representative of the institution's athletics interests to provide the student-athlete or his or her relatives or friends with a benefit not expressly authorized by NCAA legislation.

17.1.5 Mandatory Medical Examination. Prior to participation in any practice, competition or out-of-season conditioning activities (or in Division I, permissible voluntary summer conditioning in basketball and football or voluntary individual workouts pursuant to the safety exception), student-athletes who are beginning their initial season of eligibility and students who are trying out for a team shall be required to undergo a medical examination or evaluation administered or supervised by a physician (e.g., family physician, team physician). The examination or evaluation must be administered within six months prior to participation in any practice, competition or out-of-season conditioning activities. In following years, an updated history of the student-athlete's medical condition shall be administered by an institutional medical staff member (e.g., sports medicine staff, team physician) to determine if additional examinations (e.g., physical, cardiovascular, neurological) are required. The updated history must be administered within six months prior to the student-athlete's participation in any practice, competition or out-of-season conditioning activities for the applicable academic year.

17.1.5.1 Sickle Cell Solubility Test. The examination or evaluation of student-athletes who are beginning their initial season of eligibility and students who are trying out for a team shall include a sickle cell solubility test, unless documented results of a prior test are provided to the institution or the prospective student-athlete or student-athlete declines the test and signs a written release.

17.1.7.1 Daily and Weekly Hour Limitations—Playing Season. A student-athlete's participation in countable athletically related activities (see Bylaw 17.02.1) shall be limited to a maximum of four hours per day and 20 hours per week.

17.1.7.2 Weekly Hour Limitations—Outside the Playing Season.

- (a) **Sports other than Football.** Outside of the playing season, from the institution's first day of classes of the academic year or September 15, whichever occurs earlier, to one week prior to the beginning of the institution's final examination period at the conclusion of the

academic year, only a student-athlete's participation in required weight training, conditioning and skill-related instruction shall be permitted. A student-athlete's participation in such activities per Bylaw 17.02.1 shall be limited to a maximum of eight hours per week with not more than two hours per week spent on skill-related workouts. All countable related activities outside the playing season are prohibited one week prior to the beginning of the final examination period for the applicable academic term through the conclusion of each student-athlete's final exams.

17.1.7.2.1 Institutional Vacation Period and Summer. A student-athlete may not participate in any countable athletically related activities outside the playing season during any institutional vacation period and/or summer. Strength and conditioning coaches who are not countable coaches and who perform such duties on a department-wide basis may design and conduct specific workout programs for student-athletes, provided such workouts are voluntary and conducted at the request of the student-athlete.

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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:

- (c) Knowing involvement in offering or providing a prospective or an enrolled student-athlete an improper inducement or extra benefit or improper financial aid.

11.1.1.1 Responsibility of Head Coach. An institution's head coach is presumed to be responsible for the actions of all assistant coaches and administrators who report, directly or indirectly, to the head coach. An institution's head coach shall promote an atmosphere of

compliance within his or her program and shall monitor the activities of all assistant coaches and administrators involved with the program who report, directly or indirectly, to the coach.

11.7.1.1 Countable Coach. An institutional staff member or any other individual outside the institution (e.g., consultant, professional instructor) with whom the institution has made arrangements must count against coaching limits in the applicable sport as soon as the individual participates (in any manner) in any of the following:

- (a) Provides technical or tactical instruction related to the sport to a student-athlete at any time;
- (b) Makes or assists in making tactical decisions related to the sport during on-court or on-field practice or competition; or
- (c) Engages in any off-campus recruiting activities.

11.7.2 Recruiting Coordination Functions. The following recruiting coordination functions (except related routine clerical tasks) must be performed by the head coach or one or more of the assistant coaches who count toward the numerical limitations in Bylaw 11.7.6:

- (a) Activities involving athletics evaluations and/or selection of prospective student-athletes; and
- (b) Making telephone calls to prospective student-athletes (or prospective student-athletes' parents, legal guardians or coaches).

11.7.3 Noncoaching Staff Member with Sport-Specific Responsibilities. A noncoaching staff member with sport-specific responsibilities (e.g., director of operations, administrative assistant) is prohibited from participating in on-court or on-field activities (e.g., assist with drills, throw batting practice, signal plays) and is prohibited from participating with or observing student-athletes in the staff member's sport who are engaged in nonorganized voluntary athletically related activities (e.g., pick-up games).

11.7.6 Limitations on Number of Coaches and Off-Campus Recruiters. There shall be a limit on the number of coaches (other than graduate assistant coaches per Bylaw 11.01.3, undergraduate assistant coaches per Bylaw 11.01.4 and volunteer coaches per Bylaw 11.01.5) who may be employed by an institution and who may contact or evaluate prospective student-athletes off campus in each sport. (NOTE: For men's and women's tennis the limit is two for coaches and for off-campus recruiters)

12.11.1 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 12.12 if it concludes that the circumstances warrant restoration.

13.1.2.1 General Rule. All in-person, on- and off-campus recruiting contacts with a prospective student-athlete or the prospective student-athlete's relatives or legal guardians shall be made only by authorized institutional staff members. Such contact, as well as correspondence and

telephone calls, by representatives of an institution's athletics interests is prohibited except as otherwise permitted in this section. Violations of this bylaw involving individuals other than a representative of an institution's athletics interests shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility.

13.1.2.1.1 Off-Campus Recruiters. An institutional staff member is not permitted to recruit off campus until he or she has been certified on an annual basis as to knowledge of applicable recruiting rules per Bylaw 11.5.1.1.

13.1.3.4.1 Institutional Coaching Staff Members—General Rule. All telephone calls made to a prospective student-athlete (or the prospective student-athlete's parents, legal guardians or coaches) must be made by the head coach or one or more of the assistant coaches who count toward the numerical limitations in Bylaw 11.7.6 (see Bylaw 11.7.2). In bowl subdivision football and women's rowing, such telephone calls also may be made by a graduate assistant coach, provided the coach has successfully completed the coaches' certification examination per Bylaw 11.5.1.1.

13.2.1 General Regulation. An institution's staff member or any representative of its athletics interests shall not be involved, directly or indirectly, in making arrangements for or giving or offering to give any financial aid or other benefits to a prospective student-athlete or his or her relatives or friends, other than expressly permitted by NCAA regulations. Receipt of a benefit by a prospective student-athlete or his or her relatives or friends is not a violation of NCAA legislation if it is determined that the same benefit is generally available to the institution's prospective students or their relatives or friends or to a particular segment of the student body (e.g., international students, minority students) determined on a basis unrelated to athletics ability.

13.2.1.1 Specific Prohibitions. Specifically prohibited financial aid, benefits and arrangements include, but are not limited to, the following:

- (a) An employment arrangement for a prospective student-athlete's relative;
- (b) Gift of clothing or equipment;
- (c) Co-signing of loans;
- (d) Providing loans to a prospective student-athlete's relatives or friends;
- (e) Cash or like items;
- (f) Any tangible items, including merchandise;
- (g) Free or reduced-cost services, rentals or purchases of any type;
- (h) Free or reduced-cost housing;
- (i) Use of an institution's athletics equipment (e.g., for a high school all-star game);
- (j) Sponsorship of or arrangement for an awards banquet for high school, preparatory school or two-year college athletes by an institution, representatives of its athletics interests or its alumni groups or booster clubs; and

(k) Expenses for academic services (e.g., tutoring, test preparation) to assist in the completion of initial-eligibility or transfer-eligibility requirements or improvement of the prospective student-athlete's academic profile in conjunction with a waiver request.

13.11.1 Prohibited Activities. A member institution, on its campus or elsewhere, shall not conduct (or have conducted on its behalf) any physical activity (e.g., practice session or test/tryout) at which one or more prospective student-athletes (as defined in Bylaws 13.11.1.1 and 13.11.1.2) reveal, demonstrate or display their athletics abilities in any sport except as provided in Bylaws 13.11.2 and 13.11.3.

16.8.1 Permissible. An institution may provide actual and necessary expenses to a student-athlete to represent the institution in practice and competition (including expenses for activities/travel that are incidental to practice or competition). In order to receive competition-related expenses, the student-athlete must be eligible for competition.

16.11.2.1 General Rule. The student-athlete shall not receive any extra benefit. The term "extra benefit" refers to any special arrangement by an institutional employee or representative of the institution's athletics interests to provide the student-athlete or his or her relatives or friends with a benefit not expressly authorized by NCAA legislation.

17.1.5 Mandatory Medical Examination. Prior to participation in any practice, competition or out-of-season conditioning activities (or in Division I, permissible voluntary summer conditioning in basketball and football or voluntary individual workouts pursuant to the safety exception), student-athletes who are beginning their initial season of eligibility and students who are trying out for a team shall be required to undergo a medical examination or evaluation administered or supervised by a physician (e.g., family physician, team physician). The examination or evaluation must be administered within six months prior to participation in any practice, competition or out-of-season conditioning activities. In following years, an updated history of the student-athlete's medical condition shall be administered by an institutional medical staff member (e.g., sports medicine staff, team physician) to determine if additional examinations (e.g., physical, cardiovascular, neurological) are required. The updated history must be administered within six months prior to the student-athlete's participation in any practice, competition or out-of-season conditioning activities for the applicable academic year.

17.1.5.1 Sickle Cell Solubility Test. The examination or evaluation of student-athletes who are beginning their initial season of eligibility and students who are trying out for a team shall include a sickle cell solubility test, unless documented results of a prior test are provided to the institution or the prospective student-athlete or student-athlete declines the test and signs a written release.

17.1.7.1 Daily and Weekly Hour Limitations—Playing Season. A student-athlete's participation in countable athletically related activities (see Bylaw 17.02.1) shall be limited to a maximum of four hours per day and 20 hours per week.

17.1.7.2 Weekly Hour Limitations—Outside the Playing Season.

- (a) **Sports other than Football.** Outside of the playing season, from the institution's first day of classes of the academic year or September 15, whichever occurs earlier, to one week prior to the beginning of the institution's final examination period at the conclusion of the academic year, only a student-athlete's participation in required weight training, conditioning and skill-related instruction shall be permitted. A student-athlete's participation in such activities per Bylaw 17.02.1 shall be limited to a maximum of eight hours per week with not more than two hours per week spent on skill-related workouts. All countable related activities outside the playing season are prohibited one week prior to the beginning of the final examination period for the applicable academic term through the conclusion of each student-athlete's final exams.

17.1.7.2.1 Institutional Vacation Period and Summer. A student-athlete may not participate in any countable athletically related activities outside the playing season during any institutional vacation period and/or summer. Strength and conditioning coaches who are not countable coaches and who perform such duties on a department-wide basis may design and conduct specific workout programs for student-athletes, provided such workouts are voluntary and conducted at the request of the student-athlete.

Division I 2016-17 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.

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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:

- (a) Refusal to furnish information relevant to an investigation of a possible violation of an NCAA regulation when requested to do so by the NCAA or the individual's institution;
- (b) Knowing involvement in offering or providing a prospective or an enrolled student-athlete an improper inducement or extra benefit or improper financial aid;

11.1.1.1 Responsibility of Head Coach. An institution's head coach is presumed to be responsible for the actions of all assistant coaches and administrators who report, directly or indirectly, to the head coach. An institution's head coach shall promote an atmosphere of compliance within his or her program and shall monitor the activities of all assistant coaches and administrators involved with the program who report, directly or indirectly, to the coach.

11.7.1.1 Countable Coach. An institutional staff member or any other individual outside the institution (e.g., consultant, professional instructor) with whom the institution has made arrangements must count against coaching limits in the applicable sport as soon as the individual participates (in any manner) in any of the following:

- (a) Provides technical or tactical instruction related to the sport to a student-athlete at any time;
- (b) Makes or assists in making tactical decisions related to the sport during on-court or on-field practice or competition; or
- (c) Engages in any off-campus recruiting activities.

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13.1.2.1 General Rule. All in-person, on- and off-campus recruiting contacts with a prospective student-athlete or the prospective student-athlete's relatives or legal guardians shall be made only by authorized institutional staff members. Such contact, as well as correspondence and telephone calls, by representatives of an institution's athletics interests is prohibited except as otherwise permitted in this section. Violations of this bylaw involving individuals other than a representative of an institution's athletics interests shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility.

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- (d) Providing loans to a prospective student-athlete's relatives or friends;
- (e) Cash or like items;
- (f) Any tangible items, including merchandise;
- (g) Free or reduced-cost services, rentals or purchases of any type;
- (h) Free or reduced-cost housing;
- (i) Use of an institution's athletics equipment (e.g., for a high school all-star game);

- (j) Sponsorship of or arrangement for an awards banquet for high school, preparatory school or two-year college athletes by an institution, representatives of its athletics interests or its alumni groups or booster clubs; and
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16.8.1 Permissible. An institution may provide actual and necessary expenses to a student-athlete to represent the institution in practice and competition (including expenses for activities/travel that are incidental to practice or competition). In order to receive competition-related expenses, the student-athlete must be eligible for competition.

16.11.2.1 General Rule. The student-athlete shall not receive any extra benefit. The term "extra benefit" refers to any special arrangement by an institutional employee or representative of the institution's athletics interests to provide the student-athlete or his or her relatives or friends with a benefit not expressly authorized by NCAA legislation.

17.1.5 Mandatory Medical Examination. Prior to participation in any practice, competition or out-of-season conditioning activities (or in Division I, permissible voluntary summer conditioning or individual workouts, or permissible required summer athletic activities in basketball and football), student-athletes who are beginning their initial season of eligibility and students who are trying out for a team shall be required to undergo a medical examination or evaluation administered or supervised by a physician (e.g., family physician, team physician). A nurse practitioner whose state medical licensure allows for health care practice independent of physician supervision may complete the medical examination without supervision by a physician. The examination or evaluation must be administered within six months prior to participation in any practice, competition or out-of-season conditioning activities. In following years, an updated history of the student-athlete's medical condition shall be administered by an institutional medical staff member (e.g., sports medicine staff, team physician) to determine if additional examinations (e.g., physical, cardiovascular, neurological) are required. The updated history must be administered within six months prior to the student-athlete's participation in any practice, competition or out-of-season conditioning activities for the applicable academic year.

17.1.5.1 Sickle Cell Solubility Test. The examination or evaluation of student-athletes who are beginning their initial season of eligibility and students who are trying out for a team shall include a sickle cell solubility test, unless documented results of a prior test are provided to the institution or the prospective student-athlete or student-athlete declines the test and signs a written release.

17.1.7.1 Daily and Weekly Hour Limitations—Playing Season. A student-athlete's participation in countable athletically related activities (see Bylaw 17.02.1) shall be limited to a maximum of four hours per day and 20 hours per week.

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(a) **Sports other than Football.** Outside of the playing season, from the institution's first day of classes of the academic year or September 15, whichever occurs earlier, to one week prior to the beginning of the institution's final examination period at the conclusion of the academic year, only a student-athlete's participation in required weight training, conditioning and skill-related instruction shall be permitted. A student-athlete's participation in such activities per Bylaw 17.02.1 shall be limited to a maximum of eight hours per week with not more than two hours per week spent on skill-related workouts. All countable related activities outside the playing season are prohibited one week prior to the beginning of the final examination period for the applicable academic term through the conclusion of each student-athlete's final exams.

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17.1.5 Mandatory Medical Examination. Prior to participation in any practice, competition or out-of-season conditioning activities (or in Division I, permissible voluntary summer conditioning or individual workouts, or permissible required summer athletic activities in basketball and football), student-athletes who are beginning their initial season of eligibility and students who are trying out for a team shall be required to undergo a medical examination or

evaluation administered or supervised by a physician (e.g., family physician, team physician). A nurse practitioner whose state medical licensure allows for health care practice independent of physician supervision may complete the medical examination without supervision by a physician. The examination or evaluation must be administered within six months prior to participation in any practice, competition or out-of-season conditioning activities. In following years, an updated history of the student-athlete's medical condition shall be administered by an institutional medical staff member (e.g., sports medicine staff, team physician) to determine if additional examinations (e.g., physical, cardiovascular, neurological) are required. The updated history must be administered within six months prior to the student-athlete's participation in any practice, competition or out-of-season conditioning activities for the applicable academic year.

17.1.5.1 Sickle Cell Solubility Test. The examination or evaluation of student-athletes who are beginning their initial season of eligibility and students who are trying out for a team shall include a sickle cell solubility test, unless documented results of a prior test are provided to the institution or the prospective student-athlete or student-athlete declines the test and signs a written release.

19.2.3 Responsibility to Cooperate. Current and former institutional staff members or prospective or enrolled student-athletes of member institutions have an affirmative obligation to cooperate fully with and assist the NCAA enforcement staff, the Committee on Infractions and the Infractions Appeals Committee to further the objectives of the Association and its infractions program. The responsibility to cooperate requires institutions and individuals to protect the integrity of investigations and to make a full and complete disclosure of any relevant information, including any information requested by the enforcement staff or relevant committees. Current and former institutional staff members or prospective or enrolled student-athletes of member institutions have an affirmative obligation to report instances of noncompliance to the Association in a timely manner and assist in developing full information to determine whether a possible violation has occurred and the details thereof.

19.2.3.2 Failure to Cooperate. Failing to satisfy the responsibility to cooperate may result in an independent allegation and/or be considered an aggravating factor for purposes of determining a penalty. Institutional representatives and the involved individual may be requested to appear before a hearing panel of the Committee on Infractions at the time the allegation is considered.