



**EASTERN NEW MEXICO UNIVERSITY**  
**PUBLIC INFRACTIONS DECISION**  
**SEPTEMBER 1, 2015**

**I. INTRODUCTION**

The NCAA Division II Committee on Infractions is an independent administrative body of the NCAA comprised of individuals from the Division II membership and the public. The committee decides infractions cases involving member institutions and their staffs. This case involved all of the sports programs at Eastern New Mexico University.<sup>1</sup> The committee considered this case through the cooperative summary disposition process in which all parties agree to the primary facts and violations as fully set forth in the Summary Disposition Report (SDR). The committee accepted the violations and self-imposed penalties set forth in the SDR, and the institution accepted additional penalties proposed by the committee. Consequently, there is no opportunity to appeal.

As detailed in the SDR, this case centered on the institution's failure to properly certify student-athletes' initial eligibility, transfer eligibility and continuing eligibility during a five-year period. In addition to failing to properly certify student-athlete eligibility, the institution had inadequate compliance education and failed to address previously identified deficiencies in its eligibility certification process that outside consultants noted during on-campus audits. Based on widespread eligibility certification errors over five years, a lack of eligibility certification training and a failure to take action on deficiencies previously identified, the institution agreed that it lacked institutional control.

After reviewing the parties' principal factual agreements and respective explanations surrounding those agreements, the committee accepted the parties' SDR and concludes that those facts constitute major violations of NCAA bylaws. The committee prescribes the following principal penalties: four years of probation; a vacation of wins and records resulting from ineligible competition; a financial penalty of \$3,500; and administrative reporting requirements.

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<sup>1</sup>A member of the Lone Star Athletic Conference, Eastern New Mexico University is located in Portales, New Mexico. It has an enrollment of approximately 5,900 and sponsors seven men's and seven women's sports. This is the institution's first major infractions case.

## **II. CASE HISTORY**

In August 2012, the institution's newly appointed compliance coordinator discovered several eligibility-related violations affecting student-athletes listed on the institution's fall 2012 rosters. The institution reviewed the initial, transfer and progress-toward-degree eligibility histories for each of the former and current student-athletes. By spring 2013, the institution identified approximately 132 student-athletes who competed while ineligible during the 2008-09 through 2012-13 academic years. In May 2013, the institution reported the violations to the NCAA enforcement staff and agreed to submit a written self-report. On June 14, 2013, the enforcement staff met by conference call with the institution to discuss the case. The institution submitted the self-report on July 24, 2013, and additional self-reports on December 6 and 13, 2013. On January 23, 2014, the enforcement staff spoke with the institution's president via telephone to discuss the investigation and met with him in person at the NCAA national office in May 2014. The investigation concluded in November 2014. The parties agreed to use the summary disposition process in February 2015. On May 14, 2015, the enforcement staff and the institution submitted the SDR to the committee.

The committee reviewed the SDR by teleconference on July 29, 2015, and accepted the violations, corrective actions and the self-imposed penalties. In a July 29, 2015, letter to the institution's president and pursuant to NCAA Bylaw 32.7.1.4.3, the committee proposed additional penalties. The institution's president responded to the committee in writing on August 6, 2015, accepting the additional penalties.

## **III. PARTIES' AGREEMENTS**

### **PARTIES' AGREED-UPON FACTUAL BASIS AND VIOLATIONS OF NCAA LEGISLATION**

The parties jointly submitted an SDR that identified an agreed-upon factual basis and violations as established by NCAA legislation. The SDR identifies:

- 1. [NCAA Division II Manual Bylaws 12.1.1.1.3, 14.01.1, 14.3.1, 14.10.1, 14.11.1, 15.01.5 and 16.8.1.2 (2008-09 through 2012-13); 14.2 and 14.2.2 (2011-12); 14.4.1, 14.4.3.1.5, 14.4.3.2 and 14.5.1 (2009-10 through 2012-13); and 14.5.4, 14.5.4.1, 14.5.4.2 and 14.5.5.1 (2009-10 through 2011-12)]**

The NCAA enforcement staff and institution agree that from the 2008-09 through 2012-13 academic years, the institution permitted 132 student-athletes in 12 sports programs to practice and/or compete and receive travel expenses and/or

athletically related financial aid at times when they were not eligible or certified as eligible to do so.<sup>2</sup> Specifically:

- a. During the 2008-09 through 2012-13 academic years, the institution permitted 59 student-athletes to practice and/or compete and to receive travel expenses and/or athletically related financial aid when their status as amateur athletes had not been certified by the NCAA Eligibility Center. [NCAA Bylaws 12.1.1.1.3, 14.01.1, 14.10.1 and 16.8.1.2 (2008-09 through 2012-13)]
- b. During the 2008-09 through 2012-13 academic years, the institution permitted 60 student-athletes to practice and/or compete and receive athletically related travel expenses and/or athletically related financial aid when their academic eligibility to participate had not been certified by the NCAA Eligibility Center. [NCAA Bylaws 14.01.1, 14.3.1, 14.10.1, 14.11.1, 15.01.5 and 16.8.1.2 (2008-09 through 2012-13)]
- c. During the 2009-10 through 2012-13 academic years, the institution permitted 51 student-athletes who had not designated a degree program by their third year of enrollment and/or had not earned sufficient progress-toward-degree requirements to compete and receive travel expenses. [NCAA Bylaws 14.01.1, 14.4.1, 14.4.3.1.5, 14.10.1, 14.11.1 and 16.8.1.2 (2009-10 through 2012-13)]
- d. During the 2009-10 through 2011-12 academic years, the institution permitted 11 student-athletes who did not satisfy NCAA two-year college transfer requirements to practice and/or compete and receive travel expenses and/or athletically related financial aid during their first academic year of residence. [NCAA Bylaws 14.01.1, 14.5.1, 14.5.4, 14.5.4.1, 14.5.4.2; 14.10.1, 14.11.1, 15.01.5, 16.8.1.2 (2009-10 through 2011-12)]
- e. During the 2009-10 through 2011-12 academic years, the institution permitted 12 transfer student-athletes from four-year institutions to practice and/or compete and receive travel expenses and/or athletically related financial aid during their first year in residence without having certified that the student-athletes were (1) eligible for financial aid or practice or (2) not subject to the residence requirement and were eligible for intercollegiate competition and the receipt of travel expenses.

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<sup>2</sup> Many student-athletes were involved in more than one violation affecting their eligibility.

[NCAA Bylaws 14.01.1, 14.5.5.1, 14.10.1, 14.11.1, 15.01.5 and 16.8.1.2 (2009-10 through 2011-12)]

- f. During the 2011-12 academic year, the institution permitted two student-athletes who had exhausted their eligibility to compete in fifth seasons of competition. [NCAA Bylaws 14.01.1, 14.2, 14.2.2, 14.10.1, 15.01.5 and 16.8.1.2 (2011-12)]

**2. [NCAA Division II Manual Constitution 2.1.1, 2.8.1 and 6.01.1 (2007-08 through 2014-15)]**

The institution and NCAA enforcement staff agreed that the scope and nature of the violations set forth in Violation No. 1 demonstrate that from as early as the 2007-08 through 2012-13 academic years, the institution failed to exercise institutional control and monitoring in the conduct and administration of its athletics programs in that it failed to: (1) establish a proper system to ensure compliance with NCAA eligibility legislation; (2) provide appropriate NCAA rules education; and (3) address previously identified deficiencies within its eligibility-certification system.

#### **IV. REVIEW OF CASE**

The submitted SDR fully detailed the parties' positions in the infractions case and included the agreed-upon primary facts and violations. After reviewing the parties' principal factual agreements and the respective explanations surrounding those agreements, the committee accepted the parties' SDR and concludes that the facts constitute major violations of NCAA legislation.

Major violations are those that provide more than a minimal recruiting, competitive or other advantage or include any significant impermissible benefit. In this case, the institution agreed that it committed major NCAA violations when it: (1) erroneously certified the eligibility of numerous student-athletes over a five-year period and, as a result, allowed them to compete and receive travel-related expenses while ineligible; and (2) lacked institutional control. Moreover, in failing to properly certify the eligibility of these student-athletes and allowing them to compete, the institution received an advantage not available to those member institutions that complied with NCAA eligibility legislation.

The institution committed major violations when it erroneously certified the eligibility of 132 student-athletes and allowed them to compete and receive travel expenses while academically ineligible from the 2008-09 through 2012-13 academic years. The numerous instances of erroneous eligibility certification were due to two primary factors.

First, the institution failed to devote the necessary resources and training to ensure a viable eligibility certification process. Only two individuals, the former compliance coordinator and the registrar, were responsible for eligibility certification. Second, the former compliance coordinator and registrar did not have adequate time to devote towards student-athlete certification. Nor did they have appropriate compliance and monitoring procedures for eligibility certification.<sup>3</sup> Consequently, the former compliance coordinator and the registrar committed numerous errors and omissions during the eligibility certification process.

Regarding amateur status and academic certification, during the 2008-09 through 2012-13 academic years, 59 student-athletes participated in athletics and received impermissible travel expenses while ineligible because they had not been certified by the NCAA Eligibility Center as amateurs and 60 student-athletes similarly competed while ineligible prior to the institution receiving certification of their academic eligibility. NCAA Bylaw 12.1.1.1.3 requires that, prior to engaging in practice or competition, a student-athlete shall receive a certification of amateur status. Likewise, NCAA Bylaw 14.3.1 requires an entering freshman to meet academic requirements, as certified by the Eligibility Center, in order to be eligible during the first academic year in residence. Because the former compliance coordinator did not receive certification of both amateur status and academic eligibility from the Eligibility Center prior to 119 student-athletes practicing and/or competing, the institution violated NCAA Bylaws 12.1.1.1.3 and 14.3.1.

During the 2009-10 through 2012-13 academic years, the institution allowed 51 student-athletes to compete and receive travel expenses who had not designated a degree program by their third year of enrollment and/or had not earned sufficient progress-toward-degree requirements. NCAA Bylaw 14.4.3.1.5 mandates that, by the beginning of a student-athlete's third year of enrollment, a student-athlete shall have designated a degree program. NCAA Bylaw 14.4.1 requires that, in order to be eligible to represent an institution in intercollegiate athletics competition, a student-athlete must maintain progress toward a baccalaureate or equivalent degree. Because 32 student-athletes did not designate degree programs when required, the institution violated NCAA Bylaw 14.4.3.1.5. Further, because the institution certified 19 student-athletes as eligible when they had not earned the minimum number of degree credits to meet progress-toward-degree requirements, the institution violated NCAA Bylaw 14.4.1.

During the 2009-10 through 2011-12 academic years, 11 student-athletes who transferred from two-year institutions practiced and/or competed and received travel expenses and/or athletically related financial aid during their first years in residence without being

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<sup>3</sup> In addition to his compliance responsibilities, the former compliance coordinator also provided transportation for student-athletes to away games and ran the public address system at home competitions. He also supplemented his income by working as a part-time basketball referee.

properly certified. NCAA Bylaw 14.5.1 mandates that all student-athletes who transfer to member institutions from any collegiate institution are required to complete one full academic year of residence at the certifying institution before being eligible unless the student satisfies applicable transfer requirements. NCAA Bylaws 14.5.4 and 14.5.4.1, 14.5.4.2 set forth these requirements for two-year college transfers. Among these requirements are satisfactory completion of an average of at least 12-semester or 12-quarter hours of transferrable credit and a cumulative minimum grade-point average of 2.0. Of these 11 two-year college transfer student-athletes, four of them did not meet the minimum grade-point requirement. Further, nine of these student-athletes did not have the requisite number of transferable credit hours.<sup>4</sup> Because the institution certified the 11 transfer student-athletes who did not meet the minimum grade-point average and/or the required number of transferable credit hours, the institution violated NCAA Bylaws 14.5.1, 14.5.4, 14.5.4.1 and 14.5.4.2.

During the 2009-10 through 2011-12 academic years, the institution failed to properly certify 12 student-athletes who transferred from four-year institutions. These student-athletes impermissibly practiced and/or competed and received travel expenses and/or athletically related financial aid during their first years in residence. NCAA Bylaw 14.5.5.1 mandates that a student-athlete who transfers from a four-year institution shall not be eligible for intercollegiate competition at a member institution until the student has fulfilled a residence requirement of one full academic year. However, NCAA Bylaw 14.5.5.3.9 allows a one-time exception for transfers from four-year institutions to forego the one-year residency requirement if they satisfy certain requirements. Among these requirements is that a transferring student-athlete be in good academic standing, meet progress-toward-degree requirements and the student-athlete's previous institution certify in writing that it has no objection to the student-athlete being granted an exception to the transfer residence requirement. In this instance, the institution certified the eligibility of 12 four-year transfer student-athletes prior to receiving release forms from their previous institutions, violating NCAA Bylaw 14.5.5.1.<sup>5</sup>

During the 2011-12 academic year, two student-athletes who had exhausted their eligibility competed in a fifth season. NCAA Bylaw 14.2 mandates that a student-athlete shall not engage in more than four seasons of intercollegiate competition. NCAA Bylaw 14.2.2 requires a student-athlete to complete his or her seasons of participation during the first 10 semesters or 15 quarters while enrolled full-time. However, NCAA Bylaw 14.2.5 allows for a fifth season of competition for reasons of "hardship." The bylaw defines

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<sup>4</sup>Of the 11 two-year college transfers who did not meet the requirements for immediate eligibility, two failed to meet both the minimum grade-point average and transfer credit requirements.

<sup>5</sup>After discovering the violations, the institution requested release forms from the student-athletes' previous four-year institutions. Each of the 12 institutions returned release forms that established the student-athletes would have been eligible if their previous four-year institutions had provided the forms before Eastern New Mexico's compliance coordinator placed their names on the eligibility reports.

"hardship" as an "incapacity resulting from an injury or illness." Institutions may apply for a fifth season of competition for student-athletes through a waiver process. In this instance, the institution initiated hardship waiver requests on behalf of the two student-athletes, but never completed them. The failure to complete the hardship waiver process resulted in the two student-athletes competing in a fifth year while ineligible during the 2011-12 academic year in violation of NCAA Bylaws 14.2 and 14.2.2.

Further, the majority of the above instances of erroneous certification of eligibility also violated a common set of NCAA bylaws. NCAA Bylaws 14.01.1, 14.10.1 and 14.11.1 establish that an institution is responsible for proper administration of the eligibility certification process. Included in these bylaws is the requirement that an institution shall not permit a student-athlete to compete, unless the student-athlete meets all applicable eligibility criteria and the institution has certified the student-athlete's eligibility. Because the institution did not properly administer its eligibility certification process, and, as result, student-athletes competed while ineligible, violations of these bylaws occurred. In addition, NCAA Bylaw 15.01.5 requires a student-athlete to meet applicable NCAA, conference and institutional regulations to be eligible for institutional financial aid. Many of the ineligible student-athletes received institutional financial aid while not having met eligibility requirements, such as academic eligibility, transfer requirements and an impermissible fifth season of competition. Consequently, the institution violated NCAA Bylaw 15.01.5. Finally, NCAA Bylaw 16.8.1.2 allows institutions to provide student-athletes actual and necessary travel expenses (e.g., transportation, lodging and meals) associated with participation in athletics competition, but only if student-athletes are eligible for competition. Because student-athletes received expenses associated with competition while ineligible, the institution violated NCAA Bylaw 16.8.1.2.

Based on widespread eligibility certification over five years, the institution agreed that it lacked institutional control. Member institutions must control their athletics programs as a membership requirement and the institution failed to do so. Specifically, the institution agreed that it failed to: (1) establish a reliable process to ensure compliance with NCAA eligibility legislation, including oversight of the process; (2) provide appropriate NCAA rules education; and (3) address previously identified deficiencies within its eligibility-certification system.

NCAA Constitution 2.1.1 requires member institutions to control its intercollegiate athletics program in compliance with the rules and regulations of the Association. NCAA Constitution 2.8.1 also requires institutions to monitor their athletics programs to assure compliance and to identify and report to the NCAA instances in which institutions were not in compliance. In addition, NCAA Constitution 6.01.1 mandates that institutions exercise control and responsibility for the conduct of intercollegiate athletics.

The institution failed to establish processes and procedures for proper certification of student-athletes' eligibility and did not provide appropriate oversight. The former compliance coordinator was the sole athletics department staff member involved in the student-athlete certification process. He had a variety of other responsibilities and, according to him, "was pressed for time." The former compliance coordinator often certified student-athletes just before or the day of their first competition. The director of athletics admitted that the former compliance coordinator's other duties, "maybe . . . overshadowed the compliance piece."

Further, the institution exercised little, if any, oversight of the eligibility certification process. Until the 2012-13 academic year, the registrar was the only institutional staff member outside the athletics department who was involved in the certification process. Although the registrar was, on paper, the certifying officer for eligibility, the former compliance coordinator alone made the ultimate eligibility determinations. The institution did not assign anyone familiar with eligibility certification to assist the registrar with student-athlete eligibility certifications. During the time of the violations, the institution's procedure for certifying the eligibility of student-athletes centered on one document, an eligibility report form provided by the Lone Star Conference. The director of athletics, faculty athletics representative (FAR), respective head coaches and the registrar signed the final eligibility reports before forwarding to the conference. Absent signing the eligibility form, the FAR and the director of athletics were not involved in the eligibility process and no secondary reviews or spot-checking occurred. Consequently, there was little, if any, oversight and review of eligibility decisions either within the athletics department or by staff members external to athletics.

Additionally, the institution did not train the registrar in NCAA eligibility rules and requirements. The registrar provided enrollment and academic data to the former compliance coordinator. However, despite the fact that she was the institution's certifying officer, the registrar was incapable of providing an accurate assessment or analysis of individual student-athlete's NCAA eligibility due to her lack of training.

Finally, the institution failed to take any corrective action following a 2007 compliance audit of the athletics department conducted by two outside consultants retained by the Lone Star Conference. The June 18, 2007, written report of the audit contained a number of recommendations for improvement, including at least six recommendations addressing the institution's eligibility-certification process. Notably, the report concluded that compliance program "does not appear to be fully engaged and functioning." One of the outside consultants sent the report to the institution's current president, the (now former) director of athletics and the (now former) FAR. Despite the fact that the consultant sent the report to high-ranking university officials, the institution took no action to address the institution's compliance shortcomings and implement the recommendations contained in the report, most notably those relating to the eligibility certification process. Because

both the current director of athletics and the former compliance coordinator were hired after the receipt of the 2007 compliance review report, neither were aware of it.

Four years later, a second outside compliance audit revealed that institutional officials had not taken notice of the 2007 report. The outside consultants for that review, one of whom also participated in the 2007 audit, submitted the audit report to the university on April 30, 2012. That report noted many of the same shortcomings in the eligibility certification process identified in the 2007 report. The 2012 audit report also made recommendations specific to NCAA rules education and noted that the institution did not provide continuing education relating to eligibility issues to personnel external to athletics. The institution conceded that it could have avoided many of the violations in this case had it reviewed and reacted to the 2007 compliance review report.

## V. PENALTIES

For the reasons set forth in Sections III and IV of this decision, the Committee on Infractions concludes that this case involved major violations of NCAA legislation. The institution committed major infractions when, during a five-year period, it failed to properly certify the eligibility of 132 student-athletes. The institution also failed to properly educate staff members involved in the eligibility certification process and to take corrective actions following a 2007 outside compliance audit. These circumstances demonstrate a lack of institutional control.

In prescribing the penalties, the committee considered the institution's cooperation in the processing of this case. NCAA Bylaws 19.01.3 and 32.1.4 address cooperation during the infractions process. The committee concludes that the cooperation exhibited by the institution was consistent with its obligation under the bylaws. Because the institution agreed to the factual findings and violations, as well as the additional penalties the committee proposed, there is no opportunity to appeal.

The committee prescribes the following penalties. Those self-imposed by the institution are noted. The institution's corrective actions are contained in the Appendix.

### **Penalties and Disciplinary Measures (NCAA Bylaw 19.5.2)**

1. Public reprimand and censure.
2. Four years of probation, beginning September 1, 2015, and concluding August 31, 2019.<sup>6</sup>

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<sup>6</sup> The institution proposed a three-year probationary period. Institutions may propose probationary periods but the authority to prescribe probation rests solely with the respective NCAA Committee on Infractions. Periods of NCAA probation always commence with the date of the infractions decision release.

3. A financial penalty of \$3,500 payable to the NCAA.<sup>7</sup>
4. Pursuant to NCAA Bylaws 19.5.2-(g) and 31.2.2.4, the institution shall vacate all wins in which ineligible student-athletes competed. Further, the institution shall vacate any NCAA Championship competition in which student-athletes participated while ineligible. The individual records of the student-athletes shall also be vacated. (Institution imposed) In addition, the institution's records regarding the affected sports, as well as the records of the head coaches, will reflect the vacated records and will be recorded in all publications in which institutional athletics records are reported, including, but not limited to institutional media guides, recruiting material, electronic and digital media plus institutional, conference and NCAA archives. Any institutions that may subsequently hire the head coaches shall similarly reflect the vacated wins in their 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. The institution shall remove any public reference to these vacated contests from athletics department stationery, banners displayed in public areas and any other forum in which they may appear. Finally, to ensure that all institutional and student-athlete vacations, statistics and records are accurately reflected in official NCAA publications and archives, the sports information director (or other designee as assigned by the director of athletics) must contact the NCAA Media Coordination and Statistics Office and appropriate conference officials to identify the specific student-athletes and contests impacted by the penalties. In addition, the institution must provide the NCAA Media Coordination and Statistics Office a written report detailing those discussions with the director of statistics. The institution shall retain this document in the permanent files of the statistics department. The institution must deliver the written report to the NCAA Media Coordination and Statistics Office no later than 45 days following the initial Committee on Infractions release. The sports information director (or designee) must also inform the Office of the Committees on Infractions of its submission to the NCAA Media Coordination and Statistics Office.
5. The institution's director of athletics, the compliance coordinator, the eligibility coordinator and faculty athletics representative will attend an NCAA Regional Rules Seminar each year commencing in 2015 and concluding in 2020. The

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<sup>7</sup> The institution proposed to reimburse the NCAA the cost of travel provided to ineligible student-athletes who competed in NCAA postseason events, reported by the institution to be \$1,506.99. The \$3,500 fine is in addition to the travel cost reimbursement.

institution will provide in its annual compliance reports a list of the sessions each administrator attends at these seminars.<sup>8</sup>

6. During probation, the institution shall:
  - a. Continue to develop and implement a comprehensive educational program on NCAA legislation to instruct the coaches, the faculty athletics representative, all athletics department personnel and all institution staff members with responsibility for the certification of student-athletes' eligibility for admission, financial aid, practice or competition;
  - b. Submit a preliminary report to the Office of the Committees on Infractions no later than October 15, 2015. The preliminary report shall set forth a schedule for establishing this compliance and educational program related to the violations in this case;
  - c. File with the Office of the Committees on Infractions annual compliance reports indicating the progress made with this program by June 30 of each year during the probationary period. The reports should place emphasis on policies and procedures relating to eligibility certification and related compliance education. The reports must also include documentation of the institution's compliance with the penalties adopted and prescribed by the committee. Further, in the institution's first annual compliance report, include the institution's response to each of the "action items" identified in the 2014 on-campus Blueprint Review;
  - d. In writing, notify prospective student-athletes in all sports that the institution is on probation for four years because of this infractions case. The institution shall explain the violations committed in this infractions case. If a prospective student-athlete takes an official paid visit, the institution must provide the information regarding violations, penalties and terms of probation in advance of the visit. Otherwise, the information must be provided before a prospective student-athlete signs a National Letter of Intent; and
  - e. For the full term of probation, publicize specific and understandable information concerning the nature of the infractions by providing, at a minimum, a statement that includes the types of violations and the affected sport programs and a direct, conspicuous link to the public infractions decision located on the athletic department's main webpage.

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<sup>8</sup> The institution proposed that the faculty athletics representative attend NCAA Regional Rules Seminars during any year that the Lone Star Conference does not conduct a rules seminar. The committee decided that the faculty athletics representative should attend NCAA Regional Rules Seminars all years the other staff members attend.

The information shall also be included in institutional media guides and in an alumni publication. The institution's statement must: (1) clearly describe the infractions; (2) include the length of the probationary period associated with this case; and (3) give members of the public a clear indication of what occurred in this case. A statement that refers only to the probationary period with nothing more is not sufficient.

7. At the conclusion of the probationary period, the institution's president shall provide a letter to the committee affirming that the institution's current athletics policies and practices conform to all requirements of NCAA regulations.
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As required by NCAA legislation for any institution involved in a major infractions case, Eastern New Mexico University shall be subject to the provisions of NCAA Bylaw 19.5.2.3, concerning repeat violators, for a five-year period beginning on the effective date of the penalties in this case, September 1, 2015. The committee advises the institution that it should take every precaution to ensure that it observes the terms of the penalties. The committee will monitor the penalties during their effective periods. Any action by the institution contrary to the terms of the penalties or any additional violations may result in an extension of the institution's probationary period, the committee prescribing more severe penalties, or may result in additional allegations of violations.

NCAA DIVISION II COMMITTEE ON INFRACTIONS

Douglas D. Blais

John D. Lackey

Bridget Lyons

Julie A. Rochester, Chair

Carey Snyder

Harry Stinson, III

Jane Teixeira

**APPENDIX**

**THE INSTITUTION'S CORRECTIVE ACTIONS AS IDENTIFIED IN THE  
MAY 13, 2015, SUMMARY DISPOSITION REPORT.**

1. In May of 2012, the university received the resignation of the former compliance coordinator. He resigned for reasons not related to compliance/eligibility issues. The university conducted a national search and a new compliance coordinator assumed these duties on June 4, 2012.
2. On September 6, 2012, the university hired an outside consultant to review areas related to NCAA Bylaw 14: Eligibility: Academic and General Requirements. The outside consultant provided a number of recommendations, most of which either have been implemented or are in process of being implemented.
3. One of the most significant corrective actions recommended by the outside consultant was to create a new position, the assistant registrar/eligibility coordinator. The creation of the eligibility coordinator position gives the university more checks and balances and provides a more thorough eligibility certification process. The eligibility coordinator is primarily responsible for Bylaw 14, eligibility. The individual hired as compliance coordinator on June 4, 2012, was reassigned to this new position. A staff member previously employed as assistant sports information director was reappointed as compliance coordinator. On July 1, 2013, the eligibility coordinator was hired as the head softball coach. All head coaches are required to teach .25 FTE in the Department of Health and Physical Education (HPE). However, due to the former compliance coordinator's expertise in compliance, the institution decided to utilize her talents in this area and she will remain in a quarter-time capacity as assistant compliance coordinator. Another staff member, who has worked as assistant registrar, has been reassigned as the assistant registrar/eligibility coordinator. Institutional administrators outside the athletics department with athletics compliance responsibilities (i.e., director of financial aid, registrar and vice president of student development) will receive a performance management plan that incorporates their respective athletics compliance duties and responsibilities.
4. The university compliance office has created a brochure that will be distributed to student-athletes, coaches, staff and faculty. This document provides an overview of NCAA compliance rules in regards to progress-toward-degree.
5. The university has purchased a web-based software program. This program is a compliance and recruiting management system. It was purchased with the intent to utilize technology to provide oversight over the compliance program, specifically recruiting and playing season compliance. While it is not related to the eligibility concerns the institution reported, it will help effectively monitor recruiting while

working to increase education and correct eligibility issues. It was purchased in July of 2012.

6. In the past, due to budgetary restrictions the institution did not send compliance personnel to NCAA Regional Rules Seminars. The institution has mandated that all personnel, compliance, eligibility, registrar and financial aid attend this event.

#### Other Corrective Actions

7. The former compliance coordinator, who later was hired as the softball coach, will continue to work in a quarter-time capacity in compliance.
8. The university created a stipend for a staff member to assume the role of athletic academic counselor in a part-time capacity. This person will work closely with compliance when advising student-athletes on eligibility issues. In addition, this position will verify declaration of major and have discussions with student-athletes over change of major implications on eligibility.
9. The university has created a committee consisting of the president, vice-president of university relations and enrollment services, athletic director, registrar, assistant registrar/eligibility coordinator, compliance coordinator and faculty athletics representative. This committee will meet bi-weekly and has institutional oversight over the athletic compliance program.
10. The university has established a compliance committee. Members will include; director of athletics, senior woman administrator, faculty athletics representative, registrar, vice president of university relations and enrollment services, financial aid director, compliance coordinator, assistant registrar/eligibility coordinator, one member of the ENMU faculty, and one head coach. Both the faculty representative and the head coach will be recommended by the faculty athletics representative with appointment made by the president. The compliance committee will meet once per month, at minimum, and, among other tasks, will discuss Lone Star Conference and NCAA rules, in addition to compliance policies and procedures for ENMU. It will also annually evaluate the comprehensive compliance program, including the Compliance Manual, and make changes as necessary so they can be implemented as soon as possible.
11. While in the past, the leadership of the athletics department has operated under the title "Athletic Leadership Team," the name will change to Athletic Department Operations. This group consists of the director of athletics, senior woman administrator, communications, head athletic trainer, athletic academic counselor and athletic administrative assistant. They meet once a week. Going forward they will be responsible for verification of compliance calendar events as well as monitoring compliance related issues within the athletic department.

12. Currently, the role of the faculty athletics representative includes proctoring NCAA recruiting tests, along with verifying certification reports for correctness. The goal to integrate the faculty athletics representative into more compliance tasks and make this position more active in the eligibility certification process providing direct oversight of the process from outside of athletics. The faculty athletics representative signature line on the Lone Star Conference eligibility report states that the faculty athletics representative is approving the process and that the information is accurate. The institution will follow the guidelines contained in the "Model Faculty Athletic Representative Document."
13. The university is in the process of writing a comprehensive compliance manual that will include suggested enhancements recommended in the both the 2007 and 2011 compliance reviews. This document will also provide policies and procedures to address the problems that resulted in the violations contained in this report.
14. Prior to fall sports reporting dates, all coaches, compliance staff, and athletic administration will be required to attend a "compliance summit." The summit will include: 1) address by the president regarding our commitment to NCAA Rules/Regulations; 2) signing of the Certification of Compliance Form; 3) an overview of new legislation, rules education and a review of the compliance manual.
15. Beginning in the fall of 2013 the institution initiated monthly NCAA Rules Education Sessions (third Tuesday). Attendance is mandatory with make-ups arranged by the compliance coordinator.
16. Compliance office personnel will address all student-athletes and coaches at their respective initial meetings upon reporting to campus in August. Going forward, the institution will be more vigilant in communicating all compliance related issues with student-athletes. The compliance brochure on progress toward degree will be distributed and reviewed at this meeting.
17. The university compliance office has created a checklist for all student-athletes. This checklist will verify completion of all compliance related actions before a student-athlete is allowed to check out equipment/locker or be allowed to practice. The university will "self-police" the 45-day window of temporary academic/amateurism certification by discontinuing participation beyond the first day of class or until the final certification is received.
18. The university currently has a mandatory meeting policy in place for all faculty and selected staff. This takes place in August prior to the start of the new academic year. The compliance staff will be included on the agenda whereby they will distribute the compliance brochure and review it with personnel. In addition, the university has instituted some other changes to facilitate advising of all students, these being: 1) a

review of academic programs and degrees during the past six months resulting in changes, deletions and additions. These changes will be included in the new undergraduate catalog. 2) the withdrawal deadline and exceptions policy has been refined by defining the withdrawal date and simplifying the process. Late withdrawals must be approved by the vice president for academic affairs and the student must demonstrate exceptional circumstances; 3) freshmen will be requested to declare a major. In the freshman's second semester the Advising Center will more actively request a major if one has not been previously declared. The student must declare in the third semester then the student goes to his/her declared program for advising beginning the fourth semester; and 4) athlete holds will be entered into banner thereby not allowing a student-athlete to drop below 12 hours.

19. NCAA compliance has been added to the instrument as one of eight variables used by student-athletes and the director of athletics to evaluate head coaches. Employee contracts currently state that personnel are required to comply with all NCAA regulations and failure to do so will subject them to disciplinary or corrective action as set forth in the provisions of the NCAA enforcement procedures. The inclusion of the compliance variable in the instrument puts at the forefront of the evaluative process.
20. The institution is in the process of completing the audit contained in the NCAA Division II Compliance Audit Guide.
21. The institution applied for a NCAA Blueprint Review. [Note: that review was conducted April 24-25, 2014, and the report from the review was included in the SDR]