



News Release

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ABILENE CHRISTIAN UNIVERSITY PUBLIC INFRACTIONS REPORT

A. INTRODUCTION.

On December 4, 2008, officials from Abilene Christian University, including the head track and field coach ("head coach"), appeared before the Division II Committee on Infractions to address allegations of NCAA violations in the institution's athletics program.

The majority of the violations occurred in the track and field program, with many committed by the head coach. He provided impermissible inducements to two prospective student-athletes by signing the guarantor line on their apartment leases and giving them free running shoes. He helped organize and attended holiday parties where enrolled student-athletes received gifts from representatives of the institution's athletics interests and other members of the local community. At times he knew that his activities constituted violations of NCAA legislation. At other times he failed to apply NCAA rules he knew or should have known to the situation at hand, which resulted in violations occurring. He failed to follow applicable rules and consult with the compliance office regarding the permissibility of certain activities, which was partly responsible for the impermissible inducements being provided to student-athletes. In addition, his failure to monitor his assistant coaches and certain prospects who resided on campus resulted in an atmosphere of non-compliance in the track program.

Other violations occurred when members of the football coaching staff allowed prospects to use their office computers to complete correspondence course assignments the young men needed to attain NCAA academic eligibility at the institution. The coaches then mailed the assignments to another institution to be graded.

Finally, the institution did not monitor the living arrangements of prospects living in on-campus housing and using the on-campus recreation facility, and it further failed to monitor the official paid visit process during one academic year.

A member of the Lone Star Conference, the institution has an enrollment of approximately 4,700. The institution sponsors eight men's and eight women's intercollegiate sports. This is the institution's first major infractions case.

B. FINDINGS OF VIOLATIONS OF NCAA LEGISLATION.

1. IMPERMISSIBLE INDUCEMENTS. [NCAA Bylaws 13.2.1, 13.2.2-(b) and 13.2.2-(h)]

During the fall of 2006, the institution and the head coach provided two men's track and field prospective student-athletes ("prospects 1 and 2") impermissible recruiting inducements.

Committee Rationale

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

Prospects 1 and 2 came to the vicinity of the institution's campus at the start of the fall, 2006 semester. Although he had not engaged in any recruiting activities directed toward the young men before they arrived, the head coach acknowledged that they were good athletes and that he kept track of their academic progress as they attempted to qualify for admission to the institution and attain athletics eligibility.

Upon arriving in Abilene, prospects 1 and 2 enrolled at a local junior college. They lived together in University Park Apartments, an apartment complex located on the campus of Abilene Christian. Abilene Christian advertises the apartment complex as an "upperclassmen facility" on its residence life website and, although the complex is not owned by the institution, the institution is involved in the management of the apartments, including the hiring of employees. The eight resident assistants employed by the complex are students at the institution who have to maintain at least a 2.5 grade-point average. The manager of the complex ("the manager") stated in her interview that her normal procedure was to check with the institution's admissions office to confirm that potential lessees were enrolled at Abilene Christian. Although lease documents for the complex state that students from other institutions of higher learning in the area are allowed to reside there, the manager only allowed individuals from other schools to reside there if they had the approval of the institution.

When prospects 1 and 2 moved into the apartments, the head coach signed the guarantor line on apartment leases for them. Doing so allowed the young men to live in the

complex, as it caused the manager to conclude that the young men would be affiliated with the institution's track and field program for the upcoming academic year. As will be detailed below, association with an athletics team at the institution qualified the young men for certain housing discounts. A few days after the head coach signed his name on the leases, it was determined that the young men would not be granted admission to the institution; thus, they no longer qualified for the housing discounts. Neither the head coach nor anyone else associated with the institution notified management of the apartment complex of the change in the young men's status. The signing of the prospects' leases by the head coach and the housing discounts subsequently provided to the young men were impermissible inducements.

Prospects 1 and 2 resided in the on-campus apartments from August 2006 to December 2006. The apartment complex was paid a \$44 per-month housing subsidy by the institution for each young man throughout the time they lived in the complex. The subsidy is only supposed to be awarded to enrolled students at Abilene Christian. Additionally, prospects 1 and 2 were extended a "housing fee incentive adjustment" in the form of a 10 percent "athletics" discount that was provided to student-athletes living at the apartments, which also was only supposed to be available to members of groups of Abilene Christian students. The failure of the head coach and the institution to monitor the living arrangements of prospects 1 and 2 will be further discussed in Findings B-7 and B-8.

In October 2006, the head coach provided prospects 1 and 2 each a pair of running shoes. At the hearing he stated that he did so "out of pity" for the young men. By the time he gave them the footwear, the head coach knew the prospects would not be allowed to enroll at the institution so, as he put it, "in my mind I was not recruiting them." However, the head coach knew that he was not allowed to provide items of value to prospects; he has been a collegiate coach since 1994 and has had rules education at every institution where he has coached. He attends monthly rules education meetings on campus, receives regular rules updates from the compliance staff and has never failed a recruiting test.

2. IMPERMISSIBLE INDUCEMENTS. [NCAA Bylaws 13.2.1, and 13.2.7 (2007-08 NCAA Manual)]

During the 2006-07 and 2007-08 academic years and the summer of 2007, the institution and the head strength and conditioning coach ("strength coach") permitted prospective student-athletes to use the on-campus fitness center without requiring them to pay a membership fee required of all non-student athletes at the institution.

Committee Rationale

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

Between August and December 2006, at the same time they were living in on campus housing, prospects 1 and 2 were allowed to use the institutional fitness center at no cost to the young men. According to the rules of the facility, any non-student athlete at the institution was supposed to pay a \$100 per semester membership fee.

The duties of the strength coach included monitoring the use of the fitness center. He was in the facility from when it opened in the morning until 9 p.m. most weekdays, and he had a graduate assistant coach supervise from then until the facility closed at 11 p.m. each night. He kept membership records in his office and, though he did not have enough staff (which will be discussed in conjunction with Finding B-8), he was aware that it was his job to monitor the use of the facility. The strength coach claimed to not specifically remember prospects 1 and 2, but the former director of compliance at the institution ("former director of compliance") recalled that, during a conversation she had with the strength coach at the facility, she asked who prospects 1 and 2 were. The strength coach responded that they were "two track guys that [the head coach] has" and that the head coach had approved their use of the facility. The strength coach did not require prospects 1 and 2 to pay the required membership fee and allowed the two young men to use the facility throughout the fall 2006 semester, even after it was known that they would not be admitted to the institution.

Similar issues arose with six football prospects "(prospects 3, 4, 5, 6, 7 and 8" respectively) during the 2006-07 and 2007-08 academic years. Regarding prospects 3, 4, 5 and 6, who used the facility from January to August 2007, the strength coach operated under the mistaken impression that the young men, who were all prospective two-year college transfer student-athletes, were no longer considered prospects once they had signed National Letters of Intent (NLI) to attend the institution and could thus use the facility without paying the fee. (Note: three of them had signed NLI's in the fall of 2007; the strength coach thought all four had signed). The strength coach acknowledged that the four young men used the facility throughout the spring and summer of 2007.

Regarding prospects 7 and 8, the young men used the facility during the spring of 2008 while still prospects. The strength coach was aware of their status and that they should pay the membership fee, but allowed them to use the facility until they had procured jobs and could afford the fee. Prospects 7 and 8 eventually paid the membership fee.

3. IMPERMISSIBLE INDUCEMENTS/EXTRA BENEFITS. [NCAA Bylaws 13.2.1, 13.2.2-(e), 13.5.4, 16.01.1, 16.11.1.4-(b), 16.11.2, 16.11.2.1 and 16.11.2.3-(d)]

During the 2006-07 and 2007-08 academic years, members of the men's and women's track and field coaching staff and representatives of the institution's athletics interests provided and arranged for the provision of impermissible benefits to 15 men's and women's track and field student-athletes.

Committee Rationale

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

Many members of the institution's track and field teams are international student-athletes who are unable to travel to their home countries during the Christmas holidays. During the holiday seasons in both 2006 and 2007, "pot luck" suppers organized by a local church [Hillcrest Church of Christ] were held for some of the international students at the home of an assistant track coach ("assistant coach A"). During those parties 15 student-athletes ("student-athletes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,13, 14 and 15," respectively) were provided impermissible benefits including small appliances, DVD's, CD's, food items, gift cards, personal items, clothing items and cash. The items were donated by members of the church.

Prior to the parties, the head coach was asked by another of his assistants ("assistant coach B") to provide a list of international student-athletes who would be in the Abilene area over the holidays. The named individuals were then invited to a party sponsored by the local church at the home of assistant coach A. Members of the local church who provided the gifts attended the parties as did the head coach, who was aware of the gifts received by the student-athletes. The gifts included such items as crock pots, radios, gift cards, perfume, socks, gloves, shirts and cash in amounts ranging from \$10 to \$120. The value of the items received by each of the 15 student-athletes was \$35-\$220, depending on what each person received. The head coach stated he did not realize the gifts would be considered extra benefits. He stated that the church members (some of who were already representatives of the institution's athletics interests prior to these activities) who provided the items were acting out of a desire to assist people who were far away from their homes and families for the holidays, not to assist the athletics program.

Student-athlete 15 also received cash and benefits on other occasions from a representative of the institution's athletics interests (the "representative") beginning when the young man was still a prospect travelling to campus for his initial enrollment. While

waiting in the Detroit airport for a flight to Dallas in August 2005, the representative, an Abilene resident, approached a young man who was waiting for the same flight. As they conversed, the representative learned that the young man, student-athlete 15, was on his way to the institution and was a track participant. The representative phoned assistant coach B, a long-time acquaintance, and offered to give student-athlete 15 a ride to campus (a one way distance of approximately 160 miles) once they landed at the Dallas-Fort Worth airport. Assistant coach B agreed, and later picked up student-athlete 15 at the representative's home after they had arrived in Abilene. The representative also gave student-athlete 15 \$20 cash.

The representative maintained a relationship with student-athlete 15 from this point forward and provided a number of benefits to the young man in the ensuing years.

Between August 2005 and August 2007, the representative provided student-athlete 15 impermissible transportation from the young man's apartment to the representative's residence (a round-trip distance of 11 miles) on at least 10 occasions. Between August 2005 and May 2008, the representative provided student-athlete 15 a set of drinking glasses and repaired student-athlete 15's bicycle. In August 2007, the representative provided student-athlete 15 \$400 cash and, in March 2008, the representative paid approximately \$100 for student-athlete 15's medical bill related to a foot injury. Additionally, the representative provided student-athlete 15 \$25 cash to pay for medicine.

4. IMPERMISSIBLE INDUCEMENTS. [NCAA Bylaws 13.2.1 and 13.2.7 (2007-08 NCAA Manual)]

During the summer of 2007, two members of the football coaching staff assisted prospects 3 and 4 with their correspondence coursework.

Committee Rationale

The enforcement staff and institution were in substantial agreement as to the facts of this finding and that those facts constitute violations of NCAA legislation. However, the institution asserted that the violations were secondary. The committee finds that the violations occurred and that they are major.

Prospects 3 and 4 were high-profile two-year college prospects that initially enrolled at the institution in the fall of 2007. However, both of the young men finished the spring 2007 semester at their respective two-year institutions needing to complete further academic work prior to being immediately eligible at the institution.

Prospect 3 and an assistant football coach at the institution ("assistant coach C") had a preexisting relationship in 2007, as assistant coach C had previously coached prospect 3 at a different institution. Assistant coach C was aware of prospect 3's academic deficiencies and what the young man needed to accomplish to attain athletics eligibility so, according to his interview, he told the young man "here's the deal" and to enroll in an English correspondence class at another institution that assistant coach C researched on the internet. The young man did so. Assistant coach C also stated that he "believed" he helped prospect 3 complete the enrollment application for the course. Further, he faxed information to prospect 3's father so that the father could pay for the course. Because assistant coach C knew prospect 3 needed to be pushed in his school work, he phoned the young man regularly to urge him to study.

On two occasions during the summer, assistant coach C allowed prospect 3 to use his office computer to complete papers needed to pass his English correspondence course. On those occasions prospect 3 sat in assistant coach C's office and worked on his assignments at the coach's institutionally-issued computer. Further, assistant coach C provided prospect 3 with a Modern Language Association citation book to use when writing his papers. Once prospect 3 finished his assignments, assistant coach C mailed the completed correspondence course work to the institution through which the course was offered so that it could be graded. Assistant coach C paid the postage fee to send the assignments. Prospect 3 passed the class and competed for the institution.

Concerning prospect 4, an assistant football coach ("assistant coach D") allowed the young man to use his office computer to complete his correspondence course work approximately two times per week in the summer of 2007. [Note: Both prospects were enrolled in the same English correspondence course]. As he had done with prospect 3's coursework, assistant coach C mailed prospect 4's completed coursework to the institution through which the course was offered so that it could be graded. Similar to the situation with prospect 3, assistant coach C did not charge prospect 4 the postage fee to mail the coursework. Prospect 4 also passed the class and competed for the institution.

The violations are major. They were not isolated, as they involved two prospects who used the assistant coaches' computers on multiple occasions over the summer. They were not inadvertent; it is a long-standing, well-known rule that academic assistance cannot be provided to prospects. Further, the actions of the coaches were intended to provide a significant competitive advantage and did so; prospects 3 and 4, who were highly prized recruits, needed to pass the correspondence course to be eligible to compete for the institution. The actions of the assistant coaches assisted the young men in becoming eligible. They have since competed for the institution and have attained a high level of success on the football field.

At the hearing, the institution pointed out that the on-campus library functions as a public library and that any citizen can use the library computers if they have a library card. That is irrelevant, as prospects 3 and 4 used computers in the offices of the football coaching staff. There was no suggestion that the coaches' computers are available for use by the general public.

5. IMPERMISSIBLE BENEFITS. [NCAA Bylaws 16.02.3 and 16.11.2.1]

During the 1994-95 through 2005-06 academic years, numerous student-athletes from several sports were provided impermissible housing benefits that were not generally available to the institution's students.

Committee Rationale

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

Between 1994 and 2006, student-athletes from multiple sports received a 10 percent housing discount at University Park Apartments located on the institution's campus. The manager claimed the discount was available to students who were members of campus organizations that had at least 15 other student members residing at the apartments. However, the evidence established that only student-athletes received the discount.

6. OFFICIAL PAID VISIT VIOLATIONS. [NCAA Bylaw 13.6.1.2.1]

During the 2007-08 academic year, the institution did not notify 27 prospects in writing of the five-visit limitation rule before their official paid visits.

Committee Rationale

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

The institution did not notify 27 prospective student-athletes in writing, at the time of its invitation but before the visit, of the official five-visit limitation. Four of the prospects were involved in women's track and field, while the rest were football prospects.

The problems were the result of coaches in these two sports bringing prospects to campus prior to informing the compliance office of their arrival or not notifying the compliance

office in a timely fashion so that the letters could be prepared and mailed prior to the visit. The head coach at times brought women's track and field prospects to campus without informing the former compliance director, which resulted in the five-visit limitation letter having to be prepared and delivered to the prospects during their time on campus. Similarly, the head football coach either did not submit a complete list of visiting prospects to the compliance office, did not provide sufficient information (such as the prospects' mailing address) or did not tell the compliance office of the visits until it was too late to mail the letters before the prospects arrived.

The former director of compliance stated that she did not realize the failure to provide the letter to a prospect prior to arrival on campus was a violation.

7. FAILURE TO MAINTAIN AN ATMOSPHERE OF COMPLIANCE AND FAILURE TO MONITOR BY THE HEAD COACH. [NCAA Constitution 2.8.1]

The scope and nature of the violations detailed in Findings B-1, B-2 and B-3 demonstrate that the head coach failed to maintain an atmosphere of compliance within the men's and women's track and field program and failed to monitor certain aspects of the program to ensure compliance with NCAA legislation.

Committee Rationale

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

The head coach provided impermissible recruiting inducements to men's track and field prospective student-athletes as detailed in Finding B-1, did not discern whether those prospects had paid to use the on-campus fitness facility, which contributed to the violations outlined in Finding B-2, and permitted numerous student-athletes to receive the impermissible benefits detailed in Findings B-3. Additionally, the head coach failed to monitor the activities of (1) assistant coach B, who permitted the representative to transport prospect 15 from the airport to the institution, as detailed in Finding B-3-b, which subsequently led to the representative providing numerous extra benefits to the young man; and (2) assistant coach A, who arranged for the provision of extra benefits to 15 student-athletes, as detailed in Finding B-3-a.

Finding B-1. The head coach, who has years of experience in college coaching and substantial rules education, was aware that inducements cannot be provided to prospects. Nonetheless he signed the leases that allowed prospects 1 and 2 to live on campus and

gave each of the young men, who had expressed a desire to compete on his team, a pair of running shoes. He justified the shoe inducements by saying he was no longer recruiting the young men; however, whether he was actively recruiting them or not, they were still considered prospective student-athletes. The committee also notes that the head coach was keeping track of their eligibility status and considered them good athletes. The committee concludes that he would have allowed them on to his team had they become eligible.

Finding B-2. The head coach was aware that prospects 1 and 2, who were not students at the institution, were using the on-campus fitness facility. The head coach further knew that non-student athletes were required to pay a \$100 fee per semester to use the facility, and he should have checked to assure they had done so. Once prospects 1 and 2 were denied admission to the institution, the head coach informed the strength coach that the young men could not work out with the track team. However, the head coach's duties extended further; the young men were prospects in the sport he coached, he was responsible for them living on campus and was the individual most familiar with their circumstances. As was stated by the NCAA Division I Committee on Infractions in *University of Kansas*, Case No. M241, (2006), citing other, earlier cases, it is critical for member institutions to monitor the activities of prospects moving to the vicinity of campus prior to their initial enrollment. That duty also extended to the head coach, who should have ensured that no NCAA rules violations involving them were occurring.

Finding B-3-a. The head coach knew or should have known that providing gifts to enrolled student-athletes is impermissible under NCAA legislation. Yet he not only gave a list of student-athletes to assistant coach B so that the student-athletes could be invited to the dinners, he also attended the functions--which were held in the home of one of his other assistant coaches--and was aware that gifts were being provided to members of his teams. While the committee recognizes that the gifts were given in a sincere attempt to assist international students who were far from home during the holidays, the head coach had a duty to monitor his program, insist on strict rules compliance and ensure that impermissible benefits were not being given to the student-athletes.

Finding B-3-b. The head coach's duties extended to monitoring his assistants so as to ensure that they did not commit or facilitate violations. Yet the gatherings referenced above took place in the home of assistant coach A. The head coach also failed in this regard with respect to the situation of student-athlete 15; assistant coach B initially gave approval for a booster to transport the young man to Abilene when the young man initially enrolled, which led to the booster providing substantial impermissible benefits to him for a period of years. The head coach failed to monitor his assistants and assure an atmosphere of compliance in his program.

8. FAILURE TO MONITOR BY THE INSTITUTION. [NCAA Constitution 2.8.1]

The scope and nature of the violations in Findings B-1, B-2, B-3, B-5 and B-6 demonstrate that the institution failed to monitor certain aspects of its athletics program during the times the violations occurred.

Committee Rationale

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

The violations set forth in Findings B-1, B-2 and B-3 were of such a nature that the institution should have known that they were occurring or had occurred. The violations described in those findings, which were all committed or witnessed by athletics department coaches or administrators, were clearly contrary to NCAA legislation. However, neither the administrators nor anyone within the athletics department identified the activities as violations so they could be stopped and properly self-reported to the NCAA. Further, the violations in Findings B-1 and B-5 reflect a failure of the institution to monitor on-campus housing arrangements, while Finding B-2 also resulted in part from a failure to monitor the use of the on-campus fitness facility. Regarding the official paid visit letter violations, the institution had actual knowledge of the violations set forth in Finding B-6, but never reported the violations to the Lone Star Conference or NCAA.

Findings B-1, B-2 and B-3 involved obvious impermissible inducements/benefits provided to prospects and enrolled student-athletes. They were committed and/or witnessed by athletics staff members and other institutional administrative personnel. In particular, the head coach was either part of or knowledgeable of the activities that led to these three findings. As set forth in the rationale for Finding B-1 above, the head coach had many years of rules education. Further, there is regular rules education provided on the Abilene Christian campus. It was known that inducements to prospects and extra benefits to enrolled student-athletes are not allowed by NCAA legislation, yet all involved failed to recognize that signing a lease for a prospect, allowing prospects to use campus facilities without paying the mandatory fee, and providing Christmas gifts to enrolled student-athletes were clear rules violations. The institutional personnel should have recognized the problems.

Findings B-1 and B-5 demonstrate a failure by the institution to monitor housing arrangements at the on-campus apartments, where many of the student-athletes resided. The manager stated that she allowed prospects 1 and 2 to reside in the apartments only because the head coach signed their lease; to the manager that meant the young men were

somehow involved with the athletics program, and she would not have allowed them to live there otherwise. Although the young men were never enrolled in the institution or members of the track team, they resided in the apartments for a full semester. During that time no one in the athletics department or the institution's department of Residence Life Education and Housing took note of the head coach's signature and questioned the apartment's policies or whether it was appropriate for the head coach to be signing the leases.

Finding B-5 further established a failure to monitor the housing arrangements on campus by the institution. Even though a 10 percent housing discount was supposed to be available to any student who lived in the apartments and was a member of a campus organization that had 15 or more members living there, for 12 years the discount was only provided to student-athletes. Over such a long period of time, someone in the department of athletics or elsewhere on campus should have noticed this was occurring.

The institution also failed to monitor the on-campus fitness facility. The facility was not adequately staffed, which contributed to the violations of Finding B-2 and constituted a failure to monitor. The strength coach bears some responsibility for the violations, as he did not collect the fees from non-student athletes as his duties required. However, the institution expected him to essentially run the facility by himself; he was the sole supervisor from 4:30 a.m. until 9 p.m., when he normally left for the day. He had a football graduate assistant coach watch the facility from then until it closed at 11 p.m. It was acknowledged that anyone could walk into the facility and use it, and the strength coach was not provided any interns to assist him until the fall of 2007. Better staffing and oversight of the facility, as well as an adherence to the fee payment policy, would have prevented the violations.

There also existed a failure to monitor the official paid visit process in the 2007-08 academic year, as 27 violations occurred during that time. In those instances, due to coaches not informing her in a timely fashion that prospects were coming to campus, the former director of compliance did not deliver letters regarding the five-visit limit to prospects prior to their arrival. The former director of compliance delivered the letters to the prospects once they were on campus. She did not recognize that the failure to deliver the letters prior to the prospects' arrival was a violation.

C. SECONDARY INFRACTIONS.

1. From August 2007 through June 2008, the head coach provided free boarding for a men's track and field student-athlete's dog. [NCAA Bylaws 16.01.1 and 16.11.2]

2. During the 2004-05 academic year, a women's track and field student-athlete received approximately \$2,043 in excess of the value of a full grant-in-aid. The full grant-in-aid amount available to the student-athlete was \$20,963, and she received \$23,006. [NCAA Bylaws 15.01.7 and 15.1]
3. During the 2006-07 academic year, a volleyball student-athlete received approximately \$2,699 in excess of the value of a full grant-in-aid. The full grant-in-aid amount available to her was \$22,941, and she received \$25,640. [NCAA Bylaws 15.01.7 and 15.1]
4. During the 2007-08 academic year, the institution provided an official paid visit to a prospect prior to placing the prospect's name on the institution's Institutional Request List at the NCAA Eligibility Center. [NCAA Bylaw 13.6.2-(c)].

D. PENALTIES.

For the reasons set forth in Parts A and B of this report, the Committee on Infractions found that this case involved several major violations of NCAA legislation. Institutional personnel, particularly the head coach, were lax on rules compliance, leading to violations of well-known, obvious NCAA rules. Over long periods of time the institution failed to monitor student-athlete housing and the on-campus fitness center, resulting in numerous violations. The committee is also disturbed by the failure of the former compliance director to report known violations and by the actions of assistant coaches C and D, who provided impermissible academic assistance to prospects 3 and 4.

In determining the appropriate penalties to impose, the committee considered the institution's self-imposed penalties and corrective actions. [Note: The institution's corrective actions are contained in Appendix Two.] Further, the committee determined that the cooperation exhibited by the institution was consistent with Bylaw 32.1.4, Cooperative Principle, which requires member institutions to cooperate in investigations. The committee imposes the following penalties. The institution's self-imposed penalties are so noted:

1. Public reprimand and censure.
2. Two years of probation from February 12, 2009, through February 11, 2011.
3. Fifteen enrolled men's and women's track student-athletes were given numerous gifts at Christmas parties in both 2006 and 2007. The gifts included small appliances, clothing and cash, with the total value of the benefits to each student-athlete varying from under \$100 to slightly over \$200. The violations did not

affect the student-athletes' initial eligibility at the institution nor did they in any way affect the young peoples' academic standing. All 15 track student-athletes went through the Student-Athlete Reinstatement process, with only student-athlete 15 required to miss any competition as a condition of reinstatement. The committee finds that the level of violations, and the facts surrounding them, regarding the 15 track student-athletes does not warrant vacation of either individual or team records.

However, the impermissible inducements provided to prospects 3 and 4 present a different situation. In the case of *Lynn University*, Case No. M245 (2007), this committee adopted the four-part Division I test to determine whether vacation is warranted. That test, first articulated by the Division I Infractions Appeals Committee in *Georgia Institute of Technology*, Case No. M222 (2005), provides that vacation is appropriate when cases involve 1) academic fraud; 2) serious intentional violations; 3) direct involvement in the violations by a coach or other institutional personnel; and/or 4) a great number of violations.

Two of the four factors exist in this case. Although the response of the institution to the notice of allegations and the documents submitted by the enforcement staff are silent regarding specific knowledge by assistant coaches C and D that they were committing violations (the enforcement staff's case summary alludes that they should have known), the committee finds that the coaches knew what they were doing; the prohibition against providing inducements to prospects is a long-standing, well-known rule. Yet the two coaches allowed prospects they knew to be academically deficient to use their institutionally-issued computers in the privacy of their offices to complete academic work the coaches knew the young men needed to attain athletics eligibility. Assistant coach C found the class for the prospects to take, helped with the registration process, and mailed the completed work at his expense so that it could be graded. These violations were intentional and directly involved two coaches.

The violations were also serious and designed to provide a substantial competitive advantage. Simply put, without passing this class these young men would not have attained eligibility at the institution, and assistant coaches C and D felt it necessary to provide substantial assistance before the prospects could pass the class. The intentional provision of impermissible academic assistance is the antithesis of what a student-athlete should experience as he or she works toward a degree. The two young men have been very successful on the field since they enrolled, undoubtedly assisting the institution in winning football games.

Therefore, pursuant to NCAA Bylaws 19.5.2.2-(e)-(2) and 31.2.2.3-(b), the institution will vacate all wins in which prospects 3 and 4 competed from the time

they became ineligible in the summer of 2007 through the point where they were reinstated by the NCAA. This order of vacation includes the institution's participation in any post-season conference or NCAA football championship. Further, the institution's records regarding football, as well as the record of the head coach at the time the vacated contests were played, will reflect the vacated records and will be recorded in all publications in which football records are reported including, but not limited to, institution media guides, recruiting material, electronic and digital media plus institution and NCAA archives. Any public reference to these vacated contests shall be removed from athletics department stationery, banners displayed in public areas and any other 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 publication and archives, the sports information director (or other designee as assigned by the director of athletics) must contact the NCAA director of statistics to identify the specific student-athlete(s) and contest(s) impacted by the penalties. In addition, the institution must provide the NCAA statistics department a written report, detailing those discussions with the director of statistics. This document will be maintained in the permanent files of the statistics department. This written report must be delivered to the NCAA statistics department no later than 90 days following the initial Committee on Infractions release or, if the vacation penalty is appealed, the final adjudication of the appeals process, whichever is later.

4. The number of initial athletically related financial aid awards in both men's and women's track and field that are countable under Bylaw 15.02.3 shall total no more than 10.5 in each sport for the academic years 2008-09 and 2009-10. (Institution imposed)
5. The head coach is permitted to recruit off campus no more than 12 days during the 2008-09 and 2009-10 academic years. (Institution imposed)
6. Expense paid visits for men's and women's track and field shall be reduced as follows:
 - Men: For the 2008-09 and 2009-10 academic years, there shall be no more than 21 official paid visits, to be taken 10 in one academic year and 11 in the other at the institution's discretion. The institution imposed a limit of 11 each year, but one further reduction makes this penalty proportionately equal to the reductions in the women's program.
 - Women: For the 2008-09 and 2009-10 academic years, there shall be no more than 23 official paid visits, to be taken 11 in one year and 12 in the other at the institution's discretion. The institution proposed a limit of 11

for each year, but one further reduction makes the reductions for the men's and women's programs close to equal based on the number of grants each sport has averaged over the past four years.

7. For the sport of football, there shall be no more than 60 official paid visits during the academic years 2009-10 and 2010-11.
8. There shall be no more than five international student-athletes on the roster of any institutional athletics team during the 2009-10 and 2010-11 academic years. (Institution imposed)
9. Pursuant to NCAA Bylaw 19.5.1 (d), the institution shall pay a fine of \$2,500.
10. At their own expense, the head coach and assistant coaches A, B, C and D shall attend an NCAA Regional Rules Seminar within the first year of the probation. All five of them shall certify in writing which sessions of the seminar they attended, and the information shall be included in the institution's annual compliance reports to the committee (See Penalty 11-c below).
11. During this period of probation, the institution shall:
 - a. Continue to develop and implement a comprehensive educational program on NCAA legislation, including seminars and testing, to instruct the coaches, the faculty athletics representative, all athletics department personnel and all institution staff members with responsibility for the certification of student-athletes for admission, retention, financial aid or competition;
 - b. Submit a preliminary report to the office of the Committees on Infractions by March 27, 2009, setting forth a schedule for establishing this compliance and educational program; and
 - c. File with the office of the Committees on Infractions annual compliance reports indicating the progress made with this program by February 15 of each year during the probationary period. Particular emphasis should be placed on 1) monitoring prospects who move to the vicinity of campus prior to initial enrollment; 2) monitoring the on-campus housing facilities; 3) monitoring the use of the on-campus fitness facility; 4) educating athletics staff regarding impermissible inducements and extra benefits; 5) implementing and following an effective official paid visit policy; and 6) creating a comprehensive compliance program for representatives of the institution's athletics interests and members of the local community. The

reports must also include documentation of the institution's compliance with the penalties adopted and imposed by the committee.

12. 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, Abilene Christian University and any involved individual 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, February 12, 2009.

Should Abilene Christian or any involved individual appeal either the findings of violations or penalties in this case to the NCAA Division II Management Council Subcommittee, the Committee on Infractions will submit a response to the members of the Management Council Subcommittee.

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

Should any portion of any of the penalties in this case be set aside for any reason other than by appropriate action of the Association, the penalties shall be reconsidered by the Committee on Infractions. Should any actions by NCAA legislative bodies directly or indirectly modify any provision of these penalties or the effect of the penalties, the committee reserves the right to review and reconsider the penalties.

NCAA COMMITTEE ON INFRACTIONS

Jean Paul Bradshaw II

Bruce Kirsh

Bridget E. Lyons

Julie A. Rochester

Wendy Taylor May, chair

APPENDIX ONE

CASE CHRONOLOGY.

2007

August 16 - The Lone Star Conference provided the NCAA director of enforcement secondary infractions with the institution's self-report of violations in the men's track and field program.

November 13 - The enforcement staff conducted a telephone call with the director of athletics informing him that the staff received the institution's self-report and would be conducting further review of the violations.

2008

April 29 - A notice of inquiry was sent to the institution.

August 18 - A notice of allegations was sent to the institution and to the head coach.

October 31 - The enforcement staff received the institution's and the head coach's response to the notice of allegation.

November 7 - A prehearing conference was conducted with the institution and the head coach.

December 4 - The institution and the head coach appeared before the NCAA Division II Committee on Infractions.

2009

February 12, 2009 - Infractions Report No. 296 was released.

APPENDIX TWO

CORRECTIVE ACTIONS AS LISTED IN THE INSTITUTION'S OCTOBER 31, 2008, RESPONSE TO THE NOTICE OF ALLEGATIONS.

Additional corrective actions that have been taken as a result of the violations acknowledged in this inquiry include:

- The addition of the following section to Section 9 of the ACU student-athlete handbook, which outlines the permissibility of awards, benefits and expenses for enrolled student-athletes:

9.4 Awards, Benefits and Expenses for Enrolled Student-Athletes

A student-athlete shall not receive any extra benefit as defined in Bylaw 16.02.3. Receipt by a student-athlete of an award, benefit or expense allowance not authorized by NCAA legislation renders the student-athlete ineligible for athletics competition in the sport for which the improper award, benefit or expense was received. If the student-athlete receives an extra benefit not authorized by NCAA legislation, the individual is ineligible in all sports.

–An award is an item given in recognition of athletics participation or performance. Such awards are subject to the limitations set forth in Bylaw 16.1.

–An excessive expense is one not specifically authorized under regulations of the Association concerning awards, benefits and expenses.

–An extra benefit is any special arrangement by an institutional employee or a representative of the institution's athletics interests to provide a student-athlete or the student-athlete's relative or friend a benefit not expressly authorized by NCAA legislation. *Receipt of a benefit by student-athletes or their relatives or friends is not a violation of NCAA legislation, if it is demonstrated that the same benefit is generally available to the institution's students or their relatives or friends or to a particular segment of the student body (e.g., foreign students, minority students) determined on a basis unrelated to athletics ability.*

– Pay is the receipt of funds, awards or benefits not permitted by governing legislation of the Association for participation in athletics. (See Bylaw 12.1)

After Completion of Athletic Eligibility

Awards limitations apply to enrolled student-athletes who have exhausted their intercollegiate athletics eligibility. An institution shall be held responsible through

the Association's enforcement procedures for the provision of improper awards to graduating seniors by the institution or its booster organizations. Awards to graduating seniors may not include cash, gift certificates, a cash-equivalent award (i.e., an item that is negotiable for cash or trade or other services, benefits or merchandise) for athletics participation, or a country club or sports club membership.

- Additionally, this information was presented verbally and in print to all student-athletes at our Student-Athlete Orientation meeting on August 26, 2008. This will allow the athletics department to internally educate our student-athletes on what they can and cannot receive from individuals in the community and help raise awareness in this area.
- The athletics department updated and mailed out to all lettermen (August 2008) and athletic donors (October 2008) a "Guide to NCAA Rules for fans, friends and Alumni." This brochure also is included on the compliance website at www.acusports.com. The department is also planning on mailing a copy of this brochure to all local Churches of Christ in Abilene along with a letter from the director of athletics so as to further educate the Abilene community on what they can and cannot provide to current ACU student-athletes. The original Guide was created in 2005 and was included in the annual mailings to donors in 2005 and 2006. In 2007, the brochure was being revised, but the 2005 version was widely distributed and available throughout the ACU campus in areas where boosters, alumni and fans typically picked up team schedules and other athletics information.
- A Compliance page was added to the ACU athletics website, www.acusports.com, with a link directly from the homepage. The Compliance page contains a comprehensive listing of resources and information regarding NCAA legislation that applies to student-athletes, prospects, donors, alumni, coaches and others tied to athletics.
- An on-campus compliance committee is being established which will consist of the assistant director of athletics for compliance, faculty athletics representative, Registrar, director of admissions, and director of financial aid. This committee will convene two times each semester for a rules-education session and to discuss policy and procedure related to NCAA compliance at ACU. The committee's first meeting is scheduled for the spring of 2009.
- The athletics compliance staff is currently updating the working Compliance Manual that is distributed to all athletic staff regarding policy and procedure related to NCAA legislation. Also, ACU is moving toward a more web-based tracking system by utilizing Compliance Assistant Internet (CAi). The University conducted phase I of CAi training with the current coaching staff on October 15, 2008.

- The head coach was issued a letter of reprimand for his provision of running shoes to prospects 1 and 2. The letter was issued in December 2006, shortly after the University's discovery and self-report of the violation.

The University has revised its policy concerning its involvement with prospective student-athletes who arrive in Abilene prior to enrollment. The University's coaching staff has been directed to discourage that activity when speaking with the prospective student-athlete and to immediately inform the compliance office of any and all occasions that a prospective student-athlete expresses their intent to move to the area or arrives unannounced. This policy requires the athletics director and assistant athletics director for compliance to approve the prior arrival in Abilene by a prospective student-athlete if the prospective student-athlete expresses their desire to do so.

- The strength coach was given a letter of reprimand for his involvement in the violations, which also concerns his oversight of the on-campus fitness center. The letter is intended to address the lapses underlying both sets of like violations.

In addition, and as detailed further in the University's response, the University has taken steps to enhance its ability to monitor the individuals who use the fitness center. These improvements include the addition of personnel and a review of whether a "card reader" system should be implemented.

- The University has informed the head coach and assistant coaches A and B that they may no longer host events with student-athletes and outside groups (e.g., church groups) at assistant coach A's home. Additionally, the University has advised the head coach and assistant coaches A and B that all off-campus activities (outside of competition) involving any of the institution's student-athletes must be cleared by the compliance department. The head coach's family has been asked to advise their respective church communities that any involvement with ACU student-athletes is prohibited unless first cleared by the University's compliance staff.

The representative will receive a letter of expectation from the director of athletics for his involvement, albeit unknowing, in violations. The representative will be instructed to contact the University's compliance office prior to his future involvement, in any manner, with ACU student-athletes.

The head coach was asked to return the dog he was caring for to the student-athlete who owns it. The student-athlete was advised that he needed to find a new place to house his pet.

- The University has determined to no longer lodge visiting prospective student-athletes at assistant coach A's bed and breakfast. The director of athletics has communicated in writing with all head coaches about compliance with NCAA Bylaw 13.6.5.

Assistant coach A's position as a volunteer coach with the men's and women's track and field teams has been clarified, better defined and explained to both assistant coach A and the head coach by the director of athletics. The University will continue to ensure that assistant coach A's role with the team is strictly that of a volunteer coach. In addition, assistant coach A will be required to complete all NCAA rules tests that are administered to the University's full-time coaches to ensure that he is aware of all relevant NCAA rules concerning prospective and enrolled student-athletes.

- The department will mail a copy of its "Guide to NCAA Rules for fans, friends and Alumni" to all local Churches of Christ in Abilene along with a letter from the director of athletics as to further educate the Abilene community on what they can and cannot provide to current university student-athletes.
- The university has reviewed its policies concerning nonathletic scholarship awards to be made to student-athletes and instructed its financial aid office to confirm with the athletics compliance office the status of awards (countable vs. exempt) that are based, in whole or in part, on academic merit.
- Assistant coaches C and D were issued letters of admonishment for their involvement in these violations. The strength coach was issued a letter of reprimand.
- The University will work with the management of University Park Apartments to get written notice to the leadership of campus groups, departments, etc. about the available housing discount at University Park Apartments.