



CHEYNEY UNIVERSITY OF PENNSYLVANIA
PUBLIC INFRACTIONS DECISION
AUGUST 21, 2014

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 is charged with deciding infractions cases involving member institutions and their staff. This case involves Cheyney University of Pennsylvania (Cheyney) and centers on violations of NCAA legislation governing certification of initial, transfer and continuing eligibility involving all of Cheyney's sports programs during the 2007-08 through 2010-11 academic years.¹ The case also included a failure to monitor by a former staff member and a lack of institutional control.² The majority of the core violations in this case were self-discovered and self-reported by the institution.

The institution agreed with all of the violations set forth in this report. As a result, the institution and the enforcement staff initially processed this case through summary disposition. Summary disposition involves the submission of a written report to the committee in which all parties agree to the primary facts and violations. The institution and involved individuals may also propose penalties. The committee reviewed the summary disposition report (SDR) during a September 2013 meeting. The committee accepted the violations contained in the SDR, but also determined that two former staff members may be considered "at risk" for violations in this case. Consequently, the case proceeded to a full hearing.

II. CASE HISTORY

The violations in this case first came to light in August 2011 when the institution's then head women's volleyball coach assumed additional duties as the assistant director of

¹ A member of the Pennsylvania State Athletic Conference, the institution's total enrollment is approximately 1,200. The institution sponsors five men's and seven women's sports. This was the institution's third major infractions case. The first case occurred in 1985 and involved the women's basketball program. The second case, in 2007, centered on the football program.

² The institution had a major infractions case in 2007 that included violations pertaining to initial, transfer and continuing eligibility certification, as seen in the current case. As with the current case, the 2007 case included a lack of institutional control. The institution is considered a repeat violator pursuant to NCAA Bylaw 19.5.2.3.1 because of the 2007 case.

athletics for compliance ("compliance director").³ One of the compliance director's first tasks was to conduct eligibility certification for the institution's football team. The compliance director discovered several eligibility-related issues that gave rise to concerns of possible NCAA violations. The compliance director reported her concerns to senior athletics administrators, triggering an internal investigation. The institution submitted a self-report to the enforcement staff on January 27, 2012. This report documented numerous violations which occurred during the 2007-08 through 2010-11 academic years, primarily relating to improper certification of eligibility. Cheyney also acknowledged that it lacked institutional control. Furthermore, the report concluded, "The former director of athletics and assistant director of athletics for compliance failed to create and promote an atmosphere of compliance and institutional control."

The enforcement staff sent a notice of inquiry to the institution on June 15, 2012. The enforcement staff conducted an interview with a former assistant director of athletics for compliance ("former compliance director") on July 3 and interviewed the former director of athletics ("former director of athletics") on July 5, 2012, and February 7, 2013. The enforcement staff submitted a draft of the proposed findings to the institution on April 1, 2013. The enforcement staff and institution completed the joint SDR on July 30, 2013. The committee reviewed the SDR on a September 18, 2013, conference call.

The SDR included a statement that the former director of athletics and two former directors of athletics for compliance "failed to establish adequate NCAA compliance systems to alert key institutional representatives to potential and/or actual violations of NCAA legislation within the athletics department." On September 30, 2013, the committee sent a letter to the existing parties, the former director of athletics and the former compliance director intending to indicate the committee's desire for those parties to consider whether a failure to monitor finding was appropriate for the two aforementioned individuals. All parties would have to agree under the summary disposition process. The committee gave the parties until October 9 to respond.

On October 7, the institution agreed to add the new violations to the SDR. On October 2 and October 23, the former director of athletics requested extensions to respond. The former compliance director did not respond. Based on the apparent lack of agreement, the committee notified all parties in an October 24 letter that it rejected the SDR and that the enforcement staff should process the case consistent with NCAA Bylaw 32.7.1.4.2.⁴

The enforcement staff issued a notice of allegations to all parties on December 6, 2013. The notice of allegations included failure to monitor allegations against the two former

³ The head women's volleyball coach, who was assigned additional duties as the assistant director of athletics for compliance, is now the institution's full-time senior compliance staff member.

⁴ NCAA Bylaw 32.7.1.4.2 stipulates that a hearing shall take place if the Committee on Infractions does not approve the SDR.

staff members. The former director of athletics submitted her response to the notice of allegations on March 20, 2014. The institution submitted its response on March 27. The former director of athletics submitted a supplemental response on June 3. The former compliance director did not respond.⁵ On June 13, the Division II Committee on Infractions heard the case.

III. FINDINGS OF FACT

Competition by Student-Athletes Prior to Receipt of Amateurism Certification

During the 2007-08 through 2010-11 academic years, the process for completing institutional student-athlete eligibility certification remained virtually unchanged and relied heavily on a single form. For freshman and/or transfer student-athletes, the form required five signatures from staff members who were providing and/or verifying specific information. The institution required the following five staff members to sign the freshman/transfer form: the head coach, assistant director of athletics for compliance, director of athletics, director of admissions and the faculty athletics representative. Returning student-athletes were certified using a similar form. The five individuals who signed that form were the head coach, assistant director of athletics for compliance, director of athletics, office of the registrar and the faculty athletics representative.

The investigation could not determine whether the five required signatures were obtained in any specific order or whether one specific individual's signature was served as the final approval authority. However, current and former athletics department staff members all agreed that it was the assistant directors of athletics for compliance's responsibility to certify the amateur status of student-athletes and that the certification policies and procedures included checking amateurism status via the Eligibility Center database. They also agreed that only the directors of athletics and assistant directors of athletics for compliance had access to that database. Verification of amateur status through the Eligibility Center database was often not done, although university policy required it. Consequently, during the 2007-08 through 2010-11 academic years, 109 student-athletes practiced, competed, received travel expenses and/or athletically related financial aid prior to the institution's receipt of their amateurism certification status from the NCAA Eligibility Center.

⁵ The former compliance director did not respond to repeated requests by the committee to engage in the processing of this case. Because of her non-involvement, including the fact that she did not respond to the notice of allegations nor attend the hearing, she cannot appeal any violations or penalties involving her.

Competition by Student-Athletes Prior to Receipt of Academic Certification

During the 2007-08 through 2010-11 academic years student-athletes in several sports (football, men's and women's basketball, men's and women's cross country and track and field, and women's bowling) practiced and competed in their initial year at the institution without having completed the academic certification through the Eligibility Center. As with the certification of amateurism status, verifying that a student-athlete had completed the academic certification process was the responsibility of the assistant director of athletics for compliance.

During the tenures of several compliance directors, the institution allowed student-athletes to practice and compete in their initial year at the institution without having completed their academic certification. However, the former compliance director was in this position for the most amount of time, two years, from July 2009 to June 2011. The institution could not produce any documentation that provided insight as to the reasons why student-athletes were allowed to compete without academic certification. As with amateurism verification, it appeared that certification of academic status simply did not occur on some occasions. As a result, during the 2007-08 through 2010-11 academic years, six student-athletes practiced, competed, received travel expenses and/or athletically related financial aid prior to the institution's receipt of their academic certification statuses from the Eligibility Center.

Competition by a Student-Athlete While Enrolled in Less than the Minimum Required Credit Hours and Lacking Progress-Toward-Degree Requirements

During the fall semester of the 2010-11 academic year, a men's basketball student-athlete ("student-athlete 1") practiced, competed and received travel expenses while enrolled in nine credit hours. Additionally, prior to the 2010 fall semester, student-athlete 1 competed and received travel expenses while enrolled in an average of less than 12 semester hours during each of his previous academic terms at the institution.

During this same time, the former compliance director had the primary responsibility for final verification of student-athletes' eligibility, including the men's basketball student-athlete. With regard to credit hour statuses for student-athletes, the academic support office had initial responsibility for verification of full-time status. According to a former academic coordinator, the institution utilized a campus-wide computer software program that "theoretically" was capable of verifying full-time enrollment status of student-athletes prior to each competition. However, the former academic coordinator reported that the system was not always reliable and reports were sometimes difficult to generate, often requiring her to access student-athlete records by hand.

The institution did not have systems in place within the registrar's office to monitor full-time enrollment for student-athletes or to alert the athletics staff if a student-athlete fell

below full-time status. Likewise, the academic support office and the registrar did not engage in regular communication regarding student-athletes' full-time enrollment. If a student-athlete was initially enrolled full-time and subsequently dropped a class and fell below the 12 credit-hour minimum, the only means for the athletic academic support office to become aware of this was notification by the student-athlete. Student-athlete 1 practiced on 33 occasions and participated in 13 games while enrolled in less than 12 credit hours during the fall semester of the 2010-11 academic year.

With regard to the student-athlete 1's progress-toward-degree requirements, the former compliance director included retaking of a course in the 2010 spring semester and the taking of a remedial course in the 2010 summer session when calculating the student-athlete's credits earned. This resulted in him having completed seven semesters with 74 credit hours, an average of 10.5 credit hours per semester.

Competition by a Student-Athlete After Having Previously Competed at a Four-Year Institution and Competition After a Fourth Year of Eligibility

During the 2008-09 academic year, a men's basketball student-athlete ("student-athlete 2") competed during his initial year in residence at the institution after having previously attended and competed at a four-year college. Additionally, during the 2010-11 academic year, student-athlete 2 practiced, competed, received travel expenses and athletically related financial aid after his fourth season of competition.

Student-athlete 2 previously attended a four-year institution ("previous institution") and was on the previous institution's men's basketball roster for the 2005-06 and 2006-07 academic years. Student-athlete 2 competed with the previous institution's team during the 2005-06 season and participated in scrimmages at that institution during the 2006-07 season. During the 2007-08 academic year, student-athlete 2 was not enrolled at a collegiate institution. Student-athlete 2 enrolled as a full-time student at Cheyney beginning with the 2008-09 academic year.

In December 2008, institutional officials informed student-athlete 2 that he was immediately eligible to compete during the 2008-09 season because he satisfied the requirements of the two-year nonparticipation exception to the general transfer legislation and thus did not have to fulfill a year of residency. Subsequently, student-athlete 2 competed with the men's basketball team during the 2008-09, 2009-10 and 2010-11 seasons. He also received \$5,000 in athletically related financial aid during the 2010-11 academic year. The institution's 2008-09 eligibility forms did not include student-athlete 2's name as being certified for eligibility.

Competition by Student-Athletes Who Were Academic Nonqualifiers

During the 2007-08 and 2009-10 academic years, two football student-athletes ("student-athletes 3 and 4," respectively) practiced, competed and received travel expenses and/or athletically related financial aid after having been certified as academic nonqualifiers. With regard to student-athlete 3, he initially enrolled at the institution in the 2007 fall semester. On August 31, 2007, the Eligibility Center certified student-athlete 3 as an academic nonqualifier due to his core course grade-point average (GPA) being below a 2.0. Student-athlete 3 competed in two contests during the fall semester after the Eligibility Center certified him as a nonqualifier. The institution could not provide documentation or an explanation for why its administration failed to recognize student-athlete 3's academic status.

With regard to student-athlete 4, he initially enrolled at the institution in the 2009 fall semester. On July 9, 2009, the Eligibility Center certified student-athlete 4 as an academic nonqualifier due to his core course GPA being below a 2.0 and his total SAT score being below 820. Student-athlete 4 competed in four contests and received \$3,700 in athletically related aid after the Eligibility Center determined that he was a nonqualifier.

Competition by Transfer Student-Athletes

Two men's basketball student-athletes ("student-athletes 5 and 6," respectively) transferred from separate two-year institutions and enrolled at Cheyney for the 2010-11 academic year. Student-athlete 5 completed 47 transfer credit hours and student-athlete 6 completed 44 transfer credit hours upon their enrollment at the institution in the fall of 2010.

The enrollment of student-athletes 5 and 6 occurred during the former compliance director's tenure. In completing the Cheyney Eligibility Report for transfer student-athletes, the former compliance director was responsible for verifying that, based on the academic information provided by the registrar, the student-athlete satisfied NCAA, Pennsylvania State Athletic Conference and institutional requirements. With regard to student-athletes 5 and 6, the former compliance director added the student-athletes' enrolled credit hours at Cheyney for the fall semester of the 2010-11 academic year to their transfer credit hours in determining their total credit hours for academic certification. During the fall of 2010, student-athlete 5 competed in 16 contests and received \$15,000 in athletically related financial aid and student-athlete 6 competed in six contests. Student-athlete 6 did not receive any athletically related financial aid.

Institutional Control and Monitoring

During the 2007-08 through the 2010-11 academic years, the institution lacked a process for the registrar to alert the compliance staff if a student-athlete fell below full-time enrollment. Further, at one point, university policy required students to be immediately withdrawn from all classes if, after a certain date during the semester, there was an outstanding balance on their financial accounts. Later, the athletics department developed an "understanding" with the financial aid office and/or the bursar's office in which these offices should notify athletics staff if a student-athlete was on the list of students to be withdrawn from classes. However, this "understanding" never became a written policy.

In addition, the institution lacked adequate processes to certify student-athletes' initial, continuing and transfer eligibility. During the 2007-08 through 2010-11 academic years, compliance directors, most notably, the former compliance director, certified numerous student-athletes who did not meet eligibility requirements. These certifications resulted in ineligible student-athletes being permitted to practice, compete and receive athletically related financial aid and/or travel expenses. Senior athletics department personnel often did not closely review the eligibility lists or spot check the information before approving the student-athletes for practice, competition and athletics aid. Further, the institution did not consistently maintain student-athlete records, establish policies and procedures to monitor certification processes and monitor countable athletically related activities.

During the 2007-08 through 2010-11 academic years, the institution did not provide NCAA rules education to individuals in other non-athletics institutional departments. Some of these individuals played key roles in the student-athlete certification processes.

IV. ANALYSIS

A. NCAA BYLAWS 12.1.1.1, 12.1.1.2.1, 12.1.1.3, 12.1.1.3.1, 14.01.1, 14.10.1, 14.11.1, 15.01.5 and 16.8.1.2 (2007-08 through 2010-11 NCAA Division II Manuals)

During the 2007-08 through 2010-11 academic years, the institution permitted 109 student-athletes to practice, compete, receive travel expenses and/or athletically related financial aid prior to the institution's receipt of their amateurism certification status from the NCAA Eligibility Center.

1. NCAA legislation relating to amateurism certification.

The full text of the applicable NCAA bylaws can be found in Appendix Two.

2. **The institution permitted student-athletes to practice, compete, receive travel expenses and/or athletically related financial aid prior to certification of amateurism status.**

The institution self-discovered this violation and agrees with it.

Institutions are required to certify the amateur status of each prospective student-athlete. In this case, this did not consistently occur.

Generally, NCAA Bylaws 12 and 14 address the amateurism certification process and institutional responsibility for correct certification. NCAA Bylaws 15.01.5 and 16.8.1.2 address student-athletes' eligibility for receipt of financial aid and what institutions can provide to student-athletes in association with competition. With respect to amateurism, included in NCAA Bylaws 12.1.1, 12.1.1.1.2.1 and 12.1.1.1.3 is the requirement that member institutions utilize the NCAA Eligibility Center to verify eligibility, including amateurism certification, and the processes which should be followed for confirmation of amateur status. NCAA Bylaw 12.1.1.1.3.1 specifies that student-athletes cannot compete before amateur status has been certified. Further, NCAA Bylaws 14.01.1 and 14.10.1 require that institutions are responsible for correct certification of eligibility, including the designation of an individual to "administer proper certification of eligibility." NCAA Bylaw 14.11.1 requires institutions to withhold ineligible student-athletes from competition. NCAA 15.01.5 establishes that student-athletes must meet applicable NCAA conference and institutional regulations (which includes certification of amateurism) in order to receive institutional financial aid. Finally, NCAA Bylaw 16.8.1.2 limits travel expenses incidental to competition to eligible student-athletes.

Primarily as a result of neglect on the part of its former compliance directors, the institution failed to implement its own policy, and NCAA bylaws, for certification of student-athletes' amateurism statuses. This occurred when, on some occasions, the compliance directors failed to verify each student-athlete's amateur status through the Eligibility Center and its database prior to allowing them to compete. This failure resulted in violations of NCAA Bylaws 12.1.1, 12.1.1.1.2.1 and 12.1.1.1.3. The failure to certify the amateurism status of the 109 student-athletes rendered them ineligible. The institution permitted the student-athletes to compete while ineligible before verification of amateurism status in violation of NCAA Bylaws 12.1.1.1.3.1, 14.01.1, 14.10.1 and 14.11.1.

The student-athletes received institutional financial aid prior to meeting eligibility requirements, and in doing so, violated NCAA Bylaw 15.01.5. Finally, the institution allowed student-athletes, who were ineligible, to receive expenses (food, lodging etc.) in conjunction with travel to competition. This violated NCAA Bylaw 16.8.1.2.

The facts are not in dispute. The committee concludes that these facts constitute violations of NCAA Bylaws 12.1.1.1, 12.1.1.1.2.1, 12.1.1.1.3, 12.1.1.1.3.1, 14.01.1, 14.10.1, 14.11.1, 15.01.5 and 16.8.1.2.

B. NCAA Bylaws 14.01.1, 14.3.1, 14.3.5.1, 14.10.1, 14.11.1, 15.01.5 and 16.8.1.2 (2007-08 through 2010-11 NCAA Division II Manuals)

During the 2007-08 through 2010-11 academic years, the institution permitted six student-athletes to practice, compete, receive travel expenses and/or athletically related financial aid prior to the institution's receipt of their academic certification status from the NCAA Eligibility Center.

1. NCAA legislation relating to amateurism certification.

The full text of the applicable NCAA bylaws is in Appendix Two.

2. The institution permitted student-athletes to practice, compete and receive travel expenses and/or athletically related financial aid prior to the institution's receipt of their academic certification status from the NCAA Eligibility Center.

The enforcement staff discovered these violations while confirming student-athletes' eligibility certification with the Eligibility Center during the course of its investigation. The institution agrees with this violation.

Student-athletes must meet certain academic requirements in order to be eligible to compete at NCAA member institutions. Institutions are required to certify student-athletes' academic eligibility through the Eligibility Center prior to allowing them to practice, compete and receive athletically related financial aid. In this case, the institution failed to certify the academic eligibility of six student-athletes through the Eligibility Center.

NCAA Bylaws 14.01.1 and 14.10.1 require institutions to be responsible for correct certification of eligibility, including the designation of an individual to "administer proper certification of eligibility." NCAA Bylaws 14.3.1 and 14.3.5.1 require student-athlete to meet academic qualifications for eligibility and specifies that student-athletes can practice

for 45 days, but not compete, while the academic certification process is being completed. NCAA Bylaw 14.11.1 requires institutions to withhold ineligible student-athletes from competition. NCAA Bylaw 15.01.5 established that student-athletes meet applicable NCAA conference and institutional regulations (which includes certification of academic eligibility) in order to receive institutional financial aid. NCAA Bylaw 16.8.1.2 limits travel expenses associated with competition to eligible student-athletes.

The failure to certify the academic eligibility of the six student-athletes rendered them ineligible for competition. The institution permitted the student-athletes to compete while ineligible before verification of their academic eligibility status in violation of NCAA Bylaws 14.01.1, 14.10.1 and 14.11.1. When the institution failed to certify the six student-athletes as academic qualifiers but allowed them to practice, compete and receive financial aid during their first academic year in residence, it violated NCAA Bylaws 14.3.1 and 14.3.2.2.1. The student-athletes received institutional financial aid prior to meeting eligibility requirements, and in doing so, violated NCAA Bylaw 15.01.5. Finally, the institution allowed these six student-athletes, who were ineligible, to receive expenses (food, lodging etc.) in conjunction with travel to competition. This violated NCAA Bylaw 16.8.1.2.

The facts are not in dispute. The committee concludes that these facts constitute violations of NCAA Bylaws 14.01.1, 14.3.1, 14.3.5.1, 14.10.1, 14.11.1, 15.01.5 and 16.8.1.2.

C. NCAA Bylaws 14.01.1, 14.1.8.1, 14.4.3.1-(b)-(1), 14.10.1, 14.11.1 and 16.8.1.2 (2011-12 NCAA Division II Manual)

During the 2010-11 academic year, the institution permitted student-athlete 1 to practice, compete and receive travel expenses when he was enrolled in fewer than 12-semester credit hours. Additionally, the institution permitted the student-athlete to compete and receive travel expenses without having fulfilled progress-toward-degree requirements.

1. NCAA legislation relating to continuing academic eligibility.

The full text of the applicable NCAA bylaws is in Appendix Two.

2. The institution permitted a student-athlete to practice, compete and receive travel expenses and/or athletically related financial aid while

enrolled in less than the minimum required number of credit hours and without having attained progress-toward-degree requirements.

The institution self-discovered this violation and agrees with it.

Student-athletes must be full-time students in order to be eligible. NCAA Bylaw 14.1.8.1 specifies that student-athletes must be enrolled in a minimum of 12 semester credit hours to be eligible for practice, competition and receipt of financial aid. NCAA Bylaw 14.4.3.1-(b)-(1), requires that, for a student-athlete following his or her first academic year in residence, the student-athlete must average a minimum of 12 semester credit hours in each of the previous academic terms in which he/she was enrolled full-time in order to meet progress-toward-degree requirements.

NCAA Bylaws 14.01.1 and 14.10.1 mandates that institutions are responsible for correct certification of eligibility, including the designation of an individual to "administer proper certification of eligibility." NCAA Bylaw 14.11.1 requires institutions to withhold ineligible student-athletes from competition. NCAA Bylaw 16.8.1.2 limits travel expenses associated with competition to eligible student-athletes.

The former compliance director incorrectly added credit hours from the retaking of a philosophy course taken by student-athlete 1 during the 2010 spring semester and a remedial math course taken during the 2010 summer session when totaling student-athlete 1's earned credits for the fall 2010 semester. This resulted in the over-awarding of student-athlete 1's credit hours by three. Because of this, he was enrolled in only nine hours during that semester, three less than the required minimum of 12 to be eligible.

Further, prior to starting the 2010 fall semester, student-athlete 1 completed an average of only 10.5 hours during each of the previous academic terms in which he was enrolled full-time, which is 1.5 hours below the minimum for each semester to meet progress-toward-degree requirements. This failure to complete the requisite number of credit hours violated NCAA Bylaws 14.1.8.1 and 14.4.3.1-(b)-(1). The institution did not meet its responsibility to correctly certify student-athlete 1 and permitted him to compete while ineligible, in violation of NCAA Bylaws 14.01.1, 14.10.1 and 14.11.1. Finally, the institution allowed student-athlete 1, who was ineligible, to receive expenses (food, lodging etc.) in conjunction with travel to competition. This violated NCAA Bylaw 16.8.1.2.

The facts are not in dispute. The committee concludes that these facts constitute violations of NCAA Bylaws 14.01.1, 14.1.8.1, 14.4.3.1-(b)-(1), 14.10.1, 14.11.1 and 16.8.1.2.

D. NCAA Bylaws 14.01.1, 14.2, 14.2.2, 14.5.5.1, 14.10.1, 14.11.1, 15.01.5 and 16.8.1.2

During the 2008-09 academic year, the institution permitted student-athlete 2 to compete during his initial year in residence at the institution when he did not satisfy NCAA four-year college transfer requirements. Additionally, during the 2010-11 academic year, the institution permitted student-athlete 2 to practice, compete, receive travel expenses and athletically related financial aid after his fourth season of competition.

1. NCAA legislation relating to four-year college transfers.

The full text of the applicable NCAA bylaws is in Appendix Two.

2. The institution permitted a student-athlete who transferred to the institution from another four-year institution to practice, compete and receive travel expenses and/or athletically related financial aid during his first year at the institution without having satisfied transfer requirements. Further, the institution allowed the student-athlete to compete after his fourth year of eligibility.

The institution self-discovered this violation and agrees with it.

Student-athletes are eligible to compete at NCAA member institutions for a limited number of years. NCAA Bylaws 14.2 and 14.2.2 specify that student-athletes are limited to four years of intercollegiate competition and that it occur within the first 10 semesters (traditionally five years) of enrollment. Student-athletes transferring from one four-year institution to another must meet certain requirements in order to be eligible at the four-year institution to which the student-athlete is transferring. NCAA Bylaw 14.5.5.1 specifies that such transfers shall not be eligible for intercollegiate competition at a member institution until the student-athlete has fulfilled a one-year residence requirement. However, NCAA Bylaw 14.5.5.3.6 allows four-year transfers to be immediately eligible provided that they have not competed in intercollegiate athletics or participated in countable athletically related activities (CARA) for two years. NCAA Bylaw 15.01.5 specifies that student-athletes must meet eligibility requirements in order to receive institutional financial aid.

In this instance, student-athlete 2 attended a four-year institution and was on that institution's men's basketball roster for the 2005-06 and 2006-07 academic years. He competed on that institution's team during the 2005-06 season and participated in scrimmages during the 2006-07 season. During the 2007-08 academic year, student-athlete 2 was not enrolled at a collegiate institution. Student-athlete 2 enrolled as a full-time student at Cheyney for the 2008-09 academic year. The institution incorrectly allowed student-athlete 2 to compete during the 2008-09 academic year because it believed student-athlete 2 met the exception allowed by NCAA Bylaw 14.5.5.3.6. Student-athlete 2 did not meet that exception because he participated in scrimmages, a CARA, during 2006-07, his second year at the originating institution. A violation of NCAA Bylaw 14.5.5.1 occurred when student-athlete 2 failed to meet the two-year non-participation exception and did not fulfill a year of residency during his first year at the institution.

Because student-athlete 2 participated in intercollegiate competition during his first year at his originating institution and in scrimmages during his second year, he only had two seasons of competition (out of four); therefore, he was ineligible after the 2009-10 academic year. He participated in intercollegiate competition at Cheyney during the 2008-09, 2009-10 and 2010-11 seasons. Consequently, student-athlete 2 participated in a fifth year of competition during the 2010-11 year in violation of NCAA Bylaws 14.2 and 14.2.2. Further, because the institution permitted student-athlete 2 to compete while ineligible, it did not meet its responsibility for proper certification of eligibility and its obligation to withhold an ineligible student-athlete from competition as set forth in NCAA Bylaws 14.01.1, 14.10.1 and 14.11.1. The institution awarded financial aid to student-athlete 2 prior to him meeting eligibility requirements, and in doing so, the institution violated NCAA Bylaw 15.01.5. Finally, the institution allowed student-athlete 2, who was ineligible during his first and last years at the institution, to receive expenses (food, lodging etc.) associated with competition. This violated NCAA Bylaw 16.8.1.2.

The facts are not in dispute. The committee concludes that these facts constitute violations of NCAA Bylaws 14.01.1, 14.2, 14.2.2, 14.5.5.1, 14.10.1, 14.11.1, 15.01.5 and 16.8.1.2.

E. NCAA Bylaws 14.01.1, 14.3.1, 14.3.2.2.1, 14.10.1, 14.11.1, 15.01.5 and 16.8.1.2

During the 2007-08 and 2009-10 academic years, the institution permitted student-athletes 3 and 4 to practice, compete and receive travel expenses and/or

athletically related financial aid despite having been certified as academic nonqualifiers.

1. **NCAA legislation relating academic nonqualifiers.**

The full text of the applicable NCAA bylaws is in Appendix Two.

2. **The institution permitted student-athletes who were academic nonqualifiers to practice, compete and receive travel expenses and/or athletically related financial aid during their first year at the institution.**

The institution self-discovered this violation and agrees with it.

Student-athletes must meet certain academic standards to be eligible for practice, competition and receipt of financial aid. NCAA Bylaw 14.3.1 establishes academic requirements for incoming freshman student-athletes. NCAA Bylaw 14.3.2.2.1 states that an entering freshman with no previous college attendance who is an academic nonqualifier at the time of enrollment shall not be eligible for regular-season competition, practice and financial aid during the first academic year in residence.

Because student-athlete 3's core course GPA was below the required minimum, he was ineligible to practice and compete during the 2007-08 academic year. However, the institution permitted him to compete in two contests during the fall semester of that year in violation of NCAA Bylaws 14.3.1 and 14.3.2.2.1. Because student-athlete 4's core course GPA and college entrance test score were below the required minimums, he was similarly ineligible to practice, compete and receive financial aid during the 2009-10 academic year. Despite this, the institution permitted student-athlete 4 to compete in four contests and receive \$3,700 in athletically related financial aid in violation of NCAA Bylaws 14.3.1 and 14.3.2.2.1. Further, because the institution permitted student-athletes 3 and 4 to compete while ineligible, it did not meet its responsibility for proper certification of eligibility and its obligation to withhold ineligible student-athletes from competition and violated NCAA Bylaws 14.01.1, 14.10.1 and 14.11.1.

NCAA Bylaw 15.01.5 specifies that student-athletes must meet eligibility requirements in order to receive institutional financial aid. Student-athlete 4 was allowed to receive financial aid prior to meeting eligibility requirements. As a result, the institution violated the bylaw. Finally, the institution allowed student-athletes 3 and 4, who were ineligible during

their first year at the institution, to receive expenses (food, lodging etc.) associated with competition. This violated NCAA Bylaw 16.8.1.2.

The facts are not in dispute. The committee concludes that these facts constitute violations of NCAA Bylaws 14.01.1, 14.3.1, 14.3.2.2.1, 14.10.1, 14.11.1, 15.01.5 and 16.8.1.2.

F. NCAA Bylaws 14.01, 14.5.1, 14.5.4, 14.5.4.1-(b), 14.10.1, 14.11.1, 15.01.5 and 16.8.1.2

Student-athletes 5 and 6 did not satisfy NCAA two-year college transfer requirements during the 2010-11 academic year. Despite this, the institution permitted them to practice, compete and receive travel expenses and/or athletically related financial aid during their initial years in residence at the institution.

1. NCAA legislation relating academic requirements for two-year college transfers.

The full text of the applicable NCAA bylaws is in Appendix Two.

2. The institution permitted two-year college transfer student-athletes who did not meet transfer requirements to practice, compete and receive travel expenses and/or athletically related financial aid during their first year at the institution.

The institution self-discovered this violation and agrees with it.

NCAA rules establish academic requirements for two-year college transfer student-athletes in order to be eligible during their first year in residence at four-year member institutions. NCAA Bylaw 14.5.4.1-(b) requires two-year college transfer student-athletes to complete an average of at least 12-semester or 12-quarter hours of transferable credit at the four-year member institution for each full-time academic term of attendance at the two-year college.⁶ Because student-athlete 5 had 47 transferable credits, he had one less than the required minimum of 48 credit hours. Because student-athlete 6 had 44 transferable credits, he had four less than the required minimum of 48 credit hours. In both instances, the former compliance director took credit hours from the two student-athletes' enrollment at Cheyney for the fall semester of the 2010-11

⁶ This requirement typically equates to two years of 24 transferable credit hours each year for a minimum total of 48 credit hours.

academic year and added those hours to credit hours they had completed at their previous two-year institutions in a misguided effort to attain the 48 transfer credits necessary for eligibility. All credit hours used for determining eligibility for two-year college student-athletes must be earned previous to full-time enrollment and certification of eligibility at the four-year institution. The former compliance director's misappropriation of credit hours earned at Cheyney to attain sufficient transfer credit hours violated NCAA Bylaw 14.5.4.1-(b) and resulted in both student-athletes impermissibly competing in multiple contests during the 2010-11 season.

Because the institution permitted student-athletes 5 and 6 to compete while ineligible, it did not meet its responsibility for proper certification of eligibility and its obligation to withhold ineligible student-athletes from competition until they were properly certified, in violation of NCAA Bylaws 14.01.1, 14.10.1 and 14.11.1. Further, because student-athletes 5 and 6 did not meet the applicable transfer requirements, they should have fulfilled a year of residence, but they did not do so, in violation of NCAA Bylaw 14.5.1. NCAA Bylaw 15.01.5 specifies that student-athletes must meet eligibility requirements in order to receive institutional financial aid. Student-athlete 5 was allowed to receive financial aid prior to meeting eligibility requirements. As a result, the institution violated the bylaw. Finally, the institution allowed student-athletes 5 and 6, who were ineligible during their first year at the institution, to receive expenses (food, lodging, etc.) associated with competition in violation of NCAA Bylaw 16.8.1.2.

The facts are not in dispute. The committee concludes that these facts constitute violations of NCAA Bylaws 14.01, 14.5.1, 14.5.4, 14.5.4.1-(b), 14.10.1, 14.11.1, 15.01.5 and 16.8.1.2.

G. NCAA Constitution 2.1.1, 2.8.1 and 6.01

During the 2007-08 through the 2010-11 academic years Cheyney lacked institutional control and monitoring by its failure to: establish adequate NCAA compliance systems, monitor and evaluate its athletics programs and provide adequate rules education and training to institutional staff members to ensure that the athletics program operated in compliance with NCAA rules.

1. NCAA legislation relating to institutional control and monitoring.

The full text of the applicable NCAA Constitution cited is in Appendix Two.

2. Cheyney lacked institutional control.

Cheyney agrees that it lacked institutional control.

NCAA member institutions are required to have processes in place that will allow them to comply with the rules and regulations of the Association. Cheyney lacked these processes.

NCAA Constitution 2.1.1, 2.8.1 and 6.01.1 state that member institutions are responsible for complying with all applicable rules and regulations of the Association in the conduct of their intercollegiate athletics programs. Further, each member institution is responsible for monitoring its programs to assure compliance, and for identifying and reporting to the Association instances in which compliance has not been achieved. Correct certification of eligibility is a fundamental obligation of membership.

The numerous errors in eligibility certification set forth earlier in this report demonstrate that the institution failed its responsibility to comply with bylaws relating to eligibility, thus demonstrating a lack of institutional control. Additionally, the institution failed to maintain student-athlete records, establish policies and procedures to allow it to monitor certification processes and countable athletically related activities. Moreover, senior athletics department personnel lacked oversight and verification of eligibility certification, further demonstrating a lack of institutional control. The institution lacked policies and procedures with regard to communication between the athletics department and other university departments and offices, such as the registrar. This led to student-athletes' ineligible participation while enrolled in less than a full-time course of study and ineligible competition after having been dropped from classes. A lack of NCAA rules education for individuals outside of the athletics department, but who had duties and responsibility in the student-athlete eligibility certification process, also demonstrated a lack of institutional control.

The facts are not in dispute. The committee concludes that these facts constitute violations of NCAA Constitution 2.1.1, 2.8.1 and 6.01.

H. NCAA Constitution 2.1.1 and 2.8.1

From July 2009 to June 2011, the former compliance director failed to monitor by neglecting to follow proper procedures in the certification of student-athletes' eligibility. This failure resulted in violations of NCAA legislation in the

following areas: initial, transfer and continuing eligibility certification; financial aid; and the provision of extra benefits. These violations involved numerous student-athletes in all 12 of the institution's sports.

1. NCAA legislation relating to institutional control and monitoring.

The full text of the applicable NCAA Constitution cites is in Appendix Two.

2. The former compliance director failed to monitor.

The institution agrees with the violation. The former compliance director did not respond.⁷

NCAA member institutions are required to have processes in place that will allow them to comply with the rules and regulations of the Association. NCAA Constitution 2.1.1 and 2.8.1 state that member institutions are responsible for complying with all applicable rules and regulations of the Association in the conduct of their intercollegiate athletics programs. Further, each member institution is responsible for monitoring its programs to assure compliance and for identifying and reporting to the Association instances in which compliance has not been achieved.

Similarly, individual staff members who have compliance responsibilities are expected to follow the rules of the Association and, when failing to do so, should be held accountable. The committee recognizes that mistakes can occur, even in situations when good-faith efforts are being made. However, when multiple, similar mistakes occur over a lengthy period of time, such as those committed by the institution's former compliance director, a failure to monitor violation against that individual is appropriate. During the nearly two years as the senior staff member in the compliance office, the former compliance director failed to properly certify eligibility for numerous student-athletes in the areas of initial, continuing and transfer eligibility. These eligibility certification failures also resulted in additional violations of impermissible financial aid and extra benefit legislation. Finally, many student-athletes competed while ineligible as a result of these failures.

⁷ NCAA Bylaw 32.6.2 (Notice to Involved Individuals) states, "Failure to submit a response may be viewed by the Committee on Infractions as an admission that the alleged violations occurred." Therefore, the committee has the authority to make a finding pertaining to the former compliance director based on her failure to submit a response.

The former compliance director did not respond. Absent a response and in careful consideration of the facts and circumstances before it, the committee concludes that the facts constitute violations of NCAA Constitution 2.1.1 and 2.8.1 by the former compliance director.

V. VIOLATION NOT DEMONSTRATED

A Former Director of Athletics Failed to Monitor

As referenced earlier in this decision, the committee had some question whether a former director of athletics failed to monitor in light of statements contained in the institution's self-report to the enforcement staff and the SDR. After careful consideration of the former director of athletics' response to the allegation and her statements during the hearing, the committee decided that she did not fail to monitor. In making this decision, the committee concludes that the former director of athletics made a good faith effort to implement substantive changes after the institution hired her. This effort included NCAA rules education, elevating the status and position of the compliance office and attempting to engage the wider campus community in compliance efforts. She did this during a time in which the athletics department needed significant improvement. Unfortunately, based on information presented to the committee, her efforts were hampered because of limited resources, support and faculty apathy. Further, the committee noted that, once the former director of athletics recognized that the former compliance director was deficient in her duties, she took the steps that she could to address the former compliance director's performance and replace the position.

VI. PENALTIES

For the reasons set forth in Sections III and IV of this report, the committee concludes that this case involved major violations of NCAA legislation. The committee considered the institution's self-imposed penalties and its corrective actions. [Note: The institution's corrective actions are contained in Appendix One.]

The committee considers the institution's cooperation in the processing of this case. Cooperation during the infractions process is addressed in NCAA Bylaws 19.01.3 and 32.1.4. The committee concludes that the cooperation exhibited by the institution was consistent with its obligation under the bylaws. The committee recognizes that the institution eventually self-detected and self-reported the majority of the violations, acted quickly in investigating the violations it discovered, cooperated with NCAA investigators, and assisted with their investigation. The fact that the case was originally presented as a summary disposition was also indicative of the institution's cooperation. However, the committee also notes that the institution had a major infractions case in

2007 and that some of the violations in that case, eligibility certification violations, were similar to violations in the current case. Moreover, because of the 2007 case, the institution is considered a "repeat violator" under NCAA Bylaw 19.5.2.3.1 and thus subject to enhanced penalties as set forth in NCAA Bylaw 19.5.2.3.

The committee further notes that the institution currently has multiple staff members with full-time compliance responsibilities. The committee commends the institution for its renewed commitment to compliance and strongly encourages it to continue by dedicating the necessary resources to the compliance office. Had the institution not demonstrated a good faith effort to strengthen its compliance program, the committee would have prescribed more stringent penalties.

The committee prescribes the following penalties. Those self-imposed by the institution are so noted.

General Administrative Penalties Prescribed on the Institution

1. Public reprimand and censure.
2. Five years of probation from August 21, 2014, through August 20, 2019. (the institution proposed a two year term of probation).⁸
3. Pursuant to NCAA Bylaw 19.5.2.3-(d), the institution shall relinquish its voting privileges in the Association for a period of two years, beginning with the release date of this decision.⁹
4. The institution did not participate in NCAA playoffs or championships or any such postseason competition during the 2013-14 academic year. (Institution imposed)
5. 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 during the 2007-08 through 2010-11 academic years. If student-athletes competed in any NCAA postseason

⁸ Institutions may propose probationary periods, but the authority to prescribe NCAA probation rests solely with the committee. Periods of probation always commence with the release of the infractions decision. The committee concludes that a five year period of probation was warranted because the institution was a repeat violator and the committee believes an extended period of probation would allow greater scrutiny over time, helping ensure the institution maintains a viable and comprehensive compliance program.

⁹ This is a penalty available under the repeat violator legislation. As stated in NCAA Bylaw 19.5.2.3, "Previous violations of NCAA legislation are a contributing factor in determining the degree of penalties. Repeat violator status demonstrates a significant failure of an institution to comply with NCAA legislation." The committee concluded that this penalty was appropriate, as, among other factors, the institution's previous case included violations similar to what is contained in the current case.

events during the period of ineligibility, the institution's participation in those events shall also be vacated. Further, the institution's records in the affected sports, as well as the record of the respective head coaches, will reflect the vacated records and will be recorded in all publications in which records are reported, including, but not limited to, institutional media guides, recruiting material, electronic and digital media plus institutional, conference and NCAA archives. Head coaches with vacated wins on their records may not count the vacated wins to attain specific honors or victory "milestones" such as 100th, 200th or 500th career victories. Any public reference to these vacated contests shall be removed from athletics department stationery, banners displayed in public areas and any other forum in which they may appear.

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. This document will be maintained in the permanent files of the NCAA Media Coordination and Statistics office. This written report must be delivered to the office no later than 45 days following the release of this decision.¹⁰

Penalties Prescribed for the Former Compliance Director's Conduct

6. The former compliance director failed to monitor by neglecting to follow proper procedures in the certification of student-athletes' eligibility. This failure resulted in numerous violations of NCAA legislation in the following areas: initial, transfer and continuing eligibility certification; financial aid; and the provision of extra benefits. These violations involved numerous student-athletes in all 12 of the institution's sports and resulted in ineligible competition. Therefore, the former compliance director will be informed in writing by the NCAA that, due to her involvement in violations of NCAA bylaws found in this case, if she seeks employment or affiliation in an athletically related position at an NCAA member institution during a five-year period (August 21, 2014, through August 20, 2019), she and the involved institution shall contact the Office of the Committees on Infractions to schedule an appearance before the committee. The committee shall

¹⁰ The institution list of self-imposed penalties included forfeiture of contests in which ineligible student-athletes participated. As part of this self-imposed penalty, the institution also notified opponents of the contests in which ineligible student-athletes participated. The institution has corrected its all-time records to reflect those forfeits. The Association no longer prescribes forfeits, but rather vacation of wins, as set forth in this penalty. The institution is instructed to coordinate the vacation of wins and records with the NCAA's Media Coordination and Statistics office.

consider whether the member institution should be subject to the show-cause procedures of NCAA Bylaw 19.5.2.2, which could limit the former compliance director's athletically related duties at the institution for a designated period.¹¹

Other Administrative Penalties and Measures

7. The director of athletics, the assistant/associate director of athletics for compliance, the faculty athletics representative and the senior woman administrator shall attend an NCAA Regional Rules Seminar each year during the period of probation commencing in 2015 and concluding in 2019. The committee further directs that the institution provide in its annual compliance reports a list of the sessions each administrator attended at these seminars.
8. During this period of probation, the institution shall:
 - a. Continue to develop and implement a comprehensive, campus-wide NCAA rules compliance and education program on NCAA 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 by October 15, 2014, setting forth a schedule for establishing this compliance and educational program; and
 - c. File with the Office of the Committees on Infractions annual compliance reports indicating the progress made with this program by June 15 of each year during the probationary period. Particular emphasis should be placed on establishing a campus-wide system of rules education and compliance administered by trained and competent individuals. The institution is also directed to include instructions on proper eligibility certification as part of its compliance education program. The reports must also include documentation of the institution's compliance with the penalties adopted and imposed by the committee.
9. During the period of probation, the institution shall:
 - a. Inform prospective student-athletes in all sports that the institution is on probation for five years and explain the violations committed. If a

¹¹ The former compliance director did not provide a response to the allegation made against her. Therefore, she does not have the opportunity to appeal this penalty.

prospective student-athlete takes an official paid visit, the information regarding violations, penalties and terms of probation must be provided in advance of the visit. Otherwise, the information must be provided before a prospective student-athlete signs a National Letter of Intent and no later than when the NCAA Eligibility Center provides the prospective student-athlete with the institution's academic data.

- b. Publicize specific and understandable information concerning the nature of the infractions by providing, at a minimum, a statement to include the types of violations and the affected sports programs and a direct, conspicuous link to the public infractions report located on the athletic department's main webpage. The information must also be included in the media guides. The institution's statement must: (i) clearly describe the infractions; (ii) include the length of the probationary period associated with the major infractions case; and (iii) give members of the general public a clear explanation of what happened in the major infractions case to allow the public (particularly prospective student-athletes and their families) to make informed, knowledgeable decisions. A statement that refers only to the probationary period with nothing more is not sufficient.
10. 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.

As required by NCAA legislation for any institution involved in a major infractions case, Cheyney 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, August 21, 2014.

Should Cheyney University appeal either the findings of violations or penalties in this case to the NCAA Division II Infractions Appeals Committee, the Committee on Infractions will submit a response to the appeals committee. As set forth in applicable NCAA bylaws and procedures of the Infractions Appeals Committee, penalties which are appealed will be automatically stayed until the appeal is concluded, with all other penalties remaining in effect.

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 prescribing more severe penalties or may result in additional allegations and findings of violations. An institution that

employs an individual while a show-cause order is in effect against that individual, and fails to adhere to the penalties prescribed, subjects itself to allegations and possible 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 DIVISION II COMMITTEE ON INFRACTIONS

Douglas D. Blais
Jean Paul Bradshaw II
Julie A. Rochester, chair
Jane Teixeira
Harry O. Stinson III

**APPENDIX ONE
CORRECTIVE ACTIONS**

(As set forth in the institution's March 27, 2014, Response to the Notice of Allegations)

1. All student-athletes who participated while ineligible who were still members of institutional teams went through the student-athlete reinstatement process. All student-athletes were certified for competition during the 2011-12 school year.
2. All athletic department staff along with institutional staff members will attend at least one NCAA Regional Rules Seminar over the next four years. Members of the Athletic Academic Compliance Committee (AACC) will attend at least one NCAA Regional Rules Seminar annually. This year, most members of the AACC attended a seminar, and 100% attendance is next year's goal. Regional Rule Seminar (summer of 2013).
3. An annual, external compliance audit will be performed by the institution's faculty or other entity. During academic year 2012-13, an audit was performed by staff auditors for the Pennsylvania State System for Higher Education (PASSHE). PASSHE conducted the audit in the spring of 2013. Several issues were resolved over this past year and follow-up has occurred. The institution is currently undergoing Middle States review and the NCAA Institutional Self-Study.
4. In order to enhance the institution's rules education program, the institution has begun the process of creating internal forms that document key NCAA compliance areas that will include the applicable NCAA rule(s) on each form.
5. The institution has taken measures to increase the role of its faculty athletic representative and registrar in the academic certification process of student-athletes.
6. The institution continues the existence of the Compliance/Academic Committee, which was renamed and is now the AACC referenced in paragraph 2, whose charge is to develop and evaluate compliance policies and procedures, assist in rules education, serve as a compliance advisory group, and assist the compliance officer in monitoring issues.
7. The institution is developing monitoring procedures in the general areas of eligibility, financial aid and personnel and has developed a Policies and Procedure Manual for the Athletics Department.
8. The institution will develop a process that would be used to promptly review possible violations of NCAA legislation.
9. The institution will include commitment to rules compliance as a responsibility in the job descriptions, letters of appointment/contract, and evaluation criteria/forms for all

institutional staff members who have any responsibility in the area of NCAA compliance and has developed a new Compliance Guide and Policies and Procedure Manual for use in the Athletics Department.

10. The institution has provided a dual reporting line for the compliance officer.
11. The institution is developing a one-page sheet on "who has what responsibility."
12. The institution is utilizing the financial aid and eligibility areas of the NCAA Compliance Assistance Software.
13. The institution holds at least one meeting per semester between the faculty athletics representative and the president which occurred in the Fall Semester on Wednesday, December 11, 2013, with a Spring 2014 date to be determined.
14. The institution has developed a job description setting forth the responsibilities of the role of the faculty athletics representative.
15. The institution has invited the faculty athletics representative to training sessions with the coaching staff, all compliance meetings and senior staff meetings for the athletic department. The faculty athletics representative has attended the internal Retreat as well as NCAA seminars and compliance meetings when possible.
16. Opportunities for the faculty athletics representative to meet student-athletes have been developed. The faculty athletics representative is invited to attend all competitions, athletic-academic celebrations, the athletic banquet and student-athlete meetings.
17. The institution will ensure that the faculty athletics representative addresses the faculty at least annually on his/her role as the faculty athletics representative.
18. The institution has conducted, and will continue to conduct, exit interviews with a representative sample of those student-athletes whose eligibility had expired during the academic year.
19. The institution will develop a three-year strategic plan for the institution's compliance efforts.
20. The institution's director of athletics or faculty athletics representative performs due diligence in order to obtain information regarding the compliance backgrounds of all applicants for all head coach searches. Final candidates are checked via a web search to see if they were involved in any NCAA sanctions.

Rules Education

1. Development of an annual rules education schedule with monthly sessions on specific topics.
2. The institution has established educational efforts for part-time and voluntary assistant coaches who may not be present for the monthly coaches' meetings; the compliance team has set up a Desire2Learn website for distance learning for those who are not on campus daily. The team has also set up a Twitter account to educate the student-athlete and university staff along with a monthly newsletter.
3. The institution has developed a system for coaching staff members to obtain interpretations of rules from the compliance director where a request form for the coaches is utilized in order to obtain interpretations. If the interpretation is not provided within 48 hours, the compliance team then seeks clarification from the NCAA through Requests/Self-Reports On-line (RSRO).
4. The institution has developed a system to insure that interpretations from the conference or the NCAA are forwarded to the coaches and other applicable athletics department and other non-university personnel; compliance team sends the requested interpretation to all head coaches and the information will be presented at the very next compliance meeting during a question and answer session.
5. Coaching staff members are advised that they are prohibited from contacting other institutions for interpretation; this is addressed in the newly prepared Compliance Manual.
6. The institution is educating university personnel outside of the athletics department who interact with student-athletes. The compliance team presents an annual retreat for the department staff and institutional personnel.

Eligibility Certification

1. The institution has established a specific timeline for the completion of all initial and continuing-eligible certifications.
 - Fall Eligibility: The goal is to complete all continuing students' fall clearances by August 1. All freshmen are cleared internally as they clear through the NCAA Eligibility Center.
 - Fall to spring eligibility: Due to the LATE grade input dates winter sports are cleared 24 hours in advance of returning to campus. Spring football is cleared the first week of March.

2. The institution has revised its squad list preparation process by utilizing a Certification checklist prior to the season in order to determine and track eligibility. Squad lists are completed as applications for financial aid are made.
3. The institution has commenced measures to improve adherence to the process for the completion of squad lists.
4. The institution is in the process of developing a system that detects when a student-athlete has dropped below 12 hours (example: full-time enrollment) by improving communication with the registrar's office;
5. The institution has undertaken steps to develop a system to monitor the eligibility of student-athletes after the initial certification;
6. The institution has implemented a system that enables the compliance and admissions offices to evaluate junior college prospects or four-year transfers during the recruiting process by sending supporting documentation to support the eligibility status of a transfer athlete.
7. The institution has developed a standardized method of retaining documentation for eligibility decisions with an additional assistant director of athletics - compliance coordinator taking on an active role with clearances.
8. The institution has developed a system to retain all student-athlete certification records/worksheets/forms within the compliance officer's office; electronic and hard copies of certification records are kept in the Office of Compliance.
9. The institution requires that coaches submit participation lists to the compliance officer following each season.

APPENDIX TWO CONSTITUTION AND BYLAWS

2.1.1 Responsibility for Control. It is the responsibility of each member institution to control its intercollegiate athletics program in compliance with the rules and regulations of the Association. The institution's president or chancellor is responsible for the administration of all aspects of the athletics program, including approval of the budget and audit of all expenditures. (Revised: 10/3/05)

2.8.1 Responsibility of Institution. Each institution shall comply with all applicable rules and regulations of the Association in the conduct of its intercollegiate athletics programs. It shall monitor its programs to assure compliance and to identify and report to the Association instances in which compliance has not been achieved. In any such instance, the institution shall cooperate fully with the Association and shall take appropriate corrective actions. Members of an institution's staff, student-athletes, and other individuals and groups representing the institution's athletics interests, shall comply with the applicable Association rules, and the member institution shall be responsible for such compliance.

6.01.1 Institutional Control. The control and responsibility for the conduct of intercollegiate athletics shall be exercised by the institution itself and by the conference(s), if any, of which it is a member. Administrative control or faculty control, or a combination of the two, shall constitute institutional control.

12.1.1.1 Amateurism Certification Process. An institution shall use an eligibility center approved by the Executive Committee to determine the validity of the information on which the amateur status of a student-athlete is based. (Revised: 1/5/07, 5/4/07)

12.1.1.1.2.1 Amateur Status after Certification. An institution is responsible for certifying the amateur status of a prospective student-athlete on a form provided by the NCAA (including two-year and four-year college transfers initially enrolling at an NCAA Division II institution) from the time he or she requests a final certification be issued by the NCAA Eligibility Center or he or she initially enrolls as a full-time student at an NCAA Division I or II institution (whichever occurs earlier). (Adopted: 5/4/07)

12.1.1.1.3 Eligibility for Practice and Competition. Prior to engaging in practice or competition, a student-athlete shall receive a certification of amateur status for activities that occur prior to the certification or initial full-time enrollment at an NCAA Division II institution (whichever occurs earlier). (Adopted: 5/4/07)

12.1.1.1.3.1 Participation Before Certification -- Recruited and Nonrecruited Student-Athlete. If recruited or nonrecruited student-athlete reports for athletics participation before the student-athlete's amateur status have been certified, the student-athlete may practice, but not compete, for a maximum of 45 days, provided the student-athlete is enrolled full time or has

been accepted for enrollment as a regular full-time student. After this 45-day period, the student shall have established minimum requirements as an amateur (as certified by the NCAA Eligibility Center) to continue practicing or to compete. (Revised: 4/23/07)

14.01.1 Institutional Responsibility. An institution shall not permit a student-athlete to represent it in intercollegiate athletics competition, unless the student-athlete meets all applicable eligibility requirements and the institution has certified the student-athlete's eligibility. A violation of this bylaw in which the institution fails to certify the student-athlete's eligibility prior to allowing him or her to represent the institution in intercollegiate competition shall be considered an institutional violation per Constitution 2.8.1; however, such a violation shall not affect the student-athlete's eligibility, provided all necessary information to certify the student-athlete's eligibility was available to the institution and the student-athlete otherwise would have been eligible for competition.

14.01.2 Academic Status. To be eligible to represent an institution in intercollegiate athletics competition, a student-athlete shall be enrolled in at least a minimum full-time program of studies, be in good academic standing and maintain progress toward a baccalaureate or equivalent degree. (Revised 5/12/09)

14.01.2.1 Good Academic Standing. To be eligible to represent an institution in intercollegiate athletics competition, a student-athlete shall be in good academic standing as determined by the academic authorities who determine the meaning of such phrases for all students of the institution, subject to controlling legislation of the conference(s) or similar association of which the institution is a member. (Revised: 5/12/09)

14.1.8.1 Requirement for Practice or Competition. To be eligible for competition, a student-athlete shall be enrolled in at least a minimum full-time program of studies leading to a baccalaureate or equivalent degree as defined by the institution, which for purposes of this bylaw and its subsections shall not be less than 12-semester or quarter hours, regardless of the institution's definition of a minimum full-time program of studies. (Revised: 6/22/11)

14.2 Seasons of Competition: 10-Semester/15-Quarter Rule. A student-athlete shall not engage in more than four seasons of intercollegiate competition in any one sport (see Bylaws 14.02.7 and 14.2.2). An institution shall not permit a student-athlete to represent it in intercollegiate competition unless the individual completes all of his or her seasons of participation in all sports within the time periods specified below:

14.2.2 Ten-Semester/15-Quarter Rule. A student-athlete shall complete his or her seasons of participation during the first 10 semesters or 15 quarters in which the student is enrolled in a collegiate institution in at least a minimum full-time program of studies, as determined by the regulations of that institution. For an institution that conducts registration other than on a traditional semester or quarter basis, the Academic Requirements Committee shall determine an equivalent enrollment period.

14.3.1 Eligibility for Financial Aid, Practice and Competition. A student-athlete who enrolls in a Division II institution as an entering freshman with no previous full-time college attendance shall meet the following academic requirements, as certified by the NCAA Eligibility Center, and approved by the Executive Committee, and any applicable institutional and conference regulations, to be considered a qualifier and thus be eligible for financial aid, practice and competition during the first academic year in residence. (Revised: 4/23/07)

14.3.2.2.1 Eligibility for Aid, Practice and Competition. An entering freshman with no previous college attendance who is a nonqualifier at the time of enrollment shall not be eligible for regular-season competition and practice during the first academic year in residence. However, such a student (recruited or nonrecruited) for whom financial aid was granted without regard to athletics ability shall be eligible for nonathletics institutional financial aid, provided there is on file in the office of the athletics director certification by the faculty athletics representative and the chair of the financial aid committee that financial aid was so granted. (Revised: 1/14/02)

14.3.5.1 Participation Before Certification -- Recruited and Nonrecruited Student-Athlete. If a recruited or nonrecruited student-athlete reports for athletics participation before the high school core-curriculum grade-point average and test score have been certified, the student-athlete may practice, but not compete, for a maximum of 45 days, provided the student-athlete is enrolled full time or has been accepted for enrollment as a regular full-time student. After this 45-day period, the student shall have established minimum requirements as a qualifier (as certified by the NCAA Eligibility Center) to continue practicing or to compete, or the minimum requirements as a partial qualifier to continue practicing. (Revised: 4/23/07)

14.4.3.1 Fulfillment of Credit-Hour Requirements. Eligibility for competition shall be based on the following requirements: (Revised 1/10/92)

- (b) For a midyear transfer student-athlete, for a student-athlete following the student-athlete's first academic year in residence or after the student-athlete has used one season of eligibility in any sport at the certifying institution, the certification shall be determined by the student-athlete's academic record in existence at the beginning of the fall term or at the beginning of any other regular term of that academic year, based on:
 - (1) Satisfactory completion before each fall term of a cumulative total of academic semester or quarter hours equivalent to an average of at least 12 semester or quarter hours during each of the previous academic terms in academic years in which the student-athlete has been enrolled in a term or term.

14.5.1 Residence Requirement -- General Principle. A student who transfers (see Bylaw 14.5.2) to a member institution from any collegiate institution is required to complete one full

academic year of residence (see Bylaw 14.02.11) at the certifying institution before being eligible to compete for or to receive travel expenses from the member institution (see Bylaw 16.8.1.2), unless the student satisfies the applicable transfer requirements or receives an exception or waiver as set forth in this bylaw. (Revised: 4/30/10)

14.5.4 Two-Year College Transfers. A student who transfers to a member institution from a two-year college or from a branch school that conducts an intercollegiate athletics program must complete an academic year of residence (see Bylaw 14.02.11), unless the student meets the following eligibility requirements applicable to the division of which the certifying institution is a member. (See Bylaw 14.4 for progress-toward-degree requirements for transfer student-athletes.) (Revised: 4/4/07, 4/30/10)

14.5.4.1 Eligibility for Competition, Practice and Athletics Aid -- Qualifier With No Previous Attendance at a Four-Year Collegiate Institution.

A transfer student from a two-year college who was a qualifier (per Bylaw 14.3.1.1) and who has not previously attended a four-year collegiate institution, is eligible for competition, practice and athletics aid during the first academic year in residence at the certifying institution, provided: (Revised: 1/8/07)

- (a) The student-athlete has attended the two-year college as a full-time student for at least one full-time semester or one full-time quarter (excluding summer sessions); (Revised: 2/23/07)
- (b) The student-athlete has satisfactorily completed an average of at least 12-semester or 12-quarter hours of transferable credit acceptable toward any baccalaureate degree program at the certifying institution for each full-time academic term of attendance at the two-year college; and (Revised: 2/23/07)
- (c) The student-athlete has presented a cumulative minimum grade-point average of 2.000 (see Bylaw 14.5.4.4.3.2). (Revised: 2/23/07)

14.5.5.1 General Rule (Four-Year College Transfers). A transfer student-athlete from a four-year institution shall not be eligible for intercollegiate competition at a member institution until the student-athlete has fulfilled a residence requirement of one full academic year (two full semesters or three full quarters) at the certifying institution (see Bylaw 14.02.11) (Revised: 4/30/10)

14.10.1 Institutional Responsibility for Eligibility Certification. The president or chancellor is responsible for approving the procedures for certifying the eligibility of an institution's student-athletes under NCAA legislation. The president or chancellor may designate an individual on the institution's staff to administer proper certification of eligibility. Certification of eligibility must occur prior to allowing a student-athlete to represent the institution in

intercollegiate competition (see Bylaw 14.01.1). A violation of this bylaw in which the institution fails to certify a student-athlete's eligibility prior to allowing him or her to represent the institution in intercollegiate competition shall be considered an institutional violation per Constitution 2.8.1; however, such a violation shall not affect the student-athlete's eligibility, provided all the necessary information to certify the student-athlete's eligibility was available to the institution and the student-athlete otherwise would have been eligible for competition. (Revised: 10/23/07)

14.11.1 Obligation of Member Institution to Withhold Student-Athlete from Competition.

If a student-athlete is ineligible under the provisions of the constitution, bylaws or other regulations of the Association, the institution shall be obligated to apply immediately the applicable rule and to withhold the student-athlete from all intercollegiate competition. The institution may appeal to the Committee on Student-Athlete Reinstatement for restoration of the student-athlete's eligibility as provided in Bylaw 14.12, if it concludes that the circumstances warrant restoration.

15.01.5 Eligibility of Student-Athletes for Institutional Financial Aid A student-athlete must meet applicable NCAA (see Bylaw 14), conference and institutional regulations to be eligible for institutional financial aid. If these regulations are met, the student-athlete may be granted athletically related financial aid for a maximum of 10 semesters/15 quarters. Any institutional financial aid provided after 10 semesters/15 quarters is left to the discretion of the institution consistent with institutional policies for awarding financial aid in general. A student-athlete may be awarded institutional financial aid during any term in which a student-athlete is in regular attendance (i.e., was enrolled initially in a minimum full-time program of studies as defined by the certifying institution during that term).

NCAA Bylaw 16.8.1.2 Competition While Representing Institution. An institution may provide actual and necessary travel expenses (e.g., transportation, lodging and meals) to a student-athlete for participation in athletics competition, provided the student-athlete is representing the institution (competes in the uniform of the institution) and is eligible for intercollegiate competition. Such competition includes: (Revised: 1/10/92, 1/13/98, 6/22/11)

- (a) Regularly scheduled intercollegiate athletics events;
- (b) NCAA championship events and national governing body championship events in an emerging sport;
- (c) A certified postseason football game (see Bylaw 18.7 for conditions required for certification);
- (d) Non intercollegiate open, amateur competition; and (Adopted: 1/10/92)

- (e) Other institutional competition permissible under NCAA legislation, including postseason events.