



SOUTHEASTERN LOUISIANA UNIVERSITY
PUBLIC INFRACTIONS DECISION
APRIL 9, 2015

I. INTRODUCTION

The NCAA Division I Committee on Infractions is an independent administrative body of the NCAA comprised of individuals from the Division I membership and the public. The committee decides infractions cases involving member institutions and their staffs.¹ This case involves the women's volleyball program at Southeastern Louisiana University.² It follows another major infractions case for the institution from 2013 that involved erroneous eligibility certification. The committee resolved that case through the summary disposition process. This case centered on impermissible athletically related activity that took place outside of the institution's declared playing season during the spring and summer of 2013. It also included impermissible lodging and tryouts for prospective student-athletes. A former head women's volleyball coach arranged and, in some instances, observed the impermissible athletically related activity. Much of this impermissible activity also involved a former volunteer assistant women's volleyball coach. Because of her activities and involvement, the former volunteer assistant women's volleyball coach became a countable coach under NCAA legislation – a status that the head coach knew. Finally, the case involved the unethical conduct of the former head women's volleyball coach because he provided false information when asked about the role and responsibility of the former volunteer assistant women's volleyball coach.

The institution agreed with all five of the violations set forth in this decision and the corresponding violation levels. The former head women's volleyball coach substantially agreed with four of the five violations, including that he failed to fulfill the NCAA legislated responsibilities of the former head women's volleyball coach. He did not agree that he committed unethical conduct by providing false information. He also contended that the violations in this case were Level III or Level IV violations.

¹Hearing panels comprised of members of the NCAA Division I Committee on Infractions decide infractions cases. Hearing panels issue decisions on behalf of the Committee on Infractions.

²The institution is a member of the Southland Conference, and has an enrollment of approximately 15,000 students. It sponsors seven men's and eight women's sports. This is the institution's third major infractions case. It previously had major infractions cases in 1989 (men's basketball) and 2013 (all sports; erroneous eligibility certification), for which the institution is presently on a four-year probationary period.

The panel concluded that the former head women's volleyball coach committed Level II violations of NCAA legislation when he arranged and, in some cases, attended on-campus open gyms, off-campus adult gyms and camps in which impermissible athletically related activities occurred. The institution committed Level II recruiting violations when prospective student-athletes participated in impermissible tryouts and received impermissible lodging from current student-athletes. Further, the former head women's volleyball coach committed a Level II violation when he failed in his responsibilities as a head coach. Finally, the head former women's volleyball coach committed a Level I violation when he provided false information regarding his knowledge of the role and responsibilities of the former volunteer assistant women's volleyball coach. Because all of the violations in this case occurred after the implementation of the new penalty structure, the panel prescribed penalties under new NCAA Bylaw 19. After weighing the aggravating and mitigating factors and applying the new Figure 19-1 Penalty Guidelines, the panel prescribed the following principal penalties: a one-year extension of probation, a \$5,000 fine, a two-year show-cause order for the former head women's volleyball coach and other penalties as detailed in the penalty section of this report.³

II. CASE HISTORY

In late June 2013, this case originated when a faculty member noticed unexpected activity in the kinesiology department's gym. The faculty member investigated and found members of the institution's women's volleyball team engaging in athletically related activities. On July 1, 2013, the faculty member contacted the then director of compliance ("director of compliance").

On July 2, 2013, believing that possible NCAA violations may have occurred, the director of compliance met with the institution's president. The president asked the director of compliance to investigate the matter. From July 8 through July 25, 2013, the director of compliance conducted an internal investigation. It included multiple interviews with both student-athletes and athletics department staff members, as well as the collection of physical and documentary information. The internal investigation revealed that the former head women's volleyball coach ("head coach") arranged, and in some cases, attended impermissible athletically related activities that occurred outside of the playing season. The institution also discovered recruiting and other violations.

On August 5, 2013, the institution self-reported potential violations to the NCAA enforcement staff. On January 13, 2014, the enforcement staff provided a verbal notice of inquiry. On June 10, 2014, the enforcement staff sent a notice of allegations to the

³ The 2013 case included a four-year period of probation that was to conclude on December 9, 2017. Because of the current case, the panel extends the probationary period to December 9, 2018.

institution and the head coach. On September 9, 2014, the head coach and institution submitted responses to the notice of allegations. On October 6, 2014, the enforcement staff held a prehearing conference with the institution. Four days later, the enforcement staff held a prehearing conference with the head coach. On November 7, 2014, the enforcement staff filed its written reply and statement of the case. On December 18, 2014, a panel of the Division I Committee on Infractions heard the case.

III. FINDINGS OF FACT

The Volleyball Coaching Staff

The head coach served as the institution's head women's volleyball coach for the 2011 and 2012 seasons. The institution requested and received the head coach's resignation on August 14, 2013, following its internal investigation and the receipt of the head coach's response to allegations made against him. Previously, he served as the head coach at an NCAA member institution for four years. Prior to that, he served primarily in a recruiting role at another member institution.

The head coach recruited the former volunteer assistant women's volleyball coach ("volunteer coach") while employed at one of his previous member institutions. Following graduation from that institution, the volunteer coach worked in several different positions and competed briefly as a professional volleyball player. In late 2012 and early 2013, while the volunteer coach was concluding her time as a professional volleyball player, she communicated with the head coach about her desire to return to the United States and begin a coaching career. The head coach informed the volunteer coach that his lead assistant women's volleyball coach ("assistant coach") was attempting to obtain employment elsewhere and that there may be an opportunity to coach with him at the institution. The head coach eventually invited the volunteer coach to come to the institution's campus and join his staff. The head coach informed the volunteer coach that she would have an opportunity to become a full-time assistant or a paid graduate assistant. The volunteer coach accepted the invitation and arrived on campus in April 2013.

On May 20, 2013, after the volunteer coach arrived on campus, the head coach wrote in a letter to the director of athletics that he would "like to start working with [the volunteer coach] with the volleyball program August 1, 2013." At the hearing, the head coach confirmed that he intended to have the volunteer coach assume a coaching role on August 1, 2013. Throughout the investigation and hearing, the head coach maintained that the volunteer coach had "no role" with the team before that time. The head coach reported that the volunteer coach came to the institution to "visit" and that she stayed "a couple of weeks." His position was that the volunteer coach came to the institution because she was "thinking about coaching."

The volunteer coach contradicted the head coach's assertions in her interviews. Her "full intention" when she came to the institution in April 2013 was to begin duties with the women's volleyball coaching staff as the likely replacement for an assistant coach who was seeking to leave. The head coach first introduced the volunteer coach to the team in April 2013 when she traveled with the team to a tournament in Auburn, Alabama. She attended the tournament at the request of the head coach, who wanted her there to bond with the student-athletes on the team and serve as "motivation for the girls to show up to summer practices too."

The assistant coach confirmed that the volunteer coach was in a coaching status when she arrived on campus. In that regard, the assistant coach reported:

So it was known that [the volunteer coach] was going to be an assistant coach and [the head coach] sat us down one day and said, 'So [the first name of the assistant coach] is an assistant coach and [the first name of the volunteer coach] is an assistant coach; there's no difference between you two and you need to give her just as much respect, you know, there's going to be no difference in titles pretty much.

The assistant coach also reported that the volunteer coach engaged in coaching related duties and responsibilities:

So [the volunteer coach] was handling her list (of duties), I had my list and [the head coach] had his list, and it was on our white boards and everybody was working on something. By all means she was a coach in the program helping out.

The assistant coach believed that the head coach brought the volunteer coach in to replace her. She also confirmed that the head coach shared that desire with the volunteer coach. Despite the head coach's position, the volunteer coach acted as a coach from the time she arrived on campus in April 2013.

Other information also showed that the volunteer coach engaged in coaching related responsibilities from the time she arrived on campus. First, on April 19, 2013, the assistant coach sent an email to a number of athletics department staff members, including the head coach, to which was attached the travel itinerary for a "spring trip to Auburn." The itinerary listed the volunteer coach as "assistant coach." Later, on April 28, 2013, the volunteer coach sent an email to the director of compliance in which she identified herself as the new assistant coach. The next day, the director of compliance generated a Southland Conference "Recruiters Designation" form for the sport of volleyball listing the volunteer coach as "volunteer coach." Further, the 2013 women's volleyball coaching clinic flyer listed the volunteer coach as an assistant coach. The volunteer coach created the flyer and reported that the head coach told her to label herself

as "assistant coach" on the flyer. Finally, the volunteer coach performed coaching activities with enrolled and prospective student-athletes through the summer of 2013, prior to August 1 (see below).

Activities Outside of Playing Season

Throughout the summer of 2013, student-athletes engaged in athletically related activities at open gyms, adult gyms and an institutional camp. Although there was not any overt threat made by members of the coaching staff to student-athletes who failed to attend the summer activities, the head coach told the student-athletes that they needed to get touches on the ball in order to improve for the upcoming season. Both the assistant coach and the volunteer coach referred to this as "guilt-tripping" the student-athletes into participation. Student-athletes also reported the head coach asked about their absences from one or more of these activities, by either a text message or direct questioning.

Open Gym

One of the athletically related activities in which student-athletes engaged was Wednesday night open gym sessions on campus. Beginning late May or early June 2013, the head coach arranged for open gyms in the kinesiology building on campus for members of the women's volleyball team. The head coach asked the volunteer coach to attend the open gyms and provide instruction to the student-athletes who participated in the sessions. He also asked her to identify the student-athletes who attended. The volunteer coach reported that the head coach instructed her on "what to work on" with student-athletes during these sessions. Further, the head coach telephoned the volunteer coach after these open gym sessions to get her assessment of the sessions and who attended. When questioned about the volunteer coach's involvement in the Wednesday open gyms, the head coach stated that he thought it was a "good idea" for the volunteer coach to "mingle among the kids and play." When asked if the volunteer coach was coaching or playing during the open gyms, the head coach replied, "Not sure. Wasn't there." However, the head coach stated that he opened the gym, set up the nets and observed the activity for "minimal" periods. He also stated that the assistant coach occasionally accompanied him when he opened the gym.

Student-athletes who attended the Wednesday night sessions confirmed that the volunteer coach attended, participated in and led open gym sessions. Specifically, one student-athlete reported that the volunteer coach "helped" by running drills and that "it was almost like being coached." Another student-athlete stated that the volunteer coach "ran the drills" which was "like basically running through a practice." The student-athlete also reported that the head coach told the team it was permissible for the volunteer coach to attend Wednesday open gym because she was not officially part of the staff. A third student-athlete reported that the volunteer coach stayed with the team the entire time during the Wednesday open gyms and coached the team during these sessions.

The assistant coach occasionally opened and closed the gym and, in at least one instance, provided verbal instructions at the Wednesday night open gym sessions. Additionally, the assistant coach reported that the head coach sometimes watched the Wednesday open gym activities. The faculty member who first reported the open gym sessions took a photograph of the head coach in the kinesiology gym on July 10, 2013. The photograph depicted the head coach next to the net watching student-athletes participating in hitting drills. At the hearing, the director of compliance reported that same day, after receiving information about the Wednesday open gym sessions, he went to the kinesiology building to perform a "spot check." There, the director of compliance found the head coach observing the activity through a gym window approximately 45 minutes after the faculty member took the photograph. The volunteer and assistant coach attended and participated in the sessions to varying degrees at the direction of the head coach.

Adult Gym

In addition to the Wednesday evening open gyms held on campus, the head coach arranged for an adult gym that included members of the community and student-athletes. The adult gym sessions occurred at an off-campus recreational facility on Sundays during the summer of 2013. Student-athletes attending these events engaged in volleyball activities overseen by members of the coaching staff. All three members of the coaching staff at the time – the head coach, the assistant coach and the volunteer coach – attended and/or participated in these sessions. The assistant coach attended almost all of these Sunday sessions. The head coach stated that he attended some of these sessions and, along with the assistant coach, was there to "supervise the event." In some instances, the assistant coach participated with the student-athletes in the activities. The assistant coach acknowledged that, on most occasions, she would remain at the facility for an entire session. During this time, the head coach was ill. Depending on how he felt, he would attend the Sunday sessions. Activities at the adult gym sessions typically consisted of 6-on-6 scrimmages involving student-athletes and outside individuals who were participating in these sessions. If student-athletes did not attend these sessions, coaching staff members questioned them about their absences. Similar to the open gym sessions, the coaches attended the adult gyms, where they observed and directed the activities and interacted with the student-athletes.

July 2013 Camp

Volleyball coaches also engaged in athletically related activities and skill instruction during a July 2013 camp. Specifically, during the July 22 through 26, 2013, women's volleyball camp, the head coach used the camp, in particular the portion designated the "elite camp," to instruct those student-athletes who served as student coaches. During the camp, the head coach directed the student-athletes acting as camp coaches to participate in all of the drills as if the student-athletes themselves were camp participants. The head coach "huddled" with the student-athletes during the camp to provide instructions. When one of the student-athletes was asked if the student-athletes' involvement in the "elite camp" felt like practice, she responded, "Yes, absolutely." The assistant coach reported

that the student-athletes' participation in these sessions was to such an extent that she worried about a possible backlash from parents who paid for their children to attend these camps. The head coach stated to the assistant coach that the summer hitting camps were a good use of his time to work with the current student-athletes.

Prospective Student-Athletes' Volleyball Activity and Summer Lodging

The women's volleyball coaching staff also interacted with four prospective student-athletes. Two of the prospective student-athletes participated in tryouts that were arranged and observed by the coaches, while the assistant coach arranged housing for two other prospective student-athletes attending the institution's volleyball camp.

Prospect 1

On January 30, 2013, a women's volleyball prospective student-athlete ("prospect 1") came to the institution's campus for an unofficial visit and participated in volleyball activity that the coaches observed.⁴ At the time, prospect 1 was in the process of transferring from another member institution. During the unofficial visit, the head coach asked prospect 1 if she would like to participate in the team's open gym, to which she agreed. As she participated, both the head coach and the assistant coach observed her through windows into the gym that was located in the kinesiology building. The head coach admitted to observing this activity through a window into the gym, but that his observation was "minimal." Further, a male volunteer coach, who also participated in the activity, acted as an intermediary between prospect 1 and the head coach. The male volunteer coach came in and out of the gym, relaying instructions regarding what the head coach wanted prospect 1 to do in demonstrating her skills.

Prospect 2

Later that summer, another prospective student-athlete ("prospect 2") participated in volleyball activity during the institution's 2013 volleyball camp and an adult gym session. In conjunction with this camp, on July 20, 2013, the head coach arranged for prospect 2 to receive an individual coaching lesson from the volunteer coach. During the lesson, the head coach both observed prospect 2 and provided her direct instruction. The volunteer coach reported that she was not comfortable providing this lesson, but felt "forced" to do so by the head coach. The assistant coach cautioned the head coach that such observation possibly violated NCAA rules, but the head coach dismissed her concerns, saying that he was not worried about it and if someone questioned the activity, he would say that it was a contact or an evaluation. The assistant coach ultimately left the gym, but the head coach remained and continued to observe prospect 2. The assistant coach observed, "[H]e just blatantly doesn't care to follow the rules right now . . . I was warning him not to do that." The head coach claimed that the volunteer coach was not in

⁴ Prospect 1 eventually enrolled at the institution.

a coaching status at the time she provided the instruction and that she engaged in the instruction "for extra money." The head coach admitted to being "in the room" when this activity occurred. Prospect 2 also participated in one of the team's Sunday adult gyms.

Prospects 3 and 4

Also in July 2013, the assistant coach arranged for two prospective student-athletes, ("prospects 3 and 4," respectively) who were incoming freshmen at the institution for the 2013-14 academic year, to reside with current student-athletes until the dormitories opened. This occurred because the head coach required all incoming freshmen to participate in the women's volleyball camp in late July and the dormitories did not open officially until the first week in August. In this instance, the head coach asked prospects 3 and 4 to report to the institution the week of July 20, 2013, in order to participate in the camp. Consequently, the assistant coach arranged for prospects 3 and 4 to stay with current student-athletes on the volleyball team until the dormitories opened. Prospects 3 and 4 resided cost-free with the student-athletes from approximately July 20 through August 5, 2013. After directing prospects 3 and 4 to arrive before the start of the new academic year, the head coach did not follow up to ensure that prospects 3 and 4's housing complied with NCAA legislation and did not know the circumstances of their living arrangements. At the hearing, the head coach stated that had "too many other things on [his] plate to wonder where these kids are going to stay or that kind of stuff."

IV. ANALYSIS

A. IMPERMISSIBLE COUNTABLE ATHLETICALLY RELATED ACTIVITIES. [NCAA BYLAWS 11.7.1.1.1, 17.02.1, 17.1.6.2.1.1 and 17.24.11 (2012-13 NCAA Division I Manual)]

During the summer of 2013, the head coach, the volunteer coach and the assistant coach engaged in impermissible countable athletically related activities when they arranged, attended, monitored and instructed student-athletes in Wednesday night open gym sessions, Sunday adult gym sessions and during the institution's July volleyball camp. The institution, the head coach and the NCAA enforcement staff substantially agreed to the facts and that a violation of NCAA bylaws occurred. The institution and the enforcement staff agreed that this is a Level II violation while the head coach contended it was Level III. The panel concluded that Level II violations occurred.

1. NCAA legislation relating to countable coach and countable athletically related activity.

11.7.1.1.1 Countable Coach. An athletics department staff member must count against coaching limits as soon as the individual participates (in any

manner) in the coaching of the intercollegiate team in practice, games or organized activities directly related to that sport, including any organized staff activity directly related to the sport.

17.02.1 Countable Athletically Related Activities. Countable athletically related activities include any required activity with an athletics purpose involving student-athletes and at the direction of, or supervised by, one or more of an institution's coaching staff (including strength and conditioning coaches) and must be counted within the weekly and daily limitations under Bylaws 17.1.6.1 and 17.1.6.2. Administrative activities (e.g., academic meetings, compliance meetings) shall not be considered as countable athletically related activities. (*Adopted: 1/10/91 effective 8/1/91, Revised: 10/31/02 effective 8/1/03*)

17.1.6.2.1 Institutional Vacation Period and Summer.

17.1.6.2.1.1 Sports Other Than Championship Subdivision Football.

In sports other than championship subdivision football, a student-athlete may not participate in any countable athletically related activities outside the playing season during any institutional vacation period and/or summer. Strength and conditioning coaches who are not countable coaches and who perform such duties on a department-wide basis may design and conduct specific workout programs for student-athletes, provided such workouts are voluntary and conducted at the request of student-athletes. (*Adopted 10/31/02 effective 8/103, Revised: 4/28/05, 12/15/06.*)

17.24.11 Out-of-Season Athletically Related Activities. Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the institution's declared playing season per Bylaw 17.24.1 except as permitted in Bylaw 17.1.6.2. (*Revised: 1/10/91 effective 8/1/91*)

2. **During the summer of 2013, student-athletes and coaches participated in impermissible athletically related activities when the coaches arranged, attended, monitored and instructed student-athletes in athletically related activities outside of the declared playing season.**

In the summer of 2013, the head coach, the assistant coach and the volunteer coach engaged in impermissible athletically related activities. The impermissible activities occurred at open gym sessions, adult gym sessions and the institution's summer camp.

NCAA Bylaw 11.7.1.1.1 states that an individual becomes a coach "as soon as the individual participates (in any manner) in the coaching of the intercollegiate team in practice, games or organized activities directly related to that sport." Bylaw 17.02.1 states that countable athletically related activities "include any required activity with an athletics purpose involving student-athletes and at the direction of, or supervised by, one or more of an institution's coaching staff." NCAA Bylaws 17.1.6.2.1.1 and 17.24.11 specify that student-athletes and coaches may not participate in any countable athletically related activities outside the playing season during any institutional vacation period and/or summer. Although each case is unique in its facts, the committee has consistently held institutions responsible for adhering to NCAA Bylaw 17 playing season requirements for out-of-season athletically related activities.⁵

The volunteer coach was a countable coach under NCAA legislation. The head coach contended that the volunteer coach was not in a coaching status when she conducted the Wednesday evening open gym sessions. However, the volunteer coach attended, conducted and participated in open and adult gym sessions where she provided instructions to student-athletes. Further, she also provided instruction to student-athletes at the institution's summer camp. Finally, the assistant coach, volleyball student-athletes and the volunteer coach, herself, viewed the volunteer coach as a member of the coaching staff. When the volunteer coach engaged in coaching related activities at the open gyms and camps, she became a countable coach pursuant to NCAA Bylaw 11.7.1.1.1.

During the summer of 2013, members of the volleyball program participated in athletically related activities outside of their playing season at open gyms, adult gyms and summer camp skill instruction. These activities involved coaching staff members arranging, attending, monitoring and, in some cases, instructing student-athletes. The activities were "practice like" and the head coach either observed or, if he was unable to attend, inquired as to which student-athletes attended.⁶ Therefore, when the volleyball coaching staff members and student-athletes participated in these activities, they engaged in countable athletically related activity under NCAA Bylaw 17.02.1.

⁵ See *St. Mary's College of California*, Case No. M381 (2013); *Eastern Michigan University*, Case No. M360 (2012); *Texas Southern University*, Case No. M343 (2012); *Boise State University*, Case No. M318 (2011); *University of Michigan*, Case No. M324 (2010); *Ball State University*, Case No. M326 (2010); and *Southeast Missouri State*, Case No. M293 (2009).

⁶ The fact that student-athletes were questioned when they missed Wednesday open gym sessions, coupled with the head coach's request that the volunteer coach report to him those who attended these sessions, support the panel's conclusion that student-athletes were expected to attend these sessions, thus they were more "required" than "voluntary."

Additionally, the open gyms, adult gyms and skill instruction provided by the coaching staff members at the institution's summer camp occurred outside of the institution's declared playing season. Pursuant to NCAA Bylaw 17, these activities were countable athletically related activities. Therefore, the institution's coaching staff violated NCAA Bylaws 17.1.6.2.1.1 and 17.24.11 when they engaged in countable athletically related activities outside of the institution's declared playing.

The panel concluded that the facts as found constituted Level II violations because the violations were not isolated or limited and the conduct involved skill instruction with coaching staff members and student-athletes, provided the institution with more than a minimal advantage.

B. IMPERMISSIBLE TRYOUTS. [NCAA BYLAWS 13.11.1 and 13.11.2.3 (2012-13 NCAA Division I Manual)]

During 2013, members of the women's volleyball coaching staff held impermissible tryouts for prospects 1 and 2. Specifically, the head coach and the assistant coach observed prospect 1 participate in voluntary activities. Additionally, the head coach arranged for prospect 2 to attend summer camp and receive skill instruction from the volunteer coach. The head coach observed and also provided instruction. Prospect 2 also attended open gym sessions. The institution, the head coach and the NCAA enforcement staff substantially agreed on the facts and that a violation of NCAA bylaws occurred. The institution and the enforcement staff agreed that these were Level II violations, while the head coach contended that they were Level III. The panel concluded that Level II violations occurred.

1. NCAA legislation relating to tryouts.

13.11.1 Prohibited Activities. A member institution, on its campus or elsewhere, shall not conduct (or have conducted on its behalf) any physical activity (e.g., practice session or test/tryout) at which one or more prospective student-athletes (as defined in Bylaws 13.11.1.1 and 13.11.1.2) reveal, demonstrate or display their athletics abilities in any sport except as provided in Bylaws 13.11.2 and 13.11.3. (*Revised: 8/5/04, 1/17/09*)

13.11.2.3 Recreational Activities. A prospective student-athlete visiting a member institution may participate in physical workouts or other recreational activities during a visit to an institution's campus, provided such activities: (*Revised: 1/11/94*)

- (a) Are not organized or observed by members of the athletics department coaching staff; and
- (b) Are not designed to test the athletics abilities of the prospective student-athlete

2. Impermissible tryouts occurred when coaches observed, and sometimes provided, skill instruction to prospective student-athletes engaged in volleyball activities on the institution's campus.

The institution and the head coach permitted prospects 1 and 2 to participate in impermissible tryouts and, the case of prospect 2, receive skill instruction. This conduct violated NCAA Bylaw 13.

NCAA Bylaw 13.11.1 prohibits member institutions from conducting any physical activity (e.g., practice session or test/tryout) at which prospective student-athletes demonstrate their athletics abilities. Further, NCAA Bylaw 13.11.2.3 allows prospective student-athlete visiting a member institution to participate in physical workouts or other recreational activities, if members of the coaching staff do not organize or observe such activities and the activities do not test the athletics abilities of the prospective student-athlete.

The institution and the head coach agreed that, during an unofficial visit to the institution's campus, prospect 1 participated in an impermissible tryout. The prospect accepted an invitation from the head coach to join the volleyball team in an open gym session. The head coach and the assistant coach observed prospect 1 engage in volleyball activity through windows into the gymnasium. In *Eastern Michigan University*, Case No. M360 (2012), the committee concluded that tryouts in the women's basketball program constituted major violations of NCAA legislation. In *Eastern Michigan*, tryouts occurred under similar circumstances. In that case, coaches observed prospective student-athletes participating in summer voluntary activity through windows into the gym.

The institution and the head coach also agreed that prospect 2 engaged in an impermissible tryout while attending the institution's summer volleyball camp. Prospect 2 received one-on-one instruction from the volunteer coach. The head coach directed the volunteer coach to conduct the instruction and both the head coach and the assistant coach viewed the activity, although the assistant coach did not stay for the entire instruction, as she believed it violated NCAA legislation. At one point during the

volunteer coach's instructional session, the head coach also provided instruction.

When prospect 1 participated in physical activity at the request of the head coach, and the head coach and the assistant coach observed the activity, an impermissible tryout occurred in violation of NCAA Bylaws 13.11.1 and 13.11.2.3. Further, when prospect 2 attended the camp, the head coach and the volunteer coach observed and provided direct instruction, a tryout occurred in violation of NCAA Bylaws 13.11.1 and 13.11.2.3.

The panel concluded that the facts as found constituted a Level II violation because it was not isolated and limited. Further, multiple tryouts occurred at the direction of the head coach that provided the institution with more than a minimal advantage.

C. IMPERMISSIBLE RECRUITING INDUCEMENTS – COST-FREE HOUSING. [NCAA BYLAWS 13.2.1 and 13.2.1.1-(h) (2012-13 NCAA Division I Manual)]

During the summer of 2013, a member of the women's volleyball coaching staff arranged for incoming freshman student-athletes to receive cost-free housing for approximately one week before they were enrolled at the institution. The institution, the head coach and the NCAA enforcement staff substantially agreed on the facts and that a violation of NCAA bylaws occurred. The institution and the enforcement staff agreed that this was a Level II violation while the head coach contended it was Level IV. The panel concluded that a Level II violation occurred.

1. NCAA legislation relating to impermissible recruiting inducements.

13.2.1 General Regulation. An institution's staff member or any representative of its athletics interests shall not be involved, directly or indirectly, in making arrangements for or giving or offering to give any financial aid or other benefits to a prospective student-athlete or his or her relatives or friends, other than expressly permitted by NCAA regulations. Receipt of a benefit by a prospective student-athlete or his or her relatives or friends is not a violation of NCAA legislation if it is determined that the same benefit is generally available to the institution's prospective students or their relatives or friends or to a particular segment of the student body (e.g., international students, minority students) determined on a basis unrelated to athletics ability. (*Revised: 10/28/97, 11/1/00, 3/24/05*)

13.2.1.1-(h) Specific Prohibitions. A Specifically prohibited financial aid, benefits and arrangements include, but are not limited to, the following: (*Adopted: 4/23/08*)

(g) Free or reduced-cost services, rentals or purchases of any type;

(h) Free or reduced-cost housing;

2. An impermissible recruiting inducement occurred when the assistant coach arranged for two prospects to receive cost-free lodging from current student-athletes.

The institution agreed that prospects 3 and 4, who were incoming freshman, received cost-free lodging from student-athletes. The head coach directed the two prospects to arrive on campus prior to the start of the 2013-14 academic year in order to participate in the institution's summer volleyball camp. The assistant coach arranged for the two to reside with student-athletes because the dormitories had not yet opened. This arrangement violated NCAA Bylaw 13.

NCAA Bylaw 13.2.1 prohibits staff members from arranging for, or giving or offering to give, any financial aid or other benefits to a prospective student-athlete. NCAA Bylaw 13.2.1.1 lists specific benefits institutions may not provide to prospective student-athletes. Included in this list is "free or reduced cost housing." *NCAA Bylaw 13.2.1.1-(h)*. Because the assistant coach arranged for prospects 3 and 4 to receive cost-free lodging from student-athletes, the panel concluded that a violation of NCAA Bylaws 13.2.1 and 13.2.1.1-(h) occurred.⁷

The panel concluded that the facts as found constituted a Level II violation of NCAA legislation. The housing was at the direction of the coaching staff and provided more than a minimal recruiting and competitive advantage because cost-free housing allowed the incoming

⁷ The enforcement staff originally alleged a violation of Bylaw 13.2.1.1-(g) "Free or reduced-cost services, rentals or purchases of any type." Because the impermissible recruiting inducement was cost-free lodging, the panel suggested that Bylaw 13.2.1.1-(h), "Free or reduced cost housing" was the appropriate and correct cite. The Office of the Committees on Infractions contacted the institution, the enforcement staff and the head coach to determine if there was any objection to correcting the bylaw cite to 13.2.1.1-(h). All parties, except the head coach, agreed to change bylaw cite. At the hearing, the head coach made clear that he understood the nature of the bylaw violation alleged against him. The panel provided the head coach an opportunity to submit his objection in writing, which he did on December 23, 2014. Accordingly, the panel concluded that after considering the head coach's supplementary submission, that he was on notice of the substance of the violation alleged and had an adequate opportunity to respond. After considering the head coach's submission, the panel concluded that the bylaw cite should be changed to Bylaw 13.2.1.1-(h).

freshmen student-athletes to arrive on campus early and participate in camp and skill instruction.

D. HEAD COACH RESPONSIBILITY. [NCAA Bylaws 11.1.1.1 and 11.1.2.1 (2012-13 and 2013-14 Division I Manual)]

From June through August 2013, the head coach failed in his duties and responsibilities to promote an atmosphere of compliance within his program when he arranged, participated in or directed conduct that violated NCAA legislation. The institution, the head coach and the NCAA enforcement staff substantially agreed on the facts and that a violation of NCAA bylaws occurred. The institution and the enforcement staff agreed that this is a Level II violation while the head coach contended it was Level III. The panel concluded that a Level II violation occurred.

1. NCAA legislation relating to head coach responsibility.

11.1.1.1 Responsibility of Head Coach. An institution's head coach is presumed to be responsible for the actions of all institutional staff members who report, directly or indirectly, to the head coach. An institution's head coach shall promote an atmosphere of compliance within his or her program and shall monitor the activities of all institutional staff members involved with the program who report, directly or indirectly, to the coach. (*Adopted: 4/28/05, Revised: 10/30/12, 7/16/14*)

2. The head coach failed to promote an atmosphere for compliance when he directed or participated in impermissible countable athletically related activities and impermissible tryouts and when two prospective student-athletes received impermissible cost-free lodging.

The head coach participated in or permitted violations of NCAA Bylaws 17 and 13 to occur in his program. His actions were inconsistent with NCAA Bylaw 11.

NCAA Bylaws 11.1.1.1 and 11.1.2.1 require head coaches to set an atmosphere of rules compliance within the program and monitor the activities of those who report to the head coach.⁸ The Division I

⁸ Both versions of the head coach responsibility bylaw were in effect at times the Level II violations occurred. Former NCAA Bylaw 11.1.2.1 was replaced by present NCAA Bylaw 11.1.1.1 as of October 30, 2012. *Wichita State University*, Case No. 00184 (2015). In spite of the differences in the language of the bylaws, the analysis of the former head coach's potential violations is the same under either version.

Committee on Infractions noted that there is an elevated risk of violations when prospects are on campus prior to their first full-time enrollment. *See Boise State University*, Case No. M318 (2011) (concluding that the former head women's tennis coach violated NCAA Bylaw 11.1.2.1 when, among other violations, he arranged for a prospect to participate in impermissible practice sessions with student-athletes that he observed.)

With regard to impermissible countable athletically related activity, the head coach admitted that he and members of his coaching staff were involved in impermissible countable athletically related activity during the summer of 2013. The volunteer coach and the assistant coach were involved in these activities and the head coach observed some of them. Because these activities violated NCAA legislation and the head coach arranged them, the head coach failed to promote an atmosphere of compliance. Moreover, because the members of his coaching staff supervised and participated in the activities the head coach is responsible for their involvement as specified in Bylaw 11.1.1.1. In *Eastern Michigan* the committee concluded that the head women's basketball coach violated NCAA Bylaw 11.1.2.1 (now NCAA Bylaw 11.1.1.1) when, among other violations, she failed to abide by the daily and weekly practice hour limitations and provide at least one day off per week without countable athletically related activities for some members of the women's basketball team.

With regard to impermissible tryouts, the head coach admitted that he observed tryouts for prospect 1 in January 2013 and prospect 2 in July 2013. On both occasions, members of his staff also observed the tryouts. Further, during the July tryout, at the head coach's request, one of his staff members provided instructions to prospect 2. The head coach also provided instructions on this occasion. As with the impermissible activities that occurred in the summer gym sessions, because the tryouts violated NCAA legislation and the head coach arranged them, the head coach failed to promote an atmosphere of compliance. Further, because members of his coaching staff observed and, in one of the instances, conducted this impermissible activity, the head coach is responsible for their involvement in violations as set forth in Bylaw 11.1.1.1.

Finally, the coaching staff arranged impermissible recruiting inducements in the form of cost-free housing for prospects 3 and 4, who were still prospective student-athletes. Although the head coach was not directly involved in this violation, he asked the two prospects to report to campus early, before the dormitories opened, in order to participate in the

institution's camp. After the prospects 3 and 4 arrived, the assistant coach arranged for them to reside with student-athletes.⁹

In this instance, the head coach was responsible for prospects 3 and 4 arriving on campus early, yet he did not take steps to ensure that their housing complied with NCAA legislation. In fact, as previously documented, the head coach stated at the hearing that he "had too many things on (his) plate" to check the circumstances of the living arrangements for these prospects. Because the head coach took no action to confirm that the prospects' housing arrangements complied with NCAA legislation, the head coach failed to establish an atmosphere of rules compliance within the program as required under Bylaw 11.1.1.1. Further, the assistant coach arranged for the prospects to reside with student-athletes. The head coach did not question the assistant coach about the prospects' living arrangements. By not questioning her, the head coach failed to monitor the activities of the assistant coach, as required under Bylaw 11.1.1.1.

NCAA Bylaw 19.1.2-(e) states that a Level II violation may occur when a head coach fails to promote an atmosphere for compliance as the result of underlying Level II violations committed by individuals within the program. The panel concluded that facts as found constituted a Level II violation.

**E. UNETHICAL CONDUCT – PROVISION OF FALSE INFORMATION.
[NCAA Bylaws 10.01.1, 10.1 and 10.1-(d) (2012-13 Division I Manual)]**

The head coach violated the NCAA principles of ethical conduct when he provided false information regarding the role and responsibility of the volunteer coach and her participation and involvement in open gym activities. The institution and the NCAA enforcement staff substantially agreed on the facts and that a violation of NCAA ethical conduct bylaws occurred. The head coach disagreed that he provided false information and violated ethical conduct bylaws. The institution and the enforcement staff agreed that this was a Level I violation. The panel concluded that the facts constituted a Level I violation.

⁹ The assistant coach did not give any explicit instructions requiring the prospects to pay rent. She left any arrangements regarding payment between the incoming freshmen and the current student-athletes.

1. NCAA legislation relating to honesty and unethical conduct for the provision of false or misleading information.

10.01.1 Honesty and Sportsmanship. Individuals employed by (or associated with) a member institution to administer, conduct or coach intercollegiate athletics and all participating student-athletes shall act with honesty and sportsmanship at all times so that intercollegiate athletics as a whole, their institutions and they, as individuals, shall represent the honor and dignity of fair play and the generally recognized high standards associated with wholesome competitive sports.

10.1-(d) Unethical Conduct. Unethical conduct by a prospective or enrolled student-athlete or a current or former institutional staff member, which includes any individual who performs work for the institution or the athletics department even if he or she does not receive compensation for such work, may include, but is not limited to, the following: (*Revised: 1/10/90, 1/16/10, 1/9/96, 2/22/01, 8/4/05, 4/27/06, 1/8/07, 5/9/07, 10/23/07, 5/6/08, 10/5/10*)

(d) Knowingly furnishing or knowingly influencing others to furnish the NCAA or the individual's institution false or misleading information concerning an individual's involvement in or knowledge of matters relevant to a possible violation of an NCAA regulation

2. The head coach provided false information regarding the coaching status of the volunteer coach when he indicated that the volunteer coach had no role with the women's volleyball program.

In a February 20, 2014, interview with the enforcement staff, the head coach stated that the volunteer coach was not in a coaching status in June and July of 2013 and did not have a role with the women's volleyball team. The head coach's statement contradicted all other information obtained during the investigation. When the head coach provided false information relating to the role of the volunteer coach, he violated NCAA Bylaw 10.1.

NCAA Bylaw 10 defines ethical conduct required by all individuals who perform work for a member institution or in an athletics department. Specifically, NCAA Bylaw 10.1-(d) states that the provision of false or misleading information by institutional staff members to the NCAA constitutes unethical conduct.

The head coach claimed that the volunteer coach had no role with the team during the summer of 2013. In support of that position, the head coach relied on a May 20, 2013, letter from him to the director of athletics in which the head coach wrote that the volunteer coach was to be in a coaching status as of August 1, 2013. The head coach maintained that the volunteer coach came to the institution simply to "visit" and that she stayed "a couple of weeks." The head coach stated that the volunteer coach came to institution because she was "thinking about coaching."

The head coach was the only individual who claimed that the volunteer coach was not in a coaching status during this time. Contrary to the head coach's position, the volunteer coach stated that she was immediately in a coaching status and performed coaching duties.

The assistant coach confirmed that the volunteer coach was in a coaching status when she arrived on campus and that the head coach told both her and the volunteer coach that, in terms of position on the staff, there was "no difference" between the two.

Student-athletes also confirmed that the volunteer coach had a coaching role and performed coaching duties by conducting drills and performing other duties during summer gym sessions that were similar to those conducted in practice.

Documentary evidence reflected that the volunteer coach was in a coaching role. This included: (1) a travel itinerary created by the assistant coach and provided to the head coach and others in the athletics department identifying the volunteer coach as "assistant coach" in the travel party; (2) an email from the volunteer coach to the director of compliance introducing herself as the new assistant coach followed by the director of compliance labeling the volunteer coach as the "volunteer coach" on a conference form and (3) a coaching clinic flyer labeling the volunteer coach as "assistant coach."

Because the head coach stated that the volunteer coach had no role with the team and the information presented demonstrated that the volunteer coach was, in fact, engaged in coaching activities at the request of the head coach, the panel concluded that the head coach provided false information to the NCAA and engaged in unethical conduct.

The panel concluded that the facts constituted a Level I violation of NCAA legislation because it involved unethical conduct that undermined the integrity of the NCAA Collegiate Model.

V. PENALTIES

For the reasons set forth in Sections III and IV of this decision, the panel concluded that this case involved Level I and Level II violations of NCAA legislation. Level I violations are severe breaches of conduct while Level II violations are significant breaches of conduct. The panel concluded that this case involved impermissible countable athletically related activities, impermissible tryouts, recruiting inducements and a violation of head coach responsibility (Level II). It also involved the head coach's provision of false information to the enforcement staff (Level I). Because the violations in this case occurred after the implementation date of the new penalty structure, the panel prescribed penalties under current NCAA Bylaw 19.9 and Figure 19-1 – Penalty Guidelines.

To determine the appropriate classification for penalty consideration, the panel considered aggravating and mitigating factors pursuant to NCAA Bylaws 19.9.3 and 19.9.4. When reviewing a case under the penalty guidelines, the panel assessed aggravating and mitigating circumstances by weight as well as number. The panel concluded the following factors apply in this case:

Aggravating and Mitigating Factors for the Institution¹⁰

Aggravating Factors

19.9.3-(b): A history of Level I, Level II or major violations by the institution, sport program(s) or involved individual.

19.9.3-(g): Multiple Level II violations by the institution or the involved individual.

19.9.3-(h): Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct.

19.9.3-(j): Conduct or circumstances demonstrating an abuse of a position of trust.

19.9.3-(m): Intentional, willful or blatant disregard for the NCAA constitution and bylaws.

Mitigating Factors

19.9.4-(a): Prompt self-detection and self-disclosure of the violations.

19.9.4-(b): Prompt acknowledgement of the violations; acceptance of responsibility and imposition of meaningful corrective measures and/or penalties;

19.9.4-(f): Exemplary cooperation.

¹⁰ The institution agreed with all of the aggravating and mitigating factors. The head coach denied that any of the aggravating factors apply to him.

Aggravating and Mitigating Factors for the Involved Party (the head coach)

Aggravating Factors

19.9.3-(e): Unethical conduct.

Mitigating Factors

None.

The penalties prescribed in this case are independent of and supplemental to any action the Committee on Academics has taken or may take through its assessment of postseason ineligibility, historical penalties or other penalties. The institution's corrective actions are contained in the Appendix. For the institution and the head coach, the panel concludes that the above listed factors apply in this case, resulting in the panel classifying this case for penalty assessment as Level II – standard for the institution and Level I-standard for the head coach:

Level II – Core Penalties for the Institution (NCAA Bylaw 19.9.5)

1. Probation: A one-year extension of probation from the institution's 2013 infractions case. Consequently, the probationary period will conclude on December 9, 2018.¹¹
2. Financial penalty: The institution shall pay a financial penalty of \$5,000.
3. Recruiting restrictions: A three-month reduction in recruiting one of the prospective student-athletes who the head coach engaged in an impermissible tryout as set forth in Violation B-2. (Institution imposed)
4. During the probation, the institution shall:
 - a. Continue to develop and implement a comprehensive educational program on NCAA legislation to instruct the coaches, the faculty athletics representative, all athletics department personnel and all institution staff members with responsibility for the certification of student-athletes' eligibility for admission, financial aid, practice or competition;

¹¹ The panel prescribed a four-year probationary period in the 2013 case. That period of probation was to conclude on December 9, 2017. See: *Southeastern Louisiana University*, Case No. 184673 (2013)

- b. Submit a preliminary report to the Office of the Committees on Infractions by June 1, 2015, setting forth a compliance education plan to address the violations in this case;
- c. By November 1 during each year of probation, continue to file with Office of the Committees on Infractions an annual compliance report.¹² Place particular emphasis on rules education regarding countable athletic related activity, tryouts and adherence to NCAA legislation for prospective student-athletes who come to the institution's campus prior to the start of the academic year. Further, consistent with the requirements set forth in Infractions Decision No. 389, continue to report on the institution's progress in establishing a campus-wide system of athletics compliance and rules education administered by trained and competent personnel. Include the information regarding the education program, and information regarding compliance with all other sanctions adopted and imposed by the committee not only in this case, but those required by the order of probation in Infractions Decision No. 389. The report must also include documentation of the institution's compliance with the penalties adopted and prescribed by the committee resulting from both cases;
- d. Inform prospective student-athletes in all sports that the institution is on probation until December 9, 2018, and detail the violations committed both in the current case and the 2013 case. If a 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
- e. 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 sport programs and a direct, conspicuous link to the public infractions decision located on the athletic department's main webpage and in the media guides for the involved sports. The institution's statement must: (1) clearly describe the infractions; (2) include the length of the probationary period associated with the major infractions case; and (3) give members of the general public a clear indication 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.

¹² Infractions Decision No. 389 required submission of an annual compliance report by November 1. The panel extends that requirement by one year to 2018.

Level I – Core Penalties for the Head Coach (NCAA Bylaw 19.9.5)

5. Show cause: Two-year show-cause order for the head coach applicable to positions with responsibilities in a member institution's athletics department.

The head coach provided false information to the enforcement staff regarding the role and responsibility of the volunteer coach, behavior that constitutes unethical conduct under NCAA legislation. Therefore, the panel prescribes a show-cause order pursuant to NCAA Bylaw 19.9.7-(i). The NCAA will inform the head coach in writing that, due to his unethical conduct, he will be under a two-year show-cause order from April 9, 2015, through April 8, 2017. If he secures a position with a member institution and has responsibilities in the institution's athletics department during the period of his show-cause order, upon employment, he must inform that institution's athletics department that he is under a two-year show-cause order. The conditions of the show-cause order are as follows:

- a. If employed as a head coach during this two-year period, the institution shall limit the head coach to no more than 19 evaluation days during the recruiting calendar year (August 1 through July 31) of each year.¹³ Further, the institution shall suspend him from the first 30 percent of one regular season's contests. If any employing institution does not agree to this suspension and recruiting restrictions, it shall appear before the panel of the Committee on Infractions and show cause why the penalty is not appropriate. The provisions of the suspension require that the head coach not be present in the arena where the contests are held and shall not have any contact or communication with members of the women's volleyball coaching staff and women's volleyball student-athletes during the suspension period. The prohibition includes all coaching activities for the period of time that begins at 12:01 a.m. the day of the first regular season contest and ends at 11:59 p.m. on the day of the contest that constitutes the 30 percent mark of the regular season. During the period, the head coach may not participate in any activities that constitute coaching, including but not limited to, team travel, practice, film study, team meetings and recruiting. The results of those contests from which the head coach is suspended shall not count in the head coach's career record.
- b. If employed as a head coach, mandatory attendance at NCAA Regional Rules Seminars at his expense.

¹³ The 19 evaluation day limit was based on the following: 80 recruiting evaluation days are allowed in women's volleyball. NCAA rules permit three coaches in women's volleyball. 80 evaluation days divided equally among the three coaches equals approximately 27 evaluation days each. A 30 percent reduction from 27 equals approximately 19.

- c. If employed as an assistant coach, mandatory attendance at NCAA Regional Rules Seminars that may be at the employing institution's expense.

Any institution that employs the head coach during this two-year period must adhere to the conditions set forth above or appear before the committee and show cause why it should not be subject to a penalty for failing to implement the conditions of the show-cause order. Further, any member institution that employs the head coach during the show-cause period must file a report with the Office of the Committees on Infractions documenting compliance with the above conditions at the conclusion of the show-cause period.

Level II – Additional Penalties (NCAA Bylaw 19.9.7)

6. Public reprimand and censure.
7. The institution reduced countable athletically related activities during the championship segment by four hours per week during the 2013-14 academic year. In total, the women's volleyball program reduced countable athletically related activity by 215.55 hours for the 2013-14 academic year. (Institution imposed)
8. At the conclusion of the probationary period, the institution's president shall provide a letter to the committee affirming that the institution's current athletics policies and practices conform to all requirements of NCAA regulations.

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

NCAA COMMITTEE ON INFRACTIONS PANEL

Greg Christopher (Chief Hearing Officer)

Roscoe C. Howard, Jr.

Eleanor Myers

James O'Fallon

Sankar Suryanarayan

Rodney Uphoff

APPENDIX ONE

CORRECTIVE ACTIONS AS IDENTIFIED IN THE INSTITUTION'S SEPTEMBER 10, 2014, RESPONSE TO THE NOTICE OF ALLEGATIONS.

1. The institution terminated the head women's volleyball coach.
2. Corrective Action Regarding the Practice Log Process. Student-athletes are now required to "sign-off" on practice logs on a bi-weekly basis. In 2011, as a corrective action to its prior major infractions case, Southeastern Louisiana University implemented and utilized electronic practice log monitoring software for the purpose of monitoring practice activities. Prior to using the electronic software, Southeastern Louisiana University would manually distribute practice logs to coaches. Head coaches or designated assistant coaches would manually enter countable athletic related activity information and then have at least one student-athlete attest to the logs accuracy. When Southeastern Louisiana University switched to the electronic software, the university ceased requiring student-athletes to sign off on practice logs, as this function could not be accomplished through the electronic software. The university believed at the time that the removal of the sign-off obligation would not hinder monitoring, since student-athletes received the practice logs inputted by coaches through the electronic software system and had the ability to check and verify the practice logs' accuracy in real time. The compliance office relied on the practice of educating student-athletes about playing and practice legislation, how to view the practice logs submitted through the electronic system and the need to notify the compliance department if an error is detected, with assurances that communications with the compliance department about practice time issues would remain confidential. The investigations related to this case revealed that student-athletes would very rarely analyze and verify the accuracy of the practice logs, even though the logs were available to them. As a result, this investigation exposed the need for Southeastern Louisiana University to require student-athlete certification of practice logs on a regular basis and now the university requires at least two student-athletes to sign-off on practice logs submitted by coaches in all sports every two weeks. Coaches are required to rotate the two student-athletes that they select to sign-off on the practice logs every two weeks.
3. Corrective Action Regarding the Monitoring and Disclosure of Athletics Activities in non-athletics facilities.
 - a. *Mandatory Disclosure of Facility Arrangement by Athletics Staff for Student-Athletes to Engage in Voluntary Activities to the Compliance Department.* Southeastern Louisiana University has implemented a policy mandating that coaches disclose the location of any non-athletics facility that is being made available to student-athletes for the purpose of participating in voluntary activities. If a coaching staff member or athletics staff member arranges for

student-athletes to use a non-athletics facility, it is that coach or staff member's obligation to report that arrangement to the compliance department. While the obligation of coaches to disclose the location of facilities that are being made available for student-athletes to participate in voluntary activities seems obvious, the institution did not have an official policy mandating disclosure prior to the discovery of violations alleged in the present case. This corrective action re-categorizes voluntary activity facility disclosure from a best practice to a requirement, removing any excuse that a coach could claim for not disclosing voluntary practice information.

- b. *Revision of Kinesiology Building Key Issuance.* Southeastern Louisiana University's internal investigation revealed that many university employees, including athletics staff members and coaches, had keys to the kinesiology building, which housed the gym included in the violations contained in Allegation No. 1. Many university employees were found to be in possession of an issued kinesiology building key even though they had no official responsibility, which necessitated their possession of an access key. As a result of the violations reported in this case, the kinesiology department has recalled keys for all employees, including athletics staff members that do not have a current responsibility, which necessitates that they have access to the kinesiology building. Furthermore, the kinesiology department has provided, and will continue to provide a list to the compliance department of all athletics staff members, including coaches that have a kinesiology building key issued to them. Finally, the kinesiology department has provided a key to the athletics director of compliance for the purposes of allowing the compliance department to conduct spot checks of the kinesiology building.
- c. *Kinesiology Building Disclosure Requirement and Communication with Compliance.* All Southeastern Louisiana University Division I teams that wish to utilize the kinesiology building gym for either a mandatory or voluntary activity must request usage of the facility in accordance with the kinesiology department's process for facility/event requests. Although violations contained in the Notice of Allegation were promptly detected, non-disclosed utilization of a non-athletics facility for practice activities added difficulty to the compliance department's ability to monitor the women's volleyball program. To address this issue, the kinesiology department is now required to notify the compliance department when a Division I coaching staff member requests to use the facility so that the compliance department will have a reasonable opportunity to monitor the team's use of the facility.

4. Corrective Action Regarding Distribution of Rules Education Materials Related to Voluntary Activities, Camps and Clinics, Arrangement of Lodging and Impermissible Tryouts
 - a. *Rules education materials distributed to coaches and athletics staff.* The compliance department has distributed additional rules education materials to coaches and athletics staff regarding voluntary activities, camps and clinics, impermissible tryouts and arrangements of lodging.
 - b. *Rules education materials distributed to student-athletes.* The compliance department has distributed and will continue to distribute additional rules education materials to student-athletes regarding playing and practice season rules and arrangements of benefits for prospects.