



SAINT PETER'S UNIVERSITY
PUBLIC INFRACTIONS DECISION
February 2, 2016

I. INTRODUCTION

The NCAA Division I Committee on Infractions is an independent administrative body of the NCAA comprised of individuals from the NCAA Division I membership and the public. The committee is charged with deciding infractions cases involving member institutions and their staffs.¹ This case involved Saint Peter's University and a former head men's and women's swimming coach.² A panel of the committee considered this case through the cooperative summary disposition process in which all parties agreed to the primary facts and violations, as fully set forth in the summary disposition report (SDR). The panel proposed further penalties to the institution and the former head men's and women's swimming coach. The institution accepted the proposed penalties. The former head men's and women's swimming coach did not respond. Therefore, neither party has the opportunity to appeal.

The agreed-upon violations centered on the institution's men's and women's swimming programs and fell into four categories: (1) ineligible participation and/or receipt of actual and necessary expenses; (2) the former head men's and women's swimming coach's involvement with an outside team; (3) the arranging for payment for work not preformed; and (4) the former head men's and women's swimming coach's unethical conduct and failure to promote an atmosphere of compliance.

First, the parties agreed that during fall 2013 the former head men's and women's swimming coach permitted four student-athletes to practice, compete and/or receive actual and necessary expenses while the student-athletes were ineligible. He permitted two of those student-athletes, who were nonqualifiers, to practice with an outside team during their first semester. He also instructed them to practice and/or compete after the institution instructed him to cease their participation. Second, the parties agreed that during the 2011-12 through 2013-14 academic years, the former head men's and women's

¹ Infractions cases are decided by hearing panels comprised of NCAA Division I Committee on Infractions members. Decisions issued by hearing panels are made on behalf of the Committee on Infractions.

² A member of the Metro Atlantic Athletic Conference, the institution's total enrollment is approximately 2,000. The institution sponsors nine men's sports and 10 women's sports. This is the institution's first infractions case.

swimming coach permitted two student-athletes to participate on his outside swim team. Third, during the 2013-14 academic year, the former head men's and women's swimming coach arranged for seven student-athletes to submit additional work hours not supported by documentation. Five of these student-athletes actually received excessive payments. The parties agreed and the panel concludes that the violations were Level II.

Finally, the former head men's and women's swimming coach committed unethical conduct and failed to promote an atmosphere of compliance when he disregarded the institution and instructed two nonqualifiers to practice and/or compete and influenced them to provide false and misleading information. The former head men's and women's swimming coach also committed unethical conduct when he failed to cooperate with the investigation. The panel concludes that the violations were Level I.

The panel accepted the parties' factual agreements and that violations occurred in this case. After considering the aggravating and mitigating factors, the panel classifies this case as Level II-Standard for the institution and Level I-Aggravated for the former head coach. The panel adopts and prescribes the following penalties under Figure 19-1: a two-year probationary period; a one-year postseason ban for the men's and women's swimming programs; a financial penalty; vacation of records; a five-year show-cause order for the former head men's and women's swimming coach; and other administrative reporting requirements.

II. CASE HISTORY

In fall 2013, the institution discovered potential violations involving ineligible participation and its former head men's and women's swimming coach (former head coach). In February 2014, the institution self-reported potential violations to the NCAA enforcement staff. In spring 2014, the institution became aware of additional potential violations involving the former head coach and swimming student-athletes. On April 23, 2014, the institution self-reported additional violations and continued its investigation. On May 6, 2014, the former head coach resigned. On October 30, 2014, the institution submitted an amended self-report.

On December 15, 2014, the enforcement staff issued a verbal notice of inquiry. Over the following days, the enforcement staff submitted records and interview requests to the institution. During February 2015, the enforcement staff requested interviews from the former head coach. Beginning February 26, 2015, the former head coach ceased responding to the enforcement staff. On August 21, 2015, the enforcement staff provided the institution with a draft notice of allegations. On August 28, 2015, the institution accepted the proposed findings of fact and agreed to process the case through summary disposition. On November 20, 2015, the parties submitted the SDR to the Division I Committee on Infractions.

On December 17, 2015, a panel of the Division I Committee on Infractions reviewed the SDR. Later that day, the panel requested that the parties confirm the eligibility status of a number of student-athletes. On December 21, 2015, the parties responded through the enforcement staff. On December 23, 2015, the panel proposed additional penalties for the institution and the former head coach. On January 6, 2016, the institution accepted the panel's proposed penalties. The former head coach did not respond.

III. PARTIES' AGREEMENTS

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

The parties jointly submitted a SDR that identifies an agreed-upon factual basis and violations of NCAA legislation. The SDR identifies:

1. [NCAA Division I Manual Bylaws 14.02.9, 14.2.3.2.1, 14.3.1, 14.3.2.1.1, 14.3.2.2, 14.3.2.3, 14.3.5.1 and 16.8.1 (2013-14)]

The NCAA enforcement staff and institution agreed that during the 2013 fall semester, (former head coach) permitted four men's swimming student-athletes to practice, compete and/or receive actual and necessary expenses while the student-athletes were ineligible. The former head coach permitted two men's swimming student-athletes, who were nonqualifiers, to practice with an outside team during their first year of enrollment. Further, the former head coach instructed two student-athletes to continue to practice and/or compete after the institution directed him to cease the student-athletes' participation with the swimming team. Specifically:

- a. The former head coach permitted a men's swimming student-athlete (student-athlete 1) to participate in 66 practices after the institution informed the former head coach that student-athlete 1 was a nonqualifier and not eligible to practice or compete with the men's swimming team. Additionally, the former head coach permitted student-athlete 1 to practice with an outside team during student-athlete 1's first year of enrollment. [NCAA Bylaws 14.3.1, 14.3.2.1.1, 14.3.2.2 and 14.3.2.3 (2013-14)]
- b. The former head coach permitted a men's swimming student-athlete (student-athlete 2) to participate in 40 practices, participate in four dates of competition (October 18, 19, 26 and November 15, 2013) and receive actual and necessary expenses for the October 18 and 19 competition after the institution informed the former head coach that student-athlete 2 was a nonqualifier and not

eligible to practice or compete with the men's swimming team. Additionally, the former head coach permitted student-athlete 2 to practice with an outside team that the former head coach coached while student-athlete 2 was a nonqualifier. [NCAA Bylaws 14.02.9, 14.3.1, 14.3.2.1.1, 14.3.2.2, 14.3.2.3, 14.3.5.1 and 16.8.1 (2013-14)]

- c. The former head coach permitted a men's swimming student-athlete (student-athlete 3) to receive actual and necessary expenses for an October 18 and 19, 2013, competition where student-athlete 3 competed unattached while fulfilling an academic year in residence. [NCAA Bylaws 14.02.9, 14.2.3.2.1 and 16.8.1 (2013-14)]
- d. The former head coach permitted a men's swimming student-athlete (student-athlete 4) to receive actual and necessary expenses to travel with the men's swimming team (but not compete) for an October 18 and 19, 2013, competition while student-athlete 4 was fulfilling an academic year in residence. [NCAA Bylaw 16.8.1 (2013-14)]

2. [NCAA Division I Manual Bylaw 17.21.9.1.2.1 (2011-12 through 2013-14)]

The NCAA enforcement staff and institution agreed that during the 2011-12 through 2013-14 academic years, the former head coach was involved as a coach with an outside swimming team that included at least two swimming student-athletes with remaining eligibility during the academic year.

3. [NCAA Division I Bylaws 12.4.1 and 16.11.2.1 (2013-14)]

The NCAA enforcement staff and institution agreed that during the 2013-14 academic year, at least seven men's and women's swimming student-athletes received payment for work not performed and/or received an impermissible arrangement to submit hours for insufficiently documented work-study. Specifically, the student-athletes were employed as lifeguards for the institution's swimming facility and, at times throughout the year, submitted hours for work not performed. For five of the seven student-athletes, the excess payments ranged from \$80 to \$824 per student-athlete.

4. [NCAA Division I Manual Bylaws 10.01.1, 10.1, 10.1-(a), 10.1-(d), 11.1.1.1 and 19.2.3 (2013-14 and 2014-15)]

The NCAA enforcement staff and institution agreed that during the 2013-14 academic year and in 2015, the former head coach violated the NCAA principles of ethical conduct and/or failed to promote an atmosphere of compliance within his program. Specifically:

- a. During the 2013 fall semester and as noted in Violation Nos. 1-a and 1-b, the former head coach instructed student-athletes 1 and 2 to compete and/or practice after the institution informed him of the student-athletes' nonqualifier status. Additionally, after the institution became aware of the student-athletes' impermissible participation with the swimming team and directed the former head coach to cease their participation, the former head coach permitted student-athletes 1 and 2 to continue to practice. [NCAA Bylaws 10.01.1, 10.1 and 11.1.1.1 (2013-14)]
- b. During the 2013 fall semester, the former head coach knowingly influenced student-athletes 1 and 2 to provide false or misleading information to the institution concerning the student-athletes' knowledge of or involvement in impermissible participation with the men's swimming team. Specifically, in December 2013, the former head coach admitted to the director of athletics that he influenced the student-athletes to provide inaccurate information about their impermissible participation as nonqualifiers. [NCAA Bylaws 10.01.1, 10.1, 10.1-(d) and 11.1.1.1 (2013-14)]
- c. Beginning February 11, 2015, and continuing to the present, the former head coach failed to cooperate with the enforcement staff when he refused to furnish information relevant to the investigation of possible violations of NCAA legislation. Specifically, the former head coach failed to respond to multiple requests by the enforcement staff for an interview regarding his knowledge of or involvement in violations of NCAA legislation. [NCAA Bylaws 10.1, 10.1-(a) and 19.2.3 (2014-15)]

B. PARTIES' AGREED-UPON AGGRAVATING AND MITIGATING FACTORS

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

1. Agreed-upon aggravating and mitigating factors. [NCAA Bylaws 19.9.3 and 19.9.4].

a. Aggravating factors.

(1) Institution.

- (a) Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct. [NCAA Bylaw 19.9.3-(h)]

(2) The former head coach.

- (a) Unethical conduct, failure to cooperate. [NCAA Bylaw 19.9.3-(e)]
- (b) Violations were deliberate. [NCAA Bylaw 19.9.3-(f)]
- (c) Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct. [NCAA Bylaw 19.9.3-(h)]
- (d) Intentional, willful or blatant disregard for the NCAA constitution and bylaws. [NCAA Bylaw 19.9.3-(m)]

b. Mitigating factors.

(1) Institution.

- (a) Prompt self-detection and self-disclosure of the violations. [NCAA Bylaw 19.9.4-(a)]
- (b) Prompt acknowledgement of the violation, acceptance of responsibility and imposition of meaningful corrective measures and/or penalties. [NCAA Bylaw 19.9.4-(b)]

(2) The head coach.

None.

IV. REVIEW OF CASE

The SDR fully detailed the parties' positions in the infractions case and included the agreed-upon primary facts, violations, violation levels and aggravating and mitigating factors. After reviewing the parties' principal factual agreements and the respective explanations surrounding those agreements, the panel accepts the parties' SDR and concludes that the facts constitute Level II violations for the institution and Level I violations for the former head coach. Level II violations provide or are intended to provide more than a minimal but less than a substantial advantage. They include, among others, multiple eligibility violations that do not amount to a lack of institutional control. Level I violations are severe breaches of conduct and include, among others, failure to cooperate; individual unethical conduct, regardless of whether the underlying institutional violations are Level I; and intentional violations.

This case involved agreed-upon institutional Level II violations that fell into three areas: (1) ineligible participation and impermissible expenses; (2) the former head coach's involvement in an outside team; and (3) impermissible work-study benefits. Each provided more than a minimal benefit and each stemmed from the former head coach. The case also involved the former head coach's Level I violations. His Level I violations included unethical conduct, a failure to promote an atmosphere of compliance and a failure to cooperate. The former head coach's actions were contrary to the fundamental expectations of institutional staff members' and head coaches' conduct. His actions threatened the integrity of the NCAA Collegiate Model and infractions process.

With regard to the Level II ineligible participation and impermissible expenses violations, the former head coach permitted four student-athletes to be impermissibly involved with the institution's swimming program. In varying degrees during the fall of 2013, these student-athletes practiced, competed and/or receive actual and necessary expenses while ineligible. This conduct violated NCAA Bylaws 14 and 16.³

Generally, NCAA Bylaw 14.3 outlines freshmen academic requirements and related activity - mainly, permissible and impermissible activities for qualifiers and nonqualifiers. Specifically, NCAA Bylaw 14.3.1 permits qualifying student-athletes to receive financial aid, practice and compete for the institution. Conversely, NCAA Bylaw 14.3.2.1.1 prohibits nonqualifying student-athletes from receiving athletics aid, practicing and competing for the institution during their first academic year of residence. NCAA Bylaws 14.3.2.2 and 14.3.2.3 prohibit nonqualifiers from attending practice and participating on outside sports teams, respectively. While waiting for final qualification status, NCAA Bylaw 14.3.5.1 allows student-athletes who meet other requirements to practice for a 45-day period. NCAA Bylaw 16.8.1 permits institutions to provide actual and necessary expenses to eligible student-athletes representing the institution in practice

³ The conduct violated NCAA Bylaws 14 and 16 of the 2013-14 Division I NCAA Manual. The NCAA bylaws referenced are the bylaws that were in effect at the time the conduct occurred.

or competition. Finally, NCAA Bylaw 14.02.9 defines intercollegiate competition and NCAA Bylaw 14.2.3.2.1 requires student-athletes who delay their enrollment by one year to serve a year in residency prior to competing.

The former head coach permitted student-athletes 1 and 2 to practice with the institution's swim team despite knowing they were nonqualifiers. The institution discovered the occurrences and directed the former head coach to cease their participation. The former head coach failed to comply and permitted them to continue practicing. He also permitted them to practice with outside teams. The former head coach permitted student-athlete 2 to represent the institution in intercollegiate competition. Finally, he permitted student-athletes 2, 3 and 4 to travel with the institution's swim team to a competition. Because student-athletes 1 and 2 were nonqualifiers, they were prohibited from practicing and competing for the institution or outside sports teams. The former head coach violated multiple provisions of NCAA Bylaw 14.3 when he permitted student-athletes 1 and 2 to practice with the institution's swim team, as well as an outside swim team, and permitted student-athlete 2 to compete for the institution. Likewise, because student-athletes 2, 3 and 4 were nonqualifiers or serving a year in academic residency, they were prohibited from receiving actual and necessary expenses. The former head coach violated NCAA Bylaw 16.8.1 when he permitted student-athletes 2, 3 and 4 to travel with the institution's swim team to a competition. Finally, although student-athlete 4 competed unattached, when he received actual and necessary expenses his participation became intercollegiate competition pursuant to NCAA Bylaw 14.02.8. This violated NCAA Bylaw 14.2.3.2.1 because he was required to serve a year in residency. The panel concludes that the institution and the former head coach committed Level II violations when he impermissibly permitted student-athletes to practice, compete and receive actual and necessary travel expenses.

With respect to the Level II involvement with an outside team violation, the institution agreed that during the 2011-12 through 2013-14 academic years, the former head coach permitted two student-athletes to practice with his outside team. This conduct violated NCAA Bylaw 17. NCAA Bylaw 17.21.9.1.2.1 prohibits coaches and staff members from being involved with outside teams that include student-athletes with remaining eligibility. The former head coach violated NCAA Bylaw 17.21.9.1.2.1 when he permitted two student-athletes to participate in workouts he conducted with his club team. The panel concludes that the institution and former head coach committed a Level II violation.

Regarding the Level II work-study violations, the institution agreed that during the 2013-14 academic year, the former head coach arranged for seven swimming student-athletes to submit hours for insufficiently documented work-study. Five of those student-athletes actually received excessive payments. This arrangement and receipt violated NCAA Bylaws 12 and 16.

NCAA Bylaws 12 and 16 address amateurism and benefits, respectively. NCAA Bylaw 12.4.1 permits student-athletes to receive payment only for work actually preformed and

at the going rate of the locale. Generally, NCAA Bylaw 16.11.2.1 prohibits student-athletes from receiving arrangements or benefits not expressly authorized by the bylaws.

The former head coach was also the institution's aquatics director. In that role, he was responsible for the oversight and administration of the lifeguard work-study program. The former head coach arranged for seven of his student-athletes to submit insufficiently documented work hours, five of which received excessive payments. The former head coach violated NCAA Bylaw 16.11.2.1 when he arranged for the seven student-athletes to submit additional work hours because the arrangement was not expressly authorized by NCAA legislation or generally available. Similarly, when five of those student-athletes received excessive payments, they received payment for work not performed in violation of NCAA Bylaw 12.4.1. The panel concludes that the institution and the former head coach committed Level II violations.

The former head coach committed Level I violations when he engaged in unethical conduct, failed to promote an atmosphere of compliance and failed to cooperate with the enforcement staff's investigation. The former head coach's conduct violated NCAA Bylaws 10, 11 and 19.

NCAA Bylaw 10.01.1 requires employees of member institutions to act with honesty and sportsmanship at all times. Further, NCAA Bylaw 10.1 defines unethical conduct. Examples of unethical conduct include NCAA Bylaw 10.1-(a) failing to furnish information relevant to an investigation and NCAA Bylaw 10.1-(d) influencing others to provide false and misleading information. NCAA Bylaw 11.1.1.1 requires head coaches to promote an atmosphere of compliance within their programs. Finally, NCAA Bylaw 19.2.3 requires current and former institutional staff members to fully cooperate in the infractions process.

During fall 2013, the former head coach knew that student-athletes 1 and 2 were nonqualifiers and could not practice or compete, but disregarded their status and permitted them to participate. Worse, when the institution became aware and ordered the former head coach to cease the student-athletes' participation, he intentionally ignored that instruction and permitted the student-athletes to continue practicing. Finally, the former head coach admitted to the institution that he influenced student-athletes 1 and 2 to provide false or misleading information when questioned about their participation.

The NCAA membership requires all individuals employed at member institutions to act with honesty and sportsmanship at all times. Here, the former head coach failed to meet that expectation and violated NCAA Bylaw 10.01.1. Further, he acted unethically when he purposely disregarded NCAA eligibility rules, ignored the institution's instruction and influenced student-athletes to lie about their ineligible participation. His conduct violated NCAA Bylaws 10.1 and 10.1-(d). Additionally, when the former head coach knowingly permitted student-athletes 1 and 2 to participate while ineligible and then influenced them to provide false and misleading information, the former head coach failed in his duties as

a head coach. Rather than setting a proper tone of compliance, the former head coach set a tone of noncompliance and indifference for NCAA rules and the institution's compliance program. The panel concludes that the former head coach's actions violated NCAA Bylaw 11.1.1.1. Finally, as a former employee at a NCAA member institution, the former head coach had a duty to cooperate with the enforcement staff's investigation. He did not meet this duty. While the former head coach initially met with institutional staff, he did not respond to the enforcement staff during its investigation.⁴ When the former head coach failed to return the enforcement staff's inquiries he committed unethical conduct and failed to cooperate, violating NCAA Bylaws 10.1-(a) and 19.2.3. The panel concludes that the former head coach's conduct violated fundamental core requirements and expectations of institutional staff members and threatened the NCAA Collegiate Model. Those violations were Level I.

V. PENALTIES

For the reasons set forth in Sections III and IV of this decision, the panel accepts the parties' agreed-upon factual basis and violations and concludes that this case involved Level II violations of NCAA legislation for the institution and Level I violations for the former head coach. Because the violations in this case occurred after effective date of the current penalty structure, the panel prescribes penalties under the new penalty guidelines. When reviewing a case under the new penalty guidelines, the panel assesses aggravating and mitigating factors by weight, as well as number. The parties proposed *NCAA Bylaw 19.9.4-(d) An established history of self-reporting Level III violations* as a mitigating factor. The panel does not determine that 20 self-reported violations since 2009 amounts to a mitigating factor for the institution. The panel also determines that an additional aggravating factor, *NCAA Bylaw 19.9.3-(i) One or more violations caused significant ineligibility or other substantial harm to a student-athlete*, applies to the former head coach's violations. After determining the appropriate aggravating and mitigating factors, the panel classifies this case as Level II-Standard for the institution and Level I-Aggravated for the former head coach.

The institution agreed to the facts, violations, violation levels and the panel's proposed penalties; therefore, there is no opportunity to appeal. Similarly, the former head coach did not participate in the process and did not respond to the panel's proposed penalty; therefore, he does not have the opportunity to appeal.

All penalties prescribed in this case are independent and supplemental to any action that has been or may be taken by the Committee on Academics through its assessment of postseason ineligibility, historical penalties or other penalties. The institution's corrective

⁴ The former head coach responded on the sixth day the enforcement staff attempted to contact him. In that correspondence, the former head coach indicated that he needed a few days to think about participating in an interview. Since February 26, 2015, the enforcement staff has not received any responses from the former head coach despite at least three additional requests.

actions are contained in the Appendix. After considering all information relevant to the case, the panel prescribes the following:

Core Penalties for Level II-Standard Violations by the institution (NCAA Bylaw 19.9.5)

1. Probation: Two years of probation from February 2, 2016, through February 1, 2018.⁵
2. Competition Penalty: The institution's men's and women's swimming teams shall end its season with the last scheduled date of competition and be banned from postseason competition during the 2015-16 academic year. (Institution imposed).
3. Financial penalty: The institution shall pay a \$5,000 fine. (Institution imposed).
4. Scholarship Reductions: 0
5. Recruiting Restrictions: 0

Core Penalties for Level I-Aggravated Violations by the former head coach (NCAA Bylaw 19.9.5)

6. Show-cause order: This case demonstrated the former head coach's blatant disregard for NCAA rules and regulations. The former head coach ignored the institution's direction and instructed two of his student-athletes to practice and/or compete after being notified that they were nonqualifiers. Later, and despite being told to cease their participation, the head coach continued to disregard the institution and permitted them to practice. Further, the former head coach knowingly influenced the student-athletes to provide false or misleading information about their participation. Finally, the former head coach failed to cooperate with the NCAA enforcement staff during the investigation. This conduct violated NCAA Bylaws 10 and 11. Therefore, the former head coach will be informed in writing by the NCAA that should the former head coach be employed or affiliated in an athletically related position at another NCAA member institution during a five-year period, from **February 2, 2016**, through **February 1, 2021**, within 30 days of the former head coach's hiring, that employing institution shall ask for a date to appear before a hearing panel to show cause why restrictions on all athletically related activity should not apply.

⁵ The institution proposed a one-year probationary period. 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.

Additional Penalties for Level II-Standard Violations by the Institution (NCAA Bylaw 19.9.7)

7. Public reprimand and censure.
8. The institution acknowledged that ineligible participation occurred as a result of agreed-upon Violation Nos. 1 and 3. Therefore, pursuant to NCAA Bylaws 19.9.7-(g) and 31.2.2.3, the institution shall vacate all regular season and conference tournament records and participation in which the ineligible student-athletes detailed in Violation Nos. 1 and 3 participated.

This order of vacation includes all regular season competition and conference tournaments.⁶ The individual records of the ineligible student-athletes will also be vacated. However, the individual finishes and any awards for all eligible student-athletes will be retained. Further, the institution's records regarding its athletics programs, as well as the records of head coaches, will reflect the vacated records and will be recorded in all publications in which such records are reported, including, but not limited to institutional media guides, recruiting material, electronic and digital media plus institutional, conference and NCAA archives. Any institution that may subsequently hire the affected head coach shall similarly reflect the vacated wins in their career records documented in media guides and other publications cited above. Head coaches with vacated wins on their records may not count the vacated wins toward specific honors or victory "milestones" such as 100th, 200th or 500th career victories. Any public reference to the vacated contests shall be removed from the athletics department stationary, banners displayed in public areas and any other form in which they may appear. Any trophies awarded by the NCAA in these sports shall be returned to the Association.

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 with a written report, detailing those discussions. This document will be maintained in the permanent files of the NCAA Media Coordination and Statistics office. The written report must be

⁶ The institution self-imposed a vacation of results for the ineligible participation detailed in Violation No. 1. The institution also determined that the five student-athletes who received payment for work not performed and subsequently competed while ineligible. This conduct is addressed in agreed-upon Violation No. 3. The institution did not self-impose vacation as it related to their participation. Consistent with recent cases that involved extra benefits of similar monetary values, the panel prescribes a vacation of records for the ineligible student-athletes identified in Violation No. 3. See *University of Hawaii at Manoa* (2015); *Syracuse University* (2015); and *Wichita State University* (2015).

delivered to the office no later than 45 days following the release of this decision. The sports information director (or designee) must also inform the Office of the Committees on Infractions of this submission to the NCAA Media and Coordination and Statistics Office.

9. During this period of probation, the institution shall:
 - a. Continue to develop and implement a comprehensive educational program on NCAA legislation to instruct 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 April 1, 2016, setting forth a schedule for establishing this compliance and educational program;
 - c. File with the Office of the Committees on Infractions annual compliance reports indicating the progress made with this program by November 15 of each year. Particular emphasis should be placed on monitoring recruiting and summer activities. The reports must also include documentation of the institution's compliance with the penalties adopted and prescribed by the panel;
 - d. Inform prospective student-athletes in writing in the involved sport programs that the institution is on probation for one year and detail the violations committed. 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 (i.e. landing page). The information shall also be included in institutional media guides and in an alumni publication. The institution's statement must: (1) clearly describe the infractions; (2) include the length of the probationary period associated with 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.

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.

The committee 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, prescribing more severe penalties or may result in additional allegations and violations.

NCAA COMMITTEE ON INFRACTIONS PANEL

Greg Christopher

Joel Maturi

Eleanor Myers

Joe Novak

Jill Pilgrim

Dave Roberts

Greg Sankey, Chief Hearing Officer

APPENDIX

CORRECTIVE ACTIONS AS IDENTIFIED IN THE INSTITUTION'S NOVEMBER 20, 2015, SUMMARY DISPOSITION REPORT

1. In response to student-athlete 1 and 2's impermissible participation, St. Peter's declared the student-athletes ineligible. Prior to seeking reinstatement, the university withheld student-athlete 2 from six competitions and 39 practices and decided to withhold student-athlete 1 from 66 practices over the course of his remaining season of eligibility. (student-athlete 1 was withheld from approximately one-third of those practice opportunities during the 2014-15 academic year and will be withheld similarly in the 2015-16 and 2016-17 academic years.)
2. St. Peter's contacted [two institutions], the schools against which student-athlete 2 impermissibly participated, to inform those schools of student-athlete 2's impermissible participation and to request them to adjust individual and meet results to reflect student-athlete 2's ineligibility.
3. St. Peter's suspended the former head swimming coach for 30 days in response to his participation in the circumstances surrounding the impermissible participation of student-athletes 1 and 2.
4. Upon the university's discovery of potential violations related to lifeguard work-study, St. Peter's confronted the former head coach, which resulted in his resignation from the university.
5. St. Peter's declared ineligible student-athletes who the university determined received extra benefits in the form of payment for insufficiently documented lifeguard work-study hours. Reinstatement for some student-athletes has been, or will be, pursued pursuant to NCAA procedures.
6. In response to the lifeguard work-study violations, St. Peter's decoupled the positions of head swimming coach and aquatics director, making the aquatics director position into a separate fulltime position completely outside the athletics department. The head swimming coach no longer hires, assigns, or monitors the lifeguard work-study program.
7. St. Peter's associate athletics director for compliance conducted one-on-one compliance education sessions with the university's recently hired new head swimming coach regarding subjects related to the violations reported in this SDR.