



**NORTHERN VERMONT UNIVERSITY – LYNDON
PUBLIC INFRACTIONS DECISION
February 26, 2019**

I. INTRODUCTION

The NCAA Division III Committee on Infractions (COI) is an independent administrative body of the NCAA comprised of individuals from the Division III membership and public. The COI is charged with deciding infractions cases involving member institutions and their staffs. This case involved the improper awarding of financial aid in the athletics program at Northern Vermont University – Lyndon (Lyndon).¹ The underlying violations demonstrate that Lyndon lacked control over its intercollegiate athletics program. The COI concludes that major violations occurred.

Over four academic years, Lyndon violated NCAA financial aid legislation in two ways: (1) it considered athletics criterion in formulating financial aid packages, mainly the packaging of its Leadership Scholarship; and (2) it permitted athletics staff members who worked as admissions counselors to assist in arranging and/or modifying student financial aid packages, including those of student-athletes. In doing so, this institution violated Division III core principles and gained an extensive recruiting advantage over those institutions complying with NCAA legislation.

Because institutional personnel did not ensure that the admissions office was properly applying financial aid legislation, the underlying violations establish a failure by the institution to monitor and control the administration of its athletics program. The COI was particularly concerned that, once institutional personnel were aware of ongoing violations, no one followed up to ensure that the violations ceased.

Lyndon agreed to the financial aid violations and that it failed to monitor and lacked control over the athletics program. Utilizing NCAA bylaws authorizing penalties, the COI prescribes four years of probation, vacation of records, an outside audit, a \$2,500 fine and notification requirements.

¹ A member of the North Atlantic Conference, Lyndon has an enrollment of approximately 900 and sponsors seven men's sports and eight women's sports. This is the institution's first major infractions case.

II. CASE HISTORY

On February 28, 2017, the NCAA Division III Financial Aid Committee notified Lyndon that the committee identified two potential financial aid violations following a review by the 2016-17 Division III Financial Aid Reporting Program and the matter would be referred to the NCAA enforcement staff.² After a collaborative investigation between the institution and the enforcement staff, the enforcement staff provided the institution with the draft notice of allegations on September 8, 2017. The institution agreed to proceed with the summary disposition process. Following some further investigation and interviews, Lyndon and the enforcement staff submitted the SDR to the COI on March 29, 2018.

The COI reviewed the SDR on April 23, 2018. Pursuant to NCAA Bylaw 32.7.1.4.4, the COI requested additional information from the two parties on May 1, 2018. They provided the additional information 10 days later. On June 12, 2018, the COI asked the institution and enforcement staff for clarification regarding certain information. Specifically, and pursuant to Bylaw 32.7.1.4.4, the COI inquired whether the facts established a violation of Bylaw 10.1-(c) regarding the actions of the former director of admissions (admissions director). The COI copied the admissions director on the correspondence and invited him to respond.

On June 25, 2018, the two parties and the admissions director submitted responses. The enforcement staff and admissions director denied that the facts established a violation of ethical conduct legislation. Lyndon took no position on the issue. On July 11, 2018, the COI rejected the SDR pursuant to Bylaw 32.7.1 and directed the enforcement staff to issue a notice of allegations (NOA) in accordance with Bylaw 32. The enforcement staff issued the NOA on August 1, 2018, and Lyndon filed a response on October 30, 2018. The admissions director, who was aware of the issuance of the NOA, submitted a letter to the COI on November 15, 2018, also denying that the facts established a Bylaw 10.1 violation and referencing the information he previously provided in June. The enforcement staff submitted a case summary on December 12, 2018, and the COI held a contested hearing via videoconference on January 18, 2019.³

III. FINDINGS OF FACT

For all or parts of four academic years, Lyndon considered athletics leadership as a criterion when formulating financial aid packages for 17 student-athletes and allowed athletics personnel to be involved in financial aid packaging. Of the 17 student-athletes for whom it considered

² At the time of the investigation and subsequent filing of the SDR, this institution was known as Lyndon State College. On July 1, 2018, Lyndon State and Johnson State College merged to form Northern Vermont University. The administrations from the two institutions merged, but each institution retained its individual campus and athletics program.

³ All but one of the COI members gathered together in Indianapolis for the hearing. The other appeared via videoconference. Members of the enforcement staff were also present in Indianapolis. Institutional representatives, the former admissions director and a former institutional staff member all appeared via video from various locations.

athletics leadership, Lyndon awarded an institutional scholarship to 15. Athletics staff members who worked as admissions officers arranged, modified or reviewed financial aid packages for all students, including 97 student-athletes.

Admissions counselors considered athletics criteria when awarding the Leadership Scholarship, a nonrenewable grant for first-time students who exhibited high school leadership. Established in approximately 2000, it awarded aid in amounts of \$500 to \$2,000 to approximately 40 percent of first-time students who applied. Institutional admissions counselors reviewed prospective students' admissions applications and made initial financial aid determinations. With respect to the Leadership Scholarship, the admissions director instructed the counselors on what qualified as leadership experience.⁴ His policy was to allow his staff to consider applicants' experience as athletics team captains if the applicants also exhibited other leadership experience. After making the determination regarding leadership and deciding the amount of aid to award, the admissions staff forwarded the applications to the financial aid office for processing. Even though he received rules education, including specific education regarding financial aid rules, the admissions director claimed he did not know that NCAA rules precluded him from considering athletics leadership for financial aid. For the 2014-15 and 2015-16 academic years, the admissions office considered athletics leadership in the cases of 17 student-athletes and awarded the Leadership Scholarship totaling approximately \$19,250 in 15 of the situations.

The involvement of athletics staff in aid packaging occurred when coaches working as admissions counselors arranged, modified or reviewed student financial aid packages. The admissions director, who served in that position from 2011 through 2017, was also the head women's basketball coach for 10 years ending in 2015-16. At various times from 2013-14 through 2016-17, four members of his staff of counselors were also institutional coaches. This employment arrangement allowed seasonal coaches to maintain full-time employment and helped the institution stretch its limited resources.

The admissions office personnel, including the coaches, were involved in packaging aid awards for incoming students, including student-athletes. The five coaches who worked in the office had at least some involvement in determining aid awards for 97 student-athletes and a significant number of other students.⁵ When considering eligibility for institutional merit aid, admissions personnel "checked a box" on admission applications to denote that an applicant qualified for such aid, then passed the documents on to the financial aid office for processing. The "checked box" indicated the amount of aid the applicant was entitled to receive, based on an institutional rubric that considered such things as applicants' grade point averages and geographical location. Regarding a need-based grant known as the Promise Scholarship,

⁴ Eventually, Lyndon awarded the Leadership Scholarship regardless of a student's leadership experience as an incentive to get more students to enroll. Lyndon discontinued this scholarship after the 2015-16 academic year.

⁵ Of the 97 student-athletes whose aid applications were reviewed by the admissions officers who were also coaches, 92 were awarded merit-based aid.

admissions personnel initially gave a list of applicants requesting those funds to the financial aid office, which then determined if the applicants were eligible. Once that determination was made, financial aid personnel and admissions personnel, including the coaches, met to determine how much to award the applicants. Disagreements regarding the amount of Promise Scholarship aid to award were resolved by the admissions director.

There was confusion among various institutional personnel regarding the duties the coaches who worked as admissions counselors could perform and were performing. The director of athletics and dean of students understood that coaches employed in the financial aid office could not be involved in packaging aid for student-athletes. Based on information they received from the admissions director, they believed that the coaches were only reviewing applications for admissions purposes. One of the coaches working in the admissions office understood that he could not be involved in packaging aid for student-athletes, but two other coaches working as admissions counselors, along with the admissions director, believed they could consider an applicant's experience as an athletics team captain to be "leadership." Those same three also claimed not to know they could not be involved in packaging financial aid.

In 2016, the NCAA Division III Financial Aid Committee inquired into potential irregularities in the institution's financial aid practices, including the Leadership Scholarship, the Promise Scholarship and the employment of coaches in the admissions office.⁶ Lyndon formed a working group to respond to the inquiry. The group consisted of the director of athletics, dean of students, director of financial aid, the admissions director and the compliance officer. At the group's first meeting, held on October 25, 2016, the compliance officer explained that the previous practices regarding the two scholarships and the coaches setting aid amounts were violations of NCAA legislation that had to stop immediately. The director of athletics and dean of students clearly recalled the compliance officer giving this directive. While the director of financial aid did not recall the exact directive, she left the meeting with the impression that the practice had to change. However, in his interview during the investigation and at the hearing, the admissions director claimed that he left the meeting with only an understanding that it would be a *good idea* to stop having coaches review aid applications (by "checking the boxes"), but that he had not been told the practice violated NCAA rules and should stop immediately. The meeting adjourned with a general belief among the attendees (other than the admissions director) that the admissions director would remove the coaches from the aid review process.

The group did not set a specific date for the practices to end. Once the meeting adjourned, the admissions director took steps to change the Promise Scholarship, but the coaches then on his staff continued to review applications for financial aid eligibility with his knowledge. In subsequent meetings of the working group, the group discussed financial aid rules, the issues identified as potential problems and responding to the NCAA, but no other member of the group specifically asked the admissions director if he had discontinued the practice of admissions personnel "checking the boxes" regarding merit aid. He only directed his staff to

⁶ By this point, the Leadership Scholarship had been discontinued.

end their involvement in packaging financial aid in mid-May 2017, after being interviewed by the NCAA enforcement staff and asked about the practices. His interview took place on May 11, 2017, and he ended the coaches' involvement in aid packaging four days later.

IV. ANALYSIS

This case involved two kinds of financial aid violations by Lyndon. The institution considered athletics criteria when packaging financial aid for student-athletes and allowed athletics personnel to review and arrange institutional financial aid for all students. The underlying violations establish Lyndon's failure to monitor and lack of control over the administration of its athletics program. Lyndon agreed with the violations and that they were major. The COI concludes major violations occurred.

A. IMPERMISSIBLE FINANCIAL AID AND INVOLVEMENT OF COACHES IN THE FINANCIAL AID PROCESS [NCAA Division III Manual Bylaws 15.4.5 (2013-14 through 2016-17) and 15.4.1-(a) (2014-15 and 2015-2016)]

During two academic years, Lyndon considered athletics criteria when packaging financial aid for student-athletes. Over those same two years, as well as two others, the institution also allowed athletics staff members to be involved in packaging financial aid. Lyndon agreed to the violations. The COI concludes major violations occurred.

1. NCAA legislation relating to impermissible participation and expenses.

The applicable portions of the bylaws may be found at Appendix Two.

2. Over all or parts of four academic years, Lyndon considered athletics leadership criteria in formulating Leadership Scholarship financial aid packages and allowed athletics personnel to be involved in the packaging of financial aid.

During the 2013-14 through 2016-17 academic years, Lyndon improperly awarded financial aid to 97 student-athletes contrary to NCAA financial aid legislation. During two of those years, the institution considered athletics leadership as a criterion in formulating the financial aid packages for 17 student-athletes and awarded aid to 15 of them. Over all four years, five members of the athletics staff, who were also employed as admissions counselors, arranged or modified the financial aid package and/or were otherwise involved in reviewing institutional financial assistance for all students including 97 student-athletes, 92 of whom received merit-based aid. Finally, the admissions counselors/coaches were involved in determining which students received need-based aid.

Bylaw 15 governs financial aid. Bylaw 15.4.1-(a) prohibits institutions from considering athletics leadership, ability, participation or performance when formulating financial aid

packages. Bylaw 15.4.5 precludes athletics staff members from arranging or modifying financial aid packages for students and from any involvement in reviewing institutional financial assistance to be awarded to student-athletes.

Lyndon violated Bylaw 15.4.1-(a) when it considered athletics leadership criteria in awarding the Leadership Scholarship for the 2014-15 and 2015-16 academic years. The admissions director instructed his staff on what could be considered as leadership. He included athletics team captaincy among the criteria because he believed it demonstrated leadership experience. Athletics leadership was then considered in the cases of 17 student-athletes applying for Leadership Scholarship funds. Fifteen of the 17 were awarded the scholarship. Because the admissions office considered athletics leadership as a criterion for the Leadership Scholarship, the institution violated Bylaw 15.4.1-(a).

Lyndon also violated Bylaw 15.4.5 when admissions officers, who doubled as institutional coaches, were involved in arranging, modifying and/or reviewing financial aid packages of students, including 97 student-athletes. The admissions officers reviewed admissions applications. During the review process, they "checked a box" on applications indicating that an applicant met the requirements for institutional merit-based financial aid. The admissions officers then forwarded the applications to the financial aid office, which processed the applications. The admissions officers were also involved with awarding the institutional Promise Scholarship, which was based on need. Admissions and financial aid personnel met to determine how much to award the applicants and, significantly, disagreements regarding the amount of individual Promise Scholarship awards were resolved by the admissions director. This involvement by institutional coaches in arranging, reviewing and modifying aid packages constituted violations of Bylaw 15.4.5.

The COI has consistently concluded that institutions considering athletics criteria when packaging financial aid and/or allowing athletics staff to be involved in aid packaging violate Bylaw 15. See *Elmhurst College* (2017) (concluding that when the director of financial aid awarded aid to student-athletes from scholarships that included specific athletics criteria, the institution violated Bylaw 15.4.1-(a)); *Baruch College* (2016) (concluding that an institution violated Bylaw 15.4.1-(a) when it awarded aid based on athletics criteria to student-athletes and violated Bylaw 15.4.5 when a coach communicated a student-athlete's financial needs to an administrator, resulting in a housing arrangement being added to the student-athlete's financial aid package); *Kalamazoo College* (2016) (concluding that, when an institution used a matrix system including athletics information supplied by coaches to award financial aid, it violated Bylaws 15.4.1-(a) and 15.4.5); and *University of Wisconsin, La Crosse* (2012) (concluding that an institution violated Bylaws 15.4.1-(a) and 15.4.5 when it awarded scholarships containing athletics criteria and allowed athletics staff to review scholarship applications and provide feedback). As in these previous cases, Lyndon considered athletics criteria in awarding financial aid and allowed coaches to be involved in the aid packaging process. In doing so, Lyndon violated Bylaws 15.4.1-(a) and 15.4.5.

Pursuant to Bylaw 19.02.2, these financial aid violations are major. Division III core principles prohibit financial aid based in any way on athletics criteria and preclude athletics personnel from any involvement in the aid awarding process. When institutions violate these principles, they gain advantages over others who do not use athletics criteria and whose coaches are not allowed to formulate, arrange or modify financial aid offers. The violations in this case involved over 100 student-athletes. The total amount of aid provided to the 15 student-athletes who received Leadership Scholarship awards based at least in part on athletics criteria was approximately \$19,250, which is a significant amount. *See Maine Maritime Academy* (2013) (concluding that when an institution awarded a total of \$3,700 in aid with athletics criteria to four student-athletes, a total of \$950 in similar aid to three student-athletes and \$500 in similar aid to another student-athlete, it committed major violations); and *University of Southern Maine* (2007) (concluding that when an institution over paid 37 work-study student-athletes a total of \$10,598.95, the violations were major). Like these cases, Lyndon awarded a significant amount of impermissible aid to a large number of student-athletes. The violations conferred an extensive recruiting advantage on this institution, to the detriment of institutions complying with NCAA financial aid legislation. The violations are major.

B. FAILURE TO MONITOR AND LACK OF INSTITUTIONAL CONTROL [NCAA Division III Manual Constitution 2.1.1, 2.8.1 and 6.01.1 (2013-14 through 2016-17)]

Over the course of four academic years, Lyndon failed to exercise institutional control and monitor the conduct and administration of its athletics program. The institution established a scholarship that considered athletics criteria, even while athletics personnel were aware that it was impermissible; permitted coaches who were employed as admissions counselors to be involved in the aid awarding process; and failed to ensure that the admissions office was complying with NCAA legislation when it had notice of potential rules violations. Lyndon agreed to the violations. The COI concludes major violations occurred.

1. NCAA legislation relating to failure to monitor and lack of institutional control.

The applicable portion of the bylaws may be found at Appendix Two.

2. The underlying financial aid violations establish that Lyndon failed to exercise institutional control and monitor the conduct and administration of the athletics program because it did not ensure that the admissions office was complying with NCAA legislation, even after discovering that violations were occurring.

Lyndon considered athletics leadership criteria when formulating financial aid packages, even though the athletics department was aware that student-athlete financial aid cannot be based on athletics participation. The institution also allowed coaches who worked as admissions counselors to assist in formulating financial aid packages. When the potential financial aid issues came to light, Lyndon did not verify that financial aid was being packaged and awarded

in compliance with NCAA legislation. The institution's shortcomings established a lack of institutional control and failure to monitor in violation of the NCAA Constitution.

The NCAA Constitution, particularly Articles 2 and 6, set forth the principles by which member institutions are to conduct their intercollegiate athletics programs. Constitution 2.8.1 obligates institutions to comply with all applicable rules and regulations of the Association and monitor their programs to assure such compliance. Constitution 6.01.1 provides that it is the responsibility of all member institutions to control the conduct of their athletics programs.

Lyndon's admissions counselors considered athletics leadership criteria when formulating Leadership Scholarship awards for two academic years. Key institutional personnel, including the director of athletics and dean of students, were aware that coaches worked as admission counselors. Based on information provided by the admissions director, they believed that the admissions counselors' role was limited to reviewing applications for admissions purposes only. At no time did they or other institutional personnel confirm that the admissions counselors were complying with NCAA bylaws regarding financial aid. As a result, the coaches/admissions counselors were involved with arranging, reviewing and modifying institutional merit aid applications as well as applications for the need-based Promise Scholarship.

The failures were most acute during the period from October 2016 into May 2017. At the compliance working group's initial meeting on October 25, 2016, the compliance director explained that past practices involving the Leadership Scholarship, as well as the involvement of coaches in awarding merit aid and the Promise Scholarship, were contrary to NCAA legislation and had to stop immediately. While the admissions director updated information regarding the Promise Scholarship following the initial meeting, he continued to allow the coaches who were admissions counselors to review applications for financial aid eligibility. Although the working group met a number of times from October 2016 to May 2017, no one in the athletics or institutional administration confirmed that the necessary changes identified during the initial meeting had been made. The admissions director only stopped the coaches on his staff from packaging financial aid after the enforcement staff interviewed him on May 11, 2017.

When institutions fail to comply with NCAA legislation, and particularly when institutional personnel have some reason to believe rules are being violated, the COI has concluded that institutions failed to monitor their athletics process, lacked control over their athletics programs, or both. See *Elmhurst* (concluding that an institution failed to monitor and lacked control of its athletics program when, among other things, it established scholarships using athletics criteria in spite of knowing it was contrary to NCAA rules and did not act on a letter from the NCAA questioning the practice); *Emory & Henry College* (2015) (concluding that when an institution did not detect or recognize that boosters and the head football coach were involved in awarding financial aid and that athletics criteria was part of certain scholarships, it failed to monitor the aid process); *Baldwin Wallace University* (2014) (concluding that when an institution permitted athletics criteria to be included in its financial aid matrix and allowed athletics staff involvement in the aid process, without examining the permissibility of the arrangement or

acting on concerns expressed by others involved in the process, it lacked control over the financial aid packaging process); *Baruch College* (2011) (concluding that an institution's failure to enact its own self-imposed sanctions for a self-reported violation demonstrated failure to monitor and lack of control); and *Hobart College* (2011) (concluding that an institution's failure to promptly investigate when it had information regarding possible rules violations contributed to lack of control and monitoring of its football program). These cases support the lack of institutional control violation.

Lyndon did not ensure that coaches working as admissions counselors were in full compliance with NCAA financial aid rules. After it became aware that certain financial aid practices were contrary to NCAA legislation, it failed to stop and change them. Lyndon's failure to ensure that its financial aid processes were conducted pursuant to NCAA legislation demonstrated a failure to monitor and lack of institutional control. Further, and consistent with the above-cited cases, Lyndon's violations were major per Bylaw 19.02.2.

At the hearing, the COI considered whether to amend the NOA to include an allegation that the admissions director engaged in unethical conduct by knowingly violating financial aid bylaws. The COI cannot conclude that such violations may have occurred.

Bylaw 10.1-(c) precludes institutional staff members from knowing involvement in arranging improper financial aid. The admissions director, and all other relevant campus personnel, had training regarding NCAA financial aid legislation. He was one of five attendees at an October 2016 meeting held to discuss campus financial aid irregularities identified by the NCAA. He was the only one who left that meeting seemingly without a clear understanding that practices in place at the time had to immediately change. While he made a change regarding the Promise Scholarship, he and his staff continued to "check boxes" regarding who qualified for merit-based aid according to institutional guidelines until the following May. No one followed up specifically from October 2016 to May 2017 to confirm that admissions counselors who were also athletics coaches were only reviewing applications for acceptance, not aid.

The COI is troubled that the admissions director seemed to be the only attendee at the meeting who failed to understand the situation and the need for change. However, in the end, and considering that he made a change regarding the Promise Scholarship after the October 2016 meeting, the COI was unable to conclude that he and his staff may have continued to "check the boxes" with knowledge that they were violating NCAA ethical conduct legislation. Therefore, the COI will not take further action under Bylaws 32.8.7.5 or 32.8.8.1.

V. PENALTIES

For the reasons set forth in Sections III and IV of this decision, the COI concludes this case involved major violations of NCAA legislation. Major violations are not inadvertent, provide or are intended to provide more than a minimal advantage and include significant impermissible benefits. Lyndon committed major violations when it considered athletic criteria when

awarding financial aid and allowed coaches who also worked as admissions officers to be involved in the aid packaging process.

In prescribing penalties, the COI considers Lyndon's cooperation in the processing of this case. NCAA Bylaws 19.01.3 and 32.1.3 address cooperation during the infractions process. The committee concludes that the cooperation exhibited by the institution was consistent with its obligation under the bylaws. The COI also considered the institution's corrective actions as set forth in Appendix One.

The COI prescribes the following penalties. Lyndon's self-imposed penalties are specifically identified.

Penalties for Major Violations (Bylaw 19.5.2)

1. Public reprimand and censure through the release of the public infractions decision.
2. Probation: Four years of probation from February 26, 2019, through February 25, 2023.⁷ During the period of probation, the institution shall:
 - a. Continue to develop and implement a comprehensive compliance and educational program on NCAA legislation to instruct coaches, the faculty athletics representative, all athletics department personnel and all institutional staff members with responsibility for ensuring compliance with NCAA legislation on recruiting, benefits and eligibility;
 - b. Submit a preliminary report to the Office of the Committees on Infractions (OCOI) by April 15, 2019, setting forth a schedule for establishing this compliance and educational program;
 - c. File with the OCOI annual compliance reports indicating the progress made with this program by January 15 of each year of probation. Particular emphasis shall be placed on compliance with all Bylaw 15 legislation;
 - d. Inform all prospective student-athletes in writing that the institution is on probation for four years and detail the violations committed. The information shall be provided as soon as practicable after the prospect is recruited pursuant to Bylaw 32.02.8 and, in all instances, before the prospect signs a financial aid agreement or initially enrolls at the institution, whichever is earlier; 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 a direct, conspicuous link to the public infractions decision located on the athletic

⁷ The institution proposed a three-year term of probation. Institutions may propose probationary periods, but the authority to prescribe probation rests solely with the COI. Probation commence with the release of the infractions decision.

department's main webpage "landing page" and in the media guides for all sports. The institution's statement must: (i) clearly describe the infractions; (ii) include the length of the probationary period associated with the case; and (iii) give members of the general public a clear indication of what happened in the case to allow the public (particularly prospects and their families) to make informed, knowledgeable decisions. A statement that refers only to the probationary period with nothing more is not sufficient.

3. Attendance at NCAA Regional Rules Seminars for each year of probation to include the athletic director, compliance director, financial aid director, admissions director and/or dean of enrollment. (Self-imposed.)
4. The institution agreed that certain student-athletes referenced in Violation No. 1 competed for Lyndon State after receiving impermissible financial aid. Those student-athletes competed while ineligible during the 2013-14, 2014-15, 2015-16 and 2016-17 academic years. Therefore, the institution shall vacate all contests in which student-athletes competed while ineligible. (Self-imposed.) The vacations shall be effectuated pursuant to Bylaws 19.5.2-(g) and 31.2.2.3 and shall apply to all regular season and conference games, matches and tournament wins in which ineligible student-athletes competed from the time they became ineligible through the time they were reinstated as eligible for competition through the student-athlete reinstatement process. Further, if any of the student-athletes competed in NCAA Championships at any time they were ineligible, the institution's participation in the championships shall be vacated. The individual records of the ineligible student-athletes shall also be vacated. However, the individual finishes and awards for all eligible student-athletes shall be retained. Further, the institution's permanent records as well as the record of the head coaches shall reflect the vacated records and shall be recorded in all publications in which athletics records are reported, including, but not limited to, institutional media guides, recruiting material, electronic and digital media plus institutional, conference and NCAA archives. Any institution which may subsequently hire the head coaches of the affected sports shall similarly reflect the vacated wins in their career records documented in media guides and other publications cited above. Head coaches with vacated wins on their records may not count the vacated wins to attain specific honors or victory "milestones" such as 100th, 200th or 500th career victories. Any public reference to these vacated contests shall be removed from athletics department stationery, banners displayed in public areas and any other forum in which they may appear. Any trophies awarded by the NCAA in any affected sports shall be returned to the Association.

To ensure that all institutional and student-athlete vacations, statistics and records are accurately reflected in official NCAA publication and archives, the sports information director (or other designee as assigned by the director of athletics) must contact the NCAA media coordination and statistics staff 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 staff a written report detailing those discussions. This document will be maintained in the permanent files of the NCAA

media coordination and statistics department. This written report must be delivered to the NCAA media coordination and statistics staff no later than 45 days following the initial infractions decision release or, if the vacation penalty is appealed, at the conclusion of the appeals process. A copy of the written report shall also be delivered to the Office of the Committees on Infractions (OCOI) at the same time.

5. Financial penalty: The institution shall pay a \$2,500 fine to the NCAA.
6. During its first and fourth years of probation, the institution shall undergo outside audits of its athletics program, with a particular emphasis on financial aid policies and procedures. The audit shall ensure that all institutional athletics policies and procedures comply with NCAA legislation. Lyndon shall implement and abide by the reviewer's recommendations. The results of the audit and steps taken to implement and abide by the recommendations shall be included in the institution's annual compliance reports.
7. Prior to the conclusion of probation, the institution's president shall provide a letter to the COI affirming that the institution's current athletics policies and practices conform to all requirements of NCAA regulations.

As required by NCAA legislation for any institution involved in a major infractions case, Lyndon shall be subject to the provisions of Bylaw 19.5.2.3 concerning repeat violators for a five-year period beginning on the effective date of penalties in this case, February 26, 2019.

The COI further advises Lyndon that it should take every precaution to ensure the terms of the penalties are observed. The COI 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 considered grounds for prescribing more severe penalties or may result in additional allegations and violations.

NCAA DIVISION III COMMITTEE ON INFRACTIONS

Christopher Bledsoe
Gail Cummings-Danson
Effel Harper
Tracey Hathaway
Gerald Houlihan, Chair

APPENDIX ONE

**LYNDON STATE'S CORRECTIVE ACTIONS AS IDENTIFIED IN THE MARCH 29,
2018, SUMMARY DISPOSITION REPORT**

Corrective Actions

1. Robust campus compliance education plan, including:
 - a. Education provided to athletics, admissions, advancement, and financial aid staff members, as well as the President's Leadership team on a regular schedule;
 - b. Regional rules attendance for critical leaders;
 - c. Mandatory annual Division III rules test to include all assistant coaches in addition to head coaches and those with recruiting duties;
 - d. Mandatory coach attendance at annual student-athlete compliance sessions;
 - e. Monthly compliance education sessions with athletic staff members; and
 - f. Providing educational and compliance materials online.
2. New admissions and financial aid policies and procedures, including:
 - a. Conducting a secondary review of all merit aid awarded by admissions counselors;
 - b. Performing financial aid spot-checks for admissions compliance with the merit aid awarding rubric; and
 - c. Reviewing, by senior admissions and/or financial aid personnel, all requests and approvals for additional aid.
3. Athletic department employees are not allowed to be employed by the admissions or financial aid departments.
4. The director of admissions is no longer employed.
5. A former coach who also worked as an admissions counselor is no longer employed by athletics.
6. An institutional coach who also worked as an admissions counselor is no longer employed by the admissions department.

APPENDIX TWO
Bylaw Citations

2013-14 Division III Manual

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

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

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

15.4.5 Athletics Staff Involvement. Members of the athletics staff of a member institution shall not be permitted to arrange or modify the financial aid package (as assembled by the financial aid officer or financial aid committee) and are prohibited from serving as members of member institutions' financial aid committees and from being involved in any manner in the review of the institutional financial assistance to be awarded to a student-athlete.

2014-15 Division III Manual

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

2.8.1 Responsibility of Institution. Each institution shall comply with all applicable rules and regulations of the Association in the conduct of its intercollegiate athletics programs. It shall monitor its programs to assure compliance and to identify and report to the Association instances in which compliance has not been achieved. In any such instance, the institution shall cooperate

fully with the Association and shall take appropriate corrective actions. Members of an institution's staff, student-athletes, and other individuals and groups representing the institution's athletics interests shall comply with the applicable Association rules, and the member institution shall be responsible for such compliance.

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

15.4.1 Consistent Financial Aid Package. The composition of the financial aid package offered to a student-athlete shall be consistent with the established policy of the institution's financial aid office, regular institutional agency, office or committee for all students and shall meet all of the following criteria:

- (a) A member institution shall not consider athletics leadership, ability, participation or performance as a criterion in the formulation of the financial aid package.

15.4.5 Athletics Staff Involvement. Members of the athletics staff of a member institution shall not be permitted to arrange or modify the financial aid package (as assembled by the financial aid officer or financial aid committee) and are prohibited from serving as members of member institutions' financial aid committees and from being involved in any manner in the review of the institutional financial assistance to be awarded to a student-athlete

2015-16 Division III Manual

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

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

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2016-17 Division III Manual

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

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