



**MILLERSVILLE UNIVERSITY OF PENNSYLVANIA
PUBLIC INFRACTIONS DECISION
April 10, 2020**

I. INTRODUCTION

The NCAA Division II Committee on Infractions (COI) is an independent administrative body comprised of individuals from the NCAA Division II membership and the public charged with deciding infractions cases involving member institutions and their staffs. This case centered on the actions of a former head women's swimming coach at Millersville University of Pennsylvania.¹ The former head women's swimming coach (head coach) engaged in unethical conduct when he knowingly made an impermissible payment to a prospective student-athlete, who is now a student-athlete, through a wire transfer to the prospect's mother. He also violated head coach responsibility legislation through his direct involvement in the violation.

The COI 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 COI proposed additional penalties for Millersville, including a probationary period, and a show-cause order for the head coach. Millersville contested the COI's proposed one-year probation. Following an expedited penalty hearing, the COI affirmed the probation, thus Millersville may appeal that penalty. The head coach accepted the proposed show-cause order. Therefore, he does not have the opportunity to appeal.

This case is the result of purposeful action by the head coach who violated well-known bylaws and acted contrary to the membership's expectations of head coaches. While recruiting the prospect, the head coach offered her a scholarship that included \$6,000 in housing-related aid. However, the prospect was not qualified to receive this aid and, after receiving other financial aid, she was \$3,000 short of what the head coach offered. Consequently, the head coach knowingly provided a significant impermissible recruiting inducement to the prospect when he wired \$3,000 to the prospect's mother to compensate for the shortfall in aid. The head coach's actions violated ethical conduct, recruiting and financial aid legislation, leading to ineligible competition after the prospect became a student-athlete. Further, due to his direct involvement in the violation, the head coach failed to demonstrate that he promoted an atmosphere for compliance in the women's swimming program. The institution, head coach and enforcement staff agreed that all violations are major.

The COI affirmed the one-year probationary period contested by Millersville after an expedited penalty hearing. The institution argued against probation, contending that the head coach acted in

¹ The institution is a member of the Pennsylvania State Athletic Conference. Millersville's total enrollment is approximately 7,800 and it sponsors 12 women's sports and seven men's sports. This is Millersville's third major infractions case. Its prior cases occurred in 2006 (baseball) and 1963 (football).

a "rogue" manner, it had adequate procedures, cooperated during the investigation and maintained an effective compliance and education program. None of these arguments are reasons for not prescribing probation. Millersville is responsible for the conduct of the head coach, who committed a serious violation that ultimately resulted in a student-athlete competing while ineligible over two years. Moreover, institutions must have processes and procedures to ensure that similar violations do not occur in the future. Probation is an opportunity for both the institution and COI to ensure that the institution is properly monitoring its athletics programs, abiding by the Association's rules and regulations and is providing pertinent compliance education to its staff members. A one-year probationary period is thus appropriate.

The COI accepts the parties' factual agreements and concludes that major violations occurred. Utilizing NCAA bylaws authorizing penalties, the COI adopts and prescribes the following principal penalties: one year of probation, a \$2,500 fine, vacation of records and a three-year show-cause order for the head coach.

II. CASE HISTORY

The violations in this case first surfaced on February 4, 2019, when the incoming president of a private swim club, once owned by the head coach, contacted the institution to report a suspicious financial transaction involving the head coach.² The swim club's bank records reflected that the head coach initiated a wire transfer from the club's account to the mother of a Millersville women's prospective swimming student-athlete (prospect). The prospect enrolled in the fall of 2016 and competed for the women's swimming program.

Upon learning of the potential violation, Millersville immediately conducted an internal investigation, which confirmed the transaction. On February 6, 2019, the institution submitted a self-report to the enforcement staff that detailed recruiting and financial aid violations triggered by the transaction.

The enforcement staff issued a notice of inquiry on March 20, 2019. In mid-September 2019, the parties agreed to process the case via summary disposition and jointly submitted an SDR to the COI on December 11, 2019.³ On January 30, 2020, the COI reviewed the SDR. The COI accepted the agreed-upon facts, violations and type of violations, but in separate letters dated February 4, 2020, proposed additional penalties for both the institution and the head coach. Specifically, for Millersville, the COI proposed public reprimand and censure, a brief probationary period and a financial penalty. For the head coach, the COI proposed a three-year show-cause order. In a February 10, 2020, letter, Millersville accepted the proposed penalties with the exception of the one-year probationary period and requested an expedited hearing by video to contest that penalty.

² In September 2018, the head coach left Millersville to accept the head women's swimming coach position at a Division I institution. He is no longer employed at a member institution.

³ Pursuant to COI Internal Operating Procedure (IOP) 5-15-4, the COI in future cases may view this decision as less instructive than a decision reached after a contested hearing because violations established through the summary disposition process constitute the parties' agreement.

The head coach accepted the show-cause order in a February 18, 2020 email. The COI conducted the expedited hearing on March 12, 2020.

III. PARTIES' AGREEMENTS

PARTIES' AGREED-UPON FACTUAL BASIS, VIOLATIONS OF NCAA LEGISLATION AND TYPE OF VIOLATIONS

The parties jointly submitted an SDR that identified an agreed-upon factual basis, violations of NCAA legislation and type of violations.⁴ The SDR identified:

- 1. [NCAA Division II Manual Bylaws 10.01.1, 10.1, 10.1-(c), 13.2.1, 13.2.2-(e), 14.11.1, 15.01.2 and 15.01.3 (2016-17); 16.8.1 (2016-17 through 2018-19); and 14.12.1 (2017-18 and 2018-19)]**

The parties agree that the head coach violated the principles of ethical conduct when, on August 22, 2016, he knowingly provided an impermissible inducement and impermissible financial aid in the amount of \$3,000 to the mother of a then prospect. Specifically, the head coach sent a wire transfer of \$3,000 from his club swim team funds to the prospect's mother so she could pay an outstanding institutional tuition bill allowing the prospect to enroll in classes. The bill resulted from an error in the scholarship amount the head coach promised the prospect during her recruitment to the institution. As a result of the impermissible inducement and financial aid, the prospect, who became a student-athlete, subsequently participated in 39 dates of competition and received actual and necessary expenses while ineligible.

- 2. [NCAA Division II Manual Bylaw 11.1.2.1 (2016-17 through 2018-19)]**

The parties agree that, beginning August 2016, the head coach is presumed responsible for the violations detailed in Violation No. 1 and did not rebut the presumption. Specifically, the head coach did not demonstrate that he promoted an atmosphere for compliance due to his personal involvement in the violation.

IV. REVIEW OF CASE

Agreed-upon Violations

The SDR fully detailed the parties' positions and included the agreed-upon primary facts and violations. After reviewing the parties' principal factual agreements and respective explanations

⁴ This decision provides the agreed-upon factual basis and violations exactly as stated in the SDR, except for shortening references to the parties and identified individuals.

surrounding those agreements, the COI accepts the SDR and concludes that the facts constitute major violations of NCAA legislation. Specifically, the COI concludes that, as the result of the head coach providing a \$3,000 payment to the mother of a then prospect, he violated Bylaws 13, 14, 15, 16, 10 and 11.⁵

Bylaw 13 governs recruiting, including identifying what can and cannot be provided to prospects. In particular, Bylaw 13.2.1 prohibits institutional staff members from giving or offering to give any financial aid or other benefits to prospects or their families. Among the prohibited benefits is cash or similar items, as specifically prohibited under Bylaw 13.2.2-(e). As it relates to eligibility, Bylaws 15.01.2 and 15.01.3 set forth that student-athletes who receive financial aid not administered by the institution are ineligible. Institutions must withhold ineligible student-athletes from competition in accordance with Bylaw 14.12.1. Pursuant to Bylaw 16.8.1, an institution may provide actual and necessary expenses only to eligible student-athletes to represent the institution in practice and competition.

Bylaw 10 sets ethical standards for individuals employed by member institutions. These individuals must act with honesty and sportsmanship at all times in accordance with Bylaw 10.01.1. Bylaw 10.1 lists examples of unethical conduct, including Bylaw 10.1-(c), which identifies knowing involvement in providing a student-athlete or prospect with an extra benefit or improper financial aid as unethical conduct. Similarly, Bylaw 11 addresses the conduct and employment of athletics personnel. More specifically, head coaches are presumed responsible for violations within their program and, in accordance with Bylaw 11.1.2.1, may rebut this presumption by demonstrating that they promoted an atmosphere for compliance.

The prelude to the violations in this case occurred in the fall of 2015 when, during the prospect's recruitment, the head coach sent an email to her outlining a proposed financial aid offer. The offer included an \$8,000 athletics scholarship in addition to \$6,000 in institutional housing aid. However, in accordance with institutional policies, the prospect's academic record did not qualify her for institutional housing aid. In fact, the institution notified the prospect's parents that they needed to pay additional funds before she could enroll in classes for the 2016 fall semester. Consequently, in August 2016, the head coach met with Millersville's associate director of athletics for compliance and academics (associate director) to request additional aid for three women's swimming student-athletes, including the involved prospect. The associate director approved these requests and Millersville provided the prospect with an additional \$3,000 in financial aid. However, the prospect's housing aid was still \$3,000 less than what the head coach had promised her. In response, on August 22, 2016, the head coach wired \$3,000 from his swim club account directly to the prospect's mother to make up the shortfall in promised housing aid. The prospect later enrolled, competed and received competition-related expenses as a student-athlete.

When the head coach made the \$3,000 payment to the mother of a prospect for the purposes of supplementing the prospect's financial aid, he provided an impermissible recruiting inducement in violation of Bylaws 13.2.1 and 13.2.2-(c). The payment rendered the prospect ineligible

⁵ The full text of all bylaws violated in this case is at Appendix Two.

pursuant to Bylaws 15.01.2 and 15.01.3 and she subsequently competed in 39 dates of competition while ineligible. Because the institution provided benefits to the prospect in the form of competition-related expenses while she was ineligible, the institution violated Bylaw 16.8.1. Finally, after she became a student-athlete, Millersville failed to withhold her while she was ineligible, violating Bylaw 14.12.1.

The head coach's actions also violated Bylaw 10 ethical conduct standards and his responsibilities as a head coach under Bylaw 11. He violated Bylaws 10.01.1 and 10.1-(c) when he knowingly provided the \$3,000 payment to the prospect's mother. Due to his personal involvement in the violation, the head coach could not demonstrate that he promoted an atmosphere for compliance, thus violating Bylaw 11.2.1.1. His actions were contrary to the membership's high standards of conduct expected of coaches.

The COI has consistently concluded that major violations of Bylaws 10, 11, 13, 14, 15 and/or 16 occur when head coaches provide prospects or student-athletes with expenses or payments contrary to NCAA legislation and in some instances, ineligible competition results. *See Saint Leo University* (2019) (concluding that the head women's volleyball coach violated ethical conduct, head coach responsibility and benefits legislation when he made impermissible rental and book payments both to, and on behalf of a student-athlete and she later competed while ineligible); *West Liberty University* (2019) (concluding that the head men's soccer coach violated ethical conduct, head coach responsibility, financial aid and benefits legislation when he made impermissible tuition payments on behalf of two student-athletes and one competed while ineligible); and *Gannon University* (2016) (concluding that the head men's and women's swimming coach violated ethical conduct, head coach responsibility, financial aid and benefits legislation when he arranged for a men's swimming and diving student-athlete to receive a cash benefit of \$3,000 in impermissible financial aid).⁶ Consistent with these cases, and pursuant to Bylaw 19.02.2, the head coach's impermissible \$3,000 payment to the mother of a prospect is a major violation because it provided an extensive recruiting advantage.

Contested Penalty

After accepting the facts, violations, type of violations, self-imposed penalties and corrective actions, the COI proposed additional penalties to the parties. The head coach did not respond to correspondence notifying him of the proposed show-cause order. The institution accepted most of the proposed penalties but contested probation. After considering Millersville's arguments at an expedited penalty hearing, the COI upholds the probationary period.

Resolving Millersville's challenge to probation requires the COI to address several areas that ultimately support its appropriateness here. Probation's primary purpose is to serve as a means for the COI to monitor an institution that has been the subject of an infractions case and to ensure that the institution is looking inward to take the necessary steps to avoid future violations. It is for this reason that probation is one of the most common penalties. In fact, it is rarely not prescribed.

⁶ Although the COI processed *Saint Leo*, *West Liberty* and *Gannon* via summary disposition, the COI cites these cases due to the similarity of violations to this case..

Despite the fact that probation has been applied in nearly all Division II cases for the last 25 years, Millersville asserted that it should be treated differently due to several reasons. The COI considered each of the institution's reasons and determined that they were either irrelevant to probation or were not sufficiently unique to distinguish this case from other cases in which the COI prescribed probation.

With regard to purpose, unlike most penalties, probation's purpose is not punitive but rather to achieve prospective compliance. Probation serves as a crucial oversight tool for the COI. Most significantly, probation provides the COI the means to ensure that an institution is taking the necessary steps to fully abide with NCAA legislation, especially with respect to the violations in the case. Probation also allows the COI to confirm that an institution is fulfilling penalties. Further, probation includes requirements for institutions to provide pertinent compliance education and engage in targeted monitoring to lessen the chance of future violations.

Probation is thus prescribed in almost all cases decided by the COI over the past 25 years. Only three cases—about four percent of the 70 cases decided during that time—have *not* included probation. See *Young Harris University* (2018); *Southern Indiana University* (2018); and *Gannon* (prescribing no probation because the institution self-discovered the violation two weeks after it occurred, resulting in no ineligible competition and the violations were isolated to the actions of one coach). In all three of those cases, the institutions quickly self-discovered the violations and no ineligible competition occurred. In contrast, Millersville's violation was discovered and reported by an outside individual rather than self-discovered. Furthermore, the violation was discovered over two years after it occurred, resulting in a student-athlete competing while ineligible during 39 dates of competition. Therefore, Millersville's case is distinguishable from the three cases in which the COI did not prescribe probation. These considerations, combined with over 25 years of case history during which probation has been routinely and consistently applied, certainly justifies probation in this case.

Against that backdrop of probation's purpose and near-uniform application, probation is appropriate in this case because it will allow the COI to confirm that Millersville is taking the necessary steps to make certain that recruiting violations of this nature do not happen in the future. The head coach committed a serious, intentional violation that ultimately rippled through five different areas of NCAA legislation. As a member institution, Millersville is responsible for the head coach's conduct. In considering the purpose of probation, combined with an assessment of the violations in this case, a short period of probation is necessary as an oversight measure to ensure that proper measures are being taken to help prevent similar violations from occurring again. Furthermore, the COI has prescribed probation in all, but three infractions cases decided in the past 25 years, including cases very similar to this case.

Despite that the head coach committed a serious and highly impactful recruiting violation and probation would serve an important and appropriate oversight measure for the COI, Millersville believes that it should not be subject to probation for four main reasons: (1) the violations stemmed from a rogue actor; (2) it did not either fail to monitor or lack control and thus it did not need to enhance internal processes related to the violations; (3) it fully cooperated with the investigation; and (4) probation will impede the institution's ability to sponsor women's swimming. The

institution also cites past cases to support its argument. None of these arguments support not prescribing probation in this case.

Millersville asserted that it should not be held responsible for the actions of the head coach who, according to the institution, operated in a "rogue" manner outside of the institution's policies and procedures and NCAA rules. The COI is unpersuaded. While the COI recognizes that the head coach purposefully engaged in conduct that violated institutional policies and NCAA regulations, the argument that the institution should not be held accountable for his actions is refuted by Constitution 2.1.1, 2.1.2, and Bylaw 19.01.2. This legislation establishes that an athletics program is responsible for the actions of its staff members. The COI addressed this very issue in the *East Central University* (2015) and *Lynn University* (2007), decisions in which the COI concluded that member institutions are responsible for the actions of its employees and cannot distance itself from its employees' actions.

In addition to arguing that it is not responsible for its head coach's actions, Millersville also asserted that it should not be placed on probation because it did not either fail to monitor or lack control. Relatedly, the institution argues that it has a robust compliance education program and clear procedures, therefore there is no need to enhance internal processes. But a determination that an institution failed to monitor or lacked control is not a prerequisite for prescribing probation. Comparable recent cases did not include these violations. See *Saint Leo* and *West Liberty*.⁷ Similarly, the fact that an institution has adequate compliance education and appropriate policies and procedures does not relieve institutions from probation. A brief period of probation provides the COI with the opportunity to provide oversight and confirm that an institution is on track with compliance and educational obligations.

In further arguing against probation, Millersville also asserted that it fully cooperated with the enforcement staff's investigation. But required cooperation does not absolve the institution from penalties. Pursuant to Constitution 2.8.1 and Bylaw 32.1.3, institutions have an affirmative obligation to cooperate with the enforcement staff. Meeting legislated requirements does not shield institutions from probation.

Finally, the institution unsuccessfully claimed that it may not be able to field a women's swimming team if placed on probation. Specifically, the institution's concerns appear to be focused on a common condition of probation—the requirement to notify recruits in the involved sports of the case. The institution speculated that placing the program on probation will directly affect the ability to recruit, and perhaps even to sustain the program. This concern is unfounded. The COI prescribed the briefest possible probationary period. Most importantly, the penalties in this case do not include a post-season ban, scholarship reductions, coaching suspensions or recruiting restrictions—penalties that could impact prospects or student-athletes. Probation alone should have no discernable effect on current or prospective Millersville student-athletes and should not affect the institution's ability to recruit prospects and to sustain a women's swimming program.

⁷ Although the COI processed *Saint Leo* and *West Liberty* via summary disposition, the COI cites these cases due to the similarity of violations to this case.

Moreover, even in the unlikely event that probation would have some effect on the institution's women's swimming program, this would not negate the appropriateness of probation in this case.

In addition to the above arguments against the proposed one-year probationary period, Millersville also cited six past cases that do not support a different outcome on the probation penalty. Millersville's stated purpose in citing these cases is that the infractions decisions for each purportedly identified the need to enhance internal processes or the institutions were cited for failing to monitor or lacking institutional control. *See Gannon; Fayetteville State University (2017); Young Harris; West Liberty; Saint Leo; and University of Alaska, Anchorage (2014)*. As set forth earlier in this decision, neither the presence of a failure to monitor/lack of institutional control nor the need to enhance internal processes are conditions for probation to be prescribed.

Probation serves a key role in the infractions process. Most importantly, probation provides both the institution and COI with the opportunity to ensure that an institution is properly monitoring its athletics programs, abiding by the Association's rules and regulations and is providing pertinent compliance education to its staff members. Furthermore, over the course of the past 25 years, the COI has prescribed probation an overwhelming majority of the cases it has decided, including cases very similar to Millersville. Accordingly, a one-year probationary period is warranted in this case.

V. PENALTIES

For the reasons set forth in Sections III and IV of this decision, the COI accepts the parties' agreed upon factual basis and violations and concludes that this case involved major violations of NCAA legislation. Major violations are not isolated or inadvertent and provide an extensive recruiting and/or competitive advantage.

Millersville agreed to the facts, violations and most of the COI's proposed additional penalties. Millersville contested the COI's proposed one-year probationary period, which the COI maintains. Therefore, Millersville has the opportunity to appeal the probation in accordance with Bylaw 32.7.1.4.3. The head coach accepted the proposed show-cause order, thus waiving his opportunity to appeal.

In prescribing penalties, the COI evaluated relevant mitigating factors pursuant to Bylaw 32.7.1.3. As part of its evaluation, the COI also considered Millersville's cooperation in all parts of the case and determines it was consistent with its obligation under Bylaw 32.1.3. Likewise, the COI considered Millersville's corrective actions as set forth in Appendix One. After considering all information relevant to the case, the COI prescribes the following penalties (self-imposed penalties are so noted):

Penalties for Major Violations (Bylaw 19.5.2)

1. Public reprimand and censure through the release of the public infractions decision.

2. Probation: One year of probation from April 10, 2020, through April 9, 2021. As set forth in the contested penalties section, the COI has prescribed one-year probationary periods in previous cases involving similar ethical conduct, head coach responsibility. *See Saint Leo and West Liberty.*
3. During the one-year period of probation, Millersville shall:
 - a. Continue to develop and implement a comprehensive 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 implementing NCAA recruiting and certification legislation;
 - b. Submit a preliminary report to the Office of the Committees on Infractions (OCOI) by **May 30, 2020**, setting forth a schedule for establishing this compliance and educational program and compliance with prescribed penalties;
 - c. File with the OCOI one final compliance report indicating the progress made with this program by **February 15, 2021**. Particular emphasis shall be placed on Millersville's development and implementation of written policies and procedures for ensuring compliance with legislation relating to recruiting, scholarship offers and financial aid, in addition to related education and monitoring programs;
 - d. Inform women's swimming prospects in writing that Millersville is on probation for one year and detail the violations committed. If a prospect 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 prospect signs a National Letter of Intent; and
 - e. Publicize specific and understandable information concerning the nature of the violations by providing, at a minimum, a statement to include the types of violations and the affected sports program and a direct, conspicuous link to the public infractions decision located on the athletic department's main webpage "landing page" and in the swimming media guides (if media guides are produced). Millersville's statement must: (i) clearly describe the violations, (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.
5. Financial penalty: The institution shall pay a fine of \$2,500.
6. Vacation of records. Millersville acknowledged ineligible participation by one women's swimming student-athlete as the result of the violation in this case. Therefore, pursuant to Bylaws 19.5.2-(g), the institution shall vacate all regular season and conference tournament

wins, records and participation in which the ineligible student-athlete competed from the time she became ineligible through the time she was reinstated as eligible for competition. The individual records of the ineligible student-athlete shall also be vacated during the time she competed while ineligible. However, the individual records and any awards for all eligible student-athletes shall be retained. Further, the institution's records regarding its women's swimming programs, as well as the records of the head coach, shall reflect the vacated records and shall 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. (Self-imposed.) Any institutions that may subsequently hire the head coach shall similarly reflect the vacated wins in his career records documented in media guides and other publications cited above. The head coach 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 forum 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-athlete 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. This written report must be delivered to the office no later than 14 days following the release of this decision. The sports information director (or designee) must also inform the OCOI of this submission to the NCAA Media Coordination and Statistics office.

7. Show-cause order. The head coach agreed that he engaged in unethical conduct when he knowingly violated NCAA legislation by providing an impermissible \$3,000 recruiting inducement and financial aid to a then prospect and now a current student-athlete, through the student-athlete's mother. Further, the head coach's direct involvement in this violation demonstrated that he failed to promote an atmosphere for compliance in his program. Therefore, the COI prescribes a three-year show-cause order pursuant to NCAA Bylaw 19.5.2.2. The show-cause period shall run from **April 10 2020**, through **April 9, 2023**. Should the head coach become employed at a member institution during the term the show cause is in effect, within 30 days of his hiring, that employing institution shall contact the OCOI to make arrangements to show cause why restrictions on his athletically related duties should not apply. The COI has prescribed show-cause periods of two or three years in previous cases involving similar head coach misconduct. See *Saint Leo* (prescribing a two-year show-cause order as the result of the head women's volleyball coach's provision of impermissible housing and book payments to a student-athlete); *West Liberty* (prescribing a two-year show-cause order as the result of the head men's soccer coach provision of impermissible tuition payments to two student-athletes); and *Gannon* (prescribing a three-year show-cause order as the result of the

head men's swimming coach arranging an impermissible cash benefit of \$3,000 for a men's swimming student-athlete).

8. Following the receipt of the final compliance report and prior to the conclusion of probation, Millersville'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.
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As required by NCAA legislation for any institution involved in a major infractions case, Millersville 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 the penalties in this case, **April 10, 2020**. The COI further advises Millersville and the head coach that they should take every precaution to ensure that they observe the terms of the penalties. The COI will monitor Millersville while it is on probation to ensure compliance with the penalties and terms of probation and may extend the probationary period, among other action, if Millersville does not comply or commits additional violations. Likewise, any action by Millersville or the head coach contrary to the terms of the penalties or any additional violations shall be considered grounds for prescribing more severe penalties and/or may result in additional allegations and violations.

NCAA DIVISION II COMMITTEE ON INFRACTIONS

John David Lackey

Richard Loosbrock

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Harry O. Stinson, III, Chair

Christie Ward

APPENDIX ONE

**MILLERSVILLE UNIVERSITY'S CORRECTIVE ACTIONS AS IDENTIFIED IN THE
DECEMBER 11, 2019, SUMMARY DISPOSITION REPORT**

The following corrective actions have been taken:

1. Effective with the 2017-2018 academic year, the director of athletics and the associate athletics director for compliance meet with all coaches individually in the fall to discuss scholarship allocations for the next academic year.
2. Effective with the 2017-2018 academic year, all scholarship dollars allocated for the academic year must be in the scholarship accounts prior to the start of the fall semester.
3. Coaches are no longer permitted to speak with admissions about merit-based scholarships

APPENDIX TWO
Bylaw Citations

Division II 2016-17 Manual

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 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:

- (c) Knowing involvement in offering or providing a prospective or an enrolled student-athlete an improper inducement or extra benefit or improper financial aid;

11.1.2.1 Responsibility of Head Coach. It shall be the responsibility of an institution's head coach to promote an atmosphere for compliance within the program supervised by the coach and to monitor the activities regarding compliance of all assistant coaches and other administrators involved with the program who report directly or indirectly to the coach.

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 the prospective student-athlete or the prospective student-athlete's relatives or friends, other than expressly permitted by NCAA regulations. Receipt of a benefit by prospective student-athletes or their relatives or friends is not a violation of NCAA legislation if it is demonstrated that the same benefit is generally available to the institution's 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.

13.2.2 Specific Prohibitions. Specifically prohibited financial aid, benefits and arrangements include, but are not limited to, the following:

- (e) Cash or similar items;

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

If a student-athlete is ineligible under the provisions of the constitution, bylaws or other regulations of the Association, the institution shall be obligated to apply immediately the applicable rule and to withhold the student-athlete from all intercollegiate competition. The institution may appeal to the Committee on Student-Athlete Reinstatement for restoration of the

student-athlete's eligibility as provided in Bylaw 14.12, if it concludes that the circumstances warrant restoration.

15.01.2 Improper Financial Aid. Any student-athlete who receives financial aid other than that permitted by the Association shall not be eligible for intercollegiate athletics.

15.01.3 Financial Aid Not Administered by Institution. Any student who receives financial aid other than that administered by the student-athlete's institution shall not be eligible for intercollegiate athletics competition, unless it is specifically approved under the Association's rules of amateurism (see Bylaw 12) or the aid is received from a permissible outside source, under the conditions listed in Bylaw 15.2.2.

16.8.1 Permissible. An institution, conference or the NCAA may provide actual and necessary expenses to a student-athlete to represent the institution in practice and competition (including expenses for activities/travel that are incidental to practice or competition). In order to receive competition-related expenses, the student-athlete must be eligible for competition.

Division II 2017-18 Manual

11.1.2.1 Responsibility of Head Coach. It shall be the responsibility of an institution's head coach to promote an atmosphere for compliance within the program supervised by the coach and to monitor the activities regarding compliance of all assistant coaches and other administrators involved with the program who report directly or indirectly to the coach.

14.12.1 Obligation of Member Institution to Withhold Student-Athlete From Competition. If a student-athlete is ineligible under the provisions of the constitution, bylaws or other regulations of the Association, the institution shall be obligated to apply immediately the applicable rule and to withhold the student-athlete from all intercollegiate competition. The institution may appeal to the Committee on Student-Reinstatement for restoration of the student-athlete's eligibility as provided in Bylaw 14.13, if it concludes that the circumstances warrant restoration.

16.8.1 Permissible. An institution, conference or the NCAA may provide actual and necessary expenses to a student-athlete to represent the institution in practice and competition (including expenses for activities/travel that are incidental to practice or competition). In order to receive competition-related expenses, the student-athlete must be eligible for competition.

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11.1.2.1 Responsibility of Head Coach. It shall be the responsibility of an institution's head coach to promote an atmosphere for compliance within the program supervised by the coach and to monitor the activities regarding compliance of all assistant coaches and other administrators involved with the program who report directly or indirectly to the coach.

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