



WILMINGTON UNIVERSITY (DELAWARE)
PUBLIC INFRACTIONS DECISION
April 16, 2020

I. INTRODUCTION

The NCAA Division II Committee on Infractions (COI) is an independent administrative body of the NCAA comprised of individuals from the Division II membership and public. The COI is charged with deciding infractions cases involving member institutions and their staffs. This case involved benefits violations within the women's tennis program at Wilmington University (Delaware), as well as ethical conduct, head coach responsibility and responsibility to cooperate violations by the former head women's tennis coach (head coach).¹ The COI considered this case through the cooperative summary disposition process in which Wilmington and the enforcement staff agreed to the primary facts and violations as fully set forth in the summary disposition report (SDR). The head coach did not participate in the process. The COI proposed additional penalties for Wilmington and a show-cause order for the head coach. Wilmington accepted the penalties and the head coach did not respond to the correspondence proposing the show-cause order. Therefore, neither party has the opportunity to appeal.

Hired to lead the women's tennis program as its first head coach, the head coach knowingly broke NCAA rules over his entire three-year tenure. He not only fell drastically short of the membership's expectations for head coaches, but he created a culture where student-athletes became dependent on impermissible benefits and were afraid to report the violations. As a result, the program did not comply with NCAA legislation throughout its first three years of existence.

From the program's inception in the fall of 2016 through his resignation in January 2019, the head coach engaged in unethical conduct by knowingly providing nearly \$3,000 in impermissible benefits to women's tennis student-athletes. The benefits included cash, transportation and gifts. He failed to promote an atmosphere for compliance because of his personal involvement in the violations. Making matters worse, he instructed the student-athletes to tell no one of the benefits and warned that significant consequences—including the loss of scholarships—could result from reporting the benefits. All but one of the student-athletes were international student-athletes who were particularly susceptible to the threats. These student-athletes relied on the head coach for some of the benefits and the loss of a scholarship would have additional unwanted consequences. The head coach's control over the student-athletes and abuse of their trust allowed the benefits to continue and the student-athletes to compete and receive expenses while ineligible over three years. Wilmington agrees that the violations occurred and they are major.

¹ A member of the Central Atlantic Collegiate Conference, Wilmington has an enrollment of approximately 3,000 students. It sponsors seven men's and nine women's sports. This is the institution's first major infractions case.

The head coach resigned shortly after Wilmington learned of the violations. He then further violated ethical conduct legislation and failed to cooperate when he refused to sit for an interview with the enforcement staff. Cooperation is paramount to the infractions process, which the head coach impeded through his conduct. This is also a major violation.

The COI accepts the participating 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 \$5,000 fine and vacation of records for Wilmington, and a five-year show-cause order for the head coach.

II. CASE HISTORY

On January 17, 2019, a women's tennis student-athlete met with the athletics director to report concerns about the head coach. Among other things, the student-athlete reported that the head coach provided her with impermissible benefits. The next day, Wilmington suspended the head coach pending an investigation. The head coach resigned on January 20, 2019.

Wilmington self-reported violations on February 20, 2019. Five months later, on July 22, 2019, the enforcement staff issued its notice of inquiry to Wilmington. The participating parties submitted the SDR to the COI on December 10, 2019.² The COI initially reviewed the SDR on January 30, 2020. Following this review, the COI requested additional information from the parties regarding the nature and duration of the agreed-upon violations. The participating parties responded with the requested information on February 19, 2020. On March 12, 2020, the COI evaluated the additional information and completed its review of the SDR. The COI accepted the agreed-upon facts, violations and type of violations, adopted the proposed one-year probationary period and \$5,000 fine and Wilmington's corrective actions, and determined that the violations warranted additional penalties. On March 16, 2020, the COI proposed public reprimand and censure, the standard reporting and publication requirements for probation, and vacation of records for Wilmington, as well as a five-year show-cause order for the head coach. Wilmington accepted its additional penalties on March 26, 2020. The head coach did not respond to the correspondence proposing the show-cause order.

² 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' agreements.

III. PARTIES' AGREEMENTS

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

The participating parties jointly submitted an SDR that identified an agreed-upon factual basis, violations of NCAA legislation and type of violations.³ The SDR identified:

1. [NCAA Division II Manual Bylaws 10.1-(c) and 14.11.1 (2016-17); 10.01.1, 10.1, 15.01.2, 15.01.3, 16.8.1, 16.11.2.1 and 16.11.2.3-(d) (2016-17 through 2018-19); and 10.1-(b) and 14.12.1 (2017-18 and 2018-19)]

Wilmington and the enforcement staff agree that from the 2016-17 academic year through January 2019, the head coach violated the NCAA principles of ethical conduct when he knowingly provided approximately \$2,893 in impermissible benefits to eight women's tennis student-athletes. As a result of these impermissible benefits, the eight women's tennis student-athletes competed in 52 contests and received actual and necessary expenses while ineligible. Specifically:

- a. From fall of 2016 through January 2019, the head coach provided seven women's tennis student-athletes with cash for groceries, meals, gas, ride sharing services and tuition. The approximate value of these impermissible benefits totaled \$1,005. [Bylaws 10.1-(c) (2016-17); 10.01.1, 10.1, 15.01.2, 15.01.3, 16.11.2.1 and 16.11.2.3-(d) (2016-17 through 2018-19) and 10.1-(b) (2017-18 and 2018-19)]
- b. From fall of 2016 to January 2019, the head coach provided impermissible transportation to seven women's tennis student-athletes on at least 210 occasions, including local rides and rides from the Wilmington, Delaware, area to locations in Pennsylvania and New Jersey. The approximate value of these impermissible benefits totaled \$1,698. [Bylaws 10.1-(c) (2016-17); 10.01.1, 10.1, 16.11.2.1 and 16.11.2.3-(d) (2016-17 through 2018-19) and 10.1-(b) (2017-18 and 2018-19)]
- c. During the 2017-18 academic year, the head coach provided a women's tennis student-athlete with gifts, including a digital camera and perfume.

³ This decision provides the agreed-upon factual basis, violations and type of violations as exactly stated in the SDR, except for shortening references to the parties, correcting a typographical error in the heading of Violation No. 1 regarding the manuals cited for the Bylaws 15.01.2 and 15.01.3 violations, and clarifying the length of the violations in Violation No. 1-a. The SDR initially indicated that the violations in Violation No. 1-a occurred from the fall of 2016 through the 2018-19 academic year. In a February 19, 2020, letter, the participating parties clarified that the violations occurred through January 2019 and not the 2018-19 academic year. The COI considers this letter an addendum to the SDR and corrected the duration of the violations in this decision.

The approximate value of these impermissible benefits totaled \$190. [Bylaws 10.01.1, 10.1, 10.1-(b) and 16.11.2.1 (2017-18)]

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

Wilmington and the enforcement staff agree that from August 2016 through January 2019, the head coach is presumed responsible for the violations detailed in Violation No. 1 and did not rebut the presumption of responsibility. Specifically, the head coach did not demonstrate that he promoted an atmosphere for compliance due to his personal involvement in the violations.

3. [NCAA Division II Manual Bylaws 10.1, 10.1-(a) and 19.01.3 (2018-19 and 2019-20)]⁴

Wilmington and the enforcement staff agree that from July 2019 and continuing to the present, the head coach violated the principles of ethical conduct and failed to cooperate with the enforcement staff when he refused to participate in an interview despite being requested to do so on numerous occasions.

IV. REVIEW OF CASE

The SDR fully detailed the participating parties' positions and included the agreed-upon primary facts, violations and type of violations. After reviewing the participating parties' principal factual agreements and respective explanations surrounding those agreements, the COI accepts the SDR and concludes that major violations occurred. Specifically, the COI concludes that the head coach's knowing provision of impermissible benefits resulted in violations of Bylaws 10, 11, 14, 15 and 16, and his refusal to cooperate resulted in violations of Bylaws 10 and 19.⁵

From the beginning of the 2016-17 academic year through January 2019, the head coach violated the NCAA principles of ethical conduct and failed to promote an atmosphere for compliance when he knowingly violated benefits legislation. The violations resulted in student-athletes competing and receiving expenses while ineligible. The head coach then failed to cooperate during the investigation.

Bylaw 16 governs benefits. Bylaw 16.11.2.1 prohibits student-athletes from receiving extra benefits, which are special arrangements by a staff member to provide a student-athlete or the student-athlete's relative or friend with an unauthorized benefit. Transportation not generally available to students and their relatives or friends is specifically prohibited by Bylaw 16.11.2.3-

⁴ In a February 19, 2020, letter, Wilmington and the enforcement staff clarified that although Violation No. 3 indicates that Wilmington agreed with the post-separation violations, Wilmington is not responsible for the violations because it did not employ the head coach at the time of the violations.

⁵ The full text of all bylaws violated in this case is at Appendix Two. On August 1, 2017, former Bylaws 10.1-(c) and 14.11.1 became Bylaws 10.1-(b) and 14.12.1, respectively. This decision refers to the bylaws as 10.1-(b) and 14.12.1.

(d). Bylaw 16.8.1 specifies that only eligible student-athletes may receive actual and necessary expenses to represent an institution in practice and competition. Institutions must withhold ineligible student-athletes from competition in accordance with Bylaw 14.12.1. Bylaws 15.01.2 and 15.01.3 clarify that student-athletes who receive financial aid other than permitted by the bylaws are not eligible for intercollegiate athletics.

Bylaws 10 and 11 address ethical conduct and conduct of athletics personnel, respectively. In accordance with Bylaw 10.01.1, athletics staff members must act with honesty and sportsmanship. Bylaw 10.1-(b) identifies knowing involvement in giving an extra benefit to a student-athlete as an example of unethical conduct. In addition, head coaches are presumed responsible for violations within their programs and, in accordance with Bylaw 11.1.2.1, may rebut this presumption by demonstrating that they promoted an atmosphere for compliance.⁶

Wilmington hired the head coach in late spring of 2016 for its inaugural women's tennis season during the 2016-17 academic year. He encountered difficulties filling the team roster. The Wilmington-area did not have a strong tennis community. In addition, Wilmington was primarily a commuter institution, with 15 different campuses and no on-campus housing or transportation services. Most of the practice and competition facilities were located roughly 20 minutes from the main campus and on-campus dining facilities were not available during non-business hours. This posed additional recruiting challenges. The head coach focused almost exclusively on recruiting international prospective student-athletes, who ultimately comprised most of the roster.

From the fall of 2016 through his resignation in January 2019, the head coach knowingly provided nearly \$3,000 in impermissible benefits to eight women's tennis student-athletes. The student-athletes—all but one of whom were international—grew dependent on the head coach for some of the benefits because of the commuter nature of the campus and they were far from home. Specifically, he gave more than \$1,000 in cash for groceries, meals, gas, ride sharing services and tuition to seven student-athletes. The head coach also provided transportation to seven student-athletes at least 210 times. This included local rides to and from practice, grocery stores, movie theatres, banks and other local businesses, and rides from the Wilmington area to locations in Pennsylvania and New Jersey for recreational purposes. The transportation totaled nearly \$1,700. Finally, during the 2017-18 academic year, the head coach gave one student-athlete approximately \$190 in gifts, including a digital camera and perfume. The benefits resulted in violations of Bylaws 15.01.2, 15.01.3, 16.11.2.1 and 16.11.2.3-(d). Because of the impermissible benefits, the eight women's tennis student-athletes competed in 52 contests and received expenses while ineligible over three academic years. The competition and expenses violated Bylaws 14.12.1 and 16.8.1.

The head coach's conduct also resulted in violations of Bylaws 10 and 11. The head coach engaged in unethical conduct in violation of Bylaws 10.01.1 and 10.1 when he knowingly broke NCAA rules to provide the benefits. Relatedly, because of his personal involvement in the

⁶ Although not pertinent to this case, pursuant to Bylaw 11.1.2.1, head coaches are also required to monitor their assistant coaches and other staff members.

violations, the head coach could not rebut the presumption of responsibility by demonstrating that he promoted an atmosphere for compliance as required by Bylaw 11.1.2.1. The head coach acted contrary to the membership's expectations for how head coaches should conduct themselves.

Just as concerning, as part of his failure to meet these expectations, the head coach used his authority to create an environment where the student-athletes were afraid to report the violations. He instructed the student-athletes to keep the benefits a secret and warned that significant consequences, such as the loss of scholarships, could result from reporting the benefits. The international student-athletes were especially vulnerable to the threats. For instance, these student-athletes had little to no access to transportation other than the transportation provided by the head coach. Likewise, a lost scholarship could trigger unwanted consequences. By creating a dependency for the student-athletes on the benefits and then ordering them to remain silent, he abused his position of trust with the student-athletes he was hired to protect. This culture of control over the student-athletes allowed the violations to continue undetected for three years.

The COI has consistently concluded that head coaches engage in unethical conduct and fail to promote an atmosphere for compliance when they knowingly provide extra benefits to student-athletes. *See Saint Leo University* (2019) (concluding that ethical conduct and head coach responsibility violations occurred when the head women's volleyball coach knowingly provided impermissible benefits in the form of cash and rental payments to a student-athlete) and *West Liberty University* (2019) (concluding that ethical conduct and head coach responsibility violations occurred when the head men's soccer coach knowingly provided impermissible tuition payments from personal camp funds for two student-athletes).⁷ The COI has also routinely concluded that competition and expenses violations occur when student-athletes compete and receive expenses while ineligible. *See Saint Leo* (concluding that competition and expenses violations occurred when a student-athlete competed in 39 contests and received expenses while ineligible) and *West Liberty* (concluding that competition and expenses violations occurred when a student-athlete competed in 14 contests and received expenses while ineligible and another student-athlete received expenses while ineligible). Consistent with the major violations in these cases and pursuant to Bylaw 19.02.2, the violations in this case are major because they were not isolated or limited and gave Wilmington an extensive advantage.

After he resigned from Wilmington, the head coach further violated ethical conduct legislation and failed to cooperate during the investigation. He refused to participate in an interview with the enforcement staff, which impeded the infractions process.

Bylaws 10.1 and 19.01.3 address cooperation during an investigation. Pursuant to Bylaw 10.1-(a), a staff member engages in unethical conduct when he refuses to furnish information relevant to an investigation. Relatedly, Bylaw 19.01.3 requires all representatives of member institutions to cooperate fully with the enforcement staff during an investigation.

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.

The enforcement staff repeatedly sought to interview the head coach as part of its investigation. Between July 12, 2019, and August 13, 2019, the enforcement staff telephoned the head coach numerous times to request an interview. Additionally, the enforcement staff sent two certified letters to the head coach regarding its desire to interview him and notifying him that a failure to do so may result in a violation. The head coach never responded to the enforcement staff's requests and has otherwise failed to participate in the processing of this case. His refusal to interview violated Bylaws 10.1 and 19.01.3.

The entire infractions process depends on the cooperative principle. Refusing to cooperate inhibits the enforcement staff's ability to conduct a thorough and timely investigation. Because of this detrimental impact on the process, the COI has consistently concluded that individuals violate ethical conduct and responsibility to cooperate legislation when they decline to interview during the investigation. *See Ohio Dominican University (2019)* (concluding that an assistant football coach engaged in unethical conduct and failed to cooperate when he refused to sit for a second interview with the enforcement staff) and *Lynn University (2019)* (concluding that a compliance officer engaged in unethical conduct and failed to cooperate when she refused to interview with the enforcement staff).⁸ Like in these cases and in accordance with Bylaw 19.02.2, the head coach impeded the infractions process, resulting in major violations of Bylaws 10 and 19.

V. PENALTIES

For the reasons set forth in Sections III and IV of this decision, the COI concludes that this case involved major violations of NCAA legislation. Major violations are not isolated or inadvertent and provide an extensive advantage.

In accordance with Bylaw 32.7, Wilmington and the head coach have no opportunity to appeal. Wilmington agreed to the facts and its violations and accepted the proposed additional penalties. The head coach did not respond to the proposed show-cause order, thus waiving the opportunity to contest it.

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 Wilmington's cooperation in all parts of the case and determines it was consistent with Wilmington's obligation under Bylaw 32.1.3. Likewise, the COI considered Wilmington'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.

⁸ Although the COI processed *Ohio Dominican* and *Lynn* via summary disposition, the COI cites these cases due to the similarity of violations to this case.

2. One year of probation from April 16, 2020, to April 15, 2021.⁹
3. During this period of probation, Wilmington 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 certification and recruiting;
 - b. Submit a preliminary report to the Office of the Committees on Infractions (OCOI) by June 1, 2020, setting forth a schedule for establishing this compliance and educational program;
 - c. File with the OCOI a final compliance report indicating the progress made with this program by February 28, 2021. Particular emphasis shall be placed on rules education and monitoring related to benefits, eligibility, head coach responsibility and ethical conduct legislation.
 - d. Inform women's tennis prospects in writing that Wilmington 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 infractions by providing, at a minimum, a statement to include the types of violations and the affected sport program and a direct, conspicuous link to the public infractions decision located on the athletics department's main webpage "landing page" and in the media guides for women's tennis. 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.
4. Vacation of team and individual records: As agreed to by Wilmington, multiple women's tennis student-athletes competed while ineligible over three academic years as a result of violations in this case. Therefore, pursuant to Bylaw 19.5.2-(g), Wilmington shall vacate all regular season and conference tournament wins, records and participation in which the ineligible student-athletes competed from the time they became ineligible through the time

⁹ Wilmington proposed a one-year probationary period. Institutions may propose probationary periods but the authority to prescribe probation rests solely with the COI. Periods of probation always commence with the release of the infractions decision.

they were reinstated as eligible for competition.¹⁰ Further, if the ineligible student-athletes participated in NCAA postseason competition at any time they were ineligible, Wilmington's participation in the postseason contests in which the ineligible competition occurred shall be vacated. The individual records of the ineligible student-athletes shall also be vacated. However, the individual finishes and any awards for all eligible student-athletes shall be retained. Further, Wilmington's records regarding its women's tennis program, as well as the records of the head coach, shall reflect the vacated records and 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 his 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 records shall be removed from the athletics department stationery, banners displayed in public areas and any other forum in which they may appear. Any trophies awarded by the NCAA in women's tennis shall be returned to the Association.

Finally, to aid in accurately reflecting all institutional and student-athlete vacations, statistics and records in official NCAA publications and archives, the sports information director (or other designee as assigned by the athletics director) 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 written report 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. A copy of the written report shall also be delivered to the OCOI at the same time.

5. Wilmington shall pay a \$5,000 fine. (Self-imposed.)
6. Show-cause order: The head coach violated the principles of ethical conduct when he knowingly provided women's tennis student-athletes with impermissible benefits that included cash for tuition, groceries, meals, gas and ride sharing services, transportation and gifts. In addition, he violated head coach responsibility legislation when he could not demonstrate that he promoted an atmosphere for compliance due to his personal involvement in the violations. He further violated ethical conduct legislation and failed to cooperate when he refused to participate in an interview with the enforcement staff after his resignation from Wilmington. Therefore, the head coach shall be subject to a five-year show-cause order from April 16, 2020, to April 15, 2025. In accordance with Bylaw 19.5.2.2.1 and COI IOP 5-16-1-1, any employing member institution shall restrict the head coach from all athletically related activity during the show-cause period. If the head coach becomes employed by a

¹⁰ The COI has consistently prescribed vacation of records in cases in which the institution provided impermissible benefits that resulted in ineligible competition. See *Saint Leo* and *West Liberty*.

member institution in an athletically related position during the five-year show-cause period, the employing institution shall abide by the terms of the show-cause order unless it contacts the OCOI to make arrangements to show cause why the terms of the order should not apply.

Although each case is unique, the duration of the show-cause order is consistent with those prescribed in prior cases involving ethical conduct, head coach responsibility and responsibility to cooperate violations. *See Lane College* (2019) (prescribing a five-year show-cause order for the head cross country and track and field coach who engaged in unethical conduct when he knowingly directed a partial qualifier to compete under an assumed name and travel and receive travel expenses while ineligible, failed to promote compliance and further violated ethical conduct legislation when he provided false and misleading information during the investigation) and *Lynn* (prescribing a five-year show-cause order for a compliance officer who engaged in unethical conduct when she knowingly represented that ineligible student-athletes were eligible to compete and further violated ethical conduct legislation and failed to cooperate when she refused to participate in an interview with the enforcement staff). Like in these cases, the head coach's conduct warrants a five-year show-cause order.

7. Following the receipt of the final compliance report and prior to the conclusion of probation, Wilmington's president shall provide a letter to the COI affirming that Wilmington'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, Wilmington 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 16, 2020. The COI further advises Wilmington and the head coach that they should take every precaution to ensure that they observe the terms of the penalties. The COI will monitor Wilmington 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 Wilmington does not comply or commits additional violations. Likewise, any action by Wilmington 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
Jason Sobolik
Harry O. Stinson, III, Chair
Christie Ward

APPENDIX ONE

**WILMINGTON'S CORRECTIVE ACTIONS AS IDENTIFIED IN THE
DECEMBER 10, 2019, SUMMARY DISPOSITION REPORT**

The head coach was administratively suspended on Friday, January 18, 2019, pending an investigation by Wilmington. He submitted his resignation on Sunday, January 20, 2019, and that resignation was accepted by human resources on Tuesday, January 22, 2019 (after the Martin Luther King Jr. holiday). It is the institution's belief that the head coach created a culture of intimidation, manipulation, and secrecy, leading the student-athletes to be fearful to speak with administration regarding any issues.

Wilmington also agrees to increase educational awareness to student-athletes, coaches, and staff with specific regard to extra benefits and unethical conduct. Once a month, at coaches' meetings, a rules education piece will be presented by the compliance office. In addition to the information disseminated at coaches' meetings, frequent emails regarding NCAA legislation will be sent to individual coaches. Also as a teaching tool, when a coach violates an NCAA rule, he or she will be required to present the scenario regarding the violation to their peers at the monthly coaches' meetings. Wilmington will also look into recording these compliance education sessions and disseminate those to the coaches who are unable to attend the monthly staff meetings. Each semester, the compliance office, in conjunction with the athletics director, will hold check-in meetings with each individual sports program. At those meetings, an emphasis on rules education will be addressed.

The athletics director and associate athletics director for compliance have met and will continue to meet with the current head women's tennis coach to discuss recruiting strategies and encourage him to recruit both domestic and international student-athletes for future years.

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.

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.

16.11.2.1 General Rule. The student-athlete shall not receive any extra benefit. The term "extra benefit" refers to any special arrangement by an institutional employee or representative of the institution's athletics interests to provide the student-athlete or his or her relatives or friends with a benefit not expressly authorized by NCAA legislation.

16.11.2.3 Other Prohibited Benefits. An institutional employee or representative of the institution's athletics interests may not provide a student-athlete with extra benefits or services, including, but not limited to:

(d) Transportation that is not generally available to the institution's students and their friends and relatives (see Bylaw 16.11.1.1);

Division II 2017-18 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:

(a) Refusal to furnish information relevant to an investigation of a possible violation of an NCAA regulation when requested to do so by the NCAA or the individual's institution;

(b) 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.

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-Athlete Reinstatement for restoration of the student-athlete's eligibility as provided in Bylaw 14.13, 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.

16.11.2.1 General Rule. The student-athlete shall not receive any extra benefit. The term "extra benefit" refers to any special arrangement by an institutional employee or representative of the institution's athletics interests to provide the student-athlete or his or her relatives or friends with a benefit not expressly authorized by NCAA legislation.

16.11.2.3 Other Prohibited Benefits. An institutional employee or representative of the institution's athletics interests may not provide a student-athlete with extra benefits or services, including, but not limited to:

(d) Transportation that is not generally available to the institution's students and their friends and relatives (see Bylaw 16.11.1.1);

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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:

(a) Refusal to furnish information relevant to an investigation of a possible violation of an NCAA regulation when requested to do so by the NCAA or the individual's institution;

(b) 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.

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-Athlete Reinstatement for restoration of the student-athlete's eligibility as provided in Bylaw 14.13, 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.

16.11.2.1 General Rule. The student-athlete shall not receive any extra benefit. The term "extra benefit" refers to any special arrangement by an institutional employee or representative of the institution's athletics interests to provide the student-athlete or his or her relatives or friends with a benefit not expressly authorized by NCAA legislation.

16.11.2.3 Other Prohibited Benefits. An institutional employee or representative of the institution's athletics interests may not provide a student-athlete with extra benefits or services, including, but not limited to:

(d) Transportation that is not generally available to the institution's students and their friends and relatives (see Bylaw 16.11.1.1);

19.01.3 Responsibility to Cooperate. All representatives of member institutions shall cooperate fully with the NCAA enforcement staff, Committee on Infractions, Infractions Appeals Committee and Management Council to further the objectives of the Association and its infractions program. The enforcement policies and procedures are an essential part of the intercollegiate athletics program of each member institution and require full and complete disclosure by all institutional representatives of any relevant information requested by the NCAA enforcement staff, Committee on Infractions or Infractions Appeals Committee during the course of an inquiry.

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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:

(a) Refusal to furnish information relevant to an investigation of a possible violation of an NCAA regulation when requested to do so by the NCAA or the individual's institution;

19.01.3 Responsibility to Cooperate. All representatives of member institutions shall cooperate fully with the NCAA enforcement staff, Committee on Infractions, Infractions Appeals Committee and Management Council to further the objectives of the Association and its infractions program. The enforcement policies and procedures are an essential part of the intercollegiate athletics program of each member institution and require full and complete disclosure by all institutional representatives of any relevant information requested by the NCAA enforcement staff, Committee on Infractions or Infractions Appeals Committee during the course of an inquiry.