



**STATE UNIVERSITY OF NEW YORK AT BROCKPORT**  
**PUBLIC INFRACTIONS DECISION**  
**January 14, 2022**

**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 impermissible athletically related activity in the wrestling program at the State University of New York at Brockport (Brockport).<sup>1</sup> The case centered on the head wrestling coach's use of wrestling physical education courses that he taught to engage in practice prior to the first permissible practice date. The impermissible activity also occurred prior to student-athletes undergoing mandatory medical examinations or evaluations. This violation demonstrated that the head coach failed to promote an atmosphere for compliance.

The COI considered this case through the cooperative summary disposition process in which Brockport 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 processing of the case. The COI proposed additional penalties for Brockport and the head coach. Brockport accepted the penalties and the head coach did not respond. Neither party may appeal.

Brockport agreed that from the 2017-18 through the 2020-21 academic years, the head coach taught two physical education wrestling courses—introductory and intermediate wrestling—that resulted in impermissible athletically related activity. Over the four-year period, 89 percent of the course enrollment was comprised of wrestling student-athletes, and non-student-athletes were often not permitted to engage in wrestling drills. Stated succinctly, the head coach used his physical education courses to conduct practice. The COI concludes that the violations are major.

In addition to using physical education courses to conduct impermissible athletically related activity, in September 2020, the head coach also arranged for impermissible activity to occur at an off-campus site. In light of the ongoing COVID-19 pandemic, Brockport implemented contact restrictions on student-athletes, which impacted the wrestling team's ability to engage in voluntary full contact activity. In response, the head coach arranged for his team to train at an off-campus site. Although the student-athletes created their training schedule, the head coach arranged it and briefly attended the first session. Brockport immediately discovered and ended the activity. The COI concludes the violation is secondary.

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<sup>1</sup> Brockport is primarily a member of the State University of New York Athletic Conference. Brockport's wrestling program is a member of the Empire Collegiate Wrestling Conference. Brockport has an enrollment of approximately 8,000 students. It sponsors 11 men's and 12 women's sports. This is the institution's first major infractions case.

As a result of their involvement in the physical education courses and the off-site training, 49 student-athletes participated in impermissible athletically related activity over a four-year period. The activity was impermissible because it occurred outside of the program's declared playing season prior to the student-athletes undergoing a required medical exam or evaluation. The COI concludes the violations are major.

Finally, the head coach did not rebut his presumed responsibility for the violations. The head coach failed to promote an atmosphere for compliance because he was directly involved in the violations. He used his physical education courses to acclimate freshman student-athletes to his wrestling program and to practice prior to the beginning of the wrestling season. Similarly, when faced with institutionally imposed contact limitations related to the ongoing pandemic, the head coach arranged for his student-athletes to train off campus outside of the playing season and he attended the training session. The COI concludes the violation is major.

The COI accepts the parties' factual agreements and concludes that major and secondary violations occurred. Utilizing NCAA bylaws authorizing penalties, the COI adopts and prescribes the following principal penalties: public reprimand and censure; three years of probation; prohibitions on Brockport's ability to host NCAA and external wrestling competitions; a \$2,500 fine; a three-year show-cause order for the head coach; and required attendance at NCAA Regional Rules Seminars.

## **II. CASE HISTORY**

The violations in this case came to light in fall 2020 when Brockport discovered that members of the institution's wrestling program violated institutional contact restrictions put in place in response to the ongoing COVID-19 pandemic. During the institution's review of potential code of conduct violations, it discovered and self-reported potential NCAA violations. In response, in early winter 2021, the NCAA enforcement staff and Brockport commenced an investigation into potential NCAA violations. In March 2021, Brockport, the head coach and the enforcement staff reached agreement on the facts and violations.

Given the agreement, the parties began pursuing summary disposition, but in July 2021, the head coach informed the enforcement staff that he no longer agreed with the facts and violations. Thus, the NCAA enforcement staff issued a notice of allegations on July 20, 2021. The following month, the head coach's counsel informed the enforcement staff that the head coach would no longer participate in the infractions process. On August 11, 2021, the head coach resigned from his position as head wrestling coach but remained a professor of kinesiology at Brockport. Because the head coach was no longer participating in the processing of the case, on September 2, 2021, the enforcement staff withdrew the NOA and notified the COI that it intended to jointly submit an SDR with Brockport. On October 7, 2021, Brockport and the enforcement staff submitted the agreed-upon SDR.

The COI reviewed the SDR on November 8, 2021. The COI requested additional information regarding the extent to which the head coach continued to engage wrestling student-athletes

through his kinesiology courses and clarifying information related to some of Brockport's self-imposed penalties and applicable bylaws. On November 22, 2021, the parties provided the additional information. The COI reconvened on December 14, 2021, and two days later proposed additional penalties for Brockport and the head coach. On December 21, 2021, Brockport accepted the additional penalties. The head coach never responded. His failure to respond is viewed as accepting the COI's proposed three-year show-cause order.

### **III. PARTIES' AGREEMENTS**

The participating parties jointly submitted an SDR that identified an agreed-upon factual basis, violations of NCAA legislation and type of violations.<sup>2</sup> The SDR identified:

**1. [NCAA Division III Manual Bylaws 17.1.1 and 17.1.5 (2017-18 through 2020-21); 17.27.2 (2017-18 through 2019-20); and 17.29.2 (2020-21)] (Major)**

Brockport and the enforcement staff agree that from at least the 2017-18 through 2020-21 academic years, the head coach impermissibly conducted athletically related activities under the guise of a physical education class outside of the institution's declared playing season. Specifically, between the fall of 2017 through 2020, the head coach encouraged incoming freshman wrestling student-athletes to enroll in introductory and intermediate wrestling courses with curriculum designed and taught by the head coach. As a result, approximately 89% of the wrestling class enrollment was comprised of wrestling student-athletes. The head coach used this course to acclimate incoming wrestling student-athletes into the wrestling program and better prepare for the season.

**2. [NCAA Division III Manual Bylaws 17.1.1, 17.1.5 and 17.29.2 (2020-21)] (Secondary)**

Brockport and the enforcement staff agree that on one occasion in September 2020, members of the men's wrestling team engaged in athletically related activities outside of the institution's declared playing season. Specifically, the head coach arranged with an off-campus gym to provide men's wrestling student-athletes an opportunity to train. Although the men's wrestling student-athletes created a schedule for the training, the head coach initiated the contact with the off-campus gym and briefly attended the September training.

**3. [NCAA Division III Manual Bylaw 17.1.6.4 (2020-21)] (Major)**

Brockport and the enforcement staff agree that from at least the 2017-18 through the 2020-21 academic years and due to the impermissible activities in Violation Nos. 1 and 2, at least 49 members of the men's wrestling team engaged in athletically related activities prior to the

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<sup>2</sup> This decision provides the agreed upon factual basis, violations and type of violations exactly as stated in the SDR, except for shortening references to the parties.

institution's declared playing season without undergoing a mandatory medical examination or evaluation.

**4. [NCAA Division III Manual Bylaw 11.1.2.1 (2017-18 through 2020-21)] (Major)**

Brockport and the enforcement staff agree that from at least 2017-18 through 2020-21, the head coach is presumed responsible for the violations detailed in Violation Nos. 1 and 2 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.

**IV. REVIEW OF CASE**

The SDR fully detailed the parties' positions and included the agreed-upon primary facts, violations and type of violations. After reviewing the parties' principal factual agreements and respective explanations surrounding those agreements, the COI accepts the SDR and concludes that the conduct resulted in three major violations and a secondary violation. Specifically, the COI concludes that over a four-year period the Brockport wrestling program engaged in impermissible athletically related activity that occurred under the guise of physical education courses and at an offsite gym. That activity also triggered other bylaws related to declared playing seasons and required medical examinations. The head coach was personally involved in the violations and therefore could not demonstrate that he promoted an atmosphere for compliance. The conduct resulted in violations of Bylaw 17 and 11.<sup>3</sup>

Bylaw 17 covers playing and practice seasons for each sport program. Bylaw 17.1.1 outlines that an institution is permitted to conduct athletically related activities between the first permissible practice session and the date of the institution's final practice or competition, whichever occurs later. Bylaw 17 also addresses out-of-season athletically related activities. Bylaw 17.1.5 prohibits student-athletes and coaching staff members from participating in athletically related activities outside of the institution's declared playing season. Bylaw 17 further defines the men's wrestling season and prohibits practice from occurring prior to October 10. *See* Bylaw 17.29.2. Bylaw 17.1.6.4 also requires student-athletes entering their initial season to undergo a medical examination or evaluation prior to any practice or competition.

Brockport agreed that, as a result of the physical education courses and the more limited offsite training, multiple violations of Bylaw 17 occurred. The head coach used his introductory and intermediate wrestling courses as a way to acclimate incoming wrestling student-athletes to his program. Stated more concisely, he used the classes to practice outside the season. Over the four-year period, 89 percent of the class was comprised of wrestling student-athletes. When interviewed, the student-athletes referred to the classes as "practice." The head coach also treated his student-athletes different from the few non student-athletes who took the class, who were not permitted to engage in wrestling drills.

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<sup>3</sup> The full text of all bylaws violated in this case is at Appendix Two.

In addition to the classes, the head coach also arranged for student-athletes to engage in out-of-season offsite training after Brockport limited physical activities in response to the ongoing COVID-19 pandemic. The head coach arranged for his team to train at an offsite gym that was operated by a former Brockport wrestler. The head coach briefly attended the first session. As part of its COVID-19 contact tracing program, Brockport immediately learned of the training sessions and stopped them from continuing.

The courses and offsite training occurred outside of the institution's declared playing season and prior to the first permissible date of practice. Moreover, they occurred without student-athletes in their initial year undergoing a required medical examination or evaluation. As a result, the COI concludes that major violations of Bylaws 17.1.1, 17.1.5, 17.1.6.4 and 17.29.2 occurred. The COI concludes that the head coach's arrangement of and attendance at the offsite gym is a secondary violation due to the isolated and limited nature of the violation, the fact that it involved a minimal competitive advantage, and it did not include any significant impermissible benefits.

The COI has regularly concluded that major violations occur when programs participate in practice or athletically related activities prior to the permissible time period and outside of the program's declared playing season. See *University of Wisconsin-Stevens Point (UWSP)* (2019) (concluding that major violations occurred when for five years, men's basketball coaching staff members directed, observed and engaged men's basketball student-athletes in athletic activities outside of the program's declared playing and practice season); *Occidental College* (2013) (concluding that a major violation occurred when nine women's volleyball student-athletes participated in club volleyball practices their head coach was leading during the nontraditional and out-of-season segments of the volleyball season); and *Ohio Northern University* (2005) (concluding that major violations occurred when football student-athletes attended throwing and catching sessions in the summer and skill sessions one week prior to when practice was scheduled to begin). Like these cases, the head coach conducted and/or arranged for wrestling activities to occur over a four-year period, constituting major violations. See Bylaw 19.02.2.2.

Similarly, the COI recently concluded that violations occur when student-athletes practice and compete without completing a mandatory medical exam. See *Alfred State College* (2021) (concluding that a secondary violation occurred when the head track and field coach permitted a student-athlete to practice and compete over a three-month period prior to undergoing a required medical exam). Here, the facts are different. While *Alfred State* was limited to one student-athlete and a three-month period, 49 Brockport wrestling student-athletes practiced and competed over four academic years without first receiving a required medical exam. The violations were not isolated nor inadvertent. They also resulted in more than a minimal competitive advantage. Moreover, the conduct demonstrated a disregard for student-athlete health and safety. Therefore, the COI concludes the violations are major.

The head coach's personal involvement in the violations demonstrated that compliance was not a top priority for him. The head coach had a long and storied career, coaching the Brockport wrestling program for over 50 years, leading five Brockport wrestling teams to NCAA Division III championships and coaching nearly 30 individual national champions. Despite his program's on-the-mat success, the head coach's conduct demonstrated that a culture of compliance was not a

top priority to him during the final years of his historic career. His actions failed to meet his legislated responsibilities under Bylaw 11.1.2.1.

The head coach failed to promote an atmosphere for compliance when he personally committed violations. He used his physical education courses as a guise for practice and he arranged for student-athletes to train in an offsite gym, briefly attending the first session. These activities occurred outside the permissible legislated time periods and the program's declared playing season. As a head coach for over 50 years, it is inexcusable that he did not abide by the legislated limits around his program's playing and practice season. Moreover, he provided his wrestling program with a significant competitive advantage. His misuse of physical education courses allowed wrestling student-athletes (or those interested in becoming wrestling student-athletes) to acclimate to college wrestling and receive instruction from their head coach ahead of the season—an advantage not available to compliant programs. The head coach knew better, and the membership expected better. The COI concludes the violation is major.

The COI regularly concludes that head coach responsibility violations are major and head coaches do not rebut their presumed responsibility when they personally commit violations. *See Alfred State* (concluding that track and field coach committed major violations when he knowingly permitting an ineligible student-athlete to compete and receive travel expenses under the name of an eligible student-athlete); *UWSP* (concluding that the head men's basketball coach committed a major head coach responsibility violation when he directed and engaged men's basketball student-athletes in athletically related activities outside the playing and practice season); *York College (2017)* (concluding that the head men's basketball coach committed a major head coach responsibility violation when he knowingly improperly certified the eligibility of two men's basketball student-athletes); and *Occidental* (concluding that the head volleyball coach committed a major head coach responsibility violation in part due to his personal involvement in recruiting, benefits, and playing and practice season legislation). Similar to the conduct in these cases, the head coach personally committed violations. He subverted well-established and fundamental bylaws related to permissible athletically related activities and the wrestling playing and practice season. Pursuant to Bylaw 19.02.2.2, the violation is major.

## **V. PENALTIES**

For the reasons set forth in Sections III and IV of this decision, the COI concludes that this case involved major and secondary violations of NCAA legislation. Major violations are not isolated or inadvertent and provide more than a minimal advantage. *See* Bylaw 19.02.2.2. Secondary violations are isolated or inadvertent, provide or are intended to provide only a minimal advantage and do not include any significant impermissible benefits. *See* Bylaw 19.02.2.1. Because Brockport agreed to the facts, violations and additional proposed penalties, it has no opportunity to appeal. Similarly, because the head coach did not participate in the processing of this case and did not respond to the COI's proposed show-cause order, he has no opportunity to appeal.

In prescribing penalties, the COI evaluated relevant mitigating factors pursuant to Bylaw 32.7.1.3. The COI specifically notes that Brockport self-detected and self-reported the violations in this

case. Brockport immediately discovered the wrestling student-athletes' participation at an offsite location and investigated the matter and also was in the processing of reviewing the beginning wrestling course. Although those processes originally involved reviewing whether activities complied with institutional COVID-19 safety protocols, they uncovered NCAA violations, which Brockport promptly reported to the NCAA. The COI appreciates Brockport's thorough investigation

As part of its evaluation, the COI also considered Brockport's cooperation in all parts of the case and determines it was consistent with Brockport's obligation under Bylaw 32.1.3. Likewise, the COI considered Brockport'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: Three years of probation from January 14, 2022, through January 13, 2025.<sup>4</sup>
3. During this period of probation, Brockport 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 March 1, 2022, 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 December 1 during each year of probation. Particular emphasis shall be placed on rules education and monitoring related to certification and student-athlete eligibility. Moreover, Brockport should also include specific information related to the policies, procedures and continued monitoring efforts in place to ensure that physical education courses are not being utilized to conduct impermissible athletically related activities;
  - d. Inform prospects in the wrestling program in writing that Brockport is on probation for three years and detail the violations committed. The information shall be provided as soon

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<sup>4</sup> Brockport proposed a one-year probationary period. The COI adds two additional years to ensure that the institution has the opportunity to implement and monitor appropriate process changes. The three-year period provides the COI with the appropriate length of time to monitor that process. Moreover, it also more closely aligns with the length of time the violations occurred and went undetected. Although institutions may recommend terms of probation, the authority to prescribe probation rests solely with the COI. Periods of probation always commence with the release of the infractions decision.

as practicable after the prospect is recruited pursuant to Bylaw 13.02.8 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 the affected sport programs 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 the affected sport programs. 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. Brockport shall pay a \$2,500 fine. (Self-imposed.)
  5. Show-cause order: The head coach violated fundamental and well-established rules around permissible athletically related activities and playing and practice seasons. As a coach of more than 50 years, these rules should have been second nature. Instead, he used his position as a kinesiology professor to practice and acclimate new student-athletes to his program. In that way, his wrestling program received a significant competitive advantage because student-athletes practiced under the instruction of the head coach when other compliant programs were not. Further, the head coach also arranged for his team to train at a local gym and briefly attended the first training session. Due to his personal involvement in violations and disregard for fundamental NCAA rules, a show-cause order is appropriate. Therefore, the head coach shall be subjected to a three-year show-cause order from January 14, 2022, through January 13, 2025. In accordance with Bylaw 19.5.2.2.1 and COI IOP 5-16-1-2, any employing institution shall prohibit the head coach from all athletically related activities. Furthermore, any employing institution shall require the head coach to attend one NCAA Regional Rules Seminar at his own expense during the term of the show-cause order. Any institution employing the head coach during the term of the show-cause 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 prior cases involving head coach responsibility violations. *See UWSP* (prescribing a two-year show-cause order with required Regional Rules Seminar attendance when a head coach failed to promote an atmosphere for compliance because he was directly involved in impermissible athletically related activity violations); *York* (prescribing a three-year show-cause order when a head coach failed to promote an atmosphere for compliance because he knowingly certified ineligible student-athletes and provided false and misleading information during the investigation); and *Occidental* (prescribing a two-year show-cause order and required Regional Rules Seminar attendance to address a head coach's failure to promote an atmosphere for compliance because of his direct involvement in underlying violations). In this case, the



head coach was a veteran coach with more than 50 years of experience. It is inexcusable that he used his physical education course as a guise for practice. As such, a three-year show-cause order with required Regional Rules Seminars attendance is appropriate.

6. During the probationary term, all members of the wrestling coaching staff and athletics staff members associated with the wrestling program shall attend at least one NCAA Regional Rules Seminar. The institution shall provide in its annual compliance report a list of the individuals who attended the Regional Rules Seminar and the sessions attended.
7. Brockport delayed the start of wrestling team practice from October 10, 2021, until October 18, 2021.<sup>5</sup> (Self-imposed.)
8. Brockport will not host any intercollegiate wrestling competition in the fall semester (2021-2023). This includes cancelling the Brockport opening weekend tournament tentatively scheduled for November 6, 2021. (Self-imposed.)
9. Brockport shall prohibit all external wrestling activity on campus except for New York Public High School Athletic Association (NYPHSAA) sanctioned events.<sup>6</sup> (Self-imposed.) The COI requires that the prohibition remain in place for the three-year probationary period.
10. Brockport will not bid on or host NCAA regional or national wrestling events for a five-year period (2022 through 2026). (Self-imposed.)
11. Following the receipt of the final compliance report and prior to the conclusion of probation, Brockport's president shall provide a letter to the COI affirming that Brockport'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, Brockport 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, January 14, 2022. The COI further advises Brockport that it should take every precaution to ensure that it observes the terms of the penalties. The COI will monitor Brockport 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 Brockport does not comply or commits additional violations. Likewise, any action by Brockport 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.

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<sup>5</sup> Brockport conducted NCAA rules education and community service activities between October 10-17, 2021.

<sup>6</sup> This prohibition shall only apply to external activities in the sport of wrestling. Brockport did not identify the length of time associated with this prohibition. The COI believes the prohibition should align with the length of NCAA probation.

NCAA DIVISION III COMMITTEE ON INFRACTIONS

Sarah Feyerherm, Chair

Richard Lapidus

Donna Ledwin

Jody Mooradian

Angela Givens Williams

## APPENDIX ONE

### BROCKPORT'S CORRECTIVE ACTIONS AS IDENTIFIED IN THE OCTOBER 7, 2021, SUMMARY DISPOSITION REPORT

The Athletic Department in collaboration with other offices on campus have developed the following plan of corrective action to be implemented at the beginning of the 2021-2022 academic semester unless noted.

**Violation 1: Impermissibly conducted athletically related activities under the guise of physical education classes.**

- As soon as the violation was discovered the beginning and intermediate wrestling courses were canceled. (September 2020). The corrective action will ensure there are no organized out of season athletically related activities.
- Student-athletes will no longer be permitted to enroll in beginning or intermediate level activity courses if they are a member of an intercollegiate team in that sport. The corrective actions will ensure that student-athletes are enrolling in courses that are appropriate for their degree path. Collegiate student-athletes possess athletic talents above beginner and intermediate skill levels and should not be enrolled in those activity classes in their sport.
- KSSPE majors and Coaching Minors will be allowed to enroll in the required Advanced Performance courses and/or Coaching courses as appropriate to meet degree requirements in their respective sports. Student-athletes in the KSSPE major must be allowed to enroll in advanced level activity classes to complete their degree requirements those who aspire to teach, and coach need to meet specific academic requirements regarding the ability to analyze movement and teach sport specific skills taught only in advanced level classes.
- Syllabi of classes taught by members of the Athletic Department coaching staff must be consistent with all other activity courses offered in performance-based activities and testing. There must be an established, structured grading process. Participation cannot be the major grading factor. An established, uniform syllabus for all KSSPE activity-based courses provides academic integrity, ensures consistency in grading, and a deterrent to misconduct.
- Establish a system of monitoring the imposed sanctions for current case.

**Violation 2: Athletically related activities outside the institutions declared playing season.**

- Additional rules education at student-athlete NCAA eligibility meetings focused on in-season and out-of-season athletically related activities. The wrestling team will have specific education prior to the start of their season over the next three years.
- Continue to provide information regarding athletically related activities for all staff and coaches within the department.
- Creation of NCAA compliance monthly newsletters with special focus on NCAA rules education and rule changes. Newsletters will be distributed to the entire staff and made available on public website [ww.gobrockport.com](http://ww.gobrockport.com). The landscape of Division III legislation is continually changing, and it is imperative that all of our coaches, staff and

student-athletes have a full understanding of NCAA rules. Additional educational sessions and material will provide multiple opportunities to education new staff members while also creating an online library of reference materials.

**Violation 3: due to impermissible activities, wrestling team members engaged in athletically related activities prior to institution's declared playing season without medical clearance.**

- With the elimination of the beginning and intermediate wrestling classes the opportunity to participate in out of season athletically related activities conducted by a member of the coaching staff will be easier to monitor.
- The medical clearance process is overseen by our student health center staff. The professional staff review all medical documents for initial and continuing participation. Our athletic training staff is responsible for ensuring on[ly] [sic] those medically cleared are participating.

**Violation 4: The head coach did not demonstrate that he promoted an atmosphere of compliance.**

- The head coach admitted that he was involved in the organization and attended the off campus out of season practice. He also acknowledged that he was the professor assigned to the beginning and intermediate wrestling courses.
- Brockport understands that the violations within the wrestling program occurred under the supervision of the head wrestling coach.
- During the Fall 2020 academic semester, the college interim-suspended the head coach for the duration of the student conduct process. The head coach was not allowed on campus, nor to interact with any of his student-athletes. Additionally, the head coach was interviewed twice by Human Resource staff members to ascertain his involvement in COVID policy violations and potential NCAA violations.
- Although the head coach was found not responsible for campus COVID-related violations, he was given an alternative work assignment until the student conduct case was completed in mid-October. He was removed from all teaching responsibilities for the Fall 2020 semester. On August 11, 2021, the head coach submitted his letter of resignation from the head wrestling coaching position. With the departure of the head coach, the institution will adjust its sanctions against the head coach with the full understanding that the NCAA could add additional sanctions.

The sanctions against the head coach are as follows:

- Cannot teach any wrestling performance or activity classes for the remainder of his employment at Brockport.
- "Gag" order on any communication related to NCAA violations or sanctions related to Brockport wrestling program.

**APPENDIX TWO**  
**Bylaw Citations**

**Division III 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.

**17.1.1 Playing Season.** The playing (i.e., practice and competition) season for a particular sport is the period of time between the date of an institution's first officially recognized practice session and the date of the institution's last practice session or date of competition, whichever occurs later. An institution is permitted to conduct athletically related activities (see Bylaw 17.02.1.1) in each academic year only during the playing season as regulated for each sport in accordance with the provisions of this bylaw. The institution must conduct the same playing season for varsity and subvarsity teams in the same sport.

**17.1.5 Out-of-Season Athletically Related Activities.** Student-athletes and members of the coaching staff shall not engage in athletically related activities outside the institution's declared playing season per Bylaw 17.02.1.1, except as otherwise noted in this bylaw.

**17.27.2 Preseason Practice.** A member institution shall not commence practice sessions in wrestling before October 10.

**Division III 2018-19 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.

**17.1.1 Playing Season.** The playing (i.e., practice and competition) season for a particular sport is the period of time between the date of an institution's first officially recognized practice session and the date of the institution's last practice session or date of competition, whichever occurs later. An institution is permitted to conduct athletically related activities (see Bylaw 17.02.1.1) in each academic year only during the playing season as regulated for each sport in accordance with the provisions of this bylaw. The institution must conduct the same playing season for varsity and subvarsity teams in the same sport.

**17.1.5 Out-of-Season Athletically Related Activities.** Student-athletes and members of the coaching staff shall not engage in athletically related activities outside the institution's declared playing season per Bylaw 17.02.1.1, except as otherwise noted in this bylaw.

**17.27.2 Preseason Practice.** A member institution shall not commence practice sessions in wrestling before October 10.

### **Division III 2019-20 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.

**17.1.1 Playing Season.** The playing (i.e., practice and competition) season for a particular sport is the period of time between the date of an institution's first officially recognized practice session and the date of the institution's last practice session or date of competition, whichever occurs later. An institution is permitted to conduct athletically related activities (see Bylaw 17.02.1.1) in each academic year only during the playing season as regulated for each sport in accordance with the provisions of this bylaw. The institution must conduct the same playing season for varsity and subvarsity teams in the same sport.

**17.1.5 Out-of-Season Athletically Related Activities.** Student-athletes and members of the coaching staff shall not engage in athletically related activities outside the institution's declared playing season per Bylaw 17.02.1.1, except as otherwise noted in this bylaw.

**17.27.2 Preseason Practice.** A member institution shall not commence practice sessions in wrestling before October 10.

### **Division III 2020-21 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.

**17.1.1 Playing Season.** The playing (i.e., practice and competition) season for a particular sport is the period of time between the date of an institution's first officially recognized practice session and the date of the institution's last practice session or date of competition, whichever occurs later. An institution is permitted to conduct athletically related activities (see Bylaw 17.02.1.1) in each academic year only during the playing season as regulated for each sport in accordance with the provisions of this bylaw. The institution must conduct the same playing season for varsity and subvarsity teams in the same sport.

**17.1.5 Out-of-Season Athletically Related Activities.** Student-athletes and members of the coaching staff shall not engage in athletically related activities outside the institution's declared playing season per Bylaw 17.02.1.1, except as otherwise noted in this bylaw.

**17.1.6.4 Mandatory Medical Examination.** [#] Before participation in any practice, competition or out-of-season conditioning activities (or, in Division I, permissible voluntary summer conditioning or individual workouts, or permissible required summer athletic activities in basketball and football), student-athletes who are beginning their initial season of eligibility and students who are trying out for a team shall be required to undergo a medical examination or evaluation administered or supervised by a physician (e.g., family physician, team physician). A nurse practitioner whose medical licensure allows for health care practice independent of physician supervision may complete the medical examination without supervision by a physician. The examination or evaluation must be administered within six months before participation in any practice, competition or out-of-season conditioning activities. In following years, an updated history of the student-athlete's medical condition shall be administered by an institutional medical staff member (e.g., sports medicine staff, team physician) to determine if additional examinations (e.g., physical, cardiovascular, neurological) are required. The updated history must be administered within six months before the student-athlete's participation in any practice, competition or out-of-season conditioning activities for the applicable academic year.

**17.29.2 Preseason Practice.** A member institution shall not commence practice sessions in men's wrestling before October 10.