



**ALFRED STATE COLLEGE  
PUBLIC INFRACTIONS DECISION  
May 28, 2021**

## **I. INTRODUCTION**

The NCAA Division III Committee on Infractions (COI) is an independent administrative body comprised of individuals from the Division III membership and the public. The COI decides infractions cases involving member institutions and their staffs. This case involved major and secondary violations that occurred when the former head track and field coach at Alfred State College (Alfred State) permitted ineligible student-athletes to compete and receive travel expenses.<sup>1</sup> The parties agreed that the coach's direct involvement in the underlying violations supported a head coach responsibility 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 adopted Alfred State's self-imposed penalties and proposed further penalties for the institution and the head coach. The institution contested the COI's proposed one-year probationary period at an expedited penalty hearing. The head coach did not respond to his penalty. After the expedited hearing, the COI maintains the one-year probationary period because it addresses the significant major and secondary violations that occurred in this case, provides the institution with an opportunity to continue to demonstrate its compliance with NCAA legislation and aligns with past COI decisions. Alfred State has the opportunity to appeal only the contested penalty.

This case centers on two instances of ineligible competition by Alfred State track and field student-athletes. One instance stemmed from the intentional actions of the head coach while the other resulted due to the head coach's inattention to detail. First, the parties agree that in December 2019, the head coach knowingly permitted an ineligible women's indoor track and field student-athlete to compete and receive travel expenses under an eligible student athlete's name. Despite receiving specific reminders of the student-athlete's ineligibility, the head coach permitted the student-athlete to travel with the team. Upon arrival at the meet, the head coach informed the student-athlete that she could compete using a teammate's name and also instructed the assistant coach to check the student-athlete in using an eligible teammate's name. The student-athlete subsequently competed under her teammate's name. The parties agree that this violation is major.

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<sup>1</sup> A member of the Eastern Collegiate Athletic Conference, the institution has an enrollment of approximately 3,700 students. It sponsors seven women's sports and eight men's sports. This is the institution's first major infractions case.

Additionally, the head coach permitted a men's indoor track and field student-athlete to practice and compete from October 2019 through December 2019 despite being notified by the assistant athletic trainer that the student-athlete had not completed the mandatory medical exam. The head coach received regular updates via email identifying the student-athletes who had not taken the mandatory medical exam. Although he received regular email notification—including an email only a few days prior to permitting that student-athlete to practice and compete—the head coach asserted that the student-athlete's participation was inadvertent because he increased the size of his roster and did not know every single student-athlete on the team. The parties presented the agreed-upon violation as secondary. Although the COI initially questioned whether the violation could be major considering the apparent notification and the length of time the head coach permitted the student-athlete to practice, the COI accepts the parties' agreement that the violation is secondary.

Finally, the head coach agreed that he did not promote an atmosphere of compliance due to his direct involvement in the violations. The head coach intentionally permitted a student-athlete to compete and receive travel expenses despite knowing and being repeatedly reminded that the student-athlete's eligibility had not been certified by the institution. The head coach also directly involved his assistant coach and the student-athlete in the violation. Further, the head coach permitted another student-athlete to compete before the institution medically cleared him. Although the head coach claimed it was inadvertent, the violation was demonstrative of an emerging pattern of intentional disregard for or inattention to NCAA rules regarding eligibility. The COI concludes the head coach responsibility violation is major.

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 vacation of records; a financial penalty; and a two-year show-cause order for the head coach.

## **II. CASE HISTORY**

The violations in this case came to light in December 2019, when the assistant coach notified the athletics director that the head coach permitted an ineligible student-athlete to compete under an eligible student-athlete's name during a track and field meet. The institution began investigating and placed the head coach on an alternative work assignment. The institution submitted a self-report to the NCAA on December 12, 2019. After reviewing the self-report, the NCAA enforcement staff determined additional information was needed and interviewed the head coach, assistant coach, and track and field student-athletes.

Following a cooperative investigation, the parties submitted an SDR to the COI on November 10, 2020.<sup>2</sup> The COI reviewed the SDR on February 2, 2021, and accepted the agreed-upon facts,

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<sup>2</sup> Pursuant to COI Internal Operating Procedure (IOP) 4-8-2-1, 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.

violations and type of violations. The COI adopted Alfred State's self-imposed penalties but proposed additional penalties for the institution and the head coach. The head coach did not respond to the penalties proposed by the COI. On February 15, 2021, Alfred State notified the COI that the institution would contest portions of the proposed penalties. On March 17, 2021, Alfred State requested an expedited hearing to contest the one-year probation. The COI held an expedited hearing via videoconference on April 30, 2021.

### **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.<sup>3</sup> The SDR identified:

**1. [NCAA Division III Manual Bylaws 10.01.1, 10.1, 10.1-(f), 14.01.1, 14.10.1 and 16.8.1.2 (2019-20)] (Major)**

The institution, head coach and enforcement staff agree that on December 6, 2019, the head coach violated the principles of ethical conduct when he knowingly permitted a women's indoor track and field student-athlete to compete under an assumed name or with intent to otherwise deceive. Despite knowing that the student-athlete was ineligible because the institution had not certified her eligibility, the head coach permitted the student-athlete to compete and receive travel expenses under an eligible student-athlete's name.

**2. [NCAA Division III Manual Bylaws 14.10.1, 16.8.1.2 and 17.1.6.4 (2019-20)] (Secondary)**

The institution, head coach and enforcement staff agree that between October 25 and December 6, 2019, the head coach permitted a men's indoor track and field student-athlete to practice, compete and receive travel expenses prior to completing the mandatory medical exam. Specifically, the student-athlete practiced between October 25 and December 5, 2019, and subsequently competed and received travel expenses on December 6, 2019.

**3. [NCAA Division III Manual Bylaw 11.1.2.1 (2019-20)] (Major)**

The institution, head coach and enforcement staff agree that the head coach is presumed responsible for the violations detailed in Proposed Findings of Fact Nos. 1 and 2 and did not rebut the presumption of responsibility. Specifically,

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<sup>3</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.

the head coach did not demonstrate that he promoted an atmosphere of compliance within his program when he intentionally committed violations of NCAA legislation and involved an assistant coach and student-athletes in those violations. Further, the head coach did not demonstrate that he monitored his program when he permitted the student-athlete in Proposed Finding of Fact No. 2 to compete before the institution medically cleared him.

#### **IV. REVIEW OF CASE**

##### **Agreed-Upon Violations**

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 major and secondary violations occurred. Specifically, the head coach committed a major violation when he directed a student-athlete to compete and receive travel expenses under an eligible student athlete's name. Further, he allowed a secondary violation to occur when he permitted another student-athlete to practice, compete and receive travel expenses prior to completing the mandatory medical exam. Finally, the head coach agreed that his involvement in the violations demonstrated that the head coach failed to promote an atmosphere for compliance, which constituted a major violation.

The first violation occurred when the head coach knowingly permitted an ineligible student-athlete to compete and receive travel expenses under an eligible student-athlete's name. The head coach also directly involved an assistant coach and the student-athlete in the violation. The parties agreed that this action violated NCAA Bylaws 10, 14 and 16.

Bylaw 10 requires individuals to conduct themselves with honesty and sportsmanship at all times. Further, Bylaw 10.1-(f) identifies an institutional staff member's involvement in a student-athlete engaging in athletics competition under an assumed name as an example of unethical conduct. Bylaw 14.01.1 restricts institutions from permitting student-athletes to represent them in competition unless the student-athlete meets eligibility requirements and the institution has certified the student-athlete's eligibility. In accordance with Bylaw 14.10.1, if a student-athlete is ineligible, the institution must withhold the student-athlete from all competition. As set forth in Bylaw 16.8.1.2, an institution may provide actual and necessary travel expenses for a student-athlete to compete, provided the student-athlete is eligible.

The Bylaw 10 ethical conduct violations in this case resulted from the head coach intentionally instructing an ineligible student-athlete to compete under an assumed name. The head coach was notified by the institution's compliance coordinator on the morning of the December 6, 2019, track meet via email that the student-athlete was not eligible for competition because of her failure to complete her compliance forms. He also received a notification of the student-athlete's ineligibility via telephone after the student-athlete and team had arrived at the meet. Despite these notifications, the head coach instructed the assistant coach to check the student-athlete in under a

teammate's name and informed the student-athlete that she could enter the event using her teammate's name. The student-athlete's ineligible competition violated Alfred State's affirmative responsibility to withhold ineligible student-athletes from competition. Although Alfred State took proactive measures to identify which student-athletes were ineligible for competition, it is the responsibility of all involved to ensure that only eligible student-athletes compete. The head coach did not uphold his part of that process. As a result, Alfred State permitted an ineligible student-athlete to compete. Lastly, Bylaw 16 violations occurred when Alfred State provided the ineligible student-athlete with competition-related expenses.

The COI has previously concluded that permitting ineligible student-athletes to compete under an assumed name constitutes major ethical conduct violations. *See Dominican University* (2004) (concluding that an ethical conduct violation occurred when the head men's tennis coach permitted a student-athlete to practice and compete under the name of another student-athlete for an entire season). Likewise, the COI has regularly concluded that failing to withhold ineligible student-athletes from competition and providing them with competition-related expenses establishes major violations. *See University of Mary Hardin-Baylor* (2019) (concluding, via summary disposition, that a student-athlete competed and received expenses while ineligible when football coaches provided local transportation and the head football coach loaned a car to the student-athlete) and *College of Mount Saint Vincent* (2018) (concluding that a student-athlete competed and received expenses while ineligible when a booster cosigned a loan for the student-athlete). As in these cases, major violations occurred when Alfred State permitted the student-athlete to compete under an assumed name and receive expenses while ineligible.

The parties also agreed that the head coach failed to withhold another ineligible student-athlete despite being notified that the student-athlete was not medically cleared to practice and compete. The student-athlete's ineligible participation established a secondary violation of Bylaw 17.

Bylaw 17.1.6.4 requires student-athletes who are beginning their initial season of eligibility and students who are trying out for a team to undergo a medical examination or evaluation administered or supervised by a physician. Bylaw 19.02.2.1 identifies a secondary violation as one that is: (1) isolated or inadvertent in nature; (2) provides or is intended to provide only a minimal recruiting or competitive or other advantage; and (3) does not include any significant impermissible benefits, including but not limited to, extra benefits, recruiting inducements, preferential treatment or financial aid. Multiple secondary violations by a member institution collectively may be considered as a major violation. Pursuant to Bylaw 19.02.2.2, all violations other than secondary violations are considered major.

The Bylaw 17 violation occurred when the head coach permitted the student-athlete to practice and compete prior to medical clearance. The head coach received regular updates throughout the fall semester from the assistant athletic trainer notifying him of the student-athletes who had not been medically cleared for practice and competition. The last notification from the assistant athletic trainer was sent two days prior to the December 6, 2019, track meet that the student-athlete competed in. This is the first Division III case involving a violation of Bylaw 17.1.6.4 for permitting student-athletes to practice, compete and receive expenses before completing a mandatory medical examination.

Although the COI accepts the parties' agreement that the Bylaw 17.1.6.4 violation is secondary, it was a close call. The COI acknowledges that the coach stated he felt pressure from athletics administration to meet roster numbers and, as a result, did not know all of the student-athletes on his team. However, the head coach received at least two communications from the compliance office detailing the student-athletes who were eligible for practice and competition. As a result, it appears that the head coach had access to the necessary information. The COI determined that the head coach's failure to review and/or act on this information was more appropriately captured under his agreed-upon head coach responsibility violation, which the head coach agreed was major. Thus, the COI accepts the violation as secondary and notes that it provides further support for the major Bylaw 11.1.2.1 violation.

As to that violation, the head coach agreed that his actions demonstrated that he failed to promote an atmosphere for compliance in his track and field program. First, he committed an ethical conduct violation by knowingly permitting an ineligible student-athlete to compete and receive travel expenses under the name of an eligible student-athlete. Further, he did not demonstrate that he monitored his program when he permitted a student-athlete to practice and compete before the institution cleared him for medical purposes. Consequently, the head coach failed to meet his obligations under Bylaw 11.

Bylaw 11 addresses the conduct of athletics personnel, including head coaches. Bylaw 11.1.2.1 establishes two affirmative duties for head coaches: (1) to monitor individuals in their program who report to them and (2) to promote an atmosphere for compliance. A head coach may rebut this presumption by demonstrating that he promoted an atmosphere for compliance and monitored his staff.

The head coach agreed that he neither promoted an atmosphere for compliance nor monitored his program and, due to his direct involvement in the conduct, could not rebut his presumed responsibility. In this case, the head coach did not promote an atmosphere for compliance—rather, he did the opposite. The head coach knowingly permitted a student-athlete to compete under the name of an eligible student-athlete. Worse, he used his position of authority to influence his assistant coach and the student-athlete to participate in the violation. In his interview, the head coach discussed his knowledge of the institution's dual notification process when certifying student-athletes. Despite this knowledge, he permitted the student-athlete to compete while ineligible after receiving two notifications from the compliance coordinator of the student-athlete's ineligibility on the day of competition.

Similarly, the head coach's inattention to detail regarding who was on his roster and their eligibility status led to a second student-athlete practicing and later competing while ineligible. Although the head coach asserts this violation occurred inadvertently, it occurred as a direct result of the head coach's failure to monitor his program. The COI is concerned with the head coach's blatant disregard for the fundamental rules around eligibility and fair play as well as his negligent attention to details regarding student-athletes' eligibility status. The head coach's conduct does not meet the membership's high standards for head coaches. In fact, this conduct falls well short of membership expectations. Accordingly, the head coach failed to rebut the presumption of head coach responsibility, thus violating Bylaw 11.1.2.1.

The COI regularly concludes head coach responsibility violations occur when the coach is directly involved in the violations and/or fails to monitor his or her program. *See Mary Hardin-Baylor* (concluding, via summary disposition, that the head football coach failed to promote an atmosphere for compliance due to his personal involvement in, and awareness of violations, and failed to monitor staff when he became aware that staff members provided impermissible local transportation to a student-athlete) and *University of Wisconsin-Stevens Point* (2019) (concluding that the head men's basketball coach failed to promote an atmosphere for compliance due to his personal involvement in playing and practice seasons and recruiting violations). Similarly, the parties in this case agree that a major head coach responsibility violation occurred due to the head coach's personal involvement in the violations and failure to monitor his program.

### **Contested Penalty**

Alfred State contested the COI's proposed one-year probationary period. The COI conducted a thorough review of the case, which involved significant and intentional violations committed by Alfred State's employee. In light of these violations, the COI utilized Bylaw 19.5.2 to prescribe appropriate penalties—including a minimal probationary period. The COI also reviewed its past cases, which overwhelmingly support NCAA probation when major violations occur. After considering the information presented at the expedited hearing, the COI maintains the one-year probationary period. A one-year probationary period is appropriate because it addresses the significant violations that occurred in this case. Likewise, it provides the institution with an opportunity to demonstrate the high-functioning rules education and compliance program it articulated throughout this case and highlight areas of improvement over a one-year period. Further, probation aligns with past COI decisions.

At the expedited hearing, the institution argued that a one-year probationary period is inappropriate for three reasons. First, Alfred State emphasized that the major violation and student-athlete's corresponding ineligibility resulted from institutional policies and not NCAA legislation. Second, Alfred State believes the penalty casts some degree of ongoing suspicion about the institution's ability to comply with the rules. Third, the institution swiftly investigated and terminated the head coach as a result of the violations.

This case centers on, but is not limited to, unethical conduct. It also involved the head coach permitting a different student-athlete to practice, compete and receive travel expenses prior to completing the mandatory medical exam. Though not as severe as the ethical conduct violation, Alfred State did not detect this violation for over a month. Finally, this case also involved a head coach responsibility violation. Although derivative of the other violations, Alfred State also shares responsibility for this violation. Despite Alfred State's arguments at the expedited hearing, which only focused on the unethical conduct violation, it is ultimately responsible for all three violations in this case.

With respect to the ethical conduct violation, the head coach, acting on behalf of the institution, instructed his assistant coach to enter an ineligible student-athlete into competition under a false name. Though ineligible as the result of institutional policies, the fact remained that the student-athlete was ineligible for competition, and Alfred State had an obligation to withhold her from

competition. Alfred State argued that the major violation stemmed from the actions of a rogue employee and that it did everything right. However, the membership's infractions process has consistently held institutions accountable for the actions of its employees. Doing so is consistent with the responsibility of the institution outlined in the NCAA Constitution. *See* Constitution 2.1.1, 2.1.2 and 2.8.1 (expressly stating, among other responsibilities, that institutions remain responsible for the actions of their staff members). The COI acknowledges that Alfred State took steps to notify the head coach of the student-athlete's ineligibility and took decisive action upon learning of the violations, but those steps do not “cure” the violation nor do they make the limited penalties inappropriate.

Alfred State expressed concern at the expedited penalty hearing that probation would leave an impression that the institution is unable to comply with NCAA legislation. Alfred State further argued that the ongoing suspicion of inability to comply with the rules belongs solely to the head coach. The COI disagrees. Despite Alfred State's argument, probation is not a condemnation of the institution or its compliance program. The COI acknowledges and commends the institution for its proactive and reactive actions. Those actions, however, do not absolve the institution from responsibility for the violations that occurred. At the end of the day, an institutional employee felt comfortable knowingly allowing an ineligible student-athlete to compete under a false name and permitting another ineligible student-athlete to practice, compete and receive travel expenses without completing a required medical exam. The violations in this case were neither limited nor isolated. To the contrary, they appeared to be establishing a pattern of noncompliance within Alfred State's track and field program. Fortunately, the institution caught and ended the pattern. Alfred State's remedial actions, however, do not make probation inappropriate. The limited probationary period provides the institution with a platform to reinforce its compliance efforts across all its athletics programs to ensure that other coaches understand their obligations under NCAA legislation. In this circumstance, the COI views probation as an opportunity, not a condemnation.

At the expedited hearing, Alfred State suggested that its case was unlike any other case presented to the COI and attempted to distinguish itself from other cases that it characterized as involving more egregious violations. After conducting its own research, the institution argued that probation was often associated with either failure to monitor, lack of institutional control, or both. The COI disagrees. The COI has consistently prescribed probation in cases involving unethical conduct. *See University of Wisconsin-Stevens Point* and *College of Mount Saint Vincent*. The COI has previously concluded that a failure to monitor or lack of institutional control is not a prerequisite for probation. *See College of Mount Saint Vincent; Methodist University* (2017); and *Hunter College* (2016). In its attempts to distinguish itself from past cases involving unethical conduct, Alfred State was unable to identify any cases that did not involve probation. The COI does not dispute that these violations were more limited than other unethical conduct cases; however, that does not suggest that the violations are not significant nor that a minimal one-year probationary period is not warranted. Like those cases, the COI penalized violations that threaten the integrity of the NCAA Collegiate Model.

Alfred State also challenges the one-year probationary period because of the institution's swift response to the violations. Specifically, the institution immediately investigated the conduct, self-



reported the violation, and terminated the head coach without delay. The COI appreciates the institution's expediency in this matter and acknowledges the swift actions taken by the institution once it became aware of the violations. However, the reaction to the violations does not require the committee to exempt Alfred State from liability and withdraw the one-year probation.

The COI acknowledges that probation is not an automatic penalty and that unique circumstances could render probation inappropriate. Those circumstances are not present here. Notably, probation has been prescribed in every major Division III case over the past 30 years. The facts and circumstances in Alfred State's case do not warrant departing from consistently prescribing NCAA probation when major violations occur.

Alfred State's response to the violations met the expectations and obligations of NCAA membership. In recognition of this, the COI prescribed a limited one-year probationary period. It is the COI's responsibility to render penalties that address significant violations on behalf of the NCAA membership. Probation provides an opportunity for the institution to demonstrate its compliance program to the COI, and for the COI to monitor and remediate any weaknesses that may exist in the institution's athletics program.

## **V. PENALTIES**

For the reasons set forth in Sections III and IV of this decision, the COI concludes this case involved major violations of NCAA legislation. Major violations are not isolated or inadvertent, provide or are intended to provide more than a minimal advantage and include intentional violations of NCAA legislation.

In prescribing penalties, the COI evaluated relevant mitigating factors pursuant to Bylaw 32.7.1.3. The COI specifically noted that Alfred State notified the head coach of his student-athletes' eligibility status. The COI recognizes the institution's compliance practices in this area. However, institutions are responsible for the actions of their employees. Therefore, when the head coach disregarded the institution's notifications, institutional violations occurred.

The COI also considered Alfred State's cooperation in all parts of the case and determines it was consistent with the institution's obligation under Bylaw 32.1.3. Likewise, the COI considered Alfred State's corrective actions as set forth in Appendix One. After considering all information, 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 May 28, 2021 to May 27, 2022. During the period of probation, the institution shall:
  - a. Continue to develop and implement a comprehensive compliance and educational

- program on NCAA legislation to instruct coaches, the faculty athletics representative, all athletics department personnel and all institutional staff members with responsibility for ensuring compliance with NCAA legislation on certification and recruiting;
- b. Submit a preliminary report to the Office of the Committees on Infractions (OCOI) by July 15, 2021, setting forth a schedule for establishing this compliance and educational program;
  - c. File with the OCOI an annual compliance report indicating the progress made with this program by March 301, 2022. Particular emphasis shall be placed on Alfred State's ethical conduct and head coach responsibility rules education efforts;
  - d. Inform all track and field prospective student-athletes in writing that the institution is on probation for one year and detail the violations committed. The information shall be provided as soon 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 a direct, conspicuous link to the public infractions decision located on the athletic department's main webpage "landing page" and in the media guides for all sports. The institution's statement must: (i) clearly describe the infractions; (ii) include the length of the probationary period associated with the case; and (iii) give members of the general public a clear indication of what happened in the case to allow the public (particularly prospects and their families) to make informed, knowledgeable decisions. A statement that refers only to the probationary period with nothing more is not sufficient.
3. Vacation of team and individual records: Alfred State agreed that one ineligible track and field student-athlete competed and received travel expenses under an eligible student athlete's name. Further, Alfred State agrees that another track and field student-athlete practiced, traveled, and competed prior to completion of the mandatory medical exam. Therefore, pursuant to Bylaws 19.5.2-(g) and 31.2.2.3, Alfred State 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 they were reinstated as eligible for competition. (Self-imposed.) Further, Alfred State's records regarding its athletics programs, 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 which 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 victor "milestones" such as 100<sup>th</sup>, 200<sup>th</sup> or 500<sup>th</sup> 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 track and field shall be returned to the Association.

Finally, to aid in accurately reflecting all institutional and student-athlete vacations, statistics and records in official NCAA publication and archives, the sports information director (or other designee as assigned by the director of athletics) must contact the NCAA Media Coordination and Statistics 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 department. This written report must be delivered to the NCAA Media Coordination and Statistics office no later than 15 days following the release of this decision or, if the institution appeals the vacation penalty, at the conclusion of the appeals process. A copy of the written report shall also be delivered to the OCOI at the same time.

4. Financial penalty: The institution shall pay a \$1,250 fine to the NCAA.
5. Prior to the conclusion of probation, the institution's president shall provide a letter to the COI affirming that the institution's current athletics policies and practices conform to all requirements of NCAA regulations.
6. Show-cause order: The head coach violated the principles of ethical conduct when he knowingly permitted an ineligible student-athlete to compete at a track meet and receive travel expenses under an eligible student-athlete's name. He also committed a secondary violation when he permitted a student-athlete to practice, compete and receive travel expenses prior to completing the mandatory medical exam. Finally, he agreed that 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. Therefore, the head coach shall be subject to a two-year show-cause order from May 28, 2021 to May 27, 2023. In accordance with Bylaw 19.5.2.2.1 and COI IOP 5-16-1-2, any employing member 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. If the head coach becomes employed by a member institution in an athletically related position during the two-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 prior cases involving ethical conduct and/or head coach responsibility violations. *See Wisconsin-Stevens Point* (prescribing a two-year show-cause order with required Regional Rules Seminar attendance when a head men's basketball coach failed to promote an atmosphere for compliance due to his personal involvement in underlying violations) and *Occidental College* (2013) (prescribing a two-year show-cause order with required Regional Rules Seminar attendance and recruiting restrictions for a head coach who failed to promote an atmosphere for compliance for his direct involvement in underlying violations). In this case, the head

coach's direct involvement in the violations undermined the integrity and fairness of intercollegiate competition and failed to meet the high expectations the NCAA membership has for its head coaches. Thus, a two-year show-cause order is appropriate.

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As required by NCAA legislation for any institution involved in a major infractions case, Alfred State 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, May 28, 2021. The COI further advises Alfred State that it should take every precaution to ensure that it observes the terms of the penalties. The COI will monitor Alfred State 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 Alfred State does not comply or commits additional violations. Likewise, any action by Alfred State 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 III COMMITTEE ON INFRACTIONS

Sarah Feyerherm  
Effel Harper  
Gerald Houlihan, Chair  
Richard Lapidus  
Jody Mooradian

**APPENDIX ONE**

**ALFRED STATE COLLEGE'S CORRECTIVE ACTIONS AS IDENTIFIED IN THE  
NOVEMBER 20, 2020, SUMMARY DISPOSITION REPORT**

Alfred State College has already taken the following steps:

1. The College will enhance compliance training and rules education for all student-athletes.
2. The College implemented a bystander program allowing for anonymous email submissions to Athletic Department Administrators.

## **APPENDIX TWO**

### **Bylaw Citations**

#### **Division III 2019-20 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:

(f) Engaging in any athletics competition under an assumed name or with intent to otherwise deceive;

**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.

**14.01.1 Institutional Responsibility.** An institution shall not permit a student-athlete to represent it in intercollegiate athletics competition unless the student-athlete meets all applicable eligibility requirements and the institution has certified the student-athlete's eligibility. Violations of this bylaw in which the institution fails to certify the student-athlete's eligibility before allowing the student-athlete to represent the institution in intercollegiate competition shall be considered an institutional violation per Constitution 2.8.1; however, such violations shall not affect the student-athlete's eligibility, provided all the necessary information to certify the student-athlete's eligibility was available to the institution and the student-athlete would have been otherwise eligible for competition.

**14.10.1 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.

**16.8.1.2 Competition While Representing Institution.** An institution may provide actual and necessary travel expenses (e.g., transportation, lodging and meals) for a student-athlete to

represent the institution in competition, provided the student-athlete is eligible for intercollegiate competition.

**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.