



**CLARION UNIVERSITY OF PENNSYLVANIA  
PUBLIC INFRACTIONS DECISION  
March 11, 2021**

## **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 financial aid violations within the women's soccer program at Clarion University of Pennsylvania, as well as a head coach responsibility violation by the former head women's soccer coach (head coach).<sup>1</sup> The COI considered this case through the cooperative summary disposition process in which Clarion, the head coach and the enforcement staff agreed to the primary facts and violations as fully set forth in the summary disposition report (SDR). The COI proposed additional penalties for Clarion and a show-cause order for the head coach. Clarion and the head coach accepted the additional penalties. Therefore, neither party has the opportunity to appeal.

The head coach agreed that between March 2017 and August 2018, he violated financial aid legislation by providing impermissible financial aid agreements to 19 prospective and current women's soccer student-athletes. Specifically, in March 2017, the head coach created and distributed letters to nine prospects that promised multiple years of athletics aid, contrary to legislation which limits financial aid agreements to one-year terms. In addition, between April and August 2018, the head coach signed and issued athletics aid agreements to a total of 10 incoming and current women's soccer student-athletes without first obtaining the required signature of Clarion's director of financial aid, or Clarion's official designee. The head coach agreed that his direct involvement in the violations demonstrated that he failed to promote an atmosphere for compliance and violated head coach responsibility legislation. His actions disregarded fundamental membership requirements surrounding the administration of financial aid and violated the trust of his student-athletes. Clarion and the head coach agree that the violations occurred and that they are 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: public reprimand and censure; two years of probation; a \$1,000 fine; completion of a Blueprint Review; an additional outside audit; attendance at NCAA Regional Rules Seminars for select staff members; and a three-year show-cause order for the head coach.

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<sup>1</sup> A member of the Pennsylvania State Athletic Conference, Clarion has an enrollment of approximately 3,700 students. It sponsors six men's and nine women's sports. This is the institution's first major infractions case.

## **II. CASE HISTORY**

On January 29, 2019, the former head women's soccer coach (head coach) met with the athletics director to inform her of the institutional athletics aid he promised to student-athletes in excess of the institution's budget. Institutional representatives met with each impacted student-athlete and their parents to discuss the nature and content of the communications with the head coach. Following these meetings, the athletics director, vice president of student affairs and director of financial aid revised the impacted student-athlete's 2018-19 financial aid agreements, as they felt it was important to honor the head coach's promises. The head coach's contract was not renewed as of February 12, 2019.

Clarion self-reported violations to the NCAA enforcement staff on May 29, 2019. Ten months later, on April 1, 2020, the enforcement staff issued a notice of inquiry to Clarion and began a cooperative investigation into the matter. The parties submitted the SDR to the COI on October 7, 2020.<sup>2</sup> The COI initially reviewed the SDR on November 20, 2020, and requested clarification on two occasions. After receiving the parties' clarifying information, the COI completed its review on January 26, 2021. The COI accepted the agreed-upon facts, violations and type of violations, adopted Clarion's corrective action and determined that the violations warranted additional penalties. On January 26, 2021, the COI proposed additional penalties to Clarion and the head coach. Clarion and the head coach accepted the additional penalties on February 12, 2021.

## **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. The SDR identified:

#### **1. [NCAA Division II Manual Bylaws 15.6.2.3, 15.6.3.1 and 15.6.3.1.1 (2016-17) and 15.5.2.3 (2017-18 and 2018-19)]**

Clarion, the head coach and the enforcement staff agree that in March 2017, the head coach provided impermissible written offers of athletics aid to nine women's soccer prospective student-athletes. Additionally, between April and August 2018, the head coach signed and issued impermissible athletics aid agreements to 10 women's soccer student-athletes. Specifically:

- a. In March 2017, the head coach sent letters promising multiple years of athletics aid to nine women's soccer prospective student-athletes. All nine

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<sup>2</sup> 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.

women's soccer prospective student-athletes enrolled at the institution in the fall of 2017. [Bylaws 15.6.2.3, 15.6.3.1 and 15.6.3.1.1 (2016-17)]

- b. Between April and August 2018, the head coach signed and issued written offers of athletics aid to 10 student-athletes without the signature of the chair of the regular committee or other agency for the awarding of financial aid to students generally, or the chair's official designee. [Bylaw 15.5.2.3 (2017-18 and 2018-19)]

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

Clarion, the head coach and the enforcement staff agree that in 2017 and 2018, 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.

## **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 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 financial aid resulted in violations of Bylaws 11 and 15.<sup>3</sup>

Bylaw 15 outlines the permissible application, distribution and usage of financial aid and athletics aid. Institutions are required to adhere to the legislation when offering and administering financial aid. Likewise, institutions must remain mindful of the processes for presenting an award, award limits and the length of the award. Bylaw 15.5.2.3 states that prior to presenting an award offer to a student-athlete, the institution's financial aid designee must sign or authorize the award. Additionally, Bylaw 15.5.3.1 states that financial aid shall not be awarded in excess of one academic year nor for a period less than one academic year. Further, Bylaw 15.5.3.1.1 outlines the permissible exceptions that allow an institution to award financial aid for a period less than one academic year. In addition, under Bylaw 11.1.2.1, head coaches are presumed responsible for violations within their programs. Head coaches may rebut this presumption by demonstrating that they promoted an atmosphere for compliance.<sup>4</sup>

Prior to the 2014-15 academic year, Clarion hired the head coach to lead its women's soccer program. Clarion did not fully fund its sport programs. Rather, prior to each academic year,

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<sup>3</sup> The full text of all bylaws violated in this case is at Appendix Two. On August 1, 2017, former Bylaws 15.6.2.3, 15.6.3.1 and 15.6.3.1.1 became Bylaws 15.5.2.3, 15.5.3.1 and 15.5.3.1.1, respectively. This decision refers to the bylaws as 15.5.2.3, 15.5.3.1 and 15.5.3.1.1.

<sup>4</sup> 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.

Clarion provided each head coach with a specific athletics aid budget. Additionally, Clarion's athletics director held individual meetings with every head coach to ensure they were aware of the allotted amount of athletics aid available and, more specifically, the maximum equivalencies that may be awarded. Clarion also established a process that included numerous checks and balances to ensure each head coach, the athletics director and the vice president of student affairs signed the agreed-upon athletics aid budget.

In March 2017, the head coach created and distributed letters to nine prospects that promised multiple years of athletics aid. The head coach knew these letters would not serve as the official athletics aid award. The head coach admitted that he distributed the letters with the intent of securing the prospects' enrollment. Although he knew they were not valid offers of athletics aid, the head coach admitted that the letters likely led parents to believe that their daughters had earned a multi-year award. Each of the nine prospects subsequently signed and returned the letters to the head coach and enrolled at the institution. The head coach withheld the signed letters outlining the awards from the appropriate officials at the institution. The multi-year awards to the nine prospects resulted in violations of Bylaws 15.5.2.3, 15.5.3.1 and 15.5.3.1.1.

Additionally, between April and August 2018, the head coach signed and issued athletics aid agreements to a total of 10 incoming and current women's soccer student-athletes for the 2018-19 academic year without first obtaining the required signature of the institution's director of financial aid, or their official designee. The head coach knew the appropriate processes for issuing aid awards but chose to circumvent the legislated process because the amounts the head coach offered were in excess of his sport program's predetermined budget. Upon receipt of the signed 2018-19 academic year aid awards, the head coach again withheld the documents from the appropriate officials at the institution. In August 2018, the head coach contacted the same 10 student-athletes, notifying them that he would not have the promised amount of athletics aid during fall 2018. He informed the student-athletes that they would need to sign a new athletics aid agreement to have the entirety of their 2018-19 athletics aid distributed in spring 2019. Similar to his failure to follow protocol with the offers he made to the nine prospects, the head coach again signed and issued these new agreements on his own accord, without obtaining the requisite signature. The issuance of the 10 written offers of athletics aid without the requisite signature resulted in a violation of Bylaw 15.5.2.3.

The parties agreed that the violations are major. Previously, in *Morehouse College* (2015), the COI concluded violations of the same bylaw were secondary when, over a five-year period, the institution's director of athletics improperly signed prospective student-athletes' written offers of athletically related financial aid even though the signature of the institution's chair, or their designee, was required. However, here the parties agreed that numerous violations of financial aid bylaws through a single individual's related actions elevated the classification to major. The COI agrees with the parties and concludes that the violations are major.

The head coach admitted that his conduct resulted in a violation of Bylaw 11. He also acknowledged that due to his personal involvement in the violations, he could not rebut his presumed responsibility by demonstrating that he promoted an atmosphere for compliance. Head coaches are in a unique position of trust. Prospects, student-athletes and their parents look to head

coaches to assist them in making decisions on what schools to attend. Often times a critical factor in that decision-making process is the value of an athletics scholarship. The head coach betrayed that trust when he intentionally misrepresented the value and length of athletics aid to prospects, current student-athletes and their families. The head coach's actions fell well short of the membership's expectations for how head coaches should conduct themselves.

The COI has consistently concluded that head coaches fail to promote an atmosphere for compliance and commit major head coach responsibility violations when they are personally involved in violations. *See Saint Leo University* (2019) (concluding that the head women's volleyball coach failed to promote compliance due to his personal involvement in knowingly providing impermissible benefits in the form of cash and a rental payment to a student-athlete); *Christian Brothers University* (2019) (concluding that the head men's and women's tennis coach did not promote compliance due to his personal involvement in knowingly providing improper recruiting inducements and failing to engage compliance staff to determine whether his actions were permissible); and *West Liberty University* (2019) (concluding that the head men's soccer coach did not promote compliance due to his personal involvement in knowingly providing impermissible tuition payments from personal camp funds to two student-athletes). Consistent with the major violations in these cases and pursuant to Bylaw 19.02.2, the head coach responsibility violation is major because the head coach's actions were neither isolated nor limited and were intended to provide Clarion with an extensive advantage in the form of women's soccer student-athletes' enrollment at and participation on Clarion's women's soccer team.

## **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, Clarion and the head coach have no opportunity to appeal. Clarion and the head coach agreed to the facts and violations and accepted the proposed additional penalties.

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 Clarion's cooperation in all parts of the case and determines it was consistent with Clarion's obligation under Bylaw 32.1.3. Likewise, the COI considered Clarion's corrective action 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: Two years of probation from March 11, 2021, through March 10, 2023.

3. During this period of probation, Clarion 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 April 30, 2021, setting forth a schedule for establishing this compliance and educational program;
- c. File with the OCOI annual compliance reports indicating the progress made with this program by January 31 during each year of probation. Particular emphasis shall be placed on rules education and monitoring related to certification, eligibility, financial aid distribution, head coach responsibility and ethical conduct legislation.
- d. Inform women's soccer prospects in writing that Clarion is on probation for two years 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 soccer. 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. Clarion shall pay a \$1,000 fine.<sup>5</sup>

5. Clarion shall undergo a Compliance Blueprint Review of its athletics policies and procedures during the term of probation. Clarion shall implement all recommendations made by the reviewers and shall provide a copy of the reviewer's report in its annual report.
6. In addition to the Compliance Blueprint Review, Clarion will also be required to undergo a comprehensive review of its certification and eligibility by a qualified outside entity during the term of probation. The comprehensive review by the outside entity must specifically

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<sup>5</sup> In considering the value of the fine, the COI notes that the institution will be responsible for the cost of the required Blueprint Review and Outside Audit.

review all certification and eligibility decisions which took place during the following academic years: 2017-18, 2018-19, 2019-20 and 2020-21. Clarion shall implement all recommendations made by the reviewers and self-report any violations of NCAA legislation which are discovered.

7. Show-cause order: The head coach violated the principles of ethical conduct when he knowingly provided prospective and current women's soccer student-athletes with impermissible financial aid agreements. 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. Therefore, the head coach shall be subject to a three-year show-cause order from March 11, 2021, through March 10, 2024. 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 member institution in an athletically related position during the three-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 violations. *See Saint Leo* (prescribing a two-year show-cause order for the head women's volleyball coach who did not promote compliance and engaged in unethical conduct when he knowingly provided impermissible benefits); *West Liberty* (prescribing a two-year show-cause order for the head men's soccer coach who did not promote compliance and engaged in unethical conduct when he knowingly provided impermissible tuition payments for student-athletes and gave false information during an investigation); *Lane College* (2019) (prescribing a five-year show-cause order for the head cross country and track and field coach who did not promote compliance and engaged in unethical conduct when he told an ineligible student-athlete to compete and permitted the student-athlete to receive expenses during this ineligible competition); and *Lynn University* (2019) (prescribing a five-year show-cause order for a compliance officer who engaged in unethical conduct when she gave false information regarding student-athletes' eligibility and failed to cooperate). Taking into account the decisions rendered in these cases, the head coach's conduct warrants a three-year show-cause order.

8. During each year of the term of probation, the associate athletic director for compliance shall attend an NCAA Regional Rules Seminar. The institution shall provide in its annual compliance reports a list of the sessions the associate athletic director for compliance attends at these seminars.
9. Following the receipt of the final compliance report and prior to the conclusion of probation, Clarion's president shall provide a letter to the COI affirming that Clarion'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, Clarion 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, March 11, 2021. The COI further advises Clarion and the head coach that they should take every precaution to ensure that they observe the terms of the penalties. The COI will monitor Clarion 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 Clarion does not comply or commits additional violations. Likewise, any action by Clarion 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  
Melissa Reilly  
Leslie Schuemann  
Jason Sobolik  
Jane Teixeira, Chair  
Christie Ward



**APPENDIX ONE**

**CLARION'S CORRECTIVE ACTIONS AS IDENTIFIED IN THE  
OCTOBER 7, 2020, SUMMARY DISPOSITION REPORT**

1. The head coach's contract was non-renewed as of February 12, 2019, by Clarion.
2. Clarion also honored all of the athletic academic aid that was promised impermissibly by the head coach.

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

**Division II 2016-17 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.

**15.6.2.3 Written Statement Requirement.** The institutional agency making a financial aid award for a regular academic term or academic year shall give the recipient a written statement of the amount, duration, conditions and terms of the award. The chair of the regular committee or other agency for the awarding of financial aid to students generally, or the chair's official designee, shall sign or electronically authorize (e.g., electronic signature) the written statement. The signature of the athletics director, attesting to the committee's award, does not satisfy this requirement.

**15.6.3.1 One-Year Limit.** When a student's athletics ability is taken into consideration in any degree in awarding financial aid, such aid shall not be awarded in excess of one academic year.

**15.6.3.1.1 Financial Aid Authority Precedent.** A staff member may inform a prospective student-athlete that the athletics department will recommend to the financial aid authority that the prospective student-athlete's financial aid be renewed each year for a period of four years and may indicate that the authority always has followed the athletics department's recommendations in the past. However, the prospective student-athlete must be informed that the renewal will not be automatic.

**Division II 2017-18 Manual**

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

**15.5.2.3 Written Statement Requirement.** The institutional agency making an athletics aid award for a regular academic term or academic year shall give the recipient a written statement of the amount, duration, conditions and terms of the award. The chair of the regular committee or other agency for the awarding of financial aid to students generally, or the chair's official designee, shall sign or electronically authorize (e.g., electronic signature) the written statement. The

signature of the athletics director, attesting to the committee's award, does not satisfy this requirement.

### **Division II 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.

**15.5.2.3 Written Statement Requirement.** The institutional agency making an athletics aid award for a regular academic term or academic year shall give the recipient a written statement of the amount, duration, conditions and terms of the award. The chair of the regular committee or other agency for the awarding of financial aid to students generally, or the chair's official designee, shall sign or electronically authorize (e.g., electronic signature) the written statement. The signature of the athletics director, attesting to the committee's award, does not satisfy this requirement.