



**KING UNIVERSITY**  
**PUBLIC INFRACTIONS DECISION**  
**September 4, 2020**

**I. INTRODUCTION**

The NCAA Division II Committee on Infractions (COI) is an independent administrative body of the NCAA comprised of individuals from the Division II membership and the public. The COI decides infractions cases involving member institutions and their staffs. This case centered on the men's basketball program at King University and involved violations in the institutional work-study program, impermissible inducements and benefits and academic misconduct.<sup>1</sup> The work-study violations occurred when men's basketball student-athletes were paid for work they did not perform, while the other violations involved the program's associate head coach (associate head coach) providing impermissible inducements to two prospects and engaging in academic misconduct on behalf of an enrolled student-athlete. Finally, the violations established that both King and the head men's basketball coach (head coach) failed to monitor aspects of the men's basketball program.

The work-study violations were rooted in King's work-study program, which a financial aid counselor (counselor) later described as loosely run. The program's shortcomings included King's failure to properly train the associate head coach and his own failure to ensure that the workers accurately reported their hours. The inducement and ethical conduct violations could have easily been avoided if the men's basketball staff had consulted with the compliance office regarding the permissibility of their actions. Instead, the coaches substituted their own judgement and assumed they were right. With their experience, they either should have known the applicable rules or should have checked with the compliance office.

The work-study violations involved 28 men's basketball student-athletes receiving more than \$22,000 of pay they did not earn. The violations occurred over four academic years and resulted from the student-athletes who worked in the gym submitting inaccurate and inflated documentation of the hours they actually worked. The workers, who were supervised by the associate head coach, often "rounded up" the amount of time they worked and logged inaccurate hours, including times when they were competing. The associate head coach, who oversaw the workers, approved their hours without confirming their accuracy, and King later did not appropriately act on information suggesting the reported hours might be inaccurate. When the institution paid the work-study student-athletes for work not performed, it violated NCAA legislation related to financial aid, employment and impermissible benefits.

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<sup>1</sup> A member of Conference Carolinas, King University has an enrollment of approximately 650 students. It sponsors 10 women's and 10 men's NCAA sports. The institution has no previous major infractions cases.

Other violations involving the men's basketball program occurred in 2015 and 2016 when the associate head coach provided impermissible inducements to two prospects and engaged in academic misconduct on behalf of an enrolled student-athlete. Regarding the impermissible recruiting inducements, the associate head coach made substantive edits to the prospects' admission essays, which were used by the institution to help gauge whether potential students who did not meet admissions criteria had the ability to do college-level academic work and should therefore be accepted for admission. He also allowed one of the prospects to spend two days in his home, where the associate head coach provided him with meals and arranged cost-free tutoring by his wife in a math course the prospect needed to pass to attain initial eligibility. His provision of essay assistance as well as cost-free housing, meals and tutoring violated NCAA recruiting legislation.

The associate head coach also engaged in academic misconduct with an enrolled student-athlete. He substantially edited a student-athlete's take-home test, which the student-athlete then submitted for credit in the course. The associate head coach's knowing engagement in academic misconduct constituted violations of NCAA ethical conduct legislation.

The scope and nature of the violations demonstrated a failure by King to monitor the work-study program and a failure by the head coach to meet his head coach responsibilities. The institution did not adequately educate and train the associate head coach, who took over the work-study program immediately upon being hired when he graduated from King. The institution also failed to adequately monitor the associate head coach's supervision of workers from his own sports program.

The head coach failed to meet membership expectations to set the proper atmosphere for rules compliance and monitor his staff. He instructed his staff to talk to him when they had compliance questions, and the staff only took compliance-related questions to the compliance officer if the head coach felt he did not know if an action was permissible. He was aware that the prospect was going to stay at the associate head coach's home but did not ask the compliance office if the arrangement was allowable. Additionally, while the arrangement was ongoing, the head coach did not ensure that it complied with all applicable NCAA legislation. A culture of rules compliance starts at the top. When head coaches do not communicate with the compliance office regarding the permissibility of actions they and/or their staffs are taking, they fail to meet their responsibilities and set poor examples for their staffs.

The COI concludes that major violations occurred. Utilizing NCAA bylaws authorizing penalties, the COI adopts and prescribes the following principal penalties: three years of probation; a \$2,500 fine; men's basketball grant-in-aid reductions; men's basketball official paid visit reductions; Regional Rules Seminar attendance; vacation of records; provision of a copy of the infractions decision to King's regional accrediting agency; preclusion of men's basketball student-athletes holding work-study positions involving the men's basketball program; an outside audit of the athletics program; and show-cause orders for the head coach and associate head coach.

## **II. CASE HISTORY**

The underlying conduct in this case came to light in February 2017 when an institutional staff member discovered potential irregularities in the hours a men's basketball student-athlete reported as part of a federal work-study program. The institution initiated a review that was later expanded to look at inducement and academic issues within the men's basketball program. In July 2018, an institutional committee conducted an internal hearing and reported its findings to the institution's president. On August 1, 2018, the institution notified the NCAA enforcement staff of potential NCAA rules violations. King submitted a self-report outlining the violations to the enforcement staff on October 16, 2018.

On November 8, 2018, the enforcement staff issued a written notice of inquiry to the institution's president. From that time through July 2019, the staff and institution conducted a collaborative investigation, interviewing numerous individuals and gathering relevant documents. The enforcement staff issued a notice of allegations (NOA) to the institution, head coach and associate head coach on October 16, 2019.

In January 2020, the institution and two coaches submitted their responses to the NOA. Later that month, the enforcement staff held prehearing conferences with the three parties before submitting its case summary on March 13, 2020.

An in-person hearing was scheduled for May 4, 2020, before being delayed by the COVID-19 pandemic. Because there was no known timetable for when in-person hearings might resume, the COI wrote to all parties on May 19, 2020, proposing that the hearing be conducted by videoconference. All parties agreed to a videoconference and the hearing was set for June 22, 2020. However, due to a scheduling conflict by one of the parties, the hearing was delayed until July 13, 2020. The hearing was held by videoconference on that date.

## **III. FINDINGS OF FACT**

In early 2017, acting on information that men's basketball student-athletes in the institutional work-study program may have reported excessive hours worked, King instituted an investigation into the program. The investigation later expanded to explore institutional admissions essays and an academic issue, also in the men's basketball program. The investigation eventually determined that work-study student-athletes reported hours they had not worked, resulting in them being paid for work not performed. Once the NCAA enforcement staff became involved, the investigation also uncovered two instances when a member of the men's basketball coaching staff assisted two prospects in writing admissions essays, provided one of the prospects with cost-free housing, meals and tutoring, and assisted an enrolled student-athlete in writing a take-home exam.

In February 2017, an institutional staff member noticed that a student he supervised in the Information Technology (IT) work-study program had reported working at times he may not have actually worked. The student was a member of the King men's basketball team and, along with

other members of the team, also held a second work-study position preparing the campus gym for athletic competitions and other events and cleaning up after they occurred. The workers who held these positions were referred to as the Gym Crew.

In response to the potential discrepancy, institutional personnel began a review of the work hours reported by the other student-athletes on the Gym Crew. The review revealed other potential problems with hours reported by crew members during the 2016-17 academic year. King then expanded the review to include all hours submitted by the Gym Crew from August 2012 to March 2017. The review found that over four years, 28 men's basketball student-athletes in the work-study program had overstated the hours they worked and were compensated more than \$22,000 for work not performed. They were supervised by the associate head coach.

The review also explored other potential issues in the men's basketball program involving impermissible inducements and academic misconduct. The collaborative investigation discovered that a member of the men's basketball staff transported a prospect to the associate head coach's home, where the associate head coach and his wife housed, fed and tutored him in a Math class he needed to pass for initial eligibility. The institution also found that the associate head coach assisted two prospects with their institutional admissions essay and an enrolled student-athlete with a take-home exam.

At the time, King (then known as King College) was a relatively new NCAA program, having been granted full rights and privileges as a member of NCAA Division II in 2010. The institution hired the head coach to lead the men's basketball program in 2006 and he remained in that position through the 2019-20 season, when he resigned. The associate head coach played at King for the head coach and was hired as an assistant men's basketball coach upon graduating in 2008. He was promoted to associate head coach in 2014 or 2015, serving in that position until resigning from King in mid-April 2017 to become head men's basketball coach at another Division II institution for the 2017-18 academic year. After one season at that institution, he was hired as head coach at a third Division II institution. He remained in that position at the time of the hearing.

## **The Work-Study Program**

### *Supervision and Tracking Hours Submitted for Payment*

The King financial aid office oversees and administers the institutional federal work-study program. Upon his hiring in 2008, the associate head coach began supervising the Gym Crew. Other than instructing supervisors on how to enter hours worked into a computer portal and providing them with a written copy of the program's policies, the institution provided no education or training for supervisors at that time.<sup>2</sup> When he was hired, the crew consisted of two non-student-athlete female students. Because much of the equipment was too heavy for the workers to move and store, the associate head coach did most of the work himself. In his second year, the financial

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<sup>2</sup> The written policies covered such things as which students were eligible for the program, recording/reviewing hours and turning in workers' timecards. It mentioned that workers could only be paid for the hours they worked and that supervisors were responsible for ensuring the accuracy of the work hours claimed.

aid office authorized him to hire more workers. The financial aid office posted the jobs, he interviewed people and hired 8-10 individuals. The new hires were primarily men's basketball student-athletes, although he also hired some other student-athletes. With the increase in the number of workers available, the associate head coach did not have to do the work himself or always be present when the crew was performing its tasks. From the 2012-13 academic year through 2016-17, all members of the Gym Crew were men's basketball student-athletes with the exception of one baseball student-athlete and one men's soccer student-athlete.

In 2011 and 2012, the workers tracked their hours by manually entering them. By the spring of 2013, and continuing into 2017, the workers used a menu in a computer portal to submit hours. The menu allowed them to enter times in 15-minute increments. Through a different portal, the associate head coach then reviewed and approved the hours for payment. Not until September of 2017 were the workers required to actually punch in-and-out in real time. They did so using a time clock added to the portal. The system generated an automatic email whenever there were hours posted in the portal by a worker. The supervisor was then responsible for going into the system, confirming the accuracy of the claimed hours, and approving payment. This was one of a number of enhancements to the system initiated at the beginning of the 2017-18 academic year.<sup>3</sup>

By 2013-14, King had a federal work-study supervisor's guide, and by 2015-16 it had a student employment handbook. Many of the enhancements and other improvements to the work-study system were the result of King hiring the counselor in September 2014. Her duties included oversight of the work-study program. She had previously overseen a work-study program at another institution. During her interview in the investigation, the counselor described the King program as being run "loosely" prior to her arrival.

In November 2014, the counselor emailed a reminder to the associate head coach that federal law limits work-study students to working no more than 20 hours weekly. However, by the second week of January 2015, she had to send another email reminding him of this same rule, as members of the Gym Crew were logging more than the hours they were allotted per week. He responded by indicating that "it won't happen again." On March 17, 2015, the counselor emailed the associate head coach again, this time to express concerns that members of the Gym Crew may have entered hours over spring break that they did not work. The associate head coach confirmed the inaccuracies and deleted the excessive hours. No further action was taken.

In June 2015, the counselor held the first of two education sessions for work-study supervisors. She also compiled a series of policies and procedures designed to ensure compliance with federal work-study guidelines into a manual for the workers and supervisors. But an audit in October 2015 revealed that five men's basketball student-athletes on the Gym Crew each reported that they had worked more than 80 hours during a 30-day period, despite previous admonitions that no work-study student could work more than 20 hours per week. For that 30-day period, one of the workers reported having worked 102 hours, while another claimed 91. On a different occasion, the counselor noticed that a member of the Gym Crew was working before he had been authorized.

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<sup>3</sup> At this same time, the Gym Crew was dissolved.

The counselor's concerns continued into the 2016-17 academic year. In August 2016, the counselor met with the director of athletics and the athletics compliance officer and suggested that coaches no longer oversee work-study student-athletes who participated in the sports they coached. To assist in accomplishing this, the assistant athletic director for external affairs (assistant athletic director) began working as a liaison between the financial aid office and the Gym Crew. The compliance officer told her that she would help "oversee" the crew, although neither he nor anyone else gave her any specific duties to perform. As she explained in her interview, she ended up in a limited role – she did not schedule the Gym Crew's work hours or oversee their work, but instead "helped approve their hours." The associate head coach gave her a list of hours the crew members should have entered. She did not cross-reference them with travel schedules (which she did not have access to) but would approve the hours after asking the associate head coach any questions she might have about them. The associate head coach continued to supervise the Gym Crew through March 2017, shortly before he left King to take another job.

#### *Payment for Work Not Performed*

On February 28, 2017, institutional personnel discovered a potential abuse of the work-study system. The network manager of the King IT Department reported to the Director of Campus Security that one of the work-study students he supervised in the IT Department had recorded time as hours worked when he had not actually worked them. The worker was a member of the men's basketball team and held a second work-study position as a member of the Gym Crew.

At the suggestion of the assistant athletic director, institutional personnel began cross-referencing the men's basketball student-athlete's reported hours with those of other Gym Crew members. When the audit revealed that members of the men's basketball team who were also Gym Crew members may have recorded hours worked during times they were practicing, traveling or competing, King initiated a full investigation. One men's basketball student-athlete member of the Gym Crew member reported in his interview that he and others had been entering hours not worked since he began on the crew in the fall of 2012. At that point, King expanded the investigation to include a review of all hours submitted for payment by the Gym Crew from August 2012 to March 2017.

The institutional investigation and subsequent collaborative investigation revealed that members of the Gym Crew were paid for work they did not perform from the 2013-14 academic year through 2016-17. The investigations included interviews of numerous individuals and a review of relevant documentation. They showed that 28 Gym Crew members overstated the number of hours they worked, resulting in them logging approximately 3,164 hours of work they did not perform. At times, the workers "rounded up" hours. Sometimes, they padded their hours by reporting, for example, two hours in the portal when they had only actually worked 45 minutes. At other times, the hours they reported coincided with times they were traveling off-campus, practicing and even competing. While the associate head coach stated that he "took [the workers] at their word" regarding claimed work hours in accordance with the institutional honor code, at least one crew member said that the associate head coach told the workers which and how many hours to claim.

In the final analysis, the institution calculated that the 28 Gym Crew student-athletes were paid a total of approximately \$22,831 in wages they did not earn. All of these 28 crew members were men's basketball student-athletes, and all of their hours were approved by the associate head coach. The investigation also concluded that no other work-study students submitted hours they had not worked or were paid for work not performed.

Twenty-two of the 28 men's basketball student-athletes who were paid for work not performed subsequently practiced and competed. They competed in a total of 158 contests. King also provided them with actual and necessary expenses related to participation.

### **The Associate Head Coach's Assistance to Prospects and an Enrolled Student-Athlete**

#### *Assistance with Admission Essays and Cost-Free Housing, Meals and Tutoring*

The associate head coach substantially changed the admissions essays of two prospects who were required to submit them as part of the admissions process. He also provided or arranged for cost-free housing, meals and tutoring to one of the prospects. At no time did the associate head coach inquire whether he could assist with the essays and to what degree, or whether he could permissibly provide housing, meals and tutoring to a prospect.

As is common among collegiate institutions, King has minimum academic standards that prospective students must meet prior to being granted admission and being allowed to enroll. From the 2014-15 academic year through 2016-17, a prospective student who did not meet the minimum standards, but still wanted to be considered for admission to King, was required to submit a written essay to supplement his or her admissions application. As explained by the King director of transfers and international recruitment, the essay allowed the institution to gauge the prospective student's proficiency in writing and forming sentences. How well someone did on the essay provided valuable input regarding academic readiness. King considered both content and writing style when making the critical determination regarding the writers' potential for future academic success.

The essay consisted of two parts. In the first part, writers were to explain any factors that might have caused their failure to meet the minimum admission standards. Second, the writers set forth their plans for being a better student if admitted. The essays were reviewed by an on-campus admission committee consisting of nine faculty and staff members. This committee made the final decision regarding admission. Typically, it granted admission to anywhere from 65 to 75 percent of essay writers.

The associate head coach assisted two men's basketball prospects who failed to meet minimum admissions standards on their essays. The first instance occurred in April 2015, when the associate head coach recommended to a prospect (prospect 1) that he make substantive edits to his essay. On April 1, 2015, prospect 1's mother emailed prospect 1's draft essay to the associate head coach with a request that he review it and "please tell [us] what needs to be changed." He replied that same day with a list of what he later termed in an email as "corrections." Some of the changes were simple capitalization and punctuation. However, he also recommended that prospect 1 add

or remove certain words, phrases or complete sentences; end a paragraph a certain way; start another paragraph differently than he had drafted and change the structure and wording of sentences. Prospect 1 incorporated the changes and either he or the associate head coach submitted the final draft for consideration. The admissions committee granted prospect 1 admission to King and he enrolled.

The associate head coach also helped prospect 1 try to attain initial eligibility prior to his enrollment. The men's basketball staff was aware that prospect 1 did not have a strong academic record. In addition to submitting an essay, prospect 1 also needed to pass an online Math class in the summer of 2015 to meet Division II initial eligibility requirements. His mother talked to the coaching staff and asked them to help, informing them that he would not apply himself in the course or do the academic work required to pass it. The head coach, associate head coach and another men's basketball assistant coach (assistant coach) discussed the matter and determined that prospect 1, who lived approximately three hours away from King, should travel to the vicinity and stay with the associate head coach, whose wife would then tutor him in the Math class.

The men's basketball staff did not ask the compliance officer about the propriety of their plan for prospect 1. Although members of the men's basketball coaching staff were not precluded from taking questions directly to the compliance office and they sometimes did, the normal procedure when questions arose was to ask the head coach if an anticipated action was permissible. The head coach would give his opinion. If he felt unsure of the answer, he or the staff member would take the question to the compliance officer, who sat within 25 feet of the men's basketball coaches' desks. No member of the staff approached the compliance officer about prospect 1's situation. At the hearing, the head coach confirmed that he and his staff did not ask the compliance officer about this situation. He thought the arrangement was allowable because prospect 1 had already signed his national letter of intent and accepted a grant-in-aid, but he acknowledged that he did not know if NCAA legislation ever permits a prospect to stay at a coach's house.

The assistant coach retrieved prospect 1 and transported him to the associate head coach's home, where he stayed for two to three days. Prospect 1 stayed cost-free in a guest bedroom and ate meals provided by the associate head coach at no cost. In the evenings, the associate head coach's wife provided cost-free tutoring to him. Neither the head coach nor the associate head coach talked to the compliance office or took any other steps to determine whether the ongoing arrangement was allowable under NCAA legislation.

The second instance in which the associate head coach edited a prospect's admissions essay occurred a year later, in August 2016. As with prospect 1, this second prospect (prospect 2) did not meet King's admissions standards and was therefore required to submit an essay. Prospect 2 emailed his draft essay to the associate head coach, who made substantial edits. Starting with the first sentences, he made wholesale changes to the email document. The first paragraph of the edited version is significantly different than the version prospect 2 emailed to the associate head coach. The associate head coach broke the document into paragraphs, changed, added or deleted full sentences throughout, and made other grammatical corrections. The associate head coach acknowledged that he "possibly" worked with prospect 2 over the phone to edit the essay.



Computer evidence showed that prospect 2 emailed the document to the associate head coach, who inserted the numerous changes before directly submitting it in a Word document to the University Enrollment Management Staff to be considered as part of prospect 2's admissions application. Prospect 2 was also admitted to King. He enrolled but never competed in a game.

#### *Assisting with a Take-Home Exam*

In addition to assisting prospects with admissions essays, the associate head coach assisted an enrolled student-athlete (student-athlete) with his Political Science take-home exam. As he did with the prospects' essays, the associate head coach substantially edited the exam, which the student-athlete subsequently submitted for credit in the course. He went on to compete and receive expenses related to competition during the spring 2016 semester and the 2016-17 academic year.

In the late morning of December 8, 2015, the student-athlete emailed a copy of his take-home exam, a written paper, to the associate head coach. The first page of the paper noted in large font that the assignment was an exam. A little less than three hours later, the associate head coach emailed the exam back to the student-athlete. The copy he sent back contained significant corrections, deletions and changes, including a complete rewrite of the first page of the five-page paper. That page, as well as the remainder of the document, was replete with corrections of both grammar and content. During the hearing, the associate head coach acknowledged working with the student-athlete to make changes that made the paper "read better, flow better" and have a stronger introduction. He admitted "in hindsight" that he "maybe" assisted too much on the first page. Also at the hearing, he stated an understanding that the level of assistance he provided would be impermissible if it was substantive and something beyond minimal.

Both during the hearing and in his interview with the enforcement staff and institution, the associate head coach stated a belief that he could assist with the exam because it was an assignment that could be taken home. He did not ask the course professor (or anyone else) if he could provide any assistance, reasoning that "If it was an exam where nobody wanted help, or where you couldn't have somebody look over it with you, you wouldn't be able to take it home, in my opinion." After a review of the situation, King's internal academic panel concluded that the associate head coach's insertions and changes to the exam violated the institutional honor code and the student-athlete had engaged in academic misconduct, specifically, cheating.<sup>4</sup>

#### **Rules and Compliance Education**

King provided rules education for its coaches, including the associate head coach. The topics at issue in this case were covered, although King acknowledged that it perhaps could have given them greater emphasis. The compliance officer conducted 2-3 mandatory rules education sessions per semester, which the associate head coach attended and which covered recruiting and other topics. He took and passed the annual coaches exam every year since King joined the NCAA. The exam focuses a section on recruiting rules. At one point in his career, he attended an NCAA Regional Rules Seminar. He signed off on his job description in 2014 that included a commitment

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<sup>4</sup> After its review and determination of academic misconduct, King changed the student-athlete's grade from a "C" to a "D."

to abide by NCAA legislation. During the hearing, he was able to articulate an understanding of recruiting calendars and "occasional meals" legislation. Also at the hearing, the head coach described campus rules education as "sufficient."

The head coach stated that he promoted rules compliance among his staff by generally telling them to operate within the rules. He provided no specific education himself, leaving that to the compliance officer, who conducted all the education sessions. Further, because all staff members' offices were so close together, he could see what his assistants were doing and could simply ask the compliance officer for assistance if a rules-related question ever arose. He never spoke to his staff about if or how they could have any involvement with prospects' admissions essays. He stated it was understood that coaches "just don't do that" and that the essays were between the prospects and the institutional admissions staff. During one of his interviews during the investigation, he expressed surprise that the associate head coach had assisted prospects with their essays.

The head coach discussed with his staff the limited interactions they could have regarding academics. They were to refer any struggling student-athletes to the resources King provided, including institutional tutoring, study halls and labs. The King athletics administration made it clear to the coaches that, while they could email or talk to instructors about student-athletes' class attendance or whether they were submitting assignments, they could not interfere with the academic mission.

#### **IV. ANALYSIS**

The violations in this case occurred in the men's basketball program. The violations involved the work-study program, impermissible inducements and academic misconduct. The work-study violations occurred when King paid men's basketball student-athletes for work not performed. Further, the associate head coach provided impermissible inducements to two prospects and engaged in academic misconduct with an enrolled student-athlete. The violations demonstrated a failure by King to monitor aspects of the work-study program and the head basketball coach's failure to meet his responsibility to promote an atmosphere of compliance and monitor his staff. The violations are major.

##### **A. IMPERMISSIBLE BENEFITS, COMPENSATION, PARTICIPATION AND EXPENSES [NCAA Division II Manual Bylaws 15.2.6-(a) and 16.8.1.2 (2013-14 and 2014-15); 12.4.1-(a), 14.11.1, 15.01.2 and 16.11.2.1 (2013-14 through 2016-17); 15.2.3-(a) (2015-16 and 2016-17); 16.8.1 (2015-16 through 2017-18); and 14.12.1 (2017-18)]**

Over four academic years, the institution permitted 28 men's basketball work-study student-athletes to receive compensation for work not performed related to work study positions within the athletics department. This resulted in some of the student-athletes practicing, competing and receiving actual and necessary expenses while ineligible. The institution agreed to the facts and

that major violations occurred but disagreed with the applicability of one bylaw. The COI concludes that major violations occurred.

**1. NCAA legislation relating to benefits, compensation, participation and expenses.**

The applicable portions of the bylaws may be found at Appendix Two.

**2. King violated NCAA benefits, employment, and participation legislation when it compensated 28 men's basketball student-athletes for work not performed and subsequently allowed some of them to practice, compete and receive expenses while ineligible.**

From the 2013-14 academic year through 2016-17, King permitted 28 men's basketball student-athletes to receive compensation for work not performed through athletic department work-study positions. The student-athletes logged approximately 3,164 hours of work not performed, resulting in total impermissible benefits of approximately \$22,831. Twenty-two of the student-athletes subsequently practiced, competed in 158 contests and received actual and necessary benefits related to those contests while ineligible. When King compensated student-athletes for work not performed, it violated Bylaws 12, 15 and 16. When it subsequently allowed 22 student-athletes to participate and receive expenses while ineligible, it violated Bylaws 14, 15 and 16.<sup>5</sup>

Bylaws 12 and 15 both address student-athlete compensation and state that employed student-athletes can only be paid for work they actually perform. Bylaw 15 also notes that any student-athlete who receives financial aid in violation of the bylaws is rendered ineligible for competition. Once a student-athlete is rendered ineligible, Bylaw 14 requires member institutions to withhold him or her from competition. Bylaw 16 governs benefits. It prohibits student-athletes from receiving any extra benefits, which are defined as any special arrangement by an institutional employee to provide student-athletes with benefits not expressly authorized by NCAA legislation. Bylaw 16 also states that institutions may provide necessary travel expenses to participating student-athletes, but only if they are eligible for intercollegiate competition under all Association rules. Bylaw 16 also generally prohibits the provision of extra benefits that are not expressly allowed by NCAA legislation. In particular, Bylaw 16.11.2.1 defines "extra benefits" in part as any special arrangement by an institutional employee to provide a student-athlete with a benefit not expressly authorized by NCAA legislation.

When King permitted 28 men's basketball student-athletes to receive compensation for work not performed as members of the Gym Crew, it violated Bylaws 12 and 15. Pursuant to Bylaw 15, the impermissible wages were categorized as impermissible financial aid and their receipt rendered the student-athletes ineligible for competition. They were also ineligible because Bylaw 16 does not include payment for work not performed among the benefits institutions can provide.

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<sup>5</sup> Certain bylaws provisions were relocated in the manual during and subsequent to the years the violations occurred. The citations in this decision are to the bylaw locations at the time the violations occurred.

Subsequently, King allowed 22 of the 28 student-athletes to practice, compete and receive competition-related expenses in violation of Bylaws 14 and 16.

King agreed that it violated Bylaws 12, 14, 15 and all cited Bylaw 16 provisions except Bylaw 16.11.2.1. King argued that this bylaw did not apply because there was no "special arrangement" by any institutional employee to provide the impermissible wages. The COI concludes that major violations occurred and this provision applies.

In its only three cases dealing with this issue, the COI concluded that payment for work not performed was an impermissible benefit that violated NCAA legislation, including Bylaw 16.11.2.1. Two of the cases were summary dispositions, but the third was a contested case with similar facts that is particularly instructive. *See Barry University* (2019) (concluding in a summary disposition case that major violations occurred when the institution allowed 13 student-athletes to log excessive work-study hours and receive approximately \$30,000 for work not performed over three years); *Salem International University* (2008) (concluding that the institution committed major violations when it allowed six student-athletes to be paid federal work-study money for work not performed over two months); and *Slippery Rock University* (1997) (concluding in a summary disposition case that student-athletes were paid for work not performed when a coach personally falsified student-athlete work-study timesheets and submitted them for payment). In *Barry*, the parties agreed to the bylaw citation. Because the case was a summary disposition and therefore could be viewed by the COI as less instructive than the decision in a contested case, the COI did not explore what facts established the agreed-upon special arrangement.<sup>6</sup> In *Slippery Rock*, also a summary disposition, the bylaw was also cited and the arrangement was obvious. A third case, *Salem International*, a contested case with facts similar to this matter, offers some specific guidance.

*Salem International* involved six soccer student-athletes paid for work not performed. Their head coach directly supervised them.<sup>7</sup> As in the present matter, the head coach also approved the hours the student-athletes claimed to work. While the decision does not delve into any specific arrangement for the payments, the COI concluded that a Bylaw 16.11.2.1 violation occurred. The present matter is similar. At the hearing, King noted that there is no information establishing any explicit or implicit agreement among the associate head coach and the student-athletes to "pad" the hours the student-athletes claimed to work. However, the nature of the relationship between the associate head coach and the workers who claimed unearned hours, all of whom were members of the team he coached, eventually resulted in there being an arrangement in which men's basketball student-athletes were hired and placed into the positions where they were comfortable submitting inaccurate hours. The associate head coach did not ensure that the submitted hours were accurate, resulting in the workers being paid for work not performed.

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<sup>6</sup> See COI Internal Operating Procedure (IOP) 4-7-2-1, which provides that summary disposition cases reflect the parties' agreement, allowing the COI to view them as less instructive than a decision reached after a contested hearing. Other summary disposition cases are also cited in this decision because they provide guidance for the case.

<sup>7</sup> The workers came from both the men's and women's soccer teams. The head coach was head coach of both teams.

In *Salem International*, not all the work-study students were members of the soccer squads. Yet the soccer student-athletes were the only workers who were paid for work not performed. Similarly, although there were two other student-athletes in the King Gym Crew during the relevant timeframe, only men's basketball student-athletes were paid for work not performed. Out of 8-10 workers the associate head coach hired and supervised every year from 2012 to 2016, only two were not members of the team he coached. Neither of them were paid for work not performed. In *Salem International*, the work-study special arrangement only lasted two months. In this matter, the men's basketball Gym Crew members claimed over 3,000 hours they did not work over a period of years, resulting in them being paid more than \$22,000 they did not earn. The situation became a special arrangement for men's basketball student-athletes. Therefore, the COI concludes the payment for work not performed is an impermissible benefit in violation of Bylaw 16.11.2.1. The violation is major.

**B. UNETHICAL CONDUCT: IMPERMISSIBLE INDUCEMENTS AND ACADEMIC MISCONDUCT [NCAA Division II Manual Bylaws 10.01.1, 10.1, 10.1-(c) and 13.2.1 (2014-15 through 2016-17); 10.1-(b), 13.2.2-(h), 13.2.2-(l) and 16.11.2.1 (2015-16); and 14.11.1 and 16.8.1 (2015-16 and 2016-17)]**

The associate head coach violated the NCAA principles of ethical conduct when he knowingly provided impermissible inducements to two prospective student-athletes and when he knowingly engaged in academic misconduct with an enrolled student-athlete. King and the enforcement staff substantially agreed on the facts and that violations occurred. The associate head coach agreed with many facts and that he violated NCAA legislation in some instances; however, he submitted that any violations were secondary. He denied that he violated ethical conduct legislation, although he acknowledged at the hearing that he may have violated Bylaw 10.01.1, the general principle of honesty and sportsmanship. The COI concludes that major violations occurred.

**1. NCAA legislation relating to unethical conduct recruiting inducements and academic misconduct.**

The applicable portions of the bylaws may be found at Appendix Two.

**2. The associate head coach violated the principles of ethical conduct when he knowingly provided recruiting inducements in the form of essay assistance and cost-free housing, meals and tutoring to two prospects and when he engaged in academic misconduct on behalf of a student-athlete.**

In April 2015 and August 2016, the associate head coach provided recruiting inducements to prospects 1 and 2 when he made substantive edits to their required admissions essays. He provided further recruiting inducements to prospect 1 in August 2015 when he provided prospect 1 with cost-free lodging, meals and arranged for cost-free tutoring after the assistant coach transported prospect 1 to his home. In December 2015, he engaged in academic misconduct by making substantive edits to the student-athlete's take-home exam. The associate head coach's conduct violated Bylaws 10 and 13. His conduct also resulted in King violating Bylaws 14 and 16 with

respect to the student-athlete. The assistant coach's provision of transportation was part of the Bylaw 13 violations.

Bylaw 10 governs ethical conduct by current and former institutional staff members. Bylaws 10.01.1 and 10.1 generally require institutional staff members to conduct themselves in an honest and ethical manner that reflects sportsmanship and fair play. Subsection (c) of Bylaw 10.1 prohibits knowing involvement in offering or providing improper inducements, benefits or financial aid to prospects or enrolled student-athletes. Subsection (b) prohibits knowing involvement in arranging for fraudulent academic credit. An April 2014 NCAA Academic and Membership Affairs (AMA) official interpretation of Bylaw 10.1-(b) confirmed that institutions have the authority to determine whether its academic policies were violated, consistent with their own policies applicable to all students. If an institution makes such a determination, it must report the policy violations to the NCAA under certain circumstances, including when an institutional staff member is involved in arranging for fraudulent academic credit. Bylaw 13.2.1 restricts institutional staff members from providing inducements or financial aid to prospects unless expressly authorized by NCAA legislation, while Bylaws 13.2.2-(h) and (l) specifically prohibit the provision of free/reduced-cost housing and educational services, including tutoring. As set forth in the discussion of Violation No. IV.A above, Bylaw 14 obligates member institutions to withhold ineligible student-athletes from competition, while Bylaw 16 allows institutions to provide competition expenses to eligible student-athletes and prohibits institutional staff members from providing student-athletes with any benefit not expressly authorized by NCAA legislation.

In both April 2015 and August 2016, the associate head coach provided impermissible inducements to prospects when he assisted with the admissions essays they needed as part of the admissions process. Regarding prospect 1, the associate head coach recommended the addition or removal of numerous words, phrases and/or sentences and the re-structuring of paragraphs, among other things. Prospect 1 made the changes. Later, the associate head coach made similar, extensive changes to sentences, grammatical structure and full paragraphs of prospect 2's essay. Further, after the assistant coach transported prospect 1 to the associate head coach's home, the associate head coach provided prospect 1 with cost-free lodging and meals and arranged for his wife to tutor prospect 1 in a Math course he needed to pass for initial eligibility. None of these inducements and benefits are authorized by NCAA legislation and, in fact, Bylaw 13.2 expressly prohibits institutional staff members from providing cost-free housing and tutoring services. When the associate head coach knowingly edited the prospects' essays and provided prospect 1 with cost-free housing, meals and tutoring, he provided the prospects with improper and impermissible inducements. His actions violated Bylaws 10.1-(c) and 13. The assistant coach also violated Bylaw 13 by transporting prospect 1.

The violations were major, even though the associate head coach's position was that any violations he committed were secondary. Pursuant to Bylaw 19.02.2.1, a violation is secondary if it: (1) is isolated or inadvertent; (2) provides or is intended to provide only a minimal recruiting, competitive or other advantage; and (3) does not include any significant impermissible benefit (including recruiting inducements). If any of the three prongs are not met, the violation is major. Multiple secondary violations may be collectively considered to be a major violation.

Individually and in the aggregate, the associate coach's violations were major. Neither prospect 1 nor 2 met institutional admissions standards, meaning that their required written essays were crucial to their admissions process. King looked at both the content and writing style and ultimately used the essays to gauge the readiness of the applicants to successfully complete college-level work. King only admitted approximately 65-75 percent of applicants who wrote essays. When the associate head coach made the many substantive edits and changes to the two essays, he affected King's ability to accurately gauge whether it should admit the two prospects. His reason for assisting with the essays was to try to increase the chances of them being accepted for admission. His actions were significant recruiting inducements and were designed to convey more than a minimal advantage upon the men's basketball program (by enhancing the prospects' chances for enrollment). Further, because the associate head coach knowingly assisted with an essay on more than one occasion, and knowingly provided other inducements to prospect 1 four months after assisting with his essay, his actions were not isolated or inadvertent. Therefore, the violations did not meet the first and second prongs of Bylaw 19.02.2.1 and are major.

The associate head coach's provision of housing, meals and tutoring to prospect 1 is also major. The coaching staff arranged for prospect 1 to come to the associate head coach's home for one reason – to increase his chances of passing a Math course he needed to gain initial eligibility for athletics competition. If prospect 1, a scholarship student-athlete, attained initial eligibility, the strength of King's men's basketball team would be immediately enhanced. The associate head coach provided these inducements to prospect 1 in an attempt to gain more than a minimal recruiting and/or competitive advantage. Therefore, the violation does not meet the second prong of Bylaw 19.02.2.1 and is major.

The associate head coach's academic misconduct violation occurred in December 2015, when he edited the student-athlete's take-home exam. The document was clearly marked as an exam, yet the associate head coach essentially re-wrote the first page and inserted numerous other changes. He incorrectly reasoned that since the student-athlete was allowed to take the exam home, somebody could help him with it. King determined that when the student-athlete submitted the exam, he cheated in violation of the institutional honor code. Therefore, King reported the action to the NCAA as academic misconduct.<sup>8</sup> When he modified the student-athlete's take-home exam in violation of the institutional honor code, the associate head coach arranged for fraudulent academic credit in violation of Bylaw 10.1-(b). The student-athlete was rendered ineligible and later competed and received competition-related expenses in violation of Bylaws 14 and 16.

The COI has concluded on numerous occasions that institutional staff members violate NCAA legislation when they provide inducements and benefits that are not allowed under the bylaws, including the types of inducements and benefits provided in this case. *See West Texas A&M University (2016)* (concluding major violations when a coaching staff arranged for six prospects

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<sup>8</sup> The associate head coach urged the COI to disregard King's on-campus determination. In accordance with NCAA legislation and the April 2014 AMA official interpretation of Bylaw 10.1-(b), the institution has the authority to determine whether academic misconduct has occurred pursuant to its academic integrity policies. King determined that when the student-athlete inserted the associate head coach's substantive edits into his take-home exam and submitted the exam for credit, it violated institutional policies.

to receive cost-free housing); *Henderson State University* (2014) (concluding that coaches engaged in major violations when, among other things, they provided impermissible transportation to prospects); *Abilene Christian University* (2009) (concluding that coaches committed major violations when they helped prospects enroll in a correspondence course, sent payment information regarding the course to one of the prospects' fathers, allowed the prospects to use their office computers to complete coursework and paid the postage to mail the prospects' completed coursework to another institution); and *University of Central Oklahoma* (2008) (concluding that the football coaching staff committed major violations when it arranged and/or provided prospects with cost-free housing, food and/or transportation). When the associate head coach knowingly provided the inducements to prospects 1 and 2, he violated NCAA recruiting and ethical conduct legislation. The assistant coach's provision of transportation also violated Bylaw 13.

As with the inducement violations, the COI has consistently concluded that individuals who render impermissible academic assistance violate NCAA ethical conduct legislation. *See West Texas A&M* (concluding a violation of Bylaw 10.1-(b) when a student-athlete and members of his family completed academic coursework for a second student-athlete) and *University of Southern Indiana* (2011) (concluding a violation of Bylaw 10.1-(b) when an assistant coach arranged for a booster to complete academic work for a student-athlete). The associate head coach's contributions to the student-athlete's take-home exam were impermissible and violated Bylaw 10.1-(b).

The student-athlete was rendered ineligible by the academic misconduct. Therefore, when the institution subsequently permitted him to compete and receive competition-related expenses, it did so in violation of Bylaws 14 and 16. *See Eastern New Mexico University* (2015); *University of California, San Diego* (2013); and *Chadron State College* (2013) (all concluding that when the institutions allowed ineligible student-athletes to compete and receive expenses related to competition, they violated these provisions). Institutions may not allow ineligible student-athletes to compete and receive expenses related to competition.

The associate head coach submitted that his conduct did not violate ethical conduct legislation because he did not engage in Bylaw 10 violations "knowingly." The COI has concluded that institutional staff members violate NCAA ethical principles when they know or should know that they are violating NCAA legislation. At the hearing, the associate head coach agreed that this is the proper standard for determining Bylaw 10.1 violations. *See California State Polytechnic University, Pomona* (2011) (applying this standard when an assistant coach claimed ignorance that inducements she provided to individuals accompanying a prospect on a campus visit were impermissible because the offending assistant coach had attended education sessions and taken the coaching certification exam). Similarly, the associate head coach passed multiple coaches exams – which include sections on inducements and benefits – attended campus educational sessions and an NCAA Regional Rules Seminar. At the time he worked on the take-home exam, he was more than five years into his tenure as a coach at a member institution. The compliance officer's desk was mere feet from his. Simply put, if the associate head coach truly did not know it is improper to assist in writing admissions essays, work on a student-athlete's exam and provide a prospect with cost-free housing, meals and tutoring, he should have. His actions violated Bylaws 10.01.1, 10.1, 10.1-(b) and 10.1-(c). *See Christian Brothers University* (2019) (concluding that a head



coach violated ethical conduct standards when he knowingly provided a prospect impermissible inducements including cost-free meals, housing and transportation, and did not consult the compliance office).

The academic misconduct violation is also major, either standing alone or in conjunction with the essay/housing/meals violations. As the COI stated in *California State Polytechnic University, Pomona* (1981), there can no more serious violation of NCAA legislation than academic misconduct. This is reflected in the penalties the COI has prescribed for academic violations. *See, e.g., Texas A&M International University* (2011) (adopting and prescribing the significant penalty of permanent ineligibility for student-athletes who engaged in a scheme of academic misconduct); and *Benedict College* (2008) (issuing a rare show-cause order for a student-athlete because he engaged in academic fraud). The associate head coach's academic misconduct on behalf of the student-athlete was a direct affront to the principles of amateurism, sportsmanship and sound academic standards, which, as set forth in Article 2 of the NCAA Constitution, are all hallmarks for conducting intercollegiate athletics. The academic assistance he provided was a significant impermissible benefit. Therefore, per the third prong of Bylaw 19.02.2.1, it cannot be a secondary violation.

**C. HEAD COACH RESPONSIBILITY: FAILURE TO PROMOTE AN ATMOSPHERE FOR COMPLIANCE AND FAILURE TO MONITOR THE MEN'S BASKETBALL STAFF [NCAA Division II Manual Bylaw 11.1.2.1 (2014-15 through 2016-17)]**

In 2015 and 2016, the head coach failed in his responsibility to promote an atmosphere for compliance within the men's basketball program and monitor members of his staff who reported to him. King and the enforcement staff substantially agreed on the facts and that the violation occurred. The head coach disputed the allegation and submitted that any violation he committed was secondary. The COI concludes that major violations occurred.

**1. NCAA legislation relating to head coach responsibility.**

The applicable portions of the bylaws may be found at Appendix Two.

**2. The head coach violated NCAA head coach responsibility legislation when he was involved in arranging for impermissible inducements and by failing to monitor his staff.**

In April and August 2015, and in August 2016, the head coach failed to meet his responsibilities as a head coach. He failed to promote an atmosphere for compliance when he helped arrange for impermissible inducements for prospect 1 and did not inquire about the permissibility of the arrangement. When he did not ensure that prospect 1's stay at the associate head coach's home complied with NCAA recruiting legislation as it was occurring, he failed to monitor his staff. He also failed to monitor his staff's involvement with admission essays.

Bylaw 11.1.2.1 establishes two affirmative duties for head coaches: (1) to promote an atmosphere for rules compliance; and (2) to monitor those individuals in their program who report to them. With respect to the latter, the bylaw presumes that head coaches are responsible for the actions of those who report to them. Head coaches may rebut this presumption by demonstrating that they promoted an atmosphere of compliance and monitored their staffs.

The head coach failed to rebut his presumption of responsibility. With respect to promoting the appropriate atmosphere, he was aware of prospect 1's academic deficiencies and was part of the conversation in which the staff decided to bring prospect 1 three hours from his home to the associate head coach's home for tutoring. The "chain of command" regarding compliance questions in the men's basketball program involved staff members coming to the head coach for guidance. Only if the head coach had rules-related questions would he then check with the compliance office. The head coach did not inquire whether the arrangements he and his staff made for prospect 1 were allowable. At the hearing, he stated a belief that the arrangement was permissible because prospect 1 had already signed a letter of intent, even though he also stated an uncertainty regarding when or if prospects can ever stay in a coach's home. His failure to initially determine the permissibility of the arrangement was a failure to promote rules compliance in his program.

The COI has concluded that the failure of a head coach to check on the permissibility of an action violated the Bylaw 11.1.2.1 duty to promote an atmosphere for compliance. *See Christian Brothers* (concluding that a head coach failed to promote an atmosphere for compliance when he did not ask the compliance staff whether his actions, which turned out to be violations, were permissible); *Seattle Pacific University* (2017) (concluding that when a head coach processed institutional funds through a personal account and provided camp discounts, all without reviewing applicable legislation or consulting the compliance office, he displayed a lax attitude that demonstrated a failure to promote compliance); and *East Central University* (2015) (concluding that a head coach violated his duty to promote an atmosphere for compliance when, among other things, he failed to engage the compliance staff regarding the permissibility of his actions, or the actions of others). When he did not consult the compliance office regarding the arrangement with prospect 1, the head coach violated his Bylaw 11.1.2.1 duty to promote an atmosphere for rules compliance.

The head coach also failed to monitor his staff in two ways: (1) by not ensuring that his coaching staff adhered to NCAA legislation during prospect 1's stay at the associate head coach's home; and (2) by not monitoring his staff's involvement with prospects' admissions essays. Regarding prospect 1's visit, once he was in the vicinity and staying at the associate head coach's home, the head coach did not ask questions or otherwise take steps to determine whether the situation was conducted consistent with NCAA rules. He did not meet his monitoring duty when he did not ensure that it was allowable for his staff to house, feed and tutor prospect 1 as the situation was ongoing. Regarding the essay assistance, the head coach stated in his interviews that his staff was not involved with the essays and that he did not speak to them specifically about staying out of essay situations because it was just understood they were not to be involved. He expressed surprise when he later learned that the associate head coach assisted prospects in writing their essays. The head coach's assertion that coaches should understand that they cannot help draft admissions essays

is well taken. But ultimately, the head coach was responsible for his staff being specifically aware that they were to avoid the essay process. Because he never discussed the topic with them and did not ensure that his assistants were not involved in writing the essays, he did not meet his Bylaw 11 duty to monitor his staff.

The COI has recognized an ongoing duty among those in charge of programs to monitor and has concluded violations occurred when they in some way do not meet that duty. *See Clark Atlanta University* (2014) (concluding that a head coach breached his duty to monitor his assistant coaches when he did not track their actions, including their provision of impermissible benefits to student-athletes); *Chadron State College* (concluding that the director of athletics failed to monitor the athletics program when he did not determine where funds from a golf tournament were being deposited, establish a rules education program, track funds expended by the football program or ensure that coaches adhered to all Bylaw 17 legislation); *Southern Indiana* (stating that head coaches must follow up on all situations to ensure that problems are resolved in a manner consistent with NCAA rules); and *Incarinate Word* (2009) (concluding that when a head coach failed to inquire how a prospect was able to pay an outstanding debt, the head coach failed to monitor an assistant coach who had provided an impermissible loan to the prospect).<sup>9</sup> The COI has consistently held that those in charge of programs have an ongoing duty to monitor so as to ensure that their programs are in compliance with NCAA legislation. When the head coach did not ensure that the ongoing situation involving prospect 1 was allowable, and because he never discussed the propriety of assisting with admissions essays, he failed to monitor his coaching staff in violation of Bylaw 11.

The violations are major. As stated in the analysis of Violation IV.B, the staff's reason for transporting prospect 1 to the associate head coach's home, then feeding, housing and tutoring him was to enhance his chances of immediate eligibility. These actions constituted an attempt to gain more than a minimal competitive advantage and were major. The head coach's failures to promote rules compliance and monitor allowed the violations to occur. They were part of the recruiting advantage and potential competitive advantage and are therefore major.

As part of the head coach's head coach responsibility allegation, the enforcement staff alleged that he also failed to monitor his coaching staff by failing to clearly communicate his expectations for their involvement with providing academic assistance to men's basketball student-athletes. The COI does not conclude that this portion of the violation occurred, based on the record.

The King athletic administration communicated to coaches that they were not to interfere with academics. Coaches were allowed to contact academic faculty regarding class attendance and missed assignments by their student-athletes, but nothing more. The head coach stated that he had conversations with his assistants about what they could and could not do academically for student-

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<sup>9</sup> The head coach in *Incarinate Word* was cited for a violation of Constitution 2.8.1, as his failure to monitor occurred prior to Bylaw 11.1.2.1's effective date. *Southern Indiana* is particularly instructive, as it involved two situations where the head coach was aware of student-athlete issues and did not track how they were resolved. They were resolved by his assistants committing rules violations. One of the situations was similar to that of prospect 1 in this case.

athletes. No information in the record suggests that he did not adequately inform his staff of this policy.

Further, the head coach could not have reasonably been expected to discover the associate head coach's academic misconduct with student-athlete 1 as it was occurring. Student-athlete 1 emailed his exam to the associate head coach's personal computer. Within three hours, the associate head coach had made his changes and edits and sent it back to student-athlete 1, also through email. Even though the men's basketball coaches' desks were all in close proximity to one another, the head coach could not be expected to know everything the associate head coach was doing on his computer. Further, the record does not reflect whether the head coach was at his desk that day or in a position to observe what the associate head coach was doing. Once the associate head coach emailed the exam back to him, student-athlete 1 submitted it. Because the head coach relayed the expectations about involvement with academics to his staff, and because he could not have been reasonably expected to discover the academic misconduct, the COI concludes that this portion of the allegation was not demonstrated.

**D. KING'S FAILURE TO MONITOR THE WORK-STUDY PROGRAM [NCAA Division II Manual Constitution 2.8.1 (2013-14 through 2016-17)]**

Over four years, King failed to monitor the operation of the men's basketball work-study positions. King disputed the facts and disagreed that the violation occurred. The COI concludes that a major violation occurred.

**1. NCAA legislation relating to the institution's responsibility.**

The applicable portions of the bylaws may be found at Appendix Two.

**2. The institution failed to adequately monitor the men's basketball program's work-study positions, which allowed men's basketball student-athletes to be paid for work not performed over approximately four years.**

From the 2013-14 academic year through 2016-17, the institution failed to monitor the operation of the men's basketball work-study positions to ensure full compliance with NCAA legislation. King did not provide adequate education for the associate head coach or have in place sufficient checks and balances to monitor the associate head coach's supervision of student-athletes in his own sport. As a result, the violations detailed in Violation IV.A occurred. In failing to adequately monitor the men's basketball work-study positions, King violated Constitution 2.8.1.

Article 2 of the NCAA Constitution sets forth core principles for institutions conducting intercollegiate athletics programs. Constitution 2.8.1 requires an institution to abide by all rules and regulations, monitor compliance and report instances of noncompliance.

The institution's education for work-study supervisors, particularly the associate head coach, was insufficient. Although it gave him a copy of the King College Student-Athlete Employment

Policies and Procedures, the institution did not provide education for the associate head coach upon hiring him and assigning him to supervise the Gym Crew in 2008. King supplemented that document with a Federal Work-Study Program Supervisor's Guide for the 2013-14 academic year, but there was essentially no monitoring of the program until King hired the counselor at the beginning of the 2014-15 academic year. The counselor described the program as loosely run when she began overseeing it. In November 2015, she reminded the associate head coach about federal law regarding hours work-study students can work, but just two months later she had to alert him that Gym Crew members were logging more than their allotted hours. No one at that time determined whether members of the Gym Crew were working the hours they claimed. By mid-March 2015, it was necessary for the counselor to contact the associate head coach again regarding hours crew members claimed to have worked over spring break. Even after the institution confirmed that the Gym Crew had claimed hours not worked and the associate head coach had to delete those hours, no one undertook an audit or review of the Gym Crew. Something in the work-study program was not properly functioning. The associate head coach needed comprehensive guidance on how to perform his duties, yet King did not provide it.

The counselor's concerns continued into the following academic year. In August 2016, she met with the director of athletics and compliance officer and recommended that coaches not oversee work-study student-athletes who participate in the sports they coach. The administration subsequently assigned the assistant athletic director to act as a "liaison" with the Gym Crew, but her role ended up being nothing more than approving the hours the associate head coach presented to her. It was not until February 2017, nine years after the associate head coach began supervising the Gym Crew and only two months before he left King, that the institution undertook a full accounting of Gym Crew hours because one member claimed the crew had been inaccurately reporting their hours for years. The COI acknowledges the efforts of the counselor and the eventual actions of King in investigating the work-study issues. However, King had indications for years that the Gym Crew was not operating properly, particularly after the counselor arrived on campus. Until February 2017, King's monitoring of the Gym Crew work-study positions was deficient.

When an institution's policies and procedures for overseeing aspects of its athletics program are somehow deficient or not being followed, or if an institution should have followed up on a known situation, the COI has concluded that the institution failed to monitor as required by NCAA legislation. In *Lane College* (2019), the COI concluded that the institution failed to monitor the women's cross country program because it did not provide adequate rules education to staff and student-athletes and did not have adequate monitoring practices for its travel and competition documents. Further, institutional personnel ignored "red flags" that hinted at potential rules violations. As a result, a head coach was able to circumvent eligibility rules and allow an ineligible student-athlete to compete in five meets under a false name. The COI stated that the deficient education and monitoring systems demonstrated a violation of Constitution 2.8.1. *See also Fayetteville State University* (2017) (concluding that the institution failed to monitor over a two-year period when it did not provide adequate rules education and did not track the activities of two ineligible student-athletes) and *University of California, San Diego* (concluding a failure to

monitor when the institution did not have a system to confirm that only eligible student-athletes competed and did not review evaluation forms regarding student-athlete experiences).

Specific to work-study situations, the COI concluded in *Barry* that the institution failed to monitor the work-study program when the assistant coach who held direct supervisory responsibility did not adequately track the number of hours worked, the head coach did not monitor the assistant coach's oversight of the workers, the monitoring system in the athletics department was deficient and the institution did not ensure that all supervisors and workers attended work-related training sessions. The present matter is similar. For four years, King failed to adequately monitor men's basketball program's work-study positions. The violation is major. Twenty-two student-athletes eventually competed while ineligible because of the violation, giving King more than a minimal competitive advantage.

## **V. SECONDARY VIOLATION**

**IMPERMISSIBLE INDUCEMENT [NCAA Division II Bylaw 13.2.1 (2014-15)]** On or about April 27, 2015, the associate head coach provided a third men's basketball prospect with an impermissible inducement when he allowed the prospect to use the associate head coach's personal computer to complete his admissions essay.

## **VI. PENALTIES**

For the reasons set forth in Sections III, IV and V of this decision, the COI concludes that this case involved major and secondary violations of NCAA legislation. Major violations are those that provide an extensive recruiting or competitive advantage. Therefore, the COI prescribes penalties pursuant to Bylaw 19.5.2 which lists penalties for major violations. In prescribing appropriate penalties, the COI evaluated relevant mitigating factors pursuant to Bylaw 32.8.7.4.2. As part of its evaluation, the COI also considered the institution's cooperation in the processing of this case. Cooperation during the infractions process is addressed in Bylaws 19.01.3 and 32.1.3. The COI concludes that the cooperation exhibited by the institution was consistent with its obligation under the bylaws.

The COI also considered the institution's corrective actions, which are contained in Appendix One. After considering all information relevant to the case, the COI prescribes the following penalties (self-imposed penalties are so noted):<sup>10</sup>

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<sup>10</sup> Some of the prescribed and adopted penalties may be impacted by circumstances surrounding the COVID-19 pandemic. If King or any other affected institution finds that any penalty cannot be served due to the ongoing pandemic, it should report any challenges to the Office of the Committees on Infractions (OCOI).

### **Penalties, Disciplinary Measures and Corrective Actions (Bylaw 19.5.2)**

1. Public reprimand and censure through the release of the public infractions decision.
2. Probation: Three years of probation from September 4, 2020, through September 3, 2023.<sup>11</sup>
3. During the period of probation, King shall:
  - a. Continue to develop and implement a comprehensive and educational program on NCAA legislation to instruct coaches, the faculty athletics representative, all athletics department personnel and all institutional staff members with responsibility for NCAA recruiting and certification legislation;
  - b. Submit a preliminary report to the OCOI by **October 31, 2020**, setting forth a schedule for establishing this compliance and educational program and compliance with prescribed penalties;
  - c. File with the OCOI an annual compliance report indicating the progress made with this program by **July 15** during each year of probation. Particular emphasis shall be placed on rules education regarding recruiting inducements, compliance with federal work-study requirements and coaching staff involvement with academics;
  - d. Inform men's basketball prospects in writing that King is on probation for three 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 an NLI;
  - e. Publicize specific and understandable information concerning the nature of the violations by providing, at a minimum, a statement to include the types of violations and the affected sports program and a direct, conspicuous link to the public infractions decision located on the athletic department's main webpage "landing page" and in the media guides for men's basketball. The statement must: (i) clearly describe the violations, (ii) include the length of the probationary period associated with the case; and (iii) give members of the general public a clear indication of what happened in the case to allow the public (particularly prospects and their families) to make informed, knowledgeable decisions. A statement that refers only to the probationary period with nothing more is not sufficient; and
  - f. At the conclusion of probation, the institution's president shall affirm in writing that current athletics policies and procedures conform to all requirements of NCAA legislation and that all conditions of probation have been satisfied.

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<sup>11</sup> King proposed a one-year probationary period. 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.

4. Scholarship reductions. King shall reduce men's basketball grants-in-aid from 10 to 8.5 for the 2019-20 and 2020-21 academic years. (Self-imposed.)
  
5. Vacation of team and individual records: The institution acknowledged that ineligible participation in the men's basketball program occurred as a result of the violations in this case. Therefore, pursuant to Bylaws 19.5.2-(g) and 31.2.2.4, the institution 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.<sup>12</sup> Further, if any of the ineligible student-athletes participated in NCAA postseason competition at any time they were ineligible, the institution's participation in the postseason shall be vacated. The individual records of the ineligible student-athletes will also be vacated. However, the individual records and any awards for all eligible student-athletes will be retained. Further, the institution's records regarding its men's basketball program, as well as the records of the head coach, will reflect the vacated records and will be recorded in all publications in which such records are reported, including, but not limited to, institutional media guides, recruiting material, electronic and digital media plus institutional, conference and NCAA archives. Any institution that may subsequently hire the head coach shall similarly reflect the vacated wins in his career records documented in media guides and other publications cited above. Head coaches with vacated wins on their records may not count the vacated wins toward specific honors or victory "milestones" such as 100<sup>th</sup>, 200<sup>th</sup> or 500<sup>th</sup> career victories. Any public reference to the vacated contests 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 men's basketball shall be returned to the Association.

Finally, to aid in accurately reflecting all institutional and student-athlete vacations, statistics and records in official NCAA publications and archives, the sports information director (or other designee as assigned by the 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 document will be maintained in the permanent files of the NCAA Media Coordination and Statistics office. This written report must be delivered to the office no later than 14 days following the release of this decision. The sports information director (or designee) must also inform the OCOI of this submission to the NCAA Media Coordination and Statistics office.

6. Financial penalty. The institution shall pay a fine of \$2,500.<sup>13</sup>

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<sup>12</sup> The institution reported that it will vacate a total of 221 wins and its participation in the 2016 NCAA Men's Basketball Championship due to the violations in this case. It will also return the trophies and banner related to its 2015-16 conference championship to the Conference Carolinas office.

<sup>13</sup> King proposed a fine of \$1,500.



7. Recruiting restrictions. No official paid visits in the sport of men's basketball for one year from September 4, 2020, through September 3, 2021. (Self-imposed)
8. Outside audit or review: King shall undergo an NCAA Compliance Blueprint Review (Self-imposed.) King shall implement and abide by all recommendations of the reviewer. Results of the review shall be included in the institution's compliance report.
9. Because this case involved academic misconduct, King shall provide a copy of the infractions decision to its regional accrediting agency.
10. Show-cause order: The head coach did not determine whether his staff could permissibly transport a prospect three hours to the vicinity of campus and house, feed and tutor him prior to initial enrollment. Further, he did not provide any guidance to his staff regarding the permissibility of assisting prospects in writing their admissions essays, which were crucial components of King's admissions decisions. His failure to determine the permissibility of the activities prior to them occurring and while they were ongoing, and to ensure that his staff knew what role it could have in the essay process, demonstrated failures to promote an atmosphere of compliance in the men's basketball program and adequately monitor his staff. Therefore, the head coach shall be subject to a one-year show-cause order from September 4, 2020, through September 3, 2021. In accordance with Bylaw 19.5.2.2 and COI IOP 5-16-1, any employing institution during the show-cause period shall restrict the head coach from all athletically related activities during the show-cause period. If the head coach becomes employed by a member institution in an athletically related position during the one-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 restrictions on the head coach's athletically related duties should not apply.
11. Show-cause order: The associate head coach violated core NCAA bylaws and requirements that are fundamental to the NCAA Collegiate Model and infractions process. As fully set forth in the Analysis section of this decision, he violated principles of ethical conduct when he knew or should have known he was providing impermissible recruiting inducements to prospects and engaging in academic misconduct on behalf of an enrolled student-athlete. Therefore, the associate head coach shall be subject to a two-year show-cause order from September 4, 2020, through September 3, 2022. In accordance with Bylaw 19.5.2.2 and COI IOP 5-16-1, during the show-cause period:
  - a. The associate head coach cannot supervise any work-study students;
  - b. The associate head coach shall attend an NCAA Regional Rules Seminar during both years of the show-cause;
  - c. Because his violations were contrary to core NCAA principles, and pursuant to Bylaw 19.5.2-(p), the associate head coach shall be suspended from the first three conference games of the first season of his employment during the show-cause period. The provisions

of the suspension require that the associate head coach not be present in the arena where the games are played and have no contact or communication with members of the men's basketball coaching staff or student-athletes during the suspension period. The prohibition includes all coaching activities for the period of time which begins at 12:01 a.m. the day of each of the three games and ends at 11:59 p.m. on the day of each game. During each days of the suspension, the associate head coach may not participate in any coaching activities including, but not limited to, team travel, practice, video study, recruiting and team meetings. If he is serving as a head coach during the time of the suspension, the results of those contests from which the associate head coach is suspended shall not count in his career coaching record; and

- d. The associate head coach shall be prohibited from all off-campus recruiting from July 1, 2021, through October 14, 2021.

If the associate head coach is 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. Any employing institution shall inform the OCOI in writing once the terms of the show-cause are fully satisfied.

12. The men's basketball coaching staff shall attend an NCAA Regional Rules Seminar in either 2020 or 2021. (Self-imposed.)
13. During the term of probation, no men's basketball student-athletes will hold work-study positions involving the men's basketball program.<sup>14</sup>

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As required by NCAA legislation for any institution involved in a major infractions case, King 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. The COI further advises King, the head coach and associate head coach that they should take every precaution to ensure that they observe the terms of probation. The COI will monitor the penalties during their effective periods to ensure compliance with the penalties and terms of probation and may extend the period of

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<sup>14</sup> King proposed this penalty for one year.

probation, among other actions, if parties do not comply or commit additional violations. Any action by the institution contrary to the terms of any of the penalties or any additional violations shall be considered grounds for extending the probationary period, prescribing more severe penalties or may result in additional allegations and violations.

NCAA COMMITTEE ON INFRACTIONS

John David Lackey  
Richard Loosbrock  
Melissa Reilly  
Jason Sobolik  
Harry Stinson III, Chair  
Jane Teixeira

## APPENDIX ONE

### **CORRECTIVE ACTIONS AS IDENTIFIED IN KING'S JANUARY 10, 2020, RESPONSE TO THE NOTICE OF ALLEGATIONS**

1. March 23, 2017: The timecard system was reprogrammed to prevent students from entering a time that overlapped with another time already entered, and to prevent students from entering time that had not yet occurred.
2. April 10, 2017: This was the associate head coach's last day of employment at King, and the assistant athletic director became solely responsible for supervision of Gym Crew student employees.
3. May 15, 2017: The "Approve All" button for supervisors to approve student work hours was removed from the time-keeping system. After this change, each supervisor is now required to review and approve each student's work hours for the month.
4. During the annual reviews of all head coaches in Summer 2017, the Athletic Director specifically addressed oversight of work-study positions, emphasizing the importance of verifying hours worked. This was also emphasized during several athletic staff meetings in the Fall of 2017.
5. Prior to the 2017-18 Academic Year, the Gym Crew was dissolved and replaced with the Athletic Event Crew supervised by the Director of Athletics Communications. The Athletic Event Crew is now composed of a mix of non-athletes and student-athletes from multiple teams.
6. Fall 2017: King implemented a policy prohibiting men's basketball student athletes from working for the men's basketball program.
7. King implemented a policy prohibiting any student athlete from working for their head/assistant coach. Exceptions to this policy must be approved by the Assistant AD for Compliance and Assistant Director of Financial Aid on a case-by-case basis. Examples of possible exceptions include field workers for baseball/softball, racquet stringers for tennis, or laundry workers that require specific hours related to team activities.
8. King's Financial Aid Office: (a) initiated additional training for all work-study supervisors, (b) undertook a complete review of all policies related to work-study, and (c) made policy changes to address the potential for future abuse.

9. September 16, 2017: The time-keeping system was changed to stop the practice of allowing a student employee to enter his/her time worked at the end of the shift. After this date, students were required to clock-in and clock-out at the beginning and end of each shift. Under the old system, hours were often entered days or weeks after they were worked, which presented challenges for supervisors to verify/confirm the actual hours worked by the students.
10. September 20, 2017: Supervisors were required to begin manually overriding and approving time worked when a student had a class scheduled, which included verifying the cancellation of the class.
11. September 29, 2017: King's IT department created an additional method for students to clock in and out without having to access the King University Portal.
12. November 8, 2017: King's IT department introduced a new app for mobile devices that allowed students to clock-in and clock-out.
13. During the 2017-18 academic year: Guidelines/thresholds were established for confirming with supervisors the length of shift, total hours worked, and time of day worked by students, and to provide both detailed and summary time record reports to the payroll department each month.
14. April 13, 2018: The time-keeping system was modified to automatically send an email to the student, the supervisor, and the Financial Aid Office when a student fails to clock out for the day or when a student's time-keeping record has been adjusted by the supervisor.
15. King self-reported the \$5,605.75 of overpayment of federal work-study wages to the Department of Education ("DOE") and returned said overpayment to the DOE.
16. The following additional NCAA Rules Education classes were required of all coaches, led by the Assistant AD for Compliance:
  - a. November 14, 2018 – Guidelines for providing academic assistance to student athletes; Social media guidelines.
  - b. February 11, 2019 – Campus Visit and Tryout bylaws.
17. August 29, 2019: Information regarding academic misconduct was provided to coaches at staff meeting.
18. A review of these incidents was conducted by a panel of non-athletic department staff from Academic Affairs and Student Affairs. This panel determined that since the students and staff

involved were no longer enrolled at or employed by King University, no additional punitive actions against those former students were appropriate or necessary.

19. King completed the Institutional Self-Study Guide in 2018. The committee which completed the ISSG included the Athletic Director, Senior Woman Administrator, Assistant Athletic Director for Compliance, Faculty Athletics Representative, Vice-President for Student Affairs, and the Office of the President. In addition, the committee consulted with the Dean of Students, Director of Safety and Security, and various other institutional staff to complete the ISSG.

King's Faculty Athletics Committee reviewed the Athletics Compliance Manual and the related NCAA by-laws during the 2018-19 academic year and made recommendations on ways to improve the compliance operation.

King submitted a request for an NCAA Compliance Blueprint review prior to Fall 2018 but was not accepted into the program. King will request an NCAA Compliance Blueprint Review for Fall 2020.

Each time King commits an NCAA Violation, the Compliance Committee meets to review the violation, and to recommend changes to policies and procedures to prevent future violations. Membership on the Compliance Committee include the Faculty Athletics Representative (Chair), Athletic Director, Assistant AD for Compliance, Senior Woman Administrator, a Head Coach, the Vice President for Student Affairs, and representatives from the Registrar, Financial Aid, and Admissions offices.

Between 2012 and 2014, all Head Coaches attended a NCAA Regional Rules seminar. Five of those head coaches are still employed by King in a head-coaching capacity.

**APPENDIX TWO**  
**Constitution and Bylaw Citations**

**Division II 2013-14 Manual**

**2.8.1 Responsibility of Institution.** [\*] Each institution shall comply with all applicable rules and regulations of the Association in the conduct of its intercollegiate athletics programs. It shall monitor its programs to assure compliance and to identify and report to the Association instances in which compliance has not been achieved. In any such instance, the institution shall cooperate fully with the Association and shall take appropriate corrective actions. Members of an institution's staff, student-athletes, and other individuals and groups representing the institution's athletics interests, shall comply with the applicable Association rules, and the member institution shall be responsible for such compliance.

**12.4.1 Criteria Governing Compensation to Student-Athletes.** All compensation received by a student-athlete must be consistent with the limitations on financial aid set forth in Bylaw 15. Compensation may be paid to a student-athlete:

- (a) Only for work actually performed.

**14.11.1 Obligation of Member Institution to Withhold Student-Athlete from Competition.** If a student-athlete is ineligible under the provisions of the constitution, bylaws or other regulations of the Association, the institution shall be obligated to apply immediately the applicable rule and to withhold the student-athlete from all intercollegiate competition. The institution may appeal to the Committee on Student-Athlete Reinstatement for restoration of the student-athlete's eligibility as provided in Bylaw 14.12, if it concludes that the circumstances warrant restoration.

**15.01.2 Improper Financial Aid.** Any student-athlete who her than that permitted by the Association shall not be eligible for intercollegiate athletics.

**15.2.6 Employment.** Earnings from a student-athlete's on- or off-campus employment that occurs at any time is exempt and is not included when determining a student-athlete's full grant-in-aid or the institution's financial aid limitations, provided:

- (a) The compensation is only for work actually performed.

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

**16.8.1.2 Competition While Representing Institution.** An institution may provide actual and necessary travel expenses (e.g., transportation, lodging and meals) to a student-athlete for participation in athletics competition, provided the student-athlete is representing the institution

(competes in the uniform of the institution) and is eligible for intercollegiate competition. Such competition includes:

### **Division II 2014-15 Manual**

**2.8.1 Responsibility of Institution.** [\*] Each institution shall comply with all applicable rules and regulations of the Association in the conduct of its intercollegiate athletics programs. It shall monitor its programs to assure compliance and to identify and report to the Association instances in which compliance has not been achieved. In any such instance, the institution shall cooperate fully with the Association and shall take appropriate corrective actions. Members of an institution's staff, student-athletes, and other individuals and groups representing the institution's athletics interests shall comply with the applicable Association rules, and the member institution shall be responsible for such compliance.

**10.01.1 Honesty and Sportsmanship.** Individuals employed by (or associated with) a member institution to administer, conduct or coach intercollegiate athletics and all participating student-athletes shall act with honesty and sportsmanship at all times so that intercollegiate athletics as a whole, their institutions and they, as individuals, shall represent the honor and dignity of fair play and the generally recognized high standards associated with wholesome competitive sports.

### **10.1 Unethical Conduct.**

Unethical conduct by a prospective or enrolled student-athlete or a current or former institutional staff member, which includes any individual who performs work for the institution or the athletics department even if he or she does not receive compensation for such work, may include, but is not limited to, the following:

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

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

### **13.2 Offers and Inducements.**

**13.2.1 General Regulation.** An institution's staff member or any representative of its athletics interests shall not be involved, directly or indirectly, in making arrangements for or giving or offering to give any financial aid or other benefits to the prospective student-athlete or the prospective student-athlete's relatives or friends, other than expressly permitted by NCAA regulations. Receipt of a benefit by prospective student-athletes or their relatives or friends is not a violation of NCAA legislation if it is demonstrated that the same benefit is generally available to the institution's prospective students or their relatives or friends or to a particular segment of the



student body (e.g., international students, minority students) determined on a basis unrelated to athletics ability. For violations of this bylaw in which the value of the offer or inducement is \$100 or less, the eligibility of the individual (i.e., prospective or enrolled student-athlete) shall not be affected conditioned on the individual repaying the value of the benefit to a charity of his or her choice. The individual, however, shall remain ineligible from the time the institution has knowledge of the receipt of the impermissible benefit until the individual repays the benefit.

**12.4.1 Criteria Governing Compensation to Student-Athletes.** All compensation received by a student-athlete must be consistent with the limitations on financial aid set forth in Bylaw 15. Compensation may be paid to a student-athlete:

- (a) Only for work actually performed.

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

If a student-athlete is ineligible under the provisions of the constitution, bylaws or other regulations of the Association, the institution shall be obligated to apply immediately the applicable rule and to withhold the student-athlete from all intercollegiate competition. The institution may appeal to the Committee on Student-Athlete Reinstatement for restoration of the student-athlete's eligibility as provided in Bylaw 14.12, if it concludes that the circumstances warrant restoration.

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

**15.2.6 Employment.** Earnings from a student-athlete's on- or off-campus employment that occurs at any time is exempt and is not included when determining a student-athlete's full grant-in-aid or the institution's financial aid limitations, provided:

- (a) The compensation is only for work actually performed.

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

**16.8.1.2 Competition While Representing Institution.** An institution may provide actual and necessary travel expenses (e.g., transportation, lodging and meals) to a student-athlete for participation in athletics competition, provided the student-athlete is representing the institution (competes in the uniform of the institution) and is eligible for intercollegiate competition. Such competition includes:

## **Division II 2015-16 Manual**

**2.8.1 Responsibility of Institution.** [\*] Each institution shall comply with all applicable rules and regulations of the Association in the conduct of its intercollegiate athletics programs. It shall

monitor its programs to assure compliance and to identify and report to the Association instances in which compliance has not been achieved. In any such instance, the institution shall cooperate fully with the Association and shall take appropriate corrective actions. Members of an institution's staff, student-athletes, and other individuals and groups representing the institution's athletics interests shall comply with the applicable Association rules, and the member institution shall be responsible for such compliance.

**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:

- b) Knowing involvement in arranging for fraudulent academic credit or false transcripts for a prospective or an enrolled student-athlete.
- (c) Knowing involvement in offering or providing a prospective or an enrolled student-athlete an improper inducement or extra benefit or improper financial aid.

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

**12.4.1 Criteria Governing Compensation to Student-Athletes.** All compensation received by a student-athlete must be consistent with the limitations on financial aid set forth in Bylaw 15. Compensation may be paid to a student-athlete:

- (a) Only for work actually performed.

**13.2 Offers and Inducements.**

**13.2.1 General Regulation.** An institution's staff member or any representative of its athletics interests shall not be involved, directly or indirectly, in making arrangements for or giving or offering to give any financial aid or other benefits to the prospective student-athlete or the prospective student-athlete's relatives or friends, other than expressly permitted by NCAA regulations. Receipt of a benefit by prospective student-athletes or their relatives or friends is not a violation of NCAA legislation if it is demonstrated that the same benefit is generally available to the institution's prospective students or their relatives or friends or to a particular segment of the student body (e.g., international students, minority students) determined on a basis unrelated to athletics ability.

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

- (h) Free or reduced-cost housing.
- (l) Educational expenses or services (e.g., tuition, fees, room and board, books, tutoring, standardized test preparatory classes).

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

If a student-athlete is ineligible under the provisions of the constitution, bylaws or other regulations of the Association, the institution shall be obligated to apply immediately the applicable rule and to withhold the student-athlete from all intercollegiate competition. The institution may appeal to the Committee on Student-Athlete Reinstatement for restoration of the student-athlete's eligibility as provided in Bylaw 14.12, if it concludes that the circumstances warrant restoration.

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

**15.2.3 Employment.** Earnings from a student-athlete's on- or off-campus employment that occurs at any time is exempt and is not included when determining a student-athlete's full grant-in-aid or the institution's financial aid limitations, provided:

- (a) The compensation is only for work actually performed.

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

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

**Division II 2016-17 Manual**

**2.8.1 Responsibility of Institution.** [\*] Each institution shall comply with all applicable rules and regulations of the Association in the conduct of its intercollegiate athletics programs. It shall monitor its programs to assure compliance and to identify and report to the Association instances in which compliance has not been achieved. In any such instance, the institution shall cooperate fully with the Association and shall take appropriate corrective actions. Members of an institution's staff, student-athletes, and other individuals and groups representing the institution's athletics interests shall comply with the applicable Association rules, and the member institution shall be responsible for such compliance.

**10.01.1 Honesty and Sportsmanship.** Individuals employed by (or associated with) a member institution to administer, conduct or coach intercollegiate athletics and all participating student-athletes shall act with honesty and sportsmanship at all times so that intercollegiate athletics as a whole, their institutions and they, as individuals, shall represent the honor and dignity of fair play and the generally recognized high standards associated with wholesome competitive sports.

**10.1 Unethical Conduct.**

Unethical conduct by a prospective or enrolled student-athlete or a current or former institutional staff member, which includes any individual who performs work for the institution or the athletics department even if he or she does not receive compensation for such work, may include, but is not limited to, the following:

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

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

**12.4.1 Criteria Governing Compensation to Student-Athletes.** All compensation received by a student-athlete must be consistent with the limitations on financial aid set forth in Bylaw 15. Compensation may be paid to a student-athlete:

- (a) Only for work actually performed.

**13.2 Offers and Inducements.**

**13.2.1 General Regulation.** An institution's staff member or any representative of its athletics interests shall not be involved, directly or indirectly, in making arrangements for or giving or offering to give any financial aid or other benefits to the prospective student-athlete or the prospective student-athlete's relatives or friends, other than expressly permitted by NCAA regulations. Receipt of a benefit by prospective student-athletes or their relatives or friends is not a violation of NCAA legislation if it is demonstrated that the same benefit is generally available to the institution's prospective students or their relatives or friends or to a particular segment of the student body (e.g., international students, minority students) determined on a basis unrelated to athletics ability.

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

If a student-athlete is ineligible under the provisions of the constitution, bylaws or other regulations of the Association, the institution shall be obligated to apply immediately the applicable rule and to withhold the student-athlete from all intercollegiate competition. The institution may appeal to the Committee on Student-Athlete Reinstatement for restoration of the student-athlete's eligibility as provided in Bylaw 14.12, if it concludes that the circumstances warrant restoration.

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

**15.2.3 Employment.** Earnings from a student-athlete's on- or off-campus employment that occurs at any time is exempt and is not included when determining a student-athlete's full grant-in-aid or the institution's financial aid limitations, provided:

- (a) The compensation is only for work actually performed.

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

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

### **Division II 2017-18 Manual**

#### **14.12.1 Obligation of Member Institution to Withhold Student-Athlete From Competition.**

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

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