

COMPLIANCE NEWS

January 2020



UNIVERSITY OF
THE PACIFIC
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THIS MONTH'S FEATURES

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Academic Integrity

The University of the Pacific values academic integrity and per NCAA Bylaws there is an expectation that all institutional staff members and student-athletes will act with honesty and integrity in all academic matters. Academic misconduct and impermissible academic assistance can result in an NCAA violation as well as University sanctions.

Current and prospective student-athletes may use the following resources to assist with their coursework:

- The instructor.
- Academic assistance made available to all students (General Academic Tutoring Center, Writing Center for those enrolled in classes at Pacific).
- Resources made available by the professor to all members of the class (study sessions, etc.).
- Student-Athlete Services Staff, including tutors and mentors, for coursework being taken at Pacific, providing it is not being used to meet initial or transfer eligibility requirements.

Impermissible academic assistance by a current or former institutional staff members, including professors, or athletic boosters includes providing or arranging substantial assistance that is not generally available to all students at Pacific and it not otherwise authorized by NCAA Bylaws, or an academic exception that results in a grade change, academic credit, or fulfillment of a graduation requirement when such an exception is not generally available to Pacific students. Examples of impermissible academic assistance include, but are not limited to: the provision of previous coursework for the student-athlete's benefit, assistance with any part of coursework completion, professors granting an opportunity to receive extra credit when it is not provided to other students, or giving credit for an assignment that a student-athlete did not complete.

NCAA Bylaws prohibit a current or former institutional staff members, including professors, or athletic boosters from providing impermissible academic assistance

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Academic Integrity continued...

to current student-athletes. The NCAA Bylaws state that a student-athlete cannot be involved in academic misconduct involving a current or former institutional staff member or booster, or academic misconduct, without the involvement of a current or former institutional staff members, that results in a student-athlete being erroneously declared eligible for competition or financial aid and then competing or receiving aid while ineligible to do so.

It is not permissible for Pacific to pay tuition or provide academic expenses (e.g. tutoring, test preparation) to assist a prospective student-athlete in completing initial eligibility or transfer eligibility requirements or in improving the prospect's academic profile in conjunction with a waiver request. NCAA Bylaws prohibit prospective student-athletes from arranging for a false or inaccurate academic record (e.g. courses, grades, credit, transcripts, test scores) for a prospective student-athlete, or providing false, inaccurate or incomplete information to the NCAA or Pacific regarding a prospective student-athlete's academic record.

Therefore, in order to prevent an academic misconduct violations, current and prospective student-athletes may not receive any academic assistance from any member of the Athletic Department staff other than the Student-Athlete Services Staff when permissible. Student-athletes are expected to adhere to the University Honor Code and submit their own work. Student-athletes cannot receive any academic assistance from any member of the coaching staff, other athletic department staff members (including students) or boosters. Academic assistance would include tutoring, proofreading/editing or other assistance with papers or assignments or advocating with professors on the current or prospective student-athlete's behalf. In addition, current and prospective student-athletes may not receive any academic assistance from the University of the Pacific Athletics Staff for coursework being taken at another institution. It is also prohibited for Pacific to pay for a current or prospective student-athlete to take coursework at another institution or to pay for CPCE units at Pacific, except for in limited circumstances as provided by NCAA legislation and previously approved waivers.

Houston Commits Academic and Countable Activity Violations

A former University of Houston athletics department tutor committed academic misconduct, and the women's volleyball program exceeded countable athletically related activity limits, according to a decision released by the Division I Committee on infractions.

The former tutor wrote four papers for two football student-athletes in exchange for money over a month and a half. As a result of the academic misconduct, one of the student-athletes competed while ineligible.

The committee noted that the former tutor acted out of self-interest and violated Houston's academic misconduct policy. He failed to cooperate with the NCAA infractions process by refusing to participate in an interview with enforcement staff or take part in the summary disposition process.

The former head women's volleyball coach, meanwhile, required student-athletes to participate impermissible in summer camps and pre-practice activities. The student-athletes' participation in what should have been voluntary activity resulted in impermissible out-of-season activity and exceeding in-season hourly limits.

The direct involvement of the former head women's volleyball coach in the violations demonstrated that she did not promote an atmosphere of compliance within her program, the panel said. It noted that student-athletes recognized the potential violations but failed to report them to the compliance staff out of fear of retaliation from the head coach.

"Inherent in promoting an atmosphere of compliance is setting the proper tone throughout the program - from the head coach down," the panel said in its decision. "That includes coaches, staff and student-athletes alike having the freedom to report concerns to compliance and athletics administration. A culture of secrecy and intimidation fails to meet the membership's expectation of head coaches. Such actions threaten the core values of the Association and are detrimental to the student-athlete experience."

RECRUITING CALENDARS

Baseball

Jan. 21-Feb. 29Quiet Period
March 1-May 24Contact Period

Men's Basketball

Jan. 21-March 31 Recruiting Period

Women's Basketball

Jan 21-Feb. 29Evaluation Period
(Scholastic Events Only)
Mar.h1- April 2Contact Period
*April 2: Contact with Juniors not
permissible

Beach Volleyball

Jan. 21-April 30Contact Period

Cross Country/Track

Jan. 21-March 12Contact Period
March 13-14Dead Period
March 15-June 9Contact Period

Golf

Jan. 21-July 31Contact Period

Softball

Jan. 21-May 25Evaluation Period
(Scholastic Practice and Competition
Activities Only)

Volleyball

Jan. 21-31Quiet Period
Feb. 1-13Quiet Period
Feb. 14-April 30Contact Period

Please check NCAA Website for
Additional Information

[Recruiting Calendars](#)

Houston Commits Academic and Countable Activity Violations continued...

The case was resolved through a cooperative summary disposition, a process where involved parties collectively submit the case to the committee in written form. All participating parties must agree to the facts of the case for this process to be used instead of having a formal hearing. Because the parties did not challenge the panel's proposed penalties, there is no opportunity to appeal.

The committee used the Division I membership-approved infractions penalty guidelines to prescribe the following measures:

- One year probation.
- A \$5,000 fine (self-imposed by the university).
- An eight-year show-cause penalty for the former tutor. During that period, any NCAA member school employing him must restrict him from any athletically related duties unless it shows cause why the restrictions should not apply.
- A two-year show-cause order for the former head coach. During that period, any NCAA member school employing her must suspend her from 30% of the contests during the first season in which she is hired.
- A vacation of records in which the football student-athlete competed while ineligible (self-imposed by the university). The university must provide a written report containing the contests impacted to the NCAA media coordinator and statistics staff within 14 days of the public decision release.
- A reduction in permissible women's volleyball countable athletically related activity by two hours during the fall 2019 championship segment (self-imposed by the university).

The complete public infractions decision can be found [here](#).

TCU Athletics Program Violates NCAA Rules

A total of 33 TCU student-athletes in three sports were paid for work they did not perform as campus summer employees, according to a Division I Committee on Infractions decision. In addition, actions by a former head swimming and diving coach caused the number of coaches in the swimming and diving programs to exceed the maximum number allowed. Further, the head coach and members of his staff directed or supervised student-athletes' participation in practice time that exceeded limits. Because the head swimming coach was personally involved in the violations, he agreed that he failed to promote an atmosphere of rules compliance.

Student-athletes from the football and men's and women's basketball programs received compensation beyond the hours they worked after they did not clock out after leaving the campus job site, according to the committee's decision. The excess payments totaled nearly \$20,000 over four years and resulted in 22 of the 33 involved student-athletes competing while ineligible.

In separate violations, the parties agreed that the former head swimming and diving coach instructed team managers to engage in coaching activities on numerous occasions, which resulted in the program exceeding the limit of six coaches in swimming and diving. The former head coach and members of his staff also led athletically related activities beyond the time limits allowed by NCAA rules. The committee noted these rules are in place for student-athlete well-being and competitive equity reasons. The head coach also did not ensure accurate reporting of student-athlete's countable hours to the compliance office.

TCU Athletics Program Violates NCAA Rules continued...

The case was resolved through a cooperative summary disposition, a process where involved parties collectively submit the case to the committee in written form. All participating parties must agree to the facts of the case for this process to be used instead of a formal hearing. In this case, following a review of the summary disposition report, the committee proposed additional penalties to both the university and the head swimming coach. The university and the head swimming coach partially contested the proposed additional penalties. The university contested the penalties through an in-person expedited penalty hearing, while the head swimming coach did so through a written submissions. Following the expedited hearing and review of the written submissions, the committee provided partial penalty relief to the university and the head coach but retained some of its proposed penalties. The university and the former coach may not appeal the violations concluded in this case but may appeal portions of the penalties the committee prescribed.

The committee prescribed the following penalties and corrective measures:

- One year of probation.
- A \$47,148 fine. This amount includes the self-imposed penalty of \$19,796, plus an additional 10% of the value of the one unit the university received for participation in the first round of the 2018 Division I Men's Basketball Championship.
- A one-year show-cause order for the former coach. During that period, any NCAA member school employing him must show cause why he should not have restrictions on athletically related activity.

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Only countable coaches, the Head Coach, Associate/Assistant Coaches, Volunteer Coach, Graduate Assistant Coaches (as permitted in specific sports) and Student Assistant Coaches, who are listed on the Staff Designation form can provide:

- Technical or tactical instruction related to the sport at any time;
- Make or assist in making tactical decisions related to the sport during on-court or on-field practice or competition; or
- Engage in any off-campus recruiting activities.

It is not permissible for sport-specific non-coaching staff members, managers, consultants, or anyone else to engage in the activities above, or they become a countable coach.

The complete public infractions decision can be found [here](#).

Compliance Game

Tom is having a hard time in his Pacific Seminar Class. His assistant coach, who has an English degree, sees Tom struggling with an essay on a road trip. The coach goes over the paper with Tom and corrects grammatical mistakes and provides him with wording for the concluding paragraph.

Has a violation occurred?

Email Wendy Cornwall (wcornwall@pacific.edu) the answer to earn points for your team. Please use the subject Compliance Game. You will receive 10 points for the correct answer and 5 points for an incorrect answer. If all team members answer the questions, correctly or incorrectly, that team will receive an additional 7 points. The first three people to answer correctly will also receive a prize. Points will be recorded until 2:00pm on Thursday, January 23rd.



Super Bowl Gambling Reminder

Participating in any wagers on the Super Bowl, including Super Bowl squares, where an entry fee is required and a prize is awarded is a violation of NCAA rules. Also, placing a wager on anything of tangible value constitutes gambling activity under NCAA legislation. This can include dinner, a t-shirt, or wearing an opponent's shirt if your team loses.

DON'T BET ON IT!

Interpretation Information

Involvement of Noncoaching Staff Members and Student Managers with Recreational Activities

The NCAA Division I Interpretations Committee determined that noncoaching staff members with sport-specific responsibilities (e.g., director of operations) are not permitted to observe recreational activities involving prospective student-athletes and/or student-athletes during a prospective student-athlete's visit to the institution's campus. Institutional staff members may be present for reasons incidental to job responsibilities either in supervising the use of the facility (e.g., facilities staff) or to ensure the health and safety of the prospective student-athletes and student-athletes (e.g., trainer).

Student managers may observe and participate in recreational activities with prospective student-athletes and student-athletes on the institution's campus, provided involvement is not at the direction of the coaching staff and the student manager does not report any information related to these activities to the coaching staff.

Autonomy Legislation Approved

The two autonomy proposals that were up for review in January have been approved via electronic voting.

Proposal 2019-100: A graduate assistant coach in women's rowing and swimming and diving will be permitted to receive four complimentary tickets to all of the institution's intercollegiate athletic events.

Proposal 2019-101: All legislation that was applicable to the Olympic Games and Olympic teams and athletes will apply to the Paralympic Games and Paralympic teams and athletes. In addition, legislation applicable to the Pan American Games shall apply to the Parapan American Games.

Division I Council Legislation that was expected to be voted on in January will be voted on at the Division I Council Meeting at the NCAA Convention on January 22nd. Updates and more information will be provided once the legislation has been voted on.

San Diego State Women's Volleyball Program Violated NCAA Rules

The San Diego State women's volleyball coaching staff violated NCAA rules on countable athletically related activity, according to an agreement released by the Division I Committee on Infractions.

The agreement also said the volleyball coaching staff impermissibly organized open gym participation for prospects during on-campus visits and had impermissible contact with a prospect during her first year at a two-year college when she was certified as an NCAA nonqualifier.

The university, the head coach and NCAA enforcement staff agreed the head coach directed volleyball student-athletes to participate in summer open gyms and strength and conditioning activities when they should have been voluntary. The activities were impermissible because the student-athletes believed they were required to report back to campus to participate in the summer activities. While the agreement said the head coach did not intend for the activities to be mandatory, they were impermissible because they were not always initiated and requested solely by the student-athletes.

According to the agreement, the head coach also directed that incoming freshman student-athletes impermissibly participate as campers in the university's camps.

The head coach did not demonstrate that she promoted an atmosphere of compliance within her program due to her personal knowledge of and involvement in the violations. The agreement said that after athletics administrators notified the head coach about potential issues with mandatory summer activities and advised her to clearly communicate the voluntary nature of these activities, she failed to ensure subsequent summer activities followed NCAA rules.

This case was processed through the negotiated resolution process. The process was used instead of a formal hearing or summary disposition because the university, head coach and the enforcement staff agreed on the violations and the penalties. The Division I Committee on Infractions reviewed the case to determine whether the resolution was in the best interests of the Association and whether the agreed-upon penalties were reasonable. Negotiated resolutions may not be appealed and do not set case precedent for other infractions cases.

The university and the enforcement staff used ranges identified by the Division I membership-approved infractions penalty guidelines to agree upon Level-II mitigated penalties for the university. The head coach agreed to Level II-standard penalties. Those and other penalties, approved by the Committee on Infractions, are detailed below:

- One year probation.
- A \$5,000 fine.
- A reduction of paid official visits for women's volleyball during the 2019-20 academic year by 5% of the average number of official paid visits for the program during the previous four years.
- The head coach must be suspended from the first two regular-season games of the 2020 women's volleyball season.
- A reduction of the number of women's volleyball countable athletically related activity by 97.5 hours over the 2019-20 and 2020-21 academic years.
- The university reduced contacts with prospects by two once such contacts were permissible.

The complete public negotiated resolution can be found [here](#).

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It needs to be clear to student-athletes that any activity during the summer and other vacation periods when a team is out of season are truly voluntary. It must be clear that they are not expected or required to participate in any countable athletically related activity at those times, and the student-athletes must initiate the request to participate in these voluntary activities.

ACADEMIC CALENDAR

Last Day to Add Classes.....	Jan. 24
Last Day for Pass/No Credit or Letter Grade Option.....	Jan. 24
Last Day to Drop Without A Record of Enrollment	Jan. 24
President's Day Holiday	Feb. 17
Census Date	Mar. 1
Last Day Pro-Rated Refund	Mar. 5
Summer 2020/Fall 2020 Schedule of Classes Available Online.....	Mar. 9
Spring Break.....	Mar. 9-13
Classes Resume.....	Mar. 16
Advising for Summer/Fall 2020 for Continuing Students	Mar. 16-Apr. 3
Last Day to Withdraw	Mar. 26
Summer 2020 Registration Opens for Continuing Students	Mar. 30
Early Registration Appointment Begin Date for Fall 2020	Mar. 30
Deadline to File Application for Graduation Fall 2020/Spring 2021/ Summer 2021	Apr. 3
Classes End	Apr. 28
Study Day	Apr. 29
Final Exams	Apr. 30-May 6
Commencement.....	May 9