

COMPLIANCE NEWS

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UNIVERSITY OF
THE PACIFIC
COMPLIANCE STAFF

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THIS MONTH'S FEATURES

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Division I Transfer Waiver Working Group to Seek Feedback on Waiver Expansion

Division I student-athletes in all sports could transfer and compete immediately if a concept under consideration by the Transfer Waiver Working Group is adopted by the Division I Council.

"The current system is unsustainable. Working group members believe it's time to bring our transfer rules more in line with today's college landscape," said working group chair Jon Steinbrecher, commissioner of the Mid-American Conference.

"This concept provides a uniform approach that is understandable, predictable and objective. Most importantly, it benefits students."

The working group concept would change waiver criteria to allow approvals for first-time four-year transfers in all sports to compete immediately if they:

- Receive a transfer release from their previous school.
- Leave their previous school academically eligible.
- Maintain their academic progress at the new school.
- Leave under no disciplinary suspension.

The waiver criteria are the same as the legislated exception already allowed for student-athletes who compete in any sport other than baseball, basketball, football or men's ice hockey.

"More than a third of all college students transfer at least once, and the Division I rule prohibiting immediate competition for students who play five sports hasn't discouraged them from transferring," Steinbrecher said. "This dynamic has strained the waiver process, which was designed to handle extenuating and extraordinary circumstances."

When the Division I Board of Directors placed a moratorium on transfer legislation last fall and asked the Council to appoint the working group, it acknowledged the stress on the waiver process caused by a rule that makes a waiver the only means to immediate competition for some transferring college athletics in Division I.

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DI Transfer Working Group continued....

“We know that challenges will exist with this concept, particularly as it relates to other coaches potentially tampering with currently enrolled student-athletes,” Steinbreacher said. “The working group will continue to examine this, as well as any potential financial aid and academic impacts, so the Council can make a fully informed decision.”

Waiver criteria changes do not follow the regular legislative cycle but still must be approved by the full Division I Council. Steinbreacher also serves as vice chair of the Council.

The group agrees that a waiver process will remain in place for student-athletes who have transferred previously or otherwise do not qualify for the one-time waiver guidelines. Group members think this waiver process should be limited to truly extenuating and unique circumstances that threaten a student-athletes health and safety (for example, if the student-athlete is a victim of physical/sexual assault) while recognizing the impact multiple transfer have on the likelihood that a student-athlete graduates.

The working group will seek feedback from Division I members through student-athlete representatives, conference offices, impacted coaches associations and other collegiate professional organizations prior to the Council’s April meeting. The group’s goal is to have the new criteria approved for transfers in the 2020-21 academic year.

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This not a change in the legislation, it is a change in the waiver guidelines. We will continue to update you as this concept moves through the process and will let you know how these situations will be handled moving forward.

Please let the Compliance Office know if you have any opinion on this potential change.

Update on January Legislative Actions

The following proposals were adopted in January and apply to all sports at Pacific.

2019-31: Changed how evaluations at multiple-day events are counted to match how evaluations at tournaments are counted. Evaluations of multiple contests in a multiple-day event (e.g., jamboree, round robin, showcases) that occur on consecutive days will now count as a single evaluation. In addition, evaluations of multiple contests in a single tier of a multiple-day event (e.g. sectional, district, regional) shall count as a single observation. Effective Immediately.

2019-32: Removed the limitations on hiring athletic awards winner. An institution may employ a prospective student-athlete, regardless of whether they are an athletic award winner, prior to the completion of their senior year in high school, provided the employment is arranged through normal institutional employment procedures (e.g., website, local newspaper, bulletin board listing) and without the intervention of any sport-specific staff member (e.g., no involvement with the hiring or supervision of the prospective student-athlete). Effective Immediately.

2019-33: Permits a prospective student-athlete who has signed an NLI, Financial Aid Agreement or confirmed with Admissions, to receive the following via electronic correspondence or digital media storage device (e.g., DVD, flash drive): Video/audio materials personalized to include a prospective student-athlete’s name, picture or likeness; and necessary pre-enrollment information regarding orientation, conditioning, academics and practices activities in video format (e.g., video playbook, game clips). Effective Immediately.

2019-39: Permits a prospective student-athlete who has been admitted to the university and is on campus for a visit unrelated to athletics recruitment (e.g., admissions weekend) and for which expenses are provided by a department other than athletics, to meet with the coaching staff without this meeting being an official visit. Effective Immediately.

2019-70: Student-athletes will now be allowed to receive summer school aid if the student-athlete received athletically related aid from Pacific during any previous academic year at the institution or the student-athlete has been awarded athletically related financial aid for the following academic year. Effective Immediately.

RECRUITING CALENDARS

Baseball

March 1-May 24Contact Period

Men's Basketball

March 1-31 Recruiting Period

April 1.....Quiet Period

April 2-9 (noon)Dead Period

Women's Basketball

March 1-April 2Contact Period

*Apr. 2 Contact with juniors not permissible

April 3-9Dead Period

April 10-12Quiet Period

Beach Volleyball

March 1-April 28Contact Period

Cross Country/Track

March 1-12Contact Period

March 13-14Dead Period

March 15-June 9Contact Period

Golf

March 1-July 31Contact Period

Softball

March 1-May 25Evaluation Period
(Scholastic Practice and Competition Activities only)

Volleyball

March 1-Apr. 30Contact Period

Please check NCAA Website for
Additional Information

[Recruiting Calendar](#)

Update on January Legislative Actions continued...

2019-107: Will allow individuals who have been designated by the U.S. Olympic and Paralympic Committee and the sport-affiliated national governing body (or the international equivalent) as an elite athlete, to receive developmental training expenses from the U.S. Olympic and Paralympic Committee or the national governing body (or the international equivalent) related to sport experts other than coaches, training partners and travel for parents or guardians, coaches and sport expenses. This is not intended to apply to a large number of student-athletes, only those who have been designated by the appropriate governing bodies as elite. Effective Immediately.

2019-115: Has expanded the transferable math credit core-course requirement for two-year college transfers who are nonqualifiers or academic redshirts to include credit accepted as quantitative reasoning (or equivalent math/quantitative reasoning) by the certifying institution. At Pacific, this would mean that certain social science statistical/research methods classes that meet the math skills requirement could be used to meet the transferable math requirement. Effective August 1, 2020 for two-year college transfer student-athletes enrolling at Pacific in Fall 2020.

2019-120: It is now permissible for an institution to provide athletically related financial aid to a transfer student in the summer prior to initial full-time enrollment at the certifying institution for the purposes of completing percentage-of-degree requirements. This would not permit an institution to pay for an incoming student-athlete to complete transfer requirements such as the required number of units; English, math, science course requirements; classes need to complete their AA; or classes needed to increase GPA. Effectively Immediately.

There are still a total of 59 proposals, 42 of which are applicable to Pacific, to be voted on by the Division I Council during its April 23-24 meeting. These proposals will then be subject to review by the Board of Directors at their April 29th meeting. We will update you as these proposals move through the process and rules education will be provided once the proposals have been approved.

Name, Image, Likeness (NIL) Reforms for Student-Athletes Stressed at Senate Subcommittee Hearing

NCAA President Mark Emmert and other witness at a U.S. Senate hearing stressed the importance of development fair approaches for student-athletes to utilize their name, image and likeness while protecting the integrity of college sports within higher education.

Speaking before the Senate Commerce Subcommittee on Manufacturing, Trade and Consumer Protection on Tuesday, Emmert emphasized that NCAA members in all three divisions are diligently developing reforms that will be equitable for student-athletes in the future. He also said the NCAA may need assistance from Congress to accomplish this work at a national level.

“We greatly value the ongoing dialogue with you and look forward to the continued support of the Congress as we work toward a solution that meets the needs to student-athletes in a manner consistent with the long-held educational values of the NCAA, its schools and conferences, and the nearly 500,000 individuals who participate in college sports each year,” Emmert said in his [testimony](#).

Emmert and Bob Bowlsby, commissioner of the Big 12 Conference, highlighted the many reforms developed in recent years to assist student-athletes, from greater financial assistance for college expenses to health and safety advances, unlimited meals and academic support.

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Name, Image, Likeness (NIL) Reforms for Student-Athletes Stressed at Senate Subcommittee Hearing continued...

Bowlsby, a member of the NCAA Board of Governors Federal and State Legislation Working Group, told the subcommittee the working group is making progress on NIL solutions.

“The American collegiate model of intercollegiate athletics has no parallel in the world,” Bowlsby said in his [testimony](#). “We are not the NFL, NBA or MLB where well-organized drafts determine the participants. Neither are we the Olympics where the athlete’s only choice of participation is with their country of origin. Recruitment, especially in Division I, is highly competitive and highly regulated. To replace or significantly amend the current benefits system we must be able to move ahead with assurance that recruitment can exist and that integrity can be maintained and enhanced.”

Other witnesses included Dr. Douglas Girod, chancellor of the University of Kansas; Ramogi Huma, executive director of the National College Players Association; and Kendall Spencer, former track student-athlete at the University of New Mexico and former chair of the Division I Student-Athlete Advisory Committee.

Girod told senators that a state-by-state approach to name, image and likeness is not feasible for his university and other NCAA schools, which compete across state lines each season. He added that reforms must recognize most student-athletes do not become professional athletes.

“As this process moves forward, we must not forget that more than 98% of student-athletes do not turn professional in their sport after graduation or have significant opportunity to earn income from NIL, yet they benefit greatly from the education and resources they access as student-athletes,” Girod said in his [testimony](#). “We must be cautious not to risk losing what is so valuable for the 98% while addressing the specific needs of those blessed to take their athletic talents to the professional level.”

In his [testimony](#), Huma noted his organization’s support for expanded name, image and likeness rights for student-athletes overall and in the recent California law and other proposed state legislation.

Spencer, currently a student at Georgetown Law School and training to compete in the 2020 Olympic Games, explained to senators how technology is impacting current and future student-athletes and how they view utilizing their name, image and likeness.

“Protecting the welfare of the student-athletes is not about getting it done, it’s about getting it done right,” Spencer said in his [testimony](#). “When regulatory frameworks that affect the education and welfare of students get it wrong, the entire nation suffers. Are we - the student-athlete- not worth protecting?”

More background on the hearing, including a recording, can be accessed [here](#).

ACADEMIC CALENDAR

Last Day for Pro-Rated Refund .. Mar. 5
Summer 20/Fall 20 Schedule of Classes Available Online..... Mar. 9
Spring Break..... Mar. 9-13
Classes Resume..... Mar. 16
Advising for Summer/Fall 20 for Continuing Students Mar. 16-Apr. 3
Last Day to Withdraw Mar. 26
Summer 20 Registration Opens for Continuing Students Mar. 30
Early Registration Appointment Begin for Continuing Students (F20).. Mar. 30
Deadline to file Application for Graduation F20/Sp21/Su21..... Apr. 3
Classes End Apr. 28
Study Day Apr. 29
Final Exam Period Apr. 30-May 6
Commencement May 9

We will continue to update you as more information regarding changes to name, image and likeness rules becomes available.

Compliance Game

Ocean’s Eleven is conducting its Water Polo Championship at Tigers University this year. Ocean’s Eleven would like Tigers University to produce and provide posters promoting the conference championships to local schools, including high schools, to help increase attendance.

Is this permissible?

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 question, 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 Wednesday, March 4th.

Baylor University Suspends 14 Baseball Players for Hazing

CBS Sports - February 7, 2020

When the NCAA Division I baseball season begins next week, Baylor University will be shorthanded. Very shorthanded. On Friday, Baylor announced 14 members of the baseball team have been suspended for their involvement in a hazing incident that occurred last February. The two-game suspensions will be staggered over the next three weeks so the team does not have to play dangerously shorthanded (pitchers don't have to be overworked, etc.).

"The University takes such matters very seriously. Our priority is to provide a safe and caring environment for all student-athletes," said Baylor vice president and director of intercollegiate athletics Mack in a statement. "This type of behavior is not reflective of the mission and vision of Baylor Athletics."

Baylor's statement says the administration became aware of the incident last May and an investigation was immediately launched by the division of student life and the office of general counsel. They note neither drugs nor alcohol were involved. The identities of the players suspended and those in the incident were not released.

"I am very disappointed with this incident," said head baseball coach Steve Rodriguez in a statement. "We do not condone such behavior and respect the thorough investigation and decision by the university on the matter and will move forward."

Major League Baseball has cracked down on rookie hazing in recent years - the league prohibits "dressing up as women or wearing costumes that may be offensive to individuals based on their race, sex, nationality, age, sexual orientation, gender identity or other characteristic" - but hazing is still prevalent in the amateur ranks.

Pacific Intercollegiate Athletics does not condone and will not tolerate hazing of any sort. Student-athletes and coaches will be held accountable for any acts of hazing committed by a team or team members.

Hazing is defined as any behavior that is physically, emotionally, or psychologically abusive to an individual or selected group of individuals, for the purpose of gaining entrance or acceptance into an established group. A student-athlete's "choice" or consent to participate in hazing activities is not a defense. Hazing does not build team unity, and just because something has always been done that way does not make it right.

Examples of hazing activity include but are not limited to head shaving, pressuring others to engage in binge drinking, requiring others to wear embarrassing clothing and/or perform in front of a group, and other activities designed to single out a particular group of students and treat them differently than everyone else for the purpose of belonging/initiation to a larger group or team.

California law makes it a criminal offense for anyone to participate in hazing. The law and its supporting University regulations are based on the proposition that all students are entitled to be treated with consideration and respect. No individual subject to the jurisdiction of the University shall perform an act that is likely to cause physical, psychological, or social harm to any other person within the University community. Consent is not a defense.

Pittsburgh Men's Basketball and Football Programs Commit Violations

The University of Pittsburgh men's basketball and football programs committed coaching violations, according to an agreement released by the Division I Committee on Infractions.

The university and NCAA enforcement staff agreed the former head men's basketball instructed and allowed three noncoaching staff members to perform coaching duties, resulting in the program exceeding the number of permissible coaches. The agreement said the former men's basketball coach developed an alert system to ensure noncoaching staff would not be caught on the practice floor coaching student-athletes. The former head coach also ordered the deletion of practice video in an apparent attempt to prevent the administration from confirming violations had occurred.

The former men's basketball coach did not promote an atmosphere for compliance, according to the agreement. The former men's basketball coach was involved directly in the violations and he did not end the violations after being warned by athletics department administrators.

Pittsburgh Men's Basketball and Football Programs Commit Violations continued...

The agreement also said the men's basketball program impermissibly produced personalized recruiting videos for 12 prospects to watch during their official or unofficial visits to campus.

The former director of basketball operations violated NCAA ethical conduct rules after his separation from the university when he refused to participate in an enforcement interview about his involvement in coaching activities as a noncoaching staff member.

According to the agreement, the head football coach instructed or was present at the practice facility when three former quality control staff members performed coaching duties, resulting in the program exceeding the allowable number of permissible coaches. The university conducted adequate sport checks of the program, but the agreement said the violations were undetected in part due to the program's practice of playing music to indicate when outside parties were present at the practice facility. Football quality control staff members reported that they would make sure they were not near student-athletes when hearing the music.

The university, football coach and enforcement staff agreed the football coach did not promote an atmosphere of compliance when he asked one individual to assist and was present when three others performed coaching activities. Additionally, the agreement said the football coach did not monitor his staff when he did not prevent the violations from occurring.

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 football coach and the enforcement staff agreed on the violations and the penalties. The former head basketball coach and former director of basketball operations did not participate in the processing of the case. 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 precedents 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. Level II-aggravated for the former men's basketball coach and Level I-aggravated for the former director of basketball operations. The head football coach agreed to Level II-standard penalties. Those and other penalties approved by the Committee on Infractions, are detailed below:

- Three years probation.
- A \$5,000 fine plus 0.5% of each of the men's basketball and football budgets.
- A show-cause order for the head football coach withholding him from two days of team practices in August 2020. He also did not participate in one week of off-campus recruiting during the Dec. 1, 2019, through Feb. 1, 2020, contact period.
- A three-year show cause order for the former men's basketball coach. If he is employed by member school during that time, he must be suspended from 30% of the first season of his employment.
- A three-year show cause order for the former director of basketball operations. 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 reduction in men's basketball recruiting person days by 17 during the 2017-18 academic year.
- A reduction in the number of men's basketball countable coaches by one at regular practice for 16 hours during the 2019-20 academic year.
- A reduction in men's basketball countable athletically related activities hours in the spring of 2020 from 20 to 18 (in-season) and eight to seven (out-of-season).
- A reduction of countable athletically related activities for the football program by eight hours and the number of countable coaches by one for two days of practice during the 2018 football season.
- A reduction in the number of football countable coaches by one for four days of practice in the 2019-20 academic year.
- Two football quality control staff members must be removed from practice for three days during the 2019-20 academic year.

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

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Only those designated as countable coaches can provide technical and tactical instruction to student-athletes. It is not permissible for noncoaching staff members, student managers or any other person not listed as a countable coach to provide technical or tactical instruction to student-athletes.