



News Release

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Committee on Infractions
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UNIVERSITY OF LOUISIANA AT LAFAYETTE **PUBLIC INFRACTIONS REPORT**

A. INTRODUCTION.

On February 16, 2007, officials from the University of Louisiana at Lafayette (Louisiana-Lafayette) appeared before the Division I Committee on Infractions to address allegations of NCAA violations in the football and men's basketball programs. Unrelated major infractions occurred in each sport and resulted in the committee finding that the institution failed to monitor its athletics program.

During the fall 2003 semester, a fourth-year men's basketball student-athlete ("student-athlete 1") who was academically deficient enrolled in two three-hour correspondence courses from another institution. He completed both courses with grades of "B" before the start of the spring 2004 semester and those grades were erroneously used as part of the calculation when he was certified as eligible to compete in the spring semester. Without the two "B" grades from the correspondence courses, student-athlete 1's grade-point average would not have met the minimum cumulative grade point average a fourth year student-athlete needs to maintain eligibility. Student-athlete 1 competed throughout the spring semester, including an NCAA tournament contest and was a significant contributor to the team.

In the summer of 2004 it was determined that student-athlete 1 needed to complete 20 credit hours before the fall to attain 75 percent of the course requirements in his degree program (and therefore be eligible for competition in 2004-05). He enrolled in 11 hours at the institution and an additional nine hours of correspondence courses at the same institution from which he had previously received the six hours of correspondence credit. All 15 hours of correspondence work were used when he was certified as eligible for 2004-05 and he competed throughout the season, which included an NCAA tournament game. Without the correspondence credits he would not have attained either the minimum grade-point average or percentage-of-degree credits necessary to meet progress-toward-degree requirements.

The committee is dismayed that the institution failed to comply with a simple, unambiguous bylaw and, as a consequence, allowed a star student-athlete to compete for a full season and half of another. NCAA Bylaw 14.4.3.4.3 (which was Bylaw 14.4.3.4.5 at the time of the violations) provides in part that "correspondence...courses taken from an institution other than the one in which a student-athlete is enrolled as a full-time student shall not be used in determining a student's academic standing or progress toward degree." Yet the institution's compliance coordinator at the time ("former compliance coordinator"), the director of academic services ("director of academic services") and the registrar ("registrar"), each of whom were part of the certification effort, failed to catch the obvious error. The former compliance coordinator said that she had read the bylaw from the previous year's manual (when the language was slightly different) and "misunderstood" it. She did not review the current version. The director of academic services, who was aware that the correspondence courses were being used to calculate satisfactory progress, mistakenly thought the bylaw allowed their use. The registrar did not have the necessary knowledge to review the decision made by the compliance coordinator and director of academic services; his role was only to ensure that each student-athlete was enrolled full-time.

The violations in the football program occurred during the summers from 2002 through 2005 and involved voluntary conditioning activities which became mandatory because of actions by members of the football and strength and conditioning coaching staffs. The strength and conditioning coach at the time ("former strength coach") provided both written and verbal updates to the coaching staff about student-athletes participating in summer workouts. Also, members of the football coaching staff occasionally observed workouts, provided skill training and tracked attendance by student-athletes in the summer conditioning program.

A member of the Sun Belt Conference, the institution has an enrollment of approximately 17,000 students and sponsors eight men's and eight women's intercollegiate sports. This was the institution's fourth major infractions case. It appeared before the committee in 1995 for a case involving the baseball program and also had previous infractions cases in 1973 (men's basketball) and 1968 (football and men's basketball).

B. FINDINGS OF VIOLATIONS OF NCAA LEGISLATION.

1. INELIGIBLE PARTICIPATION. [NCAA Bylaws 14.01.1, 14.01.2, 14.01.2.1, 14.1.1, 14.4.1, 14.4.3.3.1 and 14.4.3.4.3]

During the 2004 spring semester and the 2004-05 academic year, the institution certified student-athlete 1 as eligible for competition even though he did not fulfill percentage-of-degree or grade-point average requirements in order to maintain progress toward a baccalaureate degree.

Committee Rationale

The enforcement staff and institution are in substantial agreement as to the facts of this finding and that those facts constitute violations of NCAA legislation. The committee finds that the violations occurred.

The 2003-04 academic year was student-athlete 1's fourth year of collegiate enrollment. Because his cumulative grade-point average at the institution was low enough to put his continuing eligibility in question, in both September 2003 and December 2003 student-athlete 1 enrolled in three-hour correspondence courses offered by another institution. He did so with the knowledge and approval of the former compliance coordinator. Student-athlete 1 completed the two courses in the week prior to the beginning of the spring 2004 semester and on January 17, 2004, the institution certified student-athlete 1 as eligible for competition because it appeared he had completed the needed percentage of course requirements in his baccalaureate program with a grade-point average above the minimum necessary for continuing eligibility. The six hours of correspondence credit were used in the calculation. However, without the two "B" grades student-athlete 1 had earned in the correspondence courses, his grade-point average would not have been high enough to allow a fourth-year student-athlete to compete. Following the erroneous certification, student-athlete 1 competed while ineligible in 18 contests during the 2004 spring semester.

During the summer of 2004, student-athlete 1 needed to complete 20 credit hours in order to have the needed percentage of course requirements in his baccalaureate program completed before the fall semester and satisfy progress-toward-degree requirements to be eligible for competition during the 2004-05 academic year. Student-athlete 1 earned 11 credit hours during the summer session at the institution and nine additional correspondence credit hours from the same institution from which he had previously received the six hours of correspondence credit. The institution used all 15 correspondence credit hours student-athlete 1 earned from the second institution when it certified him as eligible for competition during the 2004-05 academic year. Without the correspondence credits, student-athlete 1's percentage-of-degree completion and grade-point average failed to meet the minimum standards for progress-toward-degree requirements necessary for student-athletes entering their fifth year of collegiate enrollment. Based on the erroneous certification, student-athlete 1 competed while ineligible in 25 contests during the 2004-05 academic year.

The institution's failure to correctly apply academic-standing and progress-toward-degree legislation on two occasions demonstrated a failure to monitor, as outlined in Finding B-3.

2. VOLUNTARY SUMMER WORKOUT VIOLATIONS. [NCAA Bylaws 17.02.1, 17.02.1-(c) (2002-03 NCAA Manual), 17.02.1-(k) (2002-03 NCAA Manual), 17.02.1-(l) (2002-03 NCAA Manual), 17.02.13, 17.1.5.2 (2002-03 NCAA Manual) and 17.1.5.2.1.1]

During the summers of 2002 through 2005, numerous football student-athletes participated in countable athletically related activities because the team's on-campus strength and conditioning program did not meet the NCAA requirements to be considered voluntary. The participation of the student-athletes in the program was occasionally observed by the football coaches; in addition, football skills coaching occasionally occurred. The program failed to satisfy the NCAA-legislated standards for voluntary athletically related activities in that (a) the former strength coach provided written and oral information to the football coaches about the absences, performance and progress of specific student-athletes who participated in the program; (b) the former strength coach provided information to football student-athletes about the absences of their teammates; (c) several football coaches gave oral recognition to football student-athletes during the summers for their participation and performance in the summer program; (d) two assistant football coaches called football student-athletes to inquire about participation in informal scrimmages organized by the student-athletes; (e) workouts were occasionally observed by the football coaches who spent time in the weight room while the football student-athletes lifted weights and observed on-field conditioning and training activities; and (f) two assistant football coaches provided football skills coaching to two football student-athletes.

Committee Rationale

The enforcement staff and institution are in substantial agreement as to the facts of this finding and that those facts collectively amount to a major violation. The committee finds that the violations occurred.

During the summers of 2002, 2003, 2004 and 2005, the former strength coach provided the football coaches with written summaries of strength and conditioning test results from the summer conditioning program and oral evaluations of the effort and achievements of each student-athlete who participated in the summer program. The former strength coach also verbally informed football coaches when student-athletes were absent from summer workouts and provided occasional oral updates to football coaches about performance levels achieved by specific student-athletes in the summer program. Some football coaches called absent student-athletes or questioned the young men about absences when they returned to the summer workouts. During the first team meeting of the 2002

preseason practice period, the former strength coach announced new strength and conditioning records set during summer testing.

The former strength coach occasionally provided the names of absent football student-athletes to student-athletes who were present at the workouts. Some of the upperclassmen used the information to contact their absent teammates, inquire about the reasons for their lack of participation and encourage them to attend the workouts.

Some of the football coaches who received feedback from the former strength coach about their student-athletes periodically used the information to let the young men know that they had heard the young men were doing well in the weight room. Some coaches congratulated the student-athletes for specific achievements in the weight room and encouraged them to keep up the good work. The information was also used to check on student-athlete participation. For example, one of the assistant football coaches ("assistant coach A") occasionally called a particular football student-athlete ("student-athlete 2") and asked student-athlete 2 if he participated in the scrimmages. If student-athlete 2 had not participated, assistant coach A asked student-athlete 2 why he did not attend. If student-athlete 2 had participated, assistant coach A usually asked general questions about the scrimmage and the level of participation by the team. Another assistant football coach ("former assistant coach B") asked football student-athletes to identify who participated in the scrimmages; if a student-athlete was missing from three to four days of scrimmages, assistant coach B contacted the young man to determine the reasons for the absences.

Several football coaches occasionally used the weight room for personal workouts when the student-athletes lifted weights, visited the weight room for between five and 15 minutes at a time to talk to student-athletes or observe weightlifting activities, and made five- to 10-minute observations of the student-athletes' on-field scrimmages, drills and conditioning activities. Additionally, assistant coach A occasionally observed portions of informal scrimmages held by the football student-athletes during the summers and, at a later time, provided brief feedback to a football student-athlete ("student-athlete 3") about situations that assistant coach A observed in the scrimmages. Finally, during the summer of 2005, an assistant football coach ("assistant coach C") provided a football student-athlete ("student-athlete 4") with brief instruction on a football skill that assistant coach C observed during an earlier informal scrimmage.

3. FAILURE TO MONITOR. [NCAA Constitution 2.8.1]

The institution demonstrated a failure to monitor its football and men's basketball programs in that (a) it failed to correctly apply academic-standing and progress-toward-degree legislation for student-athlete 1 on two occasions, as set forth in

Finding B-1, and (b) it failed to provide adequate education to the football and strength and conditioning coaches on NCAA legislation related to voluntary and countable athletically related activities during the summers, which contributed to the violations set forth in Finding B-2.

Committee Rationale

The enforcement staff and institution are in substantial agreement as to the facts of this finding and that those facts constitute a violation of NCAA legislation. The committee finds that the violations occurred.

As set forth in Finding B-1, during the 2004 spring semester the former compliance director and the director of academic services failed to recognize and apply NCAA legislation prohibiting the use of correspondence courses to determine academic standing. Consequently, they allowed student-athlete 1 to use grades from correspondence courses taken through another institution to satisfy the institution's minimum grade-point average requirements and put him in good academic standing.

Near the end of the 2004 spring semester, student-athlete 1 inquired about using additional correspondence courses from the other institution to satisfy NCAA percentage-of-degree requirements. The director of academic services correctly believed that NCAA legislation prohibited the use of correspondence courses for achieving percentage-of-degree standards and advised the former compliance director to seek clarification on that issue if student-athlete 1 wanted to enroll in the courses. The former compliance director incorrectly informed the academic services director that student-athlete 1 could use the courses to achieve percentage-of-degree requirements, thus student-athlete 1 was certified as eligible for competition during the 2004-05 academic year based on the compliance director's misinterpretation.

Concerning the failure to provide adequate education to the football and strength and conditioning coaches, the former compliance director conducted compliance education sessions by giving brief presentations at monthly athletics department staff meetings. During the April staff meeting each year from 2002 through 2004, the former compliance director gave the institution's coaches general information about summer workouts. For example, reminders were given that summer workouts had to be voluntary, student-athletes could not be punished for skipping workouts and coaches could not monitor or conduct workouts. However, the information did not cover topics such as communication between the strength and conditioning staff and coaches, coaches observing the summer workouts, and providing recognition to student-athletes who participated in voluntary summer workouts. Meetings specifically for the purpose of educating the coaches on compliance issues were not held, and the institution

acknowledged that the education efforts were inadequate and constitute a failure to monitor. As a result of the inadequate education on NCAA legislation governing voluntary and countable activities and actions that could cause an activity to become countable, the football and strength and conditioning coaches did not recognize that their communication about and exchange of information related to summer workouts, as well as the other actions detailed in Finding B-2, violated NCAA Bylaw 17.02.13 and caused some of the activities during the summer strength and conditioning program to be considered countable.

SECONDARY VIOLATION

[NCAA Bylaw 14.4.3.4.4 (2003-04 NCAA Manual)]

In June 2004, the institution obtained prior approval from appropriate academic officials for student-athlete 1 to take courses during the summer term from another institution that were to be used in determining the young man's academic status. Student-athlete 1 subsequently completed two of the courses for which he had received prior approval and a third course that had not been reviewed or approved by Louisiana-Lafayette officials but also was used in certifying student-athlete 1's progress-toward-degree requirements. The third course was subsequently approved by Louisiana-Lafayette academic officials, but the institution failed to apply for a waiver for the course, and thus, it should not have been used to certify student-athlete 1.

C. PENALTIES.

For the reasons set forth in Parts A and B of this report, the Committee on Infractions finds that this case involved major violations of NCAA legislation. The committee recognized that the violations were limited in scope and that the institution fully cooperated with the enforcement staff. However, this case involved an academically ineligible student-athlete being allowed to compete for a full season and part of another. Additionally, violations in the football program took place during four consecutive summers. Therefore, it is appropriate that the institution be sanctioned for the violations. In determining the appropriate penalties to impose, the committee considered the institution's self-imposed penalties and corrective actions. [Note: The institution's corrective actions are contained in Appendix Two.] The penalties in this case are as follows, with the institution's self-imposed penalties so noted:

1. Public reprimand and censure.
2. Two years of probation from April 19, 2007, through April 18, 2009. (The institution had proposed a period of probation from August 2006 to August 2008.)

3. Student-athlete 1 competed in 43 contests, including conference championship games and NCAA tournament appearances, during two seasons while academically ineligible. Therefore, pursuant to NCAA Bylaws 19.5.2.2-(e)-(2) and 31.2.2.4-(b), the institution will vacate all contests in which student-athlete 1 competed during the 2003-04 through 2004-05 men's basketball seasons, including participation in the NCAA Division I Men's Basketball Tournaments during those years. The individual records of student-athlete 1 shall be vacated as well. Further, the institution's records regarding men's basketball as well as the records of the individual(s) who served as head men's basketball coach(es) during 2003-04 and 2004-05 will be reconfigured to reflect the vacated records and so recorded in all publications in which men's basketball records for the 2003-04 and 2004-05 seasons are reported including, but not limited to, institutional media guides, recruiting material and institutional and NCAA archives. Finally, any public reference to tournament performances during this time shall be removed, including, but not limited to, athletics department stationery and banners displayed in public areas such as the arena in which the men's basketball team competes. (Self imposed by the institution and adopted by the committee.)
4. Because the institution allowed student-athlete 1 to participate in men's basketball for two seasons when he was ineligible, the number of initial athletically related financial aid awards in men's basketball that are countable under Bylaw 15.02.3 shall be reduced by one, from 13 to 12, during both the 2007-08 and 2008-09 academic years, which coincides with the two years the institution will be on probation. If the institution has already committed a full complement of grants-in-aid for the 2007-08 academic year, it may delay the sanction by one year and reduce the grants by one during each of the 2008-09 and 2009-10 academic years OR it may take both reductions during the 2008-09 academic year.
5. Also as a result of student-athlete 1 being allowed to participate while ineligible, and pursuant to NCAA Executive Regulations and Bylaws 31.2.2.3 and 31.2.2.4, the institution shall forfeit 90 percent of the first year's revenue it received from the Sun Belt Conference for its participation in the 2004 and 2005 NCAA Men's Division I Basketball Championship. (Institution imposed).

The committee also recognized that the institution self-imposed a \$500 fine as a result of a secondary infraction unrelated to this case.

6. As set forth in Finding B-2, certain voluntary summer conditioning activities became mandatory due to involvement by the football coaching staff and actions of the former strength coach during four consecutive summers. Because the

coaching staff observed some of the conditioning activities, received updates on the progress of student-athletes from the former strength coach, questioned student-athletes about absences from the activities and briefly gave instruction to student-athletes, the institution received a competitive advantage. However, the committee acknowledged that the violations were not egregious and resulted in large part from a failure to adequately educate the coaches. Further, the violations involved less than half of the football student-athletes, all of whom appeared to understand that their participation in the activities was voluntary. Therefore, the institution shall reduce its countable hours in the sport of football from 20 hours to 15 for one week during either the spring 2007 semester or the spring 2008 semester.

7. The certification system for determining eligibility at the institution failed. No one in the process understood the rules and it was unclear who made the ultimate decision regarding eligibility. Therefore, all individuals with athletics responsibility in the offices of admissions, financial aid, compliance and the registrar, including the faculty athletics representative, shall attend an NCAA Compliance Seminar prior to the expiration of the period of probation (as set forth in its Corrective Actions, the institution proposed that only some of these individuals attend the seminars). The Director of Compliance shall attend one of the seminars during each of the two years of probation. Additionally, all the individuals with athletics responsibility referred to immediately above shall participate in the on-campus educational efforts described in Penalty 8-a below.
8. During this period of probation, the institution shall:
 - a. Continue to develop and implement a comprehensive educational program on NCAA legislation, including seminars and testing, to instruct the coaches, the faculty athletics representative, all athletics department personnel and all university staff members with responsibility for the certification of student-athletes for admission, retention, financial aid or competition;
 - b. Submit a preliminary report to the office of the Committees on Infractions by June 15, 2007, setting forth a schedule for establishing this compliance and educational program; and
 - c. File with the office of the Committees on Infractions annual compliance reports indicating the progress made with this program by February 15 of each year during the probationary period. Particular emphasis should be placed on establishing a working system of athletics certification and incorporating all departments of the institution into a comprehensive,

campus-wide system of athletics compliance. The reports must also include documentation of the institution's compliance with the penalties adopted and imposed by the committee.

9. The above-listed penalties are independent of and supplemental to any action that has been or may be taken by the CAP through its assessment of contemporaneous, historical, or other penalties.
10. At the conclusion of the probationary period, the institution's president shall provide a letter to the committee affirming that the university's current athletics policies and practices conform to all requirements of NCAA regulations.

As required by NCAA legislation for any institution involved in a major infractions case, the University of Louisiana at Lafayette shall be subject to the provisions of NCAA Bylaw 19.5.2.3, concerning repeat violators, for a five-year period beginning on the effective date of the penalties in this case, April 19, 2007.

Should Louisiana-Lafayette appeal either the findings of violations or penalties in this case to the NCAA Infractions Appeals Committee, the Committee on Infractions will submit a response to the members of the appeals committee.

The Committee on Infractions advises the institution that it should take every precaution to ensure that the terms of the penalties are observed. The committee will monitor the penalties during their effective periods, and any action contrary to the terms of any of the penalties or any additional violations shall be considered grounds for extending the institution's probationary period, as well as imposing more severe sanctions in this case.

Should any portion of any of the penalties in this case be set aside for any reason other than by appropriate action of the Association, the penalties shall be reconsidered by the Committee on Infractions. Should any actions by NCAA legislative bodies directly or indirectly modify any provision of these penalties or the effect of the penalties, the committee reserves the right to review and reconsider the penalties.

NCAA COMMITTEE ON INFRACTIONS

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APPENDIX ONE

CASE CHRONOLOGY.

2004

November 2 - The enforcement staff received information from a confidential source alleging violations of NCAA legislation in the institution's men's basketball program.

2005

November 30 - The enforcement staff and institution conducted an initial interview concerning the certification of student-athlete 1 with the registrar and athletics certification officer.

2006

February 23 - A notice of inquiry was sent to the president of the institution.

August 15 - The enforcement staff and institution submitted a summary disposition report of the case to the Committee on Infractions.

September 19 - The Committee on Infractions reviewed the summary disposition report and determined that the case should be considered during a hearing.

September 22 - The enforcement staff sent a letter to the members of the Committee on Infractions in response to the committee's questions about the case.

October 17 - A notice of allegations was sent to the president of the institution.

December 20 - The Committee on Infractions and the enforcement staff received the institution's response to the notice of allegations.

2007

January 12 - A prehearing conference was conducted between the institution and the enforcement staff.

January 25 – The Committee on Infractions and the enforcement staff received the institution's supplemental response to the notice of allegations.

February 16 – The institution appeared before the NCAA Division I Committee on Infractions.

April 19 – Infractions Report No. 263 was released.

APPENDIX TWO

CORRECTIVE ACTIONS AS REPORTED BY THE INSTITUTION IN ITS DECEMBER 18, 2006, RESPONSE TO THE NOTICE OF ALLEGATIONS.

- The institution has revised its certification process so that all areas of student-athletes' eligibility are reviewed and certified by not only the certifying officer, as was required in the former process, but also by the director of the Student-Athlete Academic Center and the assistant athletics director for compliance. Should any individual in the certification process disagree with an eligibility issue, the assistant athletics director for compliance is required to seek an NCAA interpretation.
- The institution initiated a monthly compliance education meeting beginning in the summer of 2005. Beginning in the summer of 2006, the institution now mandates that all coaches attend monthly compliance education meetings conducted by the assistant athletics director for compliance. Additionally, athletics staff members and university staff members involved in certification and academic counseling are also required to attend educational meetings that are pertinent to their duties.
- The institution no longer permits correspondence courses to be used by student-athletes for any academic purpose.
- During periods of voluntary activities, the present strength and conditioning coach is required to post times that student-athletes may use the weight room for conditioning and times for coaches to use the weight room. Coaches are not permitted to enter the weight room during times scheduled for student-athletes.
- The institution sent the assistant athletic director for compliance to the NCAA Regional Rules Compliance Seminar in Dallas, Texas, in June 2006.
- The institution will require that the certifying officer/registrar and the director of the Student-Athlete Academic Center or one of his staff members attend an NCAA Regional Rules Compliance Seminar in the 2006-07 academic year.
- The institution created a Compliance and Policy Procedure Manual for distribution to all coaches, athletics staff members, and university staff members involved in athletics-related functions to better ensure an understanding of and compliance in all areas of athletics.
- The university added a graduate assistant position to the staff of the assistant athletics director for compliance. This position will assist in developing and maintaining compliance manuals for staff and student-athletes and assist the assistant athletics director in preparing information and documentation for monthly compliance education meetings.