



**BOISE STATE UNIVERSITY**  
**PUBLIC INFRACTIONS REPORT**  
**September 13, 2011**

**A. INTRODUCTION.**

On June 10, 2011, officials from Boise State University (Boise State) and several current and former coaches in multiple sports, some accompanied by legal counsel, appeared before the NCAA Division I Committee on Infractions to address allegations of NCAA violations in the sports of football, men's and women's cross country and track and field, and men's and women's tennis. Also present were the commissioners of the Western Athletic Conference (WAC) and the Mountain West Conference. The violations found by the committee in this case spanned a period from January 2005 through October 2010 and involved the provision of impermissible lodging, transportation and practice sessions. Numerous prospective student-athletes in the previously specified sports were the recipients. In addition, this case included an impermissible financial aid award to a student-athlete, participation by a student-athlete after the student-athlete's fourth year of intercollegiate competition, impermissible participation in intercollegiate athletics competition by a prospective student-athlete, cash payments to a prospective student-athlete and violations of the NCAA's principles of ethical conduct involving a former assistant track and field coach and the former head women's tennis coach. Finally, there was an attendant violation that Boise State failed to monitor its athletics program adequately.

The initial report of potential violations came on April 22, 2008, when a then assistant track coach ("former assistant track coach A" ), sent an email to the NCAA enforcement staff alleging that the institution's men's and women's cross country and track and field programs had been involved in 21 separate violations of NCAA legislation. The email was subsequently forwarded to the WAC, which, in turn, forwarded the information to Boise State. After receiving the email, institutional officials contacted former assistant track coach A and requested additional information concerning the allegations, but former assistant track coach A refused to meet with institutional officials to discuss the allegations or produce any requested information. Shortly thereafter, the institution was contacted by the NCAA enforcement staff, which requested an opportunity to come onto campus to interview former assistant track coach A. On May 8, 2008, former assistant track coach A was interviewed by the NCAA.

When institutional officials first learned of the information reported by former assistant coach A, they examined the initial allegations, and asked their compliance office to review the matter. Based upon an assessment of the information, and the lack of detail provided in the allegations, the institution concluded that a more extensive investigation

was not warranted at that time. Meanwhile, former assistant track coach A sent additional emails to the NCAA enforcement staff on May 30, 2008, July 19, 2008, and January 7, 2009, alleging 17 new violations. An enforcement staff member was assigned to investigate the additional allegations. On February 18, 2009, the NCAA investigator contacted an institutional official and informed the official of the additional allegations the enforcement staff had received. During this call, the institution was advised to commence an immediate internal investigation concerning the additional allegations reported to the enforcement staff.

The institution responded by initiating an investigation of all the issues identified by the enforcement staff. The investigation was coordinated by a committee appointed by the institution's president. Although the internal investigation found that the majority of the new allegations were unfounded, the institution did find that some alleged violations had evidence to support a finding. As a result, the institution sent a self-report to the NCAA enforcement staff dated June 8, 2009, indentifying the violations found. On August 5, 2009, the enforcement staff issued a notice of inquiry. The receipt of that notice began a formal review of the information detailed in the institution's self-report.

For several months following the submission of its self-report, additional violations were discovered by the institution and reported to the NCAA. Perhaps most notably, the institution discovered a series of apparent violations in the recruitment of one international women's tennis prospective student-athlete.

A significant number of the violations occurred as the result of prospective student-athletes arriving in the locale of the institution prior to their initial full-time enrollment and the institution's failure to monitor the activities of these prospects. On numerous occasions, the committee has explained an institution's heightened obligations when prospects arrive early to campus. In the infractions report for the 2008 Southeast Missouri State University case, the committee wrote:

As early as 1998 (University of Cincinnati) the committee has warned, repeatedly, of the elevated risk of violations when prospects are on campus prior to their first full-time enrollment. The committee also has emphasized, repeatedly, that institutions have a concomitant heightened obligation to be vigilant in tracking these prospects to assure compliance with NCAA Bylaws [BYU (2008); Arkansas (2007); West Virginia (2007); Kansas (2006); Savannah State (2006); Missouri (2004); Wisconsin (2001); UNLV (2000); Arkansas, Little Rock (1999); Cal St. Fullerton (1999)]. Such heightened vigilance includes (i) rules education (ii) procedures in place which are reasonably calculated to track prospects and to assure rules compliance, and (iii) monitoring with follow-through to

assure such procedures are followed. Failure to exercise such heightened vigilance demonstrates a lack of institutional control.

A member of the WAC at the time of the violations (now a member of the Mountain West Conference), Boise State has an enrollment of approximately 20,000 students. The institution sponsors eight men's and 11 women's intercollegiate sports. This was Boise State's first major infractions case.

## **B. FINDINGS OF VIOLATIONS OF NCAA LEGISLATION.**

### **1. RECRUITING, FINANCIAL AID AND EXTRA BENEFIT VIOLATIONS. [NCAA Bylaws 13.2.1, 13.2.1.1-(b), 13.2.1.1-(h), 14.3.1, 14.3.2.1.1, 15.01.5 and 16.11.2.1]**

From January through September 2005, a then men's track and field student-athlete ("student-athlete 1"), received impermissible financial aid, housing, meals and clothing, and engaged in practice activities with the men's track and field team at a time when he was not eligible to do so because of his status as an academic nonqualifier. Specifically:

- a. In January 2005, on his arrival in Boise and both prior to and after his initial enrollment at the institution, student-athlete 1 was provided meals and clothing by three then men's cross country and track and field student-athletes ("student-athletes 2, 3 and 4" respectively).
- b. From mid-January until February 1, 2005, student-athlete 1 resided in an apartment, at no cost to the young man, with student-athlete 2. This housing arrangement was made through the assistance of a then assistant men's and women's cross country and track and field coach ("former assistant track coach B").
- c. From January to May 2005, student-athlete 1 participated in practice activities with the men's track and field team, which were arranged by former assistant track coach B.
- d. On September 20, 2005, the institution provided student-athlete 1 with \$5,701 in impermissible financial aid, an amount satisfying student-athlete 1's unpaid tuition that had accrued during his enrollment at the institution.

### **Committee Rationale**

The enforcement staff and the institution were in substantial agreement on the facts and that violations occurred as set forth in Findings B-1-a, b and c. With regard to Finding B-1-d, the institution agreed that it provided student-athlete 1 with impermissible financial aid but noted that it did so only after receiving an email from the NCAA saying that such impermissible aid would not affect student-athlete 1's eligibility to transfer. (NOTE: student-athlete 1 is an international student-athlete.) Former assistant track coach B, who was considered to be "at risk" in this allegation, did not respond to the notice of allegations. The committee finds the violations occurred.

Student-athlete 1 reached Boise, Idaho, with approximately \$30 in cash, two pairs of jeans and two shirts. However, student-athlete 1 had not received certification from the NCAA Eligibility Center and, therefore, could not receive athletics aid from the institution on his arrival in the United States in January 2005. He did not know where he would be living when he arrived. Former assistant track coach B met student-athlete 1 at the Boise airport and transported him to the apartment of student-athlete 2, where former assistant track coach B had arranged for him to stay. Student-athlete 2 supplied groceries and clothing to student-athlete 1 and gave student-athlete 1 a key to his apartment where he was allowed to live rent-free. Student-athlete 1 eventually moved in with student-athlete 3, who lived in the same apartment complex. Student-athlete 1 also received clothing from student-athlete 4 and often ate meals provided by student-athlete 3.

The day after his arrival in Boise, student-athlete 1 was taken to the athletics department and introduced to the other members of the track and field coaching staff. Student-athlete 1 used this opportunity to complete athletics department paperwork, including an NCAA International Student-Athlete Form. At that time, student-athlete 1 was informed the institution had not received final initial-eligibility certification from the NCAA Eligibility Center, and as a result, he was not eligible to practice, compete or receive athletics aid. On or about February 17, 2005, the NCAA Eligibility Center determined that student-athlete 1 was an NCAA nonqualifier. Shortly after receiving this news, student-athlete 1 and his brother, who was living in Utah at the time, met with the former head track men's and women's track coach ("former head track coach") and a then senior associate athletics director ("former senior associate athletics director") regarding student-athlete 1's situation. At that time, the student-athlete decided to remain at the institution and attend classes during the spring semester with the intent of eventually earning the requisite credit hours that would enable him to meet NCAA eligibility requirements. Student-athlete 1 stated that he received some financial assistance from his brother and obtained on-campus employment in May 2005 to assist with the cost of living. However, he believed that his spring 2005 tuition expenses were deferred.

During the spring of 2005, student-athlete 1 participated in long runs with the men's track and field student-athletes who competed in distance events, including student-athletes 3 and 4, among others. The training regimen in which student-athlete 1 participated was prepared by former assistant track coach B. Student-athlete 1 trained most frequently with student-athlete 3 and would emulate his daily workout routine. Former assistant track coach B stated that he recruited student-athlete 1 so that he could train with student-athlete 3 and "they could be great together." Former assistant track coach B was aware that student-athlete 1 ran with track and field student-athletes on "off days" during the time period that the student-athletes ran 20 miles per week on their own. Former assistant track coach B believed that this was permissible because, in his opinion, it was the same as student-athlete 1 running with regular students who were not on the track and field team.

In August 2005, student-athlete 1 was unable to enroll in any courses for the 2005 fall semester because he had not paid tuition in the spring of 2005. Student-athlete 1 owed the institution in excess of \$5,000, and as a result, the institution placed a hold on his account. Student-athlete 1 and his brother sought assistance from the institution's international student office. That office initiated a series of email messages to the athletics department and other institutional staff members regarding student-athlete 1's situation and proposed options for resolution of his debt. The employee in the international students office who was assisting student-athlete 1 stated that she had at least two in-person meetings with the former senior associate athletics director, the former head track coach and former assistant track coach B regarding student-athlete 1's situation. The international students office employee who was assisting student-athlete 1 had the impression that that the athletics department was attempting to "walk a fine line" with providing assistance to student-athlete 1 without negatively impacting his further opportunities to compete at an NCAA institution. On September 20, 2005, the institution waived student-athlete 1's outstanding tuition and fees in the amount of \$5,701.

In reference to Finding B-1-d, it was the institution's position that there was no clear answer as to how the final decision to waive all of student-athlete 1's tuition and fees was made. The director of athletics stated that he instructed the former senior associate athletics director to "make sure whatever we do is legal with the NCAA." He reported that he was not informed of the institution's decision to waive student-athlete 1's tuition and fees. However, the former senior associate director of athletics was involved in the discussions on behalf of the athletics department and submitted a question via email to an NCAA academic and membership affairs (AMA) staff member regarding student-athlete 1's eligibility to transfer were he to receive aid from the institution as a nonqualifier. The AMA staff member's responded, "The write-off of the debt will not affect his eligibility to transfer." The institution takes the position that the email from the NCAA staff member alleviates the institution of its responsibility for a violation under applicable

NCAA legislation because it relied on the information provided by an NCAA staff member in proceeding with student-athlete 1's waiver of tuition and fees.

The following is the entire email chain between the institution and the AMA staff member regarding student-athlete 1's unpaid fees:

- September 15, 2005, from the former senior associate director of athletics to the AMA staff member:

I have an interesting question for you that I need some clarification for. This student is trying to decide what to do, so any help you can give us as soon as possible would be great. An international student comes here as a recruited athlete but once here, can't receive aid because of the non-qualifier status and decides to transfer after the first semester. He incurs a semester worth of debt for tuition, fees, etc. The school's international program would like the institution to write-off the debt for financial hardship. However, if the student transfers to a two year institution, would he ever be able to transfer then to a Division I institution, if he technically received aid his first semester as a non-qualifier? We would not allow that to happen here at BSU, since we originally recruited him here, but could he go somewhere else and compete with his AA if he allows that write-off to take place?

- September 16, 2005, from AMA staff member to the former senior associate director of athletics:

The write-off of the debt will not affect his eligibility to transfer.

- September 16, 2005, from the former senior associate director of athletics to AMA staff member:

Thanks for the quick response. I actually wanted to correct my statement below – in that BSU would not allow him to transfer back here, but were interested if he could transfer to another Div. I program after receiving his AA and receiving a write off to his BSU account.

[NOTE: Student-athlete 1 subsequently transferred to an NAIA institution.]

The committee notes that the AMA staff member responded to a question regarding whether an unnamed international student-athlete's eligibility to transfer may be affected by the hypothetical provision of financial aid. The AMA staff member was not provided complete information about the scenario involving student-athlete 1 or how the institution intended to proceed. He was also not asked to provide guidance as to whether the

institution's actions could result in a potential violation of NCAA legislation by the institution. Further, neither the WAC, nor the NCAA enforcement staff was consulted regarding the matter, and there was no follow-up. The committee finds that the email response from the AMA staff member is not exculpatory for the institution on the issue of whether Finding B-1-d is a violation of NCAA legislation. If the AMA staff member had, in fact, provided bad advice relied on by the institution, such circumstances could be considered as mitigation but would not negate the underlying violation.

As set forth in the introduction of this report, there is an elevated risk of NCAA violations when prospects arrive on campus prior to initial full-time enrollment. That risk is significantly magnified when, as in this case, the prospective student-athlete (who later attained the status of a student-athlete - "student-athlete 1") is from abroad and has limited means of financial support. This was addressed in the 2005 Texas Christian University infractions report which stated:

International student-athletes present unique monitoring challenges . . . It is incumbent on the institutions that enroll international student-athletes to monitor the sources of their income and ensure that money for travel and living expenses does not come from impermissible sources.

In this instance, the fact that the prospect was an academic nonqualifier when he arrived on campus further compounded the risk. As a direct result of these circumstances, the violations set forth in Finding B-1 occurred.

**2. RECRUITING VIOLATIONS; IMPERMISSIBLE HOUSING AND TRANSPORTATION. [NCAA Bylaws 13.2.1, 13.2.1.1-(h) and 13.5.1]**

During the summers of 2005 through 2009, assistant football coaches and football staff members arranged summer housing and transportation in Boise, Idaho, for 63 then prospective student-athletes with then current student-athletes in order for the young men to participate in summer workouts. Specifically:

- a. During the summers of 2005 through 2008, assistant football coaches and football staff members impermissibly arranged housing and transportation for 40 then prospective student-athletes prior to the young men's initial enrollment at the institution. These arrangements resulted in cost-free or discounted housing and transportation for the prospects.
- b. During the summers of 2007 through 2009, assistant football coaches and football staff members impermissibly arranged housing and transportation

for 23 prospective student-athletes prior to the young men's initial enrollment at the institution.

### **Committee Rationale**

The enforcement staff and the institution are in agreement on the facts and that violations occurred as alleged. The committee finds the violations occurred.

As background, on June 8, 2009, the institution submitted a self-report to the NCAA enforcement staff wherein it reported that over a four-year period, several prospective football student-athletes received impermissible housing and transportation from football student-athletes during the summers prior to their initial enrollment at the institution.

A majority of the football student-athletes reported that assistant football coaches or football staff members, either directly or indirectly, arranged for them to reside with football student-athletes for various time periods during the summer prior to their initial enrollment at the institution. For example, typical responses from student-athletes included, "One of the coaches asked players if they wanted to help us out, and the coaches told me who I would be living with," or "coach set it up (referencing summer housing) with a quarterback so I got to know the offense." These then prospective student-athletes were provided impermissible transportation and free or reduced-cost housing by their hosts for time periods ranging from one week to two months.

The primary reason these prospective student-athletes arrived early was to participate in voluntary summer workout program for football student-athletes using the institution's facilities. In addition, returning football student-athletes also conduct player-run-practices (PRPs) where the student-athletes participate in voluntary drills without the supervision of the football coaches or institutional staff members. Prospective student-athletes were informed of the summer activities by student-athletes or coaches and also received a letter from the football staff in May that described the summer program. Many of the prospective football student-athletes who had signed National Letters of Intent (NLI) to attend the institution participated in some portion of the summer workouts from 2005 to 2008.

While some of the prospects during this time period may have had pre-existing relationships with the football student-athletes with whom they resided, others required the assistance of football coaching staff members to facilitate their summer housing arrangements. Football coaches and staff members would connect prospects with football student-athletes who were willing to host prospects at their residences. For example, a prospect would contact the position coach who recruited him and indicate his intention to attend summer workouts in Boise. The coach would ask the student-athletes in his position area (i.e., quarterbacks, running backs, offensive lineman, defensive

lineman, etc.) if anyone had a room for the prospect. The coach would then notify the prospect that he could contact the student-athlete regarding summer housing, or vice versa, and provide either the prospect or student-athlete with contact information so the student-athlete and prospect could make the necessary arrangements. In this way, student-athletes would host prospects in their same position areas. The coaches who facilitated the housing arrangements knew who was residing with whom during the summer, but there was no formal list maintained by the coaching staff. Further, coaches informed prospects to bring money for living expenses. However, neither the coaches nor any athletics department staff member monitored what the prospects paid for lodging, transportation and living expenses during the summer.

When a prospect arrived in Boise, he generally was met by the student-athlete host and provided transportation from the airport to the residence where he would stay. Often times, the student-athlete would also provide the prospect with transportation to workout sessions at the institution. Some prospects reported that they paid their hosts some amount of money for rent; others indicated that they resided cost-free for the time period that they were in Boise during the summer.

The institution's compliance office required prospective student-athletes to complete an "Athletics Participation Clearance Form" before prospects were allowed to participate in summer workout activities. The Athletics Participation Clearance Form was used by the compliance office, in part, to ensure that the institution was aware that a prospective student-athlete was participating in athletics activities at the institution prior to initial enrollment. However, the form did not request information regarding summer living arrangements, housing or transportation. The institution's athletics compliance staff did not monitor prospective football student-athletes' summer living arrangements.

The need for heightened awareness in those situations where prospects arrive in the locale of the institution prior to their initial enrollment is borne out of recognition of the competitive advantaged gained when institutions do not adhere to the applicable NCAA legislation. As noted in the committee's 2007 West Virginia decision:

Under NCAA legislation prospects may come to campus pre-enrollment and engage in voluntary conditioning and practices with team members so long as they pay their own way. Arriving early to campus not only gives prospects a head start on conditioning and practice but it also gives them a head start on acclimating to campus and getting to know teammates. The provision of cost-free housing facilitated these opportunities.

Additionally, in a 2006 case involving the University of Kansas, the committee commented on the pitfalls of having prospects arrive on campuses prior to initial full-time enrollment:

The prospects were not allowed to receive any kind of assistance and were responsible for all of their meals and lodging expenses. These situations can result in impermissible inducements/benefits being supplied by someone associated with the institution, and the committee reiterates that it is imperative that institutions carefully track the activities of prospects in the vicinity of campus during the summer prior to initial enrollment.

In specific reference to Finding B-2-b, the institution agrees that during the summers of 2007 through 2009, football staff members helped arrange for 23 prospective student-athletes to receive housing and transportation from current student-athletes prior to the prospects' initial enrollment, and that this violated NCAA legislation. However, at the hearing, the institution's athletics director offered an explanation regarding the violations which occurred in the summer of 2009. He stated that, in the spring of 2009, the institution spoke with its outside consultant and others regarding football student-athletes arriving on campus early in the summer of 2009 and being in compliance with NCAA legislation. As a result, in the summer of 2009 and subsequently, the institution has made certain that prospects paid for their accommodations and transportation expenses and documented these payments.

However, the institution did not consult with the enforcement staff about the institution's involvement in arranging housing for prospects. In late July 2009, the enforcement staff learned that, although additional measures were implemented to document payments made by the prospective student-athletes to their student-athlete hosts, to a great extent, the arrangement of housing for football prospects by coaches remained unchanged. The enforcement staff warned the institution that there was a potential issue with the housing arrangements continuing to be made with the assistance of football coaching staff members. The institution disagreed with the enforcement staff's analysis. Thereafter, the institution and enforcement staff sought guidance from the NCAA academic and membership affairs staff, who confirmed that the arrangement of housing by members of the coaching staff is a violation of NCAA legislation.

As previously established, the violations in the summer of 2009 occurred because of the coaches' involvement in the arrangements for housing. The committee noted that none of the prospective student-athletes were enrolled in an academic program during the summer of 2009 and, therefore, were not eligible to receive institutional housing. Under NCAA legislation, each such prospect would have been required to find alternative housing in the locale of the institution, which could include an apartment that would require signing a lease and providing a deposit, a hotel or potentially residing in a day-to-day extended-stay motel. All of these options would have resulted in a significantly higher cost to the prospect. It would have been permissible for a prospect to contact a student-athlete on his own initiative and made arrangements to stay with the student-

athlete. The concern here is that the coaches' arrangement of housing with student-athletes enabled prospective student-athletes to save time, effort and perhaps money. Regardless of the valuation, these violations are significant because the provision of the impermissible housing opportunities allowed prospective student-athletes to participate in voluntary workouts; become acclimated to the campus; and engage in practices conducted by football student-athletes, all without having to incur the burden associated with finding independent housing options.

**3. RECRUITING VIOLATIONS; IMPERMISSIBLE HOUSING, MEALS AND TRANSPORTATION. [NCAA Bylaws 13.2.1, 13.2.1.1-(h), 13.5.1, 13.5.4 and 16.11.2.1]**

From the fall of 2005 through the spring of 2009, numerous then prospective student-athletes in the sports of women's tennis and men's and women's track and field received impermissible housing, transportation and meals from coaches, then student-athletes and representatives of the institution's athletics interests when the young men and women arrived in Boise, Idaho, for their initial enrollment. The impermissible housing and transportation were arranged with the assistance of men's and women's tennis and men's and women's track and field coaches.

**Committee Rationale**

The enforcement staff and the institution were in substantial agreement on the facts and that violations occurred as alleged. The committee finds the violations occurred.

A majority of these violations involved international prospective student-athletes who arrived at the institution prior to the beginning of the fall or spring semesters to attend a mandatory international student orientation session. The orientation session occurred before institutional housing was officially open for all students. Rather than directing prospective international student-athletes to the institution's student housing office or international programs office, the then head and assistant men's and women's cross country and track field coaches, along with the head men's and women's tennis coaches, facilitated temporary housing arrangements between prospective student-athletes and current student-athletes when the prospects arrived before institutional housing was open. The institution's compliance department was not monitoring international student-athletes' housing arrangements during the orientation time period.

The institution believed that, because it could pay to house international student-athletes prior to student housing being open during the orientation time period, to save money in the athletics department budget, these prospective international student-athletes could reside with current student-athletes. However, the NCAA academic and membership

affairs staff confirmed to the enforcement staff and the institution that this was a violation, as it is not permissible for the institution to provide or arrange for rent-free off-campus housing with enrolled student-athletes. This arrangement and rent-free housing constitutes a violation of Bylaws 13.2.1 and 13.15.2.4.

**4. RECRUITING VIOLATIONS; IMPERMISSIBLE TRAVEL EXPENSES, HOUSING AND TRANSPORTATION. [NCAA Bylaws 13.2.1, 13.2.1.1-(h) and 13.5.1]**

In February 2008, a then prospective student-athlete ("prospect 1") received impermissible transportation, lodging, and travel expenses from a then student-athlete ("student-athlete 5") and a then assistant men's and women's cross country and track and field coach ("former assistant track coach C"). Specifically:

- a. On February 1, 2008, on her arrival in Boise, Idaho, for a recruiting visit, prospect 1 was provided transportation and two nights of lodging by student-athlete 5 at the request of former assistant track coach C.
- b. On February 3, 2008, prospect 1 was provided impermissible transportation to the Boise Airport by former assistant track coach C.
- c. In February 2008, on prospect 1's return to Bend, Oregon, the young woman received a cashier's check in the amount of \$300 from former assistant track coach C.

**Committee Rationale**

The enforcement staff, the institution and former assistant track coach C were in substantial agreement on the facts and that violations occurred. The committee finds the violations occurred.

As background, this violation first came to light as a result of information contained in an email sent to the NCAA by former assistant track coach A. In the email, former assistant track coach A stated that former assistant track coach C made the arrangements which resulted in the violations.

In reference to Finding B-4-a, prospect 1 reported that during her visit to Boise State, she received transportation and two nights of lodging from women's track and field student-athletes. She stated that she had not previously met the student-athletes from whom she received the transportation and lodging, nor did she have any prior relationships with the women's track and field student-athletes. Prospect 1 reported she did not provide any of

the student-athletes with money in exchange for the transportation and lodging. Student-athlete 5 confirmed the information provided by prospect 1, reporting that she and her roommates hosted prospect 1 at their apartment at the request of former assistant track coach C. Student-athlete 5 stated they provided prospect 1 with transportation from the airport and to the indoor track center, and lodging at their apartment during her visit.

In reference to Finding B-4-b, prospect 1 reported that former assistant track coach C provided her with transportation from the campus to the Boise airport for her return flight on February 3, 2008. Although former assistant track coach C did not recall whether he drove prospect 1 to the Boise airport for her return flight, he previously reported that he believed it was permissible for a prospective student-athlete to receive transportation from an individual affiliated with Boise State during an unofficial visit, which is, in fact, contrary to NCAA legislation.

In reference to Finding B-4-c, prospect 1 reported that she believed her February 2008 visit to Boise State was an *official* visit, and that former assistant track coach C had informed her prior to the visit that she would be reimbursed for the cost of her flights. Based on the email communications between prospect 1 and former assistant track coach C, she paid her round-trip airfare of \$456.99. She recalled that, after returning home from her visit to Boise, she received a check from former assistant track coach C as a partial reimbursement for her travel expenses.

Former assistant track coach C confirmed that approximately two weeks after prospect 1 returned home, he sent a cashier's check in the amount of \$300 to her for partial reimbursement of her airfare. Former assistant track coach C used his personal funds to draw the check. Former assistant track coach C explained that he reimbursed prospect 1 for a portion of her expenses because several days prior to her visit, it was determined the track and field program could not afford to provide her with an official visit as had been promised. Former assistant track coach C stated when he told prospect 1 that she would have to make an unofficial visit instead – and thus, pay for her own costs associated with the trip – she told him she did not have the funds to pay for the airfare.

Former assistant track coach C reported that he made the decision to reimburse prospect 1 for a portion of her flight costs because "it felt like the right thing to do." He did not report his actions to the former head track coach, the director of athletics or to the compliance office. Former assistant track coach C understood at the time of prospect 1's visit it was a violation of NCAA rules to reimburse prospect 1 for costs associated with her unofficial visit. This finding forms, in part, the unethical conduct finding against former assistant track coach C, as set forth in Finding B-5.

**5. UNETHICAL CONDUCT. [NCAA Bylaws 10.01.1, 10.1, 10.1-(c) and 10.1-(d)]**

In February 2008, former assistant track coach C acted contrary to the principle of ethical conduct inasmuch as he did not, on all occasions, deport himself in accordance with the generally recognized high standards of honesty and sportsmanship normally associated with the conduct and administration of intercollegiate athletics based on his involvement in the violations detailed in Finding B-4. Additionally, when interviewed by the institution during the investigation, former assistant track coach C knowingly furnished the institution with false or misleading information on May 9, August 4 and September 17, 2009, regarding his involvement in these matters.

**Committee Rationale**

The enforcement staff, the institution and former assistant track coach C were in agreement on the facts and that violations occurred. The committee finds the violations occurred.

The information set forth in Finding B-4 reflects that former assistant track coach C, knowingly and admittedly provided a women's cross country and track and field prospective student-athlete with an impermissible inducement. During a January 20, 2010, interview with the institution and enforcement staff, former assistant track coach C explained why he provided prospect 1 with a cashier's check in the amount of \$300:

**INTERVIEWER:** So if I'm hearing you correctly, she basically made her arrangements, paid for the trip, and after having done all that she was notified that it was gonna be an unofficial visit and that the institution couldn't provide compensation or reimbursement for her?

**FORMER ASSISTANT TRACK COACH C:** Yes.

**INTERVIEWER:** Okay, and so you just made a decision that you would help out by using your own funds?

**FORMER ASSISTANT TRACK COACH C:** Well, it you know, looking back on it um, you know, it was, obviously it's not a thing that I'm proud of. At the time, it felt like the right thing to do. And again, I was inexperienced and it was, you know, something that just felt right at the time.

**INTERVIEWER:** Okay. Coach did you report to anybody at the institution when you did it?

**FORMER ASSISTANT TRACK COACH C: No.**

With regard to the provision of false and misleading information to the institution, in three prior interviews, former assistant track coach C did not provide complete information or admit to his culpability and involvement in the violations involving prospect 1. It was only after the institution's faculty athletics representative provided former assistant track coach C with a copy of the email messages between him and prospect 1, along with a copy of the institution's February 2008 self-report to the WAC, that former assistant track coach C admitted to the violations identified in Finding B-4.

**6. INELIGIBLE COMPETITION. [NCAA Bylaws 14.2, 14.2.3.2.1 and 16.8.1.2]**

During the 2008-09 academic year, the institution permitted a then women's tennis student-athlete ("student-athlete 6") to practice, represent the institution in intercollegiate athletics competition and receive travel expenses after her fourth season of competition.

**Committee Rationale**

The enforcement staff and the institution are in agreement on the facts and that violations occurred as alleged. The committee finds the violation occurred.

Student-athlete 6 was an international women's tennis student-athlete from Europe. She initially enrolled at Boise State as a regular, degree-seeking student in the spring of 2007. Student-athlete 6 graduated from high school in June 2003 and, at the time of her enrollment was 23 years old. Prior to her initial enrollment at the institution, student-athlete 6 attended a college-level institution her native country during the 2004-05 academic year. She left that institution in May 2005.

The college-level institution student-athlete 6 attended in her native country after graduation from high school did not have a tennis team, and she did not compete in any tennis tournaments while she was enrolled at the school. However, after student-athlete 6 left that institution in May 2005, she competed in five tennis tournaments in Europe from July 2005 through July 2006. Based on her age, prior participation, and the application of NCAA legislation, student-athlete 6 had only two years of collegiate eligibility remaining upon her enrollment at Boise State in the spring of 2007. She competed at the institution during the 2006-07, 2007-08 and 2008-09 seasons, one year beyond what is permissible under NCAA legislation.

Institution staff members were confused about the number of seasons of competition student-athlete 6 had upon enrolling at Boise State. The then head women's tennis coach ("former head women's tennis coach") reported that when student-athlete 6 enrolled, he believed that she had two and a half years to engage in three seasons (not two seasons) of intercollegiate competition. He stated that he based that belief on his understanding of NCAA legislation pertaining to competition in events after a tennis student-athlete's 20th birthday and student-athlete 6's prior enrollment at a collegiate institution. The former head women's tennis coach reported that the compliance office did not tell him that student-athlete 6 had used two seasons of intercollegiate competition upon her arrival at the institution. Even so, during the course of the investigation, it was discovered that the women's squad lists for the spring 2007 and 2007-08 academic years correctly reflected the number of seasons of competition student-athlete 6 had utilized at the beginning of each of those seasons: two seasons in the spring of 2007, and three seasons in 2007-08. However, the 2008-09 women's squad list incorrectly denoted that she had utilized three seasons of competition, when in fact she had utilized her fourth and final season during the spring of 2008. The 2007-08 and 2008-09 squad lists, which correctly reflected eligibility and seasons of competition information, were signed by both the former compliance director and the former head women's tennis coach.

**7. IMPERMISSIBLE RECRUITING INDUCEMENTS. [NCAA Bylaws 13.2.1, 13.2.1.1-(b), 13.2.1.1-(e), 13.2.1.1-(h), 13.5.1, 13.7.2.1, 13.11.1 and 16.11.2.1]**

From June to October 2010, the former head women's tennis coach; a then assistant women's tennis coach and a then student assistant women's tennis coach ("former student assistant women's tennis coach") provided a prospective student-athlete ("prospect 2") with impermissible transportation, cash, lodging, educational expenses and entertainment. Specifically<sup>1</sup>:

- a. On or about June 27, 2010, upon her arrival in Boise, Idaho, prospect 2 was provided automobile transportation by the former student assistant women's tennis coach from the airport to the apartment of a student-athlete ("student-athlete 7"), who housed prospect 2 at the request of the former head women's tennis coach, until approximately July 1, 2010. This lodging was provided to prospect 2 at no cost to the young woman.
- b. On June 27, 2010, a former head women's tennis coach provided student-athlete 7 with cash to purchase groceries for prospect 2.

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<sup>1</sup> Taken in isolation, some of the following violations would likely be considered secondary in nature. However, all of the below violations are part of a significant pattern of infractions in the women's tennis program, some of which are undoubtedly major in nature. For the purposes of this report, all of the violations, regardless of severity, are grouped together.

- c. On or about June 29 and 30, 2010, prospect 2 was provided local automobile transportation by the former head women's tennis coach to a U.S. Bank branch where the former head women's tennis coach assisted prospect 2 with opening a bank account and provided prospect 1 with \$1,500, \$1,420 of which prospect 2 used to pay the cost of attendance for the institution's summer session of the Intensive English Program (IEP).
- d. From approximately June 28 to October 2010, the former head women's tennis coach provided prospect 2 access to a locker in the institution's women's tennis locker room located in the Appleton Tennis Center, the institution's on-campus tennis facility, and also provided several items of apparel to her.
- e. On August 26, 2010, the former head women's tennis coach provided prospect 2 with a U.S. Bank cashier's check in the amount of \$2,040 to pay the cost of attendance for the institution's fall session of the IEP program.
- f. On or about September 4 and 5, 2010, prospect 2 traveled by automobile with women's tennis student-athletes for an overnight camping trip to the McCall, Idaho, area; a distance of approximately 218 miles round trip.
- g. On or about September 18, 2010, prospect 2 attended the Bronco Bash, a men's and women's tennis team fund-raising event held at a local tennis and swim club, wherein she received free admission, a complimentary meal, and participated in athletically related activities with men's and women's tennis student-athletes and attendees of the event. These activities were observed by the women's tennis coaches in attendance.
- h. In October 2010, a former assistant women's tennis coach arranged for prospect 2 to receive round-trip automobile transportation between Boise, Idaho, and Portland, Oregon (a distance of approximately 864 miles round trip), and one night of lodging at a Best Western Hotel in Portland to enable the young woman to take the International English Language Testing System, an English proficiency examination.

### **Committee Rationale**

The enforcement staff and the institution were in agreement on the facts of this finding and that the violations occurred. The former head women's tennis coach and a former assistant women's tennis coach denied their involvement in the violations. The former student assistant women's tennis coach did not respond to the allegations involving her. The committee finds the violations occurred.

The information first came to the attention of the institution in the fall of 2010 when athletics department officials learned that a prospective women's tennis student-athlete was enrolled in the institution's IEP program. This matter raised concerns for athletics officials because all international student-athletes or prospective student-athletes must have an I-20 form on file with the athletics department office. At the time that athletics department officials heard that the prospective student-athlete was taking IEP courses, there was no I-20 form on file for her in the athletics department. This information triggered a series of questions and requests for information from the women's tennis student-athletes and coaches that led to the discovery of the violations set forth in this finding.

As background, prospect 2 was a women's tennis student-athlete recruit from Southeast Asia. In March 2009, she completed high school in her native country and attended college there during the 2009-10 academic year. Prospect 2 was raised in a community near the hometown of the former student assistant women's tennis coach. The former student assistant women's tennis coach had completed her eligibility at the end of the 2009-10 women's tennis season, but remained affiliated with the program as an undergraduate student assistant while completing her graduation requirements during the fall of 2010. Both prospect 2 and the former student assistant women's tennis coach reported that they knew each other and on one occasion in 2005, they competed in a tournament against each other in their native country. Prospect 2 was recruited by the Boise State women's tennis coaches and intended to enroll in the fall 2010 semester if her NCAA and institutional transfer eligibility requirements were met. The most substantive of those requirements was the successful completion of a language proficiency examination such as the Test of English as a Foreign Language (TOEFL).

The former head women's tennis coach served in that capacity at the institution from 1999 through October 2010. He had previously served as the head women's tennis coach at two other member institutions. In October 2010, institutional officials confirmed that the former head women's tennis coach and a former assistant women's tennis coach had knowledge of, or involvement in, potential NCAA rules violations involving prospect 2 and placed both of them on administrative leave while an investigation was conducted. Both were released from their positions after the former head women's tennis coach

acknowledged his knowing involvement in serious NCAA rules violations involving prospect 2's recruitment to Boise State.

According to institution records, in approximately December 2009, the former head women's tennis coach began recruiting prospect 2 via email. Prospect 2 submitted her application to Boise State on January 15, 2010. Prospect 2 submitted a signed financial aid agreement to Boise State on April 23, 2010. In approximately March 2010, the former head women's tennis coach told prospect 2 that she needed to pass the TOEFL before she could enroll at Boise State. She either never took the exam, or her test scores were never provided to Boise State. Consequently, prospect 2 never enrolled in or attended classes at Boise State. Many of the violations set forth in Finding B-7 appear to involve activity that was not disclosed to institutional officials by the former head women's tennis coach, the assistant women's tennis coach and the former student assistant women's tennis coach.

In reference to the former student assistant tennis coach, since her arrival in Boise, she had not returned to her native country, nor seen prospect 2. In fact, it was unclear exactly the last time she had spoken to prospect 2 prior to the latter's recruitment by the former head women's tennis coach. Despite the apparently tenuous nature of the prior relationship between prospect 2 and the former student assistant women's tennis coach, the former head women's tennis coach attempted to utilize the relationship and the two women's shared nationality as a shield from potential violations of NCAA legislation and as an excuse for the various impermissible activities involving prospect 2. The former head women's tennis coach also admitted to asking the former student assistant women's tennis coach to speak with prospect 2 prior to her first interview with the institution and enforcement staff.

The following violations occurred in the women's tennis program involving prospect 2:

With specific reference to Finding B-7-a, the provision of transportation and cost-free lodging for prospect 2, on June 27, 2010, prospect 2 arrived in Boise from her native country and was met at the airport by the former head women's tennis coach, a former assistant women's tennis coach and the former student assistant women's tennis coach. The former head women's tennis coach and a former assistant women's tennis coach traveled together in one vehicle, while the former student assistant women's tennis coach was in another vehicle. The former head women's tennis coach reported that he knew that he could not provide transportation to prospect 2, so he only met her at the airport with a former assistant women's tennis coach and the former student assistant women's tennis coach. The former head women's tennis coach indicated that he considered prospect 2 and the former student assistant women's tennis coach to be friends, so therefore, he considered it permissible for the former student assistant women's tennis coach to provide transportation to the prospect. After meeting prospect 2 at the airport,

the former student assistant women's tennis coach drove prospect 2 to the apartment of student-athlete 7. The former head women's tennis coach and a former assistant women's coach also went to student-athlete 7's apartment at that time. The former head women's tennis coach reported that prior to prospect 2's arrival, he had requested that student-athlete 7 let prospect 2 stay with her until a permanent housing arrangement could be secured. Student-athlete 7 reported the same information. Prospect 2 stayed at student-athlete 7's apartment for several days at no cost, in violation of NCAA recruiting legislation.

With specific reference to Finding B-7-b, the former head women's tennis coach's provision of cash for groceries, both student-athlete 7 and the former head women's tennis coach reported that, after prospect 2 arrived at student-athlete 7's apartment on the night of June 27, 2010, the former head women's tennis coach gave student-athlete 7 cash so that she could purchase several days worth of groceries for prospect 2. The former head women's tennis coach explained the reason he gave student-athlete 7 cash with the following statement:

I was probably making sure that she had food. She just flew 24 hours. I don't know. I'm stupid. I was stupid.

According to student-athlete 7 and prospect 2, using the cash student-athlete 7 received from the former head women's tennis coach, the two went to a grocery store the following day to purchase food and drink items for student-athlete 2.

With regard to Finding B-7-c, the provision of funds by the former head women's tennis coach to prospect 2 for payment of an English proficiency course, the former head women's tennis coach and prospect 2 both reported that prior to prospect 2's arrival on campus at Boise State, they knew prospect 2's full-time enrollment in a degree-seeking program at Boise State was contingent upon her successful completion of the TOEFL or an equivalent exam. Despite this, the former head women's tennis coach encouraged prospect 2 to travel to Boise. Boise State officials were unaware that the former head women's tennis coach encouraged prospect 2 to travel to Boise, or that she was in Boise for much of the summer. At some point around her arrival, the former head women's tennis coach learned that prospect 2 needed to take IEP courses in an effort to gain sufficient English proficiency to pass the TOEFL. The cost of summer IEP courses in 2010 was \$1,420.

The former head women's tennis coach recounted that, on the evening prospect 2 arrived, as she was settling in at student-athlete 7's apartment, he told prospect 2 that he would pick her up in the morning and that they would go to a local bank together to set up an account for her. According to both prospect 2 and the former head women's tennis coach, on either the day after her arrival in Boise or the following day, the former head women's

tennis coach took prospect 2 to a bank branch near the institution's campus. Bank records indicate that prospect 2's account was opened on June 29, 2010.

The former head women's tennis coach reported that prospect 2 had arrived on campus with some cash. His stated justification for assisting prospect 2 in establishing a bank account was based on an incident involving a former tennis student-athlete in which the young woman had cash stolen from her dorm room. The former head women's tennis coach stated that this assistance was "a safety issue."

Prospect 2's bank records reflect that student-athlete 2 deposited \$2,320 on June 29 and \$1,500 on June 30, for a total of \$3,820. Prospect 2 reported that she brought \$2,300 cash with her to the United States.

The former head women's tennis coach admitted to the NCAA enforcement staff and the institution's outside counsel that he assisted prospect 2 with cash. When asked if he provided the cash on the day that she opened her account, the former head women's tennis coach replied,

Uh, no. I don't think, did I? I don't, yeah. No. I don't think, I can't recall. Let me see, yeah, maybe, maybe made two deposits then.

The former head women's tennis coach then added,

Maybe, or maybe it was, maybe it was a day later. I don't know. I can't, maybe it was a day later.

Based upon the former head women's tennis coach's and prospect 2's statements, and a review of her bank records, it appears that the \$1,500 deposit was a cash or check deposit made by the former head women's tennis coach into prospect 2's account on June 30. When the former head women's tennis coach was asked why he deposited cash into prospect 2's account, he reported,

I don't know if she understood that she had to pay for her schooling or what she understood or, or anything. I just, I don't know. It just turned into a sordid mess.

When first approached by institutional officials about her enrollment and payment for her English language courses, prospect 2 did not report the receipt of financial assistance from the former head women's tennis coach. It was not until her interview with the NCAA enforcement staff and the institution's outside counsel on October 29, 2010, that she reported receiving money from the former head women's tennis coach. In that regard, toward the end of that interview, prospect 2 was asked whether there was anything that

she wished to add or clarify to her statements. It was at that point that prospect 2 indicated that the former head women's tennis coach had provided her with money for IEP classes. Prospect 2 reported that when she first arrived in Boise, the former head women's tennis coach gave her \$1,500 to put into her account so that she could pay for her summer IEP courses. Specifically, prospect 2 said,

... the summer, he give me the money, and then I put the money in my account, \$1,500.

On July 1, 2010, one day after the former head women's tennis coach had provided her with \$1,500, prospect 2 wrote a check to the institution in the amount of \$1,420 for her IEP summer courses.

With regard to Finding B-7-d, the provision of locker and items of apparel, this information first came to light in the fall of 2010 when student-athlete 7 informed the institution's senior associate athletics director that prospect 2 had use of the women's locker facility in the Appleton Tennis Center (the institution's men's and women's on-campus tennis facility) and received apparel from the former head women's tennis coach. Further, student-athlete 7 reported that prospect 2 had been coming to practice sessions and hitting with the team.

In complying with the instructions received from the director of athletics, on October 6, 2010, the senior associate director of athletics watched practice and personally observed prospect 2 participating in practice sessions with the team. As a result of that observation, institutional officials interviewed the former head women's tennis coach, a former assistant women's tennis coach and several women's tennis student-athletes. The statements made during those interviews confirmed that prospect 2 had received locker space in the women's tennis locker room, and several items of apparel from the former head women's tennis coach. A subsequent interview of prospect 2 confirmed this information.

In reference to Finding B-7-e, the provision of \$2,040 to pay the cost of attendance for a session of the institution's IEP in the fall of 2010, as of August 2010, prospect 2 had not successfully completed her summer IEP courses and, thus needed to take an additional English course in an effort to pass the TOEFL. Her full-time enrollment and receipt of athletically related financial aid was contingent on passing the TOEFL or an equivalent exam.

During an interview conducted on October 29, 2010, after initially indicating that she had paid for her IEP class work, prospect 2 reported that the former head women's tennis coach had provided to her a cashier's check for \$2,040 for the fall 2010 IEP course. As she reported that information, she told the investigators that she had a copy of the receipt

for the money order, which she provided to the enforcement staff and outside counsel. Boise State officials were able to retrieve a copy of the original check from the International Programs office where the IEP program is coordinated. [NOTE: The cashier check was from U.S. Bank.] Prospect 2 stated that the former head women's tennis coach provided the check to her so that she could pay for the IEP class for the fall.

The former head women's tennis coach was interviewed approximately one hour after prospect 2. On a previous occasion, the former head women's tennis coach had met with institution officials and had not disclosed the payments. In fact, during prior questioning, the former head women's tennis coach reported that he did not provide any benefits to prospect 2. During the October 29 interview with an NCAA enforcement representative and institution's outside counsel, the former head women's tennis coach initially reported that he did not assist with prospect 2's expenses, but later came forward with an account which corroborated the information provided by prospect 2, admitting that he purchased a cashier's check in the amount of \$2,040 and provided it to prospect 2 for the purpose of paying for her IEP fall term course.

In that regard, the following exchange took place among the NCAA investigator, the institution's outside counsel and the former head women's tennis coach during which he acknowledged the violation:

**OUTSIDE LEGAL COUNSEL:** Just tell us what you did.

**FORMER HEAD WOMEN'S TENNIS COACH:** I helped her with the (IEP) enrollment.

**OUTSIDE LEGAL COUNSEL:** How much?

**FORMER HEAD WOMEN'S TENNIS COACH:** I don't know. I don't know exactly. I helped her with her (IEP) enrollment.

**OUTSIDE LEGAL COUNSEL:** About how much?

**FORMER HEAD WOMEN'S TENNIS COACH:** I don't know. I don't, I'm not sure.

**OUTSIDE LEGAL COUNSEL:** Hundreds? Thousands?

**FORMER HEAD WOMEN'S TENNIS COACH:** Thousands.

**OUTSIDE LEGAL COUNSEL:** How many?

**FORMER HEAD WOMEN'S TENNIS COACH:** Two.

**OUTSIDE LEGAL COUNSEL:** Okay. Tell us, just how you did it? What did you do? How you did it?

**FORMER HEAD WOMEN'S TENNIS COACH:** Uh, what did I do? Cashier's check.

**OUTSIDE LEGAL COUNSEL:** From what bank?

**FORMER HEAD WOMEN'S TENNIS COACH:** Uh, U.S. Bank.

**OUTSIDE LEGAL COUNSEL:** Was she with you when you purchased it?

**FORMER HEAD WOMEN' S TENNIS COACH:** I don't think so. No.

**OUTSIDE LEGAL COUNSEL:** Was anyone with you when you purchased it?

**FORMER HEAD WOMEN'S TENNIS COACH:** No. Oh, no. There was nobody.

**OUTSIDE LEGAL COUNSEL:** And what did you use to purchase the cashier's check?

**FORMER HEAD WOMEN'S TENNIS COACH:** What did I? Oh, cash.

**OUTSIDE LEGAL COUNSEL:** And where did you get that cash?

**FORMER HEAD WOMEN'S TENNIS COACH:** I just had it. I have cash.

**OUTSIDE LEGAL COUNSEL:** So, that's your own money you were using?

**FORMER HEAD WOMEN'S TENNIS COACH:** Yeah.

**OUTSIDE LEGAL COUNSEL:** Okay. Was there another time that you did the same thing?

**FORMER HEAD WOMEN'S TENNIS COACH:** Yeah. Well, the first time. So, I mean, she enrolled twice. So, that's twice.

**OUTSIDE LEGAL COUNSEL:** How much was the second time?

**FORMER HEAD WOMEN'S TENNIS COACH:** Uh, that's maybe 12-hundred. So, it was that's actually the first time, the other time is the second time.

**OUTSIDE LEGAL COUNSEL:** Okay. So, the first time is about 2,000 or a little more?

**FORMER HEAD WOMEN'S TENNIS COACH:** The second time.

**OUTSIDE LEGAL COUNSEL:** The second time is 2,000.

**FORMER HEAD WOMEN'S TENNIS COACH:** Yeah.

**OUTSIDE LEGAL COUNSEL:** And the first time was 12-hundred.

**FORMER HEAD WOMEN'S TENNIS COACH:** I think probably, yeah.

**OUTSIDE LEGAL COUNSEL:** Okay. And again what did you use to, to –

**FORMER HEAD WOMEN'S TENNIS COACH:** I paid cash.

**OUTSIDE LEGAL COUNSEL:** Cash. And what's the source of cash?

**FORMER HEAD WOMEN'S TENNIS COACH:** Oh, mine it's nobody else's.

**NCAA INVESTIGATOR:** Coach, uh, why pay for those two (IEP courses)?

**FORMER HEAD WOMEN'S TENNIS COACH:** I felt pressure. I felt just a lot of stuff.

**NCAA INVESTIGATOR:** Who did you feel pressure from?

**FORMER HEAD WOMEN'S TENNIS COACH:** Just everything, you know, just pressure to recruit, pressure to get players here, pressure to stay like, like how we've been doing and everything so. . .

**OUTSIDE LEGAL COUNSEL:** Did you think it was legal to do this?

**FORMER HEAD WOMEN'S TENNIS COACH:** No.

**OUTSIDE LEGAL COUNSEL:** So, you knew it was?

**FORMER HEAD WOMEN'S TENNIS COACH:** Yeah. I knew.

In reference to Finding B-7-f, prospect 2's participation in a camping trip, just prior to the 2010 Labor Day weekend, a few members of the women's tennis team decided it would be a good team-building exercise to drive two hours to the McCall, Idaho, area for a camping trip.

When the former head women's tennis coach learned of the planned trip, he encouraged the student-athletes to take prospect 2 with them as she was planning to be a part of the team in the upcoming year. [NOTE: At that time, prospect 2 was still considered a prospective student-athlete and not permitted to receive expenses or other benefits from the institution, its coaches, team members or boosters.]

This was not an institution- or team-sponsored trip; rather, it was the team members who initiated the trip to "get away." Some of the women's team members reported that the former head women's tennis coach "told the team" that he wanted prospect 2 to be included. Further, they reported that the former head women's tennis coach told them that in order for prospect 2 to be invited, they also needed to invite other non-team members (e.g., former student-athletes). The team members reported that they did not invite any non-team members.

Prospect 2 received an invitation from the student-athletes and accompanied them on the two-night camping trip. She reported that she rode to McCall in a car with three other women's team members. Prospect 2 reported that she paid for her own food but did not pay for any additional travel expenses.

In reference to Finding B-7-g, prospect 2's participation in a Boise State tennis fundraiser, which resulted in recruiting violations involving prospect 2, on September 18, 2010, the men's and women's tennis programs at Boise State conducted its annual "Bronco Bash" fund-raiser at a local tennis and swim club. Prospect 2 reported that she was invited by the former head women's tennis coach and attended the event. At that time, the young woman was still considered a prospective student-athlete. Prospect 2 reported that she did not pay an admission charge and she did participate in the events of the day. According to prospect 2 and some members of the women's tennis team, prospect 2 hit with some of the other women's tennis student-athletes during the event. The admission charge to the event was \$50 for an individual. The former head women's tennis coach and a former assistant women's tennis coach reported that they were in attendance at the event and observed prospect 2 while she was hitting with other participants at the event.

In reference to Finding B-7-h the provision of round-trip automobile transportation between Boise and Portland, Oregon, and one night's lodging for prospect 2, in October 2010, after failing to achieve a TOEFL score necessary for her full-time enrollment at Boise State, prospect 2 was made aware of a second option for achieving English

proficiency and being admitted to Boise State, the successful completion of the International English Language Testing System Examination (IELTS). As prospect 2 discussed this option with the former head women's tennis coach and a former assistant women's tennis coach, she told them that there was an IELTS test being given in Portland, Oregon, the following week.

During prospect 2's October 29, 2010, interview, she initially reported that she happened to meet a woman named "Pam" on campus who just happened to be going to Portland and offered to take prospect 2 with her. Prospect 2 provided Pam's telephone number to the institution's outside counsel and the NCAA investigator so that this account of the Portland trip could be verified. Later in the October 29 interview, after having admitted to some other NCAA rules violations, prospect 2 reported that a former assistant women's tennis coach helped arrange the travel for her to go to Portland. Prospect 2 stated,

(a former assistant women's tennis coach) told me about ...her friend want to go to Portland, and then I said, "yeah, can I go with her? Because I want to go to Portland to take the IELTS." So, okay, then I will go with her.

Prospect 2 reported that she met Pam a few days later at the Appleton Tennis Center and they agreed to drive together to Portland. Prospect 2 reported that the only item she paid for during the trip was her own food and that they stayed one night in a Best Western Hotel in Portland, the cost of which she did not pay.

The institution subsequently determined that the IELTS exam in Portland took place on October 9, 2010.

During her November 11, 2010, interview, a former assistant women's tennis coach denied making arrangements for prospect 2 to travel to Portland with Pam, although she knew Pam. [NOTE: Pam took private tennis lessons from a former assistant women's tennis coach.] She also denied introducing the two.

Boise State officials retrieved the former head women's tennis coach's institution-issued cell phone after he was placed on administrative leave in October 2010. When officials reviewed the text messages from the former head women's tennis coach's phone, one message from a former assistant women's tennis coach to the former head women's tennis coach, sent on Monday, October 4, 2010, read,

I have got a lesson with Pam Thursday at 5:45 - Told (prospect 2) to swing by to introduce them.

When confronted with the message, a former assistant women's tennis coach reported that she did not recall writing the message and that she did not introduce prospect 2 to Pam. As previously noted, the IELTS exam in Portland took place on Saturday, October 9, 2010. A former assistant women's tennis coach's text message was sent on the Monday immediately prior to the exam, and referenced introducing Pam to prospect 2 on the Thursday before the exam (October 7).

Based on an assessment of the credibility of prospect 2 and a former assistant women's tennis coach, the change in stories by prospect 2, and the weight of the additional evidence, the committee concluded that a former assistant women's tennis coach introduced prospect 2 to Pam on or about Thursday, October 7, 2010, and helped arrange prospect 2's transportation with "Pam" to Portland, Oregon, in order for prospect 2 to take the IELTS exam on Saturday, October 9.

**8. IMPERMISSIBLE PRACTICE SESSIONS WITH A PROSPECTIVE STUDENT-ATHLETE. [NCAA Bylaws 13.2.1, 13.11.1, 14.02.7, 14.1.7, 14.1.8.1, 14.1.8.2 and 14.2.2.1]**

From July to October 2010, the former head women's tennis coach and a former assistant women's tennis coach conducted impermissible practice sessions with prospect 2 and permitted the young woman to represent the institution in intercollegiate athletics competition prior to her initial full-time enrollment.

- a. From approximately June 28 to July 31, 2010, prospect 2 participated in impermissible practice sessions with student-athlete 7 at the Appleton Tennis Center, the institution's outdoor tennis facility. These sessions were conducted by the former head women's tennis coach and a former assistant women's tennis coach.
- b. In July 2010, prospect 2 participated in two impermissible practice sessions with a former head women's tennis coach at a local tennis court near the locale of the institution, while the young woman was enrolled in the institution's IEP program.
- c. From August to October 2010, prospect 2 participated in scheduled one-hour practice sessions on Tuesdays and Thursdays with a women's tennis student-athlete ("student-athlete 8"). These sessions were arranged and observed by the former head women's tennis coach and a former assistant women's tennis coach. Additionally, prospect 2 periodically participated in regular women's tennis practice sessions conducted by the former head

women's tennis coach, a former assistant women's tennis coach and the former student assistant women's tennis coach.

- d. From October 1-3, 2010, prospect 2 represented the institution in intercollegiate athletic competition at the direction of the former head women's tennis coach during the Jack Taylor Open, an event hosted by the institution.

### **Committee Rationale**

The enforcement staff and the institution were in agreement on the facts and that violations occurred. For the most part, the former head women's tennis coach denied his involvement in the violations. The former student assistant women's tennis coach did not respond to the allegations involving her. The committee finds the violations occurred.

In reference to Finding B-8-a, impermissible practice sessions with a student-athlete, as previously established in Finding B-7-a, prospect 2 arrived in Boise on June 27, 2010, and resided with student-athlete 7 for several days. Prospect 2 reported that on approximately June 28, and on several days during the month of July, she participated in "hitting" sessions with student-athlete 7 at the institution's Appleton Tennis Center. Prospect 2 indicated that she wanted to work out as soon as she arrived so that she could improve and play on the team.

The former head women's tennis coach reported that he suggested to prospect 2 that if she wanted to work out, she could do so with student-athlete 7. The former head women's tennis coach said that he was not clear as to the permissibility of a women's tennis student-athlete and a prospective student-athlete hitting on their own if they both voluntarily wanted to work out and hit with each other.

Student-athlete 7 reported that the former head women's tennis coach asked her to hit with prospect 2 soon after she arrived on campus in the summer of 2010. Student-athlete 7 did not think that it would be a violation of NCAA regulations to engage in such activity with prospect 2. Student-athlete 7 further explained that she was not aware of prospect 2's enrollment or eligibility status and thought she could hit with prospect 2. According to student-athlete 7,

We (prospect 2 and student-athlete 7) trained every day together at the Appleton Tennis Center ... during the summer.

Student-athlete 7 reported that the former head women's tennis coach and a former assistant women's tennis coach were at the Appleton Center while she trained with

prospect 2, and they engaged in "feeding" (tennis balls), hitting and coaching" with the two young women.

In reference to Finding B-8-b, impermissible practice sessions with the former head women's tennis coach, both prospect 2 and the former head women's tennis coach reported that, on two occasions in July 2010, they "hit" with each other at a park across the street from the campus. The former head women's tennis coach reported,

I hit with her. I hit with (prospect 2) twice (because the Boise State courts) were full...they had ... PE classes or whatever else was going on. People were teaching or whatever.

When asked if he thought it was permissible to hit with a prospective student-athlete, the former head women's tennis coach replied, "No." When asked why he did it, the former head women's tennis coach stated,

...I think like the first time ...I mean, she just wanted, she was a person that wanted to hit. I think I don't know if she was scheduled to hit. I can't remember if she was scheduled to hit with somebody or just kind of came to hit and then she had, I mean, she just kind of wanted to hit. So, I did it.

In reference to Finding B-8-c, prospect 2's impermissible practice sessions with student-athlete 8, when women's tennis practice officially began for the fall 2010 term, prospect 2 was instructed by the former head women's tennis coach to practice with student-athlete 8 on Tuesday and Thursday mornings from 9 to 10 a.m. According to student-athlete 8, her class schedule allowed her to practice on Tuesday and Thursday from 9 to 10 a.m. and that this schedule was compatible with prospect 2's schedule. Student-athlete 8 recalled that she had class at 10:40 a.m. on those days and knew that she finished the session around 10 a.m. As a result, she and prospect 2 practiced on Tuesday and Thursday from approximately August 29 through October 1. Student-athlete 8 reported,

I was hitting with her (prospect 2) almost twice a week. Not every week but, if we were here and we didn't have a tournament, I was hitting with her twice a week.

Student-athlete 8 reported that the former head women's tennis coach and a former assistant women's tennis coach were present for some of these sessions.

Prospect 2 reported that after school began and practice started for the women's tennis student-athletes, she was told by the former head women's tennis coach that she should work out and hit with student-athlete 8 on Tuesday and Thursday mornings. Prospect 2 reported that she did as she was instructed and worked out with student-athlete 8 on those

days and times. Prospect 2 confirmed that the former head women's tennis coach and a former assistant women's tennis coach observed her practice on several occasions.

The former head women's tennis coach reported that he was aware that student-athlete 8 and prospect 2 practiced at the Appleton Tennis Center on Tuesday and Thursday mornings from 9 to 10. During questioning about the arrangement for those hitting sessions, the former head women's tennis coach reported, "I guess, technically, I guess I did." When the former head women's tennis coach was asked whether he observed these hitting sessions between student-athlete 8 and prospect 2, he stated, "Yeah. A couple of times." Further, the former head women's tennis coach admitted that there were several days during the early part of the academic year (August and September) when prospect 2 hit with other team members directly prior to and sometimes during the women's tennis team practice sessions.

In reference to Finding B-8-d, prospect 2's impermissible participation in a tennis tournament, the Boise State women's tennis program annually hosts the Jack Taylor Open, an intercollegiate women's tennis tournament held on the campus of Boise State usually during the first weekend in October. The event typically includes three or four other NCAA institutions and in 2010, included women's tennis student-athletes from Boise State, Washington State University, the University of Idaho and The University of Montana.

Student-athlete 7 was scheduled to participate in the Jack Taylor Open on Friday, Saturday and Sunday (two singles and three doubles matches). However, on Friday morning, student-athlete 7 sent a text message to the former head women's tennis coach notifying him that she was ill and would not be able to compete during the weekend. According to the former head women's tennis coach, when he learned that student-athlete 7 would not be able to participate, he "scrambled" trying to figure out how to adjust the schedule so that all of the competitors who had travelled to compete at the Open would still have the opportunity. The former head women's tennis coach explained,

...when I knew that we were down one person, I knew a match is going to get defaulted. So, we took (prospect 2) and put her in so, the other teams wouldn't be losing matches and so, she played." The former head women's tennis coach explained that the match "...goes down in the books as a default and you just use (prospect 2) to, to sub in to play. She didn't wear any Boise State stuff. We didn't put any Boise State card up.

A former assistant women's tennis coach reported that she believed that the Jack Taylor Open in 2010 was an "open" event. A former assistant women's tennis coach said,

It's an open tournament. Yes. An open event means anyone can participate. I know the guys participate in open events.

Prospect 2 confirmed that she competed in the tournament because student-athlete 7 was ill. Prospect 2 reported that she participated in three days of the tournament and played in two singles matches and three doubles matches. According to prospect 2, the former head women's tennis coach and a former assistant women's tennis coach watched her play during the event.

The Jack Taylor Open was not, in fact an "open" event because only NCAA member institutions and enrolled student-athletes were invited to participate. The sole exception was prospect 2.

Prospect 2's participation in this event violated NCAA legislation because the women's tennis coaching staff replaced a member of the women's tennis team with a prospective student-athlete who had been practicing with the team and allowed that prospect to warm-up and compete with members of the women's tennis team in doubles matches. Although several members of the athletics department staff attended the tournament during the three-day event, none recalled seeing prospect 2 participate nor understood that prospect 2 was competing on behalf of the institution. The institution acknowledges that prospect 2's participation in the tournament was a violation of NCAA rules.

**9. UNETHICAL CONDUCT. [NCAA Bylaws 10.01.1, 10.1, 10.1-(c), 10.1-(d), 19.01.3 and 32.1.4]**

The former head women's tennis coach acted contrary to the NCAA principle of ethical conduct when he knowingly engaged in violations of NCAA legislation and failed to deport himself in accordance with the generally recognized high standards of honesty and sportsmanship normally associated with the conduct and administration of intercollegiate athletics by furnishing and influencing others to furnish the institution with false or misleading information and failing to provide full and complete disclosure to the institution and NCAA enforcement staff regarding his knowledge of, and involvement in violations NCAA of legislation. Specifically:

- a. As set forth earlier in this report, the former head women's tennis coach arranged for prospect 2 to reside with student-athlete 7, met prospect 2 at the Boise Airport and later at student-athlete 7's apartment upon the young woman's initial arrival in Boise. At that time, the former head women's tennis coach provided student-athlete 7 with funds to purchase food for prospect 2. The next day, the former head women's tennis coach

transported prospect 2 to a local U.S. Bank where he assisted her with opening an account and provided her with \$1,500, \$1,420 of which was used to pay the cost of attendance for the institution's summer IEP program. The former head women's tennis coach also provided student-athlete 7 with locker room access and various items of apparel. Finally, after prospect 2 was unsuccessful in obtaining the necessary English equivalency score for admission into the institution, the former head women's tennis coach provided her with a cashier's check in the amount of \$2,040 to pay the cost of attendance at the institution's fall IEP program.

- b. In June 2010, when questioned by the institution about prospect 2, the former head women's tennis coach denied that prospect 2 was traveling to Boise during the summer. Thereafter, in July 2010, the former head women's tennis coach instructed student-athlete 7 not to provide the institution with information about prospect 2. In August 2010, the former head women's tennis coach scheduled an official visit for prospect 2 on the institution's campus, and during meetings with the compliance office, failed to provide truthful and complete information regarding prospect 2's living arrangement and involvement with the tennis program. Further, in October 2010, when confronted by the institution with information about his involvement with prospect 2, he denied and failed to provide information regarding his provision of impermissible benefits and practice sessions to prospect 2 or information regarding allowing the young woman to represent the institution in intercollegiate tennis competition. Finally, at the infractions hearing conducted on June 10, the former head women's tennis coach attempted to change earlier testimony that he had provided to the institution.

### **Committee Rationale**

The enforcement staff and the institution were in substantial agreement on the facts and that violations occurred. The former head women's tennis coach denied that he acted unethically as alleged. The committee finds the violations occurred.

In reference to Finding B-9-a, as previously set forth in Findings B-7, the former head women's tennis coach knowingly provided prospect 2 with improper inducements. Most significantly, on two separate occasions, the former head women's tennis coach provided prospect 2 with \$1,500 and \$2,040. These funds were provided in order to allow prospect 2 to enroll in the institution's IEP program during a summer and subsequent fall term. Prospect 2 was enrolled in this program in an effort to obtain a qualifying score on an English equivalency examination that would allow her to enroll at the institution as a regular, degree-seeking student and participate on the women's tennis team.

In reference to Finding B-9-b, failure by the former head women's tennis coach to provide full and complete information and an attempt to influence others not to provide information, the institution initiated a review of the matter involving prospect 2 after hearing from student-athlete 7 about prospect 2's presence in the Boise area. Although the athletics compliance office had learned, early in the spring, from the women's tennis coaching staff that they had been recruiting a prospect from abroad, the only communication it had with prospect 2 was in regard to a financial aid agreement. The financial aid agreement was contingent upon prospect 2's admission to Boise State, and, as indicated earlier in this report, her admission to Boise State was contingent upon her successful completion of an examination in which she demonstrated English proficiency (TOEFL or IELTS).

On April 26, 2010, the athletics compliance office sent email messages to all head coaches requesting that the coaches submit names of all prospective student-athletes who were planning to "come to campus for the summer and participate in voluntary summer workouts." The former head women's tennis coach never responded to the compliance office concerning that message.

Sometime in late June 2010, student-athlete 7 advised the institution's athletics compliance coordinator that she (student-athlete 7) was requested by the former head women's tennis coach to host a foreign prospective student-athlete. This information was passed on to the senior associate athletics director, who in turn contacted the former head women's tennis coach to ask if there was a scheduled visit by an international prospective student-athlete, to which the former head women's tennis coach responded, "No." The senior associate athletics director believed the former head women's tennis coach and did not pursue the matter. No one in the athletics department administration ever received information from the women's tennis coaching staff of prospect 2's arrival, housing arrangements, enrollment in IEP courses or her other activity with the women's tennis program.

On July 29, 2010, the former head women's tennis coach submitted a request to the compliance office to approve an official visit for prospect 2. [NOTE: At that time, the prospect had been in the Boise area for approximately four weeks. As previously established, the former head women's tennis coach never disclosed this information to the compliance staff.] Although she had been in Boise for five weeks, prospect 2 made an official visit to campus on August 2-4, 2010. In preparation for the visit, the former head women's tennis coach advised prospect 2 to list Boise State's tennis office as her local address. Again, at that time, the former head women's tennis coach had denied to the compliance staff that there was a women's tennis prospective student-athlete in the Boise area prior to the planning of prospect 2's August "visit." On August 4, 2010, officials in the athletics compliance office asked student-athlete 7 about prospect 2 and her housing

arrangements outside of her official visit. Student-athlete 7, at the direction of the former head women's tennis coach, told the compliance officer that she did not know where prospect 2 was staying. In regard to the instructions student-athlete 7 received from the former head women's tennis coach regarding prospect 2, student-athlete 7 provided the following in an interview with the NCAA:

. . .and then, um, I spoke to (a compliance official), um, part of the athletic staff here. . . (The compliance official) asked me a question where she knew about (prospect 2) and she asked how (prospect 2) was getting around or how she was living when she didn't speak any English or she didn't know anyone. And I said that (the student assistant women's tennis coach), she graduated from our team last semester, was helping her. And then, um, when I got back to practice and coach asked me what I said to (the compliance official), and I said that (the former student assistant women's tennis coach) was helping her, um, he got really angry. He threw his racket against the back fence and we had to stop practice and I had to sit in the middle of the court and he just yelled at me and told me to be, not to open my mouth and to stay away from these people, like, um, the compliance area, um, and, yeah, and that I can't tell them things and I shouldn't have said anything about (the former student assistant women's tennis coach) and, um, so he just yelled at me. And then we had to start practice. And then, um, yeah, then I had another meeting with him and I had to sit down and he stood up and was saying how I can't trust people in compliance; I had to be careful what I say to them; it's best if I just don't go over there at all; and not talk to them.

On August 31, 2010, the former head women's tennis coach signed the institution's Certification of Compliance form, indicating that he had no knowledge of NCAA rules violations. At that time, he had recently provided prospect 2 with money, benefits, arranged free housing for her, and participated in practice activities with her, all prohibited under NCAA rules.

On October 8, 2010, when the institution learned of the former head women's tennis coach's behavior, it immediately suspended him from his coaching duties, despite his initial denials to athletics department officials that he was involved in violations. On November 1, 2010, after the former head women's tennis coach's admission of his actions, the institution terminated his employment.

At the hearing, the former head women's tennis coach stated that he wished to withdraw statements he made in interviews with the institution pertaining to alleged violations of NCAA legislation. In that regard, the following exchange occurred during the hearing:

**COMMITTEE MEMBER:** That is what you said on October 29th (2010), so your (attorney) said this is false, that is not accurate. So, I am not talking about (student-athlete 7) or other people at this moment. You said on the record after being informed of the purpose of the interview, you were involved in arranging (housing and transportation for prospect 2). After a bunch of back and forth, you acknowledged that you were, so I have asked you to respond to that.

**FORMER HEAD WOMEN'S TENNIS COACH:** I was falling on the grenade. And I knew whatever was happening with (the former student-assistant women's tennis coach) doing it, I didn't want (the former student-assistant women's tennis coach) to get in trouble or whatever, so I am in the middle. I probably sarcastically said I am in the middle of it.

The former head women's tennis coach's request to withdraw the statements he made during interviews with the institution prior to his termination were not accepted by the committee. Rather, the committee considered both his statements during his earlier interviews and his statements at the hearing in reaching its conclusions.

**10. FAILURE TO MONITOR AND TO PROMOTE AN ATMOSPHERE FOR COMPLIANCE. [NCAA Bylaw 11.1.2.1]**

Based on the scope and nature of the violations detailed in Findings B-7 and B-8, the former head women's tennis coach failed to promote an atmosphere for compliance within the women's tennis program and failed to monitor the activities of a former assistant women's tennis coach and the former student assistant women's tennis coach. Specifically:

- a. In September 2010, the former head women's tennis coach knew or had reason to know that prospect 2 received impermissible automobile transportation from women's tennis student-athletes to McCall, Idaho, as set forth in Finding B-7-g.
- b. In October 2010, the former head women's tennis coach knew or had reason to know that a former assistant women's tennis coach arranged for prospect 2 to travel by automobile with a friend of a former assistant women's tennis coach to Portland, Oregon, to enable prospect 2 to take the International English Language Testing System, as set forth in Finding B-7-i.
- c. From June to October 2010, the former head women's tennis coach arranged for prospect 1 to engage in impermissible tennis practice

sessions, which he observed and conducted and also involved women's tennis student-athletes, a former assistant women's tennis coach and a former student assistant women's tennis coach, as set forth in Finding B-8.

### **Committee Rationale**

The enforcement staff and the institution were in substantial agreement on the facts and that violations occurred. The former head women's tennis coach denies that he failed to promote an atmosphere for compliance and monitor the women's tennis program. The committee finds the violations occurred.

In reference to Finding B-10-a, b and c, as set forth in the rationale for these findings, the former head women's tennis coach had knowledge of and/or direct involvement in these violations of NCAA legislation. Such knowledge of and involvement in NCAA infractions demonstrates a failure to promote an atmosphere for compliance.

Further, during the course of the investigation, the former head women's tennis coach admitted to involvement in violations of fundamental NCAA legislation when he provided prospect 2 with cash payments and impermissible inducements (Finding B-7-b, c, d and e) and permitted prospect 2 to participate in athletically related activities while she was ineligible to do so (Finding B-8). The former head women's tennis coach not only violated NCAA legislation in his actions relative to prospect 2, he also violated cooperative principle legislation by failing to provide truthful information and instructing others to withhold information from investigators (Finding B-9). These were significant factors in the committee's determination that the former head women's tennis coach failed to promote an atmosphere for compliance.

Finally, the committee noted that those individuals under the former head women's tennis coach's direct supervision – a former assistant women's tennis coach and a former student assistant women's tennis coach – also engaged in impermissible activities with prospect 2 with the former head women's tennis coach's knowledge and/or involvement (Finding B-7 (a-e)). As a result, both a former assistant women's tennis coach and a former student assistant women's tennis coach followed the tone set by the former head women's tennis coach in his administration of the women's tennis program. In that regard, the former head women's tennis coach bears responsibility for the compliance (or noncompliance) of those individuals under his direct supervision. That principle is a fundamental tenet of Bylaw 11.1.2.1, and is well-established in the plain language of the bylaw, the committee's case precedent and in the legislative history of the bylaw's adoption.

### **11. IMPERMISSIBLE ARRANGEMENTS FOR HOUSING. [NCAA Bylaws 13.2.1 and 13.2.1.1-(h)]**

In the fall of 2009, the institution's head men's tennis coach ("head men's tennis coach") arranged for a then prospective student-athlete ("prospect 3") to reside with a family in the Boise, Idaho, community for approximately four to five weeks on his initial arrival in Boise. Prospect 2 paid rent to the family during his stay in their home.

### **Committee Rationale**

The enforcement staff, the institution and the head men's tennis coach were in substantial agreement on the facts and that violations occurred. The committee finds the violation occurred.

As background, prospect 3 was an international prospect who, at the time of the violation, was transferring to Boise State from another institution in the in the United States. He enrolled at the institution in the fall of 2009, and competed with the men's tennis team during the 2009-10 academic year. Prospect 3 was admitted to the institution in the summer of 2009, and arrived in Boise on or about August 20 in preparation for the start of the fall 2009 classes on August 24.

This violation first came to light during the head men's tennis coach November 11, 2010, interview with the enforcement staff and institution. In this interview, the head men's tennis coach reported that he arranged for prospect 3 to reside with a local Boise family who were friends of the coach. The head men's tennis coach explained that this family often housed entire tennis teams from visiting institutions when those teams would come to Boise to compete. The former head men's tennis coach reported that both prospect 3 and the host family were told that prospect 3 would have to pay rent, and that prospect 3 paid "around \$250" to live with the family. He added that prospect 3 stayed with the family for approximately "a month and a half" or "four to five weeks" before he found his own apartment and moved out of the family's home. The head men's tennis coach stated that he did not believe making such arrangements was a violation. The head men's tennis coach added that he spoke with the compliance office about student-athlete 3 renting a room at the family's residence and was told by the compliance office to be certain that the family and prospect 3 documented the arrangement and kept receipts for payments.

The head men's tennis coach's arrangements to house prospect 3 occurred prior to the first day of classes on August 24, 2009, the date that prospect 3 triggered "student-athlete" status, thus a violation of recruiting legislation occurred.

**12. IMPERMISSIBLE TRANSPORTATION, LODGING AND PRACTICE FOR A PROSPECTIVE STUDENT-ATHLETE. [NCAA Bylaws 13.2.1, 13.2.1.1-(h), and 13.11.1]**

In September 2009, a then prospective student-athlete ("prospect 4") received impermissible automobile transportation and lodging from a student-athlete ("student-athlete 9"). Additionally, prospect 3 participated in a practice session with a then volunteer assistant tennis coach and with a then student-athlete ("student assistant men's tennis coach"). The session with the student assistant men's tennis coach was observed by the head men's tennis coach. Specifically:

- a. In September 2009, on his arrival in Boise, Idaho, prospect 4 was provided transportation and two nights' lodging by student-athlete 9.
- b. While in Boise, prospect 4 engaged in a one-hour practice session with a student assistant men's tennis coach at the institution's tennis facilities.
- c. While in Boise, prospect 4 attended men's tennis practice sessions and participated in an approximately one-hour long practice session with the student assistant men's tennis coach that was observed by the head men's tennis coach.

**Committee Rationale**

The enforcement staff, the institution and the head men's tennis coach were in agreement on the facts and that the violations occurred. The committee finds the violations occurred.

As background, prospect 4 made an unofficial visit to the institution during the period September 2-4, 2009. At that time, prospect 4 was a senior-to-be in high school, and could not make an official visit to the institution because classes at his high school had not yet begun. Prospect 4 had a close friend from high school, student-athlete 9, who was a men's tennis student-athlete at Boise State at the time of his visit to the institution. (NOTE: prospect 4 ultimately enrolled at another institution.)

The institution first learned the information concerning this allegation during a November 11, 2010, interview with the head men's tennis coach. Subsequent to that interview, the enforcement staff requested information concerning prospect 4's official visit to the institution during the 2009-10 academic year. In follow-up to that request, the enforcement staff and the institution uncovered the violations set forth above.

In reference to Finding B-12-a, impermissible transportation and lodging, prospect 4 reported that he made his own flight arrangements to Boise because he understood that his visit was an "unofficial" visit due to the timing of the visit and the start of his senior-year classes at his high school. Prospect 4 stated that his friend, student-athlete 9, met him at the airport on September 2 and transported him to student-athlete 9's off-campus apartment. Prospect 4 said that, after he dropped his luggage at student-athlete 9's apartment, he attended several classes with student-athlete 9, and then accompanied him to the tennis facility, where he met the head men's tennis coach. Prospect 4 stated that, at the conclusion of the trip, on Friday, September 4, student-athlete 9 drove him back to the Boise airport for his return flight. Prospect 4 recalled that the head men's tennis coach told him that it was permissible for him to stay with student-athlete 9.

The head men's tennis coach reported that he could not recall where prospect 4 stayed during his September 2009 visit, and that he did not arrange for him to stay with student-athlete 9. Although he reported that he had no part in making such arrangements for prospect 4's transportation or lodging, the head men's tennis coach expressed that he believed it was permissible for prospect 4 to stay with student-athlete 9 during his visit based on their pre-existing relationship.

In reference to Finding B-12-b, an impermissible practice session with a former student assistant men's tennis coach, prospect 4 reported that during the second day of his visit, he asked the student assistant men's tennis coach if he would like to hit tennis balls with him while he was at the Appleton Tennis Center watching the tennis team's practice. Prospect 4 explained that he knew a former student assistant men's tennis coach prior to his visit from several tennis tournaments. Prospect 4 estimated that he and the student assistant men's tennis coach hit for 45 minutes to one hour.

The student assistant men's tennis coach confirmed prospect 4's account of the practice session. The student assistant men's tennis coach stated that he had a pre-existing relationship with prospect 4 and,

I felt like I wasn't part of the coaching staff, you know, it, it felt like to me that if he asked me to hit and it had no, none of the coaches' involvement, then I could hit with him... It was just kind of a spur of the moment thing."

The head men's tennis coach reported that he did not have any knowledge of prospect 4's hitting session with the student assistant men's tennis coach.

In reference to Finding B-12-c, participation in a practice session observed by the head men's tennis coach, prospect 4 reported that, in addition to the practice session set forth in Finding B-12-b, he also engaged in a hitting session at the Appleton Tennis Center with

the student assistant men's tennis coach during a voluntary practice session. Prospect 4 reported that the head men's tennis coach told him it was permissible for him to hit with current student-athletes so long as he (prospect 4) asked the student-athlete to hit with him. He indicated that while he was watching the team's voluntary workouts, he asked the student assistant men's tennis coach to hit with him. Prospect 4 estimated that he hit with the student assistant men's tennis coach for approximately one hour, and stated that the head men's tennis coach was present during that session and provided instruction to the student assistant men's tennis coach.

Although the head men's tennis coach denied observing prospect 4 hitting with the student assistant men's tennis coach on this occasion, the head men's tennis coach had some recollection of providing the student assistant men's tennis coach with brief instruction while he was hitting with prospect 4.

**13. IMPERMISSIBLE ACTIVITIES AND BENEFITS INVOLVING A NONQUALIFIER. [NCAA Bylaws 14.3.2.1, 14.3.2.2, 16.11.2.1 and 16.11.2.3-(a)]**

From August to October 2010, a men's tennis student-athlete ("student-athlete 10") engaged in practice activities with the men's tennis team and received free admission to a men's and women's tennis fund-raising event at a time when he was not eligible to do so because he was a nonqualifier. Specifically:<sup>2</sup>

- a. On or about August 20, 2010, student-athlete 10 participated in practice activities with a then volunteer assistant men's tennis coach at the institution's tennis facilities.
- b. From August to October 2010, student-athlete 10 attended and observed two to three men's tennis practices per week at the institution's tennis facilities and, on at least two to three occasions, participated in athletics activities at the institution's tennis facilities during men's tennis practice with the high school son of the head men's tennis coach.
- c. On September 18, 2010, student-athlete 10 attended the Bronco Bash, a men's and women's tennis fund-raising event, held at a local tennis and swim club, at no cost to the young man, wherein he received a complimentary meal and participated in athletically related activities with men's and women's tennis student-athletes and attendees of the event.

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<sup>2</sup> Taken in isolation, most of the following violations would likely be considered secondary in nature. However, all of these violations are part of a pattern of infractions in the men's tennis program, most of them secondary. A pattern of secondary violations can, in the aggregate, be viewed as major in nature.

These activities were observed by the institution's men's tennis coaches present at the event.

### **Committee Rationale**

The enforcement staff, the institution and the head men's tennis coach were in substantial agreement on the facts and that violations occurred. The committee finds the violations occurred.

As background, student-athlete 10 is a current international men's tennis student-athlete. He enrolled for the fall 2010 semester and arrived at the institution several days prior to the start of classes to attend the institution's required orientation program for international students. During the summer of 2010, prior to student-athlete 10's move to Boise, the NCAA Eligibility Center determined that he had a core-course deficiency and would be required to serve a year in residence. The information concerning student-athlete 10's alleged participation with the men's tennis team and receipt of benefits was originally reported by a former assistant women's tennis coach during the review of information that is now set forth in Findings B-7 and 8. As a result of the information received from a former assistant women's tennis coach, student-athlete 10 and members of the men's tennis coaching staff were interviewed concerning these issues. The information learned during those interviews forms the basis for the findings set forth below.

In reference to Finding B-13-a, participation in impermissible practice activities, student-athlete 10 reported that on one occasion in August 2010, he hit tennis balls with a former volunteer assistant coach for approximately 15 minutes. He noted that none of the other coaches were present during that time.

In explaining the circumstances of that event, student-athlete 10 said,

I was in the court just like sitting down and he was there, so I asked him if he wanted to hit and he said, "Yeah, why not since you're already in here."

Regarding Finding B-13-b and specifically student-athlete 10's observation of the men's tennis team's practices in the fall of 2010, student-athlete 10 reported that during the "first week when official practices started," he would watch the men's tennis team practice from outside the courts when he was not in class. He stated that shortly thereafter, an assistant men's tennis coach told him that he could no longer observe the team practices. Other coaching staff members, including the head men's tennis coach, confirmed that student-athlete 10 observed practices two or three times per week until October 2010, when the potential issues in the women's tennis program came to light. The head men's tennis coach did not know that student-athlete 10's presence at practice sessions was

impermissible. Bylaw 14.3.2.2 states that a nonqualifier "may not attend practice sessions in any capacity."

In reference to student-athlete 10 practicing tennis with the head men's tennis coach's son, a high school senior, student-athlete 10 reported that during his official visit in February 2010, he met the head men's tennis coach's family (including his son) and subsequently kept in touch with the head men's tennis coach's son. Student-athlete 10 said that once he learned he was not going to be eligible to practice with the team during the 2010-11 year, he informed the head men's tennis coach's son that it appeared he would be spending a lot of time practicing with him. Student-athlete 10 reported that he and the head men's tennis coach's son practiced together two to three days per week during the fall of 2010 for about an hour or an hour and a half. Student-athlete 10 reported that the head men's tennis coach never watched him practice with his son, but knew they were hitting together. The head men's tennis coach confirmed he was aware that his son and student-athlete 10 were hitting together approximately three days per week (Monday, Wednesday and Friday) at approximately 3:30 p.m. while the men's tennis team was doing strength and conditioning work in the weight room. The head men's tennis coach reported that he did not witness the two practice together. The men's tennis coaching staff did not ask the compliance office if it was permissible for the head men's tennis coach's son to practice with student-athlete 10.

In reference to Finding B-13-c, the violations associated with the "Bronco Bash," this violation is similar to Finding B-7-h, violations involving a women's tennis prospect ("prospect 2") which occurred in conjunction with the same event. Student-athlete 10 participated in the Bronco Bash as if he was a member of the men's tennis team in the sense that he was paired with members from the local community to play in various matches and those matches were observed by the men's tennis coaches. As with prospect 2 in Finding B-7-h, student-athlete 10 received a meal at this event. Because student-athlete 10 did not pay to participate in the event (like other community attendees who were not student-athletes), he should not have received the meal free of cost, as if he were a student-athlete.

**14. RECRUITING VIOLATIONS; IMPERMISSIBLE HOUSING AND TRANSPORTATION. [NCAA Bylaws 13.2.1, 13.2.1.1-(h) and 13.5.1]**

In October 2006 and 2007, a then assistant men's and women's track and field coach ("former assistant track coach D") and the former head track coach assisted in the arrangement of housing and transportation for four prospective student-athletes prior to the young men's admission to the institution as regular, degree-seeking students. Specifically:

- a. On or about October to November 2006, two prospective student-athletes ("prospect 5 and 6", respectively) received impermissible automobile transportation from former assistant track coach D to the residence of student-athletes 4, 11 and 12 where former assistant track coach D had arranged for the young men to reside.
- b. On or about October 16, 2006, a prospective student-athlete ("prospect 7") received impermissible automobile transportation from a former student-athlete ("student-athlete 14") to student-athlete 14's apartment where prospect 7 resided.
- c. On or about October 15, 2007, a prospective student-athlete ("prospect 8") received impermissible automobile transportation from former assistant coach D to the institution's campus. Prospect 8 subsequently traveled to the residence of a men's track field student-athlete ("student-athlete 15") where the former head track coach had arranged for prospect 8 to reside.

### **Committee Rationale**

The enforcement staff, the institution, former assistant track coach D and the former head track coach were in substantial agreement on the facts and that violations occurred.

As background, the information concerning this finding initially came to light as a result of an email from former assistant track coach A to the NCAA. As previously set forth in the introduction of this report, information sent by former assistant track coach A to the enforcement staff started the investigation which resulted in this case. In reviewing that information, the enforcement staff interviewed relevant parties and shared the information learned with the institution. Thereafter, the institution provided a summary of the information learned and reviewed concerning the potential violations involving the four prospects in its June 8, 2009, self-report to the NCAA enforcement staff.

During a September 2008 interview, student-athlete 4 reported that in the late fall of 2006, he provided lodging for two international prospective track and field student-athletes during the time they were taking IEP program courses at Boise State. That information served as the basis for the institution and enforcement staff's review, as well as Finding B-14-a. The information comprising Finding B-14-b and c was subsequently learned during a review of the information obtained during student-athlete 4's interview, and in interviews with other then-current or former men's track student-athletes and coaches in September through November 2008.

Former assistant track coach D, a foreign national, began coaching at Boise State in November 2005. During a November 2008, interview former assistant track coach D

reported that he recruited several prospective student-athletes from Europe to attend the institution and participate in men's track. Former assistant track coach D confirmed that the four prospective student-athletes involved in this finding (prospects 5, 6, 7 and 8) participated in the IEP program before enrolling at Boise State as regular, degree-seeking students.

Similar to the violations set forth in Findings B-2 and B-3, the weight of the evidence supports that the involved coaches arranged for the prospective student-athletes' transportation and housing upon their initial arrival in Boise and were unaware of the NCAA legislation prohibiting such actions.

With specific reference to Finding B-14-a, impermissible transportation and arrangements for lodging on behalf of prospective student-athletes, in a September 2008 interview, student-athlete 4 reported that during his third year at the institution (2006), he rented a home with student-athletes 11 and 12, who were also then men's track student-athletes. Student-athlete 4 stated that in the late fall of 2006, prospects 5 and 6 moved into the rental home at the request of assistant track coach D. Student-athlete 4 reported that prospects 5 and 6 lived at the residence for approximately three weeks to one month.

During a March 2010, interview, former assistant track coach D reported that he provided transportation for prospects 5 and 6 from the airport to the home of student-athlete 4 when they first arrived in Boise. Former assistant track coach D explained that he was not aware that it was impermissible for him to provide transportation or arrange housing for prospective student-athletes who were enrolled in the IEP program.

With specific reference to Finding B-14-b, impermissible transportation provided to prospect 7, who was an international prospect enrolled in the IEP program. He arrived in Boise during October 2006. Prospect 7 resided with student-athlete 14 from October 2006 through April 2007. Prospect 7 reported that he learned student-athlete 14 was looking for a roommate and contacted him through email to make his living arrangements. In a November 2008 interview, former assistant track coach D reported that he transported prospect 7 from the Boise airport to the International Programs Office on the institution's campus in October 2006, but did not provide him with any other benefits. Prospect 7 reported that student-athlete 14 provided him with transportation to the apartment they were to share.

With specific reference to Finding B-14-c, impermissible transportation provided to a prospect, prospect 8 was an international prospect who arrived at Boise State in October, 2007 and enrolled in the IEP program. He ultimately did not enroll at Boise State as a full-time student and is currently attending another member institution.

During a November 2008, interview, former assistant track coach D reported that he had a pre-existing relationship with prospect 8 because of his coaching history with the track governing body in the home country shared by both former assistant track coach D and prospect 8. Former assistant track coach D reported that he transported prospect 8 from the airport to the IEP program office when he arrived in October 2007. He stated that he considered the transportation he provided to prospect 8 to be permissible because it was similar to an unofficial visit.

Student-athlete 15 reported that prior to prospect 8's arrival in October 2007, the former head track coach arranged for prospect 8 to live with him. Student-athlete 15 reported that prospect 8 lived with him from October 2007 until he returned to his home country in the summer of 2008, and that prospect 8 paid his rent.

**15. IMPERMISSIBLE PRACTICE SESSIONS AND TRANSPORTATION.  
[NCAA Bylaws 13.2.1, 13.5.1 and 13.11.1]**

Between October 2005 and April 2008, former assistant track coach D and the former head track coach conducted impermissible practice sessions with prospects 7 and 8, in addition to a third prospective student-athlete ("prospect 9") prior to their initial enrollment at the institution as regular, degree-seeking students. They also arranged for impermissible automobile transportation for prospect 9. Specifically:

- a. From October 2005 to January 2006, prospect 9 participated in impermissible practice sessions with former assistant track coach D at the institution's track and field facilities while she resided in the locale of the institution, prior to the young woman's initial enrollment at the institution. The training sessions were valued by the institution at \$350.
- b. On or about October 2005 to January 2006, prospect 9 received impermissible automobile transportation from former assistant track coach D's wife to the institution's indoor practice facilities located in Nampa, Idaho. The benefit was valued by the institution at \$227.
- c. From January to May 2007, prospect 7 participated in impermissible practice sessions with former assistant track coach D at the institution's track and field facilities while the young man was enrolled in the institution's IEP program.
- d. From October 2007 to April 2008, prospect 8 participated in impermissible practice sessions with the former head track coach at the

institution's track and field facilities while the young man was enrolled in the institution's IEP program.

### **Committee Rationale**

The enforcement staff, the institution, former assistant track coach D and the former head track coach were in substantial agreement on the facts and that violations occurred. The committee finds that the violations occurred.

As with the previous finding, the information concerning this finding initially came to light as a result of an email from former assistant track coach A to the NCAA and which was subsequently shared with the WAC office and Boise State. In response to this information, former assistant track coach D was interviewed by the enforcement staff on November 17, 2008. During his interview, former assistant track coach D reported that he and the former head track coach trained several international prospective student-athletes in the Boise area beginning in fall 2005, including those from Cyprus and Greece. Former assistant coach D explained that he and the former head track coach trained the international prospects in their capacity as the coaches for the national teams of the Cypriot and Greek Amateur Athletics Federations (Cypriot/Greek Federation).<sup>3</sup> In his March 16, 2010, interview with the enforcement staff and institution, former assistant track coach D reported that he was first appointed a national team coach in 2001, and he had athletes assigned to him by the Greek Federation through 2007. The former head track coach was interviewed by the enforcement staff and institution in 2009 and again in 2010. During his interviews, the former head track coach confirmed that he had been appointed a national coach by the Cypriot Federation.

The former head track coach and former assistant track coach D each reported that prior to the arrival of any of the Cypriot or Greek international prospective student-athletes to the Boise area, they obtained approval from the then assistant athletics director for compliance ("former compliance director") to train the international athletes. Both coaches reported that the approval they received from the former compliance director fell under what he indicated was the "national coach" exception to NCAA tryout legislation (NCAA Bylaw 13.11.3). The former compliance director instructed the two coaches to obtain letters from the Greek and Cypriot Federations. The letters had to recognize that they were part of a national team training program and needed to state the name(s) of the athletes to be trained. The coaches recognized that the compliance office would not allow them to train the international athletes without such confirmation or appointment, and they subsequently sought and received appointment letters from the Cypriot and Greek Federations.

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<sup>3</sup> Former assistant track coach D won several Cyprus and Greek championships as an athlete from 1991 to 1999, and later served as the national team for the decathlon and heptathlon in Greece in 2011 and 2005.

On June 8, 2009, after the institution felt that it had appropriately reviewed the information provided by the former head track coach, former assistant track coach D and the former compliance coordinator, it submitted a report to the enforcement staff wherein it described the training activities involving the three international prospective student-athletes involved in this finding. At that time, the institution did not believe the training activities were violations.

However, on January 7, 2010, the correspondence from the Greek and Cypriot Amateur Athletics Federations was submitted by the institution and enforcement staff to the NCAA academic and membership affairs staff to determine whether a violation had occurred. On February 3, 2010, an NCAA academic and membership affairs staff member determined that the pre-enrollment training activities were contrary to NCAA regulations. The institution interviewed the two coaches again and obtained additional information from the Greek and Cypriot Amateur Athletics Federation (SEGAS), regarding former assistant track coach D's involvement with that organization. On March 30, 2010, based upon the additional information, a second request for interpretation was submitted to the NCAA academic and membership affairs staff to clarify its February 3, 2010, interpretation. On April 2, 2010, the NCAA academic and membership affairs staff responded that despite the additional information, the coaches' activities with the international prospective student-athletes did not meet "the letter or the intent" of the tryout exception for international training programs set forth in Bylaw 13.11.3.3.

In specific reference to Finding B-15-a and b, prospect 9's involvement in impermissible transportation and training with former assistant track coach D, prospect 9 was an international prospective student-athlete who was a member of her native country's junior national track and field team. Prior to her initial enrollment at the institution, prospect 9 was enrolled in an IEP program at another NCAA member institution – where former assistant track coach D was employed at that time – where she passed the Test of English as a Foreign Language (TOEFL) examination and achieved a qualifying ACT score. In October 2005, former assistant track coach D accepted a position as an assistant coach with Boise State and, in approximately November 2005, prospect 9 moved to Boise, Idaho, in order to continue her training with former assistant track coach D as her national team coach. Prospect 9 became a member of Boise State's track team in January 2006, and she competed for the institution beginning in the spring of 2006. She subsequently competed with the institution's women's track program during the 2005-06 through 2009-10 academic years.

Prospect 9 reported that from November 2005 to January 2006, she trained at the institution's track and field facilities approximately six days per week, two to three hours per day, after the men's and women's track practice concluded. Prospect 9 said she trained two days per week with former assistant track coach D at the institution's indoor

track center, and the other four days, she trained alone on campus or at a local private fitness facility. She also reported that from November 2005 to January 2006, former assistant track coach D's wife provided her with transportation to the indoor track center on the two days per week that she trained with former assistant track coach D. The indoor track center is located in Nampa, Idaho, approximately 17 miles from the institution's campus. She stated that former assistant track coach D designed her training program.

Former assistant track coach D confirmed the information provided by prospect 9 relative to the training he provided to her. He added that he was informed by the compliance office that he could train prospect 9 individually after Boise State team track practices. He reported that he believed prospect 9 was not permitted to use the Boise State training or weight room facilities, but could use the outdoor track when it was open to the public.

In specific reference to Finding B-15-c, prospect 7's involvement in impermissible training with former assistant track coach D, prospect 7 was an international prospective student-athlete who was a member of his native country's junior national track and field team. He arrived in Boise in 2006 and enrolled in the institution's IEP program. He was admitted to the institution as an undergraduate, non-degree-seeking student in the spring of 2007 and was admitted to the institution as a full-time, degree-seeking student in the fall of 2007.

Former assistant track coach D reported that from January through May 2007, he trained prospect 7 two days per week at the institution's track and field facilities following men's and women's track practices. He reported that prospect 7 also used the institution's track and the weight room in the recreation center when those facilities were open to the public.

In reference to Finding B-15-d, prospect 8's involvement in impermissible training with the former head track coach, prospect 8 was an international prospective student-athlete who, in October 2007, enrolled in the IEP program at the institution. Prospect 8 intended to enroll at the institution and receive an athletics scholarship, but because none were available, he did not enroll at Boise State and returned to his native country in May or June 2008. He is currently enrolled at another NCAA member institution.

The former head track coach reported that beginning in October 2007, he observed prospect 8's training and provided him with practice drills on five to 10 occasions, and that he later provided prospect 8 with a sample weight-lifting program. Prospect 8 used the Boise State Recreation Center for weight training, and he used the grass practice area outside the institution's football stadium for throwing after the team finished practice. The former head track coach indicated that he did not do any indoor training with prospect 8. As noted above, prospect 8 never enrolled or competed at the institution.

**16. IMPERMISSIBLE TRANSPORTATION AND HOUSING FOR A PROSPECTIVE STUDENT-ATHLETE. [NCAA Bylaws 13.2.1, 13.2.1.1-(h), 13.5.4 and 16.11.2.1]**

In September 2006, a then prospective student-athlete ("prospect 10") received impermissible housing and automobile transportation from a then men's cross country and track and field student-athlete ("student-athlete 16"). Specifically:

- a. In September 2006, on prospect 10's arrival in Boise, Idaho, student-athlete 16 transported prospect 10 from the Boise airport to student-athlete 16's home.
- b. In September 2006, student-athlete 16 provided prospect 10 with impermissible housing. The housing was arranged with the aid of former assistant track coach B.

**Committee Rationale**

The enforcement staff and the institution are in substantial agreement on the facts and that the violations occurred. Former assistant track coach B did not respond. The committee finds the violations occurred.

As background, prospect 10 was an international prospective student-athlete who arrived at Boise State in late August 2006, one week after classes at the institution had begun. He competed with the track team during the 2006-07 cross country and indoor/outdoor track seasons, and the fall 2007 cross country season. Former assistant track coach B's arrangement for prospect 10 to reside with student-athlete 16 resulted in the violations detailed in Findings B-16-a and b.

In reference to Finding B-16-a, the provision of impermissible transportation to prospect 10 arranged by former assistant track coach B, student-athlete 16 reported that former assistant track coach B asked him to pick up prospect 10 from the airport when he arrived in Boise. Student-athlete 16 stated that he picked up prospect 10 from the airport and transported him back to his rental home.

Former assistant track coach B reported that he thought that he picked up prospect 10 from the airport when the prospect arrived in Boise, not student-athlete 16. Specifically, he stated:

I think I did, but it may have been (student-athlete 16). No, I think I did I think I was there.

Prospect 10 reported that both student-athlete 16 and former assistant track coach B were at the airport when he arrived in Boise, but that student-athlete 16 drove him from the airport to his home.

In reference to Finding B-16-b, the provision of impermissible housing to prospect 10 arranged by former assistant track coach B, student-athlete 16 reported that sometime prior to the beginning of the fall 2006 semester, former assistant track coach B mentioned that prospect 10 was coming to Boise State and needed a place to reside when he arrived in town. Student-athlete 16 informed former assistant coach B that there was an extra room available in his rental home and agreed that prospect 10 could stay with him when he arrived. Student-athlete 16 reported that prospect 10 lived in his rental home for approximately one month until prospect 10 received an athletics aid disbursement in October 2006. Student-athlete 16 stated that prospect 10 did not pay any rent prior to or during that period.

**17. IMPERMISSIBLE TRANSPORTATION, HOUSING AND FOOD FOR A PROSPECTIVE STUDENT-ATHLETE. [NCAA Bylaws 13.2.1, 13.2.1.1-(f), 13.2.1.1-(h), 13.5.1 and 13.11.1]**

From August through November 2006, a then prospective student-athlete ("prospect 11") received impermissible automobile transportation, groceries and housing from former assistant track coach B and several men's cross country and track and field student-athletes. Additionally, prospect 11 engaged in impermissible practice activities with then men's cross country and track and field student-athletes. Specifically:

- a. In August 2006, former assistant track coach B transported prospect 11 from the Boise Airport to the apartment of student-athlete 3 and another then men's cross country track and field student-athlete ("student-athlete 17") where prospect 11 initially resided.
- b. In August 2006, the day after prospect 11's arrival in Boise, student-athlete 16 purchased groceries for prospect 11.
- c. In November 2006, prospect 10 resided cost free with student-athletes 3, 4 and 11 in addition to two other then men's cross country and track and field student-athletes ("student-athletes 18 and 19", respectively).
- d. In November 2006, student-athlete 18 transported prospect 10 to the Boise Airport.

- e. From August through November 2006, prospect 10 participated in impermissible practice activities with student-athletes 3 and 17.

### **Committee Rationale**

The enforcement staff and the institution are in agreement on the facts and that violations occurred with regard to Findings B-17-a, b, d and e. The institution and the enforcement staff disagreed regarding finding B-17-c. Former assistant track coach B did not respond to the allegations made against him, but did participate in an interview. The committee finds the violations occurred.

As set forth previously in this report, the information which led to the discovery of several of the violations in this case, including Finding B-17, was first reported by former assistant track coach A. As the institution investigated the information through interviews of student-athletes, some of the student-athletes reported that prospect 11, an international prospective student-athlete from Europe, resided with student-athletes in Boise for several months. He did not achieve a qualifying standardized test score to compete at the Division I level and thus was never admitted to Boise State. He ultimately enrolled at another NCAA member institution. He lived in Boise from approximately August through November 2006.

In October 2008, the enforcement staff interviewed prospect 11. He reported that in approximately the late fall of 2005, he spoke with a friend in his native country about competing in track and field at a collegiate institution in the United States. This friend had been a student-athlete at an institution in Texas where former assistant track coach B had previously coached. Prospect 11 stated that he contacted former assistant track coach B, and, shortly thereafter, former assistant track coach B began recruiting prospect 11 to attend Boise State. According to prospect 11, former assistant track coach B promised him athletics aid if he trained with the Boise State cross country and track and field program for one semester. However, as noted above, prospect 11 was not accepted for admission into the institution. Following prospect 11's arrival in the United States, a series of violations occurred, as described below.

In reference to Finding B-17-a, impermissible transportation from the Boise airport, prospect 11 reported that when he arrived in the United States, former assistant track coach B transported him from the Boise Airport to an apartment occupied by student-athletes 3 and 17, where prospect 11 had previously arranged to stay. Prospect 11 explained that student-athlete 17 was from his home country and the two had discussed prospect 11 staying with student-athlete 17 during the summer of 2006.

Student-athlete 3 stated that prospect 11 arrived in August 2006 before he or student-athlete 17 returned to their apartment from summer vacation, thus neither student-athlete would have been available to transport prospect 11 to their apartment.

In reference to Finding B-17-b, the impermissible purchase of groceries for prospect 11, prospect 11 reported that the day after he arrived in Boise, he was shown around town by student-athlete 16. Prospect 11 reported that he and student-athlete 16 also went grocery shopping, and that because prospect 11 was not certain that he could access his bank account in his home country, student-athlete 16 loaned him some cash to purchase groceries.

In reference to Finding B-17-c, impermissible housing provided to prospect 11, prospect 11 reported that after spending several months (in the fall of 2006) living with student-athletes 3 and 17, he moved into a home with men's track student-athletes 4, 11, 18 and 19. Prospect 11 stated that he did not pay rent during the month that he lived in the track house, but that he performed odd jobs for the landlord in lieu of paying his portion of the rent. Prospect 11 received other benefits from the landlord, including the purchase of an occasional meal and five or six boating trips to a local lake. However, free or reduced-cost rent was not one of these benefits. Rather, the student-athletes who lived at the house continued to pay the agreed-upon rental rate, while prospect 11 resided without contributing to that agreed-upon lease rate. In that regard, the NCAA enforcement staff member who conducted the investigation stated the following at the hearing:

(Prospect 11) simply said he did odd jobs and there was no implication that he made an agreement with the landlord to live there based upon those odd jobs. The information was that the student-athletes invited him to live there because he had no other place to stay during that time period, but they did not require him to pay anything additional for his stay during that time.

In reference to Finding B-17-d, prospect 11 reported that student-athlete 18 provided his transportation to the airport in November 2006, as set forth in this finding.

In reference to Finding B-17-e, impermissible practice activities, prospect 11 reported that from August to November 2006, he ran voluntarily with student-athletes 3 and 17 on the weekends in the park near where they lived. He indicated that during the weekdays, student-athlete 17 would inform him of the team's workout, and he would try to emulate it on his own. Student-athlete 3 reported that he ran off campus with prospect 11 and other distance runners in the fall of 2006. He indicated that the runs were part of a training schedule put together by former assistant track coach B.

**18. LACK OF INSTITUTIONAL CONTROL. [NCAA Constitution 2.1.1, 2.8.1 and 6.01]**

The scope and nature of the violations set forth in this report demonstrated that the institution lacked institutional control. In critical areas of NCAA compliance, the institution failed to (a) implement and monitor certain policies and procedures to ensure compliance with NCAA housing, transportation and impermissible benefit regulations; (b) provide adequate rules education and training to institutional staff members to ensure that the athletics program operated in compliance with NCAA legislation; and (c) monitor and evaluate its athletics program to detect, deter and report instances of NCAA violations. Specifically:

- a. Regarding the institution's failure to implement and monitor certain policies and procedures to ensure compliance with NCAA legislation,
  - (1) During the 2004-05 through 2008-09 academic years, the institution failed to establish adequate NCAA compliance systems to alert institutional representatives to violations of NCAA legislation within the athletics department with regard to the provision of impermissible housing, transportation and other inducements or benefits to prospective and enrolled student-athletes in football, men's and women's cross country and track and field, and men's and women's tennis.
  - (2) In addition, when the institution became aware of prospective student-athletes residing in the locale of the institution prior to initial enrollment as regular, degree-seeking students, it failed to follow up with the involved individuals to ensure compliance with NCAA legislation.
- b. Regarding the institution's failure to provide adequate rules education and training to institutional staff members to ensure that the athletics program operated in compliance with NCAA legislation,
  - (1) During the 2004-05 through 2009-10 academic years, the institution failed to provide adequate NCAA rules education to coaches, athletics department staff and key individuals in other nonathletic institutional departments with regard to the admission, housing, transportation and living arrangements of prospective student-athletes.

- (2) During the 2009-10 academic year and the fall of 2010, the institution failed to provide adequate rules education to men's and women's tennis coaches and key individuals involved with the institution's IEP program with regard to the admission, housing, transportation, living arrangements and permissible activities involving prospective student-athletes and academic nonqualifiers.
- c. Regarding the institution's failure to monitor and evaluate its athletics program to detect, deter and report instances of NCAA violations,
- (1) During the 2005-06 and 2006-07 academic years, the institution failed to seek guidance from the WAC or the NCAA regarding the appropriate application of NCAA legislation, which the institution mistakenly believed permitted track and field coaches to conduct individual practices with prospective student-athletes prior to the prospective student-athletes' initial enrollment as regular, degree-seeking students.
  - (2) In the fall of 2005, the institution failed to report to the WAC or NCAA enforcement staff that student-athlete 1, a nonqualifier, received impermissible financial aid, despite the institution's knowledge of NCAA legislation prohibiting such aid.
  - (3) During the 2008-09 academic year, the institution failed to detect that student-athlete 20 represented the institution in intercollegiate athletics competition after having already competed four seasons.
  - (4) During the summer and fall of 2010, the institution failed to establish adequate policies and procedures to detect and deter the receipt of impermissible housing, transportation, cash, educational expenses, benefits, tryouts and competition of prospect 1 prior to the young woman's initial enrollment as a regular, degree-seeking student at the institution.

### **Committee Rationale**

The enforcement staff and the institution disagree that the facts and violations outlined in this report demonstrated a lack of institutional control. The institution conceded that there were shortcomings in its compliance efforts which contributed to the violations set forth in this report, but, in the institution's view, these deficiencies reflect a failure to monitor rather than a lack of institutional control. The committee finds the violations occurred.

The committee concluded that the scope and nature of the violations in five sports over a lengthy period of time, five years, in combination with a continuous pattern of violations in the men's and women's tennis programs, demonstrate a lack of institutional control. The committee acknowledged the difficult circumstances presented by the illness of a key member of the institution's compliance staff, but also notes that the institution did not take prompt and proactive measures to address the problem this created for its compliance operation.

The evidence in this case reflected that the institution failed to establish an effective compliance system to monitor prospective student-athletes who arrived in the locale of the institution prior to initial enrollment to ensure the prospects' activities complied with applicable NCAA legislation. Of particular concern was the early arrival of international student-athletes, who, in many cases, were not yet academically qualified to enroll full-time at Boise State.

As set forth in Finding B-18-a-(1), the violations identified in Findings B-1, B-2, B-3, B-4, B-14, B-15, B-16 and B-17 show that the institution failed to adequately monitor the housing, transportation and other inducements or benefits received by prospective student-athletes when they were in the locale of the institution prior to their initial enrollment. These failures over an extended time period demonstrate that the system that the institution had in place was inadequate. The committee concluded that the athletics compliance staff failed to recognize situations wherein further monitoring efforts were needed, and misunderstood or misapplied NCAA legislation in some situations involving international prospective student-athletes' initial arrival at the institution. For example, as set forth earlier in this report in the committee's rationale under Finding B-2, the athletics compliance department created an "Athletics Participation Clearance Form" that prospective student-athletes in the sport of football were required to execute before engaging in summer workouts at the institution. However, although they knew these prospects were in the locale of the institution, athletics compliance personnel failed to inquire about the prospects' living arrangements.

As set forth in paragraph D-4 of the Committee's Principles of Institutional Control document, "specific forms or checklists can be of great help in assuring compliance with NCAA rules." In this instance, the "Athletics Participation Clearance Form" did not request information regarding summer living arrangements, housing or transportation. In fact, during the period from July 2004 to November 2008, the institution did not monitor prospective football student-athletes' summer living arrangements. However, in the summer of 2009, after the institution learned of the issues involving prospective football student-athletes receiving reduced or cost-free housing and transportation, the athletics compliance staff began requiring prospects to complete a form documenting their living arrangements. Although some of these failings are the result of lack of oversight by the

former director of compliance and the athletics compliance staff at that time, the issues continued thereafter as reflected in Findings B-7, B-8, B-12 and B-13.

In addition, as set forth in Finding B-18-a-(2), despite being aware that prospective student-athletes were enrolled in the institution's IEP program, the former director of compliance stated that he was unsure whether he inquired about the prospects' transportation and housing arrangements. Further, as noted in Finding B-3, the athletics department did not distinguish between the institution providing prospective student-athletes with lodging at the athletics department's expense during international orientation sessions and those prospects receiving free accommodations facilitated by coaches with student-athletes for a time period before institutional housing was available.

The committee also concluded that the institution failed to take adequate steps to make changes to its compliance program when there were indications that the system was inadequate. Specifically, when the institution became aware of issues regarding football coaches arranging housing for prospects rather than seeking guidance from the WAC or NCAA office, it continued the same practice during the summer of 2009, namely permitting football coaches to arrange housing for prospective student-athletes to enable the young men to participate in summer workouts. This resulted in additional violations.

Further, despite becoming aware that, once again, a prospective student-athlete (prospect 2) was enrolled in the institution's IEP program on or about July 23, 2010, the athletics compliance staff failed to follow up adequately in order to prevent some of the violations of NCAA regulations involving her. During a November 2010 interview, a senior associate director of athletics, reported that on learning that the prospective student-athlete was enrolled in the institution's IEP program, the senior associate director of athletics did not inquire about the prospect's financial situation, how the young woman arrived in the country or how she paid for the IEP courses. Rather, the senior associate director of athletics took as sufficient the former head women's tennis coach's statement that he was not involved with the prospect.

The committee concluded that the institution failed to establish an effective compliance education program for personnel engaged in athletically related operations or to require timely communication among the various institutional offices regarding determinations that affect compliance with NCAA rules. With regard to the shortcomings in compliance education, the athletics compliance staff failed to educate coaches effectively over a five-year period regarding permissible activities with prospective student-athletes. While coaches interviewed by the institution and enforcement staff indicated that they received some form of rules education, the coaches were unaware of the heightened vigilance required when prospects are in the locale of the institution prior to initial enrollment, which was a contributing factor in many of the violations set forth in this report.

Further, as set forth in Finding B-18-b-(2), and reflected in Findings B-7, 8, 11, 12 and 13, the institution failed to educate coaches and key individuals involved in the Institution's IEP program regarding applicable NCAA legislation. As documented in Finding B-7, the institution's IEP program issued an I-20 form to prospect 2, allowing the young woman to enter the country without the athletics compliance department's knowledge. The investigation revealed that the IEP program office is separate from the international admissions office, and both entities issue their own I-20 forms. This was a similar issue that led, in part, to the acknowledged violations set forth in Findings B-14 and B-15 with regard to track and field student-athletes participating in the IEP and training with track and field coaches. Staff members in the IEP office did not receive any NCAA rules education. Further, there was no protocol for interacting with the athletics department, and the staff of the IEP office was not aware of any issues regarding the involvement of prospective student-athletes in the IEP program. Had there been adequate communication in place, some of the violations identified in Findings B-7 and B-8 may have been prevented.

Finally, as set forth in Findings 18-c-(1), 18-c-(2) and 18-c-(3), and more fully in Findings B-1, B-6, B-14 and B-15, the institution failed to detect, deter and report violations of NCAA legislation in some circumstances, despite the presence of compliance systems and knowledge of actions that either were definitively or could be contrary to NCAA regulations. These violations occurred, in part, because of a failure on the part of the institution to seek guidance or clarification from either the WAC or NCAA staff regarding the appropriate application of NCAA legislation when the institution was presented with unique scenarios involving international student-athletes.

As set forth in Findings B-7 and B-8, there was an on-going ineffectiveness of the institution's compliance systems to detect and deter potential violations of NCAA legislation. While it is recognized that the women's tennis coaching staff was not forthcoming in an effort to prevent discovery of the violations outlined in Findings B-7 and B-8, nevertheless the athletics compliance department had several opportunities to intervene and more fully review the scenario with involved individuals and further monitor the prospective student-athlete's involvement with the women's tennis program. Specifically, in late June 2010, the compliance office was informed by student-athlete 7 that she was asked to host an international prospective student-athlete (prospect 2). Although the then head women's tennis coach was questioned informally, no steps were taken by the athletics compliance staff to determine whether an international prospective student-athlete applied to the IEP program or had been issued an I-20 form. On July 23, 2010, the athletics compliance department learned that prospect 2 was enrolled in the institution's IEP program. Thereafter, while the athletics compliance staff did make some efforts to obtain information, it did not engage in any heightened monitoring or exercise due diligence to determine how the prospect's transportation, housing, and program expenses in Boise were paid. Moreover, in August 2010, that same women's tennis

prospect met with the athletics compliance staff as part of an official visit. During this time period, the prospective student-athlete was training at Appleton Tennis Center, the institution's outdoor tennis facility. Subsequently, in October 2010, prospect 2 competed in the Jack Taylor Open (Finding B-8-d) and was observed by several institutional staff members. It was not until student-athlete 7 provided specific information to a senior associate director of athletics about that prospect that action was taken by the athletics compliance staff to prevent further violations of NCAA legislation.

As stated in the introduction of this finding, the institution believed that the violations in this case resulted in a failure to monitor rather than a lack of institutional control. However, the institution conceded that it was "a close call" with respect to a determination of whether the institution failed to monitor or whether it lacked institutional control, as set forth in the following exchange during the hearing:

**COMMITTEE MEMBER:** What kind of situation has to exist in order for it to be a lack of institutional control? We are not talking about one or two violations, we are not talking about a very short period of time in which things go undetected. We are talking about a very extensive period of time and a large number of violations, and part of our job is letting (the NCAA membership) know what is expected of them. What kind of message are we sending to the member institutions if 19 violations over several years is only a failure to monitor?

**INSTITUTION OUTSIDE COUNSEL:** You bring up an excellent point, and I don't think the institution is shying away from saying this is absolutely without question not a lack of institutional control case. I think that is close.

In the final analysis, the committee concluded that the large number of violations, the extended period of time over which they occurred, combined with shortcomings in the institution's compliance efforts, demonstrated that Boise State lacked institutional control.

**C. SECONDARY VIOLATION.**

On January 29-31, 2010, the institution permitted a women's tennis student-athlete to travel with the women's tennis team and received actual and necessary travel expenses during a time when the young woman was not eligible to do so.

**D. PENALTIES.**

For the reasons set forth in Parts A and B of this report, the Committee on Infractions found that this case involved numerous major violations of NCAA legislation, including

a lack of institutional control. These violations occurred over a five-year period of time. 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 committee concluded that, because of the serious nature of the violations which occurred in the women's tennis program, additional sanctions were warranted on top of the penalties self-imposed by the institution. This includes a significant penalty imposed on the former head women's tennis coach. In the sport of football, the violations occurred over a lengthy period of time and involved a large number of prospective student-athletes. Further, even after the institution was notified of the impermissibility of certain activities involving prospects arriving in the area during the summer prior to full-time enrollment, some violations continued. The committee concluded that, as a result of coaching staff members helping arrange housing for prospects who arrived on campus early, and in some of these instances, the prospects received discounted or cost-free housing and transportation, a competitive advantage was obtained by the football program. Such a competitive advantage was mentioned earlier in this report in the context of the 2007 West Virginia infractions decision. In that report, the committee wrote that, ". . .arriving early to campus not only gives prospects a head start on conditioning and practice but it also gives them a head start on acclimating to campus and getting to know teammates." This competitive advantage warranted additional sanctions as well.

The committee also considered the institution's cooperation in the processing of this case. Cooperation during the infractions process is addressed in Bylaw 19.01.3 - **Responsibility to Cooperate**, which states in relevant part that, "All representatives of member institutions shall cooperate fully with the NCAA enforcement staff, Committee on Infractions, Infractions Appeals Committee and Board of Directors. The enforcement policies and procedures require full and complete disclosure by all institutional representatives of any relevant information requested by the NCAA Enforcement Staff, Committee on Infractions or Infractions Appeals Committee during the course of an inquiry." Further, NCAA Bylaw 32.1.4 – **Cooperative Principle**, also addresses institutional responsibility to fully cooperate during infractions investigations, stating, in relevant part, "The cooperative principle imposes an affirmative obligation on each institution to assist the enforcement staff in developing full information, to determine whether a possible violation of NCAA legislation has occurred and the details thereof." The committee determined that the cooperation exhibited by the institution met its obligation under Bylaws 19.01.3.3 and 32.1.4. The cooperation the institution demonstrated in this case must be weighed against the conduct and failures of the institution and its personnel as set forth in this report. The committee concluded that in light of the serious nature of the violations and the failure of the institution to detect

and/or prevent them, the institution's cooperation did not warrant relief in the penalties imposed by the committee in this case.

1. Public reprimand and censure.
2. Three years of probation from September 13, 2011, through September 12, 2014. (The institution had similarly suggested a three year period of probation).
3. The institution's women's tennis team shall end its 2011-12 season with the playing of its last regularly scheduled, in-season contest and shall not be eligible to participate in any postseason competition or take advantage of any of the exemptions provided in Bylaw 17.22.5.3.
4. Limit total grants-in-aid in the sport of football to 82 for the 2011-12, 2012-13 and 2013-14 academic years. [NOTE: the institution had proposed to reduce total grants-in-aid in the sport of football by three from the maximum allowed annually (85) over the 2011-12 and 2012-13 academic years. The institution had the option to spread these three reductions over the two-year period or to take them all in one of those years. The institution ultimately self-imposed the reduction of all three football grants-in-aid during the current 2011-12 academic year. The committee added an additional two years with a limit of 82 grants.]
5. Reduce grants-in-aid in the sport of men's track and field and cross country by 1.5 equivalencies from the average annual amount awarded the past four years (11.99) during the 2011-12 and 2012-13 academic year. The institution has the option to spread these reductions over the two-year period or to take them all in one of those years. (Institution imposed)
6. Reduce grants-in-aid in the sport of women's track and field and cross country by 1.5 equivalencies from the average annual amount awarded the past four years (15.36) during the 2011-12 and 2012-13 academic years. The institution has the option to spread these reductions over the two-year period or to take them all in one of those years. (Institution imposed)
7. Reduce grants-in-aid in the sport of women's tennis by three grants from the maximum annual amount allowed (eight) during the 2011-12 and 2012-13 academic year. The institution has the option to spread these three reductions over the two-year period or to take them all in one of those years. (Institution imposed)
8. Reduced practice opportunities as follows:

- a. In football, reduce by three the number of practice opportunities permitted prior to the first game for the 2011-12 and 2012-13 academic years (institution imposed). Further, during the 2012, 2013 and 2014 spring practice periods, the football team will reduce the number of sessions during which contact is allowed from 12 to nine. [See: Bylaw 17.9.6.4(c).]
  - b. In men's tennis, reduce by three the number of practice opportunities permitted prior to the first game for the 2011-12 and 2012-13 academic years. Reduce from 20 to 18 the number of countable athletically-related activity hours during the 20-hour segments of 2011-12 and 2012-13 academic years. Reduce from eight to six, the number of permitted countable athletically-related activity hours during the remaining eight-hour segments of the 2011-12 and 2012-13 academic years. (Institution imposed).
  - c. In women's tennis, reduce from 20 to 18 the number of countable athletically-related activity hours during the 20-hour segments of 2011-12 and 2012-13 academic years. Reduce from eight to six, the number of permitted countable athletically-related activity hours during the remaining eight-hour segments of the 2011-12 academic year (institution imposed).
9. Limit official expense paid visits as follows: (all institution imposed)
- a. In men's tennis, six each during the 2011-12 and 2012-13 academic years.
  - b. In men's track and field and cross country, 16 each during the 2011-12 and 2012-13 academic years;
  - c. In women's track and field and cross country, 21 each during the 2011-12 and 2012-13 academic years.
10. Reduced recruiting opportunities as follows: (all institution imposed)
- a. In men's track and field and cross country, reduced from two to one the number of recruiters permitted to recruit off-campus for six months during the 2011-12 and 2012-13 years. Reduce by two the number of recruiting opportunities from seven to five for all prospective student-athletes during the 2011-12 and 2012-13 academic years.
  - b. In women's track and field and cross country, reduce from two to one the number of recruiters permitted to recruit off-campus for six months during

the 2011-12 and 2012-13 years. Reduce by two the number of recruiting opportunities from seven to five for all prospective student-athletes during the 2011-12 and 2012-13 academic years.

11. For a period of two years, a prohibition in the recruitment of international prospective student-athletes in the sports of men's and women's cross country and track and field. (Institution imposed)
12. For a period of two years, a prohibition in the recruitment of international prospective student-athletes in the sport of women's tennis.
13. The institution will pay a \$5,000 financial penalty as a result of student-athlete 6's ineligible participation. (Institution imposed)
14. Pursuant to NCAA Bylaws 19.5.2.2-(e)-(2) and 31.2.2.3, the institution will vacate all wins in which student-athlete 6 competed while ineligible during the 2008-09 women's tennis season. The individual records of the student-athlete shall be vacated as well. (Institution imposed) Further, the record of the former head women's tennis coach will reflect the vacated records and will be recorded in all publications in which women's tennis records for the 2008-09 season are reported, including, but not limited to institution media guides, recruiting material, electronic and digital media plus institution and NCAA archives. Any public reference to these vacated contests shall be expunged.

Finally, to ensure that all institutional and student-athlete vacations, statistics and records are accurately reflected in official NCAA publication and archives, the sports information director (or other designee as assigned by the director of athletics) must contact the NCAA director of statistics, to identify the student-athlete and contests impacted by the penalties. In addition, the institution must provide the NCAA statistics department a written report, detailing those discussions with the director of statistics. This document will be maintained in the permanent files of the statistics department. This written report must be delivered to the NCAA statistics department no later than forty-five (45) days following the initial Committee on Infractions release or, if the vacation penalty is appealed, the final adjudication of the appeals process.

15. As set forth in Findings B-7, B-8 and B-9, the former head women's tennis coach committed knowing, multiple violations of NCAA legislation, including impermissible payments in the thousands of dollars on behalf of a prospective student-athlete. Further, he provided false and misleading information to investigators and attempted to influence others to do likewise. Therefore, the committee imposes a four-year show cause period upon the former head women's

tennis coach. During that period, which begins on September 13, 2011, and ends on September 12, 2015, the committee restricts the athletically related duties of the former head women's tennis coach at any employing NCAA member institution as follows:

- a. From September 13, 2011 to September 13, 2013, the former head women's tennis coach shall be precluded from participating in any recruiting activity on behalf of his employing institution.
- b. From September 12, 2013 to September 12, 2015, the conclusion of the show cause period, the former head women's tennis coach shall be precluded from any off-campus recruiting activity.
- c. If he is employed by an NCAA member institution, the former head women's tennis coach shall attend an NCAA Regional Rules Seminar during each year this show-cause order is in effect.

Within 30 days of the release of this report or 30 days after the hiring of the former head women's tennis coach, whichever is later, any employing institution shall file a report with the office of the Committees on Infractions setting forth its agreement with these restrictions or asking for a date to appear before the committee to contest the restrictions. Every six months thereafter through the end of the period of the show-cause order, the employing institution shall file further reports detailing its adherence to these restrictions.

16. As set forth in Findings B-4 and B-5, former assistant track coach C committed knowing violations of NCAA recruiting legislation and provided false and misleading information to the institution when questioned about his involvement in the violations. Therefore, the committee imposes a two-year show-cause period upon former assistant track coach C. During that period, which begins on September 13, 2011, and ends on September 12, 2013, the committee restricts the athletically related duties of former assistant track coach C at any employing NCAA member institution as follows:
  - a. From September 13, 2011, to September 13, 2012, former assistant track coach C shall be precluded from participating in any recruiting activity on behalf of his employing institution.
  - b. From September 12, 2012, to September 12, 2013, the conclusion of the show cause period, former assistant track coach C shall be precluded from any off-campus recruiting activity.

- c. If he is employed by an NCAA member institution, former assistant track coach C shall attend an NCAA Regional Rules Seminar in 2012 and 2013.

Within 30 days of the release of this report or 30 days after the hiring of the former assistant track coach C, whichever is later, any employing institution shall file a report with the office of the Committees on Infractions setting forth its agreement with these restrictions or asking for a date to appear before the committee to contest the restrictions. Every six months thereafter through the end of the period of the show-cause order, the employing institution shall file further reports detailing its adherence to these restrictions.

17. 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 institution 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 November 1, 2011, 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 June 1 of each year during the probationary period. Particular emphasis should be placed on the monitoring of prospective student-athletes who arrive on campus prior to initial full-time enrollment, with particular attention to international prospective student-athletes. The reports must also include documentation of the institution's compliance with the penalties adopted and imposed by the committee.
  18. The above-listed penalties are independent of and supplemental to any action that has been or may be taken by the Committee on Academic Performance through its assessment of contemporaneous, historical, or other penalties.
  19. At the conclusion of the probationary period, the institution's president shall provide a letter to the committee affirming that the institution's current athletics policies and practices conform to all requirements of NCAA regulations.
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As required by NCAA legislation for any institution involved in a major infractions case, Boise State University 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, September 13, 2011.

Should Boise State University or any involved individual 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 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. 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 institution's probationary period or imposing more severe sanctions or may result in additional allegations and findings of violations. An institution that employs an individual while a show-cause order is in effect against that individual, and fails to adhere to the penalties imposed, subjects itself to allegations and possible findings of violations.

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

Britton Banowsky

John S. Black

Melissa (Missy) Conboy

Andrea Myers

James O'Fallon

Gregory Sankey

Dennis E. Thomas, chair

## APPENDIX ONE

### CASE CHRONOLOGY.

#### **2008**

April 22 – Former assistant track coach A sent an email to the then NCAA vice president of enforcement; the NCAA director of enforcement for secondary infractions; and to the assistant commissioner of the WAC, with information regarding potential violations of NCAA legislation at the institution.

May 8 - The institution and enforcement staff interviewed former assistant track coach A regarding the reported information.

June 18 and July 19 - Former assistant track coach A sent the NCAA enforcement staff emails with additional information regarding potential violations of NCAA regulations at the institution.

July 28 to December 16 - The enforcement staff interviewed several former men's cross country and track and field student-athletes and former athletics department staff members including student-athlete 1, former assistant coaches A and E.

#### **2009**

February 16 - An individual sent an email to the director of athletics; the institution's president; the then WAC assistant commissioner; and to the then NCAA vice president for enforcement regarding potential violations of NCAA legislation at the institution.

February 18 - The enforcement staff notified the former senior associate athletic director of the information it received and developed about potential NCAA violations at the institution.

February 27 - The enforcement staff requested that, based on the information reported on February 16, the institution conduct an internal review and reports its findings to the staff.

March 3 - The institution submitted a secondary violation report to the NCAA secondary enforcement staff, wherein the institution reported that it exceeded the permissible number of counters in the sport of women's volleyball.

April 2-16 - The institution interviewed approximately 31 current and former student-athletes and institutional staff members.

April 10 - The institution submitted two self reports to the enforcement staff, wherein the institution reported that a men's track and field student-athlete, and two women's track and field student-athletes received impermissible lodging when they first arrived at the institution.

April 17 - The institution submitted four additional self reports to the enforcement staff, wherein the institution reported that two men's tennis student-athletes, and two women's tennis student-athletes, received impermissible lodging from then men's and women's tennis student-athletes when the student-athletes first arrived at the institution.

April 23 and May 7 - The institution and enforcement staff conducted interviews of the then head men's and women's cross country and track and field coach, and a former director of compliance.

May 22 - The institution submitted addendums to its earlier self report involving a former men's track and field student-athlete and two then men's tennis student-athletes indicating that the student-athletes also received impermissible transportation.

May 4 to June 1 - The institution conducted interviews with institutional staff members and current and former student-athletes, including approximately 46 football student-athletes.

June 8 - The institution submitted a self-report to the enforcement staff responding to allegations of potential violations of NCAA legislation. The report identified NCAA violations in football, men's and women's track and field, and men's and women's tennis involving student-athletes' receipt of impermissible financial aid, lodging and transportation.

July 27 to 31 - The institution and enforcement staff conducted interviews with coaches, athletics administrators and institutional staff members.

August 5 - The enforcement staff sent a notice of inquiry letter to the institution.

August 26 - The institution submitted requests to the NCAA student-athlete reinstatement staff for the reinstatement of 21 football student-athletes.

August 28 - The institution and enforcement staff received interpretations of NCAA Bylaw 13.2.1 from the NCAA academic and membership affairs staff in response to a joint request.

August 31 - The institution submitted requests to the NCAA student-athlete reinstatement staff for the reinstatement of an additional 42 football student-athletes.

September 4 - The institution and enforcement staff received an interpretation of NCAA Bylaw 13.15.2.4 from the NCAA academic and membership affairs staff in response to a joint request.

September 17 - The institution submitted a supplement to its April 2009 WAC self-reports increasing the number of nights of impermissible lodging for each student-athlete.

October 9 - The institution submitted a WAC self-report to the enforcement staff, wherein the institution reported that the then head men's tennis coach arranged impermissible lodging for two then women's tennis student-athletes when the student-athletes first arrived at the institution and also provided another then women's tennis student-athlete with an impermissible meal.

October 12-13 - The enforcement staff and institution conducted additional interviews with a former athletics department staff member and current student-athletes.

October 15 - The institution and enforcement staff re-interviewed the former director of compliance

October 20 - The institution submitted two WAC self-reports to the enforcement staff, wherein the institution reported that a then men's track and field student-athlete was provided impermissible lodging, and a men's track and field student-athlete was provided impermissible transportation and lodging when they first arrived at the institution.

November 30 - The institution submitted several requests to the NCAA student-athlete reinstatement staff indicating that coaches arranged for student-athletes' transportation and lodging when the student-athletes first arrived at the institution. The institution included self-reports, wherein the institution reported that a track and field student-athlete received impermissible lodging, and a women's track and field student-athlete received impermissible transportation when the student-athletes first arrived at the institution.

December 17 - The institution submitted a self report to the enforcement staff, wherein the institution reported that a then women's tennis student-athlete competed during the 2008-09 women's tennis season in her fifth season of competition.

## **2010**

January 20 and 26 - The institution and enforcement staff interviewed current and former institutional staff members and coaches in response to the December 2009 self report and in an effort to resolve additional outstanding issues. Former assistant track coach C reported that he provided a cashier's check in the amount of \$300 to a prospective student-athlete.

February 3 - The institution and enforcement staff received interpretations of Bylaws 13.11.1 and 13.11.3.3 from the NCAA academic and membership affairs staff in response to a joint request.

February 16 - The enforcement staff provided the institution with a draft notice of allegations to facilitate discussions regarding submitting this case to the Committee on Infractions using the summary disposition process.

February 16 - The institution submitted a self-report to the enforcement staff, wherein it reported that a women's tennis student-athlete received travel expenses at a time when the young woman was not eligible.

March 16 - The institution and enforcement staff conducted follow-up interviews with the former head track coach and former assistant track coach D.

April 2 - The institution and enforcement staff received further clarification regarding interpretations of Bylaws 13.11.1 and 13.11.3.3 from the NCAA academic and membership affairs staff in response to a joint request.

April 7 - The institution submitted a request to the NCAA student-athlete reinstatement staff for the reinstatement of prospect 9 (who was an enrolled student-athlete now) based on her receipt of impermissible transportation and practice sessions.

April 25 - The institution confirmed that it wished to attempt to resolve this case using the summary disposition process.

May 17 - The enforcement staff provided the institution with a draft summary disposition report including the proposed findings and supporting narratives for each violation.

June to October - The enforcement staff communicated with the institution regarding completing its portion of the summary disposition report. On September 3, 2010, the enforcement staff received an initial draft of the institution's portions of the summary disposition report. On October 12, 2010, the institution provided the enforcement staff with all materials necessary for the submission of the summary disposition report. The report required some additional communication and collaboration between the institution and enforcement staff prior to submission.

October 25 - The institution informed the enforcement staff through its counsel that there was an issue in the women's tennis program that required investigation and requested that the institution and enforcement staff conduct joint interviews with the student-athletes, coaches and a prospective student-athlete. The enforcement staff was informed by the institution at that time that the issue involved the impermissible housing of a prospective student-athlete enrolled in the institution's IEP program, similar to what had occurred in other scenarios documented herein.

October 29, - The institution and enforcement staff conducted interviews with six women's tennis student-athletes, the former student assistant women's tennis coach, prospect 2 and the former head women's tennis coach.

November 1-3 - The institution and enforcement staff conducted several interviews with current and former athletics department staff members and the representatives, regarding potential violations of NCAA legislation involving prospect 1.

November 11 to December 15 - The institution and enforcement staff conducted interviews with several tennis student-athletes and coaches in addition to an athletics administrator.

December 22 - The enforcement staff issued a notice of allegations to the institution and involved individuals.

## **2011**

January 3 and 7 - The enforcement staff received and reviewed prospect 2's U.S. Bank records and cancelled checks.

January 26 - The institution and enforcement staff conducted a follow-up interview with prospect 2 who had since transferred to another four-year institution.

April 20- The institution and enforcement staff conducted an interview with an individual regarding her involvement in the provision of impermissible inducements to prospect 2.

May 27 – The case summary sent.

June 10 – The institution appeared before the NCAA Division I Committee on Infractions.

September 13 – Infractions Report No. 355 was released.

## APPENDIX TWO

### **CORRECTIVE ACTIONS AS IDENTIFIED IN THE INSTITUTION'S APRIL 26, 2011, RESPONSE TO THE NOTICE OF ALLEGATIONS.**

1. Terminated the employment of the former women's tennis coaching staff.
2. Issued "letters of education" or letters of admonishment to coaching staff members remaining at the institution.
3. Increased the compliance office staff. As a result of the violations found, the institution increased its budget to add an additional full-time executive director of compliance to enhance monitoring efforts and to provide more rules education for coaches. The new executive director will have direct reporting responsibility to the institution's president. The executive director will oversee the current athletics compliance personnel and will allow for increased monitoring of prospective student-athletes, as well as for more thorough rules education for coaches and staff.
4. Prohibited, for a period of five years, prospective student-athletes from attending the IEP program at Boise State.
5. Enhanced compliance policies and procedures. As a result of the review of the official visit violations detailed in institution's response, the institution enhanced its existing written procedures for monitoring and certifying compliance with NCAA legislation (e.g., international students, summer voluntary workouts, official/unofficial visit, summer housing, countable athletically related activities) contained within the *Athletics Compliance Manual* to provide an even greater comprehensive reference to coaching and administrative staff. These actions will provide for greater individual accountability and a better overall understanding of responsibilities and deadlines. Each system of documentation will be reviewed annually to ensure that: 1) the system serves a functional purpose beyond monitoring; 2) there is minimal duplication of information collected; and 3) required signatures specifically reflect actual review or approval. Further, the written description of each monitoring system will be evaluated annually to make certain that the description clearly delineates the process, documents the responsibilities of various offices and individuals, and is understood and endorsed by the offices and individuals involved. Additionally, each individual system will include appropriate staffing and education so that a backup is provided in those situations where an administrator assigned with primary responsibilities is not available. The institution has required that all interpretive questions emanating to and from the athletics compliance staff be documented through the use of electronic mail or hard copy.

6. Enhanced educational efforts. Although the institution had a comprehensive compliance education program in place at the time the violations detailed in this case occurred, the institution has used and will continue to use these violations as an opportunity to increase the awareness of the entire athletics department staff of potential NCAA issues. The office of athletics compliance has implemented a plan to conduct more frequent department-wide rules-education sessions specifically focusing on transportation and lodging in the locale of the institution prior to enrollment. Specifically, coaches have been instructed that they are not permitted to provide suggestions or contact information to incoming prospective student-athletes wishing to share an apartment with other student-athletes.
7. Enhanced monitoring. In addition, improved systems are now in place to provide for greater monitoring of prospective student-athletes who have signed a NLI. When a prospective student-athlete arrives on campus, he or she is now required to immediately report in to the athletics department compliance office. The compliance officer inquires as to the incoming student-athlete's housing arrangements, and completes a form documenting where the individual is obtaining lodging. If the incoming prospective student-athlete is sharing an apartment with another student-athlete, the compliance officer will investigate to ensure that the arrangement was reached between the student-athletes without any involvement from the coaching staff. Further, a calculation will be made to ensure the prospective student-athlete is paying his or her "pro rata" share of the rent during the time period the apartment is being shared with another student-athlete. Rules-education sessions for those individuals at the institution who are involved in the coaching or sport-related administrative duties have used, and will continue to utilize, the violations and related issues of this case as illustrations of how unintended consequences can result in NCAA rules violations.