



**[THIS REPORT REFLECTS CHANGES MADE TO PENALTY C-9 BY THE COMMITTEE ON MARCH 15, 2013.]**

**OCCIDENTAL COLLEGE  
PUBLIC INFRACTIONS REPORT  
February 7, 2013**

**A. INTRODUCTION.**

This case was resolved through the summary disposition process, a cooperative endeavor in which the Committee on Infractions (COI) reviews infractions cases submitted in written form. This process is used as an alternative to a formal hearing and may be utilized only when the NCAA enforcement staff, the member institution and involved individuals agree to the facts of an infractions case and that those facts constitute major violations. The summary report was reviewed by the Division III Committee on Infractions during a December 2012 conference call.

The violations in this case occurred in the institution's women's volleyball and football programs. During the 2009-10 and 2010-11 academic years, the then head women's volleyball coach ("former head volleyball coach") provided impermissible benefits to eight student-athletes in the form of travel expenses, lodging and the use of rental cars. During the same time frame, he provided impermissible inducements and transportation to 12 prospective student-athletes. In February 2011, the former head volleyball coach arranged for a representative of the institution's athletics interests ("representative") to provide over \$1,600 worth of travel, lodging and meal expenses to three student-athletes. The actions of the former head volleyball coach demonstrated a failure to promote an atmosphere for rules compliance in his program. The lack of oversight by the institution regarding women's volleyball recruiting visits established a failure to monitor.

On April 13, 2012, the then head football coach ("former head football coach") contacted over 1,600 student-athletes via email with a request that they consider transferring to the institution. As 467 of those student-athletes were already enrolled at other four-year institutions, the former head coach's email constituted an impermissible recruiting contact.

A member of the Southern California Intercollegiate Athletic Conference, the institution has an enrollment of approximately 2,000 students. The institution sponsors 10 men's and 11 women's intercollegiate sports. This was the institution's first major infractions case.

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

**1. IMPERMISSIBLE BENEFITS, RECRUITING BY STUDENT-ATHLETES AND INELIGIBLE PARTICIPATION. [NCAA Bylaws 13.02.5.1, 13.14.1, 14.01.3, 14.9.1, 16.01.2, 16.01.4 and 16.02.3]**

In February 2011, the former head volleyball coach arranged for the representative, who is also the father of a women's volleyball student-athlete, to provide three women's volleyball student-athletes with approximately \$1,650 worth of impermissible travel, lodging, meals and entertainment expenses during a trip to Las Vegas. Further, the former head volleyball coach arranged for the student-athletes to evaluate prospective student-athletes at a tournament while on the trip. Finally, because the student-athletes received the impermissible benefits, they competed while ineligible during the 2011 season.

**Explanation of Violation**

The enforcement staff and institution were in agreement with the facts of this finding and that those facts constituted violations of NCAA legislation. The committee finds that violations occurred when the former head volleyball coach arranged for the student-athletes to receive impermissible benefits and perform recruiting activities.

While employed by the institution, the former head volleyball coach was also employed by a regional volleyball organization that sponsored youth teams. During the 2010-11 academic year, he arranged for two of his institutional student-athletes ("student-athletes 1 and 2," respectively), to serve as assistant coaches for one of the youth teams. In that capacity, student-athletes 1 and 2 traveled with the youth team to tournaments held out of town.

In February 2011, the youth team that student-athletes 1 and 2 helped coach traveled to a tournament in Las Vegas, Nevada. Prior to the team departing, the former head volleyball coach learned that the representative, who is the father of another of the institution's women's volleyball student-athletes ("student-athlete 3"), was traveling to Las Vegas the same weekend via private jet. The former head volleyball coach arranged for student-athletes 1 and 2 and another of the institution's women's volleyball student-athletes ("student-athlete 4") to travel on the jet with the representative, student-athlete 3 and their family. Once in Las Vegas, student-athletes 1 and 2 performed coaching duties for the youth team while student-athlete 4 scouted the participants in the tournament and

identified potential recruiting targets for the coaching staff. Student-athlete 4 was assigned those duties by the former head volleyball coach.

The former head volleyball coach claimed he spoke with the institution's compliance officer ("compliance officer") about the arrangement, mentioning that student-athlete 3 and her family were taking "friends" and that the compliance officer understood the friends to be fellow student-athletes. The compliance officer's recollection of the conversation was different; he recalled the former head volleyball coach asking if he (the former head volleyball coach) could travel on the jet.

When student-athletes 1, 2 and 4 were not performing their duties with the youth volleyball team, they were guests of student-athlete 3's family. The representative paid for their lodging, some of their meals and two shows at local hotels. The representative refused to provide receipts, which precluded the enforcement staff from determining the exact dollar amounts he expended on the student-athletes, but all parties agreed that the approximate amount spent on each of the three student-athletes was \$550.

The provision of impermissible benefits to the enrolled student-athletes violated NCAA Bylaws 16.01.2 and 16.02.3. Their recruitment activities were violations of Bylaw 13.02.5.1, and the former head volleyball coach paid the expenses associated with those activities in a manner that violated Bylaw 13.14.1. Because the extra benefits were valued at more than \$100 per student-athlete and they did not go through the reinstatement process until 2012, student-athletes 1, 2 and 4 competed during 2011 while ineligible, in violation of Bylaws 14.01.3 and 14.9.1.

**2. IMPERMISSIBLE BENEFITS, RECRUITING BY STUDENT-ATHLETES AND INELIGIBLE PARTICIPATION. [NCAA Bylaws 13.02.5.1, 13.14.1, 14.01.3, 14.9.1, 16.01.2, 16.01.4 and 16.02.3]**

Between the spring of 2009 and the spring of 2010, the former head volleyball coach a) provided women's volleyball student-athletes with impermissible benefits, including the use of a rental car and travel and lodging expenses; and b) arranged for student-athletes to perform recruiting activities by evaluating prospective student-athletes. Because they did not go through the reinstatement process after receiving the impermissible benefits, the student-athletes competed while ineligible.

**Explanation of Violation**

The enforcement staff and institution were in agreement with the facts of this finding and that those facts constituted violations of NCAA legislation. The committee finds that

violations occurred when the former head volleyball coach arranged for the impermissible benefits and directed student-athletes to perform recruiting activities.

On September 15, 2010, the former head volleyball coach allowed student-athlete 1 to use a rented Porsche automobile for an evening. The rental value was \$248.06. Student-athlete 1 stated that the former head volleyball coach rented the car for her to use on her birthday because he knew of her affinity for luxury automobiles. The former head volleyball coach denied doing so, explaining that he had rented the car for his personal use and for use in a movie scene being shot by his brother, a movie script writer. As a result of this impermissible benefit, student-athlete 1 competed while ineligible for the remainder of the 2010 season. As the institution did not require her to go through the reinstatement process until the summer of 2012, she also competed while ineligible during the 2011 season.

The other violations referenced in this finding occurred in conjunction with the former head volleyball coach's employment as a coach of area youth teams. In the spring of 2009, the former head volleyball coach provided impermissible travel expenses when he paid for the hotel lodging and rental car used by four women's volleyball student-athletes ("student-athletes 5, 6, 7 and 8," respectively) when they traveled with the former head volleyball coach's club team to a tournament in Las Vegas. While they were in Las Vegas, the former head volleyball coach had the four student-athletes evaluate women's volleyball prospective student-athletes at the club volleyball tournament. The four student-athletes observed matches played by prospects and filled out evaluation forms for the former head volleyball coach. All four student-athletes involved in these violations had exhausted their eligibility by the time the violations were discovered, thus they did not go through the reinstatement process.

Similarly, in the spring of 2010, the former head volleyball coach provided impermissible travel expenses when he paid for the hotel lodging and rental car used by three women's volleyball student-athletes ("student-athletes 9, 10 and 11," respectively) when they traveled with the club team to a tournament in Las Vegas. As with student-athletes 5, 6, 7 and 8 the previous year, student-athletes 9, 10 and 11 observed and evaluated prospects at the direction of the former head volleyball coach.

Because they did not go through the reinstatement process following their receipt of the impermissible benefits, student-athletes 5, 6, 7 and 8 competed while ineligible during the 2009 season and student-athletes 9, 10 and 11 competed while ineligible during the 2010 season.

The provision of impermissible benefits to the student-athletes violated Bylaws 16.01.2 and 16.02.3, while directing the student-athletes to recruit and picking up their expenses

for doing so violated Bylaws 13.02.5.1 and 13.14.1. Allowing them to compete while ineligible violated Bylaws 14.01.3, 14.9.1 and 16.01.4.

**3. IMPERMISSIBLE INDUCEMENTS AND INELIGIBLE PARTICIPATION. [NCAA Bylaws 13.2.1, 13.5.1 and 14.9.1]**

During the 2009-10 academic year and 2010 fall semesters, the former head volleyball coach provided prohibited inducements to three women's volleyball prospective student-athletes and impermissible transportation during official visits to 11 prospects. As a result, the prospects competed while ineligible once they enrolled at the institution.

**Explanation of Violation**

The enforcement staff and institution were in agreement with the facts of this finding and that those facts constituted violations of NCAA legislation. The committee finds that violations occurred when the former head volleyball coach provided impermissible inducements and transportation to prospects.

In the spring of 2010 and fall of 2010, the former head volleyball coach provided Occidental College athletics apparel to student-athlete 4 (at a time student-athlete 4 was still a prospect) and two other prospective student-athletes ("student-athletes 12 and 13," respectively). Student-athletes 4 and 12 were, at the time, members of the youth club volleyball team coached by the former head volleyball coach. They had agreed to attend the institution but had not yet enrolled when they were provided Occidental College volleyball T-shirts at a practice for their club team. When student-athlete 12 later made an official paid visit to the institution, she was given another shirt and a DVD by the former head volleyball coach. Student-athlete 13, who did not play for the club team, was provided a shirt by the former head volleyball coach when she visited a volleyball practice after being accepted to the institution.

During the 2009 and 2010 fall semesters, the former head volleyball coach allowed 11 women's volleyball prospective student-athletes to travel with the institution's team to away-from-home competitions in the team vans. Though the former head volleyball coach claimed ignorance of the rules regarding transportation for prospects, he had been specifically told in August 2010, prior to some of the violations occurring, that only Occidental personnel were allowed to ride the team busses. Yet, in the fall terms of 2009 and 2010, when away-from-home matches were held on days when prospects made visits to campus, he allowed the prospects to ride on the team bus to the contests and sit on the team bench. Over the course of the two fall terms, the prospects accompanied the team to one or more matches in October 2009 and September and November 2010. The value

of the benefit provided to each prospect each time they traveled was determined to be approximately \$35.

Three of the prospects were student-athletes 4, 12 and 13. A fourth prospect from the group ("student-athlete 14") also enrolled at the institution. Because they received impermissible inducements, were allowed to travel with the institution's volleyball team and did not go through the reinstatement process prior to competing as members of the institution's volleyball team, they participated while ineligible in violation of Bylaws 13.2.1, 13.5.1 and 14.9.1.

**4. IMPERMISSIBLE ATHLETICALLY RELATED ACTIVITIES. [NCAA Bylaws 17.1.1, 17.1.4.4, 17.1.5 and 17.24.6]**

Between December 2009 and the spring of 2011, nine women's volleyball student-athletes participated in impermissible out-of-season and nontraditional segment athletically related activities when they attended and took part in club team volleyball practices.

**Explanation of Violation**

The enforcement staff and institution were in agreement with the facts of this finding and that those facts constituted violations of NCAA legislation. The committee finds that violations occurred when the student-athletes participated in out-of-season activities with the club team beyond what is allowable under the bylaws.

The violations that led to this finding were reported to the institution by the director of athletics at another institution and involve out-of-season impermissible practices by members of the Occidental volleyball program. In southern California, the club volleyball season runs from approximately December to June each year, roughly corresponding with the nontraditional and out-of-season segments for NCAA Division III institutions. Coaches are allowed to coach club teams during the club season but must adhere to all NCAA playing and practice season legislation. On a number of occasions, the former head volleyball coach requested that members of the institution's volleyball team attend the club practices. While at the practices, the student-athletes participated in scrimmages and served as operators of drills for the club team. The institutional student-athletes participated in these activities when no countable activities were allowed and when the number of countable hours were limited. During the periods of time that countable hours were limited, the activities with the club team resulted in the 11 student-athletes exceeding the number of hours in which they were permitted to participate.

The student-athletes who participated in the impermissible activities were student-athletes 3, 4, 6, 12 and five others ("student-athletes 15, 16, 17, 18 and 19," respectively). Student-athlete 6 participated in approximately 24 club practices during the 2009-10 academic year and one in 2010-11. Student-athlete 3 participated in 6-8 club practices in 2009-10, while student-athlete 19 participated in approximately nine club practices in 2009-10 and one in 2010-11. Student-athlete 4 participated in approximately 10 club practices in 2010-11, while the other student-athletes participated occasionally.

This finding was presented to the committee as an agreed-upon secondary violation. However, considering the advantage gained over institutions that were abiding by the rules regarding out-of-season activities, the committee finds that the competitive advantage gained by this institution as a result of these violations was more than minimal. Therefore, the violation does not meet the second prong of the three-pronged test of Bylaw 19.02.2.1, which provides that, before a violation may be deemed secondary, it must provide only a minimal competitive advantage. Further, due to the number of occasions the student-athletes exceeded the limits on athletically related activities, multiple violations occurred. Collectively, those violations constituted a major violation (See Bylaw 19.02.2.1). Following the submission of the summary disposition report, the institution agreed with the committee's analysis that the violation is major.

**5. FAILURE TO PROMOTE AN ATMOSPHERE FOR COMPLIANCE.  
[NCAA Bylaw 11.1.2.1]**

The facts of findings B-1, B-2, B-3 and B-4 demonstrate that, from the spring of 2009 through the spring of 2011, the former head volleyball coach failed to promote an atmosphere for compliance in the women's volleyball program.

**Explanation of Violation**

The enforcement staff, institution and former head volleyball coach agreed with the facts of this finding and that those facts constituted violations of NCAA legislation. The committee finds that violations occurred due to the former head volleyball coach's activities detailed in Findings B-1, B-2, B-3 and B-4.

Throughout his tenure at the institution, the former head volleyball coach received rules education. He attended monthly coaches meetings where compliance issues were discussed, he was paired with the compliance officer as part of a mentoring program, and he had regular communication with the compliance officer. Nonetheless, over a substantial period of time he failed to ensure that his program abided by basic NCAA legislation regarding recruiting, benefits and playing and practice seasons.

At the very least, the former head volleyball coach should have known that some of his activities were contrary to NCAA rules, and there are indications that he may have intentionally violated the rules. The committee was particularly concerned about the possible intentional violations set forth in Findings B-3 and B-2-(a). Regarding Finding B-3, the former head volleyball coach was specifically told that only institutional personnel were allowed to travel on team busses. Nonetheless, he routinely allowed prospects to accompany the team to away contests on the team bus and sit on the team bench. Further, regarding Finding 2-(a), the prohibition against a coach allowing a student-athlete to use vehicles is universally understood, yet he allowed student-athlete 1 (whom the committee noted was perhaps the best player on his team) the use of a rented luxury automobile. Although he denies renting it specifically for her to use on her birthday, student-athlete 1 stated he knew of her affinity for fancy cars and told her to use it to go out for a birthday dinner. It was not alleged by the enforcement staff that the violations were committed intentionally, and, ultimately, the committee could not conclusively determine that the violations were intentional. Therefore, the committee did not bring a Bylaw 10.1-(c) unethical conduct allegation against the former head volleyball coach.

**6. FAILURE TO MONITOR. [NCAA Constitution 2.8.1]**

The facts of Finding B-3 demonstrate that, during the 2009-10 and 2010-11 academic years, the institution failed to monitor the conduct and administration of the women's volleyball program.

**Explanation of Violation**

The enforcement staff and institution were in agreement with the facts of this finding and that those facts constituted violations of NCAA legislation. The committee finds that violations occurred when the institution failed to monitor volleyball recruiting visits.

As set forth in Finding B-3, rules violations occurred when the former head volleyball coach allowed prospects visiting campus on the same days as away games to join the team on the trip to the games. The prospects rode on the team bus and sat on the team's bench during the games. The former head volleyball coach had been instructed by the athletics department that only institutional personnel were permitted on team busses, but the department did not monitor the visits in any way to prevent or discover in a timely fashion any improprieties that might occur. There was no requirement that coaches inform the department when a prospect was coming for a visit, and the athletics department did not communicate with the admissions department (the entity responsible for coordinating campus visits by high school students) regarding prospects coming to campus.



The lack of monitoring of campus visits made by prospective student-athletes allowed the violations to occur and prevented the athletics department from promptly discovering them. This failure to monitor by the institution violated NCAA Constitution 2.8.1.

**7. CONTACTING FOUR-YEAR COLLEGE PROSPECTS WITHOUT WRITTEN PERMISSION. [NCAA Bylaw 13.1.1.2]**

On April 13, 2012, without first obtaining written permission from their present institutions, the former head football coach contacted 467 four-year college football student-athletes via email to request they consider transferring to the institution.

**Explanation of Violation**

The enforcement staff and institution were in agreement with the facts of this finding and that those facts constituted violations of NCAA legislation. The committee finds that violations occurred when the former head football coach contacted student-athletes at other institutions without receiving permission from the institutions they were attending at the time the correspondence was sent.

In early April 2012 the former head football coach and his assistants reviewed a list of prospective student-athletes from the two previous recruiting cycles whose names were in the football recruiting database. After deleting names of prospects that were known to the coaches to already be on the roster of another four-year institution, but not researching the matter beyond the coaches' personal knowledge, the former head football coach composed a mass recruiting email that was sent to 1,604 individuals. It asked that all those already on a team ignore it, then went on to ask those who miss football to consider transferring to the institution. The mass email was sent out on April 12, 2012.

Shortly after the email was sent, the institution's director of athletics received a copy of the email from the director of athletics of another institution. It was eventually determined that 467 of the individuals who had received the correspondence were student-athletes at other four-year institutions. The sending of recruiting correspondence to student-athletes at other institutions, without first receiving permission from those institutions, constituted violations of NCAA Bylaw 13.1.1.2.

**C. PENALTIES.**

For the reasons set forth in Parts A and B of this report, the committee finds that this case involved major violations of NCAA legislation. As this case came to the committee through the summary disposition process and the findings were agreed upon by all parties (including the determination by the committee that Finding B-4 is major), there is no right to appeal the findings by any parties. The committee adopted the penalties self-imposed by the institution, and the institution also agreed to the imposition of further sanctions. They are set forth below as penalties C-6, C-7 and the extended time period of Penalty C-3. The committee also imposed Penalties C-8 and C-9. Because the findings and penalties were agreed upon by the institution and committee, there is no option to appeal by the institution. The former head football coach has the option to request an expedited hearing pursuant to Bylaw 32.7.1.4.3 regarding the additional time the committee added to his present institution's recruiting sanctions (See Penalty C-9). The former head volleyball coach has the option of requesting an expedited hearing regarding Penalty C-8. [Note: The institution's corrective actions are contained in Appendix Two.]

1. Public reprimand and censure.
2. Two years of probation from February 7, 2013, through February 6, 2015.
3. A prohibition on off-campus volleyball recruiting for two years from April 18, 2011, through December 31, 2013. This restriction shall apply to all activities set forth in Bylaw 13.02.8 as well as any other off-campus contacts, visits, evaluations or other activities designed to attract a prospect to the institution. (The institution imposed this restriction through April 18, 2013, only.)
4. The institution's volleyball coaching staff did not facilitate a non-traditional season in spring of 2012. Due to the alleged out-of-season opportunities gained by student-athletes, it was decided to restrict facilitated out-of-season opportunities for one calendar year. (Institution imposed)
5. The elimination of one volleyball tournament opportunity from the maximum number of allowable playing dates during the 2011 season. (Institution imposed).
6. The institution's volleyball team shall end its 2013 season with the playing of its last regularly scheduled, in-season contest and shall not be eligible to participate in any postseason competition, including a conference tournament, NCAA championship competition and a foreign tour following the season. Moreover, during the 2013-14 academic year, the volleyball team may not take advantage of the exceptions to the limitation in the number of volleyball contests that are provided in Bylaws 17.1.4.5.1, 17.1.4.5.2 and 17.1.4.5.3.

7. The institution self-imposed the vacation of all volleyball records and performances from the 2009, 2010 and 2011 seasons. Those vacations shall be effectuated pursuant to NCAA Bylaws 19.5.2.2-(d) and 31.2.2.3 and shall include all regular season and postseason competition, as well as any NCAA Division III championship participation in which ineligible student-athletes competed. The individual records of all student-athletes who competed while ineligible shall be vacated from the point they became ineligible through the time their eligibility was reinstated. Further, the institution's records regarding volleyball, as well as the record of the former head volleyball coach, shall be reconfigured to reflect the vacated records. The vacated records will be recorded in all publications in which institutional volleyball records are reported, including, but not limited to, institutional media guides, recruiting material, electronic and digital media plus institutional, conference and NCAA archives. Any member institution which may subsequently hire the former head volleyball coach shall similarly reflect the vacated wins in his career records documented in media guides and other publications cited above. Head coaches with vacated wins on their records may not count the vacated wins to attain specific honors or victory "milestones" such as 100<sup>th</sup>, 500<sup>th</sup> or 1000<sup>th</sup> career victories. Any public reference to the vacated contests shall be removed from athletics department stationery, banners displayed in public areas and any other forum in which they may appear.

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 and appropriate conference officials to identify the specific student-athletes 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 45 days following the release of this report.

8. The former head women's volleyball coach repeatedly violated NCAA recruiting legislation by providing impermissible benefits and inducements to prospective and enrolled student-athletes. He arranged for student-athletes to receive free travel and lodging, he instructed them to perform recruiting activities; he allowed them the use of rental cars and had them participate in impermissible out-of-season countable athletically related activities. Further, the former head volleyball coach allowed prospective student-athletes to travel on the team bus even after he had been informed they could not do so, and he allowed them to sit on the team bench during matches. Therefore, the committee imposes a two-year

show-cause order upon the former head volleyball coach beginning on February 7, 2013, and ending on February 6, 2015. During the period of the show cause, the committee restricts the athletically related duties of the former head volleyball coach as follows:

- a. He shall attend an NCAA Regional Rules Seminar during the first year the show cause is in effect;
  - b. For the full period the show cause is in effect, he shall be precluded from all off-campus recruiting activities. This shall include any activities set forth in Bylaw 13.02.8 as well as contacts, visits, evaluations and any other activity designed to attract a prospect to the former head volleyball coach's institution.
9. Through a mass email, the former football coach contacted 467 student-athletes at other institutions about possibly transferring to Occidental College without first obtaining permission from the institutions in which those student-athletes were enrolled. His present institution restricted the former head football coach from all off-campus recruiting from August 2012 through November 30, 2012.
10. During this period of probation, the institution shall:
- a. Continue to develop and implement a comprehensive educational program on NCAA legislation 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' eligibility for admission, financial aid, practice or competition;
  - b. Submit a preliminary report to the Office of the Committees on Infractions by April 15, 2013, 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 January 15 of each year during the probationary period. Particular emphasis should be placed on education regarding recruiting rules. The reports must also include documentation of the institution's compliance with the penalties adopted and imposed by the committee.
11. During the period of probation, the institution shall:

- a. Inform prospective student-athletes in volleyball and football of the violations committed in those sports and that the institution is on probation for two years. If a prospective student-athlete takes an official paid visit, the information regarding violations, penalties and terms of probation must be provided in advance of the visit. Otherwise, the information must be provided before the paid acceptance of the institution's written offer of admission and/or financial aid or prior to enrollment, whichever comes first.
  - b. Publicize the specific and understandable information concerning the nature of the infractions by providing, at a minimum, a statement to include the types of violations and the affected sports programs and a direct, conspicuous link to the public infractions report located on the athletics department's main webpage. The institution's statement must: (i) clearly describe the infractions; (ii) include the length of the probationary period associated with the major infractions case; and (iii) give members of the general public a clear indication of what happened in the case to allow the public (particularly prospective student-athletes and their families) to make informed, knowledgeable decisions. A statement that refers only to the probationary period with nothing more is not sufficient.
12. 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, Occidental College 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, February 7, 2013.

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.

Occidental College Public Infractions Report

February 7, 2013

Page No. 14

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Dave Cecil  
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## APPENDIX ONE

### CASE CHRONOLOGY.

#### 2011

April 5 - The former head volleyball coach reported to the institution's athletics department that his team had violated NCAA playing and practice season legislation and, as a result of that report, the institution conducted interviews with student-athletes which uncovered additional violations.

May 11 - The institution submitted a self report of levels I and II secondary violations to the NCAA enforcement staff.

#### 2012

September 14 - The summary disposition letter was received by the president of Occidental College.

November 26 - The summary disposition report was submitted to the NCAA Division III Committee on Infractions.

December 13 - The NCAA Division III Committee on Infractions reviewed the summary disposition report.

December 18 - The Committee on Infractions sent a letter to the institution, informing the institution that Finding B-4 is major and proposing further penalties.

#### 2013

January 3 - The institution responded to the committee accepting the determination that Finding B-4 is major and the additional proposed penalties.

February 7 - Infractions Report No. 382 was released.

## APPENDIX TWO

### **CORRECTIVE ACTIONS AS IDENTIFIED IN THE INSTITUTION'S NOVEMBER 26, 2012, SUMMARY DISPOSITION REPORT.**

In lieu of termination, the former head coach resigned on April 18, 2011. The internal investigation determined that many of the alleged violations occurred at the former head volleyball coach's direction.

The athletics department underwent an education session regarding the above-referenced violation April 19, 2011.

The institution increased its focus on, and resources devoted to, compliance by appointing a head track and field coach as compliance officer and increasing his salary by 19.24 percent. Compliance is the head track and field coach's primary obligation outside of coaching. Moreover, the institution, for the first time, attached a salary increase to compliance duties. The result is more time and attention given to compliance efforts, increased attention to compliance department wide and a strengthened system of compliance support resources for the entire department.

To be reinstated, student-athlete 1 was required to provide proof of repayment of the value of a one-day Porsche rental to a charity of her choice. Because the former head volleyball coach provided student-athlete 1 with use of a Porsche on her birthday, she was required to reimburse the value of that rental. Among local luxury car rental firms, the minimum rental period is one day.

Student-athletes 1, 2 and 4 were each required to complete 30 hours of community service in lieu of repayment of the value of the trip to Las Vegas where accommodations, some meals and transportation was provided by the representative. The community service plans of each of the student-athletes were submitted to the AMA reinstatement committee. Each of the plans was accepted and each student had her eligibility reinstated.

The institution declared student-athletes 1, 2 and 3 ineligible for competition during the 2011 season. In addition, student-athlete 1 was withheld from 10 percent of the 2012 volleyball season.