



UNIVERSITY OF CALIFORNIA, SAN DIEGO
PUBLIC INFRACTIONS REPORT
AUGUST 6, 2013

I. INTRODUCTION

On Thursday, June 13, 2013, officials from The University of California, San Diego, appeared before the NCAA Division II Committee on Infractions to address allegations of major infractions in the women's rowing program.¹ The former head women's rowing coach ("head coach") and a former assistant women's rowing coach ("assistant coach") declined to attend the hearing and did not file responses to the notice of allegations.² At issue were allegations of student-athletes practicing, competing and receiving travel expenses while ineligible, and the at-risk coaches facilitating the violations and allowing them to occur. It was also alleged that the head coach provided a prescription anti-inflammatory drug to members of the women's rowing team. The final allegation was that the institution failed to monitor the women's rowing program.

The institution was in substantial agreement with the facts of the allegations and that the violations occurred. During their interviews, the head coach and assistant coach agreed with parts of the allegations and that certain violations occurred, but did not agree to other facts set forth in the allegations. The committee concludes that the head coach and assistant coach knowingly allowed ineligible student-athletes to participate, the head coach provided a prescription drug to student-athletes, and that both coaches engaged in unethical conduct. The committee also concludes that the institution failed to monitor the women's rowing program.

In light of the major infractions, and as set forth below, the committee concludes that the following principal penalties are appropriate: one year of probation, vacation of contests in which student-athletes competed while ineligible, a financial penalty, a three-year show-cause order for the head coach, a one-year show-cause order for the assistant coach, and other appropriate penalties as detailed in the penalty section of this report.

¹ A member of the California Collegiate Conference and Western Intercollegiate Rowing Association, the institution has an enrollment of approximately 29,000 students. The institution sponsors 11 men's and 11 women's NCAA intercollegiate sports. This was the institution's first major infractions case.

² For the purposes of this report, the former head women's rowing coach will be referred to as the "head coach," because she was in that position when the violations occurred. In addition, the former assistant women's rowing coach will be referred to as the "assistant coach" as she was in that position when the violations occurred.

II. CASE HISTORY

On May 8, 2012, nine members of the institution's women's rowing team held a confidential meeting with the institutional administrator responsible for overseeing their sport ("associate director of athletics"). A team captain requested the meeting for the purpose of discussing the team's unhappiness with the behavior of the head coach. At the meeting, the student-athletes presented a four-page document listing their grievances. Among their complaints was an assertion that three student-athletes ("student-athletes 1, 2 and 3," respectively) had traveled, practiced and competed while ineligible. Also included in the document was an assertion that another student-athlete ("student-athlete 4") had traveled with the team to a competition while ineligible. The nine student-athletes also reported that the head coach dispensed Voltaren, a prescription anti-inflammatory drug, to members of the team.

Throughout the remainder of May, institutional personnel reviewed women's rowing travel documents and interviewed members of the women's rowing team. On May 21, institutional administrators, including the director of athletics ("director of athletics") and the associate director of athletics, interviewed the head coach and assistant coach. Following the interviews, the head coach and assistant coach were relieved of their duties, turned in their institutional keys and departed campus.

Over the next three days, institutional personnel conducted further interviews and continued to review institutional records. On May 25 and 29, the associate director of athletics and the compliance officer ("compliance officer") phoned the enforcement staff and left a voicemail stating that major violations had been discovered in the women's rowing program. On May 30, the director of athletics and associate director of athletics met with the members of the women's rowing team and informed them that the head coach had been relieved of her duties. The administrators also told the team that the potential for a full NCAA investigation existed and directed them to be open and honest once the investigation ensued. Also on May 30, the associate director of athletics spoke to NCAA enforcement personnel. During the conversation, the enforcement staff and associate director of athletics determined that the institution would complete its investigation and submit a self-report.

The associate director of athletics and compliance officer conducted further interviews on June 4. The institution completed and submitted the self-report on June 13, 2012.

The enforcement staff issued a notice of inquiry to the institution on July 20, 2012. From July into January 2013, the enforcement staff and institution engaged in a joint inquiry, conducting multiple interviews that led to the discovery of further possible violations.

The enforcement staff sent a document of proposed findings to the head coach and assistant coach on December 12, 2012. The head coach's attorney ("head coach's

attorney") responded the same day, stating that he and his client disagreed with the nature and seriousness of the violations. The enforcement staff received a letter from the head coach's attorney on December 27, requesting that the matter be disposed of through the secondary violation process.

On January 10, 2013, the enforcement staff issued a notice of allegations to the institution, head coach and assistant coach. After further violations were discovered, the enforcement staff issued revised notices of allegations on January 25, 2013, and March 26, 2013. The institution submitted a response to the notice of allegations on April 10, 2013, and participated in a prehearing conference with the enforcement staff on April 26. The enforcement staff and the assistant coach also held a prehearing conference on April 26. Following the December letter from the head coach's attorney, the enforcement staff had no further communication with her or her counsel.

III. FINDINGS OF FACT

Participation and receipt of travel expenses while ineligible

At various times during the 2010-11 and 2011-12 academic years, student-athletes 1, 2, 3, 4, and a fifth member of the team ("student-athlete 5"), were ineligible for practice, competition and/or team travel. During both academic years, the team was coached by the head coach and assistant coach. The assistant coach was in charge of the novice team, consisting of inexperienced rowers, while the head coach coached the varsity team and supervised both squads. The two teams practiced, traveled and competed together.

Student-athlete 1. A two-year college transfer, student-athlete 1 initially enrolled at the institution for the 2010-11 academic year. She had spent three years in the two-year college without earning her Associate of Arts degree, but was allowed to temporarily practice pursuant to the 45-day exception of Bylaw 14.5.4.4.6. The period she was allowed to practice ran from October 4, 2010, through November 17. During that time, the institution worked to determine her final status with the NCAA Eligibility Center.

On October 28, 2010, the head coach and assistant coach both signed an eligibility roster that listed student-athlete 1 as ineligible. On November 8 the compliance officer emailed the head coach, stating that the institution was waiting on certain documents from student-athlete 1's two-year college so as to get her "cleared as fast as possible." The head coach responded to the compliance officer the following day, stating an understanding that student-athlete 1 was ineligible. Three days later, on November 12, the compliance officer once again emailed the head coach with an updated eligibility roster; it confirmed that student-athlete 1 was one of only two student-athletes on the squad who remained ineligible to travel and compete. The assistant coach signed the roster the same day.

On November 14, 2010, student-athlete 1 competed in the Head of the Lagoon event in Foster City, California, rowing under the name of a student-athlete who did not travel to the competition site. Similarly, student-athlete 1 signed meal receipts using the name of a former student-athlete ("former student-athlete") who was not on the trip. In the four days before the competition, the head coach told student-athlete 1 that she would be traveling on the bus to the competition. On November 10, the head coach sent an email to the team that listed student-athlete 1 as a competitor in two specific boats the institution was entering in the event. Once at the competition site, the head coach instructed student-athlete 1 to sign the names of the other student-athletes on the race waiver and meal receipts. Student-athlete 1 rode the team bus to and from the competition site.

The Head of the Lagoon event was the team's last competition of the fall term. In January 2011, as the team began preparation for the spring season, the compliance officer sent further emails to the head coach, reminding her that student-athlete 1 was still ineligible to practice.³ On January 24, the head coach signed an eligibility roster that stated student-athlete 1 remained ineligible. Nonetheless, the head coach allowed student-athlete 1 to practice, listing her by her inverted initials on the practice lineups.⁴ In an attempt to divert attention from the fact that student-athlete 1 was participating, the head coach told her not to attend weight room workouts, as the strength and conditioning coach was aware she was not to be practicing. Student-athlete 1 practiced throughout January and into February 2011. The NCAA designated her as a partial qualifier on February 23, 2011, which allowed her to begin practicing with the team. She was still ineligible to travel or compete.

Student-athlete 1 traveled with the team to the opening event of the 2011 spring season, held March 5 in Long Beach, California. Student-athlete 1 did not compete in the event but received meals. She signed for the meals using the name of another student-athlete who did not make the trip.

On March 11, the compliance officer sent an email to the head coach. It stated as follows:

I'm sorry that there was no decision in time for today. I called a couple of times and left a message for the individual in charge of [student-athlete 1's] waiver at the NCAA and did not get a response. I will try again Monday.

³ Specific emails were exchanged on January 2, 3, 4 and 10, 2011.

⁴ All other rowers were listed by name on the same documents.

Student-athlete 1 traveled with the team and competed the following day, March 12, in the Sacramento Invitational at Gold River, California. Student-athlete 1 raced and signed for meals under the name of the same student-athlete she had used the previous week. She was listed by her own name on the rooming list for the hotel. The NCAA certified student-athlete 1 as eligible for competition on March 17, 2011.

In her interview with the institution on May 22, 2012, student-athlete 1 confirmed that she raced at the Head of the Lagoon and Sacramento Invitational events. She stated that the head coach knew she was ineligible in the fall of 2010 but had her ride the team bus to Foster City and sign the race waiver with the name of a different student-athlete. The head coach also told her "don't tell a whole lot of people [about student-athlete 1 racing] because we don't want people to find out." In the spring of 2011, the head coach told student-athlete 1 that she could not practice, yet she practiced "every day." Student-athlete 1 was aware that the head coach listed her by her inverted initials on the practice lineups because the head coach told her she was going to list her that way.

Student-athlete 1 also admitted that she rode the team bus to the March 5, 2011, event in Long Beach and the Sacramento Invitational. In Sacramento, as the team boarded the bus at the hotel to ride to the competition site on the morning of the race, the head coach told student-athlete 1 that she would be racing. The interviewer showed student-athlete 1 the signed meal receipts from that weekend, and student-athlete 1 was able to confirm her signature on the form. She signed the name of another student-athlete, scribbling the last name because she did not know how to spell it. Student-athlete 1 stated that she knew she was not eligible to compete during the 2010-11 academic year.

Another student-athlete reported to the institution in her interview that she was on the same boats with student-athlete 1 at practices and that the head coach told the team that student-athlete 1 would be listed by her inverted initials in the emails containing the practice lineups.

Student-athlete 2. Student-athlete 2 enrolled as a freshman at the institution for the 2010-11 academic year. She was cleared to practice and compete for the fall and winter quarters. However, after the winter quarter, student-athlete 2's grade-point average dropped below the minimum institutional requirement for athletics competition, rendering her ineligible for spring travel and competition per Bylaw 14.4.1. On April 1, 2011, the compliance officer sent an email to the head coach and assistant coach, reminding them that student-athlete 2 could only practice during the spring quarter. The head coach acknowledged receipt of the memo the following day. Student-athlete 2 traveled on the team bus to the April 2-3, 2011, San Diego Crew Classic and competed in the event.

On April 13, 2011, the head coach signed the spring eligibility roster. It confirmed that student-athlete 2 was ineligible to travel or compete.

The Western Intercollegiate Rowing Association (WIRA) Championships were held over two days, April 30 and May 1, 2011. Student-athlete 2 rode the team bus to the event. The day before the first race was held, seven members of the team had a meeting with the assistant coach in which they expressed concern about student-athlete 2 racing the following day.⁵ Student-athlete 1 stated in her interview with the institution that she was one of the seven student-athletes at the meeting and that the assistant coach was aware of student-athlete 2's ineligibility to compete at the event. According to student-athlete 1, the assistant coach responded to the group's concerns by stating that racing student-athlete 2 was "the only option." The former student-athlete stated in her interview with the institution that the assistant coach was "uncomfortable" with student-athlete 2 competing at the event but still allowed it. Student-athlete 2 raced in the event under the name of a student-athlete who had been scheduled to compete but had fallen ill. She signed meal receipts for the competition using the name of the same ill student-athlete.

During her prehearing conference with the enforcement staff prior to the hearing, the assistant coach acknowledged that student-athlete 2 competed at the San Diego Crew Classic. In her interview with the institution, student-athlete 1 stated that student-athlete 2 raced at the WIRA Championships in a novice boat in place of a sick student-athlete. Another member of the team provided a photograph to the institution that showed student-athlete 2 competing at the WIRA event.

The head coach and assistant coach had a conversation regarding student-athlete 2 sometime in the spring of 2011. The head coach stated that if the only way to ensure that every team member had the opportunity to race was to allow student-athlete 2 to compete, the assistant coach should "race this person." The assistant coach responded that she was not comfortable racing someone who was ineligible, but she stated that she went along with the head coach "to keep my head coach as pacified in a situation like this as possible, and so I went along with her decision." The assistant coach claimed no recollection of student-athletes meeting with her and expressing their concerns regarding student-athlete 2 racing while ineligible.

Student-athlete 3. Student-athlete 3 was a two-year college transfer. She initially enrolled at the institution for the 2010-11 academic year but did not try out for the women's rowing team until the following year, 2011-12. Due to her failing to pass enough units toward her declared degree program in the year prior to joining the rowing team, she did not meet the Bylaw14.4.3.1.6-(b) progress-toward-degree provision. Therefore, student-athlete 3 could only practice in the fall of 2011 and was not permitted to travel or compete. Although she was a novice, student-athlete 3 practiced with the

⁵ The seven student-athletes felt that they had a chance to earn a medal in the WIRA competitions. They knew that if they did, the identities of all rowers would be subject to official verification.

varsity squad from the beginning of the fall semester until she left the team in March 2012. She was ineligible to travel or compete throughout her time with the team.

Beginning with an email sent on June 7, 2011, the compliance officer discussed student-athlete 3's academic situation with the head coach throughout the summer. On September 7, 2011, the compliance officer emailed student-athlete 3 and copied the head coach. The email stated, in part, that "you are ineligible to compete in the fall because you are low on units that can be applied to NCAA academic eligibility requirements." On October 14, in an email she sent to the institution's travel coordinator ("travel coordinator"), the head coach included student-athlete 3 on the hotel rooming list for upcoming trips. On October 17, the head coach checked with the compliance officer regarding student-athlete 3's chances of becoming eligible; the compliance officer replied on October 20 that there was "no chance of [student-athlete 3] being eligible fall quarter." This was reiterated by the compliance officer in an email to the head coach on October 26, when she stated that there was "zero chance" that student-athlete 3 could compete during the fall term. On October 29, the compliance officer emailed an eligibility roster to the head coach and assistant coach. It showed that student-athlete 3 remained ineligible. The head coach signed the form on the same day.

On October 30, 2011, the team participated in a local event known as the Row for the Cure. Student-athlete 3 competed as a coxswain in a novice boat.⁶

The institution's women's rowing team competed in the Head of the Marina regatta in Marina Del Rey, California, on November 5, 2011, and in the Newport Autumn Rowing Festival, in Newport Beach, California, the following day. Both competitions were part of one trip, necessitating an overnight hotel stay for the team. At practice several days before the competition, the head coach told student-athlete 3 that she was going to compete in the place of a student-athlete who had been stung by a stingray. Student-athlete 3 competed on November 5 using the name of another student-athlete. Further, she stayed in the team hotel with the same student-athlete who was listed as her roommate in the October 14 email from the head coach to the travel coordinator. Student-athlete 3 did not compete on November 6 but received travel and meal expenses both days. The head coach told student-athlete 3 not to sign the meal forms because she was ineligible, but student-athlete 3 signed them anyway, using her own name.

Student-athlete 3 was aware that she was ineligible the entire time she was a member of the team and that she could not travel with the team or compete in races. Student-athlete 3 confirmed in her interview with the enforcement staff on October 25, 2012, that the head coach was also aware of student-athlete 3's ineligibility. She only competed at the

⁶ The coxswain is a crucial member of a rowing crew. They sit in the stern of the boat, face the bow, and are responsible for coordinating the steering and rhythm of the rowers. Another student-athlete who was in the same boat recalled student-athlete 3 coxing at the Race for the Cure. Two different student-athletes recalled student-athlete 3 coxing at the November 5 Head of the Marina event.

Head of the Marina event because the head coach told her to "go" as the race was about to begin. She was unsure of whose name she raced under, but it was not her own.

Two other members of the team reported in their interviews with the institution that student-athlete 3 competed at the Race for the Cure as a coxswain.

Student-athlete 4. Student-athlete 4 enrolled at the institution as a freshman in 2011-12. She walked on to the men's crew team (a club team) in the fall of 2011, but joined the women's rowing squad in January 2012 after being cut by the men's team. However, student-athlete 4's cumulative grade-point average dipped below 2.0 (the institutional minimum for athletics eligibility) following the fall quarter, rendering her ineligible for travel or competition starting with the winter term, which began in January. Further, at the time she joined the women's squad, she had not yet registered with the NCAA Eligibility Center.

An assistant director of athletics ("assistant director of athletics") notified the men's crew coach ("men's crew coach") by email on January 12, 2012, that student-athlete 4 was enrolled in less than 12 units. The men's crew coach responded that student-athlete 4 had been cut and transitioned to the women's team, and he forwarded the email to the head coach. The following day and on January 16, the assistant director of athletics communicated with the head coach regarding student-athlete 4. They discussed how to add a student to the roster, and the compliance officer informed the head coach that student-athlete 4 was not allowed to participate.

The following email communications were then exchanged among various individuals:

- On January 24, the head coach requested that the compliance officer add student-athlete 4 to the women's rowing roster.
- The compliance officer responded the following day, indicating that student-athlete 4 was not yet on the roster.
- On January 30, the assistant coach informed the head coach that the compliance officer was still working on student-athlete 4's eligibility case.
- On February 1, the compliance officer informed the two coaches that student-athlete 4 could not practice until all eligibility issues were resolved.

Student-athlete 4 traveled with the team to a competition in Newport Beach, California, on either March 3 or March 24, 2012.⁷ She did not compete in any races. She was cleared for practice on March 13, 2012.

⁷ The institution competed in the Opening Day regatta on March 3 and the Berg Cup on March 24. Both events were held in Newport Beach. Student-athlete 4 could not recall which of the two events she attended, but agreed she traveled once with the team to an event in Newport Beach. The recollection of two other team members was that she traveled to the March 3 event.

Student-athlete 5. Student-athlete 5 initially enrolled at the institution in fall 2011 as an incoming freshman. On September 24, she attended the team physicals and was cleared by the training staff to participate. However, during the first few weeks of the fall term, the head coach presented an updated roster to the compliance officer showing that student-athlete 5 was no longer a member of the team.

The head coach included student-athlete 5 on the rooming list she submitted to the travel coordinator on October 14 in preparation for travel to the Head of the Marina regatta and Newport Autumn Rowing Festival. Those events were scheduled for November 5-6, 2011.

On October 26, an athletics trainer emailed the head coach asking about student-athlete 5, who had come into the training room seeking treatment for an injury. The trainer was concerned because student-athlete 5's name did not appear on the women's team roster. The head coach responded via email and copied the compliance officer, stating there must have been a mistake, because student-athlete 5 was still a member of the team.⁸ At that point, the compliance officer began the process necessary to get student-athlete 5 eligible. The following series of emails was exchanged among the parties in the following days:

- On November 2, the head coach emailed the compliance officer, stating that she would like to have student-athlete 5 row at the upcoming weekend's events if she gets cleared to compete.
- On November 3, the head coach emailed the compliance officer to check on student-athlete 5's eligibility status. She expressed an understanding that student-athlete 5 was ineligible.
- The compliance officer responded on November 4, explaining that student-athlete 5 was not eligible as she had not completed her amateurism information and the Eligibility Center did not have her high school transcripts.

On November 5, 2011, the head coach signed an eligibility roster that listed student-athlete 5 as ineligible for travel and competition. Nonetheless, as student-athlete 5 admitted in her interview with the institution, she traveled with the team to the Head of the Marina regatta and the Newport Autumn Rowing Festival. She stayed in the team hotel and received meal money, signing her own name to the meal receipt forms. She did not row in any races. Student-athlete 5 also stated that the head coach knew she was ineligible. In a May 22, 2012, interview with the institution and a September 25, 2012, interview with the enforcement staff, student-athlete 5 reported that she traveled with the team to the November 5-6, 2011, events, received meal money, and stayed overnight with the team. She signed her own name to the meal receipts. Student-athlete 1 and

⁸ There was no violation, as at this point student-athlete 5 was still within the 45 days she was allowed to practice without having her eligibility certified.

another student-athlete also recalled student-athlete 5 traveling with the team to the two competitions.

The NCAA cleared student-athlete 5 to compete on November 10, 2011. The compliance officer notified the head coach of student-athlete 5's eligibility on that same day.

Statements made by the head coach and the assistant coach

In her interview with the institution on May 21, 2012, the head coach acknowledged that student-athlete 1 competed while ineligible and that she (the head coach) allowed her to do so. In her interview with the enforcement staff, held October 2, 2012, the head coach reiterated that she allowed student-athlete 1 to compete while ineligible twice during the fall of 2010. The head coach stated that student-athlete 1 also competed at the March 12, 2011, Sacramento Invitational, although the head coach stated an understanding that student-athlete 1 was eligible for that event. She could not provide a reason for her belief that student-athlete 1 was eligible at that time. In the same interview, the head coach admitted asking, and allowing, student-athlete 3 to compete as a coxswain in the Head of the Marina event in the fall of 2011. The head coach denied allowing student-athletes to compete using false names or directing student-athletes to use false names when signing meal forms. She claimed a lack of knowledge regarding student-athletes traveling while ineligible.

The enforcement staff interviewed the assistant coach on September 10, 2012. She was hired by the institution in July 2009 to coach the novices. She had previously worked as a volunteer coach, but this was her first job as a full-time college coach. The head coach told the assistant coach which student-athletes were eligible, which would travel to away contests and which would compete. In May 2011, while conversing with the head coach regarding student-athlete 2, the assistant coach told the head coach that she (the assistant coach) was not comfortable allowing ineligible student-athletes to race but that the decision was the "call" of the head coach. She claimed to not know if and when student-athlete 2 raced while ineligible, but claimed that, if she (the assistant coach) allowed student-athlete 2 to compete while ineligible, she did so at the direction of the head coach. She further claimed that she never received any complaints from student-athletes regarding ineligible student-athletes being allowed to compete.

The head coach's provision of a prescription anti-inflammatory drug to student-athletes

During the 2010-11 academic year, the head coach dispensed a prescription anti-inflammatory drug, Voltaren, to a women's rowing student-athlete ("student-athlete 6"). During the 2011-12 academic year, the head coach dispensed Voltaren to student-athlete 6 and five other members of the women's rowing team ("student-athletes 7, 8, 9, 10 and

11," respectively). At no time was the head coach licensed to dispense prescription medicine, and the drug was not generally available to the institution's other student-athletes or members of the student body. None of the student-athletes who used the Voltaren had a prescription for the drug.

Voltaren is a topical nonsteroidal anti-inflammatory drug that requires a prescription in the United States. It is used for the relief of joint pain in the knees, ankles, wrists and hands caused by osteoarthritis.

When interviewed as part of the investigation in this case, student-athletes 6, 7, 8, 9, 10 and 11 all reported that the head coach had provided them with Voltaren. Student-athlete 6 used the drug five to 10 times over the course of two academic years to relieve pain in her back. The head coach offered her the drug and allowed her to retrieve it from the team's medical bag, where it was stored. Student-athlete 7 observed the head coach applying the drug to student-athlete 6's back. Student-athlete 7 used the drug herself twice a week for approximately a month in 2011-12 to treat an elbow injury. She initially obtained the tube of Voltaren from the head coach.

The head coach applied Voltaren to student-athlete 8's knees at practice approximately three times during 2011-12, explaining that it was a "topical lotion for inflammation." The head coach also told her that she (the head coach) could obtain the drug cheaply if student-athlete 8 was interested in purchasing her own supply. Student-athlete 1 observed the head coach provide the drug to student-athletes 6 and 8.

The head coach also gave Voltaren to student-athlete 9, telling her that it was like "liquid ibuprofen" that would help with the muscle fatigue student-athlete 9 was experiencing in her forearms. The head coach cautioned student-athlete 9 not to use too much of the drug, as it could cause "liver damage." Student-athlete 9 only used Voltaren on two occasions.

Student-athlete 10 was given a small "travel sized" tube of Voltaren by the head coach in January 2012 after suffering a lower back injury. The head coach directed her not to tell anyone about the provision of the drug. Student-athlete 10 used the drug "a couple of times a week" for approximately three weeks.

The head coach applied Voltaren to student-athlete 11's back at practice and provided her with an amount of the substance in a pill bottle. Another student-athlete recalled the head coach providing the drug to student-athlete 11 in a pill bottle.

In an interview with the institution on May 21, 2012, the head coach admitted providing Voltaren "occasionally" to student-athletes. She obtained it in England and Canada.

The institution's failure to review travel records and student-athlete surveys

The institution acknowledged that it failed to monitor its athletics program in two principal ways. First, during 2010-11 and 2011-12, the athletics department's system for monitoring student-athletes' travel to and participation in away-from-home contests did not include a post-event check on the eligibility status of all student-athletes who had traveled to the competition sites and participated in the contests. Second, in the spring of 2011, the institution failed to comply with its own internal policies for reviewing exit interview surveys and evaluations submitted by student-athletes.

Prior to leaving for away-from-home competitions, coaches at the institution were provided eligibility rosters containing information pertaining to who could practice, travel and compete. Coaches were expected to allow only those student-athletes cleared for competition to make the trips. Additionally, the compliance staff provided education regarding eligibility, travel and participation rules to coaches. The women's rowing team at the institution traveled primarily by bus, and the institutional expectation was that the coaches would only allow eligible student-athletes to board the bus as it was preparing to depart. The women's rowing student-athletes who traveled normally signed forms for meal expenses provided to them. The coaches then submitted the forms to the athletics administration for reimbursement to the rowing program's budget.

During the 2010-11 and 2011-12 academic years, the associate director of athletics, who was responsible for overseeing the women's rowing team, signed off on the team's meal reimbursement forms without checking the names of all student-athletes who had received the expenses. The associate director of athletics characterized this part of the oversight responsibility as a "back end check" that should have been performed prior to the expense reports being approved.

The athletics administration at the institution asks student-athletes in each sport to complete evaluation surveys at the end of each season of competition. An online version of the survey was used for the first time in 2011. The women's rowing team members, who had previously filled out paper survey forms, were asked by the administration to complete their surveys online in May of that year.

Institutional protocols required that the survey forms be reviewed each year by the responsible administrator. In approximately May 2012, as the institution began to uncover the violations that are the subject of this case, the associate director of athletics realized that she had not reviewed the electronic forms completed by the rowing team. She "pulled" the forms, read them, and discovered that five student-athletes, in response to a survey question asking if the coach of their team "understands athletics eligibility requirements," had made some mention of the head coach allowing ineligible student-athletes to participate. No evaluations from prior years contained any reference to possible rules violations.

IV. ANALYSIS

The enforcement staff and institution were in agreement with the facts. The head coach and assistant coach did not file responses to the notice of allegations or appear at the hearing, but in their interviews they denied certain allegations.⁹ Specifically, the head coach denied instructing student-athletes to travel while ineligible and to sign travel-related documents using false names. She admitted that she knowingly allowed student-athletes 1 and 3 to compete while ineligible. The assistant coach denied allowing ineligible student-athletes to compete and providing false information to the enforcement staff. The findings in this case fall into five areas: (A) ineligible student-athletes practicing, competing and receiving travel expenses; (B) the head coach providing a prescription drug to student-athletes; (C) the head coach's unethical conduct, (D) the assistant coach's unethical conduct; and (E) the institution's failure to monitor its athletics program.

A. THE INSTITUTION PERMITTED STUDENT-ATHLETES TO PRACTICE, COMPETE AND TRAVEL WHILE INELIGIBLE. [NCAA Bylaws 14.3.1, 14.3.5.1, 14.4.1, 14.4.3.1.6-(b), 14.5.4.4.6 and 16.8.1.2]

Student-athletes 1 and 2 competed while ineligible in two contests during the 2010-11 academic year. They both received impermissible travel expenses while ineligible, and student-athlete 1 also practiced when she was not eligible to do so. Student-athlete 3 competed while ineligible in two contests and received impermissible travel expenses during the 2011-12 academic year. Student-athletes 4 and 5 received impermissible travel expenses during the 2011-12 academic year. The enforcement staff and institution substantially agreed to the facts and that those facts constituted violations of NCAA legislation. The committee agrees that the violations occurred and concludes that the facts constitute violations of NCAA legislation.

1. NCAA legislation regarding impermissible practice, competition and travel

The applicable portions of the bylaws state:

14.3.1 – Eligibility for Financial Aid, Practice and Competition. A student-athlete who enrolls in a Division II institution as an entering freshman with no previous full-time

⁹ Pursuant to Bylaw 32.6.2, the failure of the head coach and the assistant coach to submit responses may be viewed by the committee as admissions that the violations occurred.

college attendance shall meet the following academic requirements, as certified by the NCAA Eligibility Center, and approved by the Executive Committee, and any applicable institutional and conference regulations, to be considered a qualifier and thus be eligible for financial aid, practice and competition during the first academic year in residence. (Revised: 1/16/93 effective 8/1/94, 1/9/96 effective 8/1/97, for those student-athletes first entering a collegiate institution on or after 8/1/97, 4/23/07)

14.3.5.1 – Participation before Certification – Recruited and Nonrecruited Student-Athlete. If a recruited or nonrecruited student-athlete reports for athletics participation before the high school core-curriculum grade-point average and test score have been certified, the student-athlete may practice, but not compete, for a maximum of 45 days, provided the student-athlete is enrolled full time or has been accepted for enrollment as a regular full-time student. After this 45-day period, the student shall have established minimum requirements as a qualifier (as certified by the NCAA Eligibility Center) to continue practicing or to compete, or the minimum requirements as a partial qualifier to continue practicing. (Revised: 1/13/03 effective 8/1/03, 4/23/07)

14.4.1 – Progress Toward-Degree Requirements. To be eligible to represent an institution in intercollegiate athletics competition, a student-athlete shall maintain progress toward a baccalaureate or equivalent degree at that institution as determined by the regulations of that institution. As a general requirement, "progress toward degree" is to be interpreted at each member institution by the academic authorities who determine the meaning of such phrases for all students, subject to controlling legislation of the conference(s) or similar association of which the institution is a member. (See Constitution 3.2.4.13 regarding the obligations of members to publish their progress-toward-degree requirements for student-athletes.) (Revised: 5/12/09)

14.4.3.1.6 – Hours Earned or Accepted for Degree Credit. The provision that the calculation of credit hours under the progress-toward-degree regulation shall be based on hours earned or accepted for degree credit at the certifying institution in a student-athlete's specific baccalaureate degree program (see Bylaw 14.4.3.1.5) shall be met as follows:

- (b) By the beginning of the third year of enrollment (fifth semester or seventh quarter), a student-athlete shall be required to have designated a program of studies leading toward a specific baccalaureate degree. From that point, the credits used to meet progress-toward-degree requirements must be degree credit toward the student's designated degree program

14.5.4.4.6 – Participation Before Certification – Recruited and Nonrecruited Student-Athlete. If a recruited or a nonrecruited two-year college transfer reports for athletics participation before the student-athlete's high school or two-year college academic record has been certified, the student-athlete may practice, but not compete, for a maximum of 45 days. After this period, the student-athlete shall have established minimum requirements as a transfer to continue practicing or to compete. (Revised: 1/13/03 effective 8/1/03)

16.8.1.2 – Competition While Representing Institution. An institution may provide actual and necessary travel expenses (e.g., transportation, lodging and meals) to a student-athlete for participation in athletics competition, provided the student-athlete is representing the institution (competes in the uniform of the institution) and is eligible for intercollegiate competition. (Revised: 1/10/92, 1/13/98, 6/22/11)

2. Student-athletes 1, 2, 3, 4 and 5 practiced, traveled and/or competed while ineligible.

The facts demonstrate that student-athletes 1-5 impermissibly practiced, competed and/or received travel and meal expenses related to competition at times they were prohibited from doing so. Student-athlete 1, a two-year college transfer, was in violation of Bylaw 14.5.4.4.6 when she practiced beyond 45 days after initially reporting for athletics participation. Further, when she rowed in the Head of the Lagoon regatta on November 14, 2010, and in the Sacramento Invitational on March 12, 2011, prior to being certified as eligible by the NCAA Eligibility Center, she did so in violation of Bylaw 14.5.1. The provision of competition related travel expenses she received on both instances was prohibited by Bylaw 16.8.1.2.

Student-athlete 2 became ineligible for travel and competition during the 2011 spring term due to her grade-point average dropping below the

minimum required by the institution for athletics participation. As of April 1, 2011, she was only allowed to practice. Student-athlete 2 rode on the team bus to the San Diego Crew Classic and competed in that event on April 2 and 3, 2011. Further, on April 30 and May 1, 2011, she competed at the WIRA Championships. Bylaws 14.4.1 allows only those student-athletes who have met institutional progress-toward-degree requirements to practice or compete, and, as stated above regarding Bylaw 16.8.1.2, an institution can only provide travel expenses to those student-athletes eligible for competition.

Student-athlete 3 was ineligible to compete during the fall of 2011 because she had not passed enough units toward her declared major in the academic year prior to joining the women's rowing team. She was, however, able to practice. Student-athlete 3 competed in the Row for the Cure and Head of the Marina regattas in the fall of 2011. She received travel expenses in conjunction with the Head of the Marina event and the Newport Autumn Rowing Festival, which was held the same weekend. When student-athlete 3 competed and received travel expenses while ineligible due to not meeting NCAA progress-toward-degree requirements, Bylaws 14.4.1, 14.4.3.1.6-(b) and 16.8.1.2 were violated.

Student-athletes 4 and 5 both received impermissible travel expenses at times when both were ineligible because they had not yet been certified by the NCAA Eligibility Center. Student-athlete 4 traveled with the team to a competition in Newport Beach on either March 3 or March 24, 2012. She was cleared for practice only on March 13. Student-athlete 5 traveled with the team to competitions and received meal money on November 5-6, 2011, at a time when she was only allowed to practice. Bylaw 14.3.5.1 provides that student-athletes who have not yet been certified as eligible by the Eligibility Center are not eligible for competition. Accordingly, per Bylaw 16.8.1.2, they should not have been provided travel and meal expenses related to competition.

The committee concludes that the facts as found constitute violations of NCAA Bylaws 14.3.1, 14.3.5.1, 14.4.1, 14.4.3.1.6, 14.5.4.4.6 and 16.8.1.2.

B. THE HEAD COACH PROVIDED A PRESCRIPTION ANTI-INFLAMMATORY DRUG TO SIX STUDENT-ATHLETES. [NCAA Bylaw 16.11.2.1]

The head coach provided Voltaren, a prescription topical nonsteroidal anti-inflammatory drug, to student-athlete 6 during the 2010-11 and 2011-12 academic

years and to student-athletes 7, 8, 9, 10 and 11 during 2011-12. She was not medically qualified to dispense the drug, she did not provide it to the general student body, and none of the student-athletes had prescriptions for the drug at the times the head coach provided it to them. The enforcement staff and institution substantially agreed to the facts and that those facts constituted violations of NCAA legislation. The head coach did not respond to this allegation but, during her interview with the institution, admitted providing Voltaren to student-athletes. The committee agrees that the violations occurred and concludes that the facts constitute violations of NCAA legislation.

1. NCAA legislation regarding provision of prescription drugs to student-athletes

The applicable bylaw states:

16.11.2.1 – General Rule. The student-athlete shall not receive any extra benefit. The term "extra benefit" refers to any special arrangement by an institutional employee or representative of the institution's athletics interests to provide the student-athlete or his or her relatives or friends with a benefit not expressly authorized by NCAA legislation. [R] (Revised: 6/22/11)

2. The head coach provided Voltaren to student-athletes.

The facts in this case demonstrate that the head coach provided Voltaren to student-athletes 6, 7, 8, 9, 10 and 11. All six student-athletes described the circumstances under which the head coach either gave the substance to them or applied it to their injuries. In certain instances, other individuals observed the head coach dispense the drug. The head coach, in her interview with the institution on May 21, 2012, acknowledged providing Voltaren to student-athletes. Voltaren can only be obtained by a prescription in the United States, and none of the student-athletes had prescriptions for the drug at the times the head coach gave it to them. The head coach did not make the substance available to the institution's general student body. The head coach provided the drug to the student-athletes in a manner that constituted an extra benefit prohibited by Bylaw 16.8.1.2.

The committee has dealt with situations involving coaches providing prescription medications to student-athletes on two prior occasions, *University of the Incarnate Word*, Case No. M274 (2009) and *Wingate University*, Case No. 184353 (2013). We reiterate that the provision of prescription drugs to student-athletes without medical supervision, by

someone without the requisite medical background, is potentially detrimental to the health and welfare of student-athletes.¹⁰ Violations of this nature will be taken seriously by this committee.

C. THE HEAD COACH VIOLATED THE PRINCIPLES OF ETHICAL CONDUCT, FAILED TO ESTABLISH AN ATMOSPHERE FOR COMPLIANCE AND FAILED TO COOPERATE BY ALLOWING INELIGIBLE STUDENT-ATHLETES TO COMPETE, FURNISHING FALSE INFORMATION, PROVIDING PRESCRIPTION MEDICATION AND REFUSING TO SUBMIT TO A SECOND INTERVIEW. [NCAA Bylaws 10.01.1, 10.1, 10.1-(a), 10.1-(c), 10.1-(d), 10.1-(f), 11.1.2.1, 19.01.2 and 19.01.3].

During the 2010-11 and 2011-12 academic years, the head coach violated the principles of ethical conduct, honesty and sportsmanship, and exemplary conduct. She also failed to promote an atmosphere for compliance in the women's rowing program at the institution. She knowingly permitted student-athletes 1, 2 and 3 to compete and receive travel expenses while ineligible, and she knowingly allowed student-athletes 4 and 5 to receive travel expenses while ineligible. The head coach also knowingly allowed student-athlete 1 to practice while ineligible. The head coach took actions designed to hide the violations she was committing, including directing student-athletes to misrepresent themselves on travel-related documents.

Further, the head coach provided Voltaren, a prescription anti-inflammatory drug, to student-athletes 6-11, and she provided false information to the enforcement staff during her October 2, 2012, interview when she denied knowledge of some of the violations regarding student-athletes 1, 2 and 3. Finally, the head coach failed to cooperate when she refused to participate in a second interview with the enforcement staff subsequent to October 18, 2012.

The enforcement staff and institution substantially agreed to the facts and that those facts constituted violations of NCAA legislation. The head coach did not respond to the allegations, but, in her interviews with the institution and enforcement staff, acknowledged allowing student-athletes 1 and 3 to compete while ineligible and providing Voltaren to student-athletes. The committee concludes that the violations occurred and that the facts constitute violations of NCAA legislation.

¹⁰ As set forth in Finding C, the head coach also violated Bylaw 10.1-(f) when she provided the drug to the student-athletes.

1. NCAA legislation regarding ethical conduct

The applicable portions of the bylaws state:

10.01.1 – Honesty and Sportsmanship. Individuals employed by (or associated with) a member institution to administer, conduct or coach intercollegiate athletics and all participating student-athletes shall act with honesty and sportsmanship at all times so that intercollegiate athletics as a whole, their institutions and they, as individuals, shall represent the honor and dignity of fair play and the generally recognized high standards associated with wholesome competitive sports.

10.1 – Unethical Conduct. Unethical conduct by a prospective or enrolled student-athlete or a current or former institutional staff member, which includes any individual who performs work for the institution or the athletics department even if he or she does not receive compensation for such work, may include, but is not limited to, the following: (Revised: 1/10/90, 1/9/96, 7/20/11, 2/24/11)

- (a) Refusal to furnish information relevant to an investigation of a possible violation of an NCAA regulation when requested to do so by the NCAA or the individual's institution;
- (c) Knowing involvement in offering or providing a prospective or an enrolled student-athlete an improper inducement or extra benefit or improper financial aid; *(Revised: 1/9/96)*
- (d) Knowingly furnishing or knowingly influencing others to furnish the NCAA or the individual's institution false or misleading information concerning an individual's involvement in or knowledge of matters relevant to a possible violation of an NCAA regulation; *(Revised: 1/13/10)*
- (f) Knowing involvement in providing a banned substance or impermissible supplement to student-athletes, or knowingly providing medications to student-athletes contrary to medical licensure, commonly accepted standards of care in sports medicine practice, or state or

federal law. This provision shall not apply to banned substances for which the student-athlete has received a medical exception per Bylaw 31.2.3.5; however, the substance must be provided in accordance with medical licensure, commonly accepted standards of care and state or federal law; (*Adopted: 1/9/06, Revised: 4/26/06, 5/29/08, 10/19/10*)

11.1.2.1 Responsibility of Head Coach. It shall be the responsibility of an institution's head coach to promote an atmosphere for compliance within the program supervised by the coach and to monitor the activities regarding compliance of all assistant coaches and other administrators involved with the program who report directly or indirectly to the coach. (*Adopted: 4/28/05*)

19.01.2 – Exemplary Conduct. Individuals employed by or associated with member institutions for the administration, the conduct or the coaching of intercollegiate athletics are, in the final analysis, teachers of your people. Their responsibility is an affirmative one, and they must do more than avoid improper conduct or questionable acts. Their own moral values must be so certain and positive that those younger and more pliable will be influenced by a fine example. Much more is expected of them than of the less critically placed citizen.

19.01.3 – Responsibility to cooperate. All representatives of member institutions shall cooperate fully with the NCAA enforcement staff, Committee on Infractions, Infractions Appeals Committee and Management Council to further the objectives of the Association and its enforcement program. The enforcement policies and procedures are an essential part of the intercollegiate athletics program of each member institution and 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.

2. **The head coach violated the principles of ethical conduct when she allowed ineligible student-athletes to participate and took steps to conceal their participation.**

The facts in this case demonstrate that the head coach knowingly violated the principles of ethical conduct, honesty and sportsmanship. Further, she failed to promote an atmosphere for compliance in the women's rowing program. The head coach made the decisions regarding which student-athletes practiced, traveled and competed. She admitted that she allowed student-athletes 1 and 3 to compete at times she knew they were ineligible. She denied instructing student-athletes to row under false names or sign the names of other student-athletes to meal and other travel forms. She further denied that she allowed ineligible student-athletes to travel with the team.

The head coach was aware that student-athlete 1 was ineligible for all participation from the fall of 2010 until she was cleared for practice only on February 23, 2011. Nonetheless, the head coach directed student-athlete 1 to compete in the Head of the Lagoon event and the Sacramento Invitational under the name of other student-athletes. The head coach also told student-athlete 1 to sign the Head of the Lagoon race waiver and meal receipts as other people, allowed her to travel with the team to the events, and told student-athlete 1 not to tell "a whole lot of people" about her participation. The head coach also allowed student-athlete 1 to practice after her 45 day exempt period had expired. Further, the head coach listed student-athlete 1 by her inverted initials on practice documents and told her to avoid the weight room, all in an attempt to disguise student-athlete 1's participation.

When the head coach knowingly allowed student-athlete 1 to participate while she was ineligible, when she took steps to hide student-athlete 1's participation, and when she directed student-athlete 1 to take steps to hide the participation, the head coach violated the principles of honesty and sportsmanship, unethical conduct and exemplary conduct found in Bylaw 10.1 and 19.01.2. Because she was knowingly involved in providing student-athlete 1 with impermissible travel expenses, she also violated Bylaws 10.1-(c). Finally, by committing intentional violations of NCAA bylaws, she failed to establish an atmosphere for rules compliance within the women's rowing program, as required by Bylaw 11.1.2.1.

Similarly, regarding student-athlete 2, the head coach was aware no later than April 1, 2012, that student-athlete 2 was only eligible to practice and could not travel or compete. The following day, student-athlete 2 traveled with the team to the San Diego Crew Classic and competed in the event. Later that month, student-athlete 2 traveled to the WIRA Championships and competed under the name of another student-athlete. She also signed another student-athlete's name to meal receipts. The facts demonstrate

that the head coach was aware of student-athlete 2's ineligible participation and allowed it to occur.

From the summer of 2011 into October of that year, the compliance officer communicated with the head coach on no fewer than six occasions that student-athlete 3 was not eligible to travel or compete. The compliance officer told the head coach that student-athlete 3 had "zero chance" of becoming eligible and emailed an eligibility roster to the head coach that confirmed student-athlete 3's ineligibility. The head coach signed the roster. Shortly after receiving this information, the head coach allowed student-athlete 3 to compete in the Row for the Cure and the Head of the Marina events. The head coach told student-athlete 3 not to sign the meal forms because she was ineligible.

During the 2011-12 academic year, the compliance officer provided numerous communications to the head coach regarding the ineligibility of student-athletes 4 and 5 for travel and competition. In spite of the head coach receiving and acknowledging the communications, she allowed student-athletes 4 and 5 to travel with the team to various competitions during the fall of 2011 and spring of 2012.

The head coach knowingly allowed student-athletes 1-5 to practice, compete and/or receive travel expenses in violation of NCAA eligibility legislation. Further, she took steps to hide the violations, including asking student-athletes to use false names, directing them not to tell others about their ineligible participation, and listing student-athlete 1 cryptically on practice rosters. By her actions, she demonstrated that rules compliance was not of foremost importance as she administered the women's rowing program. The committee concludes that the facts as found constitute violations of NCAA Bylaws 10.01.1, 10.1, 10.1-(c), 10.1-(d), 10.1-(f), 11.1.2.1 and 19.01.2.

3. The head coach violated the principles of ethical conduct and failed to promote an atmosphere for compliance when she provided Voltaren to student-athletes.

The facts demonstrate that the head coach dispensed Voltaren, a prescription anti-inflammatory drug, to student-athletes 6-11 in a manner contrary to medical licensure and commonly accepted standards of care in sports medicine practice. Her actions were potentially detrimental to the health, safety and well-being of the student-athletes. The committee concludes that the facts as found constitute violations of NCAA Bylaws 10.01.1, 10.1, 10.1-(c), 10.1-(f) and 11.1.2.1.

4. The head coach violated the principles of ethical conduct and failed to promote an atmosphere for compliance when she was untruthful in her interviews.

The facts demonstrate that the head coach was untruthful in her interviews when she stated that she did not direct student-athletes to sign names other than their own to competition and travel documents. She was also untruthful when she denied directing or allowing ineligible student-athletes to travel with the team. The head coach was aware of the eligibility status of the student-athletes. She directed Student-athlete 1 to sign a false name to travel documents. Student-athlete 1 had to scribble the last name she was signing because she did not know how to spell it. Student-athletes 3 also raced under a false name. Student-athletes 1-5 were allowed to travel at times the head coach knew of their ineligibility, and student-athletes 2 and 3 also competed using names other than their own.

The student-athletes would not have taken steps to conceal their participation without being directed to do so. The committee concludes that the facts as found constitute violations of NCAA Bylaws 10.01.1, 10.1, 10.1-(d) and 11.1.2.1.

5. The head coach violated the principles of ethical conduct and failed to cooperate when she refused to submit to a second interview.

The facts demonstrate that the head coach refused to submit to a second interview with the enforcement staff. During the course of an investigation, it is not unusual that multiple interviews are necessary as further information surfaces. Former staff members at NCAA member institutions have an obligation to fully cooperate in the investigative process. The committee concludes that the head coach's failure to cooperate regarding a second interview was a violation of NCAA Bylaws 10.01.1, 10.1, 10.1-(a) and 19.01.3.

D. THE ASSISTANT COACH VIOLATED THE PRINCIPLES OF ETHICAL CONDUCT WHEN SHE ALLOWED AN INELIGIBLE STUDENT-ATHLETE TO PARTICIPATE AND PROVIDED FALSE INFORMATION. [NCAA Bylaws 10.01.1, 10.1 and 10.1-(d)]

The assistant coach violated the principles of ethical conduct, honesty and sportsmanship when she permitted student-athlete 2 to compete under a false name and receive travel expenses. She further violated the same principles of

when she provided false or misleading information in her September 10, 2012, interview with the enforcement staff. The enforcement staff and institution substantially agreed to the facts and that those facts constituted violations of NCAA legislation. The assistant coach did not respond to the notice of allegations. The committee agrees that the violations occurred and concludes that the facts constitute violations of NCAA legislation.

1. NCAA legislation regarding ethical conduct.

The applicable portions of the bylaws state:

10.01.1 – Honesty and Sportsmanship. Individuals employed by (or associated with) a member institution to administer, conduct or coach intercollegiate athletics and all participating student-athletes shall act with honesty and sportsmanship at all times so that intercollegiate athletics as a whole, their institutions and they, as individuals, shall represent the honor and dignity of fair play and the generally recognized high standards associated with wholesome competitive sports.

10.1 – Unethical Conduct. Unethical conduct by a prospective or enrolled student-athlete or a current or former institutional staff member, which includes any individual who performs work for the institution or the athletics department even if he or she does not receive compensation for such work, may include, but is not limited to, the following: (Revised: 1/10/90, 1/9/96, 7/20/11, 2/24/11)

(d) Knowingly furnishing or knowingly influencing other to furnish the NCAA or the individual's institution false or misleading information concerning an individual's involvement in or knowledge of matters relevant to a possible violation of an NCAA regulation; (Revised: 1/13/10)

2. The assistant coach violated the principles of ethical conduct by allowing student-athlete 2 to participate.

The facts demonstrate that the assistant coach was aware of student-athlete 2's ineligibility when student-athlete 2 rowed as a novice and received travel expenses in the spring of 2011. The compliance officer informed the assistant coach by email on April 1, 2011, that student-athlete 2 could only practice during the spring term, yet student-athlete 2

rowed the very next day and at the end of the month. Additionally, the assistant coach acknowledged awareness of student-athlete 2's ineligibility for competition. The committee concludes that, when the assistant coach knowingly allowed student-athlete 2 to compete while ineligible, she violated the principles of ethical conduct, honesty and sportsmanship embodied in Bylaws 10.01.1 and 10.1.

3. The assistant coach violated the principles of ethical conduct by providing false or misleading information during the investigation.

The facts demonstrate that the assistant coach was untruthful in her interview with the enforcement staff. In the interview, the assistant coach claimed no recollection of seven student-athletes approaching her and expressing concern about student-athlete 2 competing in the WIRA Championships on April 30 - May 1, 2011. However, student-athlete 1, who was present at the meeting, remembered the assistant coach telling the group that racing student-athlete 2 was "the only option," apparently referring to the head coach's instruction to allow student-athlete 2 to compete. The former student-athlete recalled the former assistant coach's discomfort with the idea of student-athlete 2 competing at the event.

The assistant coach was subordinate to the head coach and felt obligated to follow the head coach's directions. The assistant coach was not comfortable with the head coach allowing ineligible student-athletes to participate, and stated in her interview that she acquiesced in the decision to keep the head coach "pacified." The committee understands the dilemma an assistant coach, particularly a young assistant in her first job such as this assistant coach, faces when directed to violate NCAA rules by the head coach. Nonetheless, every coach employed at NCAA member institutions has an affirmative obligation to comply with the rules and be truthful when questioned.

The committee does not find it credible to believe that the assistant coach would forget about the meeting and the stress of the situation she had been placed in by the head coach. Therefore, when she claimed no recollection of the meeting she provided false or misleading information in violation of bylaws 10.01.1, 10.1 and 10.1-(d).

E. THE INSTITUTION FAILED TO MONITOR WHEN IT DID NOT REVIEW TRAVEL DOCUMENTS AND STUDENT-ATHLETE SURVEYS.

The institution failed to monitor its athletics programs during the 2010-11 and 2011-12 academic year in two specific ways. While the institution had a system in place for monitoring student-athlete travel to away-from-home contests, the system was deficient in that it did not include a mechanism for confirming, after the contests, that only eligible student-athletes had traveled and competed. Also, in one instance, the spring of 2011, the institution failed to comply with its own procedures for reviewing student-athlete evaluations. The enforcement staff and institution substantially agreed to the facts and that those facts constituted violations of NCAA legislation. The committee agrees that the violations occurred and concludes that the facts constitute violations of NCAA legislation.

1. NCAA legislation regarding failure to monitor.

The applicable bylaw states:

Bylaw 2.8.1 Responsibility of Institution. Each institution shall comply with all applicable rules and regulations of the Association in the conduct of its intercollegiate athletics programs. It shall monitor its programs to assure compliance and to identify and report to the Association instances in which compliance has not been achieved. In any such instance, the institution shall cooperate fully with the Association and shall take appropriate corrective actions. Members of an institution's staff, student-athletes, and other individuals and groups representing the institution's athletics interests, shall comply with the applicable Association rules, and the member institution shall be responsible for such compliance.

2. The institution failed to monitor when it did not review travel documents.

The facts demonstrate that the institution did not perform what it described as a "back end" check following away-from-contests in 2010-11 and 2011-12 to ensure that only eligible student-athletes had traveled to the events. The coaches were provided with eligibility rosters and were expected to allow only those student-athletes cleared for competition to travel, but the associate director of athletics signed off on receipts for women's rowing expense reimbursements without comparing the names of those who had traveled with the eligibility lists. This failure contributed to the violations that occurred in the women's rowing program continuing

over an extended period of time. The committee concludes that the facts as found constitute violations of NCAA Bylaw 2.8.1.

3. The institution failed to monitor when it failed to review student-athlete surveys.

The facts also demonstrate that the institution neglected to review surveys submitted by women's rowing student-athletes. Starting in the spring of 2011, the institution began requesting that student-athletes complete season evaluation surveys online rather than on paper. The women's rowing team members completed their surveys as requested in May 2011 but the associate director of athletics neglected to review them, as was required by institutional protocols. The forms were not read for a year, after the violations in this case began to surface. Five student-athletes mentioned in the surveys that the head coach was allowing ineligible student-athletes to compete. Had the surveys been read in a timely fashion, the violations that occurred in the 2011-12 academic year may have been avoided. The committee concludes that the facts as found constitute violations of NCAA Bylaw 2.8.1.

V. SECONDARY INFRACTIONS

From the 2007-08 through 2012-13 academic years, the institution permitted 50 student-athletes to practice and/or compete and receive travel expenses while ineligible. The student-athletes were ineligible because the institution failed to certify their amateur status through the NCAA Eligibility Center. All of the student-athletes had been enrolled for at least one academic year when they joined their intercollegiate teams. Forty-three of the 50 violations occurred in 2007 or 2008, when the NCAA granted full relief due to confusion regarding the legislation. [NCAA Bylaws 12.1.1.1.3, 12.1.1.1.3.1 and 16.8.1.2]

VI. PENALTIES

For the reasons set forth in Sections III and IV of this report, the Committee on Infractions finds that this case involved major violations of NCAA legislation. The committee is the independent administrative body of the NCAA charged with adjudicating infractions cases involving member institutions and their employees.

The committee considered the institution's cooperation in the processing of this case. Cooperation during the infractions process is addressed in NCAA Bylaw 19.01.3 - Responsibility to Cooperate and NCAA Bylaw 32.1.4 – Cooperative Principle. The committee finds that the cooperation exhibited by the institution was consistent with its

obligation under Bylaws 19.01.3.3 and 32.1.4. The committee notes that the institution acted quickly in investigating the reports made by student-athletes about the violations, cooperated with NCAA investigators and facilitated the NCAA investigation. Further, the institution took swift and decisive action to remove the head coach and assistant coach from their coaching duties and implemented meaningful corrective measures. The head coach and assistant coach did not file responses to the notice of allegations nor did they attend the hearing. Therefore, they have no option to appeal the findings or penalties.

The committee imposes the following penalties. Those self-imposed by the institution are so noted, and the institution's corrective actions are contained in the Appendix.

Institution's Prescribed General Administrative Penalties

1. Public reprimand and censure.
2. One year of probation from August 6, 2013, through August 5, 2014. The committee prescribes a minimum period of probation because (a) the institution took decisive, appropriate action upon discovering the violations; (b) the violations were committed by coaches who were aware of the rules but nonetheless chose to violate them and attempted to conceal their actions. They are no longer associated with the program; (c) the failure to monitor by the institution was extremely limited; (d) the self-imposed penalties and corrective actions have addressed the violations; and (e) other sanctions are more appropriate in this situation.

Women's Rowing Program's Prescribed Penalties

3. Vacation of all results for the women's rowing program for the 2010-11 and 2011-12 academic years. (Institution imposed) The vacations shall be effectuated pursuant to NCAA Bylaws 19.5.2-(g) and 31.2.2.4, and shall include all wins in which ineligible student-athletes competed. Any individual records of the ineligible student-athletes shall also be vacated. However, the individual finishes and any awards for all eligible student-athletes may be retained at the discretion of the institution. Further, the institution's records regarding women's rowing, as well as the record of the head coach, will reflect the vacated records and will be recorded in all publications in which records for women's rowing are reported, including, but not limited to institutional media guides, recruiting material, electronic and digital media plus institutional, conference and NCAA archives. Any institution which may subsequently hire the head coach shall similarly reflect the vacated wins in her 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 100th, 200th or 500th career victories. Any public reference to these vacated contests shall be removed from athletics department stationery, banners displayed in public areas and any other forum in which they may appear.

The committee notes that the institution has already posted the vacated results on its website. However, 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-athlete(s) and contest(s) 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 initial Committee on Infractions release or, if the vacation penalty is appealed, the final adjudication of the appeals process.

4. A financial penalty of \$2,500. (Institution imposed)

Penalties Prescribed for the Head Women's Rowing Coach

5. The head coach knowingly allowed five student-athletes to practice, compete and/or receive competition-related travel expenses at times the student-athletes were ineligible. She also involved the assistant coach in the violations. The head coach took specific actions designed to conceal the violations, including instructing student-athletes to compete and sign documents related to the competitions using names other than their own. She compromised the health and safety of six student-athletes by providing them a prescription drug without proper medical supervision, and she provided false or misleading information during an interview regarding the violations. The head coach's actions violated the principles of honesty, sportsmanship and ethical conduct as well as her duty to establish an atmosphere for rules compliance in the women's rowing program.

For the foregoing reasons, the committee imposes a three-year show-cause period upon the head coach. During this period, which begins on August 6, 2013, and ends on August 5, 2016, the committee restricts the athletically related duties of the head coach at any employing NCAA member institution as follows:

- a. The head coach shall attend ethics training within 60 days of her beginning employment at any NCAA member institution;

- b. The head coach shall undergo training regarding the proper use and dispensation of prescription medications within 60 days of her beginning employment at any NCAA member institution;
- c. The head coach shall attend an NCAA Regional Rules Seminar within one year of her beginning employment at any NCAA member institution;
- d. The head coach shall not have access to medical supplies;
- e. During both the championship and nonchampionship segments of her team's season, the head coach shall meet weekly with the administrator overseeing her sport and personally attest to the names of all student-athletes who participate in any countable athletically related activities with her team; and
- f. Within 72 hours of every competition involving her team, the head coach shall meet personally with the administrator overseeing her sport. In the meeting, the head coach shall review the roster of all student-athletes who traveled to and competed in the event. The head coach shall personally attest to the veracity of the information regarding travel to, and competition in, each event.

During the period of the show cause, any employing institution shall submit a report to the Office of the Committees on Infractions (OCOI) no later than August 30, 2013, or 30 days after the first employment of the head coach, whichever is later. The report must state the employing institution's understanding of the above-listed penalties that are in effect at the time of her employment and its responsibility to monitor her compliance. Any institution at which the head coach is employed over the duration of these penalties shall also document how it will monitor her conduct to assure compliance with these penalties. Thereafter, every six months until the end of the show-cause period, the employing institution will submit a supplementary report showing how it is continuing to monitor the head coach. If an employing institution desires to contest the show-cause provisions, it shall contact the OCOI to schedule a hearing before the committee.

Penalties Prescribed for the Assistant Women's Rowing Coach

- 6. The assistant coach knowingly allowed an ineligible student-athlete to compete and receive travel expenses. Further, the assistant coach provided false or misleading information by stating during the interview that she did not recall a meeting she had with seven members of the women's rowing team in which the student-athletes complained about the ineligible student-athlete being allowed to compete. For the foregoing reasons, the committee imposes a one-year show-cause period upon the assistant coach. During this period, which begins on August 6, 2013, and ends on August 5, 2014, the assistant coach shall attend an NCAA Regional Rules Seminar if she is employed by an NCAA member institution.

During the period of the show cause, any employing institution shall submit a report to the OCOI no later than September 15, 2013, or 30 days after the first employment of the assistant coach, whichever is later. The report must state the employing institution's understanding of the above-listed penalties that are in effect at the time of her employment and its responsibility to monitor her compliance. Any institution at which the assistant coach is employed over the duration of these penalties shall also document how it will monitor her conduct to assure compliance with these penalties. Thereafter, every six months until the end of the show-cause period, the employing institution will submit a supplementary report showing how it is continuing to monitor the assistant coach. If an employing institution desires to contest the show-cause provisions, it shall contact the OCOI to schedule a hearing before the committee.

Other Administrative Penalties and Measures

7. 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. File with the OCOI an annual compliance report indicating the progress made with this program by June 1, 2014. Particular emphasis should be placed on tracking student-athlete participation. The reports must also include documentation of the institution's compliance with the penalties adopted and imposed by the committee, as well as the implementation of the institution's corrective actions
8. During the period of probation, the institution shall:
 - a. Inform prospective student-athletes in women's rowing that the institution is on probation for one year and explain the violations committed. The information must be provided before the prospect signs a National Letter of intent and no later than when the NCAA Eligibility center provides a prospective student-athlete with the institution's academic data.
 - b. Publicize 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 sport programs and a direct, conspicuous link to the public infractions report located on the athletic

department's main webpage. The information must also be included in the media guide for women's rowing. 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 major infractions 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. The institution may meet its responsibility in a variety of ways and the OCOI's approval of the statement will not be unreasonably withheld.

9. 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, the University of California, San Diego, 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, August 6, 2013.

Should the University of California, San Diego, 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. As set forth in applicable NCAA Bylaws and procedures of the Infractions Appeals Committee, penalties which are appealed will be automatically stayed until the appeal is concluded, with all other penalties remaining in effect.

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

Douglas D. Blais

Jean Paul Bradshaw II

Julie A. Rochester, chair

Carey J. Snyder

Harry O. Stinson III

Jane Teixeira

APPENDIX

CORRECTIVE ACTIONS AS IDENTIFIED IN THE INSTITUTION'S MARCH 20, 2013, RESPONSE TO THE NOTICE OF ALLEGATIONS.

- Termination of head coach and required resignation of assistant coach - May 29, 2012.
- Change in reporting structure to spread out responsibilities for spring sport supervision - September 2012.
- Travel – revised policies and procedures to include pre- and post-travel eligibility checks (August 2012) and are working with ARMS (our department-wide compliance and recruiting database to include an electronic version of this in the future).
- Added a required meeting for assistant coaches regarding bystander intervention techniques and reporting requirements - September 2012.
- We are working to implement by fall 2013 a code of conduct/department expectations requirement for all volunteer and limited time staff and student workers that includes an expectation on NCAA rules and reporting information - September 2013.
- We are working to implement by fall 2013 a head coach control expectations document for signature by all head coaches annually (using NCAA Division I Bylaw 11.1.2.1 expectations) – September 2013.
- Updated our policies and procedures in the area of Athletic Training and Sports Medicine to have a specific policy on medicine kits and dispensing of any form of medications. This was discussed at the December 2012 coaches meeting, specifically reminding coaches that they should not be involved in dispensing any medications regardless of whether over the counter or prescription, and they should not be keeping any medications in the medicine kits – December 2012.
- Updated talking points and small group discussions at New Student-Athlete Orientation to include bystander intervention training that works for reporting NCAA violations on September 2012.
- Added to the script of the "First Team Meeting" information specific to prescription medications.
- Added to the script of the "Student Services Meeting" information specific to reporting violations and also with regard to prescription medications.
- Created form for athletics director to complete for each sport to ensure each sport supervisor has appropriately reviewed annual student-athlete evaluation forms. For implementation for the 2012-13 year.
- Enhanced our ability to monitor recruiting activities through the implementation of a comprehensive department-wide database program (ARMS) – 2012.
- Discussed specifically how to report violations at the January 2013 coaches meeting and added an additional mid-year review of violations – January 2013.