

Case Summary

Violations occurred in Cal Poly Humboldt's softball program

Amateurism and recruiting violations occurred at Cal Poly Humboldt when a former head softball coach provided impermissible benefits, conducted impermissible tryouts and allowed impermissible team participation with a prospective student-athlete while academically ineligible, according to a decision released by the Division II Committee on Infractions.

Between August and September 2023, the former head coach conducted impermissible tryouts with a prospect and allowed her to participate with the softball program while not enrolled at the university. Additionally, the former head coach and softball program provided the prospect with over \$400 in impermissible recruiting inducements. The former head coach was aware that the prospect was ineligible and not enrolled in classes but still allowed her to participate with the program and encouraged the then coaching staff and student-athletes to conceal the prospect's involvement with the program.

The prospect sustained a severe injury during a softball practice, prompting Humboldt's athletics administration and compliance staff to conduct interviews of the former head coach and then softball staff members. During the interviews, it was confirmed that the prospect had been impermissibly participating with the softball program. Humboldt immediately placed the then head coach on leave and ultimately terminated employment Nov. 2, 2023.

In January 2024, Humboldt self-reported the violations to the NCAA enforcement staff, and the enforcement staff began a joint inquiry with the university.

A former volunteer coach failed to meet the responsibility to cooperate when the volunteer coach did not respond to the enforcement staff's requests to participate in an interview and in the processing of this case.

The parties agree that the former head coach violated ethical conduct principles when she knowingly instructed the then softball staff and students-athletes to conceal the prospect's injury and program involvement, which she denied when questioned by the enforcement staff. However, factual information in the record demonstrated that the former head coach's denials were not credible and constituted false or misleading information. Additionally, the parties agreed that the former head coach failed to promote an atmosphere of compliance and did not rebut the presumption of responsibility due to her direct and personal involvement in the violations.

The parties agreed to the following penalties:

- A \$1,500 fine.
- One year of probation.
- A one-week recruiting suspension, prohibiting on- and off-campus recruiting contacts and tryouts in the softball program during the 2024-25 academic year.
- An outside audit or review in which the university must implement all recommendations made by the reviewer.

- A five-year show-cause order for the former head coach in which any employing member school must restrict the former head coach from all athletically related activity during the show-cause period.
- A three-year show-cause order for the former volunteer coach in which any employing member school must restrict the former volunteer coach from all athletically related activity during the show-cause period.

Members of the Committee on Infractions are drawn from the NCAA membership and public. The members who reviewed this case are:

- Amber Feldman, deputy commissioner/senior woman administrator at the Mid-America Intercollegiate Athletics Association.
- David Hansburg, director of athletics at Colorado School of Mines.
- Richard Loosbrock, professor of history at Adams State.
- Brooke Parsons, attorney.
- Leslie Schuemann, deputy commissioner/senior woman administrator at the Great Midwest Athletic Conference.
- Jason Sobolik, assistant athletics director for compliance at Minnesota State University Moorhead.

NEGOTIATED RESOLUTION¹

California State Polytechnic University, Humboldt – Case No. 020350

February 5, 2025

I. CASE SYNOPSIS

California State Polytechnic University, Humboldt (Humboldt); the then head softball coach (then head coach); and the NCAA enforcement staff agree with the violations and penalties detailed below. Specifically, Humboldt, then head coach and the enforcement staff agree with the violations outlined in Agreed-Upon Finding of Fact Nos. 1 through 3. Regarding the remaining allegation, the then volunteer softball coach (then volunteer coach), is not participating in the processing of this matter; therefore, the institution and enforcement staff have included Agreed-Upon Finding of Fact No. 4 pursuant to NCAA Bylaw 19.10.2.1.²

The institution first learned about potential violations in September 2023 when a then two-year prospective softball student-athlete (prospect 1) sustained a severe injury during a softball practice. The institution's athletics administration and compliance staff immediately conducted interviews of then head coach and the then softball staff members and confirmed that prospect 1 had been participating with the softball program while academically ineligible and not enrolled in classes at the institution. The institution immediately placed then head coach on leave and subsequently terminated her November 2, 2023. In January 2024, the institution self-reported the violations to the enforcement staff, and the enforcement staff began a joint inquiry with the institution.

Regarding Agreed-Upon Finding of Fact No. 1, the parties agree that between August and September 2023, then head coach conducted impermissible tryouts with prospect 1 and impermissibly allowed her to participate with the softball program while not enrolled at the institution. In addition, then head coach and the softball program provided prospect 1 with approximately \$445 in impermissible recruiting inducements, including university branded apparel, softball equipment, entertainment and a meal. Then head coach knew prospect 1 was ineligible and not enrolled in classes at the institution but still allowed her to participate with the softball program. Further, then head coach encouraged the then softball coaching staff and then softball student-athletes to conceal prospect 1's involvement with the program.

Regarding Agreed-Upon Finding of Fact No. 2, the parties agree that then head coach violated the principles of ethical conduct when she knowingly instructed then softball staff members and student-athletes to conceal the injury suffered by prospect 1 at a team practice, as well as her involvement with the softball program. In addition, then head coach failed to cooperate with the enforcement staff and provided false and misleading information when she denied providing any instruction to conceal prospect 1's injury or involvement with the softball program. However, the

¹ In reviewing this agreement, the committee made editorial revisions pursuant to NCAA Division II Committee on Infractions (COI) Internal Operating Procedure (IOP) 4-7-1-2. These modifications did not affect the substance of the agreement.

² Agreed-Upon Finding of Fact No. 4 involves then volunteer coach's post-separation failure to cooperate and is not attributable to the institution.

factual information obtained through the joint inquiry contradicts then head coach's denials and supports that she provided the instruction.

As outlined in Agreed-Upon Finding of Fact No. 3, the parties agree that then head coach did not rebut the presumption of responsibility required by Bylaw 11.1.2.1 due to her personal involvement in the violations. Then head coach acknowledged involvement in the violations, knowingly allowing prospect 1 to participate while not enrolled at the institution and providing prospect 1 with recruiting inducements, including university branded apparel and a meal.

Finally, Agreed-Upon Finding of Fact No. 4 details the then volunteer coach's failure to cooperate with the enforcement staff. Specifically, then volunteer coach failed to respond to multiple requests from the enforcement staff to participate in an interview and the processing of this infractions matter.

II. PARTIES' AGREEMENTS

Agreed-upon findings of fact and violations of NCAA legislation.

1. [NCAA Division II Manual Bylaws 12.01.1, 13.2.1, 13.2.3-(b), 13.11.2.1 and 14.1.7.1 (2023-24)] (Major)

The institution, then head coach and enforcement staff agree that from August 26 through September 16, 2023, then head coach conducted impermissible tryouts with prospect 1. Additionally, then head coach and the softball program arranged for and/or provided approximately \$445 in impermissible recruiting inducements in the form of athletics equipment, university branded apparel, entertainment and a meal to prospect 1. Specifically:

- a. From August 26 through September 15, 2023, despite knowing prospect 1 was ineligible to participate in team activities due to not being enrolled full time at the institution, then head coach permitted prospect 1 to impermissibly participate in at least six softball practices, four intra-squad scrimmages and at least 15 weight-training sessions with the softball team. [NCAA Bylaws 12.01.1, 13.11.2.1 and 14.1.7.1 (2023-24)]
- b. During August and September 2023, then head coach and the softball program provided impermissible recruiting inducements to prospect 1. Specifically:
 - (1) Between August 26 and September 15, 2023, then head coach provided prospect 1 university-branded apparel, including multiple T-shirts, multiple sweatshirts, shorts, sweats and socks. In addition, the softball program provided prospect 1 with a fielder's glove. [NCAA Bylaws 13.2.1 and 13.2.3-(b) (2023-24)]

(2) On September 4, 2023, then head coach arranged for prospect 1 to attend a team gathering where she was provided impermissible entertainment in the form of a movie and a meal. [NCAA Bylaw 13.2.1 (2023-24)]

2. [NCAA Division II Manual Bylaws 10.01.1, 10.1, 10.1-(c), 19.01.2, 19.2.1, 19.2.1-(a) and 19.2.1-(b) (2023-24)] (Major)

The institution, then head coach and enforcement staff agree that beginning September 2023, then head coach violated the NCAA principles of ethical conduct and failed to cooperate when she knowingly instructed then members of the softball coaching staff and then student-athletes to provide false or misleading information to the institution regarding their knowledge of or involvement in possible NCAA violations and knowingly provided false or misleading information to the enforcement staff about those instructions. Specifically:

- a. In September, then head coach instructed a then assistant coach, then volunteer coach and then graduate student-manager to hide prospect 1's participation with the softball program. Further, on September 16, then head coach instructed the same coaching staff members, as well as the then softball student-athletes, to conceal an injury suffered by prospect 1 that occurred at a team practice, not be forthcoming with the institution if questioned about the event and conceal the fact that prospect 1 had been practicing with the softball program. [NCAA Bylaws 10.01.1, 10.1 and 10.1-(c) (2023-24)]
- b. On July 17, 2024, after separating from the institution, then head coach failed to meet legislated standards of ethical conduct and the responsibility to cooperate when then head coach knowingly provided false or misleading information to the enforcement staff when she denied providing the instruction to conceal the injury.³ However, then head coach's denials are not credible as multiple members of the then coaching staff and then student-athletes reported then head softball coach directed them to not disclose prospect 1's injury and participation. [NCAA Bylaws 10.01.1, 10.1, 10.1-(c), 19.01.2, 19.2.1, 19.2.1-(a) and 19.2.1-(b) (2023-24)]

3. [NCAA Division II Manual Bylaw 11.1.2.1 (2023-24)] (Major)

The institution, then head coach and enforcement staff agree that from August 26 through September 16, 2023, then head coach, failed to promote an atmosphere of compliance due to her personal involvement in the violations detailed in Agreed-Upon Finding of Fact No. 1.

4. [NCAA Division II Manual Bylaws 10.1, 10.1-(a), 19.2.1, 19.2.1-(b), 19.2.2 and 19.2.2.2 (2023-24 and 2024-25)] (Major)

³ The violation occurred while then head softball coach was not employed at the institution.

The institution and enforcement staff agree that from May 16, 2024, after her employment had ended, and continuing to the time of this resolution, then volunteer coach violated the NCAA principles of ethical conduct and failed to cooperate with the enforcement staff when she refused to participate in an interview and provide information relevant to the investigation of potential violations, despite multiple attempts through telephone calls and written correspondence.⁴ Specifically, the enforcement staff contacted then volunteer coach May 16, 22 and 30, 2024, to schedule an interview and then volunteer coach failed to respond to the requests. On June 12, 2024, the enforcement staff sent a final formal letter requesting then volunteer coach complete an interview by June 24, 2024, and she did not respond to the letter. Additionally, on October 3, 2024, the enforcement staff sent then volunteer coach the draft allegations to review and submit her preferred processing method. Then volunteer coach failed to respond, so on October 15, 2024, the enforcement staff sent a final and formal request to coordinate then volunteer coach's participation in processing of the case. Then volunteer coach failed to respond.

III. OTHER VIOLATIONS OF NCAA LEGISLATION SUBSTANTIATED; NOT ALLEGED

None.

IV. REVIEW OF OTHER ISSUES

The enforcement staff considered whether a failure to monitor should be alleged for the institution but ultimately determined it was not appropriate because then head coach concealed her actions from the institution and operated on her own accord, without consulting or alerting the institution. In addition, the institution informed then head coach that prospect 1 was academically ineligible to enroll and participate with the program. Then head coach disregarded the institution's advisement and instead allowed prospect 1 to participate and encouraged others to conceal her participation.

V. PARTIES' AGREED-UPON PENALTIES⁵

Pursuant to Bylaw 19.10.3-(e), the parties agree to the following penalties:

⁴ The violations occurred while then volunteer softball coach, who is not participating in the case, was not employed at the institution.

⁵ All penalties must be completed during the time periods identified in this decision. If completion of a penalty is impossible during the prescribed period, the institution shall make the NCAA Division II Committee on Infractions aware of the impossibility and must complete the penalty at the next available opportunity.

Penalties for Major Violations (Bylaw 19.12.4)

1. Public reprimand and censure through the public release of the negotiated resolution agreement.
2. One year of probation from **February 5, 2025, through February 4, 2026.**
3. During this period of probation, the institution shall:
 - a. Continue to develop and implement a comprehensive educational program on NCAA legislation to instruct coaches, the faculty athletics representative, all athletics department personnel and all institutional staff members with responsibility for recruiting and certification legislation.
 - b. Submit a preliminary report to the Office of the Committees on Infractions (OCOI) by **March 30, 2025**, setting forth a schedule for establishing this compliance and educational program.
 - c. File with the OCOI annual compliance reports indicating the progress made with this program by **January 15** during each year of probation. Particular emphasis shall be placed on rules education and monitoring related to recruiting inducements, tryouts, and head coach responsibility.
 - d. Inform prospects in the softball program in writing that the institution is on probation for one year and detail the violations committed. If a prospect 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 a prospect signs the institution's written offer of admission and/or financial aid.
 - e. 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 decision located on the athletics department's main website "landing page" and in the media guides for the softball program. Permissible website posting locations include the main navigation menu or a sidebar menu. The link may not be housed under a drop-down menu. Further, the link to the posting (i.e., the icon or the text) must be titled "NCAA Infractions Case." With regard to the content of the posting, the institution's statement must: (i) clearly describe the infractions; (ii) include the length of the probationary period associated with the case; and (iii) give members of the general public a clear indication of what happened in the case to allow the public (particularly prospects and their families) to make informed, knowledgeable decisions. A statement that refers only to the probationary period with nothing more is not sufficient.

4. The institution shall pay a fine of \$1,500 to the NCAA.
5. Recruiting restrictions: The institution shall prohibit on and off campus recruiting contacts and tryouts in the softball program for a one-week period during the 2024-2025 academic year.
6. Following the receipt of the final compliance report and prior to the conclusion of probation, the institution's president shall provide a letter to the Committee on Infractions affirming that the institution's current athletics policies and practices conform to all requirements of NCAA regulations.
7. Show-cause order: Then head coach was personally involved in violations of recruiting, tryout, and ethical conduct legislation. Therefore, the then head coach shall be subject to a five-year show-cause order from **December 19, 2024, through December 18, 2029**.⁶ In accordance with Bylaw 19.12.4.1 and NCAA Division II Committee on Infractions Internal Operating Procedure (IOP) 5-17-1-1, any employing member institution shall restrict the then head coach from all athletically related activity during the show-cause period. If then head coach becomes employed by a member institution in an athletically related position during the five-year show-cause period, the employing institution shall abide by the terms of the show-cause order unless it contacts the OCOI to make arrangements to show cause why the terms of the order should not apply.
8. Show-cause order: Then volunteer coach violated the NCAA principles of ethical conduct. Therefore, then volunteer coach shall be subject to a three-year show-cause order from **December 19, 2024, through December 18, 2027**. In accordance with Bylaw 19.12.4.1 and Committee on Infractions IOP 5-17-1-1, any employing member institution shall restrict then volunteer coach from all athletically related activity during the show-cause period. If then volunteer coach becomes employed by a member institution in an athletically related position during the three-year show-cause period, the employing institution shall abide by the terms of the show-cause order unless it contacts the OCOI to make arrangements to show cause why the terms of the order should not apply.
9. Outside audit or review: The institution shall undergo an outside audit and review of its compliance policies and procedures by the end of the one-year probationary period. The institution shall implement all recommendations made by the reviewer and shall provide a copy of the reviewer's report in its annual report.

⁶ On December 19, 2024, the COI considered the parties' jointly submitted NR. The COI approved the penalties for the then head coach and then volunteer coach, and their respective penalties went into effect as of that date. The COI sought clarification with respect to the institution's agreement and penalties, which resulted in the submission of an amended NR by the institution and the enforcement staff on January 16, 2025. The panel subsequently approved the amended NR, and the institution's penalties are effective as of the date of release, February 5, 2025.

VI. PARTIES TO THE CASE

A. In agreement with the negotiated resolution (the parties).

The institution, then head coach and enforcement staff.

B. Not in agreement with the negotiated resolution.

None.

C. Not participating in the case.

Then volunteer coach.

VII. OTHER AGREEMENTS

The parties agree that this case will be processed through the NCAA negotiated resolution process as outlined in Bylaw 19.10 and the Committee on Infractions will review the negotiated resolution. The parties acknowledge that the negotiated resolution contains agreed-upon findings of fact of NCAA violations based on information available at this time. Nothing in this resolution precludes the enforcement staff from investigating additional information about potential rules violations. The parties agree that the violations identified in this agreement occurred and should be classified as major.

If the Committee on Infractions approves the negotiated resolution, the institution and then head coach agree that they will take every precaution to ensure that the terms of the penalties are observed. The institution and then head coach acknowledge that they have or will impose and follow the penalties contained within the negotiated resolution, and these penalties are in accordance with those prescribed in Bylaw 19.12.

The OCOI will monitor the penalties during their effective periods. Any action by the institution, then head coach or then volunteer coach contrary to the terms of any of the penalties or any additional violations may be considered grounds for prescribing more severe penalties or may result in additional allegations and violations. Additionally, as required by NCAA legislation for any institution involved in a major infractions case, Humboldt shall be subject to the provisions of Bylaw 19.12.4.3 concerning repeat violators for a five-year period beginning on the effective date of the penalties in this case, February 5, 2025.

The parties acknowledge that this negotiated resolution may be voidable by the Committee on Infractions if any of the parties were aware or become aware of information that materially alters the factual information on which this negotiated resolution is based.

The parties further acknowledge that the Committee on Infractions, subsequent to its review of the negotiated resolution, may reject the negotiated resolution. Should the Committee on Infractions reject the negotiated resolution, the parties understand that the case may be submitted through a summary disposition report (Bylaw 19.9) or notice of allegations (Bylaw 19.8) and prior agreed-upon terms of the rejected negotiated resolution will not be binding.

VIII. DIVISION II COMMITTEE ON INFRACTIONS APPROVAL

Pursuant to Bylaw 19.10.6, the COI approves the parties' negotiated resolution agreement. The COI's review of this agreement is limited. The COI may reject a negotiated resolution agreement only if the agreement is not in the best interests of the Association or if the agreed-upon penalties are manifestly unreasonable. *See* Bylaw 19.10.4. In this case, the COI determines that the agreed-upon facts, violations, and type of violations are appropriate for this process. The agreed-upon penalties align with the penalties available under Bylaw 19.12 and with past case guidance. Pursuant to Bylaw 19.10.6, this negotiated resolution has no precedential value.

The COI advises Humboldt, the then head coach and then volunteer coach that they should take every precaution to ensure that they observe the terms of the penalties. The COI will monitor the institution while it is on probation to ensure compliance with the penalties and terms of probation and may extend the probationary period, among other action, if the institution does not comply or commits additional violations. Likewise, any action by the institution and/or the involved individuals contrary to the terms of any of the penalties or any additional violations shall be considered grounds for prescribing more severe penalties and/or may result in additional allegations and violations.

NCAA DIVISION II COMMITTEE ON INFRACTIONS

Amber Feldman
David Hansburg
Richard Loosbrock, Chair
Brooke Parsons
Leslie Schuemann
Jason Sobolik

APPENDIX ONE

**CALIFORNIA STATE POLYTECHNIC UNIVERSITY, HUMBOLDT'S
CORRECTIVE ACTIONS**

1. Upon discovery of the violation, the institution restricted all unofficial and official visits in the softball program for the remainder of the fall 2023 semester.
2. The institution terminated then head softball coach November 2, 2023.

APPENDIX TWO

CALIFORNIA STATE POLYTECHNIC UNIVERSITY, HUMBOLDT'S RESPONSE TO THE COMMITTEE ON INFRACTIONS REQUEST FOR ADDITIONAL INFORMATION

Included for the Committee on Infractions review is California State Polytechnic University, Humboldt's (Humboldt) response to the Committee on Infractions' request for additional information in Case No. 020350. The institution has included information related to the institution's education and monitoring efforts at the time of the violations and any corrective measure put in place since the violations occurred.

1. Prior to the violations in this case, what education did the institution provide to coaching staff regarding tryout legislation and/or the presence of two-year prospects on campus prior to enrollment?

All coaches receive and complete the required coaching modules provided by the NCAA, in addition to having access to the NCAA Learning Portal platform. Each coach is provided with a printed copy of the Division II manual for reference and has access to LSDBi. The Teamworks-ARMS platform is utilized throughout the compliance system, and for all recruiting-related visits and tryouts. The process for having a recruiting visit and/or tryout approved includes the required entry of the start date and time and end date and time of a tryout and of an official visit, which is reviewed by compliance and generates an alert if the period is longer than is permissible. Coaches are educated by compliance in this submission for all tryout workflows and applicable tryout legislation, as well as the expectation that they are required to submit official visit or unofficial visit workflows for any student-athlete coming on campus or trying out with their program. All bi-weekly head coaches meetings include compliance education and resources including timely tryout information, the compliance office reviews appropriate matters annually with respect to the compliance calendar in these meetings.

2. Prior to the violations, how often did the compliance staff attend softball practice and/or perform spot-checks?

Our process includes random spot checks by sport supervisors and athletics administrators, which includes compliance staff.

3. Prior to the violations in this case, did the institution provide education to coaching staff and student-athletes regarding their duty to report violations of NCAA rules?

Yes, at the beginning of every academic year, compliance performs in-person meetings with all teams and specifically discusses responsibility for student-athletes to be in compliance with NCAA rules and regulations, and that compliance is available to report any concerns to. The

expectation to report violations is also regularly addressed in bi-weekly head coaches' meetings and individual sport supervisor meetings.

4. After the violations were detected, what corrective measures did the institution put in place to address any gaps in the institution's compliance monitoring efforts and deter similar violations in the future?

We increased the presence of administration and sport supervisors at practices, additional administrative oversight of equipment services was instituted and the weight room check in procedure was reviewed. It was noted in the head strength and conditioning coach's evaluation that all student-athletes that are training must be checked against current rosters. Following the discovery of the violation and the deliberate nature in which the recruit's presence was hidden, the athletic director addressed the head coaches at a head coaches meeting and strongly expressed the expectation to be honest, adhere to compliance rules, report violations promptly, and their general responsibility to ensure that their program operated within NCAA compliance. Pending the approval of our campus legal team and the NCAA enforcement team, the violation case will be reviewed in as much detail as permissible with coaching staff, with included review of ethical expectations of all coaches.