

NEGOTIATED RESOLUTION¹

Fort Lewis College – Case No. 020367.

August 21, 2025

I. CASE SYNOPSIS

Fort Lewis College (Fort Lewis); Kali Barber (Barber), then assistant director of internal operations; and the NCAA enforcement staff agree with the violations and penalties detailed below.

As background, the institution's athletics department experienced an inordinate amount of turnover in key administrative positions over the past decade. This included a six-month period starting in the spring of 2022, where five of six members of the athletics department senior leadership team departed. This turnover was a contributing factor to a loss of institutional and departmental history and culture, as well as a failure to establish and update policies, procedures and practices pertaining to rules compliance.

Barber was the institutional staff member assigned the primary responsibility of verifying student-athletes initial eligibility and amateurism certification during the time period violations occurred. The 2022-23 academic year was Barber's first year of full-time experience in compliance. While verifying initial eligibility and amateurism certification was primarily Barber's responsibility, other staff members such as the assistant director of athletics for student-athlete success, director of Skyhawk station/student services and sport head coaches were also tasked with working with her to review the documents. After review, the documents went through a signatory process by various members of the athletics department, and a typical process was followed to sign eligibility checklists.

Specific to the violations, on August 23, 2023, a compliance coordinator at an institution in the Rocky Mountain Athletic Conference (RMAC) called Fort Lewis regarding the amateurism certification of a former Fort Lewis softball student-athlete who was transferring to their institution. Fort Lewis found that the student-athlete's certification had not been completed. Fort Lewis began to review other student-athletes' certifications for the 2022-23 academic year and found that many student-athletes across multiple sports did not have their initial-eligibility or amateurism certification completed and they competed while ineligible.

After the discovery, Fort Lewis hired the former Wisconsin Intercollegiate Athletic Conference commissioner, who is also a former NCAA staff member, to conduct an internal investigation, help stabilize the institutional compliance program and assist with implementing necessary changes. Fort Lewis began its internal investigation in October 2023, interviewing nine current and former coaches and 10 current and former athletics administrators over the course of its

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.

investigation. It also reviewed the initial-eligibility and amateurism status of student-athletes during the 2021-22 and 2022-23 academic years.

On April 29, 2024, the institution forwarded a comprehensive self-report of its internal investigation to the enforcement staff. The report revealed that during the 2022-23 academic year, the institution, including Barber, failed to evaluate and/or accurately enter initial eligibility and amateur status on eligibility checklists. As a result, 29 student-athletes across 11 sports were not properly certified and were not eligible for competition. Additionally, 20 of the 29 ineligible student-athletes competed in a total of 165 contests. The institution determined that 24 out of the 29 student-athletes would have been eligible for competition had it ensured the student-athletes submitted necessary initial eligibility and amateur information to the NCAA Eligibility Center in a timely manner. Further, the institution determined that out of the 29 improperly certified student-athletes, the Eligibility Center determined only one was ineligible due to academic deficiencies.

The institution did not have proper checks and balances in place or establish an adequate system of external oversight with respect to student-athletes initial-eligibility or amateurism certification. While multiple staff members signed the eligibility checklists, they did not properly review the information or identify that they were missing essential information, such as whether student-athletes were certified for practice and/or competition and assumed that all student-athletes were eligible. As a result, the institution failed to monitor this critical area of compliance.

During her August 16, 2024, interview with the enforcement staff, Barber asserted she informed the head coaches by email which student-athletes were ineligible. However, the coaches reported that no one informed them the student-athletes were ineligible, and a search of Barber's institutional email account did not identify any emails supporting her assertion. The coaches' statements and lack of information supporting Barber's position demonstrate that Barber provided false or misleading information concerning her notification to coaches.

II. PARTIES' AGREEMENTS

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

1. [NCAA Division II Manual Bylaws 12.1.1.1, 12.1.1.1.3, 14.01.1, 14.3.2.1, 14.4.3.2.1, 14.5.5.1, 14.11.1, 14.11.2 and 14.11.2.1 (2022-23) and 14.12.1 and 16.8.1 (2022-23 and 2023-24)] (Major)

The institution and enforcement staff agree that during the 2022-23 academic year and 2023 fall semester, the institution improperly certified 29 student-athletes in 11 sports as eligible for competition, resulting in 35 violations of amateurism and/or initial eligibility certification and/or transfer legislation. As a result, 20 of the 29 student-athletes competed in a total of 165 contests,

received actual and necessary expenses and/or financial aid while ineligible and prior to the Eligibility Center's certification of their academic and/or amateurism status.² Specifically:

- a. During the 2022-23 academic year, the institution failed to withhold 28 student-athletes in 11 sports and permitted them to practice and/or compete beyond the 45-day certification period without final amateurism and/or initial eligibility certification from the Eligibility Center. Additionally, the institution inadvertently failed to withhold one men's soccer and one men's cross-country student-athlete from competition during the 2023 fall semester competition. [NCAA Bylaws 12.1.1.1, 12.1.1.1.3, 12.1.1.1.3.1 and 14.3.2.1 (2022-23) and 14.12.1 (2023-24)]
- b. During the 2022-23 academic year and 2023 fall semester, one football student-athlete failed to meet four-year college transfer requirements and competed while ineligible. Specifically, the football student-athlete failed to pass nine credit hours in the preceding regular academic term at their previous institution and did not meet any transfer exceptions. Additionally, the institution failed to withhold the football student-athlete from competition during the subsequent academic year. The institution erroneously believed the football student-athlete was eligible to compete based on the previous academic year's certification. [NCAA Bylaws 14.4.3.2.1 and 14.5.5.1 (2022-23) and 14.12.1 (2023-24)]
- c. During the 2022-23 academic year, the institution did not fully complete eligibility checklists for all 14 sports or retain on file the eligibility checklist for one sport. [NCAA Bylaws 14.11.1, 14.11.2 and 14.11.2.1 (2022-23)]

2. [NCAA Division II Manual Bylaw 7.01.10 (2022-23)] (Major)

The institution and enforcement staff agree that during the 2022-23 academic year, the scope and nature of the violations detailed in Agreed-Upon Finding of Fact No. 1 demonstrate that the institution failed to adequately monitor its initial eligibility and amateurism certification processes to ensure compliance with NCAA amateurism and initial eligibility legislation. Specifically, the institution did not establish adequate oversight of its NCAA certification process when it did not have the proper checks and balances in place to verify the accuracy and completion of student-athlete certification as charged to the institution's assistant director of athletics for internal operations. This resulted in multiple student-athletes participating, receiving actual and necessary expenses and/or impermissible athletics aid while ineligible prior to receiving their final certificate from the Eligibility Center.

² Of the 165 contests, 160 were regular season contests and five were postseason (non-NCAA championship) contests.

3. [NCAA Division II Manual Bylaws 10.01.1, 10.1, 10.1-(c), 19.2.1, 19.2.1-(a) and 19.2.1-(b) (2024-25)]

Barber and the enforcement staff agree that during an August 16, 2024, interview with the institution and enforcement staff, Barber violated the NCAA principles of ethical conduct and the responsibility to cooperate when she knowingly provided false or misleading information concerning her knowledge of and/or involvement in the amateurism and initial eligibility violations detailed in Agreed-Upon Finding of Fact No. 1. Specifically, Barber contended that she informed the head coaches of the 11 sports by email which student-athletes were ineligible due to incomplete certification. However, the case record demonstrates that Barber did not do so.

III. OTHER VIOLATIONS OF NCAA LEGISLATION SUBSTANTIATED; NOT ALLEGED

None.

IV. REVIEW OF OTHER ISSUES

None.

V. PARTIES' AGREED-UPON PENALTIES³

Pursuant to Bylaw 19.10.3-(e), the parties agree to the following penalties⁴:

Penalties for Major Violations (Bylaw 19.12.4)

1. Public reprimand and censure through the public release of the negotiated resolution agreement.
2. Two years of probation from **July 9, 2025, through July 8, 2027.**⁵

³ 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 Committee on Infractions aware of the impossibility and must complete the penalty at the next available opportunity.

⁴ On July 9, 2025, the COI considered the parties' jointly submitted NR. The COI approved the institution's penalties, which went into effect as of that date. With respect to Barber, the COI requested additional information regarding her penalty, which resulted in the parties' submission of an amended NR on August 8, 2025. The COI subsequently approved the amended NR, and Barber's penalties are effective as of the date of release, August 21, 2025.

⁵ Institutions must serve probation during the prescribed penalty period.

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 certification legislation.
 - b. Submit a preliminary report to the Office of the Committees on Infractions (OCOI) by October 15, 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 May 15th during each year of probation. Particular emphasis shall be placed on rules education and monitoring related to amateurism and initial eligibility certification.
 - d. Inform prospects in the football, men's and women's soccer, women's lacrosse, men's and women's track and field, men's and women's cross country, softball and men's golf programs in writing that the institution is on probation for two years 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 a written offer of admission and/or financial aid and no later than when the Eligibility Center provides a prospective student-athlete with the institution's academic data.
 - 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 football, men's and women's soccer, women's lacrosse, men's and women's track and field, men's and women's cross country, softball and men's golf programs. 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 self-imposed a \$1,000 fine paid to the NCAA. The institution shall pay an additional fine of \$1,500 to the NCAA.⁶

5. Vacation of team and individual records: Ineligible participation in the football, men's and women's soccer, women's lacrosse, men's and women's track and field, men's and women's cross country, softball and men's golf programs occurred during the 2022-23 and 2023-24 academic years as a result of violations in this case. Therefore, pursuant to Bylaws 19.12.4-(f), 19.12.4.6 and 19.12.4.7, the institution shall vacate all regular season and conference tournament wins, records and participation in which the ineligible student-athletes competed from the time they became ineligible through the time they were reinstated as eligible for competition. Further, if the ineligible student-athletes participated in NCAA postseason competition at any time they were ineligible, the institution's participation in the postseason contests in which the ineligible competition occurred shall be vacated. The individual records of the ineligible student-athletes shall also be vacated. However, the individual finishes and any awards for all eligible student-athletes shall be retained. Further, the institution's records regarding the affected sport programs, as well as the records of the head coaches, shall reflect the vacated records and be recorded in all publications in which such records are reported, including, but not limited to, institutional media guides, recruiting material, electronic and digital media plus institutional, conference and NCAA archives. Any institution that may subsequently hire the affected head coaches shall similarly reflect the vacated wins in his/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 toward specific honors or victory "milestones" such as 100th, 200th or 500th career victories. Any public reference to the vacated records shall be removed from the athletics department stationery, banners displayed in public areas and any other forum in which they may appear. Any trophies awarded by the NCAA in the affected sport programs shall be returned to the Association.

Finally, to aid in accurately reflecting all institutional and student-athlete vacations, statistics and records in official NCAA publications and archives, the sports information director (or other designee as assigned by the director of athletics) must contact the NCAA media coordination and statistics office and appropriate conference officials to identify the specific student-athletes and contests impacted by the penalties. In addition, the institution must provide the media coordination and statistics office with a written report detailing those discussions. This written report will be maintained in the permanent files of the media coordination and statistics office. The written report must be delivered to the office no later than 14 days following the release of this decision or, if the institution appeals the vacation penalty, at the conclusion of the appeals process. A copy of the written report shall also be delivered to the OCOI at the same time.

⁶ The institution expended funds for both a full compliance review and an outside consultant totaling approximately \$10,000 to review the issues in this matter, therefore the institution and enforcement staff agree that a \$2,500 fine is appropriate.

6. During each year of the term of probation, the compliance officers responsible for student-athlete eligibility shall attend NCAA Regional Rules Seminars. The institution shall provide in its annual compliance reports a list of the sessions the compliance office attends at these seminars.
7. 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 NCAA Division II Committee on Infractions affirming that the institution's current athletics policies and practices conform to all requirements of NCAA regulations.
8. Show-cause order: Barber violated the NCAA principles of ethical conduct. Therefore, Barber shall be subject to a two-year show-cause order from **August 21, 2025, through August 20, 2027**. In accordance with Bylaw 19.12.4.1 and Committee on Infractions Internal Operating Procedure 5-17-1-1, any employing member institution shall require Barber (a) to attend an ethics training within 60 days of the finalization of this agreement and an NCAA Regional Rules Seminar in 2025 (completed), 2026 and 2027, with 2025 attendance at her own cost; (b) present NCAA rules education sessions regarding eligibility certification legislation and procedures to the coaches and staff of her employing institution during the fall academic terms of 2025 and 2026 and NCAA rules education sessions regarding ethical conduct legislation to the coaches and staff of her employing institution during the spring academic terms of 2026 and 2027; and (c) undergo a written performance evaluation, with an emphasis on ethics, with her employer. If Barber becomes employed by a member institution in an athletically related position during the two-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.

VI. 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 Barber agree that they will take every precaution to ensure that the terms of the penalties are observed. The institution and Barber 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 or Barber 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, Fort Lewis shall be subject to the provisions of Bylaw 19.12.4.4 concerning repeat violators for a five-year period beginning on the effective date of the institution's penalties in this case, July 9, 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.

Should the Committee on Infractions approve the negotiated resolution, the parties agree that they waive NCAA hearing and appellate opportunities.

VII. 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 Fort Lewis and Barber 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 Barber 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.

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Page No. 9

NCAA DIVISION II COMMITTEE ON INFRACTIONS

Amber Feldman

Brooke Parsons

Leslie Schuemann, vice chair

Jason Sobolik

APPENDIX

FORT LEWIS COLLEGE'S CORRECTIVE ACTIONS

1. An institutional letter of admonishment will be issued to the Fort Lewis special assistant to the director of athletics for his erroneous determination that allowed an ineligible football student-athlete and one other student-athlete whose eligibility had not been determined definitively by the Eligibility Center.
2. Institutional letters of admonishment will be issued to all applicable head coaches and institutional staff members signing the eligibility checklists.
3. The institution hired an experienced individual to serve as the Skyhawk academic advisor/athletics eligibility coordinator effective the 2023-24 academic year. This position is housed within and under the supervision of Skyhawk Station in order to provide for the systemic, external review and determination of the eligibility status of Fort Lewis student-athletes.
4. The institution has elected to fund a graduate assistant position assigned specifically to assist in the Fort Lewis compliance office effective July 1, 2024. This position constitutes an additional 0.5 full-time employees devoted to compliance-related tasks.
5. The institution has established a compliance committee comprised of the institution's associate director of athletics - compliance and student success, faculty athletics representative, director of Skyhawk academic advisor/athletics eligibility coordinator as well as representatives from the registrar, admissions and financial aid offices. This committee meets at least twice per academic term and is charged with providing external oversight for the compliance program.
6. A comprehensive compliance policies and procedures manual has been drafted for the purpose of ensuring that all Fort Lewis staff members (both internal and external to the athletics department) are fully aware of all pertinent compliance policies and procedures as well as their respective roles and responsibilities as they relate to compliance-related matters and functions. The manual includes imbedded links to the over 50 compliance-related forms developed and/or updated as part of this process. The manual is posted on the Fort Lewis athletics department website and is thereby readily available to all affected Fort Lewis staff members (both inside and outside the athletics department). Most importantly, the manual serves not only as an invaluable source of information, but also as a means to hold all affected Fort Lewis staff members (both inside and outside the athletics department) accountable for their adherence to and performance of their respective compliance-related roles and responsibilities.

7. The *FLC Athletics Compliance Policies and Procedures Manual* is routinely updated with the most recent version posted and accessible via the athletic department website. One particular area of the manual that has been updated following the discovery of these violations is the section pertaining to initial eligibility and, more specifically, the processes and expectations pertaining to the Eligibility Center. In that regard, more prescriptive language has been added to ensure that everyone who has a role in the completion and review of the *NCAA Compliance Assistant Eligibility Checklist* is aware of their specific responsibilities and, if a required signatory, is held accountable for reviewing and attesting to the accuracy and completeness of the information on the checklist.
8. The institution provided funding for the associate director of athletics - compliance and student success to attend the 2023 NCAA Regional Rules Seminar as well as the 2024 NCAA Annual Convention. Additionally, the Fort Lewis faculty athletics representative was funded to attend the 2023 NCAA DII FAR Fellows Institute.
9. Funding will continue to be provided annually for the associate athletic director - compliance and student success and the Skyhawk advisor/athletics eligibility coordinator to attend the NCAA Regional Rules Seminars. The Fort Lewis director of athletics and the special assistant to the athletics director will also be attending the 2024 NCAA Regional Rules Seminar. Other individuals performing key compliance-related tasks outside of athletics (e.g., financial aid office, registrar) will likewise be provided an opportunity to occasionally attend the rules seminars. This will most certainly occur whenever the institution hires a new staff member or transitions a current staff member to assume compliance-related responsibilities.
10. The director of athletics and associate director of athletics - compliance and student success meet bimonthly for the purpose of discussing compliance-related matters and, more specifically, identifying and addressing vulnerabilities within the compliance program and/or aggressively dealing with instances in which established compliance policies and procedures are not being adhered to.
11. A portion of all monthly athletics department staff meetings are being devoted to compliance related matters to include a review and reinforcement of pertinent policies and procedures and timely and topical rules-education updates.
12. An educational session devoted solely to the completion and review of the *NCAA Compliance Assistant Eligibility Checklist* is being developed and will be conducted for the purpose of ensuring that all pertinent administrative staff (both inside and outside the athletic department) and all members of the coaching staff (head coaches as well as assistant coaches) are fully

aware of the meaning of the various codes inserted on the checklist and apprised of the responsibility as a signatory with respect to reviewing the checklist for accuracy and completeness.

13. The Fort Lewis president will annually address the athletics department staff at the outset of each academic year to emphasize the institution's commitment to rules compliance.
14. Job descriptions for all athletics department staff members, as well as those individuals outside of athletics with compliance-related responsibilities, are being revised to reflect compliance roles, responsibilities and expectations.
15. Annual evaluation processes and documents for all athletics department staff members are being updated to include adherence to compliance roles, expectations, policies and procedures.
16. The institution has modified the *NCAA Compliance Assistant Eligibility Checklist* form by requiring the signature of the complier, compliance coordinator (if different than the complier), director of athletics, faculty athletics representative and the certifying office/registrar. Additionally, each signatory is required to attest to their review and understanding of the information reflected on the checklist.
17. The institution worked with the RMAC to amend its bylaws by requiring all member institutions to forward their completed *NCAA Compliance Assistant Eligibility Checklists* to the RMAC office prior to the first date of competition. The conference office will verify the receipt of each checklist, the required signatures, and to make note of and request clarification on any missing and/or seemingly inaccurate information.