



TEXAS A&M UNIVERSITY – CORPUS CHRISTI
PUBLIC INFRACTIONS REPORT
MARCH 25, 2009

A. INTRODUCTION.

On December 5, 2008, officials from Texas A&M University-Corpus Christi, the Southland Conference, a former director of athletics ("former director of athletics") along with his legal counsel and a former director of compliance ("former compliance director"), appeared before the NCAA Division I Committee on Infractions to address allegations of violations in the institution's athletics program. The violations in this case centered on two international student-athletes (one in women's volleyball, one in men's tennis) and an international prospect in men's basketball who were involved in several categories of NCAA violations including ineligible participation and receipt of recruiting inducements. There were additional, unrelated recruiting violations in the men's basketball program resulting from impermissible telephone calls. The most serious violations, however, involved decisions made by institutional personnel, including the former director of athletics, not to report NCAA violations. This failure to report violations contributed to a lack of institutional control finding as well as unethical conduct findings against the institutional staff members who decided not to report the violations.

The committee noted that the institution reinstated intercollegiate athletics in 1998. During the 1998-99 academic year the institution competed as a provisional Divisional I member in three sports; men's and women's tennis and women's golf. Over the next three years, 11 sports were added for a total of 14 sports currently sponsored by the institution. Texas A&M–Corpus Christi did not gain full NCAA Division I membership until the 2004-05 academic year and was not admitted to a conference as a full member until the summer of 2006, when it joined the Southland Conference.

The rapid expansion in sports sponsorship at the institution during the early 2000s, combined with the increasingly complex requirements attendant with full Division I membership, should serve as a warning to institutions seeking a "fast track" to Division I affiliation. There must be a heightened sense of awareness with respect to compliance education as well as violation detection and reporting. In this case, Texas A&M–Corpus Christi failed to take those steps, resulting in the infractions documented in this report.

As explained in greater detail in the lack of institutional control finding, the roots of the institution's troubles can be traced to four shortcomings which contributed to a culture of noncompliance at the institution. First, the institution did not establish adequate systems

of policies and procedures to ensure compliance with NCAA regulations. This was due, in large part, to the institution's failure to devote the necessary resources for an effective Division I compliance program. Second, the institution failed to monitor and evaluate its athletics program to detect or deter instances of NCAA violations. Third, the institution failed to provide adequate NCAA rules education to institutional staff members. Fourth, and most troubling, institution officials decided not to investigate and report information relating to NCAA rules violations. The decision not to report information appeared to be based on concern that, if major violations were reported, it could cast the institution and its administration in a negative light while also jeopardizing its recent acceptance as a member of a Division I conference.

As stated earlier in this report, Texas A&M–Corpus Christi is a member of the Southland Conference. The institution has an enrollment of approximately 8,600 students and sponsors six men's and eight women's intercollegiate sports. This is the institution's first major infractions case.

B. FINDINGS OF VIOLATIONS OF NCAA LEGISLATION.

1. INELIGIBLE COMPETITION. [NCAA Bylaws 14.01.1, 14.2.1 and 14.2.1.1]

During the 2005-06 academic year, the institution permitted a women's volleyball student-athlete ("student-athlete 1") to represent the institution in intercollegiate volleyball competition during the sixth year following her initial full-time enrollment at a collegiate institution, a year beyond the permissible five-year period of eligibility.

Committee Rationale

The enforcement staff and institution were in substantial agreement as to the facts of this finding and that those facts constitute violations of NCAA legislation. The committee finds that the violations occurred.

Student-athlete 1 was an international student-athlete enrolled in a full-time academic program in a four-year collegiate institution in her native country from 2000 until 2002. Subsequently, in the fall of 2002, student-athlete 1 enrolled in a full-time academic program at a two-year collegiate institution in the United States, where she remained for the 2002-03 and 2003-04 academic years. Student-athlete 1 then enrolled in a full-time academic program at Texas A&M–Corpus Christi in the fall of 2004, and represented the institution in intercollegiate women's volleyball competition during the 2004-05 and 2005-06 academic years. Upon student-athlete 1's initial enrollment at the institution in the fall of 2004, student-athlete 1 disclosed all of her previous collegiate enrollment to

the former head women's volleyball coach ("former head women's volleyball coach"). In addition, student-athlete 1's international collegiate enrollment was included on her two-year institution's academic transcript. Student-athlete 1 disclosed her previous international collegiate enrollment on her 2004-05 NCAA General Amateurism and Eligibility Form for International and Select Student-Athletes (NCAA Form 04-10a), and her application for admission to the institution. Even though student-athlete 1 disclosed this information, the institution certified student-athlete 1 as a two-year college transfer with no other collegiate enrollment; and as a result, student-athlete 1 represented the institution in intercollegiate volleyball competition during the 2005-06 academic year, one year after her eligibility had expired.

The erroneous certification and student-athlete 1's competition while ineligible is a component of the lack of institutional control finding set forth in Finding B-7.

2. VIOLATIONS OF FINANCIAL AID AND ELIGIBILITY LEGISLATION; EXTRA BENEFITS. [NCAA Bylaws 14.01.1, 14.3.1, 14.3.2.2.1 (2003-04 and 2004-05 NCAA Manuals), 14.3.2.3 (2003-04 and 2004-05 NCAA Manuals), 14.11.1, 15.01.5, 15.3.1.1 and 16.8.1.2]

During the spring and fall of 2004, the institution provided a former men's tennis student-athlete ("student-athlete 2") impermissible athletically related financial aid at the time the young man was a nonqualifier and was fulfilling a year of residence at the institution. Additionally, during the spring and fall of 2004, the institution permitted student-athlete 2 to serve as a manager for the men's tennis program even though he was a nonqualifier and not eligible to serve in this capacity. Finally, during the spring of 2005, the institution became aware that student-athlete 2 had both received improper athletics aid and performed impermissible managerial duties but failed to declare the young man ineligible. The institution permitted him to continue to represent the institution in intercollegiate tennis competition and receive travel expenses while ineligible during the spring of 2005 and the 2005-06 and 2006-07 academic years. Specifically:

- a. During the spring of 2004, the institution authorized a scholarship in the amount of \$1,000 of athletically related financial aid for student-athlete 2 even though the young man was a nonqualifier while fulfilling a year of residence at the institution. Similarly, during the fall of 2004, the institution provided a scholarship in the amount of \$500 of athletically related financial aid for student-athlete 2.

- b. During the spring and fall of 2004, the institution permitted student-athlete 2 to attend men's tennis practice sessions and serve as a manager even though he was a nonqualifier and not eligible to serve in this capacity.
- c. During the spring or fall of 2005, the former compliance director discovered that student-athlete 2 had received athletics aid as a nonqualifier and performed impermissible managerial duties. The former compliance director informed two institutional administrators and the head men's tennis coach of the apparent violations. However, the institution failed to declare student-athlete 2 ineligible; it permitted him to continue to represent the institution in intercollegiate athletics competition and receive travel expenses during the spring of 2005 and the 2005-06 and 2006-07 academic years. In addition, in the fall of 2007, the former compliance director informed the former director of athletics of the violations involving student-athlete 2. No one in the athletics department reported the violations to the Southland Conference office or the NCAA enforcement staff.

Committee Rationale

The enforcement staff and institution were in substantial agreement as to the facts of this finding and that those facts constitute violations of NCAA legislation. The committee finds that the violations occurred.

As background, student-athlete 2 is an international student. In the summer of 2003 he began corresponding via e-mail with the institution's former head men's tennis coach ("former head men's tennis coach") about the possibility of attending the institution. Although he was a non-qualifier, student-athlete 2 moved to Corpus Christi in the late summer of 2003. As stated in the finding, student-athlete 2 had to serve a year of residency at the institution before being eligible to compete in intercollegiate tennis. He ultimately enrolled at the institution in January 2004 and received the impermissible financial aid set forth in the finding. With regard to the scholarship monies he received for the 2004 spring semester, student-athlete 2 explained that the former head men's tennis coach told him the institution "found a way" to provide him a scholarship for that term. Texas Education Code 54.064 specifies that the receipt of at least \$1,000 in institutional aid from a state institution triggers in-state tuition for out-of-state students. Therefore, student-athlete 2's receipt of the spring 2004 scholarship allowed him to pay in-state tuition, thereby increasing the value of the benefit significantly.

3. IMPERMISSIBLE TELEPHONE CONTACTS. [NCAA Bylaw 13.1.3.1.2]

From August 2007 through February 2008, an assistant men's basketball coach ("assistant coach") placed at least 92 impermissible telephone calls to four two-year prospective student-athletes. Specifically, the assistant coach made the following impermissible telephone calls after he had already made a permissible call to that individual during that week (one call per week permitted to a two-year college prospective student-athlete):

- a. From September through October 2007, the assistant coach placed three impermissible phone calls to a prospective men's basketball student-athlete.
- b. From August 2007 through February 2008, the assistant coach placed 44 impermissible phone calls to a second prospective men's basketball student-athlete.
- c. From August 2007 through February 2008, the assistant coach placed 42 impermissible phone calls to a third prospective men's basketball student-athlete.
- d. From August through September 2007, the assistant coach placed three impermissible phone calls to a fourth prospective men's basketball student-athlete.

Committee Rationale

The enforcement staff and institution are in substantial agreement as to the facts of this finding and that those facts constitute violations of NCAA legislation. The committee finds that the violations occurred.

The assistant coach contended that he misunderstood NCAA legislation applicable to recruiting calls to two-year college prospects. The assistant coach said he thought coaches could make two calls per week to two-year prospects in their second year. NCAA Bylaw 13.1.3.1.2 allows two weekly calls to high school prospects, but the weekly limit for two-year prospects is one. The committee noted that the assistant coach reported that he did not recall receiving any rules education from administrators at the institution from his hiring in 2007 until May 14, 2008, when he was interviewed by the enforcement staff. He said he became familiar with NCAA legislation only through taking practice tests for the NCAA Coaches' Certification Exam and by occasionally talking with the compliance office as questions arose.

4. RECRUITING INDUCEMENTS. [NCAA Bylaws 13.2.1, 13.2.2-(h) and 13.5.1]

During the course of a 10-day period in the spring semester of 2008, the institution provided a prospective men's basketball student-athlete ("prospect 1") a four-year college transfer and an international student-athlete, with various impermissible recruiting inducements. These inducements included cost-free lodging and transportation, while the prospect resided in the locale of the institution and attempted to enroll at the institution. Specifically:

- a. During the period January 29, through February 7, 2008, the men's basketball coaching staff permitted prospect 1 to live in an on-campus apartment occupied by three men's basketball student-athletes at no cost to the young man.
- b. On January 31, 2008, at the direction of the former compliance director, two individuals (the athletics department's secretary and a graduate assistant) provided prospect 1 round-trip automobile transportation between the on-campus apartment in which he resided and Laredo, Texas (a distance of approximately 280 miles round trip). This was to facilitate prospect 1 departing and re-entering the United States in an attempt to renew expired U.S. Department of Homeland Security papers relating to his student visa (I-20 form).
- c. During the 10-day period, on several occasions, prospect 1 was provided impermissible local transportation by two men's basketball student-athletes and the associate head men's basketball coach ("associate head coach").
- d. On February 7, 2008, the associate head coach provided prospect 1 with local automobile transportation from the on-campus apartment in which he was temporarily residing to the Corpus Christi bus station in order for the young man to return to Canada, his native country.

Committee Rationale

The enforcement staff, the institution and involved parties are in substantial agreement as to the facts of this finding and that those facts constitute violations of NCAA legislation. The committee finds that the violations occurred. Finding B-4(b) is a component of the unethical conduct finding made against the former compliance director as set forth in Finding B-6.

As background, prospect 1 attended high school in the Chicago, Illinois area. He was a basketball student-athlete at a four-year institution located in Chicago from the fall of 2006 until he departed that institution in November 2007 due to a disciplinary matter. After leaving the four-year institution, prospect 1 remained in the Chicago area and lived with his uncle. The associate head coach reported that, following the institution's November 28, 2007, game against the four-year institution, prospect 1's high school coach told him (the associate head coach) that prospect 1 was looking to enroll at another institution. The associate head coach added that prospect 1's high school coach was acquainted with the institution's head men's basketball coach. The head basketball coach recalled that prospect 1's high school coach contacted him and asked him if he would "take" prospect 1. On January 16, 2008, the four-year institution administrators granted permission for the institution to contact prospect 1. It appeared that the basketball staff intended for prospect 1 to enroll in the second semester of the 2007-08 academic year. Although he had been accepted to the institution, prospect 1 left Corpus Christi on February 7, without enrolling, due to difficulties in renewing his student visa.

5. UNETHICAL CONDUCT. [NCAA Bylaws 10.01.1 and 10.1]

The former director of athletics failed to deport himself in accordance with the generally recognized high standards of honesty and sportsmanship normally associated with the conduct and administration of intercollegiate athletics. This is due to his decision not to report the violations set forth in Finding B-1 to the Southland Conference office or NCAA enforcement staff in the summer of 2006, when he was first made aware of the violations.

Committee Rationale

The enforcement staff and the institution were in substantial agreement as to the facts of this finding. The former director of athletics disagreed that he violated NCAA Bylaws 10.01.1 and 10.1. Rather, he contended that the decision not to self-report the ineligible competition of student-athlete 1 constitutes a lack of institutional control under Bylaw 2.8.1. The committee finds that the former director of athletics violated ethical conduct legislation.

As background, in the spring of 2006, student-athlete 1 took steps to transfer 93 academic credit hours earned at the college she attended in her home country from 2000 to 2002. Shortly after this occurred, an academic coordinator noticed the transfer of credit hours to student-athlete 1's transcript and notified the former compliance director. Upon reviewing the material surrounding this transfer of credits, the former compliance director realized that due to student-athlete 1's enrollment start date at the college she attended in her home country, the institution had permitted student-athlete 1 to compete

during a sixth year of eligibility, a year beyond the five-year period of eligibility permitted under NCAA legislation. The former compliance director then reported the information to an associate director of athletics ("former associate director of athletics"), who was serving as the interim director of athletics while the institution searched for a permanent director of athletics. The former compliance director and the former associate director of athletics then interviewed student-athlete 1. After the interview, the former compliance director and the former associate director of athletics decided not to conduct any further investigation until a new director of athletics was hired.

The former compliance director and the former associate director of athletics brought the situation involving student-athlete 1 to the attention of the incoming (now former) director of athletics in a July 2006 meeting. This meeting took place about two-to-three weeks after he began his duties at the institution. During this meeting, no recommendation on how to proceed with this matter was suggested to the former director of athletics. Following this meeting, the former director of athletics told the former compliance director and the former associate director of athletics to gather all the information pertaining to the issue involving student-athlete 1 in preparation for a meeting with the institution's president.

Approximately a week later, the former director of athletics, the former compliance director and the former associate director of athletics met with the president. The former director of athletics reported he began the meeting by telling the president there was a volleyball issue which could have NCAA "issues tied to it." During the meeting, the former compliance director explained the details of the violation, characterized it as "serious," and suggested the following three options: 1) report the violation to the conference and the NCAA; 2) ignore the violation and do nothing and 3) "make it go away." The option of "making it to go away" was suggested based on a concern that the violation might be discovered by institution system auditors at some future time. This option implied that that documentation and computer records relating to the violation would be deleted. Both the former director of athletics and the president stated that the option of "making it go away" was unacceptable. However, the former director of athletics stated he was thinking that "nobody wants negative attention coming to their institution."

The former director of athletics reported that a solution for addressing the situation was not agreed upon while the four individuals were in the president's office. After a time, the president dismissed the former compliance director and the former associate director of athletics from the meeting, but asked that the former director of athletics remain for additional discussion. During this private meeting, the president asked the former director of athletics what he wanted to do and said he would support the former director of athletics' decision. The president also told the former director of athletics to document the matter and be certain he "got all the information." The former director of athletics

said that he told the president words to the effect: "Let's play this thing out and see what happens." He said he also assured the president that the issue would be handled within the athletics department and would not happen again.

There was disagreement between the former director of athletics and the institution's president with respect to what, exactly, the president said to the former director of athletics during their private meeting relative to reporting the violation to the conference office and/or the NCAA. According to the former director of athletics, the president equivocated in making a decision on reporting the violation. The former director of athletics said that, as a result of the president's indecision, he told the president he was not going to self-report the violation and the president supported this approach to the issue. The president, on the other hand, said that the information he received from the three staff members was not clear with respect to whether a NCAA violation had actually occurred. The president reported that the term used was "possible violation." Nonetheless, the president maintained that he instructed the former director of athletics to report the information if he (the former director of athletics) believed that a violation, in fact, had occurred.

During a March 5, 2008, interview with the enforcement staff, the former director of athletics was asked about his November 12, 2007, interview with a system auditor from the institution. The November interview occurred shortly after the violation had been uncovered. During the November interview, the former director of athletics was questioned about the discussion which occurred between the president and the former director of athletics relative to reporting the violation involving student-athlete 1. The following exchange occurred with regard to what the former director of athletics recalled from his July 2006 meeting with the president, as he reported in his November 12, 2007, interview:

ENFORCEMENT STAFF: ...you indicated that the president told you to do the right thing, but do it in a way that minimized any negative attention to the institution. Do you recall that happening?

FORMER DIRECTOR OF ATHLETICS: Um, yeah. I mean I, I remember him saying you know, "I trust your judgment...I trust the decision you'll make, and, and it's just, you know, hopefully this won't cause any harm to us or whatever, but you know, he never instructed me to do anything. Nothing unethical.

The former director of athletics reported that, after he left the president's office following their private meeting, he called the former compliance director and the former associate director of athletics into his office and told them it was, "Business as usual... Let's just move on. Move forward." The former director of athletics recalled, "We didn't make a big deal out of it". "But I don't know what kind of investigation could have been done."

He continued that he thought he also told the former compliance director that the issue might need to be dealt with later but that he made it clear, "for now, let's just move on." During the infractions hearing, the former director of athletics' legal counsel ("legal counsel") made the following remarks and answered questions from the committee in the following exchange:

LEGAL COUNSEL: (The former director of athletics) is ashamed of his role in the failure to report this violation. He recognizes that he should have recommended that the violation be reported. He is sorry for his mistake and he is not here today to offer excuses, but that is not to say that he should take all of the blame for this failure.

COMMITTEE MEMBER: Maybe I misunderstood what you said. In substance, I think it is in the report as well, are you saying that the (former director of athletics) suggested that let's just "ride with it" and see if he finds out, if anyone finds out...?

LEGAL COUNSEL: I want to make sure I understand your question. Are you saying that (the former director of athletics) said "let's just move forward and see what happens?"

COMMITTEE MEMBER: A point of view.

LEGAL COUNSEL: Yes.

COMMITTEE MEMBER: I understand your argument that you think (the institution's president) should have done something else, but you are sitting next to the (former director of athletics). Shouldn't he have said, "Doctor, we have to be proactive, we have to report this, we have to not move forward, we have to go to the NCAA?"

LEGAL COUNSEL: You are absolutely right.

COMMITTEE CHAIRMAN: But that did not occur; is that correct?

LEGAL COUNSEL: That did not occur.

Later during the hearing, related exchanges occurred;

COMMITTEE MEMBER: Well, what I am trying to get my hands around is this concept of "moving forward." Do I understand you to mean when you said we can just move forward that will put this out of your mind, that it probably won't be discovered and we will work on other things, it will just go away? Did you suggest ignoring it..?

FORMER DIRECTOR OF ATHLETICS: Yes...

COMMITTEE MEMBER: Just a quick follow-up. I guess the question what seemed to be said was nobody wanted to destroy the evidence and "make it go away." But people were comfortable with "moving forward." I am just wondering why people thought -- did people think there would have been an ethical issue if you made it go away versus doing nothing?

FORMER DIRECTOR OF ATHLETICS: I don't know how to answer that. It wasn't the right decision. That's what I do know. It wasn't the right decision. It was the one I made, and I am sorry for that.

The former director of athletics' July 3, 2006, employment contract with the institution directed him to: (1) "adhere to the letter and spirit of the rules and regulations set forth by the NCAA and the Southland Conference"; (2) "monitor compliance by Texas A&M-Corpus Christi with all applicable governing constitutions, by-laws, rules and regulations of the Southland Conference and NCAA and cooperate fully with the Texas A&M-Corpus Christi compliance officer to assure compliance and **deal affirmatively with non-compliance where discovered**" (emphasis added); and (3) not "knowingly engage in, support, or tolerate any action violative of any governing constitution, by-law, rules, regulation, policy, of the Southland Conference, the NCAA, Texas A&M-Corpus Christi, or The Texas A&M University System."

By not reporting the violation involving student-athlete 1, the former director of athletics failed to honor the ethical standards and obligations set out in his contract. Moreover, regardless of what exactly the president said relative to reporting the violation, no one reported that the president instructed the former director of athletics NOT to report the violation. Even if the president had done so, the Association expects those in leadership positions on its member campuses to act appropriately and report NCAA violations. This was articulated by the committee in the Jacksonville University Infractions Report (Infractions Report No. 187, August 30, 2001). In the Jacksonville case, unlike the current case, the president of that institution instructed the director of athletics not to report violations. Nonetheless, the committee wrote the following:

The committee recognized that the former director of athletics had an affirmative obligation under NCAA legislation to 'go above the president's head' and report his knowledge of possible NCAA violations directly to either the conference office or the NCAA.

In conclusion, the former director of athletics stated that the president instructed him not to do anything "unethical." The word "ethical" as defined in Webster's New World Dictionary, includes the following meaning: "conforming to the standards of conduct of a given profession or group." Directors of athletics, by virtue of their leadership positions,

are held to a high professional standard. In this instance, by purposely not reporting a serious NCAA violation, the former director of athletics violated that standard and, by doing so, engaged in unethical conduct.

6. UNETHICAL CONDUCT; FAILURE TO EXHIBIT EXEMPLARY CONDUCT. [NCAA Bylaws 10.1, 10.01.1, 10.1-(c) and 19.01.2]

The former compliance director failed to deport himself in accordance with the generally recognized high standards of honesty and sportsmanship normally associated with the conduct and administration of intercollegiate athletics due to his involvement in and knowledge of the following:

- a. His authorization and arrangement of round-trip automobile transportation for prospect 1 between Corpus Christi and Laredo, Texas, during the spring semester of the 2007-08 academic year, as set forth in Finding B-4-b.
- b. His attempt to enhance his own financial situation by threatening to disclose unreported NCAA rule violations during a meeting with a member of the institution's human resources staff.

Committee Rationale

The enforcement staff and the institution were in substantial agreement as to the facts of this finding and that unethical conduct occurred. The former compliance director agreed with the facts outlined in Finding B-6-a but did not agree that those facts constitute a violation of ethical conduct or exemplary conduct. With regard to Finding 6-b, the former compliance director denied that he attempted to obtain a financial benefit by threatening to disclose unreported NCAA rule violations. The committee finds that the violations occurred.

With regard to Finding B-6-a, the former compliance director reported that, in late January 2008, an institutional admissions advisor informed him that prospect 1's I-20 (student visa) had been terminated by the institution he previously attended and that he would not be permitted to transfer to the institution [See: Finding B-4]. Records reflected that a hold was placed on prospect 1's admissions profile while the problem with his I-20 was being addressed.

The former compliance director reported that after being informed of the issues with prospect 1's student visa, he met with the prospect. He discovered and that the young man did not have the necessary documents in order to obtain a new I-20 and that he was

in the United States illegally. After making this determination, the former compliance director telephoned the Canadian consulate and was told that the institution could resolve prospect 1's immigration issue by issuing him a new I-20, after which prospect 1 could leave the United States and re-enter the country with the new I-20.

Upon reviewing the situation with the Canadian consulate, the former compliance director authorized the athletics department secretary and an athletics department graduate assistant to transport prospect 1 to the border town of Laredo, Texas, in order for him to cross into Mexico and then re-enter the United States. The former compliance director reported that the two athletics department employees and prospect 1 departed Corpus Christi for Laredo on January 31, 2008. The secretary reported that she used an athletics department vehicle to transport prospect 1 to Laredo. She used an institution travel card to pay for gasoline, which was charged to the men's basketball program's account. Prospect 1 did not pay any expenses for the trip; the secretary submitted the trip mileage to the institution's purchasing department.

During interviews with the enforcement staff, the former compliance director said the following in admitting that he authorized and arranged the impermissible roundtrip transportation of prospect 1 from Corpus Christi to Laredo, Texas.

So I am trying to get it out of my hands and out of my lap so, at that point, 100 percent responsible. I authorize (the two athletics department employees), I said, get in the car, go to Laredo, okay, I am taking full, I told them to go and that's on me. My options, I felt that was the, not the best, but of all the options certainly, again, I'd rather be guilty of a, of an extra benefit violation than have a kid being sent home in a box from getting shot at the border... I know, you know, I can sit here and say, well, that's reasonable local transportation, I know it's not reasonable local transportation, okay. Now the thing, my intent was if we get everything straightened out and he comes back and he gets eligible, my intent was to hit his scholarship when he came back to find out what the reasonable value of us transporting him down there was, whether its three, four, five hundred dollars for the transportation and then, you know, ding his scholarship when he gets it for the spring semester, and then, you know is it totally right, no it's not. Is it an extra benefit from arranging it on our own end, yeah, really, it still is because we took our own vehicle down there.

The following related exchange occurred during an interview with the enforcement staff:

ENFORCEMENT STAFF MEMBER: This concerned you though, you knew that transporting him, him staying on campus were NCAA violations?

FORMER COMPLIANCE DIRECTOR : I hear you, you're darn right I did.

The committee recognizes prospect 1 was in a difficult situation with respect to his immigration status. However, that does not allow the compliance director, the institution's official directly charged with maintaining and enforcing NCAA rules, to knowingly provide an improper inducement to this prospect. Had prospect 1 been successful in enrolling at the institution and joined the institution's men's basketball team, the former compliance director planned to reduce prospect 1's athletics aid in the amount of the transportation inducement. Even if he had been able to do this, it would not have absolved the compliance director of the underlying violation that he knowingly provided a prospect with an improper inducement and the fact that this knowing involvement clearly violates NCAA ethical conduct legislation.

Finding B-6-b involved the former compliance director's attempt to enhance his financial situation by threatening to disclose unreported NCAA rule violations. During the summer of 2007, the former compliance director was informed by the former director of athletics that he (the former compliance director) would not receive a salary increase and promotion that he said had been promised to him. The former compliance director stated that he left the former director of athletics' office and went directly to the office of a human resource director. During a March 6, 2008, interview with the enforcement staff, the former compliance director reported the following with regard to what he said to the human resource director:

I told (the human resource director), I don't want my money, I don't want my title, I want to be bought out right now. I said I know how it works here, we had a previously baseball coach who had urinated in the dugout, who had done numerous other repulsive things and he was bought out for a year's salary. And I said, I'm telling you, that what I know in comparison to what he knows is probably worth a lot more to the institution. (*emphasis added*) I said I've been a team player, I've done what I've [been] asked, I've taken care of a lot of stuff. I've seen violations swept under the carpet. I said, I'm done. I said, I want to be bought out and I want to know what is going on soon.

At the infractions hearing, the committee questioned the former compliance director about this statement. In that context, the following exchange occurred:

COMMITTEE MEMBER: ...and now you are still threatening. To me, it is a threat. I accept it as that. Where would you be going with this information if you were going to disclose it? The only power the information has if you told someone.

FORMER COMPLIANCE DIRECTOR: That's correct. And my whole situation was that I was in a position where I was being asked by individuals at the institution to cover up NCAA violations. My statement to (the human resource director) was that I was not going to be involved in that anymore, and that it needed to be dealt with and that I wanted to separate from the institution.

COMMITTEE MEMBER: Okay. But that doesn't square with what you have said. I am not going to go around the block again. You basically said, "And I said, I'm telling you, that what I know in comparison to what he knows is worth a lot more to the institution." That is more than a year's salary, and that is what you were talking about was a year's salary. To me, that is pretty strong stuff. Who are you going to go to, who are you going to say that to, who are you going to talk to in order to get two more years' salary, or 50 cents more salary? ...you admit in your own words that you did have a discussion with a representative of the institution, (the human resource director), in which you said these things. It is there. We can't deny it.

FORMER COMPLIANCE DIRECTOR: That is correct.

During the hearing, the former compliance director attempted to explain that he was not referring to NCAA violations when he spoke to the human resources director about being "bought out:"

FORMER COMPLIANCE DIRECTOR: Mr. chair, there were a number of violations that were discussed in my meeting with (the human resources director), and those were not NCAA violations. There were also violations of state law regarding mold infestation...and there were there violations that were going on regarding -- there was a host of issues. That's just violations were not specifically named as NCAA violations.

The committee found that the former compliance director's suggestion that he was speaking about "mold infestation" when he referred to "what he knew" and how much it was "worth" in his meeting with the human resources director was not credible. It was clear in the context of that conversation that NCAA violations was the issue at hand. That was evident in the previously cited exchange at the hearing when the former compliance director said, "And my whole situation was that I was in a position where I was being asked by individuals at the institution to cover up NCAA violations."

Later during the hearing, the following exchange occurred:

COMMITTEE MEMBER: If you know of violations and you know that it is your responsibility to report these violations, and you do not report the violations, what kind of behavior would you categorize that as being, not reporting the violations when you know you should report the violations?

FORMER COMPLIANCE DIRECTOR: Cowardly.

Although the former compliance director was not charged with unethical conduct for failing to report NCAA violations, it was clear to the committee that NCAA ethical conduct and exemplary-conduct legislation places an affirmative responsibility on an individual to do what is right, that is, "ethical." In that light, the committee concluded the former compliance director did, in fact, attempt a financial enhancement for himself by indicating that he would not report known NCAA violations in exchange for a "buy out" of his employment contract/agreement. In doing so, he engaged in behavior that was contrary to NCAA ethical-conduct and exemplary-conduct legislation.

7. LACK OF INSTITUTIONAL CONTROL. [NCAA Constitution 2.1.1, 2.8.1 and 6.01.1]

The scope and nature of the violations set forth in these findings demonstrate that the institution failed to exercise institutional control in the conduct and administration of its athletics program in critical areas of NCAA compliance. The institution failed to (a) establish adequate systems of policies and procedures to ensure compliance with NCAA regulations, (b) monitor and evaluate its athletics program to detect or deter instances of NCAA violations, (c) provide adequate rules education and training to institutional staff members to ensure that the athletics program operated within compliance of NCAA rules, and (d) sufficiently pursue and accurately report circumstances involving NCAA rule violations. Specifically:

- a. The institution failed to establish an adequate system for monitoring the eligibility of student-athletes to practice, compete and receive athletically related financial aid during the 2003-04 through 2007-08 academic years.
- b. The institution failed to provide adequate NCAA rules education to members of the athletics department and to key individuals in other nonathletics institutional departments during the 2003-04 through 2007-08 academic years.

- c. The institution failed to investigate and report information relating to NCAA violations in an accurate and timely manner during the 2005-06 through 2007-08 academic years. Specifically:
- (1) During the spring of 2005, the former compliance director discovered that student-athlete 2 had received athletics aid and performed impermissible managerial duties as a nonqualifier during his initial year in residence. The former compliance director subsequently informed the then director of athletics, the former associate director of athletics and the former head men's tennis coach of the violations. However, the athletics department failed to self-report the violations to the NCAA enforcement staff. Student-athlete 2 continued to represent the institution in intercollegiate athletics competition and receive travel expenses during his enrollment at the institution while ineligible to do so as set forth in Finding B-2.
 - (2) During the fall of 2007, the former compliance director informed the former director of athletics of the NCAA violations regarding student-athlete 2. However, the athletics department failed to self-report the violations to either the Southland Conference office or the NCAA enforcement staff.
 - (3) During the spring of 2006, the former compliance director discovered that the institution had permitted student-athlete 1 to compete in a sixth year of eligibility, a year beyond the permissible five-year period of eligibility. The former compliance director reported this information to the former director of athletics and the former associate director of athletics. However the athletics department failed to conduct further timely inquiry into the violation and then failed to report the violation to the Southland Conference office and to the NCAA enforcement staff.

Committee Rationale

The enforcement staff and institution are in substantial agreement as to the facts of this finding and that those facts constitute violations of NCAA legislation. The committee finds that the violation occurred.

As stated in the introduction of this report, the committee was troubled by the atmosphere of noncompliance which pervaded the athletics administration at the institution. This occurred under the leadership of several directors of athletics. Rather than discover,

investigate and report violations, as required of all member institutions, NCAA violations were approached with a desire to "sweep them under the rug," rather than to properly report them as required by all member institutions.

The committee was also disappointed that the president of the institution was not more proactive when he was informed that the violation involving student-athlete 1 (or "possible violation" as the president described it) had been committed and had not yet been reported. In that context, the following exchange occurred at the infractions hearing:

COMMITTEE MEMBER: And one of the things I read in the institution's response was that that you never asked (the former director of athletic) "did you report it?" You just said "is there anything I need to know that is wrong down in the program?" And I was very curious why you didn't ever specifically follow up with (the former athletics director) on what he had decided on this specific case. Presumably, you had not had athletic director coming to you very often saying, since you were just reinstating this program, even we may have a major violation?

PRESIDENT: That's not exactly accurate. I did ask several weeks later if they had followed up on it and was told that it had been handled.

COMMITTEE MEMBER: And did you ask what that handling was?

PRESIDENT: Unfortunately, I did not...

COMMITTEE MEMBER: Why not?

PRESIDENT: Again, I felt like I had confidence in my new athletic director. He said in the private meeting with me that he was going to do the right thing.

COMMITTEE MEMBER: Didn't you want to know if your institution had made a report of a violation to the NCAA? He said he handled it. That could have meant that he filed the report, right?

PRESIDENT: There was a great deal going on at that time that I am sure I was distracted by. We had a number of other discussions going on, and clearly I should have asked for a report and I didn't.

The committee concluded that the president should have been more responsive and ultimately responsible for ensuring that the information associated with the violation (or "possible violation," as the president described it) was properly reported.

C. PENALTIES.

For the reasons set forth in Parts A and B of this report, the Committee on Infractions found that this case involved major violations of NCAA legislation. In particular, the committee noted that there were violations of ethical conduct legislation and the institution demonstrated a lack of institutional control. These are two of the most serious categories of violations the committee considers in its adjudication of infractions cases. This lack of institutional control led to ineligible participation by two student-athletes, one in women's volleyball and the other in men's tennis, and resulted in a significant competitive advantage.

In determining the appropriate penalties to impose, the committee considered the institution's self-imposed penalties and corrective actions. [Note: The institution's corrective actions are contained in Appendix Two.] Further, the committee considered the institution's cooperation in this case. It determined that the cooperation exhibited by the institution was consistent with Bylaw 32.1.4, Cooperative Principle, which requires member institutions to cooperate in investigations. The committee imposes the following penalties (the institution's self-imposed penalties are so noted):

1. Public reprimand and censure.
2. Four years of probation commencing on March 25, 2009, and concluding on March 24, 2013. (Note: The institution proposed a three-year period of probation, beginning with the public release of its response to the NCAA's notice of allegations, October 31, 2008.).
3. Student-athlete 1 participated while ineligible on the women's volleyball team during the 2005-06 academic year, leading to a competitive advantage for the institution in that sport. Because of this, for each of the 2009-10 and 2010-11 academic years, the institution shall limit the women's volleyball program to no more than nine total grants in women's volleyball for those two years. [**Note 1:** The grant-in-aid limit for women's volleyball is 12. **Note 2:** The institution had averaged 9.68 grants the past four years.]
4. Student-athlete 2 participated while ineligible on the men's tennis team for portions of three academic years (spring 2005, 2005-06 and 2006-07 academic years) resulting in a significant competitive advantage for the institution in that sport. Because of this, the men's tennis program shall reduce athletics grants in aid by one from the NCAA maximum (4.5) as set forth in Bylaw 15.5.3.1.1 for the 2009-10 through 2011-12 academic years. This will limit the institution to 3.5 equivalencies in men's tennis for those three years. (The institution had proposed

a reduction of .5 equivalency from the NCAA maximum for the 2009-10 academic year only.)

5. The institution's women's volleyball team shall end its 2009-10 season with the playing of its last regularly scheduled, in-season contest and shall not be eligible to participate in any postseason competition, including a international tour, following that season. Moreover, during the 2009-10 academic year, the women's volleyball team may not take advantage of the exceptions to the limitation in the number of dates of competition that are provided in Bylaws 17.28.9 and other exceptions to the maximum number of contest limitations.
6. During the 2008-09 through 2010-11 academic years, the men's tennis team shall limit its schedule to 23 dates of competition, which is a two-contest reduction from the 25 maximum allowed in NCAA Bylaw 17.26.5.1. (Institution imposed)
7. The institution's men's tennis team shall end its 2009-10 season with the playing of its last regularly scheduled, in-season contest and shall not be eligible to participate in any postseason competition, including a international tour, following that season. Moreover, during the 2009-10 academic year, the men's tennis team may not take advantage of the exceptions to the limitation in the number of dates of competition that are provided in Bylaws 17.26.5.3 and other exceptions to the maximum number of contest limitations.
8. During the 2008-09 academic year, official visits will be limited to the following in the sports of men's basketball, men's tennis and women's volleyball:
 - **Men's Basketball:** Limit of two during the 2008-09 academic year. [Note: The maximum number of official visits allowed in men's basketball is 12.] (Institution imposed)
 - **Men's Tennis:** Limit of one during each of the 2008-09, 2009-10 and 2010-11 academic years. (Institution imposed)
 - **Women's Volleyball:** Limit of three during the 2008-09 and 2009-10 academic years. (Institution imposed)
9. In the sport of women's volleyball, the institution has vacated all wins in which student-athlete 1 competed during the 2005-06 academic year. All of student-athlete 1's individual records and awards also were vacated. The institution's women's volleyball records will reflect these vacations, including in all publications that include such records (e.g., media guides, recruiting materials). The institution will omit any public reference to the 2005 tournament win in which student-athlete 1 participated. Finally, to ensure that all institutional and student-athlete vacations, statistics and records are accurately reflected in official

NCAA publication and archives, the sports information director (or other designee as assigned by the director of athletics) must contact the NCAA director of statistics, to identify the student-athlete and 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 ninety (90) days following the initial Committee on Infractions release or, if the vacation penalty is appealed, the final adjudication of the appeals process.

10. In the sport of men's tennis, the institution has vacated all matches that student-athlete 2 won (both singles and doubles competition) during the spring of 2005 and the 2005-06 and 2006-07 academic years, and the team's totals will be reconfigured. All of student-athlete 2's individual records and awards also were vacated. The institution's men's tennis records will reflect any resulting forfeitures, including all publications that include such records (e.g., media guides, recruiting materials). The institution will omit any public reference to any wins in which student-athlete 2 participated during the time period above. As with the women's volleyball vacation of records, to ensure that all institutional and student-athlete vacations, statistics and records are accurately reflected in official NCAA publication and archives, the sports information director (or other designee as assigned by the director of athletics) must contact the NCAA director of statistics, to identify the student-athlete and 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 ninety (90) days following the initial Committee on Infractions release or, if the vacation penalty is appealed, the final adjudication of the appeals process, whichever is later.
11. No members of the men's basketball coaching staff were allowed to make off-campus contacts during the first week of the September 9 through October 5, 2008, contact period. In addition, the assistant coach involved in the violations documented in Finding B-3 did not make any off-campus contacts the first three weeks of the contact period and was not allowed to make any recruiting telephone calls during August or September 2008. Finally, no members of the men's basketball coaching staff will be allowed to make off-campus contacts during the first week of September - October 2009 contact period. (Note the institution imposed the contact restrictions in 2008 and the committee added the basketball recruiting contact restrictions for 2009.)

12. No recruiting telephone calls were made by any men's basketball coaching staff members during the entire month of August 2008. (Institution imposed)
13. The head men's and women's tennis coach shall execute all recruiting activities, both on and off campus, for the men's tennis program through the 2009-10 academic year. The two full-time assistant coaches will be precluded from any men's tennis recruiting activities. (Institution imposed)
14. Letters of admonishment from the faculty athletics representative were sent to two assistant men's basketball coaches for their involvement in NCAA violations included in this response. These letters will become a part of the coaches' permanent employment file. (Institution imposed)
15. During this period of probation, the institution shall:
 - a. Continue to develop and implement a comprehensive educational program on NCAA legislation, including seminars and testing, to instruct the coaches, the faculty athletics representative, all athletics department personnel and all institution staff members with responsibility for the certification of student-athletes for admission, retention, financial aid or competition;
 - b. Submit a preliminary report to the office of the Committees on Infractions by June 1, 2009, setting forth a schedule for establishing this compliance and educational program; and
 - c. File with the office of the Committees on Infractions annual compliance reports indicating the progress made with this program by December 15 of each year during the probationary period. Particular emphasis should be placed on the development of methods, policies and procedures designed to detect and properly report potential NCAA violations. The reports must also include documentation of the institution's compliance with the penalties adopted and imposed by the committee.
16. The above-listed penalties are independent of and supplemental to any action that has been or may be taken by the Committee on Academic Performance through its assessment of contemporaneous, historical, or other penalties.
17. 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.

As required by NCAA legislation for any institution involved in a major infractions case, Texas A&M University–Corpus Christi 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, March 25, 2009.

Should Texas A&M University-Corpus Christi or any involved individual appeal either the findings of violations or penalties in this case to the NCAA Infractions Appeals Committee, the Committee on Infractions will submit a response to the appeals committee.

The Committee on Infractions advises the institution that it should take every precaution to ensure that the terms of the penalties are observed. The committee will monitor the penalties during their effective periods. Any action by the institution contrary to the terms of any of the penalties or any additional violations shall be considered grounds for extending the institution's probationary period or imposing more severe sanctions or may result in additional allegations and findings of violations.

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

John S. Black
Melissa Conboy
Paul Dee, chair
Eileen K. Jennings
Alfred J. Lechner, Jr.
Andrea Myers
Dennis E. Thomas

APPENDIX ONE

CASE CHRONOLOGY.

2004

August – Student-athlete 1 enrolled at Texas A&M-Corpus Christi and represented the institution in intercollegiate women's volleyball competition during the 2004-05 academic year and while ineligible during the 2005-06 academic year.

Spring – Student-athlete 2 enrolled at Texas A&M-Corpus Christi as a nonqualifier. Student-athlete 2 fulfilled a year of residence at the institution during the spring and fall of 2004 while receiving impermissible athletically related financial aid and serving as a manager for the men's tennis program during the year of residence. Student-athlete 2 represented the institution in intercollegiate men's tennis competition during the spring of 2005 and the 2005-06 and 2006-07 academic years.

2005

Spring – The former compliance director discovered that student-athlete 2 received athletics aid during the spring of 2004 and performed managerial duties as a nonqualifier during the spring and fall of 2004.

2006

Spring – Student-athlete 1 submitted an evaluation of her foreign transcript to Texas A&M-Corpus Christi and transferred 93 credit hours to the institution. Around this time, an academic coordinator became aware that student-athlete 1 had transferred the credit hours to the institution and subsequently informed the former compliance director of student-athlete 1's transfer credits. Upon review, the former compliance director determined that the institution had permitted student-athlete 1 to compete in a sixth year of eligibility, in excess of the permissible five-year period of eligibility.

July 24 - Texas A&M-Corpus Christi hired the former director of athletics.

August and September – The former compliance director and the former associate director of athletics informed the former director of athletics, soon after he began his employment at the institution, that student-athlete 1 had impermissibly competed in a sixth year of eligibility.

2006-07 academic year - The institution did not conduct any further investigation into the alleged violations involving student-athlete 1.

2007

November 8 – The former compliance director met with a member of the human resources staff when he became aware that he did not receive a promotion and salary increase that he believed was promised to him by the former director of athletics. The former compliance director informed the human resource staff member of unreported NCAA violations concerning student-athlete 1 and demanded a settlement in exchange for his silence on the matter.

November 12-13 – The internal audit manager for the Texas A&M System, conducted on-campus interviews with institution personnel concerning the unreported NCAA violations involving student-athlete 1.

November 20 – The former director of athletics contacted the NCAA director of enforcement for secondary infractions to discuss a possible violation in the women's volleyball program that occurred during the fall of 2005.

November 26 – The former director of athletics e-mailed to the NCAA the institution's self-report regarding alleged violations involving student-athlete 1.

December 19 - The secondary enforcement staff processed the institution's self-report involving student-athlete 1 and informed the designated institutional administrators and the Southland Conference commissioner per written correspondence.

2008

January 11 – The institution's president sent a letter to the NCAA director of enforcement for secondary infractions, informing him that the matter addressed in the November 2007 self-report was still under investigation by the Texas A&M System Internal Audit department.

January 29 – Prospect 1 arrived at the institution to enroll in classes.

January 30 – The former compliance director contacted the NCAA director of enforcement for secondary infractions, to inform him that the institution's November 2007 self-report was incomplete and inaccurate and that there were additional violations in the athletics program.

January 30 - The institution determined that prospect 1's I-20 visa was terminated December 18, 2008.

January 31 – The former compliance director directed the athletics department secretary, and a graduate assistant, to provide prospect 1 round-trip automobile transportation to Laredo, Texas, so that he could depart and re-enter the United States in an attempt to renew his expired I-20 documentation.

February 1 – The former compliance director became aware that prospect 1 was unable to renew his expired I-20 visa and that he would not be able to remain in the country.

February 4 - The enforcement staff contacted the former compliance director to review his January 30 report to the NCAA director of enforcement for secondary infractions. The enforcement staff subsequently began off-campus interviews in February.

February 7 – Prospect 1 departed Corpus Christi and returned to Canada.

February 20 – The institution's president sent a second letter to the NCAA director of enforcement for secondary infractions informing him that the matter addressed in the November, 2007 self-report was still under investigation by the Texas A&M System internal audit department and that the auditors would be conducting on-campus interviews March 3-7, 2008.

February 28 – The internal auditor contacted the enforcement staff to arrange for the staff's involvement in the auditors' March 3-7, 2008, on-campus interviews.

March 3-7 - The enforcement staff conducted on-campus interviews.

March 26 - The enforcement staff issued a notice of inquiry to the institution.

March to August - The enforcement staff and the institution's outside counsel continued to conduct interviews and gather academic records and other documentary evidence.

July 23 - The enforcement staff issued a notice of allegations to the institution; the former director of athletics and the former compliance director.

October 23 - The NCAA Division I Committee on Infractions granted an extension to all involved parties for their response deadline and changed the response date to November 4, 2008.

November 4 - The institution, the former director of athletics and the former compliance director submitted their responses to the notice of allegations.

November 11 - The enforcement staff and the former director of athletics conducted a prehearing conference.

November 13 - The enforcement staff and the former compliance director conducted a prehearing conference.

November 13 - The enforcement staff and the institution conducted a prehearing conference. During the prehearing conference, the institution informed the enforcement staff that it had

discovered that student-athlete 1 impermissibly received \$500 of athletically related aid during the 2004 fall semester.

December 5 – The institution, the former director of athletics and the former compliance director appeared before the NCAA Division I Committee on Infractions.

March 25 – Infractions Report No. 298 was released.

APPENDIX TWO

CORRECTIVE ACTIONS AS LISTED IN THE INSTITUTION'S OCTOBER 31, 2008, RESPONSE TO THE NOTICE OF ALLEGATIONS.

1. In June 2008, the institution created three new professional-level positions in the athletic compliance and academic services areas, including a senior athletic academic coordinator and a compliance coordinator. The compliance coordinator hired by the institution has Division I athletics compliance experience and a law degree and will focus on monitoring and education. The new associate director of athletics for compliance has eight years of Division I compliance experience. Further, the athletics compliance and academic staffs were removed from the purview of the director of athletics and now report to the associate vice president for academic affairs. In addition, the newly hired associate athletics director for compliance has alternate reporting lines to the director of athletics, the provost, and the president.

The president created an Athletics Oversight Committee in April 2008 composed of the following; the vice president for institutional advancement; the associate vice president for finance and administration; and the faculty athletics representative and professor of finance. The current director for compliance and associate vice president for academic affairs were later added to the committee. The institution president's directives to the committee included overseeing the institution's investigation and making recommendations regarding corrective and punitive measures. The committee also was charged with evaluating the structure and leadership of the athletics department, the athletics investigative process, NCAA rules education opportunities for institutional staff, and whether an atmosphere in which compliance with NCAA rules is understood to be an institutional mandate exists.

2. The Oversight Committee shall meet weekly during the institution's investigation through its Committee on Infractions appearance. Further, the president has determined that this committee shall remain in place to oversee the implementation of the institution's self-imposed and Committee on Infractions imposed corrective and punitive measures. The Oversight Committee shall meet quarterly during the probationary period. At the conclusion of the probationary period, the president will determine whether the committee will continue to exist and, if so, define its role relative to athletics operations.
3. The institution will undergo an extensive Southland Conference compliance review in the spring of 2009.
4. The women's volleyball program shall continue its practice of not recruiting or signing any international student-athletes for the 2008-09 and the 2009-10 academic years. This

self-imposed practice began in response to the NCAA violations involving student-athlete 1 has been in effect for the 2006-07 and 2007-08 academic years.

5. The following is a summary of recent and continuing efforts relative to athletics compliance education:
 - a. The president brought in an outside compliance group to provide a comprehensive compliance education program for all athletics staff and staff outside of the athletics department that deal with athletics matters July 1 to 2, 2008. The institution also hired the outside compliance group to serve as the institution's interim compliance administrator during the period between the former compliance director's departure and the current director of compliance's hiring.
 - b. Fifteen institutional staff, representing athletics and other departments, attended one or both sessions of the NCAA Regional Compliance Seminar June 1 to 6, 2008.
 - c. The new athletics compliance staff will provide groups, including student-athletes, boosters, coaches, non-coaching athletics staff, and selected institutional staff some or all of the following: (1) monthly newsletters; (2) compliance "tips of the week;" (3) required monthly in-person meetings; (4) periodic e-mails; (5) comprehensive annual training; and (6) access to a compliance web site updated on a frequent basis.
 - d. Coaches new to the institution will receive intensive education on key areas of NCAA legislation from the athletics compliance office within 60 days from the date of hiring.

6. The institution recently has developed extensive policies and procedures for the athletics compliance and academic areas. These new provisions will continue to be expanded and reviewed on a regular basis. Examples of new policies include:
 - a. A revised athletics eligibility certification process that details individual steps by which student-athlete eligibility is certified and details month-by-month responsibilities for all institutional staff, both within and outside of the athletics department.
 - b. The associate director of athletics for compliance now reviews and approves all coaches' travel and reimbursement requests.
 - c. The president directed the institution's provost to develop policies that will mandate that all international prospective students' transcripts be received by the institution and shared with athletics staff.
 - d. A registration hold was implemented that blocks student-athletes from adding or dropping classes (i.e., and falling below full-time enrollment) without approval from their head coach and the Center for Athletic Academic Services.

- e. The Financial Aid Office no longer awards any institutional or outside aid (except loans) without the approval of the associate athletics director for compliance.
- f. All sports are required to submit playing and practice reports to the athletics compliance office on a weekly basis. The forms must be signed by the head coach, an assistant coach (if applicable), and at least one student-athlete. In addition, the compliance office staff conducts in-person spot checks of practices on a weekly basis.
- g. All sports now are required to submit recruiting logs each month to the compliance coordinator for review.