



MILES COLLEGE
PUBLIC INFRACTIONS REPORT
November 4, 2009

A. INTRODUCTION.

On August 6, 2009, officials from Miles College appeared before the NCAA Division II Committee on Infractions to address allegations of NCAA violations in the institution's athletics program.

From the 2004-05 academic year through 2008-09, the institution allowed 124 student-athletes involved in all 10 sports offered at the institution to practice, compete, receive travel expenses and/or receive athletically related aid while ineligible. The student-athletes were ineligible for a number of reasons, including failure to meet initial eligibility, continuing eligibility and transfer requirements.

The violations occurred and remained undetected due to the failure of the institution to have in place a viable system of athletics compliance. As this committee continues to emphasize, it is the duty of every NCAA Division II institution to devote the resources necessary to affect a thorough and comprehensive campus-wide compliance system operated by trained and competent personnel. (See *Oklahoma Panhandle State University*, Case No. M175 [2002]; *Lincoln University*, Case No. M212 [2005]; *Benedict College*, Case No. M216 [2005]; *Kentucky Wesleyan College*, Case No. M235 [2006]; *Lane College*, Case No. M254 [2007]). The violations noted above were the direct result of this institution failing to meet its duty, resulting in a lack of control over and failure to monitor its department of athletics.

This case also involved unethical conduct committed by two members of the athletics department staff. The men's and women's track and field coach ("former head track coach") directed and knowingly allowed six student-athletes to participate under assumed names during the 2006-07 academic year, while the director of athletics ("former director of athletics"), with the assistance of an administrator at another institution, fabricated results from two women's outdoor track meets to make it appear that the institution had enough participants to meet NCAA sport sponsorship minimums.

A member of the Southern Intercollegiate Athletic Conference, the institution has an enrollment of approximately 1,800 students. The institution sponsors five men's and five women's intercollegiate sports. This was the institution's first major infractions case.

B. FINDINGS OF VIOLATIONS OF NCAA LEGISLATION.

1. LACK OF INSTITUTIONAL CONTROL AND FAILURE TO MONITOR. [NCAA Constitution 2.1.1, 2.1.2, 2.8.1 and 6.01.1. NCAA Bylaws 12.1.1.1.3, 12.1.1.1.3.1, 13.1.1.2, 14.01.1, 14.1.8.1, 14.2, 14.2.2, 14.3.1, 14.3.2.1.1, 14.3.2.2.1, 14.4.3.1-(a), 14.4.3.1-(b), 14.4.3.1.4, 14.4.3.2-(a), 14.4.3.2-(c), 14.5.1, 14.5.4, 14.5.4.1, 14.5.4.1.2, 14.5.4.2, 14.5.4.2.2, 14.5.4.2.3, 14.5.5.1, 14.5.5.3.10-(a), 14.5.5.3.10-(b), 14.5.5.3.10-(c), 14.10.1, 14.10.2, 15.01.2, 15.01.5, 15.3.2.1, 15.5.3.3, 15.5.5.1, 15.5.5.2, 16.8.1.2 and 30.14]

During all or part of the period covering the academic years 2004-05 through 2008-09, the institution failed to exercise institutional control and monitoring in the conduct and administration of its athletics program in that it 1) failed to establish a system for monitoring the eligibility of student-athletes to practice, compete and receive athletically related financial aid; 2) failed to establish a system for monitoring the amateurism certification of student-athletes; and 3) failed to complete squad lists as required by NCAA legislation.

Committee Rationale

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

Failure to establish an eligibility monitoring system. The institution did not have written procedures for certifying the eligibility of initial enrollees, continuing student-athletes and transfers. Sole responsibility for certification was given to the former director of athletics. Prior to the beginning of each team's season, coaches gave the former director of athletics a team roster. Regarding first-time enrolling student-athletes, the former director of athletics was supposed to confirm their eligibility status through the NCAA Initial Eligibility Clearinghouse Web site. The form also went to the offices of the registrar, academic records and the dean of students, where personnel recorded onto the form information such as total hours and grade-point averages of transfers and continuing student-athletes. The forms were then returned to the former director of athletics, who was supposed to evaluate the information and make the formal eligibility determination. He then forwarded the form to the conference office.

The personnel in the offices of the registrar, records and dean of students who reviewed the forms had no education in NCAA legislation. They were not part of the eligibility determinations; their role was to insert and verify the accuracy of the information on the forms and return them to the former director of athletics. Though some of the individuals

from other campus departments had to sign the forms, they stated in their interviews that they did so only to attest to the accuracy of the information, not to confirm that the student-athlete was eligible. The faculty athletics representative was not involved in the process, and coaches deferred to the decisions made by the former director of athletics.

The former director of athletics, for some reason, did not perform his duties. The resulting problems illustrate the need for a comprehensive, campus-wide system of compliance, as there was no way to determine whether eligibility certifications were being done correctly or at all. As a result of the lack of a viable compliance system, the institution from 2004-05 through 2007-08 permitted 124 student-athletes to practice and/or compete while ineligible and/or to receive impermissible athletically related financial aid. The student-athletes, who represented all 10 sports offered at the institution, were ineligible for a variety of reasons, including failing to meet initial-eligibility requirements; failing to meet transfer requirements (both two-year and four-year); failing to meet progress-toward-degree requirements; exceeding the limit on seasons of competition; violating the 10-semester rule; failure by the institution to certify eligibility prior to competition; failure by the institution to obtain paperwork (either permission to contact or written waivers of residency requirements) for potential transfers; and failure by the student-athletes to meet the requirements to qualify as multi-sport athletes.

Also, some of the 124 student-athletes received travel expenses while representing the institution in competition. In those instances, the institution incurred additional violations of Bylaw 16.8.1.2, as the student-athletes were not eligible to receive the expenses when not otherwise eligible for competition.

The violations broke down as follows [Note: some student-athletes were involved in more than one violation]:

- a. Thirty one student-athletes practiced and/or competed while ineligible and/or received impermissible athletically related financial aid because they failed to meet initial eligibility requirements. The student-athletes involved in this part of the finding represented nine sports and were ineligible for a number of reasons. Some were partial qualifiers and some never registered with the NCAA Initial Eligibility Clearinghouse. Others had not yet received final certification from the clearinghouse, yet all were allowed to practice, compete and, in some instances, receive athletically related financial aid.
- b. Thirty-nine student-athletes practiced and competed while ineligible and/or received impermissible athletically related financial aid even though they failed to meet two-year transfer requirements. They represented most sports offered on campus. Thirty-six of the transfer student-athletes were nonqualifiers. None of

the 39 graduated from their two-year institutions prior to transferring to Miles, nor did they transfer 12 hours for each semester they were enrolled full-time at the two-year institutions. Nonetheless, all were allowed to practice and compete, and many received athletically related financial aid.

- c. Fourteen student-athletes competed while ineligible and/or received impermissible athletically related financial aid even though they failed to meet four-year transfer requirements. Three of the transfer student-athletes were allowed to participate in spite of not having met progress-toward-degree requirements at their previous institutions, and the institution failed to obtain written waivers of transfer-residency requirements from any of the previous institutions. Seven of the 14 received impermissible financial aid.
- d. Twenty-seven student-athletes were allowed to compete despite their failure to meet progress-toward-degree requirements. Fourteen failed to complete 24 hours of academic credit during the previous regular two academic semesters or average 12 hours per regular term completed. One young man had completed 48 hours over two academic years, but less than 75 percent of them during the regular academic year. Four of the student-athletes did not pass at least six hours in their previous semester of full-time enrollment, and requisite grade-point averages had also not been met by eight of the 27, as certain student-athletes were allowed to compete with GPAs as low as 1.72, 1.66 and 1.51.
- e. Six student-athletes competed while ineligible because they failed to meet full-time enrollment requirements. Two of the individuals competed in football games during the fall of 2006 even though they were not enrolled in any classes. One of the two also competed in outdoor track meets while not enrolled. The other four were allowed to compete even though they had dropped below full-time enrollment.
- f. Two softball student-athletes engaged in five seasons of competition. One was a two-year college transfer who played two seasons at the two-year institution before playing for three seasons at Miles, while the other student-athlete was allowed to participate for five years at Miles.
- g. Eight student-athletes competed in intercollegiate athletics beyond their 10th semester of full-time enrollment. Five of these student-athletes also received impermissible athletically related financial aid beyond their 10th semester of full-time enrollment. Seven of the student-athletes participated in football [Note: two of the seven competed in other sports as well]. One of the seven was allowed to compete during his 11th, 12th, 13th and 14th semester of full-time enrollment, one

in his 13th, 14th and 15th semesters, one in his 12th semester and the other three in their 11th semester of full-time enrollment.

- h. Two student-athletes were allowed to compete prior to the institution certifying the student-athletes' eligibility status. Both of these student-athletes participated in outdoor track under assumed names (See Finding B-3). Neither one had been certified as eligible before they were allowed to compete.
- i. Besides the student-athletes previously referenced, 10 other student-athletes received impermissible athletically related financial aid from the institution. The athletically related financial aid provided to these student-athletes was impermissible due to failure of the institution to (1) obtain written permission to contact the student-athletes and/or (2) failure of the student-athletes to meet the requirements to qualify as a multiple-sport athlete.

Five of the 10 student-athletes received athletically related financial aid that was impermissible due to the institution's failure to receive permission to contact them prior to the student-athletes transferring to Miles. Three of the young people were football student-athletes, while one participated in women's track and another in men's basketball. Releases from the previous institutions of four student-athletes could not be located.

During the 2007-08 academic year five other student-athletes, all of whom participated in women's basketball, received athletically related financial aid for volleyball, a sport in which they had very limited or no participation. The same individual ("the coach") coached women's basketball and women's volleyball. Because the volleyball squad lacked a full roster, the coach had the five student-athletes scrimmage with the volleyball team on four or five occasions during 2007-08. None appeared in any games, and they had no other involvement with the volleyball program. The coach awarded the five student-athletes athletics aid for their limited volleyball participation.

Failure to monitor amateurism certification. During the 2007-08 and 2008-09 academic years, 24 student-athletes competed for the institution in intercollegiate athletics prior to the institution obtaining amateurism certification from the clearinghouse. Also, some of the 24 student-athletes received travel expenses while representing the institution in competition. In those instances, the institution incurred an additional violation for the impermissible receipt of expenses while not otherwise eligible for competition.

The violations were the result of the institution failing to have in place a system for monitoring amateurism certification. The requirement that institutions certify

the amateurism status of all incoming student-athletes began with the fall 2007 semester. The certification process requires that every prospect complete an online questionnaire and submit it for review. The prospects receive notification that their status is either "Under Review" or "Preliminary Certified." At a later time, it is necessary for each prospect to return to the Web site, request final certification, and sign a statement attesting that all submitted information is accurate. Once the statement is signed the prospect receives final certification, assuming there is no problem detected in the information submitted. A student-athlete is not eligible for competition until the certification process is complete.

During the first two academic years that the amateurism certification system was in place, the institution allowed 24 student-athletes to compete before they had received final certification. Some of the 24 also received travel expenses associated with the competitions. Twenty one of the 24 violations occurred in 2007-08, the first year the process was in place. The institution's compliance director at the time ("former compliance officer") was new to the job and had no previous NCAA compliance experience. He claimed that he checked amateurism status of incoming student-athletes, but he either misinterpreted the information or failed to perform his duties. The other three violations occurred in 2008-09, when an outside auditor was performing this function and misinterpreted the effective date of new legislation related to the process.

Squad list violations. During the 2004-05 through 2007-08 academic years, 57 student-athletes were permitted to compete despite not being on squad lists. Some multi-sport student-athletes were not included on the squad lists of any of the sports in which they participated, and some names were left off squad lists for more than one year. The student-athletes competed in 10 sports, with the majority of the 57 violations (29) occurring in the football program.

As with eligibility certifications, from 2004-05 through 2006-07, the responsibility for completing squad lists rested solely with the former director of athletics. In 2007-08, the former compliance officer performed this function with the assistance of the former director of athletics. During the period when the former director of athletics completed the squad lists, he did not have coaches review them for accuracy before the lists were sent to the conference office. The former director of athletics generated the squad lists from information contained on eligibility lists, which, as set forth above, were often inaccurate. At times, the former director of athletics waited six months or more after the season for a sport concluded before submitting the squad list for that sport to the conference office, even though the lists were to be completed prior to the student-athletes listed on them engaging in competition. The institution had no mechanism in place to

assure that the lists were accurate and/or submitted to the conference in a timely fashion.

The procedure improved slightly when the former compliance officer took over the duty, as he attempted to complete the forms prior to the start of each individual sport season. He worked on the lists throughout the sport season and tried to review their accuracy. Nonetheless, violations involving 16 student-athletes still occurred in 2007-08.

During the investigation, it was revealed that only about half of the student-athletes on the institution's squad lists were eligible for competition.

**2. UNETHICAL CONDUCT BY THE FORMER HEAD TRACK COACH.
[NCAA Bylaws 10.01.1 and 10.1]**

The former head track coach acted contrary to the principles of ethical conduct when he 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. Specifically, the former head track coach knowingly allowed six student-athletes to compete under assumed names during the 2006-07 academic year.

Committee Rationale

The enforcement staff and institution were in substantial agreement with the facts of this finding and that those facts constituted violations of NCAA legislation. The former head track coach did not respond to the allegation, though in his three interviews with the enforcement staff he generally agreed that he ran student-athletes under assumed names during the 2007 men's and women's outdoor track season. Further, during a prehearing conference held with the enforcement staff, the former head track coach agreed with the allegations involving four of the six student-athletes. He did not agree regarding the other two student-athletes. The committee finds that the violations occurred.

During the spring of 2007, the former head track coach did not have enough women on the outdoor track roster to meet the 14-participant requirement for the sport set forth in NCAA legislation. When the former head track coach informed the former director of athletics of the shortcoming, the former director of athletics added the names of women's basketball and softball student-athletes to the women's outdoor track roster. Meanwhile, the former head track coach began to run ineligible student-athletes under assumed names to cover for the lack of participants on the squad. He stated that it was a "common practice" for him to have student-athletes run under assumed names.

The former head track coach admitted running four student-athletes ("student-athletes 1, 2, 3 and 4," respectively) under assumed names in men's and women's outdoor meets during the spring of 2007. Student-athlete 1 competed under an assumed name in five women's outdoor meets from March through May. The former head track coach claimed that he learned in April 2007, after student-athlete 1 had already competed in several meets, that she was ineligible for competition, while student-athlete 1 stated that the former head track coach informed her of her status prior to the season's first meet. Regardless of when she was told, both agreed that she competed under someone else's name. Student-athlete 1 could not recall the name she used, but she recalled being told by the former head track coach to check in under that name, which she did.

Student-athlete 2, a football and men's outdoor track and field student-athlete, competed under an assumed name in one meet during March 2007. He recalled the name he ran under, and he stated it was "common practice" for student-athletes to run under assumed names in 2006 and 2007.

Student-athlete 3 competed under assumed names in five women's outdoor meets during the spring of 2007. She was able to recall two of the names she ran under, and she stated that the former head track coach informed her of which name to use.

Student-athlete 4 competed under an assumed name in two men's outdoor track and field meets during the spring of 2007. The former head track coach knew student-athlete 4 was ineligible at the times the young man participated, and he told student-athlete 4 which name to use when he checked in for his events. Student-athlete 4 could not recall the name(s) he used.

Although he denied doing so, the evidence established that the former head track coach also allowed two other student-athletes ("student-athletes 5 and 6") to compete under assumed names. While he was inconsistent on some details, student-athlete 5 consistently reported that he ran in two meets under a name other than his own. In both situations the former head track coach told him what events, lane and heat he was to run in. After the first meet, student-athlete 5 approached the former head track coach to inquire about student-athlete 5's name not being listed on entry sheets. According to student-athlete 5, the former head track coach said that he would "straighten it out," which to the young man meant that the former head track coach would correct the records. However, at the second meet, the young man heard someone else's name announced for his lane.

Student-athlete 6 told a similar story regarding the three meets he competed in. According to student-athlete 6, the former head track coach checked him in for his event and provided him with heat and lane assignments. He did not remember hearing names

called before any of his races, and he did not bother checking the official results afterwards because he knew he did not finish very well. He was surprised when informed during his interview that his name did not appear in any official results for his event during the 2007 outdoor season.

3. UNETHICAL CONDUCT BY THE FORMER DIRECTOR OF ATHLETICS. [NCAA Bylaws 10.01.1, 10.1 and 10.1-(d)]

The former director of athletics acted contrary to the principles of ethical conduct when he 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. Specifically, the former director of athletics acted to fabricate results of two women's outdoor track meets and provided false and/or misleading information to the NCAA.

Committee Rationale

The enforcement staff and institution were in substantial agreement with the facts of this finding and that those facts constituted violations of NCAA legislation. However, at the hearing, the institution stated it disagreed with the use of the word "fabricate" to describe the actions of the former director of athletics. The institution acknowledged that the former director of athletics' action was unethical due to his involvement in a situation that he reasonably should have known would result in false results being forwarded to him. Additionally, the institution did not believe that the former director of athletics provided the NCAA enforcement staff with false and misleading information during his May 1, 2008, interview. The former director of athletics did not submit a response to the allegations levied against him, though he participated in interviews in which he stated his positions on the allegations. Pursuant to NCAA Bylaw 32.6.2, his failure to submit a response may be viewed by the committee as an admission that the violations occurred. The committee finds that the violations occurred.

Outdoor track and field squads must contain at least 14 participants and engage in at least four meets to meet NCAA sport sponsorship requirements. In the spring of 2007 and 2008, the institution had only four women's outdoor meets scheduled (excluding the conference championship) and had a squad consisting of approximately eight student-athletes. Had the institution run in the meets with less than 14 participants, the meets would not have counted as one of the four necessary to retain sponsorship for the sport. Therefore, the former director of athletics acted with an athletics administrator from another institution to fabricate results for two meets between the two schools, one during each spring. Specifically, the former director of athletics sent a roster he knew to be false to the administrator. The rosters were false in that they contained the names of nine

individuals (student-athletes from other sports and/or ineligible student-athletes) who were not team members and did not attend the meets. By doing so, the former director of athletics set in motion a series of events he knew would result in false meet results being sent back to him. Though the former director of athletics stated in an interview that he did not intend to deceive anyone, he admitted that he "may have" had a conversation with the administrator at the other institution to make sure that the names of 14 student-athletes appeared in the official meet results. He knew that the names from the roster would be listed in the meet results despite the fact that the student-athletes on the roster did not compete in the meets and, in fact, all nine student-athletes were listed in the final results for both meets.

Further, the former director of athletics knowingly provided false and misleading information to the NCAA when he submitted or authorized submission of sports sponsorship forms on August 13, 2007, and August 14, 2008, that contained false information. Specifically, he affirmatively stated that 1) the institution's women's outdoor track and field team met minimum contest and participant requirements in the 2006-07 and 2007-08 academic years; 2) the institution's women's outdoor track and field team competed in five actual contests and had 16 participants for the 2006-07 academic year; and 3) the institution's women's outdoor track and field team competed in five actual contests and had 15 participants for the 2007-08 academic year. The former director of athletics knew that all three statements were false.

During an interview on November 29, 2007, the former director of athletics knowingly provided false and misleading information to the NCAA enforcement staff about his knowledge of and involvement in a women's outdoor track student-athlete's name appearing in the meet results for the same spring 2007 meet referenced above. It is uncontroverted that the student-athlete in question ("student-athlete 7") did not compete in any outdoor meets for the institution in 2007.

The former director of athletics received written notice of student-athlete 7's ineligibility to compete on March 26, 2007. Nonetheless, he later included her name on the roster for the spring 2007 outdoor meet that resulted in nine student-athletes who did not compete being listed in the official meet results. She was one of the nine so named. When asked specifically about student-athlete 7 during his November 29, 2007, interview, the former director of athletics denied knowing she had participated and, when asked what he knew of student-athlete 7's situation, did not disclose his role in the activities that culminated in her name being listed as a meet participant.

Further, the former director of athletics provided false and misleading information to the NCAA enforcement staff during a May 1, 2008, interview. He claimed that he had not acted in a deceitful manner despite working directly with an athletics administrator at

another institution to fabricate results for the two women's outdoor track and field meets. As noted above, he also submitted fraudulent sports sponsorship forms. The evidence that he intended to deceive is convincing.

C. PENALTIES.

For the reasons set forth in Parts A and B of this report, the Committee on Infractions finds that this case involves major violations of NCAA legislation. The institution's compliance program was virtually nonexistent, as it was not set forth in writing and relied on one person to make all eligibility determinations. When that person, the former director of athletics, failed to perform his duties, over 100 student-athletes were allowed to practice, compete, receive travel expenses and/or receive athletically related financial aid while ineligible. Further, both the former director of athletics and the former head track coach knowingly engaged in unethical conduct, resulting in more rules violations.

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 determined that the cooperation exhibited by the institution was consistent with Bylaw 32.1.4, the Cooperative Principle. The committee imposes the following penalties, with the institution's self-imposed penalties so noted:

1. Public reprimand and censure.
2. Four years of probation (Institution imposed). The probation will commence on November 4, 2009, and run through November 3, 2013.
3. Vacation of all contests from the academic years 2004-05, 2005-06, 2006-07 and 2007-08 in which student-athletes competed while ineligible. The vacation applies to the following sports: men's basketball; women's basketball; women's volleyball; men's cross country and track; women's cross country and track; baseball; football; and softball. Additionally, the vacation applies to all individual statistics and records compiled by the ineligible student-athletes and apply to postseason competition as well as the regular season. (Institution imposed.) In addition, the institution shall reconfigure the records of the head coaches in the affected sports to reflect the vacated performances, and the vacated records/results shall be included in all publications in which athletics performances are referenced; including, but not limited to, media guides, recruiting materials, Web sites, institutional and NCAA archives. The institution shall notify all opponents in writing of competition results that have been vacated

and it shall provide confirmation in its compliance reports (See Penalty 10-c below) that it has fully complied with this order of vacation. Finally, any public reference to any team performance that includes a vacated result shall be removed, including but not limited to athletic department stationary and banners displayed in public areas such as the venues in which the affected teams compete.

4. The dollar amount of athletics aid for the 2009-10 and 2010-11 academic years shall be limited to no more than the average amount awarded over the two previous academic years in the following sports: men's basketball; women's basketball; women's volleyball; men's cross country and track; women's cross country and track; baseball; football; and softball. This "freezing" is an actual 15 to 25 percent reduction due to a tuition increase of 10 percent in the 2008-09 academic year and a 15 percent increase for the 2009-10 academic year. (Institution imposed)
5. All of the institution's athletics teams are prohibited from participating in postseason competition during the 2009-10 academic year. (Institution imposed)
6. The faculty athletics representative, compliance coordinator, director of athletics, and specific individuals who have NCAA compliance responsibilities in the admissions, housing, registrar, academic services, and financial aid departments shall attend an NCAA Regional Rules seminar within three years of the date of the release of this report. (Institution imposed) The names of the individuals in those campus offices with athletics compliance responsibility shall be provided to the committee in the institution's preliminary compliance report (See Penalty 10-b).
7. The former head track coach directed student-athletes to compete under assumed names and knowingly allowed them to do so. For these reasons the committee imposes a three-year show-cause order upon the former head track coach. During this period, which begins on November 4, 2009, and runs through November 3, 2012, the committee restricts the athletically related duties of the former head track coach at any employing institution as follows:
 - a. The former head track coach shall not perform any administrative duties associated with his sport. He may only teach skills and recruit, but is to have no direct involvement in the administrative duties of his sport.
 - b. Within one year of being hired, the former head track coach shall attend an NCAA rules seminar. He shall also receive ethics training as arranged by the institution.

8. The former director of athletics knowingly submitted a false team roster to an administrator at another institution so that erroneous results would be generated for two outdoor track meets. Further, the former director of athletics knowingly submitted false forms to the NCAA and provided false and/or misleading information in his interviews with the enforcement staff. For these reasons, the committee imposes a four-year show-cause order upon the former director of athletics. During this period, which begins on November 4, 2009, and runs through November 3, 2013, the committee restricts the athletically related duties of the former director of athletics at any employing institution as follows:
 - a. The former director of athletics is prohibited from any involvement in the certification of student-athlete eligibility. He is precluded from having any oversight of athletics compliance and he is not allowed to be the supervisor of any sports.
 - b. Within one year of being hired, the former director of athletics shall attend an NCAA rules seminar. He shall also receive ethics training as arranged by the institution.
9. The institution shall request that the NCAA conduct a Blueprint Compliance Review on its campus (institution imposed). If not already made, the request shall be made to Academic and Membership Affairs upon the receipt of this report. The institution shall follow all recommendations of the reviewer and shall report on its implementation of the recommendations in its annual compliance reports.
10. During this period of probation, the institution shall:
 - a. 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 January 15 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 November 1 of each year during the probationary period. Particular emphasis should be placed on eligibility certification of incoming, continuing and transfer

student-athletes. The reports must also include documentation of the institution's compliance with the penalties adopted and imposed by the committee.

11. 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, Miles College shall be subject to the provisions of NCAA Bylaw 19.5.2.3, concerning repeat violators, for a five-year period beginning on the effective date of the penalties in this case, November 4, 2009.

Should Miles College 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. An institution that employs an individual while a show cause order is in effect against that individual, and fails to adhere to the penalties imposed, subjects itself to allegations and possible findings of violations.

Should any portion of any of the penalties in this case be set aside for any reason other than by appropriate action of the Association, the penalties shall be reconsidered by the Committee on Infractions. Should any actions by NCAA legislative bodies directly or indirectly modify any provision of these penalties or the effect of the penalties, the committee reserves the right to review and reconsider the penalties.

NCAA COMMITTEE ON INFRACTIONS

Jean Paul Bradshaw II
Bruce Kirsh
Bridget E. Lyons
Wendy Taylor May, chair

APPENDIX ONE

CASE CHRONOLOGY.

2006

December 4 - Miles College reported two Level I secondary violations for two men's basketball student-athletes. The institution indicated that it miscertified the eligibility of the two men's basketball student-athletes based on misinterpretations of NCAA transfer regulations.

December 20 - The enforcement staff received information from a confidential source related to the December 4, 2006, self-report filed by the institution.

2007

February 22 - The enforcement staff requested eligibility certification documentation for men's and women's basketball, women's cross country, men's outdoor track and field, softball, and women's volleyball from the 2004-05 through 2006-07 academic years, as well as other information from the former director of athletics.

March 26 - The enforcement staff notified the former director of athletics that some of the documentation it requested February 22, 2007, had been received, but much of the requested documentation remained outstanding.

April 13 - The former director of athletics provided some of the documentation that the enforcement staff requested February 22 and March 26, 2007.

November 20 - The enforcement staff requested additional documentation from the former director of athletics and that he schedule interviews for its on-campus visit the following week.

November 30 - The enforcement staff provided the then director of athletics, the chief financial officer and the chief compliance officer, with a list of outstanding documentation from its previous requests for documentation and information.

December 20 - The enforcement staff sent a notice of inquiry to the institution.

2008

January 11 – The institution provided the enforcement staff with the outstanding documentation from its various requests for documentation and information.

May 9 - The enforcement staff requested that the institution audit all of the eligibility certification determinations made for all incoming freshman and transfer student-athletes during the 2004-05, 2005-06 and 2006-07 academic years in men's and women's basketball and men's and women's outdoor track and field.

June 20 - The enforcement staff sent a six-month letter to the institution pursuant to Bylaw 32.5.1.1.

July 9 - The enforcement staff requested that the institution conduct an audit of all 10 sports teams during the 2004-05, 2005-06, 2006-07 and 2007-08 academic years for all incoming freshman, transfers and continuing student-athletes' certification eligibility.

December 18 - The enforcement staff sent a second six-month letter to the institution pursuant to NCAA Bylaw 32.5.1.1.

2009

March 19 - The enforcement staff sent a notice of allegations to the institution; the former head track coach, the former director of athletics and two women's outdoor track and field student-athletes; a men's outdoor track and field student-athlete; and to a football student-athlete.

June 16 – Institution's response to the notice of allegations was received by the enforcement staff.

June 25 - Prehearing conference was conducted with the institution.

June 26 - The enforcement staff spoke with the former director of athletics about scheduling a prehearing conference with him. The former director of athletics indicated that he would contact the enforcement staff the following week with his availability.

July 3 - The enforcement staff left voicemail messages for the former director of athletics on the phone numbers he provided in his interviews requesting he call with his availability to conduct a prehearing conference, as discussed with him June 26, 2009.

July 7 - The enforcement staff again spoke with the former director of athletics about scheduling a prehearing conference with him. As a result of this conversation, a prehearing conference was scheduled for the next day, July 8, 2009, at 10:30 a.m. Eastern time.

July 8 - The enforcement staff attempted to conduct a prehearing conference with the former director of athletics as scheduled the previous day with him. The former director of athletics did not answer the phone calls from the enforcement staff. Later that evening, the former director of athletics sent a letter to the enforcement staff stating that he would not be participating in the NCAA infractions proceedings any longer and requested that the enforcement staff not contact him anymore.

July 9 - The enforcement staff conducted a prehearing conference with the former head track coach.

August 6 – The institution appeared before the NCAA Division II Committee on Infractions.

November 4 – Infractions Report No. 312 was released.

APPENDIX TWO

CORRECTIVE ACTIONS AS IDENTIFIED IN THE INSTITUTION'S JUNE 17, 2009, RESPONSE TO THE NOTICE OF ALLEGATIONS.

With the assistance of an outside consultant group, the institution has revised many of its procedures, including in the areas of initial and continuing eligibility and awarding of financial aid. The outside consultant will over the next two years conduct an eligibility and financial aid audit of approximately ten percent of all its student-athletes (approximately 25 student-athletes each year). The audits will occur in October 2010 and 2011 and February 2011 and 2012. Approximately five percent of the student-athletes at the institution will be audited each semester.

Due to the resignation of the former director of athletics, the institution has the opportunity to review in a broad sense the total operations of the athletics department, including the compliance area. The institution will be hiring over the next few months a director of athletics and a director of compliance. The implementation of the new procedures in eligibility certification and financial aid will assist these new employees upon their hiring. During the interim, the institution will utilize the outside consultant group to certify eligibility for the 2009-10 academic year.

The institution will begin using components of the NCAA compliance assistance software. The institution will utilize the eligibility and financial aid components of the software no later than prior to the start of the 2011-12 academic year.