A. INTRODUCTION.

This case was resolved through the summary disposition process, a cooperative endeavor in which the Committee on Infractions reviews infractions cases submitted in written form. This process is used as an alternative to a formal hearing and may be utilized only when the NCAA enforcement staff, the member institution and involved individuals agree to the facts of an infractions case and that those facts constitute major violations. The summary report was reviewed by the committee during a May 31, 2012, conference call. Following the call, the committee proposed additional penalties in a letter to the institution dated June 11, 2012. On June 15, 2012, the institution agreed to the imposition of the further penalties.

The violations occurred throughout the athletics program, affecting 12 of the 17 sports on campus. From the 2007-08 academic year through 2010-11, the institution allowed 30 student-athletes to practice and/or compete even though they were not enrolled full time, were not in good academic standing, or both. The violations occurred in large part due to a unique institutional policy that encourages students to "shop" for courses before finalizing their class schedules. During the first three weeks of the institution's 10-week academic quarters, students in good academic standing are not required to formally register for classes. Instead, they can attend classes in different courses before formally adding those they prefer by the end of the three week drop-add period. However, during those three weeks, because they are not actually registered in some or all of the courses they are attending, some students are only enrolled on a part-time basis. Eighteen student-athletes in 11 sports fell into this category from the 2007-08 academic year through 2010-11. While they were enrolled part-time, they were allowed to practice and compete.

Other violations occurred during the same time frame when nine student-athletes were allowed to practice and compete despite failing to meet good academic standing requirements as defined by institutional protocols. Finally, three student-athletes competed while they were enrolled part-time and were not in good academic standing.

Contributing significantly to the violations was the failure of the institution to have procedures in place to verify the full-time enrollment status or academic standing of the student-athletes. Further, the institution did not provide rules education to its coaches,
student-athletes or administrators. For these reasons, the institution was found to lack control over its athletics program.

A member of the Southern California Intercollegiate Athletic Conference, the institution has an enrollment of approximately 900 students. The institution sponsors nine men's and eight women's intercollegiate sports. This was the institution's first major infractions case.

B. FINDINGS OF VIOLATIONS OF NCAA LEGISLATION.

1. IMPERMISSIBLE PARTICIPATION. [NCAA Constitution 3.2.4.3, and Bylaws 14.01.1, 14.01.2, 14.01.2.1, 14.01.2.2, 14.1.8.1, 14.1.8.1.1 and 14.1.8.1.2]

During the 2007-08 through 2010-11 academic years, 30 student-athletes in multiple sports practiced and/or competed while ineligible. Eighteen of the student-athletes were ineligible for practice and competition because they were enrolled as part-time students, nine did not meet institutional academic standing requirements, and three were enrolled part time and failed to meet academic standing requirements.

Explanation of Violation

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

When the present director of athletics ("director of athletics") was hired in April 2011, she recommended a review of academic records of all 2010-11 student-athletes. The review revealed that eight student-athletes had competed while ineligible, leading to an expanded review of records from earlier years.

The expanded review led to the discovery of a total of 30 student-athletes in 12 sports who practiced and/or competed while ineligible from 2007-08 through 2010-11. (Note: some of the student-athletes competed in more than one sport.) As set forth in Part I of this report, the Introduction, 18 of the student-athletes was allowed to practice and/or compete at times when they were registered as part-time students.

The 18 student-athletes participated in the sports of men's water polo, men's and women's fencing, men's soccer, men's basketball, baseball, men's tennis, women's track and cross country, men's track and women's swimming and diving. Ten of them were allowed to participate during the three-week period at the beginning of an academic quarter when
the institution allows students to "shop" for courses by attending different classes as they decide which courses they want to formally enroll in. It often occurs that, during the three-week period, students at the institution are enrolled in less than a full-time course load. This was the situation with the 10 student-athletes, who, although officially registered in less than a full-time load of courses, were allowed to participate in athletics.

Of the other eight of the 18 student-athletes who participated while enrolled in less than a full-time course load, two practiced/competed after one of their courses was cancelled, which dropped them to part-time status. The other six either practiced or competed, or both, after dropping below full-time status during an academic quarter.

Nine of the 30 student-athletes were allowed to compete even though they were on academic probation because they had failed to maintain good academic standing. These nine student-athletes failed to complete the necessary number of units or achieve the necessary grade point average (GPA) to remain in "good academic standing" as that term is defined by the institution. Pursuant to other institutional protocols, their academic deficiencies rendered them unable to participate in athletics until they satisfied a period of academic probation. However, these nine student-athletes competed while on academic probation, prior to being reinstated to good academic standing.

Finally, three student-athletes who were neither enrolled full time nor in good academic standing were allowed to compete.

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

During the 2007-08 through 2010-11 academic years, the institution failed to exercise control over the conduct and administration of its intercollegiate athletics program to ensure compliance with NCAA legislation. Specifically, the institution failed to 1) establish a compliance system for monitoring its student-athletes' eligibility; and 2) provide NCAA rules education to student-athletes, coaches and other institutional personnel.

**Explanation of Violation**

The enforcement staff and institution were in agreement with the facts of this finding and that those facts constituted violations of NCAA legislation. The committee finds that the violation occurred.
As set forth in Finding B-1 above, 30 students in multiple sports at the institution practiced and/or competed at times when they were only enrolled part time, not in good academic standing, or both. The violations occurred in large part due to the institution's failure to have procedures in place to certify the academic eligibility of its student-athletes and the failure to provide rules education to its coaches, student-athletes and administrators.

During the time the violations were occurring, the director of athletics ("former director of athletics") had sole responsibility for certifying that the institution's student-athletes were eligible for practice and competitions according to institutional, conference and NCAA rules. However, there was no written process or procedure in place for performing certification duties and ensuring that all student-athletes were eligible pursuant to the relevant rules. Instead, the former director of athletics assumed that all students who were able to enroll in classes were eligible, and he did not confirm with the registrar that student-athletes were meeting the NCAA's minimum course load requirement or the institution's policy regarding academic good standing.

In his interview during the investigation, the former director of athletics confirmed there was no formal certification procedure. He stated that he relied on the registrar's office to communicate information to him, but he never formally requested the information and did not communicate NCAA eligibility requirements to personnel in that office. This was confirmed by the registrar ("registrar"), who reported that her office had no communication with the former director of athletics regarding the eligibility of student-athletes and was never asked to provide information regarding full-time enrollment status or good academic standing.

The lack of communication also extended to other areas. The athletics department was not made aware when student-athletes were placed on academic probation or when student-athletes were re-admitted to the institution after falling below acceptable institutional academic requirements.

Similarly, coaches were not informed of the academic status of the members of their teams. The head men's soccer coach ("head soccer coach") reported that he did not have access to his team's academic information. He had to rely on information received from the former director of athletics and had no way to verify the accuracy of the information he received.

Compounding the problem was the failure of the institution to provide rules education to its student-athletes, coaches or administrators. Student-athletes interviewed during the investigation stated they were not aware when they became ineligible pursuant to NCAA legislation; they simply followed the institution's policies and were allowed to practice and compete. The head soccer coach reported that no rules education was provided to
coaches or student-athletes. The only compliance and education activities on campus occurred at the beginning of each team's season, when the former director of athletics distributed NCAA-mandated forms. Every student-athlete interviewed reported that no other rules education was provided.

The failure to establish a system for monitoring NCAA rules compliance, failure to track rules compliance and failure to educate student-athletes, coaches and administrators constituted a lack of institutional control.

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. As this case came to the committee through the summary disposition process, the penalties proposed by the institution were adopted by the committee. The institution also agreed to the imposition of further sanctions. They are set forth below as penalties C-1, C-7, C-8, C-10 and C-11. Because the findings and penalties were agreed upon by the institution and committee, there is no option to appeal. [Note: The institution's corrective actions are contained in Appendix Two.]

1. Public reprimand and censure.

2. Three years of probation from July 12, 2012 (the date of the release of this report) through July 11, 2015.

3. In the sports of men's and women's track and field, men's and women's cross country, women's swimming, baseball, men's and women's fencing, men's soccer, men's water polo, men's basketball and men's tennis, the institution will end the 2012-13 season with the playing of its last regularly scheduled, in-season contest and will not be eligible to participate in any post-season competition or take advantage of any of the exemptions contemplated in Bylaw 17.1.4.5. (Institution imposed)

4. The institution will vacate all wins in contests in which ineligible student-athletes participated in violation of Bylaws 14.01.1, 14.01.2, 14.01.2.1, 14.01.2.2, 14.1.8.1, 14.1.8.1.1 and 14.1.8.1.2 during the academic years 2007-08, 2008-09, 2009-10 and 2010-11. Further the individual records of the ineligible student-athletes will also be vacated. (Institution imposed) The violations shall be effectuated pursuant to NCAA Bylaws 19.5.2-(g) (formerly Bylaw 19.5.2.2-(d)) and 31.2.2.3 and shall include participation in any postseason competition including conference tournaments and NCAA championships. Further, the
records of the head coaches in the affected sports shall be reconfigured to reflect the vacated results. The institution's records for the affected sports shall also be reconfigured to reflect the vacated institutional, coaches' and student-athletes' records in all publications in which records for those sports are recorded, including, but not limited to, institutional media guides, recruiting materials, electronic and digital media, and institutional and NCAA archives. Any reference to the vacated results, including championships, shall be removed from athletics department stationary, banners displayed in public areas, and any other forum in which they appear.

To ensure that all institutional and student-athlete vacations are accurately reflected in official NCAA publications 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 specific student-athletes and contests impacted by the order of vacation. In addition, the institution must provide the NCAA statistics department a written report detailing the discussions with the director of statistics. This document will be maintained in the permanent files of the statistics department. The written report must be delivered to the NCAA statistics department no later than 45 days following the release of this report.

5. The institution will pay a financial penalty in the amount of $5,000. (Institution imposed)

6. All athletics programs at the institution will be banned from all off-campus recruiting activities for the 2012-13 academic year. (Institution imposed)

7. For the period of probation, the registrar must be included as a signee on the annual Certificate of Compliance form required by Bylaw 31.2.1.7.

8. The institution's athletics compliance and rules education systems shall undergo an outside audit by a qualified reviewer. The institution shall abide by all recommendations and implement a campus-wide comprehensive rules education and compliance system that incorporates all campus departments.

9. During the period of probation, the institution shall:

   a. Continue to develop and implement a comprehensive educational program on NCAA legislation to instruct the coaches, the faculty athletics representative, all athletics department personnel and all institution staff members with responsibility for the certification of student-athletes' eligibility for admission, financial aid, practice or competition;
b. Submit a preliminary report to the office of the Committees on Infractions by September 1, 2012, 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 July 1 of each year during the probationary period. Particular emphasis should be placed on compliance with NCAA eligibility legislation. The reports must also include documentation of the institution's compliance with the penalties adopted and imposed by the committee.

10. During the period of probation, the institution shall:

a. In writing, inform prospective student-athletes in all sports of the violations committed and that the institution is on probation for three years. If a prospective student-athlete takes an official paid visit, the information regarding violations, penalties and terms of probation must be provided in advance of the visit. Otherwise, the information must be provided before the paid acceptance of the institution's written offer of admission and/or financial aid or prior to enrollment, whichever comes first.

b. Publicize the information annually in media guides and via web posting, as well as in a general institution alumni publication to be chosen by the institution with the assent of the office of the Committees on Infractions. A copy of the media guides, alumni publication, and information included in recruiting material shall be included in the compliance reports to be submitted annually to the Committees on Infractions.

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, California Institute of Technology 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, July 12, 2012.

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.

NCAA COMMITTEE ON INFRACTIONS
Dave Cecil
Keith R. Jacques, chair
Amy Elizabeth Hackett
Nancy Meyer
APPENDIX ONE

CASE CHRONOLOGY.

2010

January – The institution initiated an external review of the institution's department of athletics, physical education and recreation to evaluate department operations, finances and communications.

2011

April – The institution hired the director of athletics as director of athletics, physical education and recreation.

Spring – At the director of athletics' recommendation, the institution expanded its internal review of the athletics department to include NCAA compliance issues.

Summer – The institution reviewed student-athlete eligibility issues from the 2010-11 academic year.

August – The institution determined that eight student-athletes in multiple sports competed while ineligible during the 2010-11 academic year and notified the enforcement staff of its findings. The institution conducted interviews with student-athletes and reviewed eligibility issues from the 2008-09 and 2009-10 academic years.

September 7, 8, and 21 – The institution submitted reinstatement requests for five student-athletes to the NCAA student-athlete reinstatement staff.

November 14 – The institution submitted a self-report of NCAA violations from the 2008-09 through 2010-11 academic years.

December 7 – The enforcement staff requested additional information from the institution, including a report regarding potential violations from the 2007-08 academic year.

December 22 – The institution provided information requested by the enforcement staff and indicated it was in the process of conducting a review of eligibility issues from the 2007-08 academic year.

2012
January 10 – The institution submitted a self-report of violations from the 2007-08 academic year.

January 20 – The institution submitted an amendment to its November 14, 2011, self-report to clarify that three student-athletes were ineligible for fewer competitions than originally reported.

March 6 – The institution submitted additional information concerning the violations. The enforcement staff and institution agreed to process the case via summary disposition.

May 23 – The summary disposition report was submitted to the committee.

June 11 – The committee proposed further penalties to the institution.

June 15 – The institution agreed to the imposition of the further penalties.

July 12 – Infractions Report No. 377 was released.
APPENDIX TWO

CORRECTIVE ACTIONS AS IDENTIFIED IN THE INSTITUTION'S MAY 23, 2012 SUMMARY DISPOSITION REPORT.

Upon discovering that student-athletes had competed while academically ineligible, Caltech immediately withheld five student-athletes from competition pending reinstatement. Caltech received verbal reinstatement decisions on the five student-athletes in September 2011, and the student-athletes have satisfied the withholding requirements imposed by student-athlete reinstatement staff.

Caltech has further instituted new, campus-wide compliance measures. These measures increased communication and collaboration between the athletics department, the Registrar's office, and other administrative departments at Caltech. Caltech also made several changes to the athletics department's internal processes and procedures. Caltech has further improved its rules education program and put in place several safeguards to prevent future violations.

Increased Campus Communication and Collaboration

Caltech implemented changes in the athletics department's reporting structure. Now, instead of reporting to the Dean of Students, as had been the case, the athletics director reports directly to the Vice President of Student Affairs. This change increased communication between the athletics department and the Caltech administration by eliminating an intermediate step in the reporting process.

Furthermore, the athletics department and the Registrar implemented new safeguards, effective August 25, 2011, to ensure that all student-athletes are in good academic standing and enrolled full-time. Those safeguards include the following:

a. At the end of each quarter, the Registrar provides the athletics department with a list of student-athletes who are on academic probation.

b. The assistant athletics director has access to the data system maintained by the Registrar. Access to that data system provides the athletics department with a direct and immediate means of confirming that a student-athlete is academically eligible and not on academic probation. If necessary, the athletics department can receive a daily report on each individual student-athlete.

c. The Registrar has revised Caltech's underload petition so that it now requires student-athletes to obtain the athletics director's signature before being allowed to underload. The athletics department will use this change to create awareness among student-athletes
about the NCAA’s minimum course load requirement and to counsel student-athletes of their responsibilities to the NCAA prior to submitting an underload petition.

d. The assistant athletics director was added to the daily course-drop email list maintained by the Registrar. This ensures that the athletics department is immediately notified of any decisions made by student-athletes that may affect their eligibility, namely a decision to drop below the 36-unit quarter minimum.

e. The Registrar added new fields to the data system to identify those student-athletes who are on each athletics team’s roster. This information is entered into the data system by the assistant athletics director and is immediately available for use and processing by the Registrar. The Registrar is specially monitoring the student-athletes to aid the athletics department, generally, and the assistant athletics director, specifically, in identifying potential trouble areas.

f. The athletics director now takes part in monthly Student-Affairs Enrollment Management Meetings. During these meetings, the athletics director emphasizes better coordination among the support services for student-athletes on campus.

Department of Athletics Process Changes

The athletics department has instituted additional, internal procedural changes that operate as fail-safe mechanisms to prevent future academic eligibility violations. First, the Department has begun requiring all coaches to submit the NCAA’s Form 11-4C prior to the first competition of each season to document the eligibility certification process by students, coaches and administrators. By making this change, the athletics department is requiring coaches to have greater responsibility for roster management and eligibility certifications. Moreover, the athletics director has also begun conducting tailored rules education sessions for coaches and other athletics department staff at staff meetings.

Rules Education

Caltech has also launched additional rules education efforts. For instance, as a result of the increased communication and cooperation among campus departments, the athletics director and the Registrar met with the Vice President for Student Affairs, representatives from the Dean's office, and the Faculty Athletics Committee to provide rules education on NCAA legislation, specifically the rules on good academic standing in relation to Caltech's academic requirements and academic probation policy. Moreover, the athletics director, Registrar, and Vice President of Student Affairs have also implemented measures to ensure that student-athletes receive similar rules education during pre-season meetings, either before or at the time they sign their NCAA eligibility forms. The athletics director and the assistant athletics director have similarly
instituted bi-weekly meetings to review the athletics department's eligibility compliance measures and to coordinate new initiatives for rules education.

In addition to its internal efforts, Caltech's athletics director, assistant athletics director, Registrar, and a representative of the Office of General Counsel will attend the NCAA Division III Regional Rules Seminar held in May 2012 in Anaheim, California. Caltech is also in the process of arranging for a member of the NCAA academic and membership affairs staff to conduct rules education meetings on Caltech's campus on a date to be determined, but certainly within the next six months. These meetings will be tailored to the unique academic circumstances at Caltech and the specific steps Caltech can take to avoid future violations.

Personnel

Caltech has designated an employee with responsibility to oversee compliance matters within the athletics department.

Caltech has agreed to maintain the position of Sports Information Director and to ensure the athletics department keeps full and accurate statistics.