

## NEWS & INSIGHTS

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### LIGHTFOOT'S TAKE ON SAN JOSE STATE UNIVERSITY'S FAILURE TO PROMOTE AND CARA VIOLATIONS

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On September 6, 2018, the Division I Committee on Infractions (COI) found that the former San Jose State baseball coach did not promote an atmosphere of compliance when he directed, supervised, and misreported student-athletes' participation in countable athletically related activities (CARA) that exceeded NCAA rules. The case was considered through the summary disposition process, with the case against both the institution and former head coach classified as Level II-Standard.

#### BACKGROUND

During the 2016-17 and 2017-18 academic years, the former head baseball coach asked student-athletes if they wanted to participate in voluntary activities before and after mandatory practices. The coach then listed the voluntary activities on the daily practice schedules. Despite the designation of the activities as voluntary, the student-athletes believed their presence at these supplemental activities was mandatory and, at times, members of the coaching staff observed them.

Additional CARA issues arose when the former head coach allowed the mandatory practice and skill activities to run longer than their scheduled times. In addition to directing and supervising the impermissible activities that exceeded the NCAA's countable activity rules, the former head coach also did not monitor his program when he submitted inaccurate activity reports to the compliance office.

#### KEY TAKEAWAYS

1. In what has become a more and more common occurrence in the summary disposition process, the COI imposed additional penalties on top of those self-imposed by both the institution (probation and CARA-recording requirements) and now-former head coach (show cause order);
2. The panel accorded "significant weight" to the "History of Level I, II, or major violations" aggravating factor based on a 2016 CARA-related women's basketball case. The panel made no mention of weight being accorded the institution's two other decades-old infractions cases;
3. The one-year show-cause order imposed on the former head coach additionally included a requirement that, should the coach be employed during the show-cause period, he be suspended from all coaching duties (e.g., practice, video, recruiting, team meetings, etc.) for the first 10 contests of the season; and
4. The panel rejected the mitigating factor offered by the institution (on which enforcement took no position) and those offered by the former coach (which enforcement opposed), continuing the difficult trend of securing unilaterally-offered mitigation.