Lightfoot

NEWS & INSIGHTS

LIGHTFOOT'S TAKE ON SOUTHERN ILLINOIS UNIVERSITY AT CARBONDALE'S FAILURE TO MONITOR

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On September 7, 2018, the Division I Committee on Infractions (COI) found that Southern Illinois University at Carbondale (SIU) did not monitor its women's swimming and diving program and the conduct of the diving coach. In addition, the head coach was found to have failed to monitor the diving coach and to promote an atmosphere of compliance. The case was considered through the summary disposition process, with the case against the institution classified as Level II-Standard and Level II-Aggravated against the head coach and diving coach.

BACKGROUND

Over a two-year period, an SIU diving coach conducted and/or arranged for a student-athlete to provide two international student-athletes with numerous impermissible "fee-for-lesson" diving lessons at the institution's on-campus rec center. The impermissible lessons took place both pre- and post- enrollment. Other individuals, including prospects, also received impermissible lessons, but on a more limited basis. The diving coach also arranged for reduced-cost instruction from a volunteer diving coach. The head coach's failures were rooted in his awareness of the diving coach arranging for these lessons without consulting with compliance. SIU and the enforcement staff also agreed that SIU failed to provide adequate rules education.

KEY TAKEAWAYS

1. This was the first reported case involving Bylaw 12.4.2.1 *Fee-For-Lesson Instruction.* The COI deemed the violation to be Level II;

2. Despite the institution's self-imposed penalties through summary disposition, the COI panel imposed additional and significant penalties, including (but not limited to) scholarship reductions, recruiting restrictions, and show-cause orders for the two involved coaches;

3. The COI accepted SIU's argument that Bylaw 19.9.3-(b) *A History of Level I, Level II, or Major Violations* should not apply as an aggravating factor because SIU's only prior infractions case occurred more than 20 years prior and involved a different sport; and

4. The panel rejected a jointly offered mitigating factor, Bylaw 19.9.4-(h) *The absence of prior conclusions of Level I, Level II or major violations in the sport program*, because historical practice confirms the application of mitigating (and aggravating) factors to parties, not sports. According to the panel, SIU's prior 1985 case precluded this specific mitigation.