

SUMMARY OF SELF REPORT TO THE NCAA

Overview

In June 2007, as part of a strengthened sport-by-sport management process, the Athletics Department's senior leadership discovered irregularities in the administration of federal work-study earnings in the baseball program. The University's subsequent investigation (described below) determined that, over a period of seven years (academic years 2000-01 through 2006-07), timecards submitted by baseball student-athletes who were assigned work-study for the University's baseball team did not accurately capture the actual hours during which the student-athletes had worked. The University further concluded that although the student-athletes were performing significant and time-consuming work, much of it involving field maintenance, this time-keeping irregularity resulted in the student-athletes receiving some compensation in excess of what they actually earned.

Consistent with its obligation as a member of the self-governing NCAA and its own commitment to athletics rules compliance, Georgetown took this matter extremely seriously, immediately launched a thorough investigation, self-reported the issue to the NCAA, took steps to ensure the issue would not recur, and voluntarily imposed sanctions on the baseball program.

The Issue

Summary of the Violations

The baseball program has for many years relied on work-study employment of baseball student-athletes to assist with a variety of tasks, including maintenance of the baseball field, distribution of team equipment and uniforms, and laundry. The University confirmed during its investigation that these tasks constituted real work necessary for the baseball program's functioning, that the student-athletes actually performed tasks, and that they were paid an hourly rate appropriate for the work assigned, averaging \$8 per hour. As detailed below, the violations began after the location for most of the work-study duties (the baseball field) was moved off campus at the beginning of the 2000-01 academic year, a move that complicated the recording and tracking of the specific hours worked by each student-athlete. As a result, over time a practice developed regarding the recording of time worked whereby the student-athletes were told to complete their time cards with blocks of time, totaling no more than 20 hours per week, without regard for whether the blocks of time represented the exact hours worked, on the understanding that sufficient work would be provided to equal the time reported. As detailed below, however, the University determined through its investigation that although the student-athletes did in fact work, they did not consistently have enough work to justify all of the compensation received. Over the seven-year period that this practice persisted, 26 student athletes received an estimated total of \$61,552 in excess compensation. Consistent with federal regulations governing the administration of federal work-study funds, forty percent of students' work-study compensation at Georgetown is paid by the

employing department (here, the Athletics Department), while the federal government contributes the remaining sixty percent (\$36,932.39). The University reported this discrepancy to the Department of Education and repaid the federal funds involved.

Further, the investigation concluded that Head Baseball Coach Pete Wilk did not have knowledge of these issues until these violations were brought to his attention. Immediately upon being made aware of the violations Coach Wilk assumed appropriate responsibility and cooperated fully with the investigation.

Relevant Background

The following background regarding baseball's work-study program may be helpful to understanding the violation the University discovered and reported.

Work-Study in the Baseball Program

As noted, the baseball program had for many years employed a number of its student-athletes (typically five to seven each academic year) to assist with a wide variety of operational tasks related to the baseball program.

Transition to Off-Campus Field

Prior to approximately the summer of 2000, work-study student-athletes were hired through the equipment room, and were directed and supervised by the equipment manager or his designee. Hours were tracked by punching in and out on a time clock. During these years, most of the work performed by the baseball student-athletes was at the University's on-campus field and facilities, located a short distance from the equipment room.

In 2000, the baseball field had to be relocated off-campus to accommodate the need for additional academic buildings on Georgetown's campus. The University began leasing a field that is part of the Montgomery County Maryland Parks and Recreation system as the program's home baseball field. The field is not owned, operated, controlled or maintained by the University, and is shared by many public users who do not require that it be maintained at a level appropriate for a Division I program. Georgetown's baseball program, therefore, assumed the responsibility for ensuring that the field was maintained at a Division I level, and much of this work was done by the team's work-study student-athletes. Because a significant amount of the work assigned to the baseball work-study student-athletes occurred at this off-campus field, supervision of the student-athletes was functionally shifted from the equipment manager to one of the assistant baseball coaches.

The Work

Baseball Student-Athletes Worked and Were Paid an Appropriate Hourly Rate. Student-athletes who participated in work-study through the baseball program worked throughout

the academic year, albeit not for all of the hours for which they were compensated during the 2000-01 through 2006-07 time period. The student-athletes were expected to work and were assigned specific responsibilities that varied with the needs of the baseball program.

Baseball Student Athletes Performed Real Work. The baseball student-athletes who chose to participate in work-study performed actual tasks and were paid for the time they recorded from September to May each academic year. The student-athletes had multiple and varied responsibilities, which can be grouped into three categories: regular duties, occasional tasks and laundry responsibilities.

- The regular duties generally included cleaning and removing trash from the baseball field, press box, and dugouts following practices and games; cleaning the locker room; repairing the field as needed (e.g., raking the baselines and infield, spreading Diamond Dry if the field was wet, fixing uneven ground, adding clay to the pitcher's mound, watering the grass); and setting up for strength and conditioning and skill instruction sessions. During their interviews, the coaches and student-athletes reported that the field maintenance provided by the Parks and Recreation staff for the (off-campus) baseball field was inadequate for a Division I baseball program, particularly because other organizations also used the field. As a result, the team's work-study student-athletes regularly had to perform field maintenance during the season.
- The second category of work performed by the work-study student-athletes – occasional tasks – included setting up and taking down the batting cage; cleaning and repairing the batting cage; setting up the locker room in McDonough Gym after the soccer team vacated; assisting with inventory and distribution of equipment and apparel; participating in the annual fall fund-raising telethon; shoveling snow or removing ice on the field; tarping the field; and contacting teammates with schedule changes.
- The third category of work performed by the work-study student-athletes is laundry. Prior to the 2006-07 academic year, the student-athletes had significant laundry responsibilities that included the following duties related to washing uniforms and practice apparel for the team: soaking and scrubbing stains; loading and operating the machines; hanging uniforms; and distributing the clean uniforms and apparel.

How the Violations Occurred

The violations arose from inadequate recordkeeping at the off-campus baseball field, not from an intent to violate NCAA rules. After the baseball program moved to an off-campus baseball field, it appears that there developed a general, although misguided, understanding that keeping track of the specific work intervals, which occurred at various times, in various increments, and often off campus, was too difficult and not required. The assistant coach overseeing work-study for baseball instructed the student-athletes to

record a maximum of 20 hours each week with the understanding that they would be assigned and would complete work sufficient to warrant payment for those hours. The student-athletes did not focus on tracking the specific times they worked, and did not believe or understand that was something they needed to do.

The Impact of the Violations

Though the fact that the violations occurred is unacceptable, the baseball team did not receive any recruiting or competitive advantage as a result of the violations.

No recruiting advantage. The investigation found no evidence that work-study was used as a tool in recruiting, or that any student athlete was persuaded to attend Georgetown because of an opportunity to perform work-study in the baseball program.

No competitive advantage. Because Georgetown's baseball program did not fully fund athletics scholarships for baseball, each student-athlete could have received the amount of compensation he was paid for his work-study employment as athletically-related scholarship under NCAA individual and team limits. The University gained no competitive advantage as a result of the excess compensation. Indeed, the team's record did not in any of the seven years qualify it for the BIG EAST Conference tournament; its overall win-loss record was 135-246 and its conference win-loss record was 46-136.

What the University Self-Reported

The University reported violations of rules related to the substantive issue described above, and of NCAA rules related to its duty to monitor the administration of work-study in the baseball program. The University felt it important to acknowledge to the NCAA that it was aware that the issue should not have been allowed to occur or persist.

Violations by Head Baseball Coach Pete Wilk

In addition to those violations reported by the University, Head Baseball Coach Pete Wilk accepted responsibility for failing to monitor the work-study program in baseball. Coach Wilk, who has served as the head baseball coach since June 1999, reported that throughout this period, he delegated the administration of work-study to an assistant coach, and had little or no involvement in its daily oversight. The University appreciates his statement to the NCAA accepting full responsibility for the violations: "As head baseball coach, I am ultimately responsible for all aspects of the baseball program." Coach Wilk, who will lead the Hoyas in the 2010 baseball season, continued by saying, "Any problems in the work-study program involving my players are ultimately my responsibility. I regret deeply that these violations occurred. They besmirch my reputation and the reputation of the institution I love."

The University's Investigation

In 2007, the University promptly notified the NCAA Enforcement staff that it had identified a potential issue, and initiated a thorough internal investigation. This investigation, conducted by an investigating team composed of senior leaders from several University offices, including the Athletics Compliance Office, the Office of Student Financial Services and outside experts from the Collegiate Sports Practice of Ice Miller, LLP, involved a detailed document review, extending back to the 2000-01 academic year, and numerous interviews of current and former baseball coaches, student athletes and administrators with knowledge of baseball's work-study program. A primary concern was whether the issues identified were confined to baseball. Accordingly, the investigating team conducted an extensive review of work-study records in all other sports, after which they confirmed that the problems were limited to the baseball program.

The University used the totality of the information collected from its extensive interviews and document review to develop a methodology for calculating the excess compensation received by the student-athletes. This methodology was used to prepare the University's request for reinstatement of eligibility for five involved student-athletes with eligibility remaining and was accepted by both the NCAA student-athlete reinstatement staff and later by the NCAA Enforcement staff. The University then relied on the results of its investigation to prepare its self-report, submitted to the NCAA on April 29, 2008.

The NCAA Enforcement subsequently conducted its own investigation during the summer and fall of 2008, which concluded that the University's investigation had appropriately identified and reported the rules violation. Accordingly, in January 2009, the University and the NCAA Enforcement staff together submitted a summary disposition report to the NCAA Committee on Infractions. The NCAA Committee on Infractions reviewed that report in February 2009 and determined to hold a hearing on June 5, 2009.

Corrective Actions & Penalties

The University imposed on itself a comprehensive set of corrective actions and penalties, designed to help ensure that this issue will not recur.

The corrective actions include:

1. Effective with the 2007-08 academic year, no student-athlete may accept a work-study position with the team for which he or she competes.
2. For the baseball program, the tasks previously performed by baseball federal work-study at the off campus baseball field are now completed by professional maintenance staff.
3. Time sheets for student-athlete employment, federal work-study or otherwise were modified to include a signatory approval by the compliance office.

4. The Athletics Director and/or the baseball sports supervisor will continue to meet regularly (at least monthly) with the head baseball coach regarding his management of the overall baseball program and the execution of his duties as head baseball coach.
5. The Compliance Office conducted additional education sessions with coaches, staff and student-athletes regarding employment and federal work-study.
6. Beginning in the spring of 2009, anyone in athletics who directly supervises work-study students or student-athletes will be required to attend in-person training provided by the Office of Student Employment.
7. The rules education provided to coaches, staff and student-athletes in all sports will include information specific to employment of student-athletes, including information regarding the new policies and procedures. Such information will be included in the student-athlete handbook and the Athletics Compliance Office's policies and procedures handbook for coaches and staff. In addition, educational information related to student-athlete employment will be sent to representatives of athletics interests and local businesses.
8. At the time of discovery none of the assistant coaches who supervised baseball student employees were employed by University.
9. The University will continue to enhance its athletics compliance monitoring systems proactively. In the last few years, such proactive measures have included:
 - a. bolstering the Athletics Compliance Office by adding a full-time assistant director of compliance in fall 2006 and a director of compliance in spring 2008;
 - b. creating positions in the Office of the Registrar and the Office of Student Financial Services with dedicated athletics compliance responsibilities;
 - c. forming a permanent subcommittee of the Compliance Working Group (part of the Institutional Compliance and Ethics Program overseen by the University's Office of Compliance and Ethics) dedicated to athletics compliance;
 - d. growing a proactive rules education program for coaches, student-athletes, staff, and athletics boosters;
 - e. fostering a service-oriented Athletics Compliance Office that provides support to coaches, student-athletes, staff and the University community; and,
 - f. updating an Athletics Compliance Office policies & procedures handbook for coaches.

The University's self-imposed penalties include:

- a. The institution placed the baseball program on probation for two years.
- b. The baseball program did not receive a scheduled increase of 3.0 athletics grants-in-aid for the 2007-08 and 2008-09 academic years, which, had it been implemented by the department, would have raised the total available scholarships from 5.0 to 8.0 each year.
- c. The institution has reprimanded the head baseball coach, and taken other appropriate employment action.
- d. The head baseball coach was required to attend a 2008 NCAA Regional Rules Seminar. The seminar selected was also attended by a member of the institution's Athletics Compliance Office.

Timeline

June 22, 2007	Potential issue discovered by Georgetown Athletics Department
June 2007 – March 2008	Georgetown conducts internal investigation
August 2007	Georgetown alerts NCAA Enforcement Staff that issue identified and internal investigation is underway
April 29, 2008	Georgetown submits self report of violations to NCAA
May 12, 2008	NCAA Enforcement Staff begins investigation, conducts initial on-campus interviews
July 1, 2008	NCAA Enforcement Staff conducts additional on-campus interviews
November 14, 2008	NCAA Enforcement Staff investigation completed. NCAA, Georgetown and Head Coach Pete Wilk agree to process case via summary disposition
February 5, 2009	Summary Disposition Report submitted to the Division I Committee on Infractions
February 23, 2009	Committee on Infractions refers the case for a hearing
March 4, 2009	NCAA Enforcement Staff issues Notice of Allegations to Georgetown and Head Coach Wilk

May 1, 2009	Georgetown submits its Response to the Notice of Allegations
June 5, 2009	Committee on Infractions hearing
September 2, 2009	Committee on Infractions announces decision