

Ruling of Canadian Interuniversity Sport (CIS) Discipline Committee Regarding a self-disclosure of the University of Windsor

Decision Rendered: April 13, 2004

CIS DISCIPLINE COMMITTEE:

Pat Murray, Athletic Director, York University (chair)
Sandy Slavin, Athletic Director, University of Lethbridge
Coleen Dufresne, Athletic Director, University of Manitoba
Bob Dubeau, Athletic Director, McGill University
Derryl Smith, Athletic Director, St. Thomas University

PROCESS:

In accordance with Section 90.40 – Conduct and Enforcement: Complaints, Investigation and Discipline Policy of the 2003 Canadian Interuniversity Sport (CIS) Policies and Procedures, the CIS Discipline Committee convened a discipline hearing on March 16 to hear the formal charge and to impose sanctions, if any, with respect to a self-disclosed breach of CIS regulations by the University of Windsor. The hearing was conducted by way of a review of documentary evidence and an oral hearing.

DETAILS:

- Mr. David Halliwill was a men's ice hockey student-athlete at the University of Alabama-Huntsville (UAH) from 1999-2000 until December 2002.
- As a result of a personal family matter, Mr. Halliwill returned to his hometown of Windsor, Ontario in December 2002; Mr. Halliwill did manage to complete his studies and graduate from UAH at the conclusion of academic year 2002-2003.
- During the summer of 2003, Mr. Halliwill enrolled in the MBA program at the University of Windsor (UofW); Mr. Halliwill also had a preliminary discussion with UofW head coach Dr. Vern Stenlund regarding the opportunity to be a member of the University of Windsor men's hockey team, however Mr. Halliwill was not committed to trying out for the team nor was he aware of his eligibility status within and since returning from the NCAA.
- Dr. Stenlund, who was coaching his second season within the CIS, was aware of the most applicable CIS regulations related to Mr. Halliwill's circumstance, specifically related to the maximum years and transfer rules, but he was not aware of the specific NCAA regulations related to Mr. Halliwill's participation in four conference and four non-conference competitions during the 2002 fall semester at UAH.
- Mr. Halliwill began training with the UofW hockey program in the 2004 winter semester after having completed a co-op placement during the 2003 fall semester and deciding he would like to resume his interuniversity hockey career.
- The UofW does not provide an eligibility orientation session to student-athletes who begin participating with their interuniversity sport programs in the winter term (January); the UofW does provide an eligibility orientation session to student-athletes participating in winter term sports, however these are conducted during the fall term, prior to January.

- As the UofW was unaware of Mr. Halliwill's NCAA status, specifically if he had consumed all of his eligibility in the NCAA, the UofW contacted UAH on Monday, January 12, 2004; the UofW had already decided that it would submit a compassionate appeal on Mr. Halliwill's behalf if it were found that he had consumed all of his NCAA eligibility.
- The UofW follows a pre-defined and documentation-based communication protocol with schools that its student-athletes transfer from; the protocol was proceeding as prescribed by the UofW.
- As a result of miscommunication within the UofW Athletic Department, Mr. Halliwill's name was added to the men's ice hockey eligibility roster.
- Upon receiving the eligibility roster for approval, which he signed on Friday, January 9, Mr. Grace failed to recognize the addition of Mr. Halliwill's name; in essence, Mr. Halliwill was provided the opportunity to participate despite the UofW not having received the confirmation of Mr. Halliwill's status from UAH as per its own procedures.
- As a result of the above, Mr. Halliwill participated in a January 17, 2004 conference competition against Lakehead University in Thunder Bay prior to confirming his NCAA status; Mr. Halliwill did not participate in the first game (January 16) of the Lakehead University series.
- The UofW was notified on Tuesday January 20 by UAH that Mr. Halliwill had indeed consumed all of his NCAA eligibility; the UofW immediately submitted a compassionate appeal and a self-disclosure to the CIS.
- Mr. Halliwill's compassionate appeal was denied on January 28, 2004.

DECISION:

Upon hearing the matter, the Discipline Committee has determined that the formal charge has been satisfied, specifically, the University of Windsor is found to have breached two CIS Regulations:

40.30.1.1

Overview Of Canadian Interuniversity Sport Member Responsibilities

Each member institution shall put in place an eligibility verification system to accurately monitor the academic status and eligibility of its Canadian Interuniversity Sport student-athletes on an on-going basis. While the Director of Athletics is ultimately responsible for determining eligibility of all athletes at their respective institution, the success of any eligibility verification system is reliant on the combined efforts of the institutions administrators, coaches, and student-athletes.

40.10.4.3

Maximum Years

An athlete who has completed their eligibility to participate in any recognized sport of Canadian Interuniversity Sport within another post-secondary jurisdiction, in accordance with that jurisdiction's rules, is ineligible for Canadian Interuniversity Sport competition...

In the absence of information to the contrary, the student-athlete (David Halliwill) is considered to be an unwitting participant in the breach.

SANCTIONS:

In accordance with Section 90.40, the Discipline Committee has imposed the following sanctions:

- 1) That the University be fined \$1,500, payable to CIS by May 17, 2004; and,
- 2) That the University undertake procedural, structural or other changes in order to minimize the chance of future violations and to provide a description of same to the CIS office by May 17, 2004. Specifically, the University is asked to provide a description of the policy and procedures that are to be followed regarding the education / orientation for student-athletes who begin their inter-university involvement in January; and, the protocol and associated documentation pertaining to the University's eligibility verification system.

For information, this decision will be posted to the "Discipline/Appeals Results" section of the CIS website, with a corresponding communication forwarded to all member institution Athletic Directors.

Failure to comply with a penalty shall result in immediate suspension from participation in any and all activities of Canadian Interuniversity Sport, until such time as the University of Windsor complies. Failure to comply may also give rise to a complaint and the laying of a formal charge.

RATIONALE:

In the opinion of the CIS Discipline Committee, the University of Windsor Athletic Department's eligibility verification and monitoring system is deficient in two significant areas.

Firstly, the University's eligibility verification and monitoring system does not adequately accommodate for student-athletes who commence their involvement in University athletics in January; specifically, the University does not provide an eligibility orientation session for these student-athletes. As the success of any eligibility verification system is reliant on the combined efforts of the institutions administrators, coaches, and student-athletes, the institution is compelled to educate all of its student-athletes on CIS regulations, including those who begin their participation in January.

Secondly, the Committee recognizes a deficiency in the University's eligibility verification and monitoring system that could result in a student-athletes name being added to a roster that is signed-off by the Athletic Director prior to confirmation of their eligibility status. The Committee considers this deficiency to be more likely for January-starting student-athletes than for student-athletes who have been involved with their respective teams since the start of their respective seasons.

In rendering its decision, the Committee does not consider the breach to have involved a willful or deliberate intention on the part of the University or its Athletic Department to circumvent any eligibility rules. Further, the Committee acknowledges and recognizes the University's immediate acknowledgement and assumption of responsibility for the breach when it was identified, as well as the University's cooperation in the investigation of this self-disclosed breach.