

**Ruling of Canadian Interuniversity Sport (CIS) Discipline Committee
Regarding a self-disclosure of Saint Mary's University**

Decision Rendered: December 18, 2003

CIS DISCIPLINE COMMITTEE:

Pat Murray, Athletic Director, York University (chair)
Sandy Slavin, Athletic Director, University of Lethbridge
Coleen Dufresne, Athletic Director, University of Manitoba
Liz Hoffman, Athletic Director, University of Toronto
Bob Dubeau, Athletic Director, McGill University
Clint Hamilton, Athletic Director, University of New Brunswick

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 December 16 to hear the formal charge and to impose sanctions, if any, with respect to a self-disclosed breach of CIS regulations by Saint Mary's University. The hearing was conducted by way of a review of documentary evidence and an oral hearing.

DETAILS:

- o Ms. Alison Riley was a member of the Dalhousie University (Dalhousie) women's volleyball team during academic year 2001-2002, having participated in one non-conference competition hosted by McGill University on October 19-21, 2001, and one conference competition versus UPEI on November 23, 2001.
- o In accordance with CIS regulations, Dalhousie's 2001-2002 Player Participation Declaration Form confirms Ms. Riley was charged one year of eligibility for academic year 2001-2002.
- o Prior to July 15 2002, Mark Burley, women's volleyball head coach at Saint Mary's University (SMU), was notified by one of his current players that a friend of hers attending Dalhousie (Ms. Riley) was considering a transfer to another CIS school.
- o On July 15 2002, Larry Uteck, Athletic Director at SMU and the Eligibility Review Officer for Atlantic University Sport, provided an interpretation to Mark Burley that indicated an athlete who dresses for two or fewer competitions in a two semester sport, including exhibition play, are not charged a year of eligibility; the interpretation provided was inconsistent with CIS Rule 40.10.4.1.2(b) – Post-Secondary Participation (conference and non-conference).
- o On August 12, 2002, after following CIS regulations and protocol vis a vis communication with transfer students, Mr. Burley confirmed Ms. Riley's desire to attend SMU with Mr. Uteck.
- o As Mr. Uteck was under the false impression that Ms. Riley had not been charged a year of eligibility for academic year 2001-2002, he considered Ms. Riley to have satisfied the one year requirement associated with CIS regulations related to transfer students; Mr. Uteck believed Ms. Riley's last recognized participation at Dalhousie was during the 2000-2001 academic year, rather than her November 23, 2001 participation in a game against UPEI.
- o On September 23, 2002, as a result of having identified varying interpretations regarding CIS Rule 40.10.4.1.2(b) – Post-Secondary Participation (conference and non-conference) across the country and among Regional Association Eligibility Review Officers, the CIS

Eligibility Committee circulated a clarifying interpretation to CIS Athletic Director's to ensure the consistent application of the regulation and the charging of eligibility.

- o Ms. Riley subsequently participated in two non-conference competitions with the SMU women's volleyball team while ineligible; one exhibition match versus St. Francis Xavier on October 10, 2002, and one exhibition tournament hosted by UNB on October 18-20, 2002.
- o On October 23, 2002, Al Scott, Athletic Director at Dalhousie, notified Mr. Uteck that Ms. Riley had been charged with a year of eligibility for academic year 2001-2002.
- o On November 7, 2002, Mr. Uteck submitted a self-disclosure to the CIS regarding Ms. Riley's participation while ineligible.
- o Subsequent to Mr. Uteck's self-disclosure, the CIS ruled that while the self-disclosure was being processed, Ms. Riley would be permitted to participate as of the date she would have otherwise been eligible (November 24), subject to all other CIS regulations.

DECISION:

Upon hearing the matter, the Discipline Committee has determined that the formal charge has been satisfied, specifically, Saint Mary's University 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.

40.10.5.2.2 Student-Athletes Entering Directly from another Canadian Interuniversity Sport Institution
A student-athlete, who transfers from one Canadian Interuniversity Sport member institution to another member institution, must not participate for a period of one year in the recognized sport of Canadian Interuniversity Sport in which such athlete participated at the previous Canadian Interuniversity Sport institution in order to be eligible for Canadian Interuniversity Sport participation.

In the absence of information to the contrary, the student-athlete (Alison Riley) and the Head Coach (Mark Burley) are considered to be unwitting participants in the breach.

SANCTIONS:

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

- 1) That the University be fined \$500, payable to CIS by February 6, 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 February 6, 2004. Specifically, SMU is asked to provide a description of the

policy and procedures that are to be followed for incoming transfer students, including a copy of all documentation associated with same.

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 SMU complies. Failure to comply may also give rise to a complaint and the laying of a formal charge.

RATIONALE:

The SMU Athletic Department, as were all CIS member schools, was notified on September 23, 2002 that there were inconsistencies with respect to the application of Regulation 40.10.4.1.2(b) and that from that day forward, the circulated clarifying interpretation would prevail.

Notwithstanding the misinterpretation provided by the Director of Athletics at the time, it was incumbent upon SMU to confirm Ms. Riley's eligibility status with Dalhousie University, the school from which she transferred upon conclusion of academic year 2001-2002, prior to her participation with SMU.

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.