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### **Concordia University – men's basketball**

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In accordance with Section 90.40 – Conduct and Enforcement: Complaints, Investigation and Discipline Policy of the 2008 Canadian Interuniversity Sport (CIS) Policies and Procedures, I have considered a self-disclosure submitted by Katie Sheahan, Director of Athletics, Concordia University (Concordia). The self-disclosure details a breach of CIS Regulation 40.10.5.4.1.1 – Participation, specifically with respect to the participation of a men's basketball player in two pre-season exhibition games on October 10 (versus University of Lethbridge) and October 11 (St. Francis Xavier University).

The self-disclosure also details a breach of CIS Regulation 40.10.7.4.1 – Recruiting CIS Student-Athletes, specifically with respect to the absence of communication by Concordia to the Université du Québec à Montréal (UQAM) in regard to the potential transfer of a UQAM student-athlete.

Upon reviewing the Record of this matter, I have determined that there are grounds for a formal charge. It is my view that Concordia breached CIS Regulation 40.10.7.4.1, as the student-athlete had previously participated with UQAM on August 26 in a pre-season exhibition game against Anderson University. In accordance with CIS regulations, a student-athlete is not permitted to participate with two CIS schools in the same sport in the same academic year.

Further, I have determined that Concordia did not make the required contact with UQAM when the student-athlete presented himself as a potential transfer student-athlete. In accordance with CIS regulations, when a student-athlete from another institution initiates contact with another CIS school regarding a potential transfer, the Director of Athletics of the originating institution must be immediately notified.

Pursuant to Policy 90.40.4.12, I consider the breaches to be inadvertent administrative infractions that are not regularly and consistently occurring at the institution. I did consider eligibility infractions that occurred previously at Concordia in 2005-06, however those infractions are considered to be distinct and unrelated to the current matter. I am satisfied that the current self-disclosure is such that it does not warrant a discipline hearing otherwise specified to take place pursuant to Policy 90.40.5.

It is my opinion that Concordia has a satisfactory eligibility monitoring and verification system, although as with any system, improvements can always be made. The infractions are primarily the result of human error with respect to interpreting the status of the incoming student-athlete.

Effectively, Concordia considered the student-athlete to be athletically eligible on the basis that Concordia's 2008-09 academic year begins on September 2, 2008, while the student-athlete's UQAM participation occurred in the preceding academic year (in August 2008). Further, as Concordia did not believe the student-athlete to have been charged with a year

of eligibility for his participation in the preceding academic year, the traditional transfer rule was not applicable. Although Concordia's application of the traditional transfer rule was correct, Concordia acknowledges its oversight with respect to CIS Policy 40.10.4.1.5 – Post-Secondary Participation:

*Athletes participating and representing their institution in sport recognized by CIS prior to August 15<sup>th</sup> will be considered to have participated in the academic year in which such participation occurred. Participation on or after August 15<sup>th</sup> will be considered as participation in the following academic year.*

Further, Concordia was of the impression that since the student-athlete withdrew from UQAM prior to the start of any classes, the student-athlete would not be considered a transfer student-athlete, and thus UQAM would not need to be notified about the potential transfer. Effectively, despite the student's participation in a pre-season exhibition game for UQAM, Concordia made the determination that since he had not yet attended UQAM as a student and would not have a university academic record at UQAM, he was not considered to be a transfer student-athlete from UQAM. The error in this instance is highlighted in CIS Policy 40.10.7.4 – Recruiting:

*40.10.7.4.1 Student-athletes who are already attending a CIS institution shall not be contacted for the purpose of recruiting by a CIS Athletic Department representative. The definition of a student-athlete in terms of identifying them for the purpose of recruiting at the school they are attending is:*

- a) When they have signed a Letter of Intent, or*
- b) When they have participated in any training or competition, or*
- c) When their name has appeared on an Eligibility Certificate.*

*40.10.7.4.2 In the case of a potential transfer from a CIS institution when the student-athlete initiates the contact, the CIS coach or Athletic Department representative contacted shall immediately notify his/her Director of Athletics who in turn shall inform the Director of Athletics of the CIS institution in which the athlete is enrolled.*

Notwithstanding the rationale provided by Concordia for its misinterpretation of the student-athlete's status, it would have been prudent for Concordia to confirm the complete participation history of the individual with UQAM directly, particularly in light of the fact Concordia was aware of the student-athlete's participation in at least one pre-season exhibition game. Further, one might consider it to have been a gesture of professional courtesy had Concordia contacted UQAM about the student-athlete, irrespective of Concordia's understanding of the regulations.

In recognition of the facts and circumstances of this case, I have determined that Concordia University be fined \$1,000 for the administrative errors that led to the breach of CIS regulations, plus \$150 in costs to resolve this matter. Concordia is also required to submit a follow-up report on the actions and proposed actions that it is taking to minimize the chances of a similar incident occurring in the future.

The above statements and determinations are made without prejudice and subject to change should subsequently discovered facts or evidence suggest otherwise.

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*Aubrey Ferris, Designate of the President*