



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

July 24, 2007

Discipline Committee Members:

Pat Murray, Athletic Director, York University (chair)
Michelle Healey, Athletic Director, Memorial University of Newfoundland
Katie Sheahan, Athletic Director, Concordia University
Sandy Slavin, Athletic Director, University of Lethbridge

PROCESS:

In accordance with Section 90.40 – Conduct and Enforcement: Complaints, Investigation and Discipline Policy of the 2006 Canadian Interuniversity Sport (CIS) Policies and Procedures, the CIS Discipline Committee determined on July 12 that the University of Ottawa (“Ottawa”) was in breach of CIS Regulations, specifically with respect to the participation of an ineligible men’s swimming student-athlete for the duration of the 2006-07 regular season.

DETAILS:

- The student-athlete participated in the following competitions in 2006-07:
 - September 30, 2006 ~ Head of the Trent
 - October 28, 2006 ~ Waterloo vs Carleton vs uOttawa
 - November 10, 2006 ~ Barracudas vs King Fish vs uOttawa
 - December 2, 2006 ~ Queen’s vs uOttawa
 - January 12, 2007 ~ Ontario Senior Provincials
 - January 20, 2007 ~ Kempville Pools Polar Plunge
- The student-athlete graduated from Simon Fraser University in 2005-06, and was registered in a graduate degree program at Ottawa in 2006-07.
- The student-athlete had exhausted his NAIA eligibility, and thus his CIS eligibility, as a result of his NAIA participation while at Simon Fraser University in 2002-03, 2003-04, 2004-05, and 2005-06.
- Ottawa acknowledges that it erred in failing to recognize that the SFU swim program was governed exclusively by NAIA regulations; Ottawa made the assumption that the SFU program and its participants, as a CIS member and by virtue of competing against CIS schools, would be provided the opportunity to have five years of CIS eligibility in accordance with CIS Policy 40.10.4.3.2.d.
- Ottawa acknowledges that, based upon the above error, it did not consider it necessary to have SFU complete an Ottawa “compliance form” on behalf of the student-athlete, which is a standard operating procedure at Ottawa.
- Ottawa had correctly confirmed the student-athlete’s academic eligibility by virtue of having his SFU transcript, and as he was entering into a Graduate Degree program upon

graduating with an undergraduate degree from SFU, the traditional transfer rule would not apply in his circumstance (as per CIS Policy 40.10.3.5.1).

- Ottawa relied upon its own review of results and the declaration of the student-athlete in determining the number of years of eligibility he consumed, all of which were accurate in terms of the number of years he competed, but not the number of years he would have remaining; as noted, Ottawa did not request confirmation of The student-athlete's participation history and status from SFU.
- Ottawa acknowledges that it was experiencing a significant level of staff transition during the time of the student-athlete's initial eligibility verification.
- The student-athlete's ineligibility came to light from a source external to Ottawa in the week prior to the OUA Conference Championship.

REGULATIONS IN ISSUE

- The applicable regulations that are confirmed to have been breached by Ottawa include:

40.30.1.1 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.

40.30.1.3 Each member institution shall be responsible for ensuring that their Canadian Interuniversity Sport student-athletes are aware of Canadian Interuniversity Sport Eligibility Rules (Policy 40.10) and Doping Control Rules (Policy 90.20).

- Specific to 40.30.1.1 above and the participation of the student-athlete, the following regulation is alleged to have been breached:

40.10.4.3.2 An athlete who has completed their eligibility to participate in any recognized sport of CIS within another post-secondary jurisdiction, in accordance with that jurisdiction's rules, is ineligible for CIS competition, with the following exceptions:

- a) NJCAA (or equivalent) student-athletes
- b) NCAA and NAIA student-athletes who have not exhausted their eligibility as a result of the charging of eligibility, rather they are no longer eligible for NCAA or NAIA competition because of the jurisdiction's respective time-clock / terms of attendance regulations.
- c) CEGEP student-athletes are subject to Policy 40.10.4.2 "CEGEP Participation".
- d) CIS registered student-athletes who participate concurrently at institutions that hold dual membership in the both the CIS and another jurisdiction (e.g. NAIA, CCAA) shall not forfeit their fifth (5th) season of CIS eligibility if they participate in four (4) years of competition in that other jurisdiction as a CIS registered student-athlete, in the same sport.

IT IS DETERMINED THAT:

1. Ottawa is considered to have an eligibility verification system that should have correctly confirmed the student-athlete in this matter as ineligible;
2. Ottawa's first error was in not following its own standard operating procedures in this instance; specifically, despite its confidence with respect to the information it had

collected pertaining to the student-athlete's academic and athletic eligibility, Ottawa is expected to have forwarded its "compliance form" to the Athletic Department at SFU; notwithstanding this error, Ottawa was in possession of the necessary information to correctly identify the student-athlete as ineligible, which Ottawa acknowledges as its second error;

3. The student-athlete is considered to have been an unwitting participant in the aforementioned breaches; he fully disclosed the information that was asked of him prior to Ottawa approving his participation;
4. Coach McDonald is considered to have been an unwitting participant in the aforementioned breaches;
5. The above determinations are made without prejudice and subject to change should subsequently discovered facts or evidence suggest otherwise.

THE FOLLOWING SANCTIONS ARE IMPOSED:

1. Ottawa is hereby fined \$500 for the errors and deficiencies that led to the breach of CIS regulations, payable by August 24, 2007;
2. Ottawa shall undertake such procedural, structural or other changes as may be required to minimize the chance of future violations, and shall provide a progress report regarding its efforts to the CIS by August 24, 2007;
3. Ottawa shall pay to the CIS its costs of these proceedings within 30 days of being provided with an accounting thereof.

The Committee notes that Ottawa, inclusive of Mr. McDonald, has cooperated fully in the investigation of this matter.