



**BARTON COUNTY
COMMUNITY COLLEGE**

**Review of the Status of Recommendations
Implemented by the College to Ensure
NJCAA Compliance**

March 8, 2007

A. INTRODUCTION AND OVERVIEW

1. Retention of TCG and President Woodburn – In February 2007, Barton County Community College (BCCC) President Carl Heilman asked Chuck Smrt with The Compliance Group (TCG) to assess the progress that the College has made in its NJCAA compliance efforts. The review focused on the recommendations that have been made by various internal and external constituents that have reviewed the compliance program. (TCG previously had been involved with a compliance review for BCCC in the spring of 2005).

It also was determined that an individual within the community college system would assist in this review. BCCC decided that TCG would be assisted by President Dr. Donald A. Woodburn. Dr. Woodburn is the president of Coffeyville Community College/Area Technical School in Coffeyville, Kansas. Coffeyville is a community of approximately 11,000 in southeastern Kansas. The College has more than 2,800 students. He became President of Coffeyville in 2004.

2. Objectives – The objectives of the review were to:
 - a. Ensure that the institutional control plan established by the Board of Trustees in the spring of 2005 was being implemented. This plan included:
 - i. Retaining an outside consultant to review the current status of the institution's compliance systems with particular focus on rules education, eligibility, boosters and camps, and student-athlete employment/financial aid;
 - ii. Developing a report to the KJCCC and the NJCAA that detailed violations and detailed corrective and punitive actions;
 - iii. Defining and strongly monitoring the role of the booster club or any other outside groups in the athletics program;
 - iv. Increasing faculty involvement and interaction with coaches;
 - v. Separating clearly the responsibilities of physical education instruction from the athletics department;
 - vi. Developing changes in the student-athlete on-campus employment programs; and

- vii. Modifying several institutional policies in order to reduce the possible perceived necessity by a coaching staff member to circumvent institutional or NJCAA policy.
 - b. Review the implementation status of recommendations suggested by several College committees developed as a result of the federal indictments.
 - c. Review the implementation status of recommendations suggested by TCG as a result of its review in the spring of 2005.
 - d. Review the implementation of other countermeasures undertaken by the College to reduce the likelihood of violations of NJCAA legislation again occurring in the areas of academics and student-athlete employment.
3. Methodology – Upon retention, President Heilman forwarded several documents to Chuck Smrt and President Woodburn. One document was a computation of all recommendations from internal groups and TCG. The College has continually updated the document to denote the progress of implementing the recommendations. This document had the following columns:

-- Concern	-- Date Completed	-- Ongoing
-- Solution Policy	-- Frequency	-- Notes and Comments

Woodburn and Smrt visited BCCC on February 28 and March 1, 2007. The following individuals were interviewed:

<u>Name</u>	<u>Title</u>
Kurt Kohler	Director of Athletics
Mike Minton	Booster Club President
Julie Knoblich	Director of Human Resources
Myrna Perkins	College Business Manager
Mike Warren	Head Baseball Coach
Lori Crowther	Director of Enrollment Services
Lorin Miller	Assistant Softball Coach
Carl Heilman	President
Dana Foss	Administrative Assistant
Gillian Gabelmann	Dean of Learning and Instruction
Mayne Pegorari	Female student-athlete
Scott Schneider	Male student-athlete
Robert Feldt	Board of Trustee member

The individuals were informed at the beginning of the interview that the purpose was to determine the current status of compliance at BCCC, that the information they provided would be considered confidential, and they were being asked to provide their honest assessment of the areas in which they were involved. During these interviews, the above individuals responded to questions and provided examples of various forms and other documents that they use concerning NJCAA compliance.

4. Executive Summary – When TCG visited the institution in the spring of 2005, the College was still in “shock” as a result of the federal indictments that exposed activities at the College that were very surprising and distasteful. A sense of gloom also existed to the extent that the federal inquiry was ongoing and uncertainty existed as to whether other improper activities would be discovered and individuals indicted.

However, by that time, the institution already: (i) had instituted several significant policy changes primarily in the academic area; and (ii) was in the process of further reviewing several possible changes in processes and procedures to ensure that the corrective action was appropriate. Many individuals at the College felt betrayed by coaching staff members that they trusted. Similar to a child taking their first steps, the institution’s actions in 2005 were moving in the right direction, although due to the previous and ongoing investigations, these steps were wobbly.

The desire in 2005 to “get back on its feet” is sharply in contrast to the current situation in 2007 in that the institution is making great strides in its compliance efforts. With the addition of new Board members, a new President, a new Director of Athletics, and several new coaches, the supervision of the athletics department has changed dramatically. Further, in 2005, much emphasis was placed in the TCG review on the importance of developing a campus-wide approach to NJCAA compliance. This has been accomplished. For example, the Office of Enrollment Services now has a significant role in the eligibility certification process.

The following are several additional specific thoughts:

- The Board of Trustees is clearly in charge with a focus on the importance of academics and the welfare of the students. It has communicated to the President that he has the role of ensuring the College's compliance with NJCAA legislation and that failure to do so would result in action against him.
 - The President clearly has indicated to the Director of Athletics and other individuals involved in the compliance process that his expectations are for zero tolerance of NJCAA violations.
 - The Director of Athletics understands his responsibility and, most importantly, of the necessity to ensure NJCAA compliance in light of the institution's probationary period.
 - Communication has increased between the athletics department and other departments that interface with athletics such as Enrollment Services and Financial Aid.
 - As denoted above, there is a greater sense of assumed responsibility for NJCAA compliance among the various departments. In conjunction with the shared responsibility and increased communication, a belief exists among the non-athletics departments that the athletics department would be interested in knowing of potential violations and welcomes the additional monitoring of certain activities by these other departments.
 - Similarly, departments such as Enrollment Services, Financial Aid and Human Resources believe that their opinion will be respected and that actions that could negatively affect the athletics department or a student-athlete would not be disregarded.
5. Report Format – This report contains the opinions only of TCG. President Woodburn forwarded a letter to President Heilman concerning his thoughts.

As noted above, the review focused on four objectives. Sections B2, B3, B4, and B5 of this report address those objectives. Also, as a result of discussions with BCCC staff members during their interviews, this report also contains recommendations in several areas. It was

not the intent of the review to develop recommendations; however, if Smrt identified a potential countermeasure, it is denoted in Section C of this report.

B. REVIEW OF COMPLIANCE ACTIONS

1. Background – In the summer of 2003, the institution began receiving requests for information concerning the enrollment of a student-athlete at a Big 12 institution during the summer. This athlete was not a student-athlete at the College but had enrolled in 12 hours during the summer. Questions also arose concerning another student-athlete. In the summer of 2003, the institution began an initial inquiry. In late December 2003, the institution provided the initial report of violations to the NJCAA and KJCCC. Around this time, the institution alerted Federal authorities who began an investigation.
2. Review of Actions Organized by Possible NJCAA Violations – The acknowledged violations submitted by BCCC to the NJCAA and the Federal indictments that involved potential NJCAA violations focused primarily on the following areas:
 - i. submission of work-study timesheets for student-athletes for work not performed;
 - ii. coaches completing student-athletes admission applications and enrolling student-athletes in courses;
 - iii. coaches completing financial aid documents for student-athletes and non-enrolled student-athletes receiving scholarships or other financial assistance;
 - iv. student-athletes receiving grades but not attending courses; and
 - v. coaches completing academic work for student-athletes for online or correspondence courses.

BCCC compiled the recommendations of the internal committees and TCG and incorporated them into a document (e.g., Compliance Report) that was provided to Woodburn and Smrt. This document was organized into certain areas and is enclosed as Attachment A. Section B4 of this report details TCG's opinion on the implementation of the recommendations in the Compliance Report.

Attachment B “re-orders” these recommendations into the five areas of possible violations mentioned above. Below is a summation of several significant actions, as denoted in the Compliance Report, taken in these five areas. (A specific action was not listed below unless Smrt felt comfortable that the action had been implemented).

Possible Violation Areas and Countermeasures Taken

1. *Submission of work-study time sheets for work not performed*

Actions Implemented:

- Coaches cannot supervise work-study students.
- A PHP Time Clock system was installed that requires all students to log on to the College’s work-study website utilizing a password when they begin and end their work-study responsibilities. This website can only be accessed at computers at certain locations.
- A Student Employment Team composed of individuals from various departments spot checks work sites where athletes are to be working. The Team also meets bimonthly to discuss employment issues.
- The Human Resources Department compares the class schedule of the student-athlete to the hours in which the athlete logged in for the athlete’s work-study hours.

2. *Coaches completing student-athlete admission application and enrolling student-athletes in courses*

Actions Implemented:

- A new position within the athletics department was created to advise student-athletes.
- A spreadsheet on a network drive has been established for access by coaches and other staff detailing the status of the student’s financial aid, account balances, transcript information, financial aid information, etc.

- The Office of Enrollment Services reviews the eligibility decisions of all student-athletes.
 - Personnel from the Office of Learning and Instruction will be involved in the selection process of all coaches who will teach courses.
3. *Coaches completing financial aid documents for student-athletes and non-enrolled student-athletes receiving scholarships or other financial assistance*

Actions Implemented:

- The Financial Aid Office assumed responsibility for the administering of financial aid awards for student-athletes.
 - The Financial Aid Director receives educational materials on KJCCC and NJCAA legislation.
 - Additional checks and balances are required prior to the distribution of financial aid checks.
4. *Student-athletes receiving grades but not attending courses*

Actions Implemented:

- Coaches cannot serve as academic advisors to any student-athletes.
 - Activity-based courses cannot be completed from a distance without prior approval.
 - A policy was adopted requiring a student-athlete to complete at least 15 hours in more than one semester at BCCC to be eligible for graduation from BCCC.
5. *Coaches completing work for student-athletes on online or correspondence courses*

Actions Implemented:

- An arranged course should not be taken when a course is available in a traditionally delivered format.

- All proctoring must occur through the Assessment Office. Faculty and staff members cannot proctor.
- Exam Guard, a tracking system that permits faculty and staff to monitor online courses, has been installed.

3. Review of Actions Taken by the Learning and Instructional Curriculum Committee (LICC) and Other College Committees – The primary group responsible for the majority of the internal recommendations arose from the LICC. This group began reviewing policies and procedures in early 2004 and continues to meet. Several significant policies were adopted by the LICC and they include:

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| -- Degree Revocation Policy | -- Exam Proctoring Policy and Procedure |
| -- Grade Revocation Policy | -- Integrity, Quality and Rigor Policy |
| -- Grade and Attendance Reporting Policy | -- Grade Reporting Procedure |
| -- Alternative Delivery Methods Policy | -- Directed Independent Study Policy |
| -- Revision of the Residency Requirement Process | |

The vast majority of the recommendations from the internal groups were part of these nine policies and procedures developed by the LICC.

During the on-campus interviews, Woodburn and Smrt reviewed these lists with various campus officials. Nearly all of the recommendations were discussed with the applicable College personnel either through general discussions with these individuals about the current practices or by reviewing the specific recommendation. TCG feels comfortable that nearly, if not, all of the recommendations that have been indicated as implemented are in effect.

4. Review of Recommendations from the Spring 2005 TCG Report – When TCG was retained in the spring of 2005, the Board of Trustees asked for TCG to review the general processes used in the various compliance areas by the College and make recommendations for possible changes. The Board asked TCG to examine specifically the following four areas:

- Rules education
- Financial aid/employment
- Eligibility
- Booster groups

TCG was to understand the existing procedures as opposed to reviewing the procedures that were in place in the prior years during which the violations occurred. By the time of the

TCG review, the LICC already was recommending some and had implemented other changes.

The vast majority of the recommendations in the spring 2005 report related to rules education and booster groups, as those were not areas that the LICC focused upon during its examination. Further, these were to have been undertaken by the athletics department. More recommendations might have resulted in the areas of financial aid/employment and eligibility, if the LICC had not already implemented some changes.

During the February 28 and March 1, 2007, visit by Woodburn and Smrt, Director of Athletics Kurt Kohler was asked about the implementation of the TCG recommendations in these two areas. Based upon the information provided during the interviews of Kohler and other institutional staff members and documentation provided by Kohler and other members, TCG believes that nearly, if not, all of the recommendations TCG encouraged have been implemented.

5. Other Board of Trustees Objectives – In the spring of 2005, the Board of Trustees wanted to ensure that institutional control existed at the College and developed a plan that included several actions. The following is a detailing of those specific actions and the current status:
 - (i) *Retaining an outside consultant to review the current status of the institution's compliance systems* – TCG undertook this review in the spring of 2005;
 - (ii) *Developing a report to the KJCCC and the NJCAA that detailed violations and corrective and punitive actions* – This report was submitted in the fall of 2006;
 - (iii) *Defining and strongly monitoring the role of the booster club or other outside groups in the athletics department* – TCG's report detailed several recommendations in this area. The College already had undertaken a significant action when it changed its policy to retain all revenue from ticket sales for basketball season tickets as opposed to the club receiving a certain percentage.

During the on-campus interviews, Woodburn and Smrt reviewed this area with several individuals including the president of the booster club. Sufficient actions have been taken. The recommendation section of this report includes a few additional actions that could be implemented.

- (iv) *Increasing faculty involvement and interaction with coaches* – The Athletics Director and the coaches have an increased number of annual meetings with the faculty. This was arranged recently by the Athletics Director. The faculty also has witnessed and been involved in discussing the implementation of the policies adopted by the LICC over the past few years.
- (v) *Separating clearly the responsibilities of physical education instruction from the athletics department* – The College now has a fulltime advisor for its student-athletes. More importantly, coaches are not advising student-athletes. However, similar to other community colleges, many of BCCC’s coaches also teach. While actions can be taken to “separate” the responsibility of physical education instruction from the responsibilities of coaching, the same individuals occasionally perform these responsibilities. No issues were identified during the on-campus interviews.
- (vi) *Developing changes in the student-athlete on-campus employment program* – Numerous changes have been identified and are detailed elsewhere in this report.
- (vii) *Modifying several institutional policies in order to reduce the possible perceived necessity by coaching staff members to circumvent institutional or NJCAA policy* – Due to the vagueness of this recommendation, it is difficult to evaluate its implementation. Significant institutional changes in policies and procedures have occurred. Significant personnel changes have occurred. A greater perception exists within College non-athletics departments that they play a role in the College’s NJCAA compliance efforts. As noted earlier in this report, a clear chain of command exists between the Board, President, athletics department, and coaches. Due to changes in policies and personnel, this message has been sent.

C. RECOMMENDATIONS

1. Booster Area

Observation: *The institution has developed an effective one-page handout for booster club members that details NJCAA legislation. This handout is provided occasionally at Cougar Club meetings. In order to be a Cougar Club member, an individual must pay a \$25 membership fee. Upon receipt, the College sends the individual certain information. Nearly all booster club members are basketball season ticket holders. These tickets are either mailed or picked up in person.*

Recommendation: Ensure that the one-page handout on NJCAA legislation is provided to all Cougar Club members. Utilizing the current system, only those members who regularly attend meetings would receive the information. Two possible means of ensuring that all members receive the material is to include the information in the correspondence that acknowledges the booster club donation or attach it to the season tickets.

2. Work-Study Area

Observation: *The Department of Human Resources manually will compare the class schedule of the student-athlete to the hours that the student-athlete indicated electronically that the athlete worked.*

Recommendation: Develop a computerized program that can interface with the time clock system so the Human Resources Department can compare the hours worked versus the athlete's class schedule.

3. Summer Camps Area

Observation: *The institution has developed a one-page reconciliation form for all on-campus camps. Currently, the College's business office handles the transactions for these camps, including the payment of expenses and the monitoring of income. Off-campus camps are conducted by several coaching staff members. No oversight exists of these camps by*

BCCC officials even though the institution would be liable for any violations of NJCAA legislation that occurred at the camps.

Recommendation: Require the use of the reconciliation form for certain outside camps. Since the business office handles income and expenditures from on-campus camps, the reconciliation form may not be necessary for on-campus camps. The recommendation concerning outside camps is only necessary for those camps in which the coach has sole responsibility for managing the camp. It would not apply to those in which a local jurisdiction (e.g. high school) retained the coach to provide a camp and the local jurisdiction has responsibility for monitoring income and expenditures, paying expenses, etc.

4. General Compliance Area

Observation: *Kurt Kohler is the Director of the Athletics. He also has the primary compliance responsibility, including educating coaches, student-athletes, boosters, and other College employees. He supervises in excess of 20 student-athletes in the work-study program.*

Recommendation: Examine the work responsibilities of Kohler, as he has a significant workload. Due to the institution's recent probationary period, the institution has little margin for error concerning NJCAA compliance. In that regard, the College needs to devote sufficient time to ensure that no violations occur. His duties should be assessed, prioritized, and, if necessary, some may need to be delegated.

Observation: *The institution continues to enroll a few international student-athletes. The institution has a student host program. The involvement of the host ranges from providing occasional meals to lodging the athletes (and charging them a certain monthly rate). The Director of Enrollment Services is responsible for completing the I-20 for these incoming athletes.*

Recommendation: Review the international student-athlete program to ensure that any member of the student host family is not listed on the I-20 form as an individual who could provide financial support to the athlete.

Observation: *The institution has modified its eligibility process to now include three individuals who have some responsibility for the review of the information used to certify athletes. The Office of Enrollment Services and the athletics department are the two involved parties.*

Recommendation: Develop a written procedure that includes the steps taken by both departments in the eligibility certification process. The athletics department has a written process of how it handles the situations and Enrollment Services understands the processes it utilizes. Nevertheless, it would be helpful to have a one-page written certification process in the event that the process is questioned or other individuals become involved in the process.

D. CONCLUSION

BCCC has implemented significant changes in its policies and procedures over the past year. Most importantly, a new attitude has been created among College personnel that NJCAA compliance is a shared responsibility and that institutional personnel in various departments have an obligation to assist in these efforts.