July 3, 2019

Northwest Athletic Conference  
Executive Board  
1933 Fort Vancouver Way  
Vancouver, WA 98663  
c/o Marco Azurdia, Executive Director

RE: North Idaho College’s Appeal of the NWAC Investigation Committee’s Findings in its  
June 3, 2019 Report

To the Executive Board:

On June 3, 2019, North Idaho College (“NIC”) received the Report of the NWAC Investigation Committee (“Report: North Idaho Men’s Basketball Violations”) (referred to herein as “Report”), which set forth the Committee’s findings, recommendations and sanctions related to three alleged violations of NWAC code. NIC will discuss below our approach to issues related to NIC athletics, our appreciation of NWAC’s insights, and our concerns with parts of the investigation process, findings and sanctions. NIC looks forward to presenting the following Appeal to the Executive Board.

NIC values our relatively new relationship with NWAC and we are committed to maintaining and strengthening this relationship through proving integrity, transparency and accountability to the league. NIC recently demonstrated our commitment to these principles when we undertook an independent investigation last fall into suspected academic integrity violations within our own Athletics Department. The results of our investigation concluded that certain isolated, non-systemic academic policy violations had in fact taken place. NIC imposed discipline, took steps to prevent further violations, voluntarily reported our findings to NWAC, and promised to share additional information obtained in our review of athletics. See Attachment 1, Letter dated March 18, 2019.

In keeping with our goals of improving our practices to maintain integrity, NIC appreciates many of the concerns addressed in the Report. In particular, NIC acknowledges certain administrative practices that were deficient and, in some instances, noncompliant with NWAC code. These practices, and the steps that NIC has already taken to address them, will be discussed in further detail below. We welcome NWAC’s input and assistance in remediating and improving these practices. That said, NIC appeals the Investigation Committee’s findings, recommendations, and sanctions for the following reasons:
1. NIC believes that several of the Committee’s findings are inaccurate and are not supported by the facts.
2. The sanctions recommended by the Committee are excessive in relation to the findings, particularly those sanctions directed toward the basketball program.
3. The Committee’s investigation appears to have been influenced by reliance on inaccurate allegations reported by a biased and disgruntled former employee in a meeting immediately prior to the investigation.

Pursuant to NWAC code, this appeal letter will provide the Board with information on the origins of the case, the alleged violations and findings, the corrective actions being taken by NIC, and other factors we feel are necessary and appropriate for the Executive Board’s consideration.

Origins of the Case

In February of 2019, it was brought to NIC’s attention that NWAC had received an anonymous complaint alleging three violations of the league’s code. The allegations were as follows:

1) Booster Club funds used to pay for housing, possibly at the Trail Lodge Apartments for the men’s basketball team.
2) Booster Club funds used to pay for meals and entertainment for the men’s basketball team.
3) Basketball camps not run through the business office at North Idaho College as outlined in the NWAC codebook.

NIC provided NWAC with a written response to the allegations and provided documents regarding the same. See Attachment 2, NIC Response. After reviewing NIC’s response, NWAC informed NIC that a committee would be conducting an investigation into the allegations. The Committee consisted of Traci Hilligoss, Athletic Program Support Supervisor of Lower Columbia College, Mike Herbert, Athletic Director of Southwestern Oregon Community College, and Jeremy Eggers, Athletic Director of Bellevue College. The Committee provided NIC with a list of numerous student athletes, coaches and staff to be interviewed, along with requests for documents and a set of “ground rules” including, in part, the following:

2. Any allegations by 3rd party individuals must be in writing to all members of the committee.
3. NIC staff and the committee shall not have communication prior to the visit to discuss the investigation.
4. During the visit, the committee will not be allowed to communicate personally with NIC staff or anyone affiliated with the NIC athletic department.

NIC sent a memorandum to all staff and responded to press inquiries regarding the investigation. The memorandum discussed NIC’s understanding that in addition to the investigation, the committee would be conducting an overall program review. See Attachment 3, Memorandum. The memorandum was provided to the NWAC Executive Director. NIC made every effort to accommodate the investigators, provide documents, and ensure the requested
interviewees’ availability. The on-campus investigation took place over the course of three days, April 15 through 17.

**Bias Concern Regarding Interview with Former Wrestling Coach**

As noted above, in October of 2018 NIC had commissioned an independent investigation into allegations of academic integrity violations. The investigator’s final report, released to NIC in December of 2018, found that certain athletes had been given credit for classes which they rarely or never attended. The investigator found that these violations were attributed to the wrestling program and an instructor in the physical education department. There were also two instances of arrangements being made for basketball players to obtain credit for a fitness class (rather than independent study credits) by working out independently with their coaches. One player completed the workout requirement and was given credit for the class. The other did not complete his workouts and was given an “F” in the class. The basketball coaching staff was counseled, with disciplinary action taken, and NIC undertook a review of the academic policies and procedures. The details of NIC’s findings and actions were provided to NWAC in NIC’s March 18 letter referenced above.

The violations found within the wrestling program (a non-NWAC sport) warranted more severe penalties for those involved. To that end, head wrestling coach [redacted] was terminated in January 2019. Assistant coach [redacted] resigned from his position shortly after, in February 2019. [redacted] has since been outspoken in local and online media regarding his termination and recently filed a tort claim against NIC asserting (among other claims) wrongful termination. He has made no secret of his distrust and hostility toward NIC, its Athletics Department, the College administration and the Board of Trustees.

NIC’s October investigation and its consequences, particularly for [redacted], are pertinent to this matter because, unbeknownst to NIC, the investigation Committee met with [redacted] off-campus on Sunday, April 14, the day before the on-campus investigation was set to begin.¹ [redacted] was not on the list of interviewees provided by NWAC. The ground rules provided by the Committee stated that the Committee was not allowed to communicate personally with anyone affiliated with the NIC athletics department. Yet, the Committee secretly met with a recently-terminated coach who has current plans to sue NIC and has been publicly vocal about his distrust and hostility toward the College. The Committee’s notes of that interview indicate that [redacted] “information” was given credibility by the Committee and influenced the Report.

At our request, NWAC provided NIC with the Investigation Committee’s interview and other notes and the investigation documents. One example of the [redacted] interview notes that demonstrates and raises concerns that the Committee relied on “information” provided by [redacted] states:

---

¹ [redacted] is not, to NIC’s knowledge, the person who made the anonymous complaint to NWAC. The wrestling program is not part of NWAC.
“Volleyball coach & soccer will be most honest. Need to req mt w. ATC. S.B. – will protect [redacted].”

See Attachment 4, Notes from [redacted] Meeting. Notably, the volleyball coach referred to in the notes is the wife of [redacted] assistant coach who resigned following [redacted] termination. [redacted] appears to also be attempting to bias the Committee against the Board of Trustees (presumably the “S.B.”).

The [redacted] notes also contain references to discussions regarding particular student athletes, basketball and booster club operations (many of which do not seem to relate to the original allegations being investigated), notes on what questions should be asked of coaches, and allegations regarding a staff meeting about the investigation. One outrageous assertion in those notes indicates that the Committee was told that the College President threatened staff. The interview note indicates as follows:

“President told NIC Staff – “Be honest / forthcoming but later said if you say something to “hurt or “blow up NIC,” you may be part of “restructuring” i.e. lose job.”

This statement presumably refers to an athletic staff meeting that took place prior to the staff meeting with the Committee and at a time when [redacted] no longer worked for NIC. [redacted] was not in attendance at the meeting. Nevertheless, it appears that he used his interview with the Committee as an opportunity to cast aspersions on the NIC President. No such threat was either made or implied, and multiple staff members who were actually present at the meeting will confirm such.

It is troubling to us that the Committee met with an outwardly hostile, recently terminated coach immediately prior to its investigation, and did so without informing NIC, particularly since the interview notes and the Report neglected to make reference or otherwise take into account the bias of this witness. This raises the question of whether the Report is unfairly biased. Many of those findings (and the related sanctions) which do not comport with the facts, appear to be a reflection of this bias.

Committee Findings and NIC Response

In its Report, the Committee entered findings on three alleged violations of NWAC league rules. Each alleged violation and the supporting findings will be addressed in turn below.

NWAC finding:

Violation #1 NIC booster club funds used to pay for housing at the Trail Lodge apartments for the men’s basketball team.

Committee Findings:

NIC external Booster Club making payments to the Trail Lodge Apartments in the summers of 2017, and 2018 are in violation of Article IV section 4, “…payment for meals or housing by any
group for pre-school practice periods...shall not be permitted.” NIC admitted to the 2018 payments to the Trail Lodge. said that summer 2018 was the “only” year they needed to do this; however on page 33 of the check runs of the NIC booster club, there was a payment of $1,850 in June of 2017 to the Trail Lodge Apartments.

**NIC Response:**

NIC joined the NWAC in 2014, but the basketball program remained with the NJCAA and did not come into NWAC until the 2016-17 season. Under the NJCAA bylaws, NIC had been permitted to provide scholarships/grants-in-aid including room and board to its student-athletes. The NIC Booster Club had maintained leases over the summer with the Trail Lodge Apartments for that purpose because safe and affordable housing is at a premium in Coeur d’Alene. In the summer of 2017 and 2018, apartments were held and paid for by the Booster Club, as had been done in previous years, but there were no student-athletes residing in the apartments at that time.

The holding of a lease for an empty apartment over the summer, so that student athletes would have available housing, does not fall under Article IV Section 4, “payment for meals or housing for pre-school practice periods” as characterized by the Committee’s findings. The athletes who eventually utilized the apartments were neither at the College nor living in the apartments during the time the booster club paid the apartment complex to maintain the lease. The athletes, at all times, paid their own rent when they were actually living in the apartments. Also, no particular student-athlete’s rent was ever covered by the booster club. Nevertheless, the Committee determined that this practice was a violation of financial aid and/or grants-in-aid, a Category II violation (defined as conduct which might “provide an extensive recruiting or competitive advantage”).

The NWAC codebook states that “[S]elf-disclosure and institutional action taken in connection with the rule infraction or punitive action taken by the member college consistent with NWAC Code and Regulations will be taken into account. The Executive Director or Investigations Committee may exercise the discretion to take no further action if they believe that appropriate institutional action has been self-imposed.” NIC provided the NWAC with detailed information and documentation of the summer housing payments on the apartments in February of 2019, prior to the Committee’s on-campus investigation, and has been cooperative and transparent. The holding of the apartments was never a willful attempt to skirt the grant-in-aid rules; it was only a payment to hold unoccupied apartments and was not payment of rent for particular players.

NIC does acknowledge that this practice provided an indirect benefit to student-athletes, one not available to all students. Trail Lodge Apartment management was notified on May 6 that the contract would not be renewed. Going forward, student-athletes will only be provided housing assistance and services consistent with those provided to all NIC students.

**NWAC finding:**

*Violation #2 NIC booster club funds used to pay for meals and entertainment for the men’s basketball team.*

**Committee Findings:**

There is no evidence of “extra benefits” for meals or entertainment found coming from the booster club account. However, the booster club does operate on its own separately from the
college business office. This is in direct violation of Article IV, Section 5 that clearly outlines the policy and procedures for the operation of the booster club. Current practice at NIC is that deposits run through the Athletic Coordinator. The Booster Club Treasurer, appears to simply be an outside representative on the board who sends statements to the VP, but does not have any oversight in the approval or disbursement of funds.

The booster club president approves funds requests, then confirms and sends to the Accountant, checks are created and sent back to Booster Club President, who is able to print the checks from her computer. Once printed the checks are signed by husband, (Vice President of Booster Club) and then distributed.

In conclusion, the second allegation is a violation of Article IV, Section 5 relating to the operation of Booster Clubs. When questioned about the operational practices of the Booster Club VP of Finance at NIC clearly stated that the organization of the NIC Booster Club was not “Best Practice”. He also stated that he is not involved in the signature process of the Booster Club. said she provides monthly reports to Booster Club President, did not confirm this – he stated he does not get regular reports with details on spending. In addition, Foundation Director did not have any direct involvement with the NIC Booster Club and had no knowledge about procedures as they pertain to the NWAC.

NIC Response:

Because the Committee found no evidence of extra benefits for meals or entertainment, this allegation is not supported and there should be no sanctions imposed on NIC, or the men’s basketball team, for Violation #2.

This section of the Committee’s report, however, goes on to discuss the general operations of the booster club and concludes that the club’s funds approval and distribution process does not comply with Article IV, Section 5 of the NWAC bylaws governing the operations of booster clubs.

Article IV, Section 5 of the bylaws provides in full:

Booster Clubs. To provide a complete picture of financial expenditures in NWAC athletic activities, all booster organizations will be considered a part of that institution. Such organizations should be accredited by the chief executive officer of that institution and meet these additional terms and conditions:

A. A staff member of the institution periodically shall inspect the financial records of the alumni organization interpreted to include booster clubs and similar organizations and certify that the expenditures are in keeping with the NWAC regulations outlined for the control of NWAC financial aid.

B. A club official shall be designated by the chief executive officer as the institution’s official agent in the administration of the club’s funds and said club official shall file regular reports to the institution relating the manner in which the club funds have been spent in aiding the member institution’s program.

Note: When a booster organization is certified by the chief executive officer as being part of the institution, said organization becomes subject to all the limitations placed upon the member institution by NWAC legislation and a violation of such legislation by any member of the booster organization automatically constitutes a violation by the member institution.
The above-quoted section of the bylaws is the only section of the codebook that governs booster club operations. NIC is admittedly unclear as to NWAC’s expectations regarding booster club administration. The booster club has run as an independent, nonprofit entity since 1963 and it is customary for booster clubs to exist as independent entities from the schools. Despite the Committee’s finding that the booster club operating separately from the college business office is a “direct violation” of the bylaws, there is no such requirement contained in Article IV, Section 5 or elsewhere.

The bylaws do contain a requirement that “a staff member of the institution periodically shall inspect the financial records” of the booster club. The Committee determined that the Vice President of Finance stated he does not receive regular reports with details on booster club spending. However, this finding does not comport with the records. Committee member Mike Herbert with examples of the monthly team reports, which he confirmed that he does regularly receive from the booster club and uses the same to ensure Title IX compliance. See Attachment 5, e-mail dated April 15, 2019 and associated spreadsheet attachments.

The Committee also expresses concern at a lack of oversight in the approval and disbursement of funds, yet the Committee found that checks must go through multiple individuals to obtain approval and signature. There is no NWAC requirement that the Vice President of Finance specifically be involved in the signature or approval process of the booster club, nor any requirement that the college’s Foundation be involved in booster club operations.

The Committee members’ interview notes show that coaches were asked questions about the booster club approval and distribution process. According to those notes, most coaches stated that the booster club was transparent, and the only coach who appeared to take issue with the booster club procedures was volleyball coach. As discussed above, is married to former assistant wrestling coach, and is the coach identified by in the Committee notes as the person likely to be “most honest.” This is not to accuse of dishonesty; however, given the conclusions drawn by the Committee, it does not appear this relationship was taken into account as possible evidence of bias – which should have been a consideration in an objective investigation.

It is important to note that after the October independent investigation, NIC recognized that the Athletics Department and certain booster club practices warranted additional oversight and possible implementation of changes. To that end, Vice President of Student Services now supervises, has attended all booster club meetings since December 2018 (four months before the investigation) and consults regularly with booster club officers. NIC truly wants to understand and comply with all NWAC expectations and invites NWAC to provide further guidance as to its best practices for booster clubs. NIC is committed to ensuring that its booster club operates within the bounds of NWAC rules.

It bears repeating that the Committee’s findings with respect to the booster club operations do not include any evidence of extra benefits provided to athletes, or any other conduct that would constitute a Category II violation by “providing an extensive recruiting or competitive advantage.” Most importantly, there is nothing in the Committee findings regarding booster club operations.
specifically related to or benefitting the basketball team. Because of this, we believe that any sanctions related to booster club administration should not implicate or affect the basketball team.

**NWAC finding:**

*Violation #3 Basketball camps do not comply with the NWAC camp policy (through the business office of the institution) as outlined in the NWAC codebook.*

**Committee Findings:**

Although monthly statements from the booster club are provided to the VP of Finance, it does not appear there is any oversight of the booster club funds. The VP does not have knowledge of the NWAC codebook or the specific guidelines set forth by the NWAC. He has not had any discussions with the Athletic Director about the NWAC code and when asked specifically about overseeing the athletic department he responded, “Rules are not always applied to the athletic department.”

It is unclear if the student-athletes are getting work-study hours completed during the camps due to the lack of information on when camps are conducted. The time sheets for each student-athlete would need to be compared to camp dates and times, if acquired.

It does not appear that the booster club members or any of the NIC administrative staff outside of Athletics is aware of the NWAC code requirements for the operation of sport camps. Based on the investigation, it is clear that this particular violation is very comparable to violation #2 and that NIC has violated NWAC guidelines for operating college sports camps.

**NIC Response:**

The NWAC Codebook’s Constitution, Bylaws, or Sport Rules and Regulations does not discuss rules for operating sports camps. The only reference to sports camps is in the “Tournament Formats, Guidelines and Forms” Appendix in a document entitled “Guidelines for Operating College Sport Camps.” Because these are guidelines, it is unclear to us what specific rules have been violated.

The Committee’s findings on Violation #3 do not articulate which of the guidelines are being violated by NIC. The guidelines for camps sponsored by the College state:

1. Internalize control of all camp receipts and expenditures through the business office of the college.

2. Process all payroll through the appropriate college office.

3. Camp director, staff and camp counselors, including any current or prospective athletic participants should be paid a stipend or at an hourly rate commensurate with other like campus activities.

4. Unless covered by school policy, purchase a separate liability insurance plan.
5. Any summer employment provided to current or prospective athletes should comply with the Athletic Financial Aid section of the NWAC code.

There are no specific findings in the Report demonstrating a lack of compliance with these guidelines, and yet the report states “Based on the investigation, it is clear that this particular violation is very comparable to violation #2 and that NIC has violated NWAC guidelines for operating sports camps.” Post-investigation correspondence among the committee members evinces a lack of actual investigation into this issue. See Attachment 6, Excerpts of Committee Correspondence. For example, the correspondence contained a list of questions regarding the findings:

5. In Findings #3, regarding camp operations, Vice President of Finance and the Executive Director of the Foundation of NIC, as well as the President and officers of the Booster Club, aware of the NWAC Code requirements for the appropriate procession and account for the operation sports camps?
   a. If so, how long have they been aware of the requirements?
   b. If so, what steps have they taken to ensure compliance with the NWAC Code?
   c. If so, have they had discussions with the Athletic Director regarding this?
   d. If so, what was the nature of those discussions?
   e. If so, why has NIC not taken the appropriate steps to comply with the NWAC Code?
   f. If so, did they make the President and the VP for Student Services aware of the situation? And, if so, when?
   g. Were members of the men’s basketball team (or any other student-athlete) paid to work at NIC sports camps?
      i. If so, were they paid?
      ii. If so, how much were they paid?
      iii. If so, were they paid by the college, as properly documented part time employees?
      iv. If so, were their earnings for working sports camps reported as part of the annual NWAC Grant-in-Aid Report?

It appears that rather than specifically addressing these questions, the Committee simply suggested (and placed in its final Report) as follows:

---

From: Herbert, Michael <mherbert@socce.edu>
Sent: Wednesday, May 08, 2019 12:42 PM
To: Hilligoss, Traci
Cc: 'Jeremy Eggers'
Subject: RE: NIC INVESTIGATION REPORT DRAFT 5-6-19

b. It does not appear that the booster club members or any of the NIC administrative staff outside of Athletics is aware of the NWAC code requirements for the operation of sport camps.

---

2 It is not clear from the documents provided to NIC who wrote these questions or when they were written, as they appeared as part of an incomplete list.
In fact, NIC had been reviewing its operation of sports camps for some time, as communicated in NIC’s February 19, 2019 letter to the NWAC Director, Mr. Azurdia. In that letter NIC stated:

“The NIC Athletics Department currently has plans to have summer camps for all programs run through the NIC Business Office, beginning in June 2019. The NIC Coaches Handbook has been updated to make the new procedures mandatory in 2019, and the Business Office is finalizing guidelines to be utilized this spring.”

Minutes from a coaches’ meeting in October 2018, along with an updated Coaches Handbook from September 2018, confirm that these plans were in the works long before NIC was notified of any alleged violations regarding camps. See Attachment 7, Meeting Minutes and Handbook. If the Committee had investigated this issue, it could have easily found that NIC had already been taking steps to become compliant, and that other administrators outside the athletics department were already involved in this process.

The Committee determined that this allegation was a Category I violation. Looking at the standards for Category I and Category II violations; however, it is unclear how this allegation would have provided a recruiting or competitive advantage. This was a clerical issue which NIC had already taken steps to correct at least six months before receiving notice from NWAC regarding these allegations. NIC’s self-disclosure and institutional action, per NWAC policy, should preclude imposition of sanctions for Violation #3. This is especially true with respect to sanctions imposed against the basketball team. While the allegations only mention basketball camps, there are no findings that would suggest basketball camps have been run differently than camps for any other NIC sport.

“Additional Points of Concern” raised by the Committee and NIC Response:

1. Coach[REDACTED] was listed as the co-signer on the apartment lease
2. Coach[REDACTED] collected money from players who were residents of the apartment, put the money in a personal account at STCU, and paid the rent from those funds. NIC has not conducted an audit of the personal bank account and it is unclear if any funds have been used to assist other team members.

   The reasoning behind this practice was to ensure that players’ rent would be properly paid, rather than risking loans, grants or other student income running out over the course of the school year. Altruistically intended as this might have been, when NIC leadership learned of this practice, we found it equally troubling and took steps to discontinue it. This account has been closed and NIC assures that coaches will no longer follow this type of practice, but it should be noted that there are no findings suggesting that any of the money in the account was ever received or used improperly.

3. There is concern that grant in aid has been calculated using 64 credits instead of 60 credits needed for nearly all transfer degrees as stated on the NIC website. NWAC will work with NIC to develop the correct calculation and residency classification.
The Committee determined that only 60 credits are needed to graduate from NIC, thus making the 64-credit basis for grant-in-aid inappropriate. However, a perusal of the NIC website shows that the majority of NIC’s degree programs require more than 60 credits to graduate (see, e.g., Biology (63-65 credits), Communications (60-65 credits), Welding Technology (62-64), Accounting Assistant (63-65), Computer Science (65-68), Business (60-67), Nursing (68-70), etc.). NIC’s Academic and Registration Handbook also states under Student Classification:

A student must register for a minimum of 12 credits each semester to be classified as a full-time student; however, in most programs a student must earn at least 16 credits per semester to graduate in four semesters.


This calculation is not a misrepresentation of NIC credit requirements and accurately reflects semester credit loads. Importantly, NIC has always been transparent with NWAC about its grant-in-aid calculations. See Attachment 8, e-mail to Compliance Manager Jim Jackson dated August 17, 2016. In that communication, [redacted] explained NIC’s scholarship calculation process as follows:

From: [redacted]
Sent: Wednesday, August 17, 2016 7:34 PM
To: 'JJackson@clark.edu'
Cc: [redacted]
Subject: FW: 2015-16 Fee Schedule

Hi Jim-

The NIC Tuition fee schedule used for the 2015-16 season is attached. Our schedules are on a fee per credit basis and we use the template for Idaho non district rates for 16 credits as our base for NWAC scholarship calculations.

As per the attached template the base for 12 credits for Idaho non district resident tuition is $2215. Each additional credit above 12 is charged at $142 dollars per credit hour. Four additional credit hours equals $568. The total tuition for 16 credit hours is $2783,

A full scholarship at 65% of $2783 = $1,808.95 per semester.

The maximum scholarship that any student athlete could receive is $3,617.90 per year. ($1808.95 x 2)

To NIC’s knowledge, the league has never expressed any concern that such a calculation was out of compliance with NWAC standards.
4. NIC student-athletes are classified as “IN STATE, / non-district” regardless of their home high school district and this is based on a roster provided to [REDacted], Student Accounts Manager. When asked, [REDacted] said that no other NIC students receive this waiver. This constitutes a violation of Article IV, Section 1.E regarding Extra Benefits. “...any financial aid in the form of loans or grants that are not available to any student. Is illegal and a violation of the NWAC code.” This appears to be an extra benefit to student-athletes not afforded to the general NIC student population.

It appears that NIC has been operating under a misunderstanding regarding the allowance of this type of aid. [REDacted] specifically reached out to NWAC Compliance Manager Jackson in October of 2014 to ensure NIC was working within the bounds of NWAC rules in granting out-of-state tuition waivers to student athletes, and Mr. Jackson confirmed that NIC’s practices were compliant:

From: [mailto:[REDacted]@NIC.EDU]
Sent: Wednesday, October 29, 2014 9:24 AM
To: Jackson, Jim
Cc: [REDacted]
Subject: NWAC Grant in Aid Awarding for North Idaho College

Jim,

Good Morning.

As North Idaho College continues to make the transition into the NWAC, we are reviewing our grant in aid process for athletics. Based on our prior conversations, we are following the Washington state guidelines. In keeping with the guidelines laid out in Article IV, Section 1, Item A.2., NIC will grant out of state waivers to student athletes and provide Grant-in Aid through scholarships up to 65% of established in-state tuition per semester.

Since Idaho is not specifically addressed within the 14-15 NWAC Codebook, we wanted to confirm that this met compliance with NWAC.

Thank you for your review and response,

[REDacted]

From: "Jackson, Jim" <JJackson@clark.edu>
Subject: RE: NWAC Grant in Aid Awarding for North Idaho College
Date: October 30, 2014 at 8:27:13 AM PDT
To: [REDacted]@NIC.EDU>

Based on the agreement with NIC, you have captured it exactly. Thank you for helping make this transition as smooth as possible for both NIC and the NWAC.

Jim Jackson
Compliance Manager
See Attachment 9, emails dated October 29-30, 2014. Unfortunately, through a misunderstanding of the requirements, the out-of-state waivers referred to by [redacted] were not only applied to students residing in contiguous states as allowed by the rules, but to all out-of-state students. NIC recognizes that the Athletics Department leadership at that time bears responsibility for not correcting this mistake. NIC has implemented changes to its coding software to ensure that athletes who are not in-state or from an NWAC-contiguous state are automatically ineligible for out-of-state waivers. We have searched our records for the past three years and found that only three athletes improperly benefited from an out-of-state waiver, all occurring in the 2018-2019 academic year: one from women’s basketball, one from men’s basketball, and one from women’s golf. Importantly for the purposes of this appeal and resulting sanctions, this practice was not uniquely applied to men’s basketball.

5. We asked [redacted] specifically for check information during our conversation on Tuesday, and she forwarded it directly to Mike Herbert. After that point however, all other check and financials were sent to [redacted] and then to Mike Herbert. All three of us feel that it is unclear if all the documents we have received are complete or accurate.

This comment contains an inference that documents were improperly withheld or were intentionally rendered incomplete before providing them to the Committee, which reflects the skepticism and potential bias underlying the entire investigation. It bears repeating that [redacted] has been consistently responsive and transparent in his communications with NWAC representatives and throughout the process of this investigation.

6. The monitoring and oversight of student employment raises concerns. What was discovered is that coaches may enter some hours directly and the exact time and dates are not being documented. It is unclear if the student-athletes are working during their documented work times due to the abnormal time sheets provided. For example: [redacted], a men’s basketball student-athlete worked 2 hours on Christmas Eve, 2018, and [redacted] worked 1 hour a day on 12/27/18 and 12/28/18 while the team was on a road trip competing in Arizona. There is cause for concern and further discussion of how these hours are documented and approved.

It appears from the report that, while the investigators were suspicious of work study transparency, they did not directly ask the students or staff whether the students worked, or if so what type of work was done, on the flagged dates. We are informed, for example, that [redacted] was given work study tasks on the December road trip such as washing the team’s laundry. The investigation committee made no actual findings regarding inappropriate work study documentation.

7. Through the course of this investigation, a major focal point of concern is what appears to be the deliberate lack of administrative oversight, enforcement and regard of NWAC rules and regulations by NIC Athletic Director, [redacted].

The Committee stated that “after four and a half years, it appears that [redacted] has chosen not to or has failed to learn the rules and regulations of the NWAC. Subsequently, he has
not educated his staff and associated staff of NIC’S Finance and Financial Aid offices, NIC Foundation, and the Booster Club; or, he has deliberately ignored the rules and regulations of the NWAC Code.”

While NIC is committed to improving Athletics Department oversight, the suggestion of deliberate misfeasance is unwarranted. Coaches did take annual NWAC codebook and sport-specific tests as required by the Code. Coaches also had regular meetings in which NWAC rules and updates are often discussed.

NIC acknowledges that we learned through the course of our review and in preparation of this appeal, that our administrative oversight and responsibility for intercollegiate athletics has not been adequate. NIC accepts responsibility for all instances where Athletics Department leadership failed to correctly interpret, communicate, and/or conform to NWAC compliance expectations. As stated above, NIC has imposed a restructuring of oversight – Vice President [REDACTED] has since assumed senior administrative responsibility for Athletics Department operations and has been present at nearly all department meetings and athletic events. Additionally, he has already changed a number of processes to reflect best practices and has been actively consulting with the league commissioner, as well as attending the annual NWAC conference. NIC will continue this strict oversight of the Athletics Department to ensure any present limitations in its administration are corrected.

Additional NIC Concerns Regarding the Investigation

Staff and students who were involved have communicated additional concerns about the investigation procedure. For instance, student-athletes complained that investigators were argumentative with them and asked leading questions such as “which restaurant in town was the one where basketball players got to eat for free” or “where the basketball players’ free housing is located.” One investigator frequently created an intimidating atmosphere, particularly for the female students, by inserting himself in ongoing interviews that were supposed to be one-on-one.

Certain comments and statements are referenced throughout the Report that lack context and are thereby misleading. For example, the statement attributed to VP of Finance [REDACTED] that “rules are not always applied to the athletic department” implies a lack of administrative oversight to ensure the Athletics Department is compliant with rules. According to [REDACTED], this statement was related specifically to financial operating procedures regarding necessary team meals, per diem and travel arrangements. NIC does not apply a uniform set of rules and allows flexibility from team to team in how road trips are handled. This was a specific comment presented out of context as a broad generalization.

These are just a few examples that reflect the overall tone displayed throughout the investigation and color the analysis and findings, which raise NIC’s concern that the Committee members entered this investigation with a predetermined expectation that the College was intentionally in violation of the NWAC Code and that NIC staff and administrators were dishonest. The undisclosed meeting with the former wrestling coach prior to the investigation also appears to have stoked that expectation. NIC has serious concerns that this investigation was not carried out in a neutral manner, the investigators lacked objectivity, and that the sanctions are not proper or fair.
Sanctions

The Committee ultimately recommended the following sanctions:

1. NIC will immediately vacate the 2017-2018 & 2018-2019 Men’s Basketball Championships. All championship memorabilia (i.e., championship banners, trophies, awards, etc.) will not be displayed on the NIC campus and immediately returned to the NWAC office. NIC basketball titles will be stricken from the NWAC record books, websites (including NWAC and NIC), and social media. NIC Men’s Basketball team banned from NWAC post-season play for three years (2020-2022).

2. North Idaho Men’ Basketball Grant In Aid reduced by four (4) for each of the next three (3) years. Beginning in 2020.

3. North Idaho College Athletic Department is on probation for three (3) years. Protocol for probation to be determined by the NWAC office.

4. In accordance with Article IV, Section 5, NIC has seven (7) working days to bring the NIC booster policies and practices into alignment with NWAC code. Over each of the next three (3) years, NIC will provide an annual audit by a company chosen by the NWAC and paid for by NIC. The focus of the audit will be on student-employment, booster club, student-athlete enrollment records, and athletic grant in aid.

5. Coach _________ suspended for the first ten (10) games of the 2019-2020 season. _________ and all NIC men’s basketball coaches have 7 working days to cease and desist from collection and distribution of student funds used for any and all living and educational expenses. This includes any and all financial aid and personal payment from the student-athletes and/or the relatives of the student-athletes.

6. For the next three (3) years while on probation, athletic director decisions regarding eligibility, athletic grant in aid, booster club payments, etc. must have Vice President of Student Services approval before being processed.

7. NIC to pay a fine of $30,000, a penalty reflecting the severity of the Code violations as well as an amount sufficient to cover costs incurred by other member schools and NWAC as a result of the violations.

The Committee claims that “the sanctions are based on helping NIC create a more transparent booster club by having its financials run through the college, as required by NWAC code, as well as reviewing of procedures to eliminate future violations.” Yet, the only sanctions related to the booster club and administrative practices are within numbers 3, 4, and 6. Sanctions 1, 2, and 5 are incredibly severe sanctions to be imposed directly on the basketball team, despite the fact that the vast majority of the findings do not directly relate to the basketball team or involve basketball program practices.

NIC has cooperated and provided the league with all pertinent information throughout this process. NIC has already taken the necessary steps to bring its camps in compliance with NWAC guidelines. The collecting of funds and maintenance of a bank account to assist with rent payments has stopped, and the relationship with the Trail Lodge Apartments has been terminated. NIC has already informed NWAC that it has restructured its Athletics Department to fall under the
oversight of the VP of Student Services. NIC is taking steps to increase administrative oversight of the booster club and has invited NWAC’s guidance on the matter.

It is NIC’s position that the severity of the sanctions imposed, many of which will cause significant harm to a basketball program that was not actually implicated in most of the findings, is excessive under the circumstances. The only violation found with respect to the basketball program was a payment made in 2017 and 2018 to hold vacant apartments over the summer in order to guarantee available housing for student-athletes, for which athletes paid their own rent once they were in the apartments. Under the circumstances, these payments simply cannot warrant vacating two championships, the loss of four scholarships for three years, the suspension of a coach, a three-year ban from post-season play and a $30,000 fine.

NIC, as stated above, agrees that administrative oversight has not been adequate to fully ensure accurate interpretation, communication and conformity to all NWAC compliance expectations. We understand and agree that probation, audits, Student Services oversight, and booster club policy and procedure changes are appropriate in this matter and willingly accepts the recommendations and reasonable sanctions tailored to helping NIC improve those practices to the extent NIC has not already done so. However, NIC respectfully requests that all recommended sanctions against the basketball program be lifted and that the financial penalty be eliminated, or significantly reduced, to more accurately reflect the extent of the deficiencies.

It is my sincere intent to improve our programs, continue to address issues within the NIC Athletics Department and booster club operations, and to maintain transparency and compliance with NWAC rules. I believe that we have demonstrated this effort and intend to continue to do so. I recognize that NIC is a newcomer to NWAC and appreciate all proactive efforts on NWAC’s part to assist NIC as we facilitate and maintain a positive relationship. I urge the Executive Board to revisit the Committee’s findings and recommended sanctions.

Respectfully,

Richard L. MacLennan, Ed.D.
President