

May 8, 2013

Mr. James Sartoris  
SCFA Commissioner  
2214 West Clark Avenue  
Burbank, CA 92506

RE: Bakersfield College – Self-Report of Violations

Dear Commissioner Sartoris,

On or about January 23, 2013, Bakersfield College received an informal inquiry from your office requesting certain information about the Bakersfield College football program. In response, Bakersfield College retained the Certified Public Accounting Firm of Brown Armstrong and specifically Mr. Burton Armstrong, CPA, to conduct a review and provide information to be used in development of our responses to your questions. After the initial review was completed and a response filed, Bakersfield College received a second set of follow-up questions regarding information that had been previously provided in response to the first set of questions. Bakersfield College again retained Brown Armstrong to conduct a review and provide information for its response to the second set of questions. In both instances, Mr. Armstrong was assisted by and received technical advice from retired California State University, Bakersfield Associate Athletic Director, Gloria Friedman. Mr. Armstrong provided a second report and a response to the second set of questions was provided to your office.

Based on its review of the questions and responses, Bakersfield College now provides the following self-report of violations pursuant to CCCAA Constitution and Bylaws. Bakersfield College reserves the right to amend this report to provide any additional new information should such information be discovered or become available.

We have organized this self-report in three sections. The first section provides our self-report of violations, and the basis for the report and finding of violations. The second section details the corrective actions that have been implemented or will be implemented by Bakersfield College in response to the findings of violation. The third section provides a recommendation for sanctions and the rationale for the recommended sanctions.

## Self-Reported Findings of Violations

Based upon its review of the questions submitted by Commissioner James Sartoris, and the review conducted in response to these questions, Bakersfield College believes that the following activities by the College's administration and football coaching staff are violations of the CCCAA Constitution and Bylaws.

**1. Activities of a booster club (Bakersfield College Helmet Club) and payment to student athletes are a violation of CCCAA Bylaw 2 - Subsidizing, Inducements, and Special Privileges:**

A number of student athletes in the football program were paid for work from funds raised by a football booster club outside the oversight of the college. This arrangement was provided to football student athletes only, outside of the college official "work study" program, and not available to the general student population.

(Violation of CCCAA Bylaw 2.11.1; 2.11.2)

Our investigation also indicated that the students performed the work for which they were paid. All students were paid minimum wage.

**2. Housing for football student athletes are a violation of CCCAA Bylaw 2 - Subsidizing, Inducements, and Special Privileges:**

a. Football student athletes were provided access to housing by the head football coach that was not available to all students at the college.

(Violation of 2.11.1; 2.11.2.C)

b. The head football coach facilitated the payment of rent by football student athletes by acting as a "middle man" in collecting the rent checks and forwarding the payment to the property owner. This service was not available to the general student population. (Violation of 2.11.1; 2.11.2; 2.11.4)

Our investigation indicates that the rent paid by the students was at the market rate for the area.

**3. Meals for the football team; pre-game meals for home games are a violation of CCCAA Bylaw 2 - Subsidizing, Inducements, and Special Privileges:**

a. The football team was provided a weekly meal. This was a special, subsidized privilege, not available to other athletic teams or the general student population of the college. (Violation of 2.11.1; 2.11.2; 2.11.2.B, 2.11.4)

b. The football team was provided a pre-game dinner before home games. (Violations of 2.11.4.B.3)

## Corrective Actions Taken by Bakersfield College

In response to the Findings of Violations made by Bakersfield College, the College has undertaken a number of measures designed to correct or remedy the violations. In general, the corrective actions are designed to prevent and remediate those activities which were specifically in violation of the CCCAA Constitution and Bylaws. Other steps have been taken to ensure proper implementation of compliance procedures. These are designed to ensure that Bakersfield College's athletics activities going forward will be in compliance with the CCCAA and SCFA Constitution and Bylaws. Bakersfield College has also undertaken a review of existing programs, commenced implementation of systems which will insure compliance with the constitution and bylaws, and instituted training, designed to educate administrators, faculty, and current and prospective students, with regard to CCCAA and SCFA compliance.

Bakersfield College has already initiated the disciplinary process against those most directly responsible for the violations: the athletic director and the head football coach. To the extent permitted by the provisions of the California Education Code, the District believes that the corrective actions taken with regard to these two employees will ensure that future violations do not occur. These measures, combined with the proposed sanctions detailed below, will properly address the violations and place responsibility on the administrators and faculty. Other employees in the administrative hierarchy, the then president of Bakersfield College and a dean of Bakersfield College, are no longer in those capacities with the college and cannot be reprimanded as a result of this investigation.

We do not believe that the student athletes and the Bakersfield community deserve to be punished in any manner. The student athletes had no reason to believe that their actions violated the CCCAA and SCFA Constitution or Bylaws. Nor do we believe that the housing at market value or employment for these students, who were academically eligible, puts them at an unfair competitive advantage. It would be unjust to impose sanctions punishing the students when they had no knowledge or reason to know that they were doing anything wrong. Further, the benefits the players received did not put the team at an unfair competitive advantage.

The following specific corrective actions have been implemented:

1. Kern Community College District General Counsel, Chris Hine, sent a *Cease and Desist* letter to the Helmet Club informing them of the compliance issues and requiring them to conform to college fundraising through the Bakersfield College Foundation. Since then, the Helmet Club has established a Bakersfield College Foundation Trust Account.
2. Deleted before public posting to maintain privacy.
3. Bakersfield College Executive Director of Administrative Services, Sean James, sent a directive to key staff in his areas, including the individuals who supervised the work study program, directing them to cease any practices that are in violation of CCCAA rules and to ensure that all activities under their supervision are in compliance.

4. President Sonya Christian has established direct communication with the President of the Helmet Club. She, along with the Executive Director of Administrative Services and the Director of the Foundation, are working to ensure a smooth transition which legitimizes the Helmet Club under the auspices of the Foundation.
5. Corrective personnel actions: Deleted before public posting to maintain privacy
6. Professional development. A series of meetings have been convened to discuss the investigative process and findings, as well as the expectations of the College with members of the Athletics Department. These have included groups and individual employees.
7. Vice President Zav Dadabhoy met with all coaches at departmental and group meetings and has clearly articulated expectations of compliance and the action that the college will take if there is any future violation.
8. Vice President Zav Dadabhoy also met with coaches individually to explain the current investigation, the CCCAA standards, and College's expectations.
9. Vice President Zav Dadabhoy will continue to engage the coaches and staff in the department in a series of informational sessions and one-on-one dialog.
10. Summer boot camp: All Athletic Department employees will be required to participate in a series of mandatory CCCAA compliance workshops with experientially based discussions and built-in assessments.
11. All athletics staff will be required to participate in mandatory leadership and management workshops to develop a functional team of faculty who can work together. Trainings will include at least two compliance workshops a semester.
12. Signed agreements will be required from all athletics staff to uphold standards of professional behavior and compliance with CCCAA legislation. This is in addition to the R2 Form required by CCCAA.
13. A professional expert with proficiency in athletic management and compliance systems is being retained to lead the implementation of compliance protocols, development of an operations manual, and assist the college in developing systems and structures so that a culture of accountability and compliance is established.
14. Bakersfield College President Christian and Vice President Dadabhoy participated in CCCAA conference activities to learn about compliance and processes needed. Dr. Dadabhoy, in his role as the supervisor of the Athletics Director, has immersed himself in the CCCAA rules and regulations.
15. Current student athletes will be contacted within two weeks of the CCCAA sanctions, informing them of the violations, and specifically elaborating the compliance protocols.
16. Incoming student athletes will be provided clear instructions about maintaining their eligibility status. They will complete a signed agreement with the College. An expanded student athlete orientation is being developed and will be offered in August 2013 to fortify the importance of compliance and reinforce student success initiatives through development or review of Educational Plans each year.

17. The College is examining its concessions operations so that all food operations on campus, and especially at its athletic venues, are catered by approved caterers such as the College Food Service. This establishes the appropriate institutional controls, and separates out the potential problem areas for team fundraising.

## Proposed Sanctions

We believe that CCCAA should hold Bakersfield College responsible, not the students. The compliance violations were due to a failure of college leadership, and not the fault of students participating on the team. There was nothing about the violations that would put the students on notice that they were doing anything wrong. Students did perform the work that they were paid for and the housing was rented at market rates. College staff were present when the free meals were provided and the students reasonably believed that the meals were permitted. The sanctions that we are proposing will hold the college administration accountable for the failures but will not unfairly penalize the students. Clearly the students had no knowledge of, or intent to, break any rules.

As a mitigating factor, it appears that Bakersfield College derived little, if any, real competitive advantage from the violations. This conclusion is supported by the following findings from our investigations:

- The housing was not subsidized. Zillow's (an online housing market pricing survey) rental surveys indicate that the students were paying fair market value for rentals in the area.
- The "work-study" program did not provide cash assistance without work being performed. Indeed, the college would have been in violation of state wage laws if the students had not been paid minimum wage for the work performed.
- Student athletes who sought work on campus could have obtained regular student jobs, for which there is documented availability.
- Bakersfield College informs all incoming students of the availability of student work-study jobs during the matriculation process and orientation.

Fairness requires that sanctions should be commensurate with the significance of violations and penalties should be determined based on "magnitude" of violation. In reviewing the sanctions from CCCAA on two other colleges, the violations in one case involved a professional player who routinely participated in professional tournaments and in the other case, some of the student athletes were deemed academically ineligible. In contrast, Bakersfield College's student athletes in our football program were all academically eligible, did not have professional players playing, nor did they appear to have a level of subsidization that resulted in a significant inducement for out-of-area students to join the team. Less than 17% of the athletes on the 2012 Bakersfield College football team were from out-of-area; only seven were from out of state. This is less than one-half the percentage of out-of-area athletes found at SCFA schools.

A cursory look at the number of out-of-area players who play at other SCFA football teams shows that 12 of the SCFA rosters have a majority of players from outside the normal recruiting area. Some of these colleges had rates as high as 77%, 75%, and 68%. The average in SCFA was 36%, and by comparison, less than 17% of the Bakersfield College players were from outside of the recruiting area.

A reasonable analogy is that a speeding violation of five mph above the speed limit will result in a substantively different level of sanction than a violation of 30 mph above the speed limit. Likewise, violations which result in little or no competitive advantage should not face the same sanctions as those that do.

Based upon the above discussion Bakersfield College proposes the following sanctions in response to its self-reported violations:

1. The BC Football program shall be on probation for one year.
2. BC Football program shall be barred from post season play for one year.
3. BC submit regular reports for SCFA.

## **Conclusion**

We wish to thank you, Commissioner Sartoris, for the constructive and positive manner in which you have approached this situation. It has been a stressful time for us and we know that you have been concerned with providing a just and equitable resolution to this matter. We appreciate your concern and assistance and we look forward to working with you, SCFA, and CCCAA to ensure that Bakersfield College has a strong culture of compliance and sportsmanship combined with academic excellence and competitive performance on the field.

Thank you again for your cooperation and assistance.

Sincerely,



Sonya Christian  
President  
Bakersfield College  
<http://www.bakersfieldcollege.edu/president/>