

TO: Jerry Vaughn, NCAA Director of Student-Athlete Reinstatement

DATE: September 3, 2022

RE: Self-Reported Violations of NCAA Bylaw 12.4.1

Dear Mr. Vaughn:

The University of Kentucky is self-reporting a violation of NCAA bylaw 12.4.1 for [REDACTED] student-athletes who received compensation for work not performed as part-time employees in the patient transport department at the institution's Albert B. Chandler Hospital (the "Hospital") from the Spring 2021 semester thru March 2022.

Following its discovery of a possible violation in February 2022, the institution conducted a prompt and thorough investigation in a cooperative endeavor between multiple departments, including the institution's Police, Internal Audit, General Counsel, Human Resources, HealthCare, Student Conduct, and Athletics Compliance offices. Based upon information developed in that investigation, Athletics Compliance believes that there is a sufficient basis on which to declare [REDACTED] student-athletes ineligible for a violation of NCAA Bylaw 12.4.1 and to seek reinstatement.

The violation was isolated and limited in time and scope to a small number of student-athletes who concealed their use of a clock-in/clock-out system at the Hospital that resulted in the receipt of compensation for work not performed in the spring of 2021 thru March 2022. The violation was compounded by the lax supervision of a former Hospital employee who did not adequately review reported hours. Based on the institution's extensive investigation and prompt corrective actions, the institution asks that this violation be processed as Level III.

I. Facts of the Case

The violation arises out of the hourly, part-time employment of [REDACTED] student-athletes in the Hospital's patient transport department. Previously, a Hospital administrator contacted a now former member of the [REDACTED] program's administrative staff regarding part-time positions in the patient transport department that could require physical strength and might be suitable for athletes. Over time, the former staff member recommended this position to several student-athletes who were looking for employment opportunities.

Athletics Compliance became aware of a potential violation in early February 2022. A now former, [REDACTED] employee speaking with the Office of Institutional Equity and Equal Opportunity ("OIEEO") on matters unrelated to athletics volunteered that there were "[REDACTED] [REDACTED] who were not showing up for their job at the hospital and still getting paid." OIEEO promptly notified the General Counsel who, in turn, immediately notified Athletics Compliance.

Athletics Compliance began an investigation and requested from Human Resources the timecards and information for the wages paid for [REDACTED] student-athletes.

The General Counsel's office and Athletics Compliance interviewed the supervisor over the Hospital's patient transport department on February 28, 2022. The supervisor denied having any knowledge that student-athletes employed in patient transport were recording hours that had not been worked. She also stated that supervisors in both sides of her department saw the student-athletes present at the Hospital. Finally, she stated that student-athletes were allowed to do homework, watch TV, or sleep while present in the Hospital and on call for patient transport duties. Athletics Compliance instructed the supervisor not to approve any additional time for student-athletes pending further review.

Shortly after the interview, information from an anonymous source was received through the institution's "Comply Cats" reporting system that student-athletes were clocking in, leaving and then returning to clock out several hours later at the Hospital. This report went to multiple departments who were advised that the General Counsel's office and Athletics Compliance were reviewing similar allegations.

On March 10, 2022, Athletics Compliance and the General Counsel's office again met with the supervisor to review the student-athletes' reported time for the most recent pay period. After reviewing the clock-in and clock-out times for each day, Athletics Compliance explained that the matter would be turned over to Human Resources and instructed the supervisor not to approve the hours or take any further action.

Human Resources immediately worked with the Chief Nursing Officer (who oversees the involved supervisor) to suspend the involved student-athletes from their positions at the Hospital until the investigation was concluded. The Chief Nursing Officer also suspended the supervisor on April 13, 2022, pending the outcome of the investigation.

To prevent any further violation, pay was immediately withheld from the student-athletes until a determination could be made whether the reported work time had been performed. The Chief Nursing Officer then interviewed each of the involved student-athletes with representatives from Athletics Compliance and the General Counsel's office.

Athletics Compliance, the General Counsel's office and Chief Nursing Officer also identified and interviewed the [REDACTED]. Those interviews did not reveal any information indicating that any of the individuals knew or reasonably should have known that [REDACTED] student-athletes might be receiving compensation for work not performed at the Hospital.

Internal Audit submitted a report on July 13, 2022, after conducting a comprehensive review of time records and wages received for multiple student-athletes. Using video evidence of student-athletes clocking in, leaving and then returning to clock out several hours later, Internal Audit

concluded that some, but not all, hours for [REDACTED] student-athletes were recorded but not worked. Internal audit did not conclude that it had evidence of hours not worked for the other student-athletes who worked in patient transport. Athletics Compliance determined that violations had occurred and declared [REDACTED] student-athletes ineligible.¹

While the information for other time entries was insufficient for Internal Audit to conclude that the time reflected in those entries was not worked, Athletics Compliance reviewed the information further and determined that there was sufficient evidence to reasonably conclude for NCAA eligibility purposes that a student-athlete received compensation for additional hours not worked.

The involved [REDACTED] student-athletes have indicated that they were present at the Hospital and available to work for most of the hours they recorded. The institution does not believe that a violation occurred with regard to those hours. The student-athletes also stated that they were advised by Hospital staff that it was permissible for them to leave after they clocked in. Because the student-athletes were not present and available to work at the Hospital when they left after clocking in, the institution believes a violation occurred for those hours.

To determine the amount of compensation the student-athletes received for hours not worked in addition to that identified by Internal Audit, Athletics Compliance applied three other criteria: (1) video evidence of either a “clock-in and leave” or a “return and clock out” (Internal Audit had required evidence of both); (2) any crossover of recorded work hours with class schedules; and (3) any hours recorded in the 24-hour period preceding and following a scheduled game.

II. Student-Athlete Eligibility Analysis

[REDACTED] student athletes were paid for hours not worked:

[REDACTED]

[REDACTED]

¹ [REDACTED] additional student-athlete recorded hours that were determined to be not worked, but that student-athlete did not receive any compensation for those hours. Therefore, the institution does not believe that a violation of NCAA Bylaw 12.4.1 occurred.

III. Institutional Education and Monitoring

The investigation did not reveal information indicating that this violation occurred from a lack of rules education or monitoring. Athletics Compliance has a robust and comprehensive employment monitoring system that includes routine education for student-athletes, coaches, athletics staff and employers related to NCAA employment rules and mandatory registration requirements of student-athlete employment. Athletics Compliance also conducts routine spot checks of a student-athlete's employment.

Here, the involved supervisor received 18 different employment education touchpoints, which were in writing and by telephone. Spot checks of the student-athletes' employment were also conducted by Athletics Compliance with the supervisor on 6 different occasions.

Student-athletes receive annual education on NCAA employment rules during team fall Orientation Meetings and Spring Checkout meetings. Student-athletes are copied on an educational email that is sent to an employment supervisor when a student-athlete registers employment with Athletics Compliance. Education is also provided through the Student-Athlete Handbook and the Kentucky Road Website. Finally, employment education has appeared in the department wide compliance education newsletter "Blues Clues" in April 2019 and May 2021.

Monthly compliance meetings are held with each team's operational and coaching staff. Student-athlete employment is a standing agenda item for those meetings including a request from Athletics Compliance to sports and staff to notify Athletics Compliance if there are any student-athletes with new jobs. Student-athlete employment education has also been distributed to the entire Athletics Staff via email as the compliance "Tip of the week" in March 2016, March 2017, June 2020, and January 2022.

The institution also provides employment-related education to donors through [REDACTED] newsletters and to employers who attend the Job/Internship fair organized by UK Athletics Student-Athlete Development.

IV. Corrective Actions

The institution took immediate corrective action after Athletics Compliance became aware of a potential violation.

1. Upon review of the initial report of time and wages earned, the Hospital suspended and terminated the employment of all student-athletes in the patient transport department with no eligibility for rehire. Additionally, the institution will no longer permit any student-athlete to work in UK Healthcare unless there is a specific academic reason associated with such employment. In those instances, the Executive Associate Athletics Director for Compliance is required to conduct an in-person meeting with the student athlete and approve the employment.

2. The involved supervisor over patient transport was terminated for inappropriate or unsuitable job performance and/or gross negligence of oversight on May 26, 2022.

3. An advisory group consisting of representatives from multiple institutional departments was formed to communicate and coordinate institutional efforts regarding the investigation, which resulted in an analysis from Internal Audit that quantified the extent of the violation.

4. The [REDACTED] has designated [REDACTED] as the point person for student-athlete employment related matters. Previously, the [REDACTED] was the contact for such matters.

5. The institution has declared [REDACTED] and self-imposed the following penalties for those student-athletes:

[REDACTED]

V. Conclusion.

This violation involves a limited number of student-athletes who, despite knowing the employment rules, took advantage of lax supervision by Hospital personnel in a narrow time frame. Employment in the patient transport department is not limited to student-athletes and the institution is satisfied that the patient transport job is legitimate. Finally, no evidence has been revealed that would indicate that any athletic coaching staff member or other athletics administrator knew or should have known about the violation.\

This report reinforces the deep commitment UK Athletics – and the University of Kentucky – have to a culture of compliance in everything that we do. To that end, as referenced earlier, this report represents a collaborative review on the part of several departments and units throughout the institution, each steadfastly committed to working together and to a sense of shared community values around integrity and compliance.

As importantly, we put the success of our students first, as our goal – both in competition and in the classroom – is to prepare students for lives of meaning and purpose. In what are, fortunately, rare circumstances for this program, that commitment to compliance sometimes necessitates taking disciplinary action as part of ensuring the integrity of our programs and educating our student athletes regarding their responsibilities as members of this community.

That is what has happened here.

We take our responsibilities – to our department and our campus, our students and this state -- seriously. We look forward to the opportunity to address any issues or questions regarding this matter.

The institution appreciates your time in reviewing the information reported. Please do not hesitate to contact Rachel Newman Baker at rachel.baker@uky.edu or (859) 218-1464 if you have any additional questions or concerns.