

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

Decision rendered: August 5, 2004

CIS DISCIPLINE COMMITTEE:

Pat Murray, Director of Sport and Recreation, York University (chair)
Sandy Slavin, Athletic Department Manager, University of Lethbridge
Coleen Dufresne, Director of Athletics, University of Manitoba
Katie Sheahan, Director of Recreation and Athletics, Concordia University
Derryl Smith, Athletic Director, St. Thomas University

PROCESS:

In accordance with Section 90.40 – Conduct and Enforcement: Complaints, Investigation and Discipline Policy of the 2003 Canadian Interuniversity Sport (CIS) Policies and Procedures, the CIS Discipline Committee convened a discipline hearing on August 5th to hear the formal charge and to impose sanctions, if any, with respect to a self-disclosed breach of CIS regulations by the University of Toronto. The hearing was conducted by way of a review of documentary evidence and an oral hearing.

DETAILS:

- Mr. Tom Kouzmanis was a men’s soccer student-athlete at the University of Toronto over a number of years that spanned 1993-2003, while also playing professional soccer at various times during this span.
- The following chart summarizes his participation and eligibility:

Academic Year	Team	CIS Eligibility	CIS Regulations
1993-94	University of Toronto	1	40.10.4.1.2
1994-95	University of Toronto (fall) National Team (spring/summer)	2	40.10.4.1.2
1995-96	National Team (spring/summer)		
1996-97	Toronto Lynx (spring/summer) (Professional team)	3	40.10.6.2.3
1997-98	Did not play (injured)		
1998-99	Did not play (injured)		
1999-2000	Did not play (injured)		
2000-01	Toronto Olympians (spring/summer) (Professional team)	4	40.10.6.2.3
2001-02	University of Toronto (fall) Vaughan Sun Devils (spring/summer) (Professional team)	5 **	40.10.4.1.2 & 40.10.6.2.2
2002-03	GS United (amateur)		
2003-04	University of Toronto (fall)	6 ***	40.10.4.1.2

Note: Although the 2003-04 CIS Regulations are quoted, the respective regulations have not changed materially for the time period.

** as per 40.10.6.2.1, Mr. Kouzmanis was ineligible for CIS competition

*** as per 40.10.4.3.1, Mr. Kouzmanis was ineligible for CIS competition

- Mr. Kouzmanis played (and was registered) as a professional for the Toronto Olympians of the CPSL during the summer of 2001. In August of 2001, Mr. Kouzmanis applied for and regained his amateur status from the Ontario Soccer Association (OSA).
- In the fall of 2001, Mr. Kouzmanis played for the University of Toronto men's soccer team without sitting out one year after having played professionally (**).
- The University of Toronto used a calendar year rather than an academic year to assess only one year of eligibility to Mr. Kouzmanis and not two for his participation with the Olympians during the summer and the university team during the fall of 2001.
- Mr. Kouzmanis began playing again for the University of Toronto during the 2003 fall season (***).
- After being notified by another school of a possible breach that occurred in 1997-98, the University of Toronto investigated the matter and proved it to be false. However, during the course of their investigation, the University of Toronto discovered the 2001 breach and submitted a self-disclosure in regards to Mr. Kouzmanis' only being charged for one year of eligibility in 2001, rather than two, thereby making him ineligible in 2003, having already used 5 years of eligibility.
- The university forfeited all of its 2003 season, acknowledging they had inadvertently used an ineligible player for that season.
- Following the self-disclosure, the investigation conducted by Hilary Findlay from the Centre for Sport and Law at the request of the CIS confirmed the university's error in 2001 whereby Mr. Kouzmanis was charged with only one year of eligibility and not two, and the fact Mr. Kouzmanis should have sat out a year after having played professionally during the summer of 2001. Mr. Kouzmanis was therefore ineligible during the 2001 and 2003 seasons.

DECISION:

Upon hearing the matter, the Discipline Committee has determined that the formal charge has been satisfied, specifically, the University of Toronto is found to have breached two CIS Regulations:

40.10.4.3.1 Maximum Years

An athlete shall be allowed to participate in Canadian Interuniversity Sport competition for five (5) years.

40.10.6.2.1 Participation as a Professional

Any professional athlete may participate in Canadian Interuniversity Sport competition one year from the date that the athlete last participated in a professional game or event in a sport.

In the absence of information to the contrary, the committee considers the student-athlete to be an unwitting participant in the breach.

SANCTIONS:

In accordance with Section 90.40, the Discipline Committee has imposed the following sanctions:

- 1) That the University be fined \$2,000, payable to CIS by September 29, 2004; and,
- 2) That the University be levied the costs of the hearing (conference calls and disbursements related to the investigation), payable to CIS by September 29, 2004.

For information, this decision will be posted to the "Discipline/Appeals Results" section of the CIS website, with a corresponding communication forwarded to all member institution Athletic Directors.

Failure to comply with a penalty shall result in immediate suspension from participation in any and all activities of Canadian Interuniversity Sport, until such time as the University of Toronto complies. Failure to comply may also give rise to a complaint and the laying of a formal charge.

RATIONALE:

In the opinion of the CIS Discipline Committee, the University of Toronto's breach of CIS regulations in regards to participation as a professional and maximum years were the result of human / administrative errors in not applying the CIS rules as they exist. The fact that these breaches occurred over two different years was also a prime consideration.

In rendering its decision, the Committee does not consider the breaches to have involved willful or deliberate intentions on the part of the University to circumvent any rules. Further, the Committee acknowledges and recognizes the University's immediate acknowledgement and assumption of responsibility for the breach when it was identified, as well as the University's cooperation in the investigation of this self-disclosed breach.