



News Release

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Committee on Infractions
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UNIVERSITY OF GEORGIA **PUBLIC INFRACTIONS REPORT**

I. INTRODUCTION.

On April 17, 2004, officials from the University of Georgia appeared before the Division I Committee on Infractions to address allegations of NCAA violations in the men's basketball program. The allegations involved violations of NCAA legislation governing recruiting inducements, extra benefits, student-athlete competition while ineligible, academic fraud and two additional instances of unethical conduct committed by a former assistant men's basketball coach, hereafter "the assistant coach." The assistant coach was named in three of the allegations and was present at the hearing. The violations occurred during the tenure of the former head coach (who is the assistant coach's father), hereafter "the head coach." Although he was not formally named in any of the allegations, the head coach attended the hearing, as did the lawyers who represented both coaches.

All of the violations involved conduct by the assistant coach with regard to a student-athlete, hereafter "student-athlete 1" except for Finding II-D. They occurred while he was a prospective student-athlete and also while he was enrolled at the university. The assistant coach had known student-athlete 1 since at least fall 1998. At that time the assistant coach was employed by another university; the head coach was then the head coach at that university; and student-athlete 1 had been recruited by that university. According to the assistant coach, the head coach had tracked the progress of student-athlete 1 since that time.

The violations in this case were very serious. Finding II-A involved a significant recruiting inducement that occurred on July 3, 2001, when the assistant coach sent a wire transfer of \$300 to a Baton Rouge, Louisiana, residence where student-athlete 1, then a prospective

student-athlete, was staying with a high-school friend and his mother, hereafter “the friend’s mother,” an educator in the Baton Rouge school district. The \$300 was for payment of expenses incurred by student-athlete 1 while living at the friend's mother's home. Student-athlete 1 enrolled at the university in fall 2001. Finding II-B involved the assistant coach’s unethical conduct in providing the recruiting inducement.

Finding II-C involved unethical conduct, academic fraud, and extra benefits arising out of a fall 2001 course, PEDS 3912, Coaching Principles and Strategies of Basketball, hereafter “the basketball coaching class,” taught by the assistant coach. Student-athlete 1 and two other men's basketball student-athletes, hereafter "student-athletes 2 and 3," respectively, were enrolled in the class. The 2002-03 Georgia men's basketball media guide stated, "You could credibly argue that (student-athlete 2) was the Bulldogs' most valuable player in '02," while student-athlete 3 was the rebounding leader and probably the “best all-around player.” Both started for the team in 2001-02 and for the next two years as well.

Finding II-D involved extra benefit violations that occurred in fall 2001 when several men's basketball student-athletes, including student-athlete 1, placed impermissible, cost-free long-distance telephone calls during a period of out-of-town competition. The failure to report these extra benefits resulted in six men’s basketball players competing for two years while ineligible, including student-athlete 1.

Information about the unauthorized long-distance telephone calls placed by student-athlete 1 surfaced in a September 2002 *Atlanta Journal Constitution* article that appeared after student-athlete 1 was removed from the basketball team for misconduct and his athletics grant-in-aid revoked. On February 27, 2003, the Entertainment and Sports Network (ESPN) broadcast interviews with student-athlete 1 and the friend’s mother in which both discussed the circumstances of the \$300 wire transfer and student-athlete 1 also alleged NCAA violations in how the assistant coach taught and awarded grades in the basketball coaching class.

Immediately after the ESPN broadcast, and continuing through the remainder of the year, the university and the NCAA conducted a joint investigation. On March 10, the university withdrew from post-season competition and suspended the head coach. Later the head coach retired and the university chose not to renew the assistant coach's employment contract. The NCAA enforcement staff issued a notice of allegations to the university and to the head and assistant basketball coaches on December 26, 2003. The university submitted its response on March 2, 2004. The assistant coach’s response consisted of a series of letters in which he listed as encompassed in his response the entire custodial file (with little or no indication as

to what in the file was relevant, or why) as well as information contained in a federal complaint (and exhibits) and in a motion for a temporary restraining order (and exhibits) filed by him and the head coach in a lawsuit against the university and the NCAA.

Both before and during the hearing, the assistant coach through his attorneys made lengthy challenges to the conduct of the investigation and the information on which the institution and enforcement staff relied. Among the issues was the credibility of student-athlete 1. The committee acknowledged, as did the university and enforcement staff, that there was information in the student-athlete's background that questioned his veracity. In making its findings, the committee relied on information in the record independent of that provided by the student-athlete. Moreover, the committee found that the record was replete with instances of the assistant coach's lack of credibility – including conflicting explanations and descriptions of circumstances provided by him at various times, in particular with regard to Findings II-A and II-C; information provided by others whose background and motivation raised no issue of credibility and whose information was directly contrary to that of the assistant coach; and information provided in documents and otherwise that was consistent with the information provided by these others and in conflict with that provided by the assistant coach. The committee reviewed all information in the record without regard to any conclusions drawn by the university, enforcement staff, or coaches and made an independent assessment of the information and how, and the extent to which, it substantiated the allegations. For a full discussion of these matters, see Appendix One.

The university is a member of the Southeastern Conference. It has an enrollment of approximately 21,800 students and sponsors nine men's and 12 women's intercollegiate sports. This was the university's sixth major infractions case, with previous infractions cases in 1978 (men's basketball and football); 1982 (football); two cases released in 1985 (men's basketball and football); and 1997 (football). Due to the fact that the violations found in this case occurred within five years of the starting date of penalties associated with the 1997 football case, the institution is considered a repeat violator and potentially subject to the penalties specified in Bylaw 19.5.2.3.2.

II. FINDINGS OF VIOLATIONS OF NCAA LEGISLATION.

A. IMPERMISSIBLE RECRUITING INDUCEMENT. [NCAA Bylaws 13.2.1 and 13.2.2-(e)]

In July, 2001 the assistant coach sent \$300 by wire to the Baton Rouge, Louisiana, residence of the friend's mother at whose home student-athlete 1 was temporarily living. The \$300 was for payment of expenses incurred by student-athlete 1 while living at the residence.

Committee Rationale

The university and enforcement staff were in substantial agreement on the facts and that NCAA violations occurred. While the assistant coach acknowledged sending \$300 in a wire transfer to the friend's mother, he claimed that he acted only as an "intermediary" between student-athlete 1 and two Rhode Island residents, hereafter "Rhode Island resident 1 and 2," respectively, who had befriended student-athlete 1 and who were not representatives of Georgia's athletics interests. In that light, the assistant coach believed that his conduct was, at worst, only a secondary violation of NCAA legislation. The committee found that the wire transfer constituted a recruiting inducement, and was a major violation.

In considering the circumstances of this violation, the committee heard, read, and evaluated a great deal of information provided by the NCAA enforcement staff, the university, and the assistant coach. While the committee sets forth much of that information here, it does so simply to provide context and background. That there is a major violation is clear – and may be demonstrated based exclusively on what is admitted by the assistant coach. As he himself admits, he wired \$300 to the friend's mother for some purpose related to student-athlete 1 and within weeks of the wire transfer student-athlete 1 had enrolled at the university.

As described by the friend's mother in the aforementioned February 27, 2003, ESPN broadcast, student-athlete 1 incurred "280 some-odd dollars" in long-distance charges on her telephone bill; a Georgia coach agreed to reimburse her; and she received \$300 in a wire transfer on July 3, 2001. When interviewed by the enforcement staff, the friend's mother said that in summer 2001 student-athlete 1 stayed with her in Baton Rouge, Louisiana, while he completed a community college class. She said that one of the Georgia coaches, whose identity she could not recall, telephoned to thank her for letting student-athlete 1 stay with her and said to let him know if student-athlete 1 incurred added expenses. When she later confronted student-athlete 1 about the phone charges, he told her not to worry as he would take care of them; a day or so later he handed her the telephone and said a particular coach (he gave the last name of the head and assistant coach) was on the line. She said this coach told her that he would take care of the telephone bill. After the call, student-athlete 1 told her the coach would send the money in a Western Union wire transfer. Two to three days later

she received the \$300 wire transfer; the name listed as the sender was (the last name of the head and assistant coach) and the friend's mother was listed as the recipient. A Western Union record containing this same information was displayed in the ESPN broadcast.

The assistant coach acknowledged that he spoke by phone with the friend's mother on July 2 and 3, 2001, that he wired \$300 to her for some purpose related to student-athlete 1, and that he arranged for student-athlete 1 to make an official visit to the university on July 28, 2001. (Note: phone records confirm that the assistant coach made phone calls on July 2 and 3 to the home of the friend's mother.) The assistant coach provided various explanations for his involvement.

On February 27, 2003, when first questioned by the university about the \$300 wire transfer, the assistant coach said, "Yeah. There is a Western Union receipt. I wire-transferred money to (the friend's mother) for bus fare for (student-athlete 1) to come to Athens to enroll in school." The assistant coach went on to claim that the money came from a foundation, hereafter "the Foundation," that previously had provided financial assistance to student-athlete 1 and that he had written proof of the Foundation payment. No written proof ever was provided.

In a March 3, 2003, interview with the enforcement staff and the university, the assistant coach said that in late June 2001 student-athlete 1 telephoned him to say he was staying at the friend's mother's home in Baton Rouge. The assistant coach said that he telephoned the friend's mother on July 2 and 3, 2001, and that on one of these calls, he spoke first to student-athlete 1 before student-athlete 1 put the friend's mother on the telephone. In this interview the assistant coach denied talking about money or about paying any of student-athlete 1's expenses, including a telephone bill. The assistant coach also reported that he spent the July 4, 2001, weekend in Providence, Rhode Island, and that while there Rhode Island resident 1 telephoned him and said that he was a friend of student-athlete 1, had money for student-athlete 1's "legal defense," and wanted the assistant coach's help to get the money to the student-athlete. The assistant coach said that at this time he did not know Rhode Island resident 1 and believed that the head coach may have given his telephone number to Rhode Island resident 1. (Note: The head coach confirmed that he gave Rhode Island resident 1 the cell phone number of the assistant coach; the head coach also said that he did not ask why Rhode Island resident 1 wanted the phone number.)

When interviewed on September 25, 2003, the assistant coach reverted to the account he provided on February 27, 2003 – that he telephoned the friend's mother in Baton Rouge because he had money to cover student-athlete 1's bus ticket to the institution's campus to

enroll and that he needed the friend's mother's address so he could send her the money. Later in that same September 25 interview, the assistant coach made reference to Rhode Island residents 1 and 2 and said that a defense fund had been put together for student-athlete 1. He also said both in that interview and at the hearing that part of the \$300 came from the Foundation. (Note: at the hearing the head coach relayed a conversation with the individual who established and administers the Foundation, henceforth the "Foundation Administrator," and said that he did not know whether the Foundation Administrator provided some of the \$300.)

Despite saying in both the February 27, 2003, and September 25, 2003, interviews that the \$300 was provided so that student-athlete 1 could travel to the university to enroll, at the hearing and in his March 3, 2003, interview the assistant coach insisted that he was not recruiting student-athlete 1 when he wired the \$300. In the March 3 interview, the assistant coach said that while employed at the University of Rhode Island in fall 1998 he assisted in the recruitment of student-athlete 1, that student-athlete 1 signed a National Letter of Intent with Rhode Island in November 1998, and that he later enrolled at a junior college after he did not meet NCAA academic qualification standards.

The assistant coach joined the Georgia coaching staff in May 2001. He said that he was told to develop a short list of point-guard prospects as back-up to a prospect who had signed a national letter of intent but had not qualified. The assistant coach said that he contacted student-athlete 1 and his junior college coach and that he stopped recruiting student-athlete 1 because he believed that the young man would not be NCAA-eligible. The assistant coach said that student-athlete 1 began calling him to express interest in attending the university and told him that he would take summer classes to become eligible. The assistant coach said he stayed in contact with student-athlete 1 and arranged for him to make an official paid visit on July 28, 2001; student-athlete 1 traveled by plane from Baton Rouge to the university. (Note: the point guard prospect who was Georgia's first choice did not qualify.)

At the hearing the assistant coach repeated that he was not recruiting student-athlete 1 when he wired the \$300. However, the assistant coach contradicted this position when he was asked by a committee member if he felt uncomfortable being involved in the provision of the \$300 to student-athlete 1. The assistant coach replied, "Well, of course, anytime you deal with a prospect and the thought of money..."

With regard to the question of whether the university considered student-athlete 1 a prospect, the Georgia athletics department administrator who monitors incoming prospects' eligibility reported that, "I am familiar with the fact that we did sign (the original point guard prospect),

but I am also familiar with the fact that we were recruiting (student-athlete 1). I was continuously asked to monitor his academic situation, look at various transcripts. I was told he was taking some summer work in Baton Rouge and a correspondence course. So I am under the impression the entire summer of 2001 that we are recruiting (student-athlete 1)."

Rhode Island residents 1 and 2 were interviewed by the enforcement staff and the university. They said that they met student-athlete 1 during the 1999-00 season when he was attending a two-year community college in Rhode Island, that they assisted him with his room and board expenses at the community college, that they knew he had received money from the Foundation, and that, when he was dismissed from the community college basketball team, they tried to locate him by e-mailing the Foundation Administrator. They claimed that in June 2001 the Foundation Administrator e-mailed to tell them student-athlete 1 would be attending Georgia and "needed some help." Rhode Island resident 1 said that two days later student-athlete 1 phoned from Louisiana to say he had no money to pay for travel to the Georgia campus. Rhode Island residents 1 and 2 decided to give student-athlete 1 \$300 for transportation expenses. Rhode Island resident 1 said he telephoned the head coach, whom he knew, and obtained the cellular phone number of the assistant coach, whom he did not know, and then phoned the assistant coach. He said he met the assistant coach in the parking lot of a Providence, Rhode Island, restaurant, handed him \$300 cash, and told him, "I hope you guys win the national championship. I hope (student-athlete 1) becomes an all-American, but let him know I'm done."

When media reports quoted the assistant coach as saying the \$300 came from the Foundation, the Foundation Administrator phoned NCAA and university officials to deny it: The Foundation Administrator said that he knew neither Rhode Island resident 1 or 2 and he also unequivocally denied providing \$300 either to them or to the assistant coach. In a March 3, 2003, tape recorded conversation with the university's investigator, the Foundation Administrator said, "Well, you don't have to be a Rhodes Scholar to figure this out. First of all, there is nothing illegal if I do it, which I did not do, but, so, why would I send money from Baton Rouge, Louisiana, to Athens in a clandestine move and then send it from Athens to Baton Rouge. Why wouldn't I walk over to this woman's (the friend's mother's) house or apartment or wherever she lives and give her \$300?" The Foundation Administrator added that, "If someone was going to use (me) as an alibi, they should call first to talk about it." He also said that on March 1 or March 2, 2003, the head coach called to apologize and explained to the Foundation Administrator that, his son, the assistant coach, made a mistake in using the Foundation as an alibi and "was looking for an explanation to provide to the media." Although counsel for the coaches insisted that the evidence was "undisputed" that the Foundation Administrator asked Rhode Island residents 1 and 2 to provide the \$300, in fact,

in several interviews the Foundation Administrator was consistent in denying that he did so, including in an interview conducted by an investigator for counsel for the coaches.

The assistant coach offered no coherent explanation as to why Rhode Island residents 1 and 2 needed him to wire the \$300 nor why he agreed to be involved. He was asked who paid the cost of transmitting the \$300. Although he said he could not recall, he agreed that he received \$300, and no more, from Rhode Island resident 1 and that a fee was charged to wire the \$300.

The committee concluded that the assistant coach provided the \$300 and did so at a time when he knew that the university was recruiting student-athlete 1 and that the money was provided with the purpose of facilitating the recruitment. In reaching these conclusions the committee found that the information provided by the friend's mother was internally consistent and corroborated by other information (including the two telephone calls acknowledged by the assistant coach) and that the friend's mother had no reason to lie.

Conversely, the committee found each of the several explanations of the assistant coach not to be credible and also found that these explanations were inconsistent one to the other. In particular, the committee found not credible the final explanation offered by the assistant coach (and by Rhode Island residents 1 and 2) – that a Foundation Administrator in Baton Rouge, Louisiana, would request residents of Rhode Island unknown personally to him to provide money to a prospect residing at the time in Baton Rouge, that these Rhode Island residents would inquire of the head coach in Georgia about making contact with a Georgia assistant coach unknown personally to them so that they might meet him in a restaurant parking lot in Providence, Rhode Island, and give him \$300 to wire to the prospect for them. Nor did the committee find credible the notion that the \$300 was to be used by student-athlete 1 for bus fare to the Georgia campus when approximately three weeks later the assistant coach arranged an official visit for student-athlete 1 and the student-athlete was provided an airplane ticket for travel to campus. Finally, the committee found not credible the claim by the assistant coach that he did not believe student-athlete 1 was a prospect when he wired the money.

In any event, and as the committee noted at the outset, the assistant coach's commission of this violation does not depend on any resolution of who was the source of the \$300 or for what purpose the money was to be used on behalf of student-athlete 1. As is set forth in Bylaw 13.2.1, it is a recruiting inducement when a staff member is involved "directly or indirectly" in "making arrangements for or giving or offering to give any financial aid or other benefits to the prospect." Based solely on admissions by the assistant coach, the fact

and severity of this violation are proved. What the assistant coach admits is that (1) he spoke twice by telephone to the friend's mother on July 2, and 3, 2001; (2) on July 3, 2001, he sent \$300 by wire to the friend's mother for a purpose related to student-athlete 1; (3) on July 28, 2001, student-athlete 1 made an official paid visit to Georgia that was arranged by the assistant coach, and (4) 44 days after the assistant coach wired the \$300 student-athlete 1 enrolled at the university.

B. UNETHICAL CONDUCT - KNOWING INVOLVEMENT IN A VIOLATION OF NCAA LEGISLATION. [NCAA Bylaws 10.01.1, 10.1 and 10.1-(c)]

The assistant coach failed to deport himself with the generally recognized high standards normally associated with the conduct and administration of intercollegiate athletics and violated the NCAA principles of ethical conduct by his involvement in Finding II-A. Specifically, the assistant coach knowingly provided a \$300 wire transfer payment to pay expenses of student-athlete 1 in violation of NCAA recruiting legislation.

Committee Rationale

The university and enforcement staff were in substantial agreement that the assistant coach acted unethically in his provision of the \$300. The assistant coach did not submit a specific written response to the allegation. His position at the hearing was that his involvement did not constitute unethical conduct because his conduct in providing the \$300 was, at worst, a secondary violation.

The committee concluded that the circumstances of the \$300 wire transfer set forth in the committee rationale for Finding II-A made clear that the assistant coach knowingly provided a recruiting inducement.

C. UNETHICAL CONDUCT - ACADEMIC FRAUD; ENCOURAGING PROVISION OF MISLEADING INFORMATION [NCAA Bylaws 10.01.1, 10.1, 10.1-(b), 10.1-(d)] AND EXTRA BENEFIT [16.12.2.1]

During fall 2001 the assistant coach failed to deport himself with the generally recognized high standards normally associated with the conduct and administration

of intercollegiate athletics and violated the NCAA principles of ethical conduct in that he (a) conducted the basketball coaching class in such a manner that the grades of "A" awarded to three men's basketball student-athletes constituted academic fraud and (b) encouraged two of the student-athletes enrolled in the class to provide misleading information to institutional and NCAA investigators about the administration of the course and the grading policy. Also, by the manner in which he administered the class the assistant coach provided an extra benefit to the student-athletes. Specifically:

1. Regarding the unethical conduct as reflected in the academic fraud. Thirty-nine students, including student-athletes 1, 2 and 3, were enrolled in the two-hour, upper-level basketball coaching class. On the first day of class the assistant coach distributed a syllabus (see Appendix Two), containing a course description, outline, topics, and objectives, that detailed how the students' academic performance would be evaluated and graded. The grading was as follows: midterm exam (30 percent), attendance and activity (30 percent), final exam (30 percent), and outside assignments (10 percent). Explicitly stated on the syllabus was that more than four unexcused absences would result in a grade reduction by one letter grade. Midway through the semester the assistant coach apparently changed the course requirements to include as factors attendance at one practice and one game. The assistant coach had no method by which he could confirm which students successfully completed the course requirements and how they did so. According to university instructional policy, the assistant coach was required to administer a final exam, but student-athletes 1, 2 and 3 took no final exam. Student-athlete 1 likely never attended class while student-athletes 2 and 3 attended as few as one and no more than a few classes. Moreover, the institution already provided student-athletes the opportunity to receive one credit for varsity athletics participation, and, in fact, in fall 2001 student-athletes 1 and 2 already were so enrolled. There were 39 students enrolled in the class; each of them was awarded a grade of "A."
2. Regarding the extra benefits. In his administration of the basketball coaching class the assistant coach provided student-athletes 1, 2 and 3 with an extra benefit. Among other things, these student-athletes were the only students in the class to receive course credit and grades of "A" based on activities already required of them as members of the men's basketball team and who, in consequence, needed to do no work for the class.

3. Regarding the unethical conduct involved in the assistant coach encouraging student-athletes 2 and 3 to provide misleading information in interviews with the university and the NCAA. The assistant coach spoke to student-athletes 2 and 3 just prior to their March 3, 2003, interviews with university and enforcement staff and provided them a description of what purported to be his grading system for the basketball coaching class, a system that neither young man had heard of theretofore. The assistant coach told them that he had graded all of the students on a point system in which 25 points were awarded for each class, practice or game they attended and that they had earned enough points to justify their grades of "A." Based on the assistant coach's information, the two young men provided information about this point system when interviewed on March 3. The information was misleading because neither they nor any other student had any prior knowledge of such a point system. The assistant coach knew when he spoke to the student-athletes that they were to be interviewed by the institution and NCAA staff.

Committee Rationale

The university and enforcement staff were in substantial agreement on the facts and that violations of NCAA legislation occurred. While the assistant coach did not submit a specific written response to this allegation, at the hearing the assistant coach denied commission of these violations. For the reasons set forth in detail below, the committee concluded that the assistant coach committed each of these violations.

Finding II-C-1

Finding II-C-1 involves academic fraud committed by the assistant coach arising out of the course requirements and grading in the basketball coaching class as they pertained to the three men's basketball student-athletes enrolled in the class. The basketball coaching course is offered by the Department of Physical Education and Sports Studies, School of Health and Human Performance, College of Education. It is a degree requirement in the major of physical education and in the minor of athletic coaching. According to the chair of the department, hereafter "the department chair," critical observational performance and class attendance are important components of the class and integral to grading student performance.

Over the course of several interviews, the assistant coach provided several different and

irreconcilable statements with regard to the circumstances and time line of his undertaking to teach the basketball coaching class as well as what were the course requirements. At the hearing the assistant coach was asked to provide his definitive time line and rendition of the circumstances. He stated that (1) the basketball coaching class was the first class he had ever taught; (2) he was asked to teach the class; (3) he was reluctant to teach the class, particularly as it was extra work for which he would not be paid; (4) the first conversation about the class occurred only about two days before the start of the semester, on or about August 15, 2001, in a meeting he had with a professor who previously had taught the class, hereafter "the PE professor," and the department chair; (5) the meeting was set up when he found a phone message from the department chair and returned the call; (6) the meeting lasted approximately one-half hour; they discussed course topics; and he informed the other two both that he had never taught a class and that he would need to miss a substantial number of classes; (7) they never discussed a course syllabus or that a final examination would need to be given; (8) there was a second meeting between him and the PE professor in which the PE professor gave him "a stack of papers" on basketball coaching; and (9) he never provided a resume, syllabus, or material from a course he taught at Marshall University (where he was previously employed) to the PE professor or the department chair.

The committee also asked the department chair to describe the circumstances surrounding the assistant coach's teaching of the course and the time line. He reported that (1) in early summer 2001 the assistant coach was approached by department faculty about teaching the basketball coaching course and the assistant coach expressed interest in doing so; (2) he met with the assistant coach in mid-July 2001 to review the assistant coach's credentials and qualifications for the course and also to review expectations for the course, particularly relating to department attendance policies; (3) he and the assistant coach met again in late July 2001 and at this time (or at the first meeting) they reviewed the course syllabus. They also discussed evaluation procedures, including the fact that a final exam would be required; (4) the PE professor was present at the late July meeting and provided old exams, detailed lesson plans and books he had used in the course; (5) the late July meeting took at least an hour and a half; (6) the assistant coach said he had taught a similar course at Marshall University; (7) the department chair met again with the assistant coach in early August; the assistant coach provided a resume, syllabus, and materials from the Marshall University course and also informed the department chair that he would miss some classes due to recruiting and other obligations but that a substitute, hereafter "the substitute," would fill in; the department chair understood the substitute to be a graduate student; (8) the department chair subsequently spoke to the substitute and concluded that he was familiar with the procedures of the class and was an appropriate substitute because he believed him to be a graduate student and because he was "acting in the capacity of the basketball staff at the

University of Georgia." (Note: The substitute was the administrative assistant for the basketball team, not a graduate student.)

In substantiation of the description provided by the department chair, the university provided at the hearing a copy of the resume of the assistant coach. In the university's response, moreover, there was a copy of the syllabus and of the Marshall University materials that the assistant coach denied he had provided.

There was complete disagreement between the university and the assistant coach regarding what the assistant coach was told about course requirements. The assistant coach stated that he was not told that there was any particular requirement he had to meet, including any requirement to give a final examination. The department chair reported that the assistant coach was informed about course requirements and that he also discussed with the assistant coach the fact that a final examination would be required.

Moving to the actual teaching of the basketball coaching class, and without regard to what the assistant coach was told about the class, the assistant coach again provided a series of inconsistent statements.

The assistant coach admitted that on the first day of class he distributed the syllabus, one he said was provided by the PE professor. He insisted, however, that the syllabus was never intended to be used as such but only to provide his office, phone, and e-mail information. He offered no explanation why he would go to the trouble of taking the PE professor's syllabus and substituting his information for that of the PE professor rather than simply providing his information separately by, for example, distributing a sheet of paper with the information or writing it on the blackboard.

Even assuming that the assistant coach never intended to use the syllabus as a syllabus, and never intended to grade in line with the grading policy there set forth, that decision in and of itself constituted academic impropriety. At the hearing the university provost, hereafter "the provost," discussed institutional expectations regarding changes to a grading policy delineated on a written course syllabus.

Provost: We, in fact, expect instructors at the University of Georgia to basically adhere to (the published requirements of the course), although there will be slight modification, but certainly not to the extent in terms of a grading policy, that is announced at the beginning of a course, to change to that of a 425-point system, as indicated.

Moreover, and again assuming that the assistant coach never intended to adhere to the syllabus grading policy, the record demonstrates that he never conveyed to the class the basis on which grades in fact would be awarded or had a system in place to award grades consistent with any such grading policy. The assistant coach provided various descriptions of his grading policy in interviews and at the hearing. Among his descriptions of his grading policy was that students would receive grades of "A" for attending one practice and one game. In his March 3, 2003, interview he first unveiled a 425-point grading system where students would earn 25 points for each class, practice, and game attended and 25 points for the final examination. Even this statement of his grading system was further modified to indicate that students could earn all 425 points by attending a one-day clinic administered by the head coach for the men's basketball team. The record is very clear, however, that, with the exception of student-athletes 1, 2 and 3, the assistant coach had little or no basis for determining which, if any, students met which, if any, of his various descriptions of the course requirements.

Class Lecture Attendance. At the hearing the assistant coach reported that he was present for the first five classes and that thereafter there were no further classroom lecture sessions. Later he reported that there were 12 scheduled lecture periods and he attempted to have substitutes fill in for him. The assistant coach was asked whether he kept an attendance log so as to record the 25 points that students earned by attending class. Initially he reported that he took attendance only by scanning the class and making a mental note of who was there (despite the fact that he knew few of the students enrolled in the class and, presumably, his class scanning also included the first class day when, in particular, he could not have identified most students in the class). The assistant coach also first reported that substitutes did not take attendance. He then said that substitutes did their best to take attendance but that it was hit or miss as they had no class roster from which to work. When asked if this hit-or-miss roll-taking inured to the benefit of the men's basketball players as the coaches would be more likely to recognize them than others in the class, the assistant coach claimed not.

Practice and Games. The assistant coach said that a student assistant [Jimmy Weekley] hereafter, "the student assistant, " kept a log of students who attended practice, but that the log was lost before grades were computed. (Note: the student assistant, who was also enrolled in the class, confirmed both that he kept a log and that it was lost.) The assistant coach said that loss of the log was inconsequential as he already knew each student's accumulated points. There were varying explanations from the students as to how the assistant coach monitored attendance at games. Once again, the assistant coach kept no records. (The committee noted that student-athletes 1, 2 and 3 were the only students in the

class for whom there would be records for practice and game attendance.)

Syllabus. In his March 3, 2003, interview the assistant coach said that he created a syllabus and gave it to the department chair to review. However, in his September 25, 2003, interview, and again at the hearing, the assistant coach claimed that he created no syllabus and that the one he distributed to the class had been created by the PE professor and used by him when he taught the class.

The record contains additional examples of statements made by the assistant coach that are either inconsistent or directly contrary one to the other. For example, in his March 3, 2003, interview, the assistant coach described in this way his decision to teach the basketball coaching course: "I feel honored to teach. I enjoy teaching." However, on September 25, 2003, the assistant coach said, "First of all, I didn't want to teach the class." At the hearing, the following exchange took place:

Committee Member 1: When you weren't there, for September and half of October, how did they meet their class requirements or practice requirements?

Assistant Coach: I tried to have one of our other staff members be there. It was kind of a week-by-week thing. But, again, I explained that before the class ever got started.

Committee Member 1: That's fine, but what did you get in the way of feedback from the person who was filling in for you at practice? Did he or she question them, make notes? How would you know what was going on?

Assistant Coach: It was like any other substitute teacher that was taking over a class. Attendance was not taken.

Committee Member 1: You were gone. So, you didn't know what they were doing, if anything, in class.

Assistant Coach: That is true.

Later, the assistant coach said the following:

Committee Member 1: Tell me, coach, if I had gotten 350 points, what grade would I have gotten?

Assistant Coach: No one in my class got 350 points.

Committee Member 1: How do you know?

Assistant Coach: Because I had a regulated book that I kept tallies of.

Committee Member 1: You told me when you were away you had people

covering for you and you didn't always have information from them.

Assistant Coach. I had it regulated. I had it regulated somewhat by people that were taking class. They would take the class by student – some members of our staff. They would do the best they can to calculate the points of people that were there when they had it. It was kind of a week-to-week basis.

Committee Member 2: Wait a minute now. The people who substituted for you gave points for the classes that the students attended?

Assistant Coach. They would do the best they can to regulate the class and tell me when I got back, leave notes on my desk.

Final Examination. The assistant coach was equally inconsistent in explaining the final examination and how points were awarded. (See Appendix Three for a copy of the final examination.) In his March 3, 2003, interview, the assistant coach was asked how a student earned an “A.” The following exchange ensued:

Assistant Coach. 425 points to get an A in my course – no midterm, no final. How you obtained those points?

Interviewer. Slow down. 425 points.

Assistant Coach. 425 point to get an A. We did drills. We did practices. We did classroom. . You could earn an A by coming to class, bringing in a practice schedule, bringing in a game plan. I gave them opportunities to write up strategies of how to attack a game, offense, defense, different scenarios that we went over in class. And – or you can come to practice, sign in, take some notes. Every practice that you attended was 25 points.

Interviewer. Okay. So basically if the kids either came and participated at the Ramsey Center or after basketball practice started came and observed practice and coaching methods, then once they accumulated 425 points they got an A.

Assistant Coach. Right.

The university apparently relied on this interchange to conclude, in its self-report to the NCAA, that the assistant coach said he gave no final exam. (Note: The assistant coach was emphatic and insistent that in this interview he was never asked whether a final examination was part of the course requirements and that the university misstated facts when it reported him as saying he gave no final examination. The committee believed that it was at least not unreasonable for the university to have understood the assistant coach to have indicated that he gave no exam.) In his September 25 interview the assistant coach said: “(The department chair) gave me one directive. You need to give a final.” Notwithstanding this statement, and

the syllabus, the assistant coach later claimed that he first learned he had to give an exam later in the semester and it was only then that he added an exam requirement. Once again notwithstanding the syllabus, the assistant coach in his statements described the final examination as “optional.” The assistant coach said that he did not know who took the final and that he did not read the exams but gave 25 points for taking it. When questioned how he could award 25 points for taking a final when he did not know who took it, the assistant coach then reported that he turned in course grades the week before the final examination was given and that, therefore, the examination did not factor into his grade computation. The following interchange occurred at the hearing on this point:

Committee Member 2: So, the final was not only optional, not read and not graded, but there were no points given for it if I came in and took it?

Assistant Coach. Correct.

Committee Member 2: Did the students in the class know that?

Assistant Coach. Sure.

At another point the assistant coach claimed that he told students that they need not take the final if they had accumulated enough points to earn an “A.” He was unable to explain how the students could make this determination since he had never shared the 425-point grading policy with them.

From the available information compiled by the NCAA enforcement staff, the university and the coaches' own counsel, it is clear that a large majority of students took the final exam. The committee believed it likely that they did this in reliance on the stated syllabus criteria. Moreover, even assuming that the grading policy was the 425-point system and that the assistant coach gave students the option of skipping the final if they had enough points, the committee noted that, without knowledge of the grading policy, students would have been unable to determine their class standing. In that event, as the committee further noted, students likely would have treated the final as a mandatory component of the final grade (as described in the syllabus) or at a minimum students seeking a high grade would have decided they needed to take the final. The committee found simply not believable the assistant coach's statement that students (he estimated half the class) would take time during final examinations to participate in an examination that they knew would neither be read nor in any way count toward calculation of the final grade.

Taking the assistant coach at his word, he had no record of who took the final and at best hit-or-miss records of who attended class. As to attendance at practice, competition, or the all-day clinic, the assistant coach reported that any records that might have been kept were lost

or discarded. The assistant coach claimed, however, that he kept in his head the accumulated points being earned by each of the 39 students.

With particular regard to class attendance and student-athlete 1, the assistant coach in his March 3, 2003, interview, said that student-athlete 1 came only to the first day of class and accumulated the rest of his 425 points by attendance at practice. In his September 25, 2003, interview, however, the assistant coach said he knew that student-athlete 1 attended the first five days of class. At the hearing, the assistant coach attributed the inconsistency in his statements to the fact that a year and a half had elapsed between the time he taught the course and when he was first interviewed about it. He offered no explanation why six months later, and two years after teaching the course, his memory had improved.

At the hearing the provost reported that student-athlete 1 (and student-athlete 3) enrolled in the class on August 21, 2001, five days after the start of the semester. Student-athlete 1 said that he never attended the class and only learned he had been enrolled when told so by the assistant coach at a basketball practice. The committee also noted that neither student-athlete 2 nor 3 recalled seeing student-athlete 1 in class at any time and that only one student reported seeing him in class after the first day. This student, however, also claimed to have seen student-athlete 1 (as well as student-athletes 2 and 3) at the final; even the assistant coach agrees that student-athlete 1 was not there.

Students-athletes 2 and 3 said that attending class was the only work they did particular to the class. Student-athlete 2 said he attended the first day of class and a "few" more while student-athlete 3 said he missed the first day of class but attended "some" classes. Both said they attended no class once basketball practice started in mid-October. Several students in the class, including student-athletes, were asked about the attendance of the basketball student-athletes. Most reported that they did not recall seeing either student-athlete 1 or 3 in class or at least not after the first day; a couple believed that student-athlete 2 attended the first one or two classes and one thought he was there for the first five or seven classes. None of the three student-athletes took the final exam.

The committee asked the university, the assistant coach, and the enforcement staff each to submit a table summarizing information they obtained from student interviews with regard to their understanding of the grading system in the basketball coaching class, including any point system, and the administration of the final examination.

Not counting student-athletes 1, 2 and 3, a total of 25 of the 36 other students were interviewed, some more than once. The university conducted seven interviews; the

enforcement staff, ten; and the coaches, 24. Not one of the 25 students described the grading policy in the basketball coaching class as involving a 425-point grading system. Moreover, while a few students were uncertain or could not remember whether they took the final, the committee found that only one of the 25 students said that he did not take the final.

The committee also considered the later characterizations of the grading policy in the class, as provided by the assistant coach. First, the committee evaluated the assistant coach's last description of grading policy, the 425-point system. The committee noted that not only is there no document or course material that describes the 425-point grading system, but that the assistant coach reported that he kept the system "in his head" until he reported it to student-athletes 1 and 2, more than a year after the course ended. The committee both rejected the assistant coach's contention that he employed the 425-point system and concluded that, even if the grading system were actually employed, there still would be academic fraud. The assistant coach reported that attendance at class, practice, and game was worth 25 points each time. However, according to the assistant coach, classes after the first five either were not held or were held intermittently with other assistant coaches teaching them and, also according to the assistant coach, attendance for these classes either was not taken or was taken unsystematically. The assistant coach also reported that, while attendance logs were kept at practice, these logs were lost before he recorded class grades. There apparently was no system to record attendance at games. The committee concluded that in these circumstances the assistant coach could not have known how many points, if any, were earned by each student. In the end, the committee concluded that as the semester proceeded, the basketball coaching class was administered by the assistant coach in an increasingly haphazard fashion with little academic propriety. Even so, the evidence reflected that the three men's basketball student-athletes were the only students in the class who attended so few, if any, classes AND who neither took the final examination nor even knew that one was given.

While the varying and conflicting explanations proffered by the assistant coach lead to several versions of the course requirements for the class, the committee concluded that there was academic fraud no matter how described. If he is taken at his last word, then his description is academic fraud in that he described a sham course with no attendance requirements, no examinations, no information to students of his (425-point) grading policy, no reliable way to assess performance for purposes of awarding grades and no base of information from which to assure that all students were treated equally. Giving each student an "A," moreover, did not avoid the problem because those students who legitimately may have earned an "A" under the policy had that grade diluted by the fact that all others also were awarded an "A."

It should go without saying that if students do not understand the requirements for passing a class, then they cannot perform work calculated to pass it. In that situation it is only serendipity if they undertake activities that an instructor treats as relevant to class performance. It should also go without saying that if an instructor awards grades in a class when he has no basis on which to assess performance that too is academic misconduct. The committee does not disagree that within the purview of academic freedom is the choice not to require attendance, to grade on activities rather than written work, not to administer a final examination, to employ a lenient grading policy, or even to provide all students with an "A" because performance will be evaluated on minimum standards that all students will meet. The committee notes, however, that academic freedom is not academic license, and that an instructor who makes all these choices in combination at the very least creates the specter of academic misconduct. In addition, an optional attendance policy for students does not authorize an instructor repeatedly to skip class. Moreover, if the pedagogical decisions within a particular class are constrained by department or university policy, as was the case here, then the area of instructor choice is bounded by those additional requirements and it is academic misconduct to ignore them. Finally, it is academic misconduct to employ grading criteria, however minimal, that require all but three students to engage in activities additional to or different from how they otherwise would have used their time, particularly when the instructor has a special relationship with those three students that establishes a reason for the favored treatment. So too if an instructor changes course requirements without notice when those changed requirements inure to the benefit of a student cohort with whom he has a special relationship. Moreover, student-athletes 1 and 3 already were enrolled in a varsity basketball class, one that, according to university curricular policy, was not graded and worth only one credit. The net effect of the grading policy in the basketball coaching class, therefore, was not only to award credit twice for simply participating in varsity athletics, but to do so in direct contravention of the curricular choices made by the university.

The committee noted that at some point during the first month of class the associate director of athletics, hereafter "the associate athletics director," spoke to the department chair and told him that she thought it was a conflict of interest for men's basketball student-athletes to be enrolled in a graded course taught by their assistant coach. The associate athletics director also reported her concerns to the registrar and to senior athletics department administrators at an executive staff meeting. She reported that the department chair thought the enrollment was appropriate because he had been told by the assistant coach that the student-athletes had all expressed an interest in coaching after their playing days were over; that the registrar "didn't think it was a good idea;" and that the conclusion at the staff meeting was that "basically, it was a little too late to do much." She said that they knew that the assistant

coach would not again be assigned to teach the class.

The committee was quite troubled that in light of the potential conflict, the department chair failed to provide careful and regular oversight. The result not only was NCAA violations but a class pedagogy that was unfair to students enrolled in the class who worked for their grades.

In reaching the conclusion that the assistant coach committed academic fraud, the committee found that the information provided by the university regarding course requirements and the circumstances by which the assistant coach became the instructor of the basketball coaching class were internally consistent and supported by documentary evidence. Conversely, the committee found that the assistant coach generally was not credible in the content of any particular explanation and, even more so, was not credible due to the conflicting and repeatedly changing information that he provided.

Finding II-C-2

Finding II-C-2 involved the assistant coach providing an extra benefit to student-athletes 1, 2 and 3 by the manner in which he administered the basketball course. The university and the enforcement staff are in substantial agreement on the facts and that an extra benefit was provided. The assistant coach provided no specific written response but maintained at the hearing that he treated the basketball student-athletes no differently than other students in the class, and, accordingly, provided no extra benefit to them. The committee concluded that extra benefits were provided to the student-athletes as they received academic credit for doing little or nothing more than that which already was required of them as members of the men's basketball team while every other student in the class necessarily engaged in activities additional to their normal routine because of their enrollment in the class.

As described in NCAA Bylaw 16.02.3, an extra benefit is a benefit not "generally available" to all students and that is provided to student-athletes because they are student-athletes. The clear weight of the evidence demonstrated that student-athlete 1 received an "A" in the basketball coaching class by doing no more for the class than that which already was required by virtue of his participation on the basketball team and that the only possible activities engaged in by student-athletes 2 and 3 that were additional to team participation were their attendance at a few classes, if that. Even were there students who attended no more classes than did the basketball players and otherwise engaged in precisely the same activities as they did, the student-athletes still received an extra benefit because the other students engaged in these other activities because of participation in the class while the basketball players

received a “two-fer.” Further, the committee noted that the NCAA student-athlete reinstatement staff necessarily determined that the student-athletes received extra benefits (even though by that time their course credits and grades were withdrawn) when it acted to reinstate their eligibility.

Finding II-C-3

Finding II-C-3 involves unethical conduct by the assistant coach through influencing student-athletes 2 and 3 to provide misleading statements about the grading policy in the basketball coaching class. The university and the enforcement staff are in substantial agreement on the facts and that they constitute unethical conduct. For the reasons set forth below, the committee found the violation as alleged.

As previously referenced, on February 27, 2003, ESPN broadcast a story about alleged violations within the Georgia men's basketball program, including academic fraud associated with the basketball coaching class. On March 3, 2003, the enforcement staff and university interviewed the assistant coach, student-athlete 3, and finally student-athlete 2. All of them described the grading system in the basketball coaching course as involving a point system. According to student-athlete 3, "You can attend class, get points, and I guess it was like a certain number of points, you know what I'm saying, to figure out what grade you're getting in class," while student-athlete 2 said "it was basically on a point scale, and he told me that you got 25 points for attending class and attending practice; and for an A it was like – I think it was like 450 – 50 points for an A in that class." When he was asked if he went to class once basketball practice began, he replied: "No. Because the way it was, you know, told you could earn points by going to basketball practice, so I had to be there anyway. I earn points by going to practice."

On Tuesday, March 4, the institution and the enforcement staff interviewed the student assistant who was enrolled in the class, and on March 5 and 6, they interviewed three other students who had been enrolled. None of them described a point system or corroborated other descriptions by the assistant coach and the two student-athletes regarding aspects of the course structure and the final exam. As a result, the institution and the enforcement staff re-interviewed student-athletes 2 and 3.

At their second interviews, on Thursday, March 6, student-athletes 2 and 3 both reported that they did not know how grades were awarded in the basketball coaching class and they only heard of a point system when it was described to them on February 28, and March 3, 2003, by the assistant coach. Student-athlete 3 recalled the first conversation to have been in a

telephone conversation initiated by the assistant coach that took place on Friday, February 28; student-athlete 2 said he spoke to the assistant coach on February 28 during a conversation that took place prior to practice, outside the Stegeman Coliseum with no one else present. He said the assistant coach told him: "Don't worry about anything. The class was based on a point system, and you, you've got your points." Student-athlete 2 said he also had a telephone conversation with the assistant coach on Saturday, March 1, during which the assistant coach elaborated on the 425-point system and again told him to not worry. Both student-athletes reported a subsequent conversation with the assistant coach on Monday, March 3, when they were pulled from practice by the head coach and told they were going to be interviewed. Both said the head coach walked with them into the locker room and handed them a cell phone; the assistant coach was on the line. Student-athlete 3 said both of them spoke with the assistant coach, who told them "to make sure that we had everything straight, that we had an understanding of what to say, pretty much." Student-athlete 3 said the assistant coach "wanted to make sure that you had the story straight" and then told them "They might question you all about the class. You know, if they do, tell them that we had it set up on a point-based system where if you attended so many classes, then you got, I mean, not classes but practices and you got points for going to practice...It was like 25 points for a practice...Yes, it was like 450 points for an A." Student-athlete 2 reported the assistant coach saying "Don't worry about nothing, and everything will be straight." Student-athlete 2 said the assistant coach told him to tell the interviewers about the 425-point grading system. He said that following this telephone conversation, the head coach told him to stay calm and not to worry.

In addition to the March 3, 2003, interview with the university and enforcement staff, the assistant coach was interviewed by the enforcement staff on September 25 and October 29, 2003. In his September 25 interview the assistant coach confirmed that he spoke to both student-athletes by cell phone just after his March 3 interview and just after the young men had been pulled from practice. (Note: The interview with the assistant coach ended at 2:30 p.m.; student-athlete 3 said he spoke to the assistant coach at approximately 3:45 p.m.) According to the assistant coach, the head coach phoned him at home after his interview to tell him that student-athletes 2 and 3 were to be interviewed, that at first he had no idea why, and that he then called the head coach back to say he thought the interviews might be about the basketball coaching course. The assistant coach said that student-athletes 2 and 3 then called him and said they were "scared to death to go into an inquiry like this." The assistant coach said he told them: "First of all, tell the truth. There's nothing to hide. (Student-athlete 1) has no allegations that are truthful or will be corroborated. If they ask you about the class, tell them what you know, tell them the truth." The assistant coach continued: "So they call me in a panic. I don't really recall what I said, but I tried to help them as their coach as much

as I possibly could. 'Tell them the truth. There were myriad ways to get an A, that you felt, you felt the requirement to get an A' And I don't know what the questions were they were going to ask, but I remember trying to help them sort out any kind of questions they might have been asked in relation to what I thought I was explaining in my transcript, which misused the words on March 3."

The assistant coach was then asked if he told the two student-athletes about a 425-point system and how they could have received an A. He responded: "I might have relayed that to them. Again, that was never laid out. That was a barometer that was in my head, a calculation of how to get it." Asked again if he talked to the student-athletes about the point system, he replied: "I might have. I probably did because I was trying to help them." The assistant coach continued: "I tried to help (the student-athletes) as much as I possibly could. Did I explain the point system? I might have. There was no preferential treatment. They didn't commit academic fraud, they didn't do anything wrong." The assistant coach also reported that until he told the two student-athletes about the 425-point system on March 3, he had never told any of the students in his class about this point system but instead had kept it "in his head."

The head coach was interviewed on March 3 and October 29, 2003. He said that on March 3, as he was going to the team's 3:30 p.m. practice, the senior associate athletics director met him and told him that the investigators wanted to interview student-athletes 2 and 3. On this point, the head coach commented: "It was a very critical time in our season. You have to understand that. Very, very, very rude for them to do that at that time. Should have done it at the end of the season. . . . Had you been sitting in that chair, you'd have been violently opposed to that."

As to whether the assistant coach spoke to the two student-athletes by cell phone prior to their interview, the head coach said: "Phones really don't work in the locker room. That may be true, but they really can't pick up much in there. I don't take my phone to practice, but that may have happened. I wouldn't discount that. I'm not trying to get around that." The head coach said the only thing he ever told the two student-athletes was "to tell the truth."

For several reasons the committee concluded that the assistant coach encouraged student-athletes 2 and 3 to provide misleading information. First, both student-athletes reported that the assistant coach talked to them on February 28, 2003, just subsequent to the ESPN broadcast concerning the basketball coaching class. Second, and as the assistant coach confirmed, the assistant coach spoke to both student-athletes on March 3, 2003, a little more than an hour after his interview and with knowledge that they were about to be interviewed.

Third, he told them about a 425-point grading system that until that time he kept only “in his head.” Fourth, both student-athletes reported that until their conversations with the assistant coach they had no knowledge of how they were graded and had never heard of any point system. Fifth, the assistant coach acknowledged he may have encouraged the student-athletes to tell the interviewers about the point system. Sixth, the committee found that the credibility of the assistant coach was suspect because of the myriad inconsistencies in the information he provided on a host of subjects. Seventh, when interviewed on March 3, the student-athletes proceeded to describe the point system, one they later admitted they knew nothing about until their phone conversation with the assistant coach.

D. VIOLATIONS OF EXTRA BENEFIT LEGISLATION; FAILURE TO WITHHOLD INELIGIBLE STUDENT-ATHLETES FROM COMPETITION; FAILURE TO REPORT VIOLATIONS. [NCAA Constitution 2.8.1, and Bylaws 14.11.1 and 16.12.2.1]

In November and December 2001, the university permitted six men's basketball student-athletes to receive extra benefits in that the young men did not pay for long-distance telephone calls they made while the team was competing away from home. The extra benefits totaled \$1,572.66 and were not reported to the NCAA until July 2003. In consequence, six student-athletes competed while ineligible.

Specifically, in November 2001, during a team trip to Massachusetts, student-athlete 1 made several personal long-distance telephone calls from the team hotel. The associate athletics trainer, hereafter "the associate trainer" – as well as members of the men's basketball coaching staff – learned of these calls after the institution paid the team hotel bill, including the student-athlete's long-distance charges. The associate trainer had student-athlete 1 repay the charges by deducting them from his later per diem payments over the course of several payments, but neither he nor any other staff member reported the violations to the university compliance director or to the NCAA.

During a December 2001 team trip to California four student-athletes placed personal long-distance calls from the team hotel. Because the team hotel bill was forwarded directly to the institution for payment, neither the associate trainer nor the coaching staff discovered the violations until later.

Finally, during a December 2001 team trip to Hawaii, the associate trainer discovered

that six men's basketball student-athletes made personal long-distance telephone calls from their hotel rooms and informed the head coach. The head coach told the hotel staff that the institution would violate NCAA rules if it paid for the telephone calls. He also informed hotel staff that the student-athletes likely could not pay the phone charges and that the hotel should drop them. The hotel staff did not seek payment from the student-athletes. On returning from this trip, the associate trainer saw the California hotel long-distance charges incurred by the student-athletes and notified the head coach.

None of these extra benefits were reported to the NCAA until July 2003. As a result, six student-athletes competed while ineligible during the last part of the 2001-02 academic year and during the 2002-03 academic year. The details of the phone charges are provided in the following chart.

Student-athlete	Monetary amount	Location of calls
Student-athlete 4	\$31.46	Sheraton Hotel Waikiki in Hawaii
Student-athlete 5	\$3.89 \$62	Marriott Hotel in Woodland Hills, California Sheraton Hotel Waikiki in Hawaii
Student-athlete 1	\$17 \$420.07 \$529.73	Marriott Hotel in Springfield, Massachusetts Marriott Hotel in Woodland Hills, California Sheraton Hotel Waikiki in Hawaii
Student-athlete 6	\$74.01 \$411.77	Marriott Hotel in Woodland Hills, California Sheraton Hotel Waikiki in Hawaii
Student-athlete 7	\$10.44 \$450.86	Marriott Hotel in Woodland Hills, California Sheraton Hotel Waikiki in Hawaii
Student-athlete 8	\$95.85	Sheraton Hotel Waikiki in Hawaii

Committee Rationale

The university and enforcement staff were in substantial agreement as to the facts and that violations of NCAA legislation occurred. The committee found the violations as alleged. The committee noted that the written contract between the host hotel and the university stipulated that long-distance telephone access should be disconnected in student-athlete rooms. The committee further noted that the men's basketball staff routinely instructed hotel management to prevent long-distance access in student-athlete rooms.

The committee recognized that the violations set forth here initially occurred without the

knowledge of the men's basketball staff and despite instructions intended to prevent their commission. Of concern to the committee, however was the failure of university staff to follow long-standing, well-understood, and routine NCAA process by reporting the violations and declaring the involved student-athletes ineligible and seeking reinstatement. Had the university taken such action when the violations first became known to the associate trainer and head coach, the student-athletes would have been withheld from competition and the reinstatement process initiated during the 2001-02 season.

The competitive advantage gained from not reporting was significant. The student-athletes who incurred the long-distance telephone bills were student-athlete 1 and five other student-athletes, hereafter student-athletes 4, 5, 6, 7 and 8, respectively, several of whom were all-conference performers. Except for student-athlete 1, moreover, the student-athletes also competed on the team during the 2002-03 season.

In September 2002 the Atlanta Journal Constitution reported the claim of student-athlete 1 that he had made unauthorized phone calls. Yet, even at this time, the university apparently failed to pursue the matter or to self-report at least the violation involving student-athlete 1. In fact, the university's self-report was not submitted until July 24, 2003. At that time, only two of the student-athletes still had eligibility remaining.

III. PENALTIES.

For the reasons set forth in Parts I and II of this report, the Committee on Infractions found that this case involved major violations of NCAA legislation. The committee considered this case to be of particular concern as it involved coach misconduct in the context of teaching an academic course. The problem was two-fold. First, the circumstances made eminently clear that the assistant coach ignored the basic behaviors and expectations for teaching an academic course. Second, the fact that a coach was teaching an academic, graded class in which members of his team were enrolled provided a clear potential for abuse that at a minimum demanded careful and regular monitoring by the appropriate academic officials. Unfortunately, this did not occur. Not only was it the associate athletics director, not the department chair, who noted the conflict, but even after the issue was brought to his attention, the department chair still provided no oversight. Also of concern to the committee was the failure of the head coach, among others, to alert the university compliance director to the free long-distance phone calls made by basketball players on three separate trips, leading to the failure of university officials to declare these student-athletes ineligible and seek their

reinstatement. The committee was further troubled by the failure of university officials to pursue the issue of long-distance telephone calls in September 2002, when a newspaper story involving student-athlete 1 reported that he made unauthorized long-distance telephone calls. Even more troubling was the number and range of instances of unethical conduct in which the assistant coach engaged. In this regard, the committee could recall few, if any, instances in which three separate and substantively different findings of unethical conduct were made against one individual. Finally, the committee noted that the university is a repeat violator and subject to repeat violator penalties.

In determining the appropriate penalties to impose, the committee acknowledged and gave due weight to the fact that the university cooperated fully with the enforcement staff and undertook a thorough and efficient investigation once the violations were reported by ESPN. The committee also noted that the university's most recent infractions case did not involve the men's basketball program. Finally, the committee considered the university's self-imposed penalties and corrective action, and also considered the university's rationale for imposition of penalties. The committee determined that the case – particularly as it involved the core of rules compliance, payment on behalf of a prospective student-athlete, and the fact and nature of the academic fraud – clearly warranted imposition of a one-year postseason ban, and credited the university for that penalty because of its action in removing the team, at the time highly ranked, from postseason competition at the conclusion of the 2002-03 season. The committee also concluded that a show-cause order directed at the assistant coach was clearly warranted by the nature, scope, and number of violations committed by him.

The following includes a corrective action and list of penalties that were imposed by the committee or self-imposed by the university are so noted.

- A. The University of Georgia shall be publicly reprimanded and censured.
- B. The university shall be placed on four years of probation from April 17, 2004, (the hearing date).
- C. The committee would have imposed a one year post season ban in men's basketball but the university was credited with that penalty because it removed itself from postseason competition following the 2002-03 season.
- D. The institution shall reduce grants-in-aid in men's basketball by one during each of the 2005-06, 2006-07 and 2007-08 academic years. Under current rules, this limits the institution to 12 total grants in men's basketball during the three specified

academic years.

- E. Pursuant to NCAA Bylaw 19.5.2.2-(e)-(2), the university will vacate wins as well as team and individual records of the six student-athletes who participated in men's basketball contests while ineligible during the 2001-02 and 2002-03 seasons as set forth in Findings II-A and II-D of this report. Further, the university's records regarding men's basketball as well as the record of the former head coach will be reconfigured to reflect the vacated records and so recorded in all publications in which men's basketball records for the 2001-02 and 2002-03 seasons are reported, including, but not limited to university media guides, internet website, recruiting material and university and NCAA archives. Finally, any public reference to tournament performances during this time shall be removed, including, but not limited to, athletics department stationery and banners displayed in public areas such as the arena in which the men's basketball team competes.
- F. The former assistant men's basketball coach will be informed in writing by the NCAA that, due to his involvement in certain violations of NCAA legislation found in this case, if he seeks employment or affiliation in an athletically related position at an NCAA member institution during a seven-year period (April 17, 2004, to April 16, 2011), he and the involved institution shall be requested to appear before the Committee on Infractions to consider whether the member institution should be subject to the show-cause procedures of Bylaw 19.5.2.2-(l), which could limit the his athletically related duties at the new institution for a designated period.
- G. Because this case involved academic fraud, this report will be forwarded to the appropriate regional academic accrediting agency by the NCAA's president in accordance with Bylaw 19.5.2.7.
- H. The university suspended the former assistant men's basketball coach on February 28, 2003, pending the investigation and his contract was non-renewed on March 5, 2003. The committee noted that if the former assistant men's basketball coach were still employed at the institution, the university would have been required to show cause, in accordance with Bylaw 19.5.2.2-(l), why it should not be subject to additional penalties if it had failed to take appropriate disciplinary action against him.
- I. The university suspended the head men's basketball coach on March 10, 2003, pending the conclusion of the investigation. He resigned on March 27, 2003, and entered into a retirement agreement on that date.

- J. The men's basketball athletic trainer received a letter of reprimand from the university and will be required to undergo retraining on NCAA rules and procedures.
- K. The chair of the physical education and sports studies department received a letter of reprimand from the university.
- L. Two student-athletes were declared ineligible for competition until recertification by the NCAA; their academic credit was withdrawn for the basketball course taught by the assistant coach in which they were enrolled.
- M. The university either did not renew or terminated the employment contracts of the entire men's basketball coaching staff.
- N. During this period of probation, the institution shall:
 - 1. Continue to develop and implement a comprehensive educational program on NCAA legislation, including seminars and testing, to instruct the coaches, the faculty athletics representative, all athletics department personnel and all university staff members with responsibility for the certification of student-athletes for admission, retention, financial aid or competition;
 - 2. Submit a preliminary report to the director of the NCAA Committees on Infractions by October 1 setting forth a schedule for establishing this compliance and educational program; and
 - 3. File with the committee's director annual compliance reports indicating the progress made with this program by April 15 of each year during the probationary period. Particular emphasis should be placed on staff instruction that all violations must be reported to the compliance director, that receipt of extra benefits results in ineligibility that may be restored only by application to student-athlete reinstatement, and that any coach participation in instructional programs, particularly graded programs, requires careful and regular monitoring by the appropriate academic officials. The reports also must include documentation of the university's compliance with the penalties (adopted and) imposed by the committee.
- O. At the conclusion of the probationary period, the institution's president shall provide

a letter to the committee affirming that the university's current athletics policies and practices conform to all requirements of NCAA regulations.

- P. The university implemented one corrective action, including in the contract for the current head men's basketball coach greater responsibility for violations of NCAA rules by an assistant coach.
-

As required by NCAA legislation for any institution involved in a major infractions case, the University of Georgia shall be subject to the provisions of NCAA Bylaw 19.5.2.3, concerning repeat violators, for a five-year period beginning on the effective date of the penalties in this case, April 17, 2004

Should Georgia appeal either the findings of violations or penalties in this case to the NCAA Infractions Appeals Committee, the Committee on Infractions will submit a response to the members of the appeals committee.

The Committee on Infractions wishes to advise the institution that it should take every precaution to ensure that the terms of the penalties are observed. The committee will monitor the penalties during their effective periods, and any action contrary to the terms of any of the penalties or any additional violations shall be considered grounds for extending the institution's probationary period, as well as imposing more severe sanctions in this case.

Should any portion of any of the penalties in this case be set aside for any reason other than by appropriate action of the Association, the penalties shall be reconsidered by the Committee on Infractions. Should any actions by NCAA legislative bodies directly or indirectly modify any provision of these penalties or the effect of the penalties, the committee reserves the right to review and reconsider the penalties.

NCAA COMMITTEE ON INFRACTIONS

Alfred J. Lechner, Jr.

Andrea L. Myers

Josephine R. Potuto

Eugene D. Smith

Thomas E. Yeager, chair

APPENDIX ONE

Both before and at the hearing counsel for the coaches raised several issues regarding the conduct of the investigation and the record before the committee. A considerable amount of hearing time was devoted to a full airing of these issues.

One claim was that documents and other material relevant to the allegations were missing from the custodial file. The committee entertained lengthy discussion before assuring itself that there were no omissions in the custodial file and that, therefore, all information relevant to the allegations was available to the assistant coach.

Counsel also attacked the credibility of student-athlete 1 and challenged reliance on any information provided by him. As it routinely does with any source of information whose credibility is challenged, the committee considered with particular care any information from student-athlete 1 that may have formed part of the basis for an allegation or that was relevant to a finding. As it routinely does with any source of information whose credibility is challenged, the committee also considered with particular care the scope and weight of information in the record independent of that provided by student-athlete 1.

Counsel for the coaches also objected to the course and scope of the investigation, characterizations of and conclusions drawn from the evidence made both by the university and the enforcement staff, and interview summaries and other information in the record that they claimed produced an incomplete and biased picture of the circumstances underlying the allegations. The committee found that these objections went to the weight of the evidence and also found that the conduct of university and NCAA staff resulted from investigatory choices, reasonable interpretative conclusions as to language, and from a choice as to believability among arguably different accounts. The committee also noted, moreover, that counsel for the coaches made similar investigatory choices, decisions as to information to include, and decisions regarding believability (although coming to conclusions different from those of institution and enforcement staff) and that their presentation reflected, among other things, their own characterizations regarding the evidence and which information to believe.

Another category of objections raised by counsel for the coaches centered on an alleged pattern of illicit conduct in the investigation, primarily if not exclusively on the part of the university, involving, among other things, alleged suggestions that witnesses decline interviews with counsel. Counsel alleged that this conduct was motivated by a purposeful determination to “get” the coaches undertaken with knowledge that only secondary violations, if any, had been committed. At the hearing the committee received transcripts adverted to by counsel as substantiating these claims and also heard the responses of the university and enforcement staff. Among other things, the

enforcement staff recounted their efforts in making contact with witnesses to request that they permit counsel for the coaches to interview them. After full and careful consideration, the committee concluded that tampering did not occur and that the coaches were not prejudiced in their ability to interview witnesses or conduct an investigation.

At several points before the hearing, counsel for the coaches were asked to provide written responses containing a clear, precise articulation of the position of the coaches with regard to specific allegations and identifying those documents and other material in the custodial file on which they sought to rely. Counsel also were informed before and at the hearing that the record before the committee contains only those documents specifically presented to the committee and does not include the entire custodial file. Notwithstanding these communications, in predominant part the coach responses were fragmentary. In addition, counsel made general reference to all information in the custodial file as incorporated in their response and, in correspondence to the committee in March and April 2004, counsel also requested that the federal complaint and motion for temporary restraining order filed by the coaches (and appended exhibits) be included in the record. In general, the written responses of the coaches neither presented their positions in the specific, particularized, and narrative form most calculated to provide a coherent and understandable account of the nature of their claims nor provided analysis of why any particular document or statement was relevant. As a result, particularized aspects of the positions of the coaches were not clarified until the hearing. The committee noted that had counsel provided a more specific and concrete response in advance of the hearing, hearing time likely would have been shortened substantially as a considerable amount of time was devoted to ascertaining the precise and substantive content of the positions taken by the assistant coach regarding the allegations in which he was named.

Counsel's presentation at the hearing also included new information as well as requests made for the first time to include certain tapes and transcripts in the record. Counsel also submitted information several weeks subsequent to the hearing. The committee acceded to introduction of all this new information to assure that it had before it all information considered by the assistant coach to be relevant either to his claim of misconduct in the course of the investigation or to a decision on the merits, as well as to assure that he had a full and fair opportunity to have his substantive arguments heard, understood and considered.

The committee carefully reviewed all the information in the record, including that which was introduced at the hearing and that which was submitted subsequent to the hearing. Moreover, and obviously, the committee made its own independent assessment of the information and how and the extent to which it substantiated the allegations charged, without regard to any characterizations or

conclusions drawn by the university, the enforcement staff, or the coaches.

APPENDIX TWO

2004 AUG 19 2102 10:45AM UGA - MEN'S BASKETBALL NO. 2360 P. 2

DEPARTMENT OF PHYSICAL EDUCATION & SPORT STUDIES AT THE UNIVERSITY OF GEORGIA

COURSE:

PEDS 3912

Coaching Methods for Basketball

INSTRUCTOR:

INSTRUCTOR'S NAME
INSTRUCTOR'S ADDRESS
INSTRUCTOR'S PHONE NUMBER
INSTRUCTOR'S EMAIL ADDRESS

Lecture Days: Room 202 Ramsey Student Center

Activity Days: Gym 230 (Main Gym) Ramsey Student Center

COURSE DESCRIPTION:

This course is organized to focus on strategies and coaching methods for basketball.

COURSE OBJECTIVES:

- Demonstrate an understanding of the fundamentals of the game of basketball.
- Develop practice plan for teaching the game of basketball.
- Explore some of the physical, psychological and sociological aspects of coaching basketball.
- Demonstrate sufficient skill level in the following fundamental skills:
 1. Dribbling
 2. Passing and Catching
 3. Shooting
 4. Offensive and Defensive Footwork

DRESS AND ATTENDANCE POLICIES:

Activity days will require appropriate attire (shorts, T-shirt, **BASKETBALL** sneakers). You are expected to be dressed by 8:05 and ready to begin the respective regimen for each activity day. Classes will end at 9:10 for showers and sufficient time to get to next class.

Students are expected to attend every class and be on time for each class. Four (4) unexcused absences will result in a reduction by one letter grade. Excused absences must be official (e.g., UGA student affairs, student health center).

GRADING:

Mid-term Exam	30 %
Attendance and Activity	30 %
Final Exam	30 %
Outside Assignments	10 %

TENTATIVE COURSE OUTLINE

Week 1 Introduction	
Week 2 Basic Information on Footwork and Dribbling	Basic concepts and mechanics about the game of basketball. Various techniques and styles of dribbling will be illustrated
Week 3 Passing and Catching	Proper techniques on passing and catching
Week 4 Shooting and Rebounding	Different forms of shooting will be demonstrated during this unit. Methods of offensive and defensive rebounding.
Week 5-7 Group Demonstrations	Offensive and Defensive skills.
Week 8 Mid-term review and exam	
Week 9-12 (Coaching) Defensive strategies	Defensive strategies for competition will be performed. Half-court and full-court team competition. Observation of Skills: Passing, catching, shooting, and dribbling skills.
Week 13-14 (Coaching) Offensive strategies	Offensive and defensive strategies for competition will be performed. Half-court and full-court team competition. Observation of Skills: Passing, catching, shooting, and dribbling skills
Week 15 Final Exam	

** Practice plans will cover one season of coaching basketball (i.e., October - February). It should include daily practice routines (drills & strategies), game schedule and team goals.

APPENDIX THREE

PEDS 3912 Final Exam

Name:

1. How many goals are on a basketball court?
 - a. 1
 - b. 2
 - c. 3
 - d. 4

2. How many players are allowed to play at one time on any one team in a regulation game?
 - a. 2
 - b. 3
 - c. 4
 - d. 5

3. In what league do the Georgia Bulldogs compete?
 - a. ACC
 - b. Big Ten
 - c. SEC
 - d. Pac 10

4. What is the name of the coliseum where the Georgia Bulldogs play?
 - a. Cameron Indoor Arena
 - b. Stegeman Coliseum
 - c. Carrier Dome
 - d. Pauley Pavilion

5. How many halves are in a college basketball game?
 - a. 1
 - b. 2
 - c. 3
 - d. 4

6. How many quarters are in a high school basketball game?
 - a. 1
 - b. 2
 - c. 3
 - d. 4

7. How many points does one field goal account for in a Basketball Game?
 - a. 1
 - b. 2
 - c. 3
 - d. 4

8. How many points does a 3-point field goal account for in a Basketball Game?
 - a. 1
 - b. 2
 - c. 3
 - d. 4

9. How many officials referee a college basketball game?
 - a. 2
 - b. 4
 - c. 6
 - d. 3

10. How many teams are in the NCAA Men's Basketball National Championship Tournament?
 - a. 48
 - b. 64
 - c. 65
 - d. 32

11. What is the name of the exam which all high school seniors in the State of Georgia must pass?
 - a. Eye Exam
 - b. How Do The Grits Taste Exam
 - c. Bug Control Exam
 - d. Georgia Exit Exam

12. What basic color are the uniforms the Georgia Bulldogs wear in home games?
 - a. White
 - b. Red
 - c. Black
 - d. Silver

13. What basic color are the uniforms the Georgia Bulldogs wear in away games?
 - a. Pink
 - b. Blue
 - c. Orange
 - d. Red

14. How many minutes are played in a college basketball contest?
 - a. 20
 - b. 40
 - c. 60
 - d. 90

15. How many minutes are played in a high school basketball game?

- a. 15
- b. 30
- c. 32
- d. 45

16. Diagram the 3-point line.

17. Diagram the half-court line.

18. How many fouls is a player allowed to have in one Basketball game before fouling out in that game?

- a. 3
- b. 5
- c. 7
- d. 0

19. If you go on to become a huge coaching success, to whom will you tribute the credit?

- a. Mike Krzyzewski
- b. Bobby Knight
- c. John Wooden
- d. Jim Harrick, Jr.

20. In your opinion, who is the best Division I Assistant Coach in the country?

- a. Ron Jursa
- b. John Pelphrey
- c. Jim Harrick, Jr.
- d. Steve Wojciechowski

Have a Great Christmas Break!!!

APPENDIX FOUR

CASE CHRONOLOGY.

2001

May to August - The institution's men's basketball coaching staff recruited student-athlete 1.

July 3 - The assistant men's basketball coach sent \$300 in a wire transfer to the friend's mother for the prospect's expenses.

July 27-29 – Student-athlete 1 made an official paid visit to the institution.

August 16 - The assistant coach began teaching the basketball coaching class.

August 21 – Student-athletes 1 and 3 enrolled in the basketball coaching class.

November 17 - Student-athlete 1 incurred long-distance telephone charges at the team hotel in Massachusetts during a road trip.

December - The assistant coach submitted the final grades for his PEDS 3912 class. All students received an "A".

December 16 - Men's basketball student-athletes incurred long-distance telephone charges at the team hotel during a road trip to California.

December 20 - Men's basketball student-athletes incurred long-distance telephone charges at the team hotel during a road trip to Hawaii.

2002

September - The assistant coach prepared a memorandum outlining telephone abuse by student-athlete 1 during the team's 2001 road trips.

September 21 - The assistant coach's memorandum is obtained by news reporters in Atlanta, Georgia, who publish a story describing the student-athlete's telephone abuse. The institution's compliance staff read the article.

September 23 - The associate trainer provided a memorandum to the compliance staff confirming the student-athlete's telephone violations.

2003

February 27 - ESPN broadcast a report in which student-athlete 1 alleged a number of NCAA violations, including the wire transfer from the assistant coach and the PEDS 3912 grade from the assistant coach's course.

February 27 - The assistant coach advised the compliance officer and the associate athletics director that he could explain the alleged violations involving student-athlete 1.

February 28 - The institution contacted the enforcement staff and a joint inquiry into student-athlete 1's allegations was begun. The institution also suspended the assistant coach.

March 3 - The institution and the enforcement staff interviewed the assistant coach, the head men's basketball coach, and student-athletes 2 and 3. The assistant coach spoke to the student-athletes prior to their interviews.

March 6 - The institution and the enforcement staff re-interviewed student-athletes 2 and 3.

March 10 - The enforcement staff interviewed student-athlete 1.

March 10 - The institution withdrew from postseason competition. The institution also suspended the head coach. Later, the head coach retired, and the institution chose not to renew the assistant coach's employment contract.

March 18 - The enforcement staff issued a notice of inquiry.

March to December - The enforcement staff and the institution continued to investigate issues involving student-athlete 1's allegations.

July 24 - The university submitted a request for reinstatement for the two student-athletes with remaining eligibility who were involved in Finding II-D.

December 26 - The enforcement staff issued a notice of allegations to the institution, the head coach and the assistant coach.

2004

February 25 – The head and assistant coaches' attorneys submitted a letter requesting an extension until 10 days after the conclusion of the men's basketball season to submit the coaches' responses to the notice of allegations.

February 26- The committee denied the coaches' extension request in a letter from the chair.

March 2 - The institution submitted its response to the notice of allegations.

March 2 - The head and assistant coaches' attorneys submitted a letter to the director of enforcement supervising the case and to the chair of the NCAA Division I Committee on Infractions. In that letter, the attorneys indicate that the coaches "partial" response to the notice of allegations would consist of the following: a) The lawsuit filed in federal district court by the coaches against the university and the NCAA; b) The entire custodial file in this matter; c) All correspondence from the attorneys to the NCAA on behalf of their clients; d) The complete transcripts of the September 29, 2003, and October 29, 2003, interviews of the two coaches by the NCAA.

March 10 - The enforcement staff and the institution conducted a prehearing conference.

March 18 - The enforcement staff asked the head coach and the assistant coach to engage in a prehearing conference.

March 18 - The head and assistant coaches' attorneys requested an indefinite adjournment of the NCAA proceedings.

March 22 - The indefinite adjournment request was denied by the Committee.

April 6 - The head and assistant coaches' attorneys submitted a letter as response to the allegations; the letter-response was sent to the chair of the NCAA Division I Committee on Infractions.

April 16 - The university appeared before the Committee on Infractions.

August 5 - Infractions Report No. 224 is released.