



**RADFORD UNIVERSITY**  
**PUBLIC INFRACTIONS REPORT**  
**February 24, 2012**

**A. INTRODUCTION.**

On December 9, 2011, officials from Radford University, the head tennis coach ("head tennis coach") and a former assistant men's basketball coach ("assistant coach A") appeared before the NCAA Division I Committee on Infractions to address allegations of NCAA violations in the men's basketball and men's tennis programs.

The underlying infractions in this case centered on recruiting and extra-benefit violations committed by one current and four former<sup>1</sup> coaches, primarily in the provision of impermissible transportation, lodging and meals. The majority of these violations occurred in the men's basketball program with a limited number involving the men's tennis program. Although the original, underlying violations were major, they were exacerbated by efforts made by members of the men's basketball staff, led by the then head men's basketball coach ("head basketball coach") to conceal some of the violations from the institution and the NCAA. As a result of these acts, the head basketball coach and three other members of the men's basketball staff were found to have engaged in unethical conduct, including the provision of false and misleading information and failing to protect the integrity of the investigation. Further, the head basketball coach was also found to have failed to promote an atmosphere for compliance. This case is one in a series of recent infractions cases in which there has been either a concerted effort to cover up violations (See: University of Tennessee - August 24, 2011, and Louisiana State University - July 19, 2011, or there was a deliberate failure to report violations (See: Ohio State University - December 20, 2011. Other notable cases in which there was similar unethical behavior as defined in Bylaw 10.1 include West Virginia University - May 1, 2007, and Baylor University - June 23, 2005. In each of those cases, the concealment of violations resulted in more serious violations and penalties than the original violations might have warranted.

All violations of ethical-conduct legislation are serious; however, the findings in this case include not only the provision of false and misleading information to the institution and enforcement staff, but also the encouragement of a student-athlete to do the same. [See:

---

<sup>1</sup> The members of the basketball staff involved in the violations in this matter are no longer employed at the institution and thus are "former" employees. However, for the sake of brevity, they are referenced in this report by the titles they held when the infractions occurred.

Findings B-3 and B-5]. Drawing the student-athlete into the deception reportedly caused him serious emotional distress and ultimately resulted in his leaving the institution. In addition, the violations jeopardized the eligibility of another student athlete, resulting in his loss of an entire season of eligibility. This conduct flies in the face of the NCAA's core values including, in particular, the NCAA's General Principle of Honesty and Sportsmanship, which states, in part, that "(coaches) shall act with honesty and sportsmanship at all times so that intercollegiate athletics as a whole, their institutions and they, as individuals, shall represent the honor and dignity of fair play and the generally recognized high standards associated with wholesome competitive sports." The basketball coaches in this case, led by the head coach, not only abdicated their responsibility to act in an ethical manner as NCAA coaches, but they also failed in their stewardship of the student-athletes in their program.

The Association relies on member institutions and their staff members to cooperate fully with investigations and aid the enforcement staff in the complete development of facts, especially by being truthful during an inquiry. The basketball staff compromised the integrity of the investigation by communicating with each other about the enforcement staff's inquiry, sometimes going so far as to use prepaid cellular phones in order to evade detection by the institution. This communication occurred after the enforcement staff directed them not to do so. Efforts to mislead or compromise an investigation through providing false information and engaging in collusion are viewed as serious threats not only to the NCAA's principles of honesty, but also to the integrity of the Association's enforcement procedures. The actions by the head basketball coach also demonstrated a failure to promote an atmosphere for rules compliance in his program [See: Finding B-7].

Violations in this case first came to light on December 18, 2010, when, prior to an away men's basketball game between Radford and the University of North Carolina, Wilmington ("UNC-W"), the institution's assistant director of athletics for communications ("sports information director") noticed that an ineligible men's basketball student-athlete ("student-athlete 1") had entered the basketball arena with other members of Radford's men's basketball team. The sports information director knew that student-athlete 1, a two-year college transfer, was serving a withholding penalty based upon amateurism violations and was ineligible for NCAA competition at the time. Therefore, NCAA legislation precluded the institution from providing student-athlete 1 with transportation, lodging and other expenses associated with team travel. When the sports information director returned to the institution's campus on December 20, he contacted the director of athletics to report his concern about student-athlete 1 traveling with the team. Because the men's basketball team was on an extended road trip before the holidays, the director of athletics and the institution's assistant director of athletics for compliance ("compliance director") initially contacted the men's basketball coaches via telephone and email to inquire about student-athlete 1's transportation to the contest.

Upon the team's return to campus, the director of athletics met with some of the assistant men's basketball coaches to inquire about student-athlete 1's unauthorized travel with the team. All confirmed the impermissible travel. Over the ensuing two months, the institution conducted further inquiry which culminated in a March 4, 2011, self-report to the enforcement staff detailing violations of NCAA legislation that are set forth in this report as Finding B-1. In mid-April, additional violations were discovered involving another men's basketball student-athlete ("student-athlete 2"). Following student-athlete 2's graduation from a Virginia prep school, and while he was still a prospective student-athlete, the head basketball coach made arrangements for student-athlete 2 to: i) receive impermissible travel from his prep school to Radford and ii) reside in a Radford apartment with other student-athletes. All of this was done with the hope that student-athlete 2 would attain qualifier status in time to enroll in the institution's second 2010 summer school term. Interviews of student-athlete 2 provided the basis for the impermissible transportation finding set forth in Finding B-2 and triggered further investigation, which resulted in the findings of unethical conduct against the institution's men's basketball coaches as set forth in Findings B-3 through B-6 and the head basketball coach's failure to promote an atmosphere for compliance as detailed in Finding B-7.

A member of the Big South Conference, the institution has an enrollment of approximately 9,000 students. The institution sponsors eight men's and 11 women's intercollegiate sports. This was the institution's first major infractions case

## **B. FINDINGS OF VIOLATIONS OF NCAA LEGISLATION.**

### **1. IMPERMISSIBLE EXTRA BENEFITS. [NCAA Bylaws 16.01.1, 16.7.1.1, 16.8.1.1, 16.8.1.2, 16.11.2.1 and 16.11.2.3-(d)]**

On multiple occasions during 2010, members of the men's basketball and men's tennis coaching staffs provided impermissible benefits to several men's basketball and two men's tennis student-athletes. These benefits included impermissible automobile transportation, lodging, meals and entertainment. Specifically:

- a. In May or June 2010, at the request of the head basketball coach, the director of men's operations ("director of operations") transported a men's basketball student-athlete ("student-athlete 3") from Radford to Dulles International Airport in Washington, D.C. (approximately 259 miles) so the student-athlete could catch an overseas flight to his native country.
- b. On November 19, 2010, the head basketball coach permitted the head tennis coach to provide automobile transportation for student-athlete 1 from Radford, Virginia, to Rock Hill, South Carolina (approximately 181

miles), for an away men's basketball contest in Columbia, South Carolina. During that portion of the trip, the head tennis coach provided student-athlete 1 with a meal. In addition, the head tennis coach arranged for a men's tennis student-athlete ("student-athlete 4") and his parents to transport student-athlete 1 the remainder of the way from Rock Hill (approximately 74 miles) to Columbia for the away men's basketball contest. Finally, at the head tennis coach's request, the institution's two radio broadcasters transported student-athlete 1 back to the institution (approximately 255 miles) after the contest.

- c. On November 19 and 20, 2010, during the trip referenced in Finding B-1-b, the head tennis coach provided impermissible round-trip transportation from Radford, Virginia, to Columbia, South Carolina (approximately 510 miles), to two men's tennis student-athletes ("student-athletes 5 and 6," respectively) so that they could attend the away men's basketball contest referenced in the previous finding. During the trip, the head tennis coach also provided them with impermissible meals and overnight lodging. Further, in conjunction with this trip, the head tennis coach paid greens fees for student-athlete 6 to play golf with the head tennis coach. The total value of these benefits was approximately \$195.98.
- d. On November 24, 2010, the head basketball coach permitted the head tennis coach to transport student-athlete 1 round trip from Radford to Fairfax, Virginia (approximately 516 miles), for an away men's basketball contest. During the trip, the head tennis coach provided a meal to student-athlete 1.
- e. On November 26, 2010, at the direction of the head basketball coach, student-athlete 1 traveled with the men's basketball team on the team bus from Radford to Charlotte, North Carolina (approximately 366 miles), for an away men's basketball contest. During the trip, the head basketball coach also permitted student-athlete 1 to receive impermissible lodging, meals and a ticket to a National Basketball Association (NBA) game, a total value of approximately \$237.27, and to participate in all team activities, including practice.
- f. On December 17, 2010, at the suggestion of the head basketball coach, assistant coach A transported student-athlete 1 from the institution to Wilmington, North Carolina (approximately 344 miles), for an away men's basketball contest. While in Wilmington, the head basketball coach allowed student-athlete 1 to receive impermissible lodging and meals

valued at approximately \$171.73 and to participate in all team activities, including practice.

- g. On December 19, 2010, the head basketball coach permitted student-athlete 1 to travel with the men's basketball team on the team bus from Wilmington to Gainesville, Florida (approximately 511 miles), for an away men's basketball contest. While in Gainesville, the head basketball coach allowed student-athlete 1 to receive impermissible lodging and meals valued at approximately \$139.77.
- h. On December 26, 2010, with the knowledge of the head basketball coach and at the request of the director of operations, a men's basketball manager transported student-athlete 1 from the Lynchburg, Virginia, airport to the institution (approximately 85 miles).

### **Committee Rationale**

With one exception, the enforcement staff, the institution, the head tennis coach and the head basketball coach were in substantial agreement on the facts of this finding and that those facts constituted major violations of NCAA legislation. The sole area of disagreement in this finding was whether Finding B-1-c was major or secondary. The committee finds that the violations occurred.

As background, student-athlete 1 was an international student-athlete who transferred from an American two-year college where he participated in basketball. Although student-athlete 1 was academically eligible to compete at Radford, the NCAA Eligibility Center determined that student-athlete 1 violated NCAA amateurism legislation due to his participation with a professional basketball team in Europe prior to his arrival in the United States. As conditions for reinstatement, he was required to pay restitution and be withheld from Radford's first 21 men's basketball contests of the 2010-11 season. Before student-athlete 1 completed his withholding penalty, the institution discovered the infractions set forth in this finding, declared him ineligible based upon the receipt of extra benefits, and sought his reinstatement. On February 11, 2011, the NCAA reinstated student-athlete 1's eligibility subject to payment of further restitution and an additional nine game withholding penalty. Because the institution's men's basketball schedule consisted of 29 contests during the 2010-11 season and student-athlete 1's withholding penalties totaled 30 contests, he never competed for Radford. At the conclusion of the spring 2011 semester, student-athlete 1 transferred.

With regard to Finding B-1-a, the institution discovered this violation during its initial interview with the director of operations in late December 2010. Both the head basketball coach and the director of operations admitted this violation, the director of

operations reported that the head basketball coach asked him to provide student-athlete 3 a ride to Dulles in order for him to take a flight overseas to his native country. The director of operations acknowledged that he knew he was violating NCAA rules by providing the transportation. The head basketball coach stated that it was at the end of the first summer school session, and he wanted to make sure that student-athlete 3 made it to the airport in time to catch his overseas flight. Student-athlete 3 corroborated the director of operations' account during his interviews with the institution and with the NCAA.

With reference to Finding B-1-b, the head basketball coach, the head tennis coach and student-athlete 1 all acknowledged that the head tennis coach offered student-athlete 1 a ride to the game and then drove him Rock Hill, South Carolina, where the parents of student-athlete 4 provided automobile transportation to the site of the game in Columbia, South Carolina. This impermissible transportation occurred after the head basketball coach told the head tennis coach that student-athlete 1 was not allowed to travel to the game with the men's basketball team. (On or about November 5, 2010, the compliance director had informed the men's basketball coaching staff of student-athlete 1's withholding penalties and that he was not permitted to travel with the men's basketball team.)

Because the head tennis coach was already planning to attend the game, he offered to give a ride to student-athlete 1. The head basketball coach did not stop the transportation because he wanted student-athlete 1 to attend the game so he "could feel like he was a part of the team." The head basketball coach admitted that allowing the head tennis coach to transport student-athlete 1 to the game at issue was a mistake and that at the time he "wasn't thinking straight." Student-athlete 1 confirmed that the violations occurred. Student-athlete 1 specifically recalled the head tennis coach offering to take him to the game during a discussion involving the head basketball coach, the head tennis coach and student-athlete 1, which took place in the head basketball coach's office.

With reference to Finding B-1-c, the provision of impermissible benefits by the head tennis coach to two men's tennis student-athletes, while the facts are not in dispute, the institution claimed the violations were secondary. The institution maintained that the violations contained in this finding were isolated because it was "the only occasion on which (the head tennis coach) provided an extra benefit to a men's tennis student-athlete." Further, the institution contended that the violations were inadvertent because the head tennis coach thought that his actions in providing the extra benefits cited in the finding were permissible. In explanation, the head tennis coach explained that the violations occurred over the institution's Thanksgiving break and that, in the past, he had "socialized" with student-athletes during the break, including providing Thanksgiving dinner, which is permissible under NCAA legislation.

The committee concludes, however, that the violations are major. The violations were not isolated, as the infractions set forth in Finding B-1-c involved multiple types of extra benefits including impermissible transportation, lodging, meals and entertainment. The committee also concludes that the provisions of these extra benefits was not inadvertent, as providing such benefits are violations of commonly known uncomplicated legislation. In fact, in its response to the notice of allegations, the institution wrote, "(the head tennis coach) certainly should have realized that his activities with (student-athletes 5 and 6) violated the extra-benefit rules. Radford's compliance director has specifically discussed extra-benefit rules with the institution's coaches each fall and has periodically provided the institution's coaches with supplemental rules education regarding extra benefits." Providing long-distance round-trip transportation (over 500 miles) to an away basketball contest, meals and lodging in conjunction with this transportation and golf greens fees clearly exceed the boundaries of what is permissible under NCAA legislation. The committee concludes the head tennis coach should have known that such actions on his part would violate NCAA rules, particularly since he was a veteran collegiate tennis coach, having served as the head tennis coach at the institution for 16 years.

Finally, when viewed within the context of this case in general and the actions of the head tennis coach in particular, even if the committee concluded that the impermissible benefits provided to student-athletes 5 and 6 were secondary, the violations were part of a pattern of impermissible benefits provided to student-athletes which includes Findings B-1-b and B-1-d and therefore constitute a pattern of secondary violations sufficient to constitute a major violation.

With regard to Finding B-1-d, the facts were not in dispute. This game also occurred during Radford's Thanksgiving break. Having previously driven student-athlete 1 to the South Carolina game as described in Finding B-1-a, the head tennis coach again wrongly presumed it was permissible to drive student-athlete 1 to the institution's men's basketball game with George Mason University in Fairfax. During the game, student-athlete 1 sat on Radford's bench. According to student-athlete 1, the head basketball coach told him a few days before the game that the head tennis coach would drive him to the game. Student-athlete 1 corroborated the head tennis coach's account of the trip to and from Fairfax and that the head tennis coach purchased food for him during this trip. According to the head basketball coach, he was aware that the head tennis coach was planning to attend the game, that the head tennis coach had student-athlete 1's telephone number, and that it was "possible" that the head tennis coach would offer a ride to student-athlete 1. However, as was the case in Finding B-1-b, the head basketball coach took no action to prevent the head tennis coach from transporting student-athlete 1 to the George Mason game.

In reference to Finding B-1-e, impermissible benefits and practice in conjunction with travel to an away game in Charlotte, North Carolina, both the head basketball coach and

student-athlete 1 acknowledged that student-athlete 1 impermissibly traveled with the men's basketball team on its trip to play the University of North Carolina-Charlotte ("UNCC"). Although the head basketball coach did not provide a clear recollection about the specific activities in which student-athlete 1 participated, the available evidence indicates that the violations occurred as detailed in the text of Finding B-1-e. According to student-athlete 1, the head basketball coach initially arranged for a team manager to drive him to Charlotte. However, immediately prior to leaving Radford, the head basketball coach instructed student-athlete 1 to get on the team bus. According to student-athlete 1, "everybody knew" he could get "in trouble" for riding with the team, but when he asked the head basketball coach whether it was permissible for him to board the bus, the head basketball coach replied "don't worry about it." After the team arrived at its hotel, student-athlete 1 roomed with student-athlete 3. During this trip, student-athlete 1 attended an NBA game and ate meals with the team. Prior to the game with UNCC, student-athlete 1, rode the team bus to the game, attended the shoot-around, and watched the game from the team bench. After the game, student-athlete 1 rode the team bus back to Radford.

The head basketball coach acknowledged telling student-athlete 1 to board the team bus for the trip to Charlotte despite knowing "intellectually" that it was a violation for him to accompany the team. The head basketball coach explained that he "felt bad" leaving student-athlete 1 on campus during Radford's Thanksgiving break and, therefore, his focus was on making certain student-athlete 1 was not alone during the holiday period, rather than being concerned about an NCAA violation for allowing student-athlete 1 to travel with the team. The head basketball coach also requested the director of operations not to include student-athlete 1's name on travel documents, which were required to be submitted by the coaching staff after the game.

In reference to Finding B-1-f, the head basketball coach, and assistant coach A confirmed that the violations occurred as detailed in the finding. As set forth in the introduction of this report, Radford's game against UNC-W occurred on December 18, during Radford's holiday break, and was the first contest in a two-game road trip that concluded with a December 22 game at the University of Florida. It was at the UNC-W game that violations in the men's basketball program first came to the attention of institution officials, as described in the introduction of this report.

Assistant coach A reported that he planned to drive to Wilmington in his own vehicle so that he could recruit during the trip. At some point prior to the team's departure, the head basketball coach asked assistant coach A to drive student-athlete 1 to Wilmington. Assistant coach A admitted he knew that providing such transportation to student-athlete 1 was an NCAA violation. According to student-athlete 1, the head basketball coach told him that assistant coach A would give him a ride to Wilmington. Student-athlete 1 reported that he spent two nights in the team's hotel and shared a room with a teammate,

using a hotel key card that was initially assigned to a student-manager. Student-athlete 1 reported that during the trip, he ate with the team, participated in practices and sat on the team bench during the game. The head basketball coach claimed he did not recall whether he asked assistant coach A to provide transportation for student-athlete 1 to the UNC-W game or whether assistant coach A volunteered to give student-athlete 1 a ride to Wilmington. Regardless, the head basketball coach admitted that student-athlete 1 "ended up in the car" with assistant coach A and was with the team throughout its stay in Wilmington.

With regard to Finding B-1-g, the head basketball coach stated that, during this trip, he treated student-athlete 1 like any other men's basketball student-athlete with regard to lodging, meals and practice participation. Student-athlete 1 corroborated the head basketball coach's recollection, that he rode the team bus to Florida for the game that followed, received team lodging and meals, and practiced with the team for a two-day period in Florida.

With regard to Finding B-1-h, according to the director of operations, during a practice session while the men's basketball team was in Gainesville, Florida, for the game with the University of Florida (Finding B-1-f), student-athlete 1 told the head basketball coach and the director of operations that he was planning to fly into Lynchburg when he returned to Radford after Christmas. The director of operations recalled the head basketball coach stating to student-athlete 1, "We'll figure out a way to get you back from Lynchburg." The director of operations also recalled that, on December 25, after the institution's investigation regarding student-athlete 1's impermissible travel had been initiated, he received instructions from the director of compliance that the men's basketball coaches could not provide transportation for student-athlete 1 from Lynchburg to Radford. However, the director of operations believed it was permissible to send contact information to student-athlete 1 to someone else who could provide student-athlete the needed transportation from the Lynchburg airport to Radford. Under this assumption, the director of operations sent a text message to student-athlete 1 with instructions to call a Radford men's basketball student-manager, who lived in Lynchburg, so that student-athlete 1 could make arrangements with the manager to drive him from the Lynchburg airport to Radford.

This impermissible transportation occurred despite the December 25, 2010, communication from the institution's compliance staff which alerted the men's basketball staff that student-athlete 1 was not permitted to travel with the men's basketball team on the return trip to Radford and that he needed to arrange his own personal transportation back to the institution's campus.

**2. RECRUITING INDUCEMENTS. [NCAA Bylaws 13.2.1, 13.2.5, 13.5.1, 13.5.4 and 13.5.4-(a)]**

From May through August 2010, the men's basketball staff provided and arranged recruiting inducements in the form of transportation and lodging for student-athlete 2, who was a prospective international student-athlete at the time. Specifically:

- a. In May 2010, at the request of the head basketball coach, and in anticipation of student-athlete 2 enrolling in summer school at the institution, an assistant men's basketball coach ("assistant coach B") transported student-athlete 2 from a Virginia preparatory school to the institution (a distance of approximately 83 miles).
- b. In May 2010, the head basketball coach and the head tennis coach arranged with student-athlete 5 and another men's tennis student-athlete ("student-athlete 7") to provide student-athlete 2 with housing during a three-week period.
- c. In June 2010, the head basketball coach indirectly arranged round-trip automobile transportation for student-athlete 2 from the institution to Blacksburg, Virginia (approximately 30 miles), by suggesting to assistant coach B that student-athlete 2 needed to take the Scholastic Aptitude Test (SAT) after it was determined that he was academically ineligible for enrollment in summer school. Further, the head basketball coach indirectly arranged round-trip automobile transportation for student-athlete 2 from the institution to Roanoke, Virginia (approximately 85 miles), by suggesting to the director of operations, that student-athlete 2 needed to take the American College Test (ACT).
- d. In June 2010, the head basketball coach indirectly arranged one-way automobile transportation from the institution to the Washington, D.C. vicinity (approximately 260 miles) by suggesting to the director of operations that student-athlete 2 needed transportation to visit a friend in Maryland prior to taking an overseas trip to his home.
- e. In August 2010, the head men's basketball coach indirectly arranged one-way automobile transportation from Charlottesville-Albemarle, Virginia Airport to the institution (approximately 160 miles) by suggesting to the director of operations that student-athlete 2 needed transportation to Radford for initial full-time enrollment. [Note: the Charlottesville-Albermarle Airport is not the nearest commercial airport to Radford.]

### **Committee Rationale**

The enforcement staff, the institution and the involved individuals were all in substantial agreement on the facts of this finding and that the violations set forth in subparagraphs B-2-a, B-2-c, B-2-d and B-2-e constitute violations of NCAA legislation. However, the institution, the head basketball coach and the head tennis coach disagreed that the facts set forth in subparagraph B-2-b constituted a violation of NCAA legislation. The committee finds that the violations occurred.

Student-athlete 2 was an international student-athlete who graduated from a Virginia college prep school in late May 2010. On June 9, 2010, student-athlete 2 was initially deemed an academic non-qualifier by the NCAA Eligibility Center because he failed to achieve the required core-course grade-point average that corresponded with his SAT and ACT scores. As a consequence, the coaches brought prospect 1 to Radford in the hope that his certification status would change in time for him to enroll in the institution's second summer school session. The head basketball coach also encouraged student-athlete 2 to retake the SAT and ACT. By June, it became clear that the NCAA Eligibility Center would not certify student-athlete 2 as a qualifier in time for him to enroll in summer school, so, as a result, in late June, he returned to his home in Europe.

Student-athlete 2 was initially interviewed by the enforcement staff on April 13, 2011, at which time he provided false and misleading information. The day after that interview, he told a member of the institution's strength and conditioning staff that he had lied during his interview with the NCAA in order to protect the men's basketball coaching staff. This information led to additional investigation by the enforcement staff, which ultimately resulted in unethical conduct findings against four members of the men's basketball staff, including the head basketball coach.

This series of infractions set forth in Finding B-2 is another example of violations which can occur when prospective student-athletes arrive in the locale of the institution prior to initial full-time enrollment. On numerous occasions in the past 15 years the committee has warned the membership of potential pitfalls when prospects arrive on campuses early. The most recent case involved Boise State University - September 13, 2011. Other instances in which the committee has warned of the elevated risk of violations when prospects arrive prior to full-time enrollment include: BYU (2008); Arkansas (2007); West Virginia (2007); Kansas (2006); Savannah State (2006); Missouri (2004); Wisconsin (2001); UNLV (2000); Arkansas, Little Rock (1999); Cal St. Fullerton (1999) and Cincinnati (1998).

In reference to Finding B-2-a, impermissible transportation from student-athlete 2's prep school, student-athlete 2 reported that shortly after graduating from prep school, assistant

coach B drove him from the prep school to Radford. Assistant coach B reported that the head basketball coach told him during a coaching staff meeting that he would "need" to get student-athlete 2 (at that time, still a prospective student-athlete) from the prep school to Radford. According to assistant coach B, he knew that providing such transportation to a prospect was impermissible, but he complied with the head basketball coach's directive nonetheless. The head basketball coach claimed that he did not believe he specifically instructed assistant coach B to transport student-athlete 2 from his prep school to Radford. However, the head basketball coach acknowledged the following: i) he knew that assistant coach B was "working on" getting student-athlete 2 from his prep school to Radford; ii) although he knew it was impermissible for the men's basketball coaches to provide such transportation to a prospective student-athlete, he never discouraged assistant coach B from doing so; and iii) he later learned that assistant coach B had personally provided the transportation, but he did not report the violation to institution officials prior to his interview with the enforcement staff.

With regard to Finding B-2-b, the head tennis coach's and head basketball coach's impermissible arrangement of housing for student-athlete 2 with student-athletes 5 and 7, assistant coach B reported that the head basketball coach provided him with the head tennis coach's telephone number and instructed him to contact the head tennis coach as soon as he and student-athlete 2 arrived on the institution's campus. Once on campus, the head tennis coach met assistant coach B and student-athlete 2 at the institution's recreational center and led them to the two tennis student-athletes' apartment (student-athletes 5 and 7) where student-athlete 2 resided for three weeks. During the time that student-athlete 2 lived with the student-athletes 5 and 7, he was not enrolled in summer school. The institution disagreed that this arrangement constituted a recruiting violation. The committee found this was a violation.

In making this finding, the committee notes that NCAA Bylaw 13.2.1 prohibits an institutional staff member from being involved, directly or indirectly, in making arrangements for or giving or offering to give any financial aid or other benefits to a prospective student-athlete (which student-athlete 2 was at the time). In specific reference to housing arrangements, Bylaw 13.2.5 allows an institution to arrange for summer housing for a prospective student-athlete provided that the prospect has signed a National Letter of Intent (NLI) and is enrolled in summer school. As previously established, student-athlete 2 was not enrolled in summer school.

The institution argued that the 2011 Boise State decision was the first notice to the NCAA membership that facilitating summer housing arrangements can result in a violation. However, the committee concludes that Bylaw 13.2.5 is clear in specifying the limited circumstances under which an institution can arrange for off-campus summer housing for prospects (including the provision that the prospect must be enrolled in summer school). Clearly, the circumstances surrounding student-athlete 2's housing

arrangements did not meet the bylaw test. As indicated, there were very similar issues in the Boise State case. In that case, the enforcement staff and the institution jointly sought an interpretation from the Academic and Membership Affairs staff (AMA) who confirmed that the arrangement of housing by coaches is a violation of NCAA legislation. Nevertheless, based on the institution's position that the membership had not been put on notice of this prohibition until the Boise State decision, the enforcement staff again contacted the AMA staff for an interpretation. AMA reaffirmed the interpretation made in the Boise State case and stated that both interpretations were confirmations of long-standing legislation.

With regard to Finding B-2-c, impermissible transportation provided to student-athlete 2 in conjunction with his taking of the SAT and ACT, student-athlete 2 reported that he received a ride from assistant coach B to take the SAT in Blacksburg and a ride from the director of operations to take the ACT in Roanoke. Student-athlete 2 reported that he took the tests at the head basketball coach's suggestion.

Assistant coach B reported that, during a coaching staff meeting, the head basketball coach instructed him to transport student-athlete 2 to Blacksburg so that he could take the SAT. According to assistant coach B, he knew the ride was impermissible, but he provided it nonetheless. The head basketball coach denied directly instructing assistant coach B to drive student-athlete 2 to Blacksburg to take the SAT. However, he admitted that he had contemporaneous knowledge that assistant coach B was planning to drive student-athlete 2 to take the SAT. Although the head basketball coach knew that such transportation would be a violation, he took no steps to prevent the violation from occurring, nor did he report the violation to institution officials prior to his interview with the enforcement staff.

The director of operations reported that the head basketball coach told him to transport student-athlete 2 to Roanoke so that he could take the ACT. According to the director of operations, he knew that providing the ride violated NCAA rules, but he drove student-athlete 2 to Roanoke nonetheless because he felt he couldn't ignore a directive from his boss. The head basketball coach explained that he did not learn that it was the director of operations who drove student-athlete 2 to take the ACT until shortly before interviews by the enforcement staff in May 2011, when he asked his assistant coaches about the issue. However, the head basketball coach did admit that he had contemporaneous knowledge that either assistant coach B or the director of operations drove student-athlete 2 to Roanoke in order to take the ACT. As with the other violations set forth in this report, the head basketball coach took no action to discourage or prevent the violation from occurring, nor did he report the violation to institution officials prior to his interview with the enforcement staff.

With regard to Finding B-2-d, student-athlete 2 reported that the director of operations drove him to a friend's home near Washington, D.C. Furthermore, student-athlete 2 recalled that whenever he needed a ride during the summer of 2010, the former head basketball coach was the person he initially contacted and it was the head basketball coach who would "figure out who would drive me." The director of operations reported that during a meeting in the head basketball coach's office, after it was determined that student-athlete 2 could not register for Radford's second summer school session, the head basketball coach instructed the director of operations to take student-athlete 2 from Radford to a friend's house near Washington, D.C. According to the director of operations, he knew giving student-athlete 2 the ride was a violation but did not feel comfortable objecting because he was the junior member of the men's basketball coaching staff and the other coaches in the room seemed to agree that he should be the one to drive student-athlete 2 to Washington. Similar to the previous violation, the head basketball coach claimed that he did not learn that the director of operations drove student-athlete 2 to the Washington, D.C. area until he asked the director of operations about the issue shortly before his May interview. Again, the head basketball coach admitted that he had contemporaneous knowledge that someone on his staff gave student-athlete 2 the ride, that he knew the ride was impermissible, and that he neither took steps to discourage or prevent the violation nor reported the violation to institution officials prior to his May interview.

In reference to Finding B-2-e, the director of operations reported that the head basketball coach asked him to transport student-athlete 2 from the Charlottesville airport to campus when student-athlete 2 returned to the area after spending most of his summer in his native country in Europe. According to the director of operations, the head basketball coach indicated that this ride was permissible because it related to student-athlete 2's initial full-time enrollment. During his May 2011 interview, the head basketball coach reported at the time the transportation in question was provided, he knew "someone" on the men's basketball coaching staff drove student-athlete 2 from the Charlottesville airport to Radford, although he only learned that it was the director of operations shortly before his May interview. Consistent with the director of operations account, the head basketball coach explained that he believed the ride was permissible because it was in conjunction with the start of the academic year. Because the Charlottesville airport was not the closest commercial airport to the institution's campus, the institution agreed that the ride the director of operations provided to prospect 1 violated NCAA legislation.

[Note: Student-athlete 2 enrolled at Radford in the fall of 2010, competed on the men's basketball team during the 2010-11 season, but transferred to another institution at the conclusion of the 2010-11 academic year.]

**3. UNETHICAL CONDUCT - HEAD BASKETBALL COACH. [NCAA Bylaws 10.1-(a), 10.1-(c), 10.1-(d), 19.01.3 and 32.1.4]**

During the 2010-11 academic year, the head basketball coach acted contrary to the principles of ethical conduct when he knowingly engaged in violations of NCAA recruiting legislation and failed to deport himself in accordance with generally recognized high standards of honesty and sportsmanship normally associated with the conduct and administration of intercollegiate athletics by (a) providing false and misleading and incomplete information to the institution and enforcement staff during inquiries into NCAA rules violations; (b) influencing others, including men's basketball coaching staff members and a student-athlete, to furnish false, misleading and incomplete information to the institution and enforcement staff; and (c) failing to protect the integrity of the investigation.

- a. Between December 2009 and August 2010, the head basketball coach knowingly violated NCAA legislation through his involvement in the provision of impermissible benefits to men's basketball student-athletes and a then prospective student-athlete, as detailed in Findings B-1 and B-2.
- b. On December 27-28, 2010, and April 14, 2011, the head basketball coach provided false, misleading and incomplete information when interviewed about his knowledge of and involvement in NCAA rules violations as follows:
  - (1) On December 27-28, 2010, during the institution's internal review of the provision of impermissible benefits to student-athlete 1, the head basketball coach reported that he did not think he had any additional matters to discuss, when, at the time, he was aware of and had involvement in impermissible transportation and lodging provided to student-athlete 2, as detailed in Finding B-2.
  - (2) On April 14, 2011, the head basketball coach provided false, misleading and incomplete information when he was interviewed by the institution and enforcement staff. Specifically:
    - (a) The head basketball coach reported that in May 2010, a friend transported student-athlete 2 from a Virginia preparatory school in to the institution when, in fact, the head basketball coach was aware that assistant coach B

transported student-athlete 2 to the institution's campus from his prep school.

- (b) The head basketball coach failed to disclose his knowledge of and involvement in assistant coach B's transportation of student-athlete 2 to Blacksburg, Virginia, in June 2010 so that student-athlete 2 could take the SAT.
  - (c) The head basketball coach failed to disclose his knowledge of and involvement in the director of operation's transportation of student-athlete 2 to Roanoke, Virginia, in June 2010, so that student-athlete 2 could take the ACT.
  - (d) The head basketball coach failed to disclose his knowledge of and involvement in the director of operation's transportation of student-athlete 2 to the Washington, D.C., area in June 2010, so that student-athlete 2 could visit a family friend after it was determined that student-athlete 2 was academically ineligible for enrollment in summer school.
  - (e) The head basketball coach failed to disclose his knowledge of and involvement in the director of operation's transportation of student-athlete 2 from an airport that was not the closest airport to the institution's campus for the purpose of initial full-time enrollment in August 2010.
- c. On or about April 11, 13 and 22, 2011, the head basketball coach violated the principles of ethical conduct and failed to protect the integrity of the investigation by taking steps to control or limit the information that others, including men's basketball coaching staff members and a men's basketball student-athlete, would provide during their interviews with the enforcement staff and institution, and by asking others to disclose to him substantive information relating to what was discussed during their interviews in order to prepare himself for his interviews. Specifically:
- (1) On or about April 11, 2011, the head basketball coach had a meeting with the director of operations and assistant coaches A and B prior to their interviews, and told his staff not to volunteer or provide any additional information regarding student-athlete 2's impermissible transportation.

- (2) On or about April 11, 2011, the head basketball coach had a meeting with student-athlete 2 prior to his interview and encouraged him to provide false and misleading information about his impermissible transportation to the institution's campus in May 2010.
- (3) On or about April 13, 2011, the head basketball coach had a meeting with assistant coach A at a local coffee shop after assistant coach A's interview and discussed substantive topics covered during his interview.
- (4) On or about April 13, 2011, the head basketball coach communicated with assistant coach A using a prepaid cellular telephone to discuss the details of the investigation and to discuss the statements that student-athlete 2 provided to the institution and enforcement staff.
- (5) On or about April 13, 2011, the head basketball coach communicated with student-athlete 2 using a prepaid cellular telephone after student-athlete 2's interview and discussed substantive topics covered during the prospect's interview.
- (6) On or about April 22, 2011, the head basketball coach had a meeting with assistant coach B and the director of operations to discuss their recollections of the facts involving impermissible transportation provided to prospect 1 despite the fact that the head basketball coach was instructed by the enforcement staff during his April 14, 2011, interview to keep the information discussed during the interview confidential.

### **Committee Rationale**

The enforcement staff and the institution were in substantial agreement on the facts of this finding and that those facts constituted violations of NCAA legislation. The head basketball coach did not believe that his actions as set forth in Finding B-3 warranted a charge of unethical conduct because the violations did not result in the institution gaining a competitive advantage. The committee finds that the violations occurred.

The committee finds that the head basketball coach violated ethical-conduct legislation by: i) knowingly violating NCAA recruiting and extra benefit legislation; ii) furnishing the enforcement staff and institution with false, misleading and incomplete information during the course of the investigation; iii) encouraging a student-athlete to provide false

and misleading information to the institution and the enforcement staff and; iv) failing to protect the integrity of the enforcement staff's investigation by attempting to orchestrate a cover-up of violations by encouraging a student-athlete and staff members to provide false and misleading and incomplete information to the enforcement staff and institution.

With regard to Finding B-3-a, during the head basketball coach's December 2010, interview with the institution and again during his April 2011, interview with the NCAA, he admitted to knowingly directing or consenting to the provision of impermissible transportation and other extra benefits by the men's basketball coaching staff to student-athlete 1 as set forth in Finding B-1. In addition, during the head basketball coach's May 2011, interview with the NCAA, he acknowledged allowing members of the men's basketball coaching staff to provide impermissible transportation to student-athlete 2 (then a prospective student-athlete) as set forth in Finding B-2. Further, during the head basketball coach's December 2010, interview and again during his April 2011, interview the head basketball coach reported his personal involvement in securing a ride for student-athlete 3 from Radford to Dulles Airport, as set forth, in Finding B-1-a, although the head basketball coach maintained that he wasn't thinking about whether the ride constituted an impermissible extra benefit at the time the violation occurred.

In reference to Finding B-3-b-(1), on December 27-28, 2010, during the institution's internal investigation of the matter, the institution asked the head basketball whether there was anything else that the institution needed to know, or any other situations that the institution needed to be made aware of, and the head basketball coach replied, "No, I can't think of any,..." The head basketball coach knew at the time of his interview with institutional representatives that he and the basketball staff members were involved in the arrangement of impermissible transportation for student-athlete 2 during the summer of 2010 (while he was a prospective student-athlete), and the head basketball coach failed to disclose the information when he was questioned about the matter by institutional representatives.

Regarding Findings B-3-b-(2)-(a), B-3-b-(2)-(b) and B-3-b-(2)-(c), during the head basketball coach's April 14, 2011, interview with the institution and enforcement staff, the head basketball coach told the enforcement staff that student-athlete 2's friend transported him to the institution's campus in May 2010 after his graduation from prep school. At the time of that interview, the head basketball coach knew that student-athlete 2 was transported to campus by a member of his men's basketball staff. When the head basketball coach was interviewed May 2, 2011, he admitted that he did not provide truthful information about student-athlete 2's transportation to the institution's campus following his graduation from prep school.

In reference to findings B-3-b-(2)-(e) and B-3-b-(2)-(f), when the institution determined that student-athlete 2 would not be able to enroll in institution's summer school due to his

academic status, plans changed regarding what student-athlete would do that summer. The head basketball coach suggested to the director of operations that he transport him to the Washington, D.C. area, so he could travel to his home overseas for the remainder of the summer. The head basketball coach acknowledged in his May 2, 2011, interview with the enforcement staff and institution that he failed to disclose this information during his April 14 interview. The head basketball coach also acknowledged that when student-athlete 2's initial-eligibility waiver was ultimately granted, he suggested that the director of operations transport student-athlete 2 from the Charlotte-Albemarle airport to the institution's campus in August 2010 so that he could enroll in the institution for the 2010 fall semester. Again, this is information the head basketball coach failed to disclose initially.

The head basketball coach also instigated an effort to cover up some of the violations in which he was involved, specifically, those relating to impermissible transportation provided to student-athlete 2. The head basketball coach engaged both his assistants in this cover up, and student-athlete 2, a particularly troublesome failure to fulfill his ethical responsibilities as a collegiate head coach.

The investigation revealed that on April 11, 2011, immediately prior to the enforcement staff's announced arrival on campus for interviews, the head basketball coach conducted a meeting with his assistant men's basketball coaches and instructed them not to volunteer or provide information to the enforcement staff or the institution regarding their involvement in student-athlete 2's impermissible transportation. The head basketball coach also had a meeting with student-athlete 2 prior to his NCAA interview and explained to him that the transportation that he received in May 2010 was impermissible and could become an issue for the men's basketball program. Student-athlete 2 described being scared that if he told the truth "I would lose my eligibility and stuff." As a result of the head basketball coach's communication with student-athlete 2, he gave a false account of how he was transported to the institution's campus during his first NCAA interview. During his second NCAA interview, student-athlete 2 explained why he felt pressured initially to give a false account. "It's just like they gave me the opportunity to come here to the school for free. And, like, I don't know. It's like – I don't know. It's just I had – I kinda felt like I have responsibility to like to try to cover this thing up. But I don't know. And then they were like, "Yeah, you have to tell this. You have to tell that". So they were definitely making me feel like that."

In reference to findings B-3-c-(1), during their May 5, 2011, interviews, assistant coach B and the director of operations each reported that the head basketball coach conducted a meeting with the members of the coaching staff and told them not to discuss student-athlete 2's transportation if they were questioned about the matter during their interviews. Assistant coach B reported that the head basketball coach said to "hopefully (student-athlete 2's) name won't come up, but if it does, he got himself here." On May 5, 2011,

during the director of operation's interview with the institution and enforcement staff, when asked why he did not disclose his involvement in student-athlete 2's transportation, he recounted the head basketball coach's instructions not to volunteer any information about student-athlete 2's transportation to the institution's campus. During his May 2, 2011, interview, the head basketball coach acknowledged the meeting with his staff, but he said he did not remember discussing the matter with his staff. Based on the information provided by all of the involved parties, the committee concludes the information pertaining to this finding provided by assistant coach B and the director of operations was credible.

Regarding Finding B-3-c-(2), the head basketball coach admitted during a May 2, 2011, interview that he had a meeting with student-athlete 2 prior to his with the enforcement staff and institution on April 13, 2011, at which time he informed student-athlete 2 that his initial transportation to the institution could be an issue. As a result, student-athlete 2 fabricated a story about his transportation to the institution's campus following graduation from prep school. On April 12, the day before student-athlete 2's interview with the enforcement staff, the head basketball coach again spoke to student-athlete 2, this time by telephone, while the student-athlete was at assistant coach A's residence talking about the upcoming NCAA interview with assistant coach A. On this occasion, the head basketball coach and student-athlete 2 again discussed student-athlete 2's fabricated story. At no time during these discussions with student-athlete 2 did the head basketball coach or former assistant coach A tell him to tell the truth. In fact, both the head basketball coach and assistant coach A required student-athlete 2 practice his story with them prior to his interview with the institution and enforcement staff. According to student-athlete 2, the head basketball coach told him that he needed to make sure that "his story was straight." In doing so, the head basketball coach encouraged student-athlete 2 to provide false and misleading information. The head basketball coach's actions in instructing a student-athlete to lie were inexcusable. This situation took an enormous emotional toll on student-athlete 2 as evidenced by what occurred after his initial interview with the enforcement staff. The next day student-athlete 2 was scheduled to workout with the head strength coach. When he failed to complete his workout due to an emotional outburst, the head strength coach asked student-athlete 2 if there was something he wanted to talk about. The head strength coach testified "that's when he sat down and he started crying and he said that he was not doing extra work because he lied to the NCAA to save their asses. And when he said that, he was pointing upstairs to the basketball coaches' offices. . . . and then he starts – he proceeds to tell me that he lied to the NCAA, he could lose all college eligibility, and I mean the whole time he 's crying while he's saying this." Later in his testimony, the head strength coach described the outburst as screaming and crying.

On April 15, 2011, the head strength coach told the head basketball coach that student-athlete 2 was upset about his NCAA interview, but at that time, did not tell the head

basketball coach what student-athlete had told him about lying to the NCAA at the request of the coaching staff. On April 16, the head strength coach disclosed the full details of student-athlete 2's outburst to the director of athletics.

Student-athlete 2's academic advisor also described his emotional condition during the time of the NCAA interviews. She testified:

**NCAA investigator:** Could you tell, had he been crying? Was he crying when he came in?

**Advisor:** He wasn't but his eyes were red and you know he was pale white, his cheeks were red and his eyes were red. He was distraught. Like I said I was concerned, I didn't know if he was gonna pass out or throw up. I thought "Dear God I don't want you to fall down in the middle of the floor . . . I was already thinking: do I call 911 – what do I do?"

On April 19, 2011, based on the information received from the institution, the enforcement staff re-interviewed student-athlete 2 and provided student-athlete 2 with limited immunity. During that interview, student-athlete 2 detailed the impermissible transportation provided by the coaching staff (Finding B-2) and that the members of the men's basketball staff, including the head basketball coach, encouraged him to lie in an attempt to cover up the violations. Subsequently, the director of operations and assistant coach B reported that on April 22, the head basketball coach met with his staff to express concern about potential further inquiry by the enforcement staff based on what student-athlete 2 later told institution personnel about NCAA violations in which he was involved. The head basketball coach said he would need some time to figure out what they should say in subsequent interviews. At that time, assistant coach B stated he told the head basketball coach that he planned to tell the truth if he was asked to interview again with the enforcement staff. Later that same day, the head basketball coach, through his attorney, contacted the enforcement staff and requested an interview to clarify some matters.

With reference to Finding B-3-c-(3), during his May 2, 2011, interview, the head basketball coach recounted a meeting with assistant coach A at a coffee shop in Christiansburg, Virginia. The head basketball coach said that he wanted to know what was going on with the investigation, but he was advised by his legal counsel to stay away from the institution's campus during the enforcement staff's inquiry. The head basketball coach admitted that he had general discussions about assistant coach A's interview, but reported that assistant coach A did not discuss the questions that were asked in his interview. Contrary to this assertion, assistant coach A told the enforcement staff that, during his meeting with the head basketball coach at the coffee shop, the two men discussed the fabricated story student-athlete 2 was going to tell about the transportation he received from his prep school to the institution's campus. The committee notes that

the topic of student-athlete 2's transportation was discussed during assistant coach A's April 14, 2011, interview, and at the conclusion of the interview, the enforcement staff directed assistant coach A not to discuss the interview topics.

Regarding Finding B-3-c-(4) and B-3-c-(5), the head basketball coach acknowledged in his May 2, 2011, interview that, on or about April 13, 2011, he called assistant coach A to inquire about the enforcement staff's investigation. At the time of the telephone call, assistant coach A and student-athlete 2 were together, and the head basketball coach also spoke with student-athlete 2. The head basketball coach reported that student-athlete 2 told him that he had falsely told the enforcement staff that a friend had provided transportation to him from the site of his prep school to the institution's campus. The head basketball coach admitted that it was wrong for him to have that discussion with student-athlete 2. As a result of these actions, the head basketball coach failed to protect the integrity of the investigation by communicating with student-athlete 2 about what student-athlete 2 had told the enforcement staff during his April 13, 2011, interview.

The head basketball coach also revealed that he purchased a prepaid, disposable cell phone when he learned that assistant coach A was using a prepaid cell phone. The head basketball coach further admitted that the reason he purchased this cell phone was to communicate with assistant coach A about the enforcement staff's investigation without creating telephone records that could later be reviewed by either the institution or the enforcement staff. Because the head basketball coach discarded his cell phone prior to his May 2, 2011, interview, there was no means to determine the exact dates the phone calls occurred with assistant coach A.

Regarding Finding B-3-c-(6), the head basketball coach acknowledged that he had a meeting on April 22, 2011, with assistant coach B and the director of operations in order to discuss the impermissible transportation provided to student-athlete 2 by members of the men's basketball staff. Both assistant coach B and the director of operations confirmed this meeting. This meeting occurred despite the enforcement staff's explicit instructions to the head basketball coach not to reveal what was discussed during his April 14, 2011, interview.

The head basketball coach argued in his response that he asked to speak to the NCAA on his own volition so that he could correct his statements from his April 14, 2011, interview. However, as noted earlier in this Finding, during an April 22, 2011, meeting with members of the men's basketball staff, one of the coaches said that he was going to be truthful with the enforcement staff in any subsequent interviews. It was only at that time that the head basketball coach contacted the enforcement staff to "clarify some matters."

**4. UNETHICAL CONDUCT –ASSISTANT COACH B. [NCAA Bylaws 10.1, 10.1-(d) and 32.1.4]**

During the 2010-11 academic year, assistant coach B, acted contrary to the principles of ethical conduct and failed to deport himself in accordance with the generally recognized high standards of honesty and sportsmanship normally associated with the conduct and administration of intercollegiate athletics by providing false, misleading and incomplete information during inquiries into NCAA rules violations and failing to protect the integrity of the investigation by discussing the substantive information that was covered during interviews. Specifically:

- a. On December 27-28, 2010, and April 12, 2011, assistant coach B provided false, misleading and incomplete information when interviewed about his knowledge of and involvement in NCAA rules violations as follows:
  - (1) On December 27-28, 2010, during the institution's internal review of the provision of impermissible benefits to student-athlete 1, assistant coach B reported that he was not aware of any additional matters related to other impermissible benefits when in fact he was aware of and had involvement in impermissible transportation provided to student-athlete 2.
  - (2) On April 12, 2011, assistant coach B reported that he did not have knowledge about student-athlete 2's arrival at the institution's campus when he was aware of and involved in impermissible transportation provided to student-athlete 2.
- b. On or about April 15, 2011, assistant coach B failed to protect the integrity of the investigation when he discussed substantive information relating to what was discussed during his interviews with the head basketball coach, despite the fact that assistant coach B was instructed by the NCAA enforcement staff during his April 12, 2011, interview to keep the information confidential.

**Committee Rationale**

The enforcement staff, the institution and assistant coach B all were in substantial agreement as to the facts of this finding and that the facts constituted violations of NCAA legislation. The committee finds that violations occurred.

In reference to Finding B-4-a-(1) and B-4-a-(2), during assistant coach B's December 2010, interview with the institution and his April 2011, interview with the NCAA, assistant coach B failed to report his knowledge of violations regarding the impermissible transportation he provided to student-athlete 2 despite being asked in the respective interviews, "Is there anything else that you are aware of that you have a concern about," and, "Are there any violations or possible violations that we haven't asked you about, assistant coach B, that we need to know before you leave this room?" Finally, during assistant coach B's interview on May 4, 2011, he admitted providing student-athlete 2 with transportation, which he knew at the time was impermissible.

In reference to Finding B-4-b, subsequent to assistant coach B's April 12 interview with the NCAA, in which he was instructed not to talk with anyone about the subject matter, he discussed the interview with members of the men's basketball staff, including the head basketball coach. During assistant coach B's May 4, 2011, interview with the enforcement staff, he reported that "right after" the NCAA left campus at the conclusion of the first round of NCAA interviews, he (assistant coach B), assistant coach A, the director of operations and the head basketball coach met as a group and discussed how they responded during their interviews to questions regarding student-athlete 2. Assistant coach B said that he and the other coaches specifically discussed that they were not forthcoming about their knowledge of the impermissible transportation provided to student-athlete 2. Assistant coach B further recalled that during this meeting, the coaches discussed that they had been admonished by the NCAA not to engage in these discussions. During assistant coach B's third interview on May 4 he reported an additional meeting of the same group of coaches on May 2 at the head basketball coach's home, at which time he and the head basketball coach again discussed the impermissible transportation he provided to student-athlete 2.

In summary, despite the coordinated efforts of the head basketball coach and his staff to thwart the investigation of the enforcement staff and the institution, their plan began to unravel on April 16, 2011, when student-athlete 2 came forward with the truth. When assistant coach B was interviewed for the third time on May 4, he acknowledged that he had provided student-athlete 2 with impermissible transportation as detailed in Finding B-2 and that he had provided false, misleading and incomplete information first to the institution and then to the institution and the enforcement staff in his first two interviews.

**5. UNETHICAL CONDUCT –ASSISTANT COACH A. [NCAA Bylaws 10.1, 10.1-(d) and 32.1.4]**

During the 2010-11 academic year, assistant coach A acted contrary to the principles of ethical conduct and failed to deport himself in accordance with the generally recognized high standards of honesty and sportsmanship normally

associated with the conduct and administration of intercollegiate athletics by encouraging a men's basketball student-athlete to furnish false, misleading and incomplete information to the institution and enforcement staff and by failing to protect the integrity of the investigation. Specifically:

- a. On or about April 12, 2011, assistant coach A met with student-athlete 2 at assistant coach A's apartment in preparation for student-athlete 2's interview the following day. During this meeting, assistant coach A encouraged student-athlete 2 to provide false and misleading information about the student-athlete's impermissible transportation detailed in Finding B-2.
- b. On or about April 12, 2011, shortly after his interview with the enforcement staff, assistant coach A telephoned assistant coach B and the head basketball coach, using a prepaid cellular telephone to discuss substantive details about what was covered in assistant coach A's interview even though assistant coach A was instructed by the enforcement staff to keep the information confidential.
- c. On or about April 13, 2011, after student-athlete 2's interview, assistant coach A met with student-athlete 2 to discuss substantive details about what student-athlete 2 had disclosed during his NCAA interview. This occurred even though assistant coach A was aware he was obligated to keep the information confidential.
- d. On or about April 13, 2011, assistant coach A had a meeting with the head basketball coach at a local coffee shop and discussed the substantive details covered in assistant coach A's interview, even though assistant coach A had been instructed to keep the information confidential.

### **Committee Rationale**

The enforcement staff and institution were in substantial agreement with this finding and that those facts constituted violations of NCAA legislation. Assistant coach A did not provide a written response, but he did attend the infractions hearing. The committee finds the violations occurred.

In reference to Finding B-5-a, during a May 5, 2011, interview, assistant coach A reported that he met student-athlete 2 at his (assistant coach A's) apartment the day before student-athlete 2's initial interview with the NCAA to make certain the student-athlete "had his story right" about student-athlete 2's impermissible transportation during the summer of 2010. Assistant coach A reported that student-athlete 2 informed him that he

planned to tell the NCAA that a girlfriend drove him from the site of his prep school, following graduation, to Radford in May 2010. Assistant coach A also reported that he put student-athlete 2 on the phone with the head basketball coach when he overheard student-athlete 2 and the head basketball coach discussing that student-athlete 2 also planned to tell the NCAA that a girlfriend drove him to take the SAT and ACT. At this time, assistant coach A was aware that Radford's coaches, not student-athlete 2's girlfriend, had provided the rides in question. Although assistant coach A knew that student-athlete 2 planned to lie to the NCAA the following day, he admitted that he never instructed or encouraged him to tell the truth.

In reference to Finding B-5-b, at the conclusion of assistant coach A's April 12 interview, the NCAA instructed him to not discuss the interview. During his May 4 interview, assistant coach A acknowledged making calls to assistant coach B and the head basketball coach shortly after being interviewed. During those calls, he discussed issues related to student-athlete 2's impermissible summertime transportation. This transportation had been one of the issues discussed during the NCAA interview earlier in the day. However, according to assistant coach A his conversation with the head basketball coach focused on what student-athlete 2 was going to say in his interview with the NCAA the following day, rather than what the NCAA had questioned him about.

Assistant coach A recalled phoning assistant coach B soon after his interview ended in order to ask assistant coach B about the circumstances surrounding student-athlete 2's arrival on campus the previous summer and his inability to attend summer school. Assistant coach A stated that he had not known much about why student-athlete 2 was in Radford that summer, and he was concerned that his answers to the NCAA's questions on that topic did not sound credible. Consequently, according to assistant coach A, his conversation with assistant coach B was "all about (student-athlete 2)" and the impermissible transportation that he was provided. Assistant coach A also recalled that he phoned the head basketball coach later that same day. According to assistant coach A, his conversation with assistant coach B also focused on student-athlete 2's impermissible summertime transportation.

According to assistant coach A, he purchased a pre-paid cellular phone on the morning of April 13, the day after his interview and his above-noted calls to assistant coach B and the head basketball coach. Assistant coach A claimed that the primary reason for his purchase of the pre-paid cellular phone was because he was "tired of using everybody else's phone." However, he also acknowledged that he didn't want to use his own phone if the coaches "were going to talk about stuff we shouldn't be talking about."

In reference to Finding B-5-c, during assistant coach A's May 4 interview, he admitted to meeting student-athlete 2 in the parking lot of student-athlete 2s friend's apartment on April 13 in order to talk to student-athlete 2 about student-athlete 2's interview with the

NCAA earlier in the day. According to assistant coach A, after student-athlete 2 got in assistant coach A's car, "I asked him how it went [and] he said it went okay." Assistant coach A added that while student-athlete 2 was in the car, assistant coach A phoned the head basketball coach, put student-athlete 2 on the phone with the head basketball coach, and stepped outside the car. Assistant coach A recalled that he used either his girlfriend's phone or the pre-paid cellular phone that he purchased earlier in the day.

Student-athlete 2 confirmed meeting assistant coach A in the parking lot of his (student-athlete 2's) friend's apartment on the evening of April 13. According to student-athlete 2, when he got into assistant coach A's car, the coach asked him about the questions posed to him by the NCAA during his interview earlier that day. Then, assistant coach A phoned the head basketball coach, put student-athlete 2 on the phone with the head basketball coach, and stepped outside the car to make some other calls. Student-athlete 2 reported that the phone used was "a tiny flip phone" different from assistant coach A's usual phone.

In reference to Finding B-5-d, during his May 4, interview, assistant coach A admitted meeting the former head basketball coach at a local Starbucks coffee shop on the morning of April 13 and discussing whether student-athlete 2 would "hold it together" with regard to the fabricated story the young man was planning to tell the NCAA about the impermissible transportation provided to him in the summer of 2010. Assistant coach A did not report that they discussed details of his own interview with the NCAA.

Assistant coach A attended the infractions hearing. He was the only one of the coaches at risk in this case who did so. The committee appreciated his attendance at the hearing. The committee found assistant coach A's perspective helpful in better understanding this case and, in particular, the unethical conduct in which the assistant coaches had engaged.

In his opening statement, the committee was encouraged by the fact that assistant coach A seemed to understand that the coaches' greatest failures in this case were to the student-athletes;

. . . the only thing I did is I forgot why I was coaching. I didn't take the kids into consideration when this all went down . . . I would just like to apologize . . .

Later, assistant coach A explained why he engaged in unethical behavior as set forth in Finding B-5;

As assistant coaches, we were instructed to do things, and also the reason it happened is because, one, the assistants, myself, I will not speak for anyone else, didn't have the courage at the time to say, "No, coach, it is

wrong, we can't do this." And in a sense, it is a Catch-22. I mean, I am damned if I do and I am damned if I don't, you know. That is all I was thinking. But now thinking back again to my opening statement, it was not in the best interest of the team. You know, I kind of lost my way.

When asked if he had any concerns with engaging in behavior which violated NCAA rules, assistant coach A replied;

Yes . . . But if your boss is doing it and your boss is giving you directives to do it, then you do it. There were always concerns. But like I said, if I self-report a violation against my boss, I would still be where I am now, not working for the institution.

When asked if he believed he could speak to the institution's compliance director about violations, assistant coach A replied;

I didn't feel like, you know, I could go to (the compliance director) and then still have a job next year working at Radford. I feel like I would be labeled as a disloyal coach, and that they would not just get you out of Radford, it labels you in the coaching world. I didn't want that on me.

Assistant coach A stated that he spoke to the head basketball coach about possible rules violations, but was frustrated by the head basketball coach's response;

Actually having any conversations and sit down and telling him, you know, we said a few times, "Coach, he can't travel." You know, he just doesn't care. But, for us to sit down and having a conversation (about NCAA rules), and he is giving me an answer, to me, you are the head coach, you know the rules, I know the rules. I don't feel like – you know, I sat down with him more than one time and told him, look, you know, you can't do this. You get your answer and you never bring that up again.

The committee is fully aware that there are enormous pressures on assistant coaches not to come forward with information about their own or their head coach's potential NCAA violations. As assistant coach A said during the hearing, loyalty, however misplaced, is sometimes viewed as more valuable than being truthful and complying with NCAA rules. Nevertheless, despite the difficult predicament assistant coaches face if the head coach is pressuring them to violate the rules or cover up violations, assistant coaches must act within the rules and conduct themselves with integrity, or suffer the consequences.

This case affirms the importance of hiring head coaches committed to following the rules, because the tone they set for their programs is the single most important element in assuring program integrity and rules compliance.

**6. UNETHICAL CONDUCT –DIRECTOR OF OPERATIONS. [NCAA Bylaws 10.1, 10.1-(d) and 32.1.4]**

During the 2010-11 academic year, the director of operations acted contrary to the principles of ethical conduct and failed to deport himself in accordance with the generally recognized high standards of honesty and sportsmanship normally associated with the conduct and administration of intercollegiate athletics by providing false, misleading and incomplete information to the institution and enforcement staff, and by failing to protect the integrity of the investigation. Specifically:

- a. On December 27-28, 2010, and April 13, 2011, during the institution's initial inquiry and the joint inquiry, the director of operations provided false, misleading and incomplete information when he failed to disclose his knowledge of involvement in impermissible transportation provided to student-athlete 2.
- b. On or about April 15, 2011, the director of operations failed to protect the integrity of the investigation when he participated in a meeting with the head basketball coach and assistant coaches A and B to discuss substantive details about what was covered during his interview despite the NCAA's enforcement staff's instructions to the director of operations during his April 13, 2011, interview to keep the information discussed during the interview confidential.

**Committee Rationale**

The enforcement staff, the institution and the director of operations were in substantial agreement as to the facts of Findings B-6-a and B-6-b, and that those facts constituted violations of NCAA legislation. The committee finds the violations occurred. The committee notes that this position was the director of operation's first job at the collegiate level.

In reference to Finding B-6-a, during the director of operation's interview in December with the institution, he was asked whether he had "put any other student-athletes in this basketball program in a vehicle and taken them outside the normal, reasonable travel that is allowed by the NCAA." In addition, in his April interview, the enforcement staff

asked at least three times whether he knew of additional NCAA violations which had not been discussed in the interview. In both interviews, the director of operations failed to report that he provided any transportation to student-athlete 2. Subsequently, during his May interview, the director of operations disclosed that he provided student-athlete 2 with the three rides (Finding B-2) and that he recognized that two of the rides violated NCAA rules at the time he provided them. The director of operations stated that it was not his idea to report false and misleading information, but that the coaching staff met before the NCAA's initial on-campus interviews and agreed not to volunteer any information about student-athlete 2's transportation. During his May interview, the director of operations admitted that he previously provided misleading information regarding student-athlete 2's transportation.

In reference to Finding B-6-b, during the director of operations' May interview with the enforcement staff, he reported that after the conclusion of his April 13th interview, he spoke with assistant coaches A and B at which time he "told them about all the stuff that I was asked," even though he knew he "shouldn't have." The director of operations also reported that after the NCAA left campus at the conclusion of the first round of NCAA interviews, probably on Friday, April 15th, the men's basketball staff met as a group and discussed the extent to which student-athlete 2's summertime transportation had been a topic in their interviews. The director of operations acknowledged that during that meeting he told the other coaches what the NCAA asked him during his interview.

**7. FAILURE TO PROMOTE AN ATMOSPHERE FOR COMPLIANCE.  
[NCAA Bylaw 11.1.2.1]**

During the 2009-10 through the 2010-11 academic years, the head basketball coach failed to promote an atmosphere for compliance in the men's basketball program as demonstrated by:

- a. The head basketball coach's solicitation of involvement from men's basketball coaching staff members in the provision of impermissible benefits to student-athletes as detailed in Findings B-1 and B-2.
- b. The head basketball coach's ethical conduct violations that included an attempt to engage staff members and a student-athlete in an attempted cover-up of NCAA rules violations, as detailed in Findings B-3, B-4-(b), B-5 and B-6-(b).

### **Committee Rationale**

The enforcement staff and the institution were in substantial agreement on the facts of this finding and that those facts constituted violations of NCAA legislation. The head basketball coach did not believe that his actions constituted a failure to promote an atmosphere for compliance. The committee finds the violations occurred.

The committee concludes that the head basketball coach's actions in Findings B-1, B-2, B-3, B-4-b, B-5 and B-6-b support a finding that he violated the provisions of Bylaw 11.1.2.1. In each of these instances, the head basketball coach was in a position to prevent the violation from occurring. The head basketball coach's willful disregard for NCAA legislation set a tone within the men's basketball program that committing NCAA violations was acceptable.

In reference to Finding B-1, the head basketball coach and the members of his staff reported that they knew that it was impermissible for student-athlete 1 to travel with the men's basketball team due to a withholding penalty resulting from amateurism violations. Despite warnings from the coaching staff and his institution's compliance staff, the head basketball coach instructed student-athlete 1 to travel on the team bus to away men's basketball contests. By permitting student-athlete 1 to travel with the team, the head basketball coach showed a blatant disregard for NCAA rules. The head basketball coach's decision to allow student-athlete 1 to travel with the men's basketball team, even after he was told by the compliance office that student-athlete 1's travel was impermissible, undermined the compliance office's efforts to ensure the institution was adhering to NCAA legislation, and demonstrates that he did not have a commitment to NCAA rules compliance. (His actions also resulted in significant harm to student athlete 1, who incurred additional withholding penalties on top of those he was already was serving.) The head basketball coach compounded the situation when he instructed the director of operations to omit student-athlete 1 from the men's basketball travel party itinerary, which was submitted to the institution so that the men's basketball staff could be reimbursed for their travel expenses.

With respect to Finding B-2, the head basketball coach failed to promote an atmosphere for compliance when he orchestrated the violations involving the impermissible transportation and impermissible housing for student-athlete 2 during the late spring and summer of 2010.

Regarding Findings B-3, B-4-b, B-5 and B-6-b, the head basketball coach's deceit in enlisting his staff and a student-athlete to provide false, misleading and incomplete information during NCAA interviews clearly demonstrates that he failed to promote an atmosphere for NCAA compliance. Assistant coach B testified that " There is nothing done without coach." "We met daily and coach wanted to make sure we were on the

same page." Assistant coach A stated, "Nothing we do is coach not aware of, so everything we do, we follow the pecking order." The head basketball coach was firmly in charge of his program and failed in his responsibilities.

### C. **PENALTIES.**

For the reasons set forth in Parts A and B of this report, the Committee on Infractions found that this case involved major violations of NCAA legislation. In determining the appropriate penalties to impose, the committee considered the institution's self-imposed penalties and corrective actions. [Note: The institution's corrective actions are contained in Appendix Two.]

The committee also considered the institution's cooperation in the processing of this case. Cooperation during the infractions process is addressed in Bylaw 19.01.3 - **Responsibility to Cooperate**, which states in relevant part that, "All representatives of member institutions shall cooperate fully with the NCAA enforcement staff, Committee on Infractions, Infractions Appeals Committee and Board of Directors. The enforcement policies and procedures require full and complete disclosure by all institutional representatives of any relevant information requested by the NCAA enforcement staff, Committee on Infractions or Infractions Appeals Committee during the course of an inquiry." Further, NCAA Bylaw 32.1.4 – **Cooperative Principle**, also addresses institutional responsibility to fully cooperate during infractions investigations, stating, in relevant part, "The cooperative principle imposes an affirmative obligation on each institution to assist the enforcement staff in developing full information, to determine whether a possible violation of NCAA legislation has occurred and the details thereof." The committee determined that the cooperation exhibited by the institution went above its obligation under Bylaws 19.01.3.3 and 32.1.4. The committee noted that the institution self-detected and self-reported the majority of the violations and acted quickly in investigating and responding to the violations it discovered. In addition, the institution cooperated fully when the NCAA investigators arrived on campus and facilitated and encouraged their investigation. The committee further noted that there was no allegation of either a failure to monitor or a lack of institutional control. Moreover, as noted in the introduction, this was the institution's first major infractions case. As a result, the committee imposed only a two-year probationary period and did not impose more severe sanctions such as a postseason ban on the basketball program.

The committee imposed (or adopted) the following penalties. Those self-imposed by the institution are so noted:

1. Public reprimand and censure.

2. Two years of probation commencing February 24, 2012, and concluding February 23, 2014. (The institution proposed a one-year period of probation)
3. The institution shall reduce men's basketball grants-in-aid by a combined total of two, during the 2012-13 and 2013-14 academic years. The institution may apply the reduction of two grants in one of those years (limiting the institution to 11 "counters" that year), or spread the reduction over the two-year period (limiting the institution to 12 "counters" in each of those years).
4. Pursuant to NCAA Bylaw 19.5.2.2-(h), the institution vacated four men's basketball victories earned during the 2010-11 season during which student-athlete 2 competed while ineligible (Institution imposed). The individual records of student-athlete 2 shall be vacated as well. Moreover, the institution's records regarding men's basketball, as well as the record of the head basketball coach, will reflect the vacated records and will be recorded in all publications in which men's basketball records for the 2010-11 season are reported, including, but not limited to institutional media guides, recruiting material, electronic and digital media plus institutional, conference and NCAA archives. Any institution which may subsequently hire the head basketball coach shall similarly reflect the vacated wins in his career record as documented in media guides and other publications cited above. The head basketball coach may not count the vacated wins to attain specific honors or victory "milestones" such as 100th, 200th or 300th career victories. Any public reference to these vacated contests shall be removed from athletics department stationery, banners displayed in public areas and any other forum in which they may appear. Finally, to ensure that all institutional and student-athlete vacations, statistics and records are accurately reflected in official NCAA publication and archives, the sports information director (or other designee as assigned by the director of athletics) must contact the NCAA director of statistics, to identify the specific student-athlete(s) and contest(s) impacted by the penalties. In addition, the institution must provide the NCAA statistics department a written report, detailing those discussions with the director of statistics. This document will be maintained in the permanent files of the statistics department. This written report must be delivered to the NCAA statistics department no later than 45 days following the initial Committee on Infractions release.
5. The institution shall pay to the NCAA a fine of \$2,000. This fine is equal to the number of contests in which student-athlete 2 competed while ineligible (four) multiplied by \$500.
6. A reduction from 12 to 10 in the number of official paid visits that the men's basketball coaching staff may provide to prospective student-athletes during the

2011-12 academic year. This action is taken as a "two-for-one" penalty in response to violations involving student-athlete 2 as set forth in Finding B-2. (Institution imposed)

7. Prohibition from recruiting any international prospective student-athletes for a two-year period, beginning with the 2011-12 academic year. This prohibition applies to any two-or four-year college transfers and precludes the initial enrollment of any international men's basketball student-athletes prior to the conclusion of the institution's 2014 spring semester. This action is taken in response to the involvement of international men's basketball student-athletes in the violations set forth in this report.<sup>2</sup> During this time, the institution shall develop policies and procedures for recruiting international student-athletes designed to address and deter the violations that occurred in this matter.
8. The head tennis coach was suspended from coaching in two consecutive contests during the 2011 season and will be required to attend an NCAA Regional Rules Seminar in 2012 at his own expense. (Institution imposed) Further, the head tennis coach will be required to attend an NCAA Regional Rules Seminar in 2013 at his own expense.
9. The director of compliance, as well as all members of the compliance staff, shall be required to attend an NCAA Regional Rules Seminar in 2012.
10. As set forth in Findings B-1 and B-2, the committee finds that the head basketball coach committed knowing, multiple violations of NCAA legislation. Further, as detailed in Finding B-3, he provided false and misleading information to investigators and influenced others to do likewise, including a student-athlete. Therefore, pursuant to NCAA Bylaw 19.5.2-(k) the committee imposes a five-year show-cause period upon the head basketball coach. During this five-year period, which begins February 24, 2012, and concludes on February 23, 2017, the committee restricts the athletically related duties of the head basketball coach as follows:
  - a. He shall be precluded from engaging in any recruiting activity, both on and off-campus.
  - b. Any employing institution shall file within 60 days of hiring the head basketball coach (or, if he is employed at a member institution presently, 60 days after the release of this case), a report with the office of the Committees on Infractions detailing how it will monitor the head

---

<sup>2</sup> The committee does not impose this penalty but notes that the institution self-imposed.

basketball coach so as to prevent a recurrence of the violations set forth in this report, as well as information documenting compliance with the restrictions imposed. Thereafter, the institution shall file reports every six months until the end of the show-cause period, detailing its efforts to monitor the head basketball coach. If an institution chooses to contest these sanctions, it shall schedule an appearance before the Committee on Infractions to show cause why such restrictions should not be implemented.

11. The committee found that assistant coach A engaged in unethical conduct as set forth in Finding B-5. Other than the head basketball coach, assistant coach A was the most actively involved staff member in the attempt to cover up the violations involving student-athlete 2. As seen in Finding B-5, assistant coach A met with student-athlete 2 and encouraged him to provide false and misleading information. He also purchased a prepaid cell phone in an effort to conceal conversations relating to the cover up. Because of these efforts, the committee considered imposing a three-year show-cause requirement on assistant coach A. However, because he appeared before the committee and candidly answered questions, the committee concluded that a two-year show-cause period was warranted. Therefore, assistant coach A will be informed in writing by the NCAA that, the committee imposes a two-year show-cause period upon him pursuant to NCAA Bylaw 19.5.2-(k). During the period, which begins February 24, 2012, and concludes on February 23, 2014, the committee restricts the athletically related duties of the assistant coach A as follows:
  - a. He shall be precluded from engaging in any off-campus recruiting activity.
  - b. Any employing institution shall file within 60 days of hiring assistant coach A (or, if he is employed at a member institution presently, 60 days after the release of this case), a report with the office of the Committees on Infractions detailing how it will monitor assistant coach A so as to prevent a recurrence of the violations set forth in this report, as well as information documenting compliance with the restrictions imposed. Thereafter, the institution shall file reports every six months until the end of the show-cause period, detailing its efforts to monitor assistant coach A. If an institution chooses to contest these sanctions, it shall schedule an appearance before the Committee on Infractions to show cause why such restrictions should not be implemented.
12. The committee found that assistant coach B engaged in unethical conduct as set forth in Finding B-4. Therefore, assistant coach B will be informed in writing by the NCAA that, due to his involvement in violations of NCAA legislation found

in this case, the committee imposes a two-year show-cause period upon him pursuant to NCAA Bylaw 19.5.2-(k). During the period, which begins February 24, 2012, and concludes on February 23, 2014, the committee restricts the athletically related duties of assistant coach B as follows:

- a. He shall be precluded from engaging in any off-campus recruiting activity.
- b. Any employing institution shall file within 60 days of hiring assistant coach B (or, if he is employed at a member institution presently, 60 days after the release of this case), a report with the office of the Committees on Infractions detailing how it will monitor assistant coach B so as to prevent a recurrence of the violations set forth in this report, as well as information documenting compliance with the restrictions imposed. Thereafter, the institution shall file reports every six months until the end of the show-cause period, detailing its efforts to monitor assistant coach B. If an institution chooses to contest these sanctions, it shall schedule an appearance before the Committee on Infractions to show cause why such restrictions should not be implemented.

13. The committee found that the director of operations engaged in unethical conduct as set forth in Finding B-6. Therefore, he will be informed in writing by the NCAA that, due to his involvement in violations of NCAA legislation found in this case, the committee imposes a two-year show-cause period upon him pursuant to NCAA Bylaw 19.5.2-(k). During the period, which begins February 24, 2012, and concludes on February 23, 2014, the committee restricts the athletically related duties of the director of operations as follows:

- a. He shall be precluded from engaging in any off-campus recruiting activity.
- b. Any employing institution shall file within 60 days of hiring the director of operations (or, if he is employed at a member institution presently, 60 days after the release of this case), a report with the office of the Committees on Infractions detailing how it will monitor him so as to prevent a recurrence of the violations set forth in this report, as well as information documenting compliance with the restrictions imposed. Thereafter, the institution shall file reports every six months until the end of the show-cause period, detailing its efforts to monitor the director of operations. If an institution chooses to contest these sanctions, it shall schedule an appearance before the Committee on Infractions to show cause why such restrictions should not be implemented.

14. During this period of probation, the institution shall:

- a. Continue to develop and implement a comprehensive educational program on NCAA legislation to instruct the coaches, the faculty athletics representative, all athletics department personnel and all institution staff members with responsibility for the certification of student-athletes' eligibility for admission, financial aid, practice or competition;
  - b. Submit a preliminary report to the office of the Committees on Infractions by April 15 setting forth a schedule for establishing this compliance and educational program; and
  - c. File with the office of the Committees on Infractions annual compliance reports indicating the progress made with this program by December 15 of each year during the probationary period. Particular emphasis should be placed on the monitoring of prospective student-athletes who arrive on campus prior to initial full-time enrollment, with particular attention to international prospective student-athletes who may be recruited following the conclusion of the institution's self-imposed moratorium on the recruitment of international prospects. Emphasis shall also be placed on adherence to restrictions placed on student-athletes who are serving withholding penalties. The reports must also include documentation of the institution's compliance with the penalties adopted and imposed by the committee.
15. During the period of probation, the institution shall:
- a. Inform prospective student-athletes in men's basketball that the institution is on probation for two years and the violations committed. If a prospective student-athlete takes an official paid visit, the information regarding violations, penalties and terms of probation must be provided in advance of the visit. Otherwise, the information must be provided before a prospective student-athlete signs a National Letter of Intent.
  - b. Publicize the information annually in men's basketball media guides (or web posting), as well as in a general institution alumni publication to be chosen by the institution with the assent of the office of the Committees on Infractions. A copy of the media guides, alumni publication, and information included in recruiting material shall be included in the compliance reports to be submitted annually to the Committees on Infractions.

16. The above-listed penalties are independent of and supplemental to any action that has been or may be taken by the Committee on Academic Performance through its assessment of contemporaneous, historical, or other penalties.
  17. At the conclusion of the probationary period, the institution's president shall provide a letter to the committee affirming that the institution's current athletics policies and practices conform to all requirements of NCAA regulations.
- 

As required by NCAA legislation for any institution involved in a major infractions case, Radford University 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, February 24, 2012.

Should Radford University or any involved individual 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 appeals committee.

The Committee on Infractions advises 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. Any action by the institution contrary to the terms of any of the penalties or any additional violations shall be considered grounds for extending the institution's probationary period or imposing more severe sanctions or may result in additional allegations and findings of violations. An institution that employs an individual while a show-cause order is in effect against that individual, and fails to adhere to the penalties imposed, subjects itself to allegations and possible findings of violations.

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**

Britton Banowsky, chair

John S. Black

Melissa (Missy) Conboy

Eleanor W. Myers

James O'Fallon

Gregory Sankey

Dennis E. Thomas

Rodney J. Uphoff

## APPENDIX ONE

### CASE CHRONOLOGY.

#### **2010**

October 27 - The NCAA Eligibility Center determined that student-athlete 1, who was enrolled at Radford University, was ineligible due to pre-enrollment amateurism violations.

November 5 - After the Eligibility Center determined that student-athlete 1 violated amateurism legislation prior to his initial enrollment at the institution, the NCAA student-athlete reinstatement staff reinstated student-athlete 1 with a 21-game withholding condition and required the young man to repay \$8,660 to a charity of his choice.

December 18 – A sports information director, noticed that student-athlete 1, who was serving a withholding penalty for amateurism violations, entered the gym at the University of North Carolina, Wilmington, with other members of the institution's men's basketball team.

December 20 – The sports information director contacted the director of athletics, to report his concern about student-athlete 1 traveling with the men's basketball team. Additionally, the director of athletics notified the director of compliance, of the possible NCAA violation. On that same date, the director of athletics recommended that the institution gather additional information regarding student-athlete 1's travel with the men's basketball team.

December 24 – The director of athletics confirmed reports that student-athlete 1 traveled with the men's basketball team to Wilmington, North Carolina, and continued to travel with the men's basketball team bus to an away contest in Gainesville, Florida. In addition, the institution also reported NCAA violations to the institution's president, and to representatives at the Big South Conference.

December 27 and 28 - The institution conducted recorded interviews of the then members of the men's basketball coaching staff and members of the men's basketball team. These interviews were conducted by the director of athletics, the director of compliance and other senior members of the institution's athletics staff.

#### **2011**

January 4 - The institution contacted the NCAA enforcement staff and reported the discovered violations and sought guidance from the enforcement staff regarding the matter.

March 4 - The institution submitted a self-report of the violations detailed in Findings B-1 and B-2.

April 12-15 - The enforcement staff, representatives from the institution, the Virginia Attorney General's Office and the Big South Conference conducted on-campus interviews with then members of the men's basketball staff, select men's basketball student-athletes and other institutional staff employees.

April 19 - The enforcement staff, representatives from the institution, the Virginia Attorney General's office and the Big South Conference conducted a follow-up interview with student-athlete 2 after providing him with limited immunity.

April 20 - The enforcement staff issued a notice of inquiry to the institution.

May 2 - The enforcement staff, representatives from the institution, the Virginia Attorney General's office and the Big South Conference conducted a second interview with the head basketball coach.

May 4 and 5 - The enforcement staff, representatives from the institution, the Virginia Attorney General's office and the Big South Conference conducted follow-up interviews with then members of the men's basketball staff and other institutional employees.

May 26 - The enforcement staff and institutional representatives conducted additional off-campus interviews.

August 4 - The enforcement staff issued a notice of allegations to the institution and the involved parties in this case.

October 24 – The head tennis coach adopted the institution's response to the notice of allegations as his own response and waived his right to have a prehearing conference with the enforcement staff.

October 27 - The enforcement staff received the institution's response to the notice of allegations. On that same date, the enforcement staff received the head basketball coach's response to the notice of allegations.

October 31 - The enforcement staff sent assistant coach A's verbal and written communication inquiring about the status of his response to the notice of allegations. Assistant coach A failed to respond to the enforcement staff's inquiries. Assistant coach B submitted his response to the notice of allegations.

November 3 – The head basketball coach waived his right to a prehearing conference with the enforcement staff. On that same date, legal counsel informed the enforcement staff that he no

longer represented the head basketball coach. On that same date, the director of operations submitted his response to the notice of allegations.

November 10, - A prehearing conference was conducted with outside legal counsel on behalf of the institution.

November 11 - A prehearing conference was conducted with the director of operations.

November 14 - A prehearing conference was conducted with assistant coach B.

December 9 – The institution appeared before the NCAA Division I Committee on Infractions.

## **2012**

February 24 – Infractions Report No. 362 released.

## APPENDIX TWO

### **CORRECTIVE ACTIONS AS IDENTIFIED IN THE INSTITUTION'S OCTOBER 28, 2011, RESPONSE TO THE NOTICE OF ALLEGATIONS.**

1. On January 16, 2011, the institution issued the head basketball coach a letter of reprimand and notified him that he would be suspended from all coaching duties during four consecutive contests in February 2011, and that his pay would be reduced by the equivalent of 40 hours of work. These actions were taken in response to the head basketball coach's involvement in the transportation provided to student-athlete 1
2. On February 2, 2011, letters of reprimand were issued to assistant coaches A and B, the director of operations and another then men's basketball assistant coach who are not named in the case. These actions were taken in response to the coaches' involvement in or knowledge of the transportation of student-athlete 1.
3. On May 18, 2011, the institution executed a separation agreement with the head basketball coach, ending his employment with the institution effective June 24, 2011. In conjunction with the separation agreement, he was placed on administrative leave, relieved of duties on behalf of the institution, and directed to remain off of Radford's campus.
4. Between May 20 and 24, 2011, the institution executed separation agreements with assistant coaches A and B and the director of operations, ending assistant coaches A and B's employment with the institution effective July, 24, 2011. In conjunction with these separation agreements, the coaches were placed on administrative leave, relieved of duties on behalf of the institution, and directed to remain off Radford's campus.
5. On January 17, 2011, the institution suspended the head tennis coach from coaching activities during two consecutive contests. This action was taken in response to his involvement in providing the impermissible benefits to one men's basketball student-athlete and two men's tennis student-athletes.
6. The head tennis coach will be required to attend an NCAA Regional Rules Seminar in 2012 at his own expense. This action was taken in response to his involvement in providing the impermissible benefits to one men's basketball student-athlete and two men's tennis student-athletes.
7. Immediately after the discovery of the extra-benefits violations in the men's basketball and men's tennis programs, the compliance staff reviewed the extra-benefit legislation during Radford's monthly coaches' meetings.

8. As a result of information learned throughout the investigation of this case, the institution has further enhanced its process for monitoring prospective student-athletes who arrive in the Radford community early. Several new written compliance policies have been implemented. They include:
- a. Voluntary Workout Request Form - Any student-athlete or prospective student-athlete who plans to work out in the weight room must complete this form prior to their involvement. The intent of this form is to inform the compliance staff of incoming or remaining student-athletes that plan to utilize the athletics facilities. This policy aids in the monitoring of the pre-enrollment housing related questions.
  - b. Pre-Enrollment Form for Coaches - The completion of this form ensures that coaches have attested in writing that they did not provide any housing for a prospective student-athlete during the summer.
  - c. Pre-Enrollment Form for Prospective student-athletes - This form provides detailed monitoring of prospective student-athlete housing prior to enrollment.
  - d. Letter to incoming student-athletes - This letter is sent to all student-athletes both domestic and foreign. Its purpose is to educate the potential new student-athletes about pre-enrollment housing, meals, basic academic information, and transportation regulations.
  - e. Checklist for Pre-Enrollment - A checklist of forms and documents that must be supplied in any pre-enrollment housing situation. This document is posted on the compliance website for everyone to utilize.
  - f. Supplementary Amateurism Questionnaire - This document has been revised to include new or modified questions that clarify prospects pre-enrollment activities.
  - g. Incoming prospective-student athletes are prohibited from living with enrolled student-athletes the summer prior to their initial enrollment, regardless of the circumstances or whether the prospects would pay for their own expenses.
  - h. Team Travel Itinerary Form - This form is not new, but there are specific changes to the form to enhance its compliance usefulness. This form must now be submitted to the compliance office, the business office and the sport supervisor. Additionally, the signature request of the head coach has been added to the form to increase the level of accountability.
  - i. Recruiting travel information - This is a new policy that requires coaches to provide additional information about the specific recruits they will evaluate or contact while recruiting off campus. This form was added to the existing travel request forms,

which are required before recruiting travel can occur. The information from this form will aid the compliance office's monitoring activities and afford them a more complete understanding of the recruitment of a prospective student-athlete from start to finish.