



TEXAS SOUTHERN UNIVERSITY
PUBLIC INFRACTIONS REPORT
OCTOBER 9, 2012

A. INTRODUCTION.

On August 10-11, 2012, officials from Texas Southern University along with the former head football coach ("former head football coach") and his representative and the former head men's basketball coach ("former head basketball coach"), along with his representative, appeared before the NCAA Division I Committee on Infractions to address allegations of NCAA violations in several of the institution's athletic programs.

The institution is a multiple repeat violator, being initially placed on NCAA probation in 1996. The violations in that case dated to 1992 and included ineligible participation, academic fraud, extra benefits and lack of institutional control. That probation ended in 2001. By 2008 Texas Southern was back on probation, this time for four years, as a result of major violations dating to 2004. The violations in the second case also included ineligible participation, impermissible benefits and lack of institutional control resulting from an inadequate compliance system. In both cases, the violations occurred in a number of different sports.

The institution has either been on probation or had violations occurring on campus, or both, for 16 of the past 20 years. Adding to the problems, at various times during the earlier probations the institution reported to the committee that it was taking certain remedial actions when it actually was not.

The violations in the present matter once again included impermissible participation, academic improprieties and lack of institutional control. From the 2004-05 academic year into 2010-11, the institution permitted 129 student-athletes in 13 sports to compete and receive financial aid and travel expenses when they were ineligible to do so. Further violations included exceeding financial aid limits and failing to serve a penalty imposed by the NCAA Academic Performance Program. Particularly serious violations occurred when 1) from May through September 2009, the former head football coach allowed a representative of the institution's athletics interests ("representative") to recruit for his program; and 2) the former head basketball coach provided false or misleading information to the enforcement staff when he denied that he and the former head football coach engaged in actions intended to circumvent limits on men's basketball financial aid counters. Following his agreement with the former head football coach to place two men's basketball student-athletes ("student-athletes 1 and 2," respectively) on football scholarships without any intention that the two student-athletes would participate as

members of the football team, the former head basketball coach provided false or misleading information about the matter in his interviews during the investigation.

A member of the Southwestern Athletic Conference, the institution has an enrollment of approximately 9,700 students. The institution sponsors seven men's and nine women's intercollegiate sports. As stated above, this was the institution's third major infractions case.

B. FINDINGS OF VIOLATIONS OF NCAA LEGISLATION.

1. IMPERMISSIBLE PARTICPATION, FINANCIAL AID AND TRAVEL EXPENSES. [NCAA Bylaws 14.01.1, 14.01.2, 14.1.8.1, 14.1.8.2, 14.1.8.2.2, 14.4.3.1-(a), 14.4.3.2, 14.5.1, 14.5.4, 14.5.5.1, 14.5.5.4, 14.5.6, 14.11.1 and 16.8.1.2]

During the 2004-05 through 2010-11 academic years, the institution permitted 129 student-athletes to compete and receive athletically related financial aid and travel-related expenses while ineligible to do so. The majority of the student-athletes were ineligible due to making insufficient satisfactory progress toward a degree, while others were ineligible because they did not satisfy transfer requirements.

Committee Rationale

The enforcement staff and the institution were in agreement with the facts of this finding and that those facts constituted violations of NCAA legislation. The committee finds that the violation occurred.

In the summer of 2011, as the investigation into this case was ongoing, the institution hired an outside law firm to review the eligibility certification process for student-athletes. Through records reviews and interviews with campus personnel, the law firm identified several student-athletes who had been certified as eligible but whose academic records did not satisfy NCAA academic eligibility standards. At that point a comprehensive review was undertaken, as well as an analysis of the system used to make certification decisions.

An immediate concern was whether any present student-athletes were participating while ineligible. Once that issue was resolved, the institution and law firm completed a review of all student-athlete certification records from 2004-05 through 2010-11. That review confirmed that 129 student-athletes representing 13 of the institution's sports programs had been allowed to participate (either in practice, competition or both) and/or receive

athletically related financial aid and team travel expenses when ineligible to do so. The violations involved both continuing and transfer student-athletes and the rules regarding satisfactory academic progress and transfer eligibility. The institutional failures were attributed to a number of factors, the most obvious of which was that personnel in the compliance and registrar's offices were not knowledgeable in the application of NCAA legislation. Further, the then athletics compliance officer ("former director of compliance") was the sole member of the compliance staff and had full responsibility for monitoring over 300 student-athletes per year. At the hearing, the institution's president acknowledged that insufficient resources had been allocated to the compliance effort in previous years.

The failures by the institution to establish adequate systems to certify eligibility and preclude participation by ineligible student-athletes demonstrated lack of institutional control, as outlined in Finding B-8.

The institution reported that it has revamped the compliance office to address the deficiencies uncovered in this case. The changes and improvements made to the process are fully detailed in Appendix Two, which lists the institution's corrective actions.

2. EXCEEDING FINANCIAL AID LIMITATIONS. [NCAA Bylaw 15.5.6.2]

During the 2008-09 through 2010-11 academic years, the institution exceeded the NCAA Football Championship Subdivision (FCS) limit of 30 initial counters of athletically related financial aid. During the 2009-10 academic year, the institution also exceeded the FCS annual equivalency scholarship limit of 63.

Committee Rationale

The enforcement staff and the institution were in agreement with the facts of this finding and that those facts constituted violation of NCAA legislation. The committee finds that the violation occurred.

These violations were self-discovered by the institution as the investigation of this case progressed. During the 2008-09, 2009-10 and 2010-11 academic years, the institution provided athletically related aid to 48, 43 and 33 initial counters, respectively, in the sport of football. The FCS limit is 30. Also, in 2010-11 the institution awarded 64.03 equivalency financial aid awards to counters in football. The limit is 63 per year.

In his interviews during the investigation, the former head football coach claimed he read the applicable bylaws to include an exception that allowed him to provide more athletically related aid than is allowable to initial counters. He said he discussed the

matter with the former director of compliance, who agreed with the former head football coach's interpretation of the rule. The former director of compliance claimed no recollection of the conversation but was unable to say it had not occurred.

At the hearing, the institution's president attributed the violations to a lack of oversight by the compliance office, calling the misunderstanding and misapplication of the rules unacceptable. He stated a belief that both the former compliance officer and former head football coach were aware of the applicable rules and that the overages were the result of collusion between them. As will be set forth in further detail in the rationale for Finding B-5 (failure to promote an atmosphere for compliance by the former head football coach), the committee concurs.

Compounding the problems was that no squad lists were produced by the compliance office during the years the violations occurred. It was necessary to reconstruct those lists during the investigation.

The failures by the institution to monitor athletically related financial aid limits contributed to the lack of institutional control and monitoring outlined in Finding B-8.

3. FAILURE TO SERVE PENALTY AND EXCEEDING COUNTABLE ATHLETICALLY RELATED ACTIVITIES. [NCAA Bylaws 15.01.8, 17.01.2, 17.1.6.4 and 23.2.1.2.2]

During the 2009-10 academic year, the institution failed to serve its NCAA Division I Academic Performance Program Occasion-Two Historical Penalty for men's basketball. Specifically, the penalty required the men's basketball team to limit athletically related aid to 11 counters and restrict its allowable countable athletically related activities to five days per week. In fact, the team awarded athletics aid to 13 counters. Further, the men's basketball team took only one day off from countable activities during seven weeks and took no days off during one week.

Committee Rationale

The enforcement staff and the institution were in agreement with the facts of this finding and that those facts constituted violations of NCAA legislation. The committee finds that the violation occurred.

The institution learned in November 2008 that it would be penalized with the loss of two men's basketball grants for the 2009-10 academic year, allowing it to award no more than 11. The penalties, levied under the NCAA Academic Performance Program, also

included reductions in daily and weekly practice hours. During the year the penalty was served, the team was to practice no more than five days per week for a total of no more than 16 countable hours. The reductions were designed to give the men's basketball student-athletes more time to devote to their studies.

The director of athletics ("director of athletics") communicated the penalties to the former head basketball coach by delivering a written copy of the sanctions to him. However, the former head basketball coach asserted that he did not receive the notification of practice hour reductions until "some point during the year." Practice logs from 2009-10 show that the program adhered to the limitation of 16 hours per week but did not begin taking a second day off per week until the seventh of the season's 20 weeks. The second day off was only taken in 12 of 20 weeks. The program did not take any days off of practice activities during the week of November 8, 2009. At the hearing, the institution attributed the problems to a lack of follow-up by the athletics administration and miscommunications between the director of athletics and the former head basketball coach.

One of the two athletics grants that exceeded the limit of 11 was awarded as a result of a compliance office error that allowed the men's basketball program to "replace" a counter who left the team with another student-athlete who had not previously been on athletics aid. The existence of another extra counter came to light when it was later discovered that student-athlete 1, who competed exclusively as a member of the men's basketball squad, was awarded a football scholarship for 2009-10. As student-athlete 1 did not participate in the football program, he should not have been considered a two sport athlete per Bylaw 15.5.10.7.1. This situation will be discussed in further detail in Finding B-7 (improper classification as multi-sport participants).

The failure by the institution to implement the Academic Performance Program penalties demonstrated lack of institutional control and monitoring, as outlined in Finding B-8.

4. RECRUITING BY A REPRESENTATIVE OF INSTITUTION'S ATHLETICS INTERESTS. [NCAA Bylaws 13.01.4, 13.02.14, 13.1.1.3, 13.1.2.1, 13.1.3.5.1 and 13.2.1]

From May 2009 through September 2009, the representative had in-person recruiting contacts and recruiting phone calls with three four-year college prospective football student-athletes on behalf of the institution's football coaching staff and paid for an airline ticket for the girlfriend of a prospective student-athlete.

Committee Rationale

The enforcement staff and the institution were in agreement with the facts of this finding and that those facts constituted violations of NCAA legislation. The committee finds that the violations occurred.

The representative became associated with the institution in the fall of 2008, when his son ("student-athlete 3") a football student-athlete at another institution, transferred to Texas Southern. The representative was already acquainted with an assistant football coach at the institution ("former assistant coach 1"). Once student-athlete 3 transferred to the institution, the representative and the former head football coach began to have conversations regarding student-athletes who might like to transfer to Texas Southern from other institutions. Even though the former head football coach stated he told the representative that he (the former head football coach) could not talk to prospective transfers without permission, the former head football coach, former assistant coach 1 and two other then assistant football coaches ("former assistant coaches 2 and 3," respectively) were all aware that the representative was contacting potential transfers and their parents "as a parent." The coaching staff not only failed to dissuade the representative from making such contacts, they actively encouraged him. Yet at no time did the former head football coach or any member of his staff make any attempt to ascertain if the activities of the representative were allowable under NCAA legislation. The former head football coach's failure to do so forms part of the basis for a finding that he failed to promote an atmosphere for compliance, as set forth in Finding B-5.

During the summer of 2009, the representative communicated about the institution and its football program with three student-athletes from other four-year institutions ("prospects 1, 2 and 3," respectively) and with the mothers of prospects 2 and 3. Members of the football coaching staff were aware of the representative's contacts with the prospects and their family members.

From June 10 through July 18, 2009, the representative had 23 calls with prospect 1. Prospect 1 reported that the representative contacted him "almost daily" about his potential transfer and that, on one of the calls, the former head football coach joined in on the conversation. Prospect 1 eventually transferred to an institution other than Texas Southern.

From August 23 through September 2, 2009, the representative had 18 calls with prospect 2 and 32 calls with prospect 2's mother. Prospect 2 received his first call from the representative shortly after prospect 2 had been contacted by former assistant coach 2 regarding a possible transfer. Former assistant coach 2 told prospect 2 that the representative was not a coach but was someone who worked very closely with the

institution's football program. In an interview with the enforcement staff, the representative stated that he was specifically requested by the former head football coach to contact prospect 2; the former head football coach denied making the request. Prospect 2 transferred to the institution.

From August 28 through August 30, 2009, the representative had 25 calls with student-athlete 3 and eight calls with student-athlete 3's mother. At the same time, the representative was in contact with members of the football coaching staff about his communications with student-athlete 3. On August 31, student-athlete 3 received written permission from his previous institution to communicate with other institutions about a possible transfer. On that day, the representative had 17 additional calls with student-athlete 3. On September 1, student-athlete 3 enrolled at Texas Southern.

On approximately May 27, 2009, the representative delivered an institutional athletics financial aid agreement to a prospective four-year college transfer ("prospect 4"). Prospect 4 reported that he was first contacted by the representative in the spring of 2009, before prospect 4 requested a release from the institution he was attending at the time. Subsequently, the representative visited prospect 4 twice at the young man's home. On the second visit, which occurred near the end of May, the representative brought an athletics financial aid agreement for prospect 4 to sign. The representative said he received the agreement, which already contained the former head football coach's signature, from the former head football coach and former assistant coach 3. Prospect 4 signed the agreement and enrolled at the institution.

On or around August 9, 2009, the representative purchased a \$55 airline ticket for the girlfriend of prospect 4 ("girlfriend") so she could travel from Houston to the state where she attended college. She had stayed in Houston with prospect 4 after he had moved to the vicinity of campus for the summer. It is undisputed that the airline ticket was purchased through an acquaintance of the former head football coach who worked in the airline industry ("airline worker") and that the representative was referred to the airline worker by the former head coach. The girlfriend stated to the representative that the former head football coach agreed to "make arrangements" for her to return to school. Subsequently, the representative was referred to the airline worker by the former head football coach. This incident, as well as the procurement of an unsigned athletics financial aid agreement by the representative, will be discussed in further detail in the rationale for Finding B-5.

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

The scope and nature of the violations detailed in Finding B-2 and Finding B-4 demonstrate that, during the 2008-09 through 2010-11 academic years, the former head football coach failed to promote an atmosphere for compliance in the football program and monitor the activities regarding compliance by assistant football coaches. Specifically, the former head football coach failed to ensure the football program did not exceed NCAA limits on initial counters and failed to monitor the communications between his staff and the representative of the institution's athletics interests.

Committee Rationale

The enforcement staff and the institution were in agreement on the facts of this finding with respect to Finding B-4 and agreed that those facts constituted violations of NCAA legislation. As noted below, the portion of the finding related to the facts of Finding B-2 was made by the committee following the presentation of evidence at the hearing. The former head football coach denied that he failed to monitor or promote an atmosphere for compliance with respect to Findings B-2 and B-4 but admits that he did not sufficiently monitor the involvement of his coaching staff with the representative. The committee finds that the violations occurred.

Regarding Finding B-2, it was originally included by the enforcement staff as a basis for this finding before being deleted prior to the hearing. However, at the hearing, the committee explored the matter in detail and allowed the former head football coach to fully discuss whether his actions with respect to Finding B-2 reflected a failure to monitor or a failure to promote an atmosphere for compliance. Following the presentation, the committee included Finding B-2 in this finding pursuant to the authority of Bylaw 32.8.8.3.

As set forth in Finding B-2, the institution exceeded the limits on initial football counters by significant numbers in 2008-09, 2009-10 and 2010-11. During those years the institution awarded football grants to 48, 43 and 33 initial counter football student-athletes, far surpassing the FCS annual limit of 30. At the hearing, the institution's president stated it was "obvious" the former head football coach and former director of compliance knowingly acted together to facilitate the award of aid to more student-athletes than allowable.

The committee concurs. The 30 student-athlete limit on initial counters in FCS (formerly Division I-AA) football has been in effect for 20 years. The former head football coach is a veteran coach who has spent the majority of his career at either the Football Bowl Subdivision (formerly Division I-A) or FCS/Division I-AA levels. His claim that he reasonably believed there was an exception into the legislation that allowed him to sign more than 30 players is not persuasive, and the former director of compliance's claimed

lack of recall surrounding the events is also unpersuasive. Additionally, the committee notes that no football or men's basketball squad lists were generated for the years in question, which would have made it extremely difficult for others to track the distribution of the athletics grants at the times they were awarded.

The rationale for Finding B-4 details the interactions of the representative with four-year college prospective transfer student-athletes to the institution. The representative was allowed and encouraged to participate in activities that the former head football coach should have recognized constituted recruiting and were, therefore, impermissible. The former head football coach and his assistants interacted regularly with the representative regarding his recruitment activities.

The former head football coach became acquainted with the representative in the fall of 2008 after the representative's son, a football student-athlete at another institution, transferred to Texas Southern. Though the former head football coach claimed at the hearing to be unaware the representative was phoning prospects (saying he believed the representative was being contacted *by* parents), he admitted participating on one occasion on a three-way call with the representative and prospect 1. Further, phone records reveal that the former head football coach and his assistants were engaged in phone conversations with the representative in close proximity to contacts the representative was having with prospects, suggesting that the calls related to the recruitment of the prospects. For example, on August 23, 2009, the representative made a four minute call to former assistant coach 2 at 5:12 p.m. Immediately upon disengaging from that call, the representative called and had a 10 minute phone conversation with prospect 2. Later the same evening, the representative called prospect 2's mother and had a four minute conversation before immediately phoning former assistant coach 2 and talking for 11 minutes. The representative phoned the former head football coach immediately after the conversation with former assistant coach 2 concluded. The committee does not find credible the former head football coach's position that he was unaware the representative was making recruiting calls to prospects.

The former head football coach admitted he became aware that the representative was discussing prospects with the assistant coaches, and he acknowledged that the representative's reports regarding his contacts with prospects were discussed during football staff meetings. Former assistant coach 3 went further, saying he was aware the representative was trying to "steer" prospects to the program. The former head football coach stated a belief that the contacts were acceptable because the representative was only "talking to them as a parent," though he never checked with any member of the athletics administration to determine the extent to which the representative's activities may have been permissible under NCAA bylaws. Further, he never asked for any instruction regarding what, if any, limits should be placed on his assistants' interaction with the representative, and he did not monitor their contacts.

The committee is particularly troubled by evidence in the record suggesting that the former head football coach may have been involved in the delivery of the athletics financial aid agreement to prospect 4 and the purchase of an airline ticket for prospect 4's girlfriend. The normal protocol for delivery of athletics financial aid agreements required the former head football coach (or a designated staff member) to fill in the names, amount of aid, etc. before the former head football coach signed the document. The financial aid office was then to approve the agreement and return it to the football office, which sent it out to the prospect. Once returned by the prospect, the agreement was taken by the football staff to the compliance office and the Financial Aid office for final approval.

The policy was not followed in the situation involving prospect 4. The agreement contained no signatures other than that of the former head football coach when it was presented to prospect 4 to be signed. The representative said the former head football coach and former assistant coach 3 sent him financial aid forms that he was to use to secure the commitments of prospects. The former head football coach denied supplying any of the forms, but it is obvious that the representative obtained it from a member of the football coaching staff.

The former head football coach was directly involved in the events that culminated in the representative purchasing an airline ticket for prospect 4's girlfriend. In his interview with the enforcement staff, the representative reported he was told by prospect 4's girlfriend that the former head football coach had agreed to help her get back to school. Subsequently, the representative called the former head football coach, who told him to contact the airline worker regarding a "buddy pass" that would allow prospect 4's girlfriend to fly cheaply. The former head football coach denied that such a conversation took place, admitting only that he got a call from the representative inquiring about airline flights and referred him to the airline worker (Note: the airline worker declined to cooperate with the investigation). According to the former head football coach, he was never told why the representative needed to buy the airline ticket or who was to use it. The committee does not find credible the former head football coach's position that there was no conversation about why the ticket was needed.

The former head football coach failed to ensure that his program adhered to a long-time, well-known rule regarding limits on initial grants for FCS football programs. There is no foundation for his claim that the applicable legislation can reasonably be read to include an exception that was available to the institution. Further, the former head football coach allowed the representative to be significantly involved in the recruitment of prospective transfer student-athletes. By his own admission, the former head football coach was aware that there was contact between the representative and the prospective transfer student-athletes, and he himself had regular contact with the representative. The contacts

between the representative and prospective transfer student-athletes were topics of discussion at football coaching staff meetings. Although the former head football coach apparently told the representative that he (the former head football coach) was unable to contact prospective transfer student-athletes without a release, he failed to inquire whether the representative could have such contact. Instead, he claimed a belief that the representative's contacts were allowable because he was only contacting the prospective transfer student-athletes and their families as one parent to another.

The former head football coach's purported ignorance of well-understood and long-standing NCAA rules is not persuasive. By failing to ensure that his program stayed within financial aid limits, and by failing to take any action to prevent the representative from direct involvement with the recruitment of prospects, the former head football coach demonstrated that rules compliance was not of foremost importance as he administered his program. He did not establish a culture for rules compliance within his program and he did not monitor the actions of his staff with respect to their interaction with the representative.

6. UNETHICAL CONDUCT. [NCAA Bylaws 10.01.1, 10.1 and 10.1-(d)]

On January 19, 2010; March 7, 2011; and January 9, 2012, the former head basketball coach 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 knowingly providing false or misleading information concerning improperly awarded athletically related aid provided to men's basketball student-athletes 1 and 2. Specifically, he stated that the young men were supposed to play football at the institution when he was aware that the young men 1) had only received football scholarships as a way to circumvent the grants-in-aid limits placed upon the men's basketball program; and 2) consistently attended men's basketball practice and activities; and 3) did not participate in any manner in the football program.

Committee Rationale

The enforcement staff and the institution were in substantial agreement on the facts of this finding and that the facts constitute violations of NCAA legislation. The former head basketball coach denies that he provided false or misleading information during his interviews with the institution and enforcement staff. The committee finds that the violation occurred.

The former head basketball coach was hired at the institution in April 2008. At the time, the institution was failing to achieve NCAA-mandated academic progress and graduation

rates that would ultimately lead to the NCAA's Committee on Academic Performance reducing men's basketball grants-in-aid by two, from 13 to 11, for the 2009-10 academic year.

After being on a men's basketball grant for the 2006-07 and 2007-08 academic years, student-athlete 1 was placed on a football grant for 2008-09, the former head basketball coach's first season. During one of his three interviews during the investigation, on January 9, 2012, when discussing student-athlete 1 being placed on a football scholarship, the former head basketball coach stated:

[Student-athlete 1] was a kid that when I got the job, he was a senior. And, and he wanted to play, he was 6'6, and he had blazing speed, and he felt like he could play football. And he wanted to play football and basketball here. And, you know what, and when it came time to get on the football field early on, he didn't participate at it. And, you know, and then he played basketball for me that whole year, his senior year.

Later in the interview, the former head basketball coach stated that the football coaches wanted student-athlete 1 to play for them. He acknowledged that student-athlete 1 never told him he wanted to play but claimed he learned of the young man's interest in football from someone else. He could not recall who that other person was. The former head basketball coach acknowledged awareness that student-athlete 1's aid had been transferred to football for 2008-09 and that student-athlete 1 did not participate in that sport.

No credible evidence supports the former head basketball coach's contention that student-athlete 1 intended to play football or that the football coaches desired that the young man join the football squad. Student-athlete 1 stated in his interview that he stopped playing football in middle school due to a lower back injury and did not play again throughout high school or college. He explained that toward the end of the 2008-09 basketball season, a time when he would have already been on football scholarship for more than six months, he went to the football office on the "spur of the moment" to inquire about possibly joining the team for the following fall, once his basketball eligibility was exhausted. However, when the football coaches told him that his eligibility for college athletics had expired, he did not pursue the matter any further. At no time did he indicate a desire to play football to the basketball coaches, he was never recruited to play by any member of the football staff, and he did not mention the meeting with the football coaches to the former head basketball coach. Student-athlete 1 never participated in any football team activity at the institution.

Student-athlete 1 first found out that he was on a scholarship for football, rather than basketball, in the fall of 2008. When he went to the bookstore to get his books for the

semester, he was informed that his scholarship (which had previously been a full grant-in-aid through the basketball program) was now a partial scholarship being paid by the football program and his books were not included in the amount of aid he was to receive. He stated that he had a "real quick" conversation with the former head basketball coach about the matter in which the former head basketball coach informed him that his scholarship was now tied to football. He received no further information regarding how or why his scholarship aid was switched from a basketball grant to football.

Student-athlete 2 transferred into the institution from a junior college in January 2009. In spite of being an international student who was recruited to play basketball and had never played football, he was awarded a football scholarship for spring 2009 and the 2009-10 academic year. It is undisputed that he never participated in any football activities at the institution.

At various times in his interviews, the former head basketball coach stated that student-athlete 2 was going to "do both" football and basketball and was "supposed to come here and play two sports." He claimed to have informed the football coaches prior to student-athlete 2's arrival on campus that student-athlete 2 could help them as a wide receiver and that the football coaches agreed to award him a football scholarship. The former head basketball coach was aware that student-athlete 2 never participated as a member of the football squad.

In an early interview, student-athlete 2 stated that he played wide receiver for the football team upon his arrival at the institution. In a second interview, after he was presented with information by the enforcement staff suggesting he had been told by an employee of the men's basketball staff to make that statement, he admitted that he was never a member of the football team. He said "I never played football in my whole life. I can't even catch a football. Never threw one. Don't play football in (my home country)." He went on to say that when he arrived on campus, two members of the men's basketball coaching staff, including the former head basketball coach, informed him that he was on a football scholarship. The explanation he was given was that there were no more men's basketball grants available. He was not told that he was expected to play football, and he never told anyone that he wanted to participate in that sport. He did not report having any conversations with members of the football staff.

Although the former head basketball coach claimed that the "whole (basketball) team knew" student-athlete 2 was supposed to play two sports at the institution, none of his five former basketball teammates who were interviewed during the investigation had any knowledge of him desiring to participate in football (though one of those former teammates stated he heard yet another teammate say something about him playing football). A former assistant men's basketball coach at the institution thought (student-athlete 2) was "gonna play football because...he was a big kid," but he acknowledged

never talking to student-athlete 2 about football or having any direct knowledge of the young man's plans. The then director of player development for the institution's men's basketball program ("former director of player development") stated he told student-athlete 2 that the young man had a "good body," could possibly play professional football and that he compared favorably to a former college basketball player who had gone on to play football professionally. He did not say when this conversation occurred. The former director of player development recalled that all the men's basketball and football coaches knew student-athletes 1 and 2 were on football scholarships.

Of the two former men's basketball players at the institution interviewed by the former head basketball coach's counsel, one stated he was told by student-athlete 1 that he was going to play both sports, but he offered no time frame, context or detail in the two-minute telephone interview. The other claimed it was simply "word of mouth" that student-athlete 1 wanted to play football. Both of them were aware that neither student-athlete 1 or 2 ever participated in football at the institution.

The evidence strongly suggests, and the committee finds, that the former head basketball coach and former head football coach engaged in an arrangement to put student-athletes 1 and 2 on football scholarships for the purpose of circumventing the grant limits placed on the men's basketball program. Student-athlete 1 was on basketball scholarship for 2007-08 but did not play due to eligibility issues. For the 2008-09 academic year, the men's basketball program already had 13 student-athletes on athletics aid - and, therefore, no available grants once he was able to rejoin the team. It was then that student-athlete 1 was placed on football aid. Similarly, when student-athlete 2 arrived on campus in the spring of 2009, it was known that the institution would be penalized two basketball grants for the 2009-10 academic year. The squad already had 11 student-athletes on scholarship. Student-athlete 2 was also placed on a football scholarship.

At the hearing, the former head basketball coach admitted that he initiated the process by which student-athletes 1 and 2 came to be on football aid when he spoke to the former head football coach about adding the two student-athletes to the football rolls. The following exchange between a committee member (CM) and the former head basketball coach (FHBC) occurred at the hearing:

CM: When (student-athlete 2) comes in mid-year, he is not on a basketball scholarship?

FHBC: No, sir.

CM: He is put on a football scholarship?

FHBC: Yes, sir.

CM: Why?

FHBC: Because that was the only way he was going to be able to come to the university.

CM: He had to count someplace other than in men's basketball scholarship-wise?

FHBC: Yes, sir.

CM: You initiated that?

FHBC: Well, I had a conversation with (former head football coach) and I thought, you know, we came to the agreement that it would help both programs. You know, they needed athletes and he could help my basketball program.

Although the former head football coach denied agreeing to the arrangement, the evidence is convincing that he acquiesced and was fully aware the young men were being given football scholarships. Once student-athlete 2 arrived on campus, the former head basketball coach knew he wasn't playing football and did not want to play. The young man attended basketball practice every day (often at the same times the football team was practicing), and the basketball coaches provided no coordination with the football coaching staff and otherwise did nothing to monitor or ensure student-athlete 2's participation on the football squad in exchange for his aid.

Under the circumstances, the former head basketball coach's continuing statements in his interviews that the young men were supposed to play football upon their arrival at the institution constituted false or misleading information. Neither young man wanted to play football; student-athlete 1 had not played since middle school and, by his own admission, student-athlete 2 could neither throw nor catch a football and had never played the game in his life. At the same time, the former head basketball coach was facing a shortage of basketball grants. He approached the former head football coach, who had scholarship money to give, about putting the young men on football aid and was able to secure his agreement to do so. The former head basketball coach knew the two student-athletes were not participating in any way as members of the football program, did not want to participate and were not expected to do so. His sole purpose in asking the head football coach to put them on football aid was to procure athletically related aid beyond what the men's basketball program was able to provide. As there was no expectation that they would actually participate in the football program, the former head basketball coach's statements that they were "supposed" to play football were false or misleading.¹

**7. IMPROPER CLASSIFICATION AS MULTI-SPORT PARTICIPANTS.
[NCAA Bylaws 15.5.10.1, 15.5.10.2 and 15.5.10.7.1]**

During the 2008-09 and 2009-10 academic years, student-athletes 1 and 2 were impermissibly classified as multi-sport athletes and awarded grants-in-aid designated for the football program. Specifically, student-athlete 1 was classified as a multi-sport athlete for the 2008-09 academic year but did not participate in

¹ An unethical conduct allegation was not brought by the enforcement staff against the former head football coach for his involvement in awarding football grants to the two men's basketball student-athletes.

football. Student-athlete 2 was classified as a multi-sport athlete for the spring 2009 semester and 2009-10 academic year but did not participate in football.

Committee Rationale

The enforcement staff and the institution were in agreement with the facts of this finding and that those facts constituted violations of NCAA legislation. The committee finds that the violation occurred.

As set forth in Finding B-6, student-athletes 1 and 2 were men's basketball student-athletes who were awarded football grants-in-aid. Student-athlete 2 first enrolled at the institution in the spring semester of 2009. During that semester and the 2009-10 academic year, student-athlete 2 received a football grant-in-aid. Student-athlete 1 was on a basketball scholarship in 2006-07 and 2007-08 before he received a football grant for 2008-09.

NCAA Bylaw 15.5.10.7.1 requires that, before an individual can be treated as a multi-sport athlete, the following conditions must be met:

- The individual shall report and participate fully in regularly organized practice with each squad;
- The individual shall participate where qualified in actual competition in each sport;
- The individual shall be a member of each squad for the entire playing and practice season; and
- If a recruited student-athlete, the individual shall have been earnestly recruited to participate in the sport in which the financial aid is counted.

Student-athletes 1 and 2 were men's basketball student-athletes who did not meet the criteria to be treated as multi-sport athletes and receive football grants-in-aid. Neither of them reported to or participated in any organized football practices or competitions, and they were not members of the football squad at any time during any season. They met the definition of "recruited student-athlete" per Bylaw 15.02.8, but they were not earnestly recruited to play football. All recruiting efforts directed toward them were made by the men's basketball staff. Therefore, student-athletes 1 and 2 were impermissibly categorized as multi-sport athletes and should not have been awarded football grants.

The failures by the institution to properly classify student-athletes 1 and 2 and award their grants-in-aids demonstrated lack of institutional control and monitoring, as outlined in Finding B-8.

8. LACK OF INSTITUTIONAL CONTROL. [NCAA Constitution 2.1.1, 2.1.2, 2.8.1 and 6.01.1; NCAA Bylaw 15.5.12.2.1-(d)]

During the 2004-05 through 2010-11 academic years, the institution failed to exercise institutional control of its athletics program for the reasons detailed in Findings B-1, B-2, B-3 and B-7; by the institution's failure to produce squad lists signed by the director of athletics in football or men's basketball in either 2008-09 or 2009-10; and by the institution's failure to adequately investigate an allegation of academic misconduct.

Committee Rationale

The enforcement staff and the institution were in agreement with the facts of this finding and that those facts constituted violations of NCAA legislation. The committee finds that the violations occurred.

As set forth in Finding B-1, from 2006 through 2010 the institution allowed 129 student-athletes to compete and receive athletically related aid and travel expenses when they were ineligible to do so. The failures were due in significant part to 1) the lack of NCAA rules education given to the individuals assigned athletics certification duties; and 2) the institution failing to ensure that the certification of student-athletes was performed by competent individuals properly trained in relevant NCAA legislation.

The institution assigned athletics certification duties to the certifying officer ("certifying officer") housed in the registrar's office. The certifying officer had no previous NCAA rules education or experience before assuming the duties and was trained by the outgoing certification officer, who also had received virtually no training regarding the eligibility certification process. It was during the tenure of the previous registrar employee that the violations began, and they continued during the 2006-10 period when the certifying officer performed the duties.

The issues were exacerbated by other factors. Prior to the 2010-11 academic year the institution devoted insufficient resources to the compliance effort, with the full compliance function handled by the former director of compliance with occasional assistance from inexperienced volunteers and part-time employees. This left the former director of compliance with limited time to provide eligibility certification assistance. Further, the faculty athletics representative (FAR) who was supposed to be the final authority in the certification process, stated at the hearing that she relied on the information supplied by the former director of compliance and signed the certification forms without verifying the accuracy of the information provided. The net result was an inadequate system of certifying the eligibility of incoming, continuing and transfer student-athletes. Erroneous certifications of eligibility were given to student-athletes.

who had failed to earn the required percentages of degree credits, did not complete enough hours of credit in previous semesters/academic years and had deficient grade-point averages. The failure to have in place a system of athletics eligibility certification administered by competent, properly trained individuals constituted lack of institutional control.

The violations set forth in Finding B-2 also exhibited an element of lack of institutional control. While the over awards to initial counters in football were possibly the result of collusion between the former head football coach and the former director of compliance, had there been a viable system of rules compliance in place the violations might well have been detected. As it was, the institution was not even generating squad lists for the offending sports during 2008-09 and 2009-10, when a number of the violations set forth in Findings B-1, B-2 and B-7 occurred. The failure to have in place the necessary safeguards to prevent the violations constituted lack of institutional control.

As set forth in Finding B-3, the institution failed to serve its academic performance program penalty in men's basketball. It appears the failure was a result of inattention to the matter and a lack of communication regarding the penalties among the director of athletics, the former head basketball coach and the director of compliance.

The director of athletics delivered a written copy of the penalties to the former head basketball coach, but there is some question as to whether they were delivered in a timely fashion. Regardless, there was inadequate follow-up by the director of athletics and former director of compliance; weekly practice logs from the relevant period reveal that, while some sanctions were adhered to, others were not. Apparently no one on the athletics administration noticed the problems or took any action to correct them. The inattention to the practice logs and failure to ensure the academic performance program sanctions were fully understood and complied with contributed to the lack of institutional control within the department of athletics.

As set forth in Finding B-7, the institution improperly classified two men's basketball student-athletes as multi-sport athletes. The classification occurred due to an agreement between the former head basketball coach and the former head football coach to circumvent grant limits on the men's basketball program. The subterfuge was not detected by the FAR or anyone in the athletics administration, in significant part because no football or men's basketball squad lists were generated for the years the impermissible classifications occurred. However, no member of the administration questioned the absence of the squad lists, which, had they existed and been reviewed, would have revealed that student-athletes 1 and 2 were receiving football aid even though they participated only as members of the men's basketball squads. The failures of the institution to ensure that all student-athlete financial aid was properly awarded, and to generate and review squad lists, were indicative of lack of institutional control.

The final element of the lack of institutional control finding involved the institution insufficiently investigating a significant instance of academic fraud which occurred at the institution in 2009 and involved 24 football student-athletes. An assistant registrar ("assistant registrar") began receiving credit-by-examination² forms delivered directly to his office by coaches, as opposed to the student-athletes themselves, in May 2009. As this was unusual, and as a large number of forms were being delivered by the coaches, the assistant registrar brought the matter to the attention of the registrar ("registrar"). An internal review was begun by the registrar, who noted discrepancies in signatures on the forms. The registrar was further concerned because all the suspect forms came from the College of Education. In all, forms for 22 student-athletes were submitted.

The institution's president was made aware of the issue in late May or early June 2009 by the vice president for student affairs ("vice president for student affairs"). The president assigned the matter to the provost ("provost") for review. After reviewing a report submitted by the provost and interim associate provost on July 31, 2009, the institution's president requested further information. A second report was submitted on September 4, 2009.

The director of athletics was also made aware of the issue. Sometime in the summer of 2009 he asked the vice president of student affairs to investigate. The vice president for student affairs reported that, after conducting interviews, it was his belief that only one of the 22 student-athletes had failed to take the exam.

The institution's president sent a letter to the former head football coach informing him that none of the credits for the courses would be awarded unless the former head football coach could justify them. In an August 4, 2009, response, the former head football coach asserted that 12 of the student-athletes should receive credit. Eight days later, the director of athletics recommended to the president that, due to the "many careful reviews" that had been done, the credits for 12 of the student-athletes should be accepted. The institution's president signed off on the recommendation.

Similarly, the provost concluded that, following the "rigorous questioning" she had subjected the student-athletes to, all had taken the exams. The credits were awarded.

Not until March 2011 was further action taken, and it only occurred when the enforcement staff notified the institution of continuing questions regarding the credit-by-examination issue. At this point, the institution's office of general counsel joined the

². According to the institution's response, credit-by-examination is a procedure allowing students to take a test for academic credit in lieu of attending a traditional class. If the students pass the test, they receive credit hours for the course. NCAA Bylaw 14.4.3.4.2 allows legitimate credits earned through examination to be used for satisfactory progress purposes.

enforcement staff in a further investigation. After the 12 involved student-athletes were informed that the credits were going to be removed, nine of them signed forms admitting they did not take the credit-by-examination courses. None of the student-athletes appealed the removal of the credit. Five of the nine who signed forms admitting the fraud were listed on the August 12, 2009, memo to the president as being among those who had actually taken the courses in accordance with institutional policy. The later investigation also revealed that signatures of the purported professors of the courses had been forged by unknown persons on the credit-by-examination forms and that two more football student-athletes had fraudulently received credit by examination.

The inadequate internal review regarding the credit-by-examination courses, which allowed 12 student-athletes to receive fraudulent academic credit, constituted lack of institutional control. Additionally, the institution failed to notify the NCAA about the ineligible competition of some of the student-athletes, further adding to the lack of institutional control.

As stated in Part A of this report, the Introduction, the institution has either been on probation or had major violations occurring on campus, or both, for 16 of the past 20 years. Particularly troubling to the committee were reports made by the institution while on previous probations that it had in place an adequate system of compliance when it did not. For example, in a report to the committee dated October 14, 2008, a time when the violations set forth in Finding B-1 were occurring, the institution reported that the FAR was the eligibility certifying officer; as noted above, at the hearing the FAR denied serving in that role or performing any meaningful part of the certification process. Similarly, the institution's 2010 report to the committee included a copy of the athletics compliance manual, which set forth the compliance processes purportedly followed on campus. Among other inaccuracies, the report described a financial aid calculation procedure that was not being adhered to. The director of athletics and former director of compliance both read and reviewed the reports before they were submitted to the committee.

C. SECONDARY INFRACTIONS. [NCAA Bylaws 13.6.1, 13.6.8 and 15.5.12.1.1-(d)]

During October 2010, a men's basketball prospective student-athlete was provided excessive entertainment during his official paid visit. Further, the institution paid for two dinners for the prospect's high school coach, who accompanied the prospect on the visit.

During October 2010, another men's basketball prospective student-athlete was provided excessive entertainment during his official paid visit.

D. PENALTIES.

For the reasons set forth in Parts A and B of this report, the Committee on Infractions finds that this case involved major violations of NCAA legislation. The violations involved many aspects of the athletics program and demonstrated an ongoing lack of institutional control. Further, the institution came before the committee as a multiple repeat violator. It has been on probation or had violations occurring on campus, or both, for 16 of the past 20 years. In determining the appropriate penalties to impose, the committee considered all of these factors as well as 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 met its obligation under Bylaws 19.01.3.3 and 32.1.4. The cooperation the institution demonstrated in this case must be weighed against the conduct and failures of the institution and its personnel as set forth in the findings. The committee concluded that in light of the serious nature of the violations and the failure of the institution to detect and/or prevent them, the institution's cooperation did not warrant relief in the penalties imposed by the committee.

1. Public reprimand and censure.
2. The four-year probationary period imposed in Case No. M257, which was set to expire on July 15, 2012, shall be extended for an additional five years from October 9, 2012, through October 8, 2017.
3. The penalties imposed by this committee in the institution's previous two infractions cases did not result in the necessary changes to bring the institution into compliance with NCAA legislation. To avoid repetition of this circumstance, and in light of the extremely serious nature of the violations in the present matter,

the committee must impose requirements of transparency and accountability which will ensure that a) the institution takes all steps necessary to meet its obligations; and b) this committee is kept apprised of those steps on an immediate and continual basis. Therefore, pursuant to NCAA Bylaw 19.5.2.2.1, the Office of the Committees on Infractions shall ensure that an in-person review of the institution's athletics policies and practices is conducted annually, at the institution's expense, through the term of probation. The reviews shall be conducted by an outside entity, approved in advance by the committee, which travels to campus and confirms, through records reviews and personal observation, that the information contained in the institution's annual compliance reports is accurate. Further, the reviewer shall generate a report of his/her findings, to be attached to the annual compliance reports and submitted to the Committee on Infractions. Finally, the reviewer must agree to appear before the committee if summoned over the term of probation to respond to questions regarding the institution's adherence to the penalties and/or establishment of a viable, campus-wide rules compliance and education system.

4. The institution's football team shall end the 2013 and 2014 seasons with the playing of its last regularly scheduled in-season contest and shall not be eligible to participate in any postseason competition, including conference championship games and the NCAA FCS football playoffs, following those seasons. (The institution imposed a postseason ban for the 2011 football season only. It received a ban for the 2012 football season as part of its Academic Performance Program penalties).
5. The institution's men's basketball team shall end the 2012-13 season with the playing of its last regularly scheduled in-season contest and shall not be eligible to participate in any postseason competition, including conference tournaments, NCAA championships and foreign tours, following the season. Further, during the 2012-13 academic year, the men's basketball team may not take advantage of the exceptions to the limitation in the number of contests provided in Bylaw 17.5.5.
6. Due to the health and safety concerns associated with the grant-in-aid and squad size limitations set forth in Penalty D-8 below, over the course of probation the institution's football team shall only compete against FCS member institutions.
7. Vacation of all team records for the 2006-07 through 2009-10 academic years in all sports, and vacation of all team records for the 2010-11 academic year in football and women's soccer. (Institution imposed) The vacations shall be effectuated pursuant to NCAA Bylaws 19.5.2 (h) and 31.2.2.3 and shall include postseason results, including conference tournaments and NCAA championships.

The individual records of all student-athletes referenced in Finding B-1 shall be vacated as well.

Further, the institution's records regarding the vacated contests and the coaching records of the former head football coach and the former head basketball coach will reflect the vacated records in all publications in which football and men's basketball are reported, including, but not limited to, institutional media guides, recruiting material, electronic and digital media plus institutional and NCAA archives. Any institution which may subsequently hire the former head football coach and head basketball coach shall similarly reflect the vacated wins in their career records documented in media guides and other publications. The former head football coach and former head basketball coach may not count any vacated wins toward specific honors or victory "milestones" such as 100th or 200th career victories. Any public reference to the vacated contests shall be removed, including banners, trophies and awards displayed in public areas, athletics department stationary and any other form in which they may appear.

Finally, to ensure that all institutional and student-athlete vacations, statistics and records are accurately reflected in official NCAA publications 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-athletes and contests 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 written report must be delivered to the NCAA statistics department no later than 45 days following the initial Committee on Infractions release or, if the vacation penalty is appealed, the final adjudication of the appeals process if the penalty is upheld.

8. For the 2013-14, 2014-15, 2015-16 and 2016-17 academic years, in the sport of football, the institution shall be limited to no more than 65 overall counters, 25 initial counters and 60 equivalency grants-in-aid per year. (The institution imposed the following reductions: 1) From 22 to 9, a reduction of 13, in the maximum number of initial counters in football for the 2011-12 academic year; 2) From 30 to 20, a reduction of 10, in the number of allowable initial counters in football for the 2012-13 and 2013-14 academic years; and 3) From 63 to 61.97, a reduction of 1.03, in the maximum number of football equivalency grants-in-aid for each of the 2012-13 and 2013-14 academic years.)
9. Reduce by two, from 13 to 11, the permissible number of grants-in-aid in the sport of men's basketball for the 2012-13, 2013-14 and 2014-15 academic years. (The institution imposed this reduction for the 2012-13 academic year only. The institution also reduced the permissible number of grants-in-aid in men's

basketball by one, from 10 to nine, for the 2010-11 academic year and by two, from 13 to 11, for the 2011-12 academic year.)

10. Reduction in the available number of recruiting person days by 10 in the sport of men's basketball (from 130 to 120) for each of the 2011-12 and 2012-13 academic years. (Institution imposed) Additionally, during the summers of 2013 and 2014, the men's basketball coaching staff may not attend any events during the summer evaluation period.
11. During the 2012-13 and 2013-14 academic years, in the sport of football, the institution shall only use half the available evaluation days in both the spring and fall evaluation periods. (The institution imposed reductions four days in the fall evaluation period, from 42 to 38, and 17 in the spring evaluation period, from 168 to 151, for the 2011-12 and 2012-13 academic years.)
12. Reduction in official paid visits in the sports of football and men's basketball for each of the 2011-12 and 2012-13 academic years. Official visits allowed (August 1, 2011 – July 31, 2013) shall not exceed 30 total per year in football and nine total per year in men's basketball. Consistent with NCAA case precedent, this recommendation is based upon a 10 percent reduction off the average annual official visits used by the institution during the previous four years. (Institution imposed)
13. The former head football coach approved and awarded athletically related financial aid to 34 more than allowable initial counters over a three-year period. His claim that he somehow read an exception into the relevant bylaws is not persuasive, and the committee finds that he intentionally violated the legislation. He knew of and allowed the representative to have contact with prospects for the purpose of recruiting them to his football program, and he failed to monitor the contacts his assistant coaches had with the same representative. His claim that he did not believe the representative's contacts to be impermissible is not persuasive, as he is a long-time coach and the prohibitions on contacts between boosters and student-athletes are well known. Further, he agreed to award football grants-in-aid to two men's basketball student-athletes to assist the head basketball coach in circumventing the limits on basketball grants, and he has previously been sanctioned after committing major infractions in a previous case. Therefore, the committee imposes a three-year show-cause order upon the former head football coach beginning on October 9, 2012, and ending on October 8, 2015, the committee restricts the athletically related duties of the former head football coach as follows:

- a. The former head football coach shall attend an NCAA Regional Rules Seminar all three years the show cause is in effect;
 - b. The former head football coach shall attend ethics training during the first year the show-cause provision is in effect;
 - c. During the full period of the show-cause provision, the former head football coach shall be precluded all on- and off-campus recruiting activities. This shall include any activities contemplated by Bylaw 13.02.13 as well as contacts (in person or by phone, letter or electronic/social media), visits, evaluations and any other activity designed to attract a prospect to the former head football coach's institution.
- 14. The former head basketball coach failed to observe the Academic Performance Penalties that limited his team's athletically related activities in 2009-10. He entered into an arrangement with the former head football coach to award football grants-in-aid to two men's basketball student-athletes as a way to circumvent basketball grant limits, and he provided false or misleading information regarding the situation when he repeatedly stated the two young men were "supposed" to play both football and basketball. Neither young man expressed a desire to play football, they were not recruited by the football staff, and they did not participate in any football team activities during the period they were on football scholarships. Finally, the former head basketball coach has previously been sanctioned after committing major infractions in a previous case. Therefore, the committee imposes a three-year show cause upon the former head basketball coach. During the show-cause period, which begins on October 9, 2012, and ends on October 8, 2015, the committee restricts the athletically related duties of the former head basketball coach as follows:
 - a. The former head basketball coach shall attend an NCAA Regional Rules seminar all three years the show cause is in effect;
 - b. The former head basketball coach shall attend ethics training during the first year the show cause is in effect;
 - c. During the full period of the show-cause provision, the former head basketball coach shall be precluded from all on- and off-campus recruiting activities. This shall include any activities contemplated by Bylaw 13.02.13 as well as contacts (in person or by phone, letter or electronic/social media), visits, evaluations and any other activity

designed to attract a prospect to the former head basketball coach's institution.

15. 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 December 1, 2012, 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 August 1 of each year during the probationary period. Particular emphasis should be placed on instituting a campus-wide system of rules compliance and education involving all relevant campus constituencies and administered by properly trained personnel. The reports must also include documentation of the institution's compliance with the penalties adopted and imposed by the committee.

16. During the period of probation, the institution shall:

- a. Inform prospective student-athletes in football and men's basketball that the institution is on probation for five years and detail 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 or institutional financial aid agreement.
- b. Publicize the information annually in the football and men's basketball media guides, via web posting on the athletics department web site, and in a general institutional 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.

17. 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 penalties.
 18. 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, Texas Southern 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, October 9, 2012.

Should Texas Southern 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

John S. Black
Melissa (Missy) Conboy, acting chair
Christopher Griffin
Roscoe C. Howard Jr.
Eleanor W. Myers
James O'Fallon

Josephine (Jo) R. Potuto

Gregory Sankey

Rodney Uphoff, coordinator of appeals

APPENDIX ONE

CASE CHRONOLOGY.

2004

Fall semester - Student-athletes began competing while ineligible and receiving impermissible financial aid and travel expenses.

2006

February – The former director of compliance was hired.

2007

December – The former head football coach was hired.

2008

May 8 – The director of athletics was hired.

November - NCAA Division I Committee on Academic Performance randomly selected the institution for a review of its NCAA Division I Academic Performance Program data for the 2004-05 through 2006-07 academic years and notified the institution of the review.

2008-09 academic year - The institution provided athletically related aid to 48 initial counters in the sport of football.

2009

Spring semester - Student-athlete 2 was awarded a football scholarship. Student-athlete 2's football scholarship would be renewed for the 2009-10 academic year.

May – The assistant registrar reported that he started receiving credit-by-examination documentation directly from coaches rather than from students and believed this change in pattern was suspicious.

May – The representative became a representative of the institution's athletics interests based on his recruiting activities on behalf of and with the knowledge of the institution's football coaching staff.

May 27 – The representative met with prospect 4 and signed him to a football scholarship on behalf of the institution.

Summer – The representative made over 40 telephone contacts with prospects 1 and 2 regarding recruiting them to attend the institution and participate on the football team.

August - The institution conducted an internal review regarding inappropriately awarded academic credits and allowed students to retain inappropriately awarded credit.

August 9, – The representative purchased a \$55 airline ticket for prospect 4's girlfriend.

August 28-30 - On behalf of the institution, the representative contacted prospect 3 at his institution via telephone on 25 occasions regarding transferring to Texas Southern prior to his institution granting prospect 3 permission to be contacted by other institutions.

2009-10 academic year - The institution provided athletically related aid to 43 initial counters in the sport of football. The institution also provided 64.03 equivalent financial aid awards to football student-athletes. Further, the institution failed to comply with two Committee on Academic Performance penalties levied upon the basketball program by awarding more scholarships than permitted and by failing to reduce the number of days with countable athletically related activities that occurred each week.

November 25 – The representative initially reported recruiting violations within the football program to the enforcement staff.

December 15 – A men's basketball student-athlete withdrew from the institution and had his financial aid award for the 2010 spring semester awarded to another men's basketball student-athlete, in violation of the Committee on Academic Performance penalties assigned to the institution.

2010

January - The institution canceled student-athlete 2's football scholarship after discovering he was not on the football team.

January 19 - The institution and enforcement staff conducted on-campus interviews.

April – The former director of compliance was relieved of his duties as the institution's director of compliance. The current director of compliance was hired to oversee the institution's compliance operations.

2010-11 academic year - The institution provided athletically related aid to 33 initial counters in the sport of football.

October 4 - The institution submitted a self-report to the enforcement staff detailing violations regarding the awarding of football financial aid.

October 15 - The Committee on Academic Performance informed the institution that the institution's basketball program did not comply with the required Committee on Academic Performance penalties.

October 18 - The enforcement staff sent a notice of inquiry to the institution.

November 15-17 - The institution and enforcement staff conducted on-campus interviews, including an interview of the former head football coach.

2011

March - The institution and enforcement staff began a cooperative inquiry regarding credits-by-exam earned by student-athletes and the institution's previous investigation of the matter.

March - The institution and enforcement staff conducted on-campus interviews, including interviews of the former head basketball coach and the president.

April - The institution relieved the former head football coach of his duties as head coach.

April 18 - The enforcement staff sent a six-month letter to the institution pursuant to NCAA Bylaw 32.5.1.1.

June and July - The institution concluded that the August 2009 review of the credits-by-exam that had been awarded was inadequate and removed improperly awarded credits from the academic records of the individuals who received them.

August 16 - The enforcement staff issued a notice of allegations to the president of the institution and counsel for the former head football coach.

August 29 - The notice of allegations was sent to the former head football coach.

December 8- The institution received an extension until December 16 to file its response to the notice of allegations.

December 14 – The former head football coach submitted his response to the notice of allegations.

December 15 - The institution submitted its response to the notice of allegations.

2012

January 9 - The enforcement staff conducted a prehearing conference with the former head football coach. Additionally, the staff and institution re-interviewed the former head basketball coach.

January 19 - The enforcement staff conducted an additional interview with the former head football coach.

January 20 through February 21 - The institution and enforcement staff conducted telephone interviews of current and former institutional staff and men's basketball student-athletes.

January 23 - The enforcement staff conducted a prehearing conference with the institution.

March 2 - The enforcement staff issued a supplemental notice of allegations to the president of the institution and to counsel for the former head basketball coach.

May 24 - The institution and the former head basketball coach received an extension until June 5 to file their responses to the notice of allegations.

June 4 - The institution submitted its response to the supplemental notice of allegations.

June 5 – The former head basketball coach submitted his response to the supplemental notice of allegations.

June 21 - The enforcement staff re-interviewed the former head football coach based upon information reported in the former head basketball coach's response.

July 3 - The enforcement staff conducted a prehearing conference with the institution.

July 6 - The enforcement staff conducted a prehearing conference with the former head basketball coach.

August 10-11 – The institution and involved parties appeared before the NCAA Division I Committee on Infractions.

October 9 – Infractions Report No. 369 was released.

APPENDIX TWO

CORRECTIVE ACTIONS AS IDENTIFIED IN THE INSTITUTION'S DECEMBER 16, 2011, AND THE SUPPLEMENTAL RESPONSE OF JUNE 4, 2012, TO THE NOTICE OF ALLEGATIONS.

Issued letters of reprimand to then head men's basketball coach and an assistant men's basketball coach for the violations detailed in Findings B-3 and B-4. Required that both coaches attend the 2012 NCAA regional rules seminars at their own expense.

Developed a formal athletics academic eligibility-certification process with detailed written responsibilities for all participating units of the institution.

Scheduled a comprehensive athletics compliance review, to be conducted by a qualified outside evaluator, to ensure that the current athletics policies and practices conform to all requirements of NCAA regulations.

Replaced the head of the athletics compliance staff with an experienced former NCAA national office staff person, created the new position of academic certifying officer, and conducted an intensive training program for all institution staff who work with student-athlete eligibility and financial aid matters. The academic certifying officer position is housed within the office of the registrar to work primarily with the athletics staff to ensure that timely and accurate eligibility certification occurs and to assure that the determination of continuing academic eligibility for student-athletes is certified by an appropriate university official outside of athletics.

Implemented an annual rules compliance educational program for coaches, administrators and staff conducted/coordinated by the athletics compliance office, with particular emphasis on continuing academic eligibility and recruiting issues.

Allocated funding and required that all appropriate athletics academic counselors, compliance staff members and the academic certifying officer attend the 2012 NCAA Regional Rules Seminars.