



MISSISSIPPI STATE UNIVERSITY
PUBLIC INFRACTIONS REPORT
June 7, 2013

I. INTRODUCTION

On Friday, April 19, 2013, officials from Mississippi State University¹ (Mississippi State) appeared before the NCAA Division I Committee on Infractions to address allegations of major infractions in the football program. Also appearing was a former assistant football coach ("former assistant coach") and his counsel. The case involved the provision of recruiting inducements, including cash, clothing and vehicle discounts, by a representative of the institution's athletics interests² ("representative") to a highly-regarded prospective student-athlete being recruited by the institution ("prospect 1"). The representative also provided cost-free lodging and meals to prospect 1's non-scholastic coach ("non-scholastic coach"). The case also involved allegations of unethical conduct on the part of the former assistant coach for failing to report his knowledge of the inducements and providing false information to investigators.

The institution and former assistant coach substantially agreed to the factual findings and that the violations occurred. In light of these major infractions, and as will be set forth below, the committee concludes that the following principal penalties are appropriate: two years of probation, reductions in official paid visits, recruiting person days, football grants-in-aid, and a show-cause sanction directed to the former assistant coach. Other appropriate penalties are detailed in the penalty section of this report.

II. CASE HISTORY

In December 2011, the NCAA enforcement staff received information from a confidential source regarding the representative providing inducements to prospect 1 in an attempt to influence him to attend Mississippi State. The information also indicated that the former assistant coach had placed prospect 1 in contact with the representative. On February 17, 2012, shortly after prospect 1 signed a National Letter of Intent (NLI) to attend Mississippi State, the enforcement staff verbally notified the institution that it was initiating an inquiry into the matter. In the next five days, the enforcement staff and

¹ A member of the Southeastern Conference, the institution has an enrollment of approximately 20,000 students. The institution sponsors seven men's and nine women's intercollegiate sports. This was the institution's sixth major infractions case. In 1967 it had a case involving the men's basketball program; in 1975, 1996 and 2004, it had cases involving the football program; and in 1986 it had a case involving multiple sports, including men's and women's basketball, women's golf, women's tennis and softball.

² Representatives of an institution's athletics interests are commonly referred to as "boosters."

institution conducted interviews with both prospect 1 and his mother ("prospect 1's mother").

On February 24, the enforcement staff requested phone records, email accounts and documents relating to the recruitment of prospect 1 from the institution. Following its review of the documents and other materials, the enforcement staff interviewed the non-scholastic coach on May 1, 2012. On May 21, the enforcement staff and institution conducted the initial interview of the former assistant coach. In early July, the enforcement staff requested documents relating to the representative's communications with prospects from the representative's employer ("employer"). On July 11 the employer denied the request, resulting in the institution issuing a disassociation letter to the representative on July 13.

Following his receipt of the disassociation notice, the representative wrote a letter to the enforcement staff on July 19, 2012. The letter included some of the records the enforcement staff had sought from him. The enforcement staff and institution conducted second interviews with prospect 1 and prospect 1's mother on July 26 and a second interview with the former assistant coach on August 8, 2012. The institution asked the former assistant coach to resign 10 days later, and he submitted his resignation the following day.

On September 18, 2012, the former assistant coach submitted a letter to the enforcement staff, indicating that he had not been truthful previously and agreeing to another interview. The interview, his third, was conducted by the institution and enforcement staff on September 20.

The enforcement staff issued a notice of allegations to the institution and the former assistant coach on November 20, 2012, and an amended notice of allegations on November 27. The institution and the former assistant coach filed their responses to the notice of allegations on February 18, 2013, and the enforcement staff conducted prehearing conferences with the institution and the former assistant coach's counsel on February 27, 2013.

III. FINDINGS OF FACT

The Representative's Recruiting Contacts and Inducements

The representative received degrees from the institution in 2002 and 2004. He was a football season ticket holder and member of a Mississippi State representative club, but

was otherwise unknown to the athletics administration.³ He initially contacted the former assistant coach during the spring of 2011 to inform him about a prospect in the representative's hometown. The representative and former assistant coach became friendly and, through their conversations, the representative became aware that the institution was recruiting prospect 1.

The representative resided in a city other than where prospect 1 lived, but made contact with prospect 1 during the summer of 2011. At the time, the representative had plans to start what he described as a Mississippi State recruiting website. He did not pursue those plans but remained in contact with prospect 1, who was a rising high school senior and highly regarded football prospect for the signing class of 2012.

Telephone records reviewed by the enforcement staff and institution during the investigation revealed that the representative and prospect 1 exchanged 117 calls between June 2011 and February 2012. The representative used the phone conversations to establish and maintain a relationship with prospect 1. During one such conversation, in July 2011, prospect 1 mentioned to the representative that he and his sister were going to take an unofficial visit to the institution but did not have a car to drive. The representative responded that he "knew a guy who owns a car shop" and provided him a phone number of a friend of the representative ("representative's friend"). The representative's friend is also an alumnus of the institution and owns an automobile dealership. When prospect 1 phoned him, the representative's friend agreed to provide prospect 1 with a vehicle to drive to campus for the visit. The distance between prospect 1's hometown and the institution is approximately 175 miles. Prospect 1 stated that he provided "\$50 to \$60" to the representative's friend for the use of the vehicle.

The vehicle provided by the representative's friend broke down as prospect 1 was travelling to the campus visit. Prospect 1 contacted the representative's friend, who used his credit card to rent a car in his name at a nearby airport that prospect 1 used to complete the trip. The representative's friend paid for the rental vehicle.

In addition to the telephone contacts the representative had with prospect 1, they had in-person contact on two occasions. The first occurred at the institution on October 15, 2011, when prospect 1 made an unofficial visit to the institution for a football game. The representative and prospect 1 met at a "tailgate" gathering prior to the game. While they were visiting, the representative gave prospect 1 \$100, telling prospect 1 it was "gas money." Prospect 1 gave the money to his non-scholastic coach, who had provided the transportation to campus that weekend.

³ The representative contributed a total of approximately \$5,000 to the institution, beginning in 2008. All parties agreed that he was a representative of the institution's athletics interests at the time the violations occurred.

The second in-person contact took place over the weekend of January 13-15, 2012, the time of prospect 1's official paid visit to the institution's campus. While a group of recruits (including prospect 1) were gathered outside the apartment of prospect 1's student host, the representative arrived at the location by automobile and had contact with prospect 1. The representative also gave prospect 1 \$100 on that occasion.

Prior to the weekend of prospect 1's official paid visit, the representative contacted prospect 1's non-scholastic coach, who was going to accompany prospect 1 on the visit. The representative offered to locate lodging for the non-scholastic coach for the weekend, and the non-scholastic coach accepted the offer. When the non-scholastic coach checked into his hotel, he found that both nights of his lodging had been paid for in advance.

In both September 2011 and January 2012, the representative arranged for the non-scholastic coach to receive complimentary meals at a restaurant run by an acquaintance of the representative ("restaurant owner"). On the first occasion, the representative contacted the restaurant owner and explained that the non-scholastic coach (whom he described only as "a friend") would be coming to the restaurant and that the representative would reimburse the cost of the meal if it was provided free of charge. The non-scholastic coach later came in to eat, his meal was "comped," and another friend of the representative later reimbursed the restaurant owner for the price of the meal. The representative called the restaurant owner with the same request in January 2012, and once again the restaurant owner "comped" the non-scholastic coach's meal. When the restaurant owner inquired of the representative who the non-scholastic coach was, the representative told him that he "didn't need to know." The representative did not reimburse the restaurant owner for the price of the second meal.

In December 2011, the representative provided prospect 1 with a Visa gift card, which the prospect used to buy food, take his girlfriend out to eat and purchase other items. Also in December 2011, the representative mailed a Mississippi State jacket valued at approximately \$60 to prospect 1.

On January 6, 2012, the representative and his friend provided an automobile to prospect 1, through prospect 1's mother, for a price approximately \$2,000 below the actual value of the vehicle. The vehicle was originally purchased by an automobile sales business run by the representative's friend's uncle for \$8,000 on December 6, 2011. The initial buyer then transferred ownership of the vehicle to the representative's friend's dealership for \$5,000 before the representative's friend subsequently transferred the vehicle again, this time to the dealership from which prospect 1's mother made the purchase on January 6, 2012. Department of Motor Vehicle records show that she paid \$3,450 for the vehicle on that date. The institution had the vehicle appraised during the investigation and found it to be worth approximately \$5,500.

In December 2011, prior to prospect 1 taking an official paid visit to an institution other than Mississippi State ("other institution"), the representative told prospect 1 that, if he did not take the visit to the other institution, prospect 1 would be paid \$6,000.

The representative sent a letter to the enforcement staff on July 19, 2012, in which he acknowledged the phone contacts with prospect 1 and admitted giving prospect 1 a Mississippi State jacket as a birthday gift. He denied providing any other items.

Unethical Conduct by the Former Assistant Coach

The institution's head football coach promoted the former assistant coach from a graduate assistant coaching position to a full-time assistant coach in January 2011 and assigned him to recruit the area of the country where prospect 1 resides with his mother. At the time, prospect 1 was a high school junior and one of the institution's top recruiting targets for the 2012 signing class. At the hearing, the former assistant coach described prospect 1 as an "extremely important" recruit who was the institution's top-rated player at his position. The former assistant coach began recruiting prospect 1 in February or March of 2011.

The former assistant coach's first contact with the representative occurred in the spring of 2011, when the representative contacted him regarding a prospect in the representative's hometown. The two of them "hit it off" and quickly became friends, eventually meeting for dinner in the representative's hometown later in the spring. They continued to have regular, frequent phone contact throughout 2011 and into the first two months of 2012.

On August 1, 2011, prospect 1 orally committed to attend the institution. The former assistant coach, in a conversation with the representative at about the same time, found that the representative had knowledge of prospect 1's situation that a member of the general public would not ordinarily possess. Specifically, when the former assistant coach mentioned to the representative that the institution was excited to receive prospect 1's oral commitment, the representative responded that "[prospect 1] is excited too." At that point, the former assistant coach began to suspect that the representative was in contact with prospect 1, though he, in his own words, "put on blinders" and did not pursue the matter. He asked no follow-up questions of the representative and did not report the information to any member of the institution's coaching staff or athletics administration.

By late November or early December, the former assistant coach learned with certainty that the representative had been, and continued to be, in contact with prospect 1. Prospect 1 was scheduled to take an official paid visit to the other institution at that time, and the former assistant coach expressed concern to the representative regarding prospect 1's commitment to Mississippi State. In response, the representative stated "We're fine with [prospect 1]; he's coming to Mississippi State." The former assistant coach asked

him what he meant, at which time the representative revealed that he had been having conversations with prospect 1. The former assistant coach stated to the representative that he "did not want to know [any detail about the contacts]," and he did not report the information to any member of the coaching staff or athletics administration. From that point until approximately 60 days later, when prospect 1 signed a NLI to attend the institution, the representative continually assured the former assistant coach during their conversations that prospect 1 would be attending the institution. The former assistant coach did not ask for any details regarding the representative's knowledge of prospect 1's intent.

In early January 2012, the non-scholastic coach told the former assistant coach that prospect 1 had obtained a jacket and Visa gift card⁴ from the representative in December 2011. The non-scholastic coach also stated his concerns over the automobile prospect 1's mother had recently acquired. The former assistant coach asked prospect 1's mother about the details of the car purchase and was assured by her that it was a legitimate business deal. He chose to ignore the information regarding the gift card and jacket. The former assistant coach did not report this information to any member of the institution's coaching staff or athletics administration.

In a subsequent phone conversation in January or February 2012, the non-scholastic coach informed the former assistant coach that prospect 1 and the representative had in-person contact during prospect 1's unofficial visit to the institution on October 15, 2011. The former assistant coach did not report this information to any member of the institution's coaching staff or athletics administration.

During interviews conducted by institutional representatives and the enforcement staff on May 21, 2012, and August 8, 2012, the former assistant coach repeatedly denied any knowledge of the representative's telephonic and in-person contacts with prospect 1. The former assistant coach further denied any knowledge that the representative had provided recruiting inducements to prospect 1. On September 17, 2012, a month after he had resigned at the request of the institution, the former assistant coach sent a letter to the enforcement staff admitting that he was aware of the representative's telephonic contacts with prospect 1, one of the in-person contacts and the provision of the gift card and jacket. The former assistant coach reiterated that information in an interview with representatives of the institution and the enforcement staff on September 20, 2012.

At the hearing, the former assistant coach again acknowledged his awareness of some of the representative's contacts with prospect 1, his failure to report the violations, and his lack of honesty with the enforcement staff. He and his counsel stated that he attended the hearing to take responsibility for his actions.

⁴ Initially, the non-scholastic coach mistakenly reported that the card was a debit card.

IV. ANALYSIS

All parties agree to the facts; therefore, the committee has no factual disputes to resolve. The violations in this case fall into two areas: A) impermissible recruiting contacts and inducements by a representative of the institution's athletics interests; and B) unethical conduct by the former assistant coach for failing to report certain violations when he became aware of them, and providing false or misleading information during his first two interviews.

A. **IMPERMISSIBLE RECRUITING ACTIVITIES BY THE REPRESENTATIVE. [NCAA Bylaws 13.01.4, 13.1.2.1, 13.1.2.4-(a), 13.1.3.5.1 and 13.2.1]**

The representative's impermissible recruiting was motivated by a desire to secure prospect 1's enrollment at the institution. The representative had telephonic and in-person contacts with prospect 1 and provided him with cash and other items. Further, the representative arranged for prospect 1's transportation, a discount on a vehicle for his mother and meals and lodging for prospect 1's non scholastic coach. The enforcement staff and institution substantially agreed to the facts and that those facts constituted violations of NCAA legislation. The committee agrees that the violations occurred and concludes that the facts constitute violations of NCAA legislation.

1. **13.01.4 Recruiting by Representatives of Athletics Interests.**

Representatives of an institution's athletics interests (as defined in Bylaw 13.02.14) are prohibited from making in-person, on- or off-campus recruiting contacts, or written or telephonic communications with a prospective student-athlete or the prospective student-athlete's relatives or legal guardians. Specific examples of exceptions to the application of this regulation are set forth in bylaw 13.1.2.2 (see Bylaw 13.1.3.5.1.1)

13.1.2.1 General Rule

All in-person, on- and off-campus recruiting contacts with a prospective student-athlete or the prospective student-athlete's relatives or legal guardians shall be made only by authorized institutional staff members. Such contact, as well as correspondence and telephone calls, by representatives of an institution's athletics interests is profited except as otherwise permitted in this section. Violations of this bylaw involving individuals other than a representative of an institution's athletics interests shall be considered institutional violations per Constitution 2.8.1;

however, such violations shall not affect the prospective student-athlete's eligibility. (Revised: 8/5/04)

13.1.2.4-(a) Telephone Conversation

An athletics representative of a member institution may speak to a prospective student-athlete via the telephone only if the prospective student-athlete initiates the telephone conversation and the call is not for recruiting purposes. Under such circumstances, the representative must refer questions about the institution's athletics program to the athletics department staff.

13.1.3.5.1 Representatives of Athletics Interests

Representatives of an institution's athletics interests (as defined in Bylaw 13.02.14) are prohibited from making telephonic communications with a prospective student-athlete or the prospective student-athlete's relatives or legal guardians.

13.2.1 General Regulation

An institution's staff member or any representative of its athletics interests shall not be 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 or his or her relatives or friends, other than expressly permitted by NCAA regulations. Receipt of a benefit by a prospective student-athlete or his or her relatives or friends is not a violation of NCAA legislation if it is determined that the same benefit is generally available to the institution's prospective students or their relatives or friends or to a particular segment of the student body (e.g., international students, minority students) determined on a basis unrelated to athletics ability. (Revised: 10/28/97; 11/1/00; 3/24/05)

2. Impermissible telephone and in-person contacts with prospect 1

The representative refused numerous requests by the institutional representatives and enforcement staff to submit to an interview. However, the representative submitted a letter to the enforcement staff on July 19, 2012, following his disassociation by the institution. In the letter he admitted having contact with prospect 1 beginning in the summer of 2011.

The facts demonstrate that, between June 2011 and February 2012, the representative and prospect 1 exchanged 117 telephone calls. Both

prospect 1 and the representative admitted to the phone contacts, and a review of telephone records by the enforcement staff and institution during the investigation confirmed that the calls occurred. Such conduct is specifically prohibited by NCAA Bylaws 13.01.4, 13.1.2.1, 13.1.2.4-(a) and 13.1.3.5.1.

Prospect 1 and the representative also had two in-person contacts near the institution. The first occurred at a "tailgate" gathering in October 2011, while the second occurred over the weekend of January 13-15, 2012, when prospect 1 was on his official paid visit to the institution. The representative, non-scholastic coach and prospect 1 all reported that the contacts occurred. In-person recruiting contacts between representatives of an institution's athletics interests and prospective student-athletes are prohibited by Bylaws 13.01.4 and 13.1.2.1.

The enforcement staff and institution agreed that the violations occurred. The committee concludes that the facts as found constitute violations of NCAA Bylaws 13.01.4, 13.1.2.1, 13.1.2.4-(a) and 13.1.3.5.1.

3. Impermissible inducements and offers to prospect 1

In his letter to the enforcement staff of July 19, 2012, the representative admitted providing prospect 1 with a jacket for his birthday. The provision of merchandise to prospective student-athletes is prohibited by NCAA Bylaw 13.2.1.1-(f). The representative denied the provision of any other benefits or inducements.

In addition to the violation he admitted, the facts also demonstrate that the representative provided a Visa gift card and, on two occasions, \$100 cash to prospect 1. The representative also arranged for the representative's friend to provide a vehicle for prospect 1 to drive to an unofficial visit in July 2011. Further, the representative helped arrange the purchase of a vehicle at a discounted price for prospect 1's mother, and he provided or arranged for the provision of free lodging and meals to prospect 1's non-scholastic coach. Finally, he offered prospect 1 \$6,000 to forego his official paid visit to another institution. The provision of cash or like items to a prospective student-athlete or his family and friends is prohibited by NCAA Bylaw 13.2.1.1-(e). The provision of free or reduced cost services is prohibited by Bylaw 13.2.1.1-(g). Providing free or reduced-costs purchases or items violate Bylaw 13.2.1.1-(g), while offers of cash, like the actual provision of cash, are prohibited by Bylaw 13.2.1.1-(e).

The enforcement staff and institution agreed that the violations occurred. The committee concludes that the facts as found constitute violations of NCAA Bylaws 13.01.4, 13.1.2.1, 13.1.2.4-(a), 13.1.3.5.1 and 13.2.1.

**B. UNETHICAL CONDUCT BY THE FORMER ASSISTANT COACH.
[NCAA Bylaws 10.01.1, 10.1 and 10.1-(d)]**

The former assistant coach learned of NCAA rules violations committed by the representative and failed to act or report them to anyone at the institution. He then chose to provide false or misleading information to the institution and NCAA enforcement staff regarding his knowledge of the violations. The enforcement staff, institution and former assistant coach substantially agreed to the facts and that those facts constitute violations of NCAA legislation. The committee agrees that the violations occurred and concludes that the facts constitute violations of NCAA bylaws.

1. 10.01.1 Honesty and Sportsmanship

Individuals employed by (or associate with) a member institution to administer, conduct or coach intercollegiate athletics and all participating student-athletes 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.

10.1 Unethical Conduct

Unethical conduct by a prospective or enrolled student-athlete or a current or former institutional staff member, which includes any individual who performs work for the institution or the athletics department even if he or she does not receive compensation for such work, may include, but is not limited to, the following: (Revised: 1/10/90, 1/9/96, 2/22/01, 10/5/10)

(d) Knowingly furnishing or knowingly influencing others to furnish the NCAA or the individual's institution false or misleading information concerning an individual's involvement in or knowledge of matters relevant to a possible violation of an NCAA regulation; (Revised 1/16/10)

2. Failure to report violations of NCAA legislation

The former assistant coach admitted, and the facts demonstrate, that he had suspicions beginning in August 2011 that the representative was having contact with prospect 1, a highly regarded recruit rated as the top player at his position by the institution. The former assistant coach learned with certainty in late November or early December 2011 that the representative and prospect 1 were having regular telephonic contact when the representative told the former assistant coach that there was no need to worry about prospect 1 attending another institution. At that time, the representative confirmed to the former assistant coach that he was in contact with prospect 1. In January 2012, the non-scholastic coach told the former assistant coach that the representative had supplied prospect 1 with a debit card (see footnote 2) and jacket in the previous month. The former assistant coach did not report his knowledge of the violations to the institution's coaching staff or athletics administration.

The former assistant coach's failure to report his knowledge of the representative's contacts with prospect 1, and provision of items to prospect 1, violated his responsibilities to conduct himself with honesty and sportsmanship and act in an ethical manner.

The enforcement staff and institution agreed that the violations occurred. The committee concludes that the facts as found constitute violations of NCAA Bylaws 10.01.1 and 10.1.

3. **Knowingly furnishing false or misleading information**

The former assistant coach admitted, and the facts demonstrate, that when he was interviewed by representatives of the institution and the enforcement staff on May 21, 2012, and August 8, 2012, regarding any knowledge he had of NCAA violations committed by the representative, he repeatedly denied any knowledge of the representative's telephone and in-person contacts with prospect 1. Further, he claimed no knowledge of the representative providing impermissible benefits or inducements to prospect 1. In a third interview with representatives of the institution and the enforcement staff in September 2012, the former assistant coach admitted that he had been untruthful in the earlier interviews and had failed to report knowledge of the representative's rules violations to the coaching staff or athletics administration when he learned of them. The enforcement staff, institution and former assistant coach agreed that the violations occurred.

The committee concludes that the facts as found constitute violations of NCAA Bylaw 10.1-(d).

C. SECONDARY VIOLATION:

IMPERMISSIBLE INDUCEMENT. [NCAA Bylaw 13.2.1]

During the week of November 7, 2011, the former assistant coach and football recruiting coordinator reserved two hotel rooms for prospect 1 and his mother prior to prospect 1 and his mother arriving for an unofficial visit. The rooms were reserved in anticipation of prospect 1 and prospect 1's mother remaining in the vicinity of the institution following the unofficial visit. As this service was not generally available to all prospects and their families, the reserving of hotel rooms by members of the institution's athletics staff for a prospect and his family member was a violation of Bylaw 13.2.1.

V. PENALTIES

For the reasons set forth in Sections III and IV of this report, the Committee on Infractions finds that this case involved major violations of NCAA legislation. The committee is the independent administrative body of the NCAA charged with adjudicating infractions cases involving member institutions and their employees. In keeping with its mandate and in consideration of the institution's self-imposed penalties and corrective actions, the committee issues the following penalties. [**Note:** The institution's corrective actions are contained in Appendix One.]

The committee also considered the institution's cooperation in the processing of this case. Cooperation during the infractions process is addressed in NCAA Bylaw 19.01.3 - Responsibility to Cooperate and NCAA Bylaw 32.1.4 – Cooperative Principle. The committee finds that the cooperation exhibited by the institution was consistent with its obligation under Bylaws 19.01.3.3 and 32.1.4. The committee notes that the institution fully cooperated when informed of the possible violations, assisted in the investigation of the violations and facilitated the NCAA investigation. The committee imposes the following sanctions. Those self-imposed by the institution are so noted:

General Administrative Penalties Imposed on the Institution

1. Public reprimand and censure.
2. Two years of probation, beginning June 7, 2013, and running through June 6, 2015. (The institution proposed a one year term of probation)

Penalties Imposed on the Football Program

3. Limited the permissible number of official visits to 39 (a reduction of two from the four-year average of 41) for the 2012-13 and 2013-14 academic years. (Institution imposed)
4. Reduced the permissible number of recruiting days during the spring evaluation period by four, from 168 to 164, for the 2012-13 academic year. (Institution imposed)
5. Reduced the permissible number of total grants-in-aid by two, from 85 to 83, for the 2012-13 academic year. (Institution imposed)
6. Reduced the number of allowable initial and total grants-in-aid by two, from 25 to 23 and 85 to 83, respectively, for the 2013-14 academic year. (Institution imposed)
7. Prohibited the provision of complimentary admissions to football prospective student-athletes for the first two conference contests of the 2013 season. (Institution imposed)
8. The representative has been disassociated by the institution's athletics program. (Institution imposed) Included in the disassociation are the following provisions:
 - a. The representative shall not be allowed to participate in any organization recognized by the institution as a supporter of the institution's athletics program;
 - b. The representative shall not be allowed to provide benefits (including employment) to any enrolled student-athletes;
 - c. The representative shall not be allowed to make any financial or gift-in-kind contribution for support of the institution's athletics program; and
 - d. The representative shall not receive any privilege associated with the institution's athletics program that is not available to the general public.

Penalties Imposed on the Former Assistant Coach

9. The former assistant coach had information as early as August 2011 that the representative, a friend of the former assistant coach, was potentially engaged in impermissible recruiting contacts with prospect 1. The former assistant coach did not pursue the information or report it to the institution's coaching staff or athletics administration and, in his own words, "put on blinders." By late November or early December 2011, the representative confirmed to the former assistant coach that the representative was having impermissible recruiting contacts with prospect 1. Again, the former assistant coach did not pursue the information or report it. In January 2012, prospect 1's non-scholastic coach told

the former assistant coach that the representative had provided prospect 1 with a debit card and a jacket. The former assistant coach ignored the information, did not follow up on it, and did not report it to the institution's coaching staff or athletics administration.

Further, the former assistant coach provided false or misleading information during interviews held on May 21, 2012, and August 8, 2012. During both interviews, the former assistant coach repeatedly denied any knowledge of the representative's contacts with prospect 1 or the provision of impermissible inducements.

However, following his resignation from the institution's coaching staff, the former assistant coach sent a letter to the enforcement staff admitting his knowledge of the violations and that he provided false information in his first two interviews. The former assistant coach subsequently agreed to a third interview, in which he again admitted his knowledge of the violations and failure to be forthcoming.

Further, the former assistant coach voluntarily traveled to the infractions hearing and participated in the proceedings. As he was no longer employed by an NCAA member institution at the time, the committee could not have compelled him to appear. His appearance at, and participation in, the hearing assisted the committee in obtaining full information regarding the violations and the circumstances surrounding them.

A similar instance occurred in *University of Michigan*, Case No. M324 (2010). In that matter, a former graduate assistant coach no longer employed at an NCAA member institution traveled to the hearing at his own expense to admit his full involvement in certain rules violations (which he had previously denied). As this committee stated in Infractions Report No. 333, the former graduate assistant coach's participation in the hearing assisted the committee in fully understanding the activities that had occurred. Partially for that reason, the former graduate assistant coach was not issued a show-cause provision (though he was found for violating the principles of ethical conduct). Had he not appeared at the hearing and admitted his involvement in the violations, he would have faced a significant sanction.

Pursuant to NCAA Bylaw 19.5, the committee imposes a one-year show-cause order on the former assistant coach. Had he not assisted the committee as set forth above, the period of the show cause would have been longer. During the show-cause period, which begins on June 7, 2013, and runs through June 6, 2014, if the former assistant coach is employed at an NCAA member institution, his athletically related duties shall be restricted as follows:

- a. The former assistant 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 prospective student-athlete to the former assistant coach's institution.
- b. The former assistant coach shall not have any contact of any kind with representatives of his institution's athletics interests, including, but not limited to, personal interaction or contact by telephone and electronic media. If he inadvertently has any contact with representatives of the institution's athletics interest, he shall immediately report the contact to his institution's athletics compliance staff.

Any employing member institution shall submit a report to the Office of the Committees on Infractions no later than 30 days after release of report or 30 days after the former assistant coach begins his employment, whichever is later, stating the employing institution's understanding of the above-listed penalties and its responsibility to monitor compliance with the penalties. At the end of the show-cause period, the employing institution shall file a report with the committee confirming that all penalties were adhered to. Should an employing institution choose to challenge the imposition of the show-cause order, it must do so by scheduling an appearance before the Committee on Infractions pursuant to NCAA Bylaw 19.5.2.2-(1) to show cause why it should not be penalized if it fails to adhere to the penalties.

Other Administrative Penalties and Measures

10. 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 August 1, 2013, 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 April 1 of each

year during the probationary period. Particular emphasis should be placed on educating representatives of the institution's athletics interest and the institution's coaching staff, particularly new coaches, and monitoring the recruiting activities of new and inexperienced coaches. The reports must also include documentation of the institution's compliance with the penalties adopted and imposed by the committee.

11. During the period of probation, the institution shall:
 - a. Inform prospective student-athletes in football that the institution is on probation for two years and of 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 NLI.
 - b. Publicize specific and understandable information concerning the nature of the infractions by providing, at a minimum, a statement to include the types of violations and the affected sport programs and a direct, conspicuous link to the public infractions report located on the athletic department's main webpage. The institution's statement must: (i) clearly describe the infractions; (ii) include the length of the probationary period associated with the major infractions case; and (iii) give members of the general public a clear indication of what happened in the major infractions case to allow the public (particularly prospective student-athletes and their families) to make informed, knowledgeable decisions. A statement that refers only to the probationary period with nothing more is not sufficient. The institution may meet its responsibility in a variety of ways and the Office of the Committees on Infraction's approval of the statement will not be unreasonably withheld.
12. 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.
13. 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, Mississippi State 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, June 7, 2013.

Should Mississippi State or the 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. As set forth in applicable NCAA Bylaws and procedures of the Infractions Appeals Committee, penalties which are appealed are automatically stayed until the appeal is concluded, with all other penalties remaining in effect.

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

Greg Christopher

Melissa Conboy

Christopher Griffin, coordinator of appeals

Brian Halloran

Roscoe C. Howard Jr.

James O'Fallon

APPENDIX ONE

CORRECTIVE ACTIONS AS IDENTIFIED IN THE INSTITUTION'S FEBRUARY 13, 2013, RESPONSE TO THE NOTICE OF ALLEGATIONS.

The institution withheld the former assistant coach from the spring 2012 recruiting period and subsequently requested his resignation in August 2012;

The institution withheld prospect 1 from all competition during the 2012 football season; and

In addition to disassociating the representative, the institution disassociated the representative's friend.