



News Release

FOR RELEASE:
Tuesday, September 17, 2002

CONTACT:
Terry Don Phillips
NCAA Infractions Appeals Committee

FORMER UNIVERSITY OF ALABAMA, TUSCALOOSA,
ASSISTANT FOOTBALL COACH
PUBLIC INFRACTIONS APPEALS COMMITTEE REPORT

INDIANAPOLIS, INDIANA

This report is filed in accordance with NCAA Bylaw 32.11 and is organized as follows:

I.	Introduction.....	2
II.	Background.....	2
III.	Violations of NCAA Legislation as Determined by the Committee on Infractions	2-3
IV.	Penalties Imposed by the Committee on Infractions	3
V.	Issues Raised on Appeal	3
VI.	Appellate Procedure.....	4
VII.	Infractions Appeals Committee's Resolution of the Issues Raised on Appeal.....	4-5
VIII.	Conclusion	5

I. INTRODUCTION.

The former assistant head coach at the University of Alabama, Tuscaloosa, appealed to the NCAA Division I Infractions Appeals Committee specific findings of violations as determined by the NCAA Division I Committee on Infractions. In this report, the Infractions Appeals Committee addresses the issues raised by the former assistant coach (hereinafter referred to as "former assistant coach"; identified by the Committee on Infractions in Section III as Alabama assistant football coach A).

II. BACKGROUND.

The Committee on Infractions issued Infractions Report No. 193 February 1, 2002, in which the committee found violations of NCAA legislation in the Alabama football program. On the basis of those findings, the Committee on Infractions determined that this was a major infractions case and imposed penalties accordingly. [February 18, 2002, issue of The NCAA News.]

This case centered on violations of NCAA bylaws governing violations of honesty standards as well as employment and salary controls.

After the Committee on Infractions issued its report, the former assistant coach filed a timely Notice of Appeal February 12, 2002. A written appeal was filed April 10, 2002. The Committee on Infractions filed its response May 14, 2002. The former assistant coach filed his reply June 28, 2002. The case was considered on the record by the Infractions Appeals Committee August 16, 2002 (Section VI below).

III. VIOLATIONS OF NCAA LEGISLATION AS DETERMINED BY THE COMMITTEE ON INFRACTIONS.

II-C. VIOLATION OF HONESTY STANDARDS; VIOLATION OF EMPLOYMENT AND SALARY CONTROLS. [NCAA Bylaws 11.1.1, 11.3.1 and 19.01.3]

During the summer of 1998, athletics representative A provided two loans to Alabama assistant football coach A, which he made no effort to repay until information about the loans surfaced during a formal interview with athletics representative A February 27, 2001. Alabama assistant coach A also violated the NCAA's principles of honesty and cooperation when he knowingly failed to

provide complete information during an interview with the enforcement staff and the university about receiving financial assistance from athletics representative A. Specifically:

1. Athletics representative A provided an unsecured, no-interest loan of \$1,600 to Alabama assistant A June 3, 1998, that was used to pay miscellaneous expenses incurred during his move from Tallahassee, Florida, to Tuscaloosa, Alabama. Alabama assistant coach A repaid the loan May 3, 2001, with a personal check to an investment business owned by athletics representative A.
2. Athletics representative A provided a \$55,000 loan to assistant football coach A July 20, 1998, that was used to repay personal debt. The loan was secured through a mortgage on property owned by Alabama assistant coach A in Florida. According to the provisions of the promissory note, assistant football coach A was to be charged an interest rate of 8 percent per annum payable quarterly, and the principal of the loan was scheduled to be paid off by July 20, 1999. However, Alabama assistant coach A failed to make any payments on the principal, interest or late charges until May 7, 2001, when a payment of \$67,723.24 was paid to athletics representative A's investment business out of proceeds derived from the sale of the Florida property.
3. During a November 29, 2000, interview conducted by an NCAA enforcement representative and university officials, Alabama assistant coach A failed to disclose complete information regarding financial transactions he had with athletics representative A.

IV. PENALTIES IMPOSED BY THE COMMITTEE ON INFRACTIONS.

The Committee on Infractions did not impose any additional penalties in this case.

V. ISSUES RAISED ON APPEAL.

In his written appeal, the former assistant coach asserted that the findings of violation against him in II-C should be set aside because they are clearly contrary to the evidence, the facts found by the committee do not constitute violations of NCAA rules and procedural errors affected the reliability of the information relied on by the committee. [Bylaw 32.10.2]

VI. APPELLATE PROCEDURE.

In considering the former assistant coach's appeal, the Infractions Appeals Committee reviewed the Notice of Appeal, the transcript of the institution's November 17, 2001, hearing before the Committee on Infractions, and the submissions by the former assistant coach and the Committee on Infractions referred to in Section II of this report.

The appeal was submitted on the written record in accordance with procedures adopted by the Infractions Appeals Committee pursuant to NCAA legislation. The appeal was considered by the Infractions Appeals Committee August 16, 2002, in Chicago, Illinois.

VII. INFRACTIONS APPEALS COMMITTEE'S RESOLUTION OF THE ISSUES RAISED ON APPEAL.

In reviewing the report in this case, the Infractions Appeals Committee may overturn a determination of fact or finding of violation only if:

- A. The committee's finding clearly is contrary to the evidence presented to the committee;
- B. The facts found by the committee do not constitute a violation of the Association's rules; or
- C. A procedural error affected the reliability of the information that was used to support the committee's finding. [Bylaw 32.10.2]

A showing that there was some information that might have supported a contrary result will not be sufficient to warrant setting aside a finding nor will a showing that such information might have outweighed the information on which the committee based a finding. The Infractions Appeals Committee ... will set aside a finding only on a showing that information that might have supported a contrary result clearly outweighed the information on which the Committee on Infractions based the finding. The Committee on Infractions determines the credibility of the evidence. (University of Mississippi Public Infractions Appeals Committee Report at page 10, May 1, 1995)

The former assistant coach argued that he answered the questions that the NCAA enforcement representatives actually asked and, therefore, did not fail to make full and

complete disclosure. On a review of the record, we conclude the findings constitute violations of NCAA bylaws and are not clearly contrary to the evidence. The former assistant coach also argued that he was denied due process when the Committee on Infractions found violations that had not been charged. Evidence of the conduct on which the findings of violations were made was [presented](#) at the Committee on Infractions hearing. It may find violations based on “information developed or discussed during the hearing.” [Bylaw 19.5.3] There was, thus, no procedural error.

VIII. CONCLUSION.

Findings of violations II-C-1 through II-C-3 are affirmed.

NCAA Infraction Appeals Committee

Terry Don Phillips, chair
Noel Ragsdale
Allan Ryan Jr.
Robert Stein