

**REPORT OF THE
NATIONAL COLLEGIATE ATHLETIC ASSOCIATION
DIVISION I INFRACTIONS APPEALS COMMITTEE**

February 6, 2009

Report No. 281

Former Head Men’s Tennis Coach

Texas Christian University

Fort Worth, Texas

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

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I. INTRODUCTION.

The former head men's tennis coach at Texas Christian University appealed to the NCAA Division I Infractions Appeals Committee specific findings of violations and penalties as determined by the NCAA Division I Committee on Infractions. In this report, the Infractions Appeals Committee addresses the issues raised by former head men's tennis coach (hereinafter referred to as former head men's tennis coach).

II. BACKGROUND.

The Committee on Infractions issued Infractions Report No. 281 February 28, 2008, in which the committee found violations of NCAA legislation in the men's tennis program. On the basis of those findings, the Committee on Infractions determined that this was a major infractions case and imposed penalties accordingly. [February 28, 2008, issue of The NCAA News.]

This case centered on violations of NCAA bylaws governing impermissible phone contacts and failure to monitor.

After the Committee on Infractions issued its report, former head men's tennis coach filed a timely notice of appeal March 14, 2008. A written appeal was filed April 16, 2008. The Committee on Infractions filed its response May 20, 2008. Former head men's tennis coach filed his rebuttal to the Committee on Infractions response June 4, 2008. On the date of October 8, 2008, the Infractions Appeals Committee requested Attachment No. 1 to the enforcement case summary. Attachment No. 1 was received by the Infractions Appeals Committee October 27, 2008. The case was considered on the written record by the Infractions Appeals Committee November 26, 2008 (see Section VI below).

III. VIOLATIONS OF NCAA LEGISLATION AS DETERMINED BY THE COMMITTEE ON INFRACTIONS. [Please note that the cites below are the cites as they appear in the Committee on Infractions report dated February 28, 2008.]

B-1. IMPERMISSIBLE PHONE CONTACTS. [NCAA Bylaws 13.1.3.1 and 13.1.3.1.6]

From the summer of 2002 through the spring of 2006, the former head coach and members of the men's tennis staff made 105 impermissible telephone calls to 24 prospective student-athletes or their parents.

B-3. FAILURE TO MONITOR. [NCAA Constitution 2.81]

The scope and nature of the violations detailed in Findings B-1 and B-2 demonstrated that from summer 2002 through spring 2006, the institution and the

former head coach failed to monitor the men's tennis program regarding telephone contacts with prospective student-athletes.

IV. PENALTIES IMPOSED BY THE COMMITTEE ON INFRACTIONS.

The Committee on Infractions imposed additional penalties because of the involvement of the former head men's tennis coach in a number of the violations. The penalty in which the former head men's tennis coach was cited was D-7.

7. Pursuant to NCAA Bylaw 19.5.2.2(k), the former head coach is prohibited from serving on any committees of the Association for two years from the date of the release of this report.

V. ISSUES RAISED ON APPEAL.

In his written appeal, the former head men's tennis coach argues that the findings of violations B-1 and B-3 against him should be set aside as contrary to the evidence, and that the Committee on Infractions erred in treating the violations as major ones. He argues that any violations should be classified and treated as secondary violations. (Bylaw 32.10.4)

VI. APPELLATE PROCEDURE.

In considering the former head men's tennis coach's appeal, the Infractions Appeals Committee reviewed the notice of appeal; the transcript of the institution's December 8, 2007, hearing before the Committee on Infractions and the submissions by the former head men's tennis coach and the Committee on Infractions referred to in Section II of this report.

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

The Infractions Appeals Committee may overturn a determination of fact or finding of violation of the Committee on Infractions 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.” (University of Mississippi, Public Infractions Appeals Committee Report, page 10, May 1, 1995.)

The Infractions Appeals Committee has fully considered all arguments presented by the former head men's tennis coach and the record of the proceedings before the Committee on Infractions, as well as the Committee on Infractions' decision and submissions to this Committee. We find no basis on which to conclude that the findings of violation should be set aside as contrary to the evidence. Nor do we find any basis on which to conclude that the Committee on Infractions erred in determining that the violations found were major rather than secondary violations.

VIII. CONCLUSION.

Findings B-1 and B-3 are affirmed.

NCAA Infractions Appeals Committee

Christopher L. Griffin, chair
Susan Cross Lipnickey
Noel M. Ragsdale
Allan A. Ryan Jr.
David Williams