



**UNIVERSITY OF CALIFORNIA, LOS ANGELES**  
**PUBLIC INFRACTIONS DECISION**  
**SEPTEMBER 16, 2016**

## **I. INTRODUCTION**

The NCAA Division I Committee on Infractions is an independent administrative body of the NCAA comprised of individuals from the Division I membership and the public. The committee decides infractions cases involving member institutions and their staffs.<sup>1</sup> This case involved the football program at the University of California, Los Angeles (UCLA).<sup>2</sup> In this case, the institution's associate head football coach knowingly arranged for and provided impermissible services to two then prospective football student-athletes. In doing so, the associate head football coach also violated the NCAA principles of ethical conduct. Additionally, the associate head football coach engaged in impermissible off-campus recruiting contacts with three prospective football student-athletes. Lastly, the institution impermissibly provided one prospective football student-athlete with a second official visit to its campus. A panel of the committee considered this case through the cooperative summary disposition process in which all parties agree to the primary facts, violations and violation levels as fully set forth in the summary disposition report (SDR). Because the institution and the associate head football coach agreed to the violations and the panel's proposed additional penalties, there is no opportunity to appeal.

The agreed-upon violations centered on the associate head football coach's arrangement for and provision of two then-prospective football student-athletes with housing and training services for approximately three weeks at a private training facility in Arizona. Specifically, the associate head football coach paid \$2,400 for the two prospects' housing at a local hotel and training services at a facility owned by a former National Football League player with whom he was acquainted. The parties agreed and the panel concludes that these violations are Level II. Because the associate head football coach knew or should have known that his conduct violated NCAA legislation, his conduct was unethical. Additionally, the associate head football coach engaged in impermissible off-campus recruiting contacts with three prospects which resulted in Level III violations. Lastly, the institution committed a Level II violation when it provided a prospect with a second official visit to its campus. The total value of the impermissible visit amounted to approximately \$500.

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<sup>1</sup> Infractions cases are decided by hearing panels comprised of NCAA Division I Committee on Infractions members. Decisions issued by hearing panels are made on behalf of the Committee on Infractions.

<sup>2</sup> A member of the Pacific 12 Conference (Pac 12), the University of California, Los Angeles, has an enrollment of 29,585 undergraduate students. It sponsors 14 women's and 11 men's sports. This was the institution's seventh major, Level I or Level II infractions case with the institution most recently appearing before the committee in 1998 for a case involving its men's basketball program. The institution also had previous infractions cases in 1997 (softball); 1987 (men's basketball); 1981 (men's basketball and football); 1971 (football, men's track); and 1957 (football).

The panel accepts the parties' factual agreements and that violations occurred in this case. After considering the aggravating and mitigating factors, the panel classifies this case as Level II – Mitigated for the institution. Because the violations occurred after October 30, 2012, the effective date of the current NCAA Bylaw 19, the new penalty guidelines apply. After considering the aggravating and mitigating factors, the panel adopts all of the institution's self-imposed penalties and prescribes the following principal penalties as appropriate for the institution: recruiting restrictions and a financial penalty.

Additionally, and after careful consideration of the aggravating and mitigating factors, the panel classifies this case as Level II – Aggravated for the associate head football coach. Under the new penalty guidelines, the panel prescribes a two-year show-cause order for the associate head football coach.

## **II. CASE HISTORY**

On November 14, 2014, a former girlfriend of the associate head football coach (associate head coach) sent an email to the NCAA Eligibility Center alleging that the associate head coach had knowledge of and/or involvement in potential NCAA recruiting violations. The former girlfriend sent an email to the Eligibility Center four days later indicating that her previously reported information was "not accurate and were misunderstood." The NCAA enforcement staff did not immediately initiate an investigation into the matter because it did not have any other information supporting the allegations and the former girlfriend had retracted her information. The enforcement staff did not notify the institution about these communications.<sup>3</sup>

On February 23, 2015, the institution and another member institution received an anonymous email, which contained similar information to the November 14, 2014, email. This email alleged that the associate head coach committed potential NCAA recruiting violations. The following day, the institution contacted the enforcement staff regarding the information reported in the February 23 email. The institution and the enforcement staff agreed that the institution would investigate the allegations and provide a report to the enforcement staff. The institution conducted its investigation and submitted its report to the enforcement staff on June 3, 2015. The enforcement staff issued its notice of inquiry on July 29, 2015. The parties submitted the SDR on July 8, 2016.<sup>4</sup> The panel reviewed the SDR on July 27, 2016, and accepted the institution's self-imposed penalties. On August 3, 2016, the panel suggested additional penalties to the institution and the

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<sup>3</sup> The hearing panel is troubled that the enforcement staff did not share the information contained in the November 2014 emails with the institution. Had the information been shared with the institution sooner, the institution may have been able to address the potential violations sooner and take corrective actions sooner. Instead, three more months passed before the institution became aware of potential violations in its football program.

<sup>4</sup> The enforcement staff initially issued a January 15, 2016, notice of allegations that included two allegations of severe breaches of conduct (Level I) (Allegation Nos. 1 and 2). However, as a result of the institution's and involved individual's April 15, 2016, responses and past cases as guidance, the enforcement staff informed the involved parties on April 22, 2016, that it modified the level of Allegation Nos. 1 and 2 to significant breaches of conduct (Level II). The institution and involved individual subsequently agreed on May 18, 2016, to pursue the summary disposition process.

associate head coach. The additional penalties included a \$5,000 financial penalty; public reprimand and censure; show-cause requirement; and publicizing the infractions decision on the institution's athletics website, NCAA website and in NCAA publications. The institution accepted the additional penalties on August 10, 2016. The associate head coach accepted his additional penalty on August 17, 2016.

### **III. PARTIES' AGREEMENT**

#### **A. PARTIES' AGREED-UPON FACTUAL BASIS, VIOLATIONS AND VIOLATION LEVELS OF NCAA LEGISLATION**

The parties jointly submitted a SDR that identified an agreed-upon factual basis, violations of NCAA legislation and violation levels. The SDR identified:

**1. [NCAA Division I Manual Bylaws 13.2.1, 13.2.1.1-(g) and 13.2.1.1-(h) (2013-14)] (Level II)**

The enforcement staff, the institution and the associate head coach agree that in March 2014, the associate head coach knowingly arranged for and provided services valued at \$2,400 for two then- football prospective student-athletes (prospects 1 and 2, respectively) to receive housing and football training services for approximately three weeks in Scottsdale, Arizona, through the owner of a private training facility.

**2. [NCAA Division I Manual Bylaws 10.01.1, 10.1 and 10.1-(c) (2013-14)] (Level II)**

The enforcement staff, the institution and the associate head coach agree that in March 2014, he violated the NCAA principles of ethical conduct when he arranged for and provided expenses that were impermissible for prospects 1 and 2 as detailed in Violation No. 1. It is agreed that the available factual information does not support a conclusion that the associate head coach knew or understood at the time the arrangement was made that it was a violation of NCAA legislation, but he agrees that had he exercised more care and diligence, he would have known or understood the arrangement was in violation of NCAA legislation.

**3. [NCAA Division I Manual Bylaw 13.6.2.1 (2013-14)] (Level II)**

The enforcement staff and the institution agree that during December 7-9, 2013, the institution's football program provided prospect 2 with a second official visit to its campus, which included approximately \$500 in housing, local transportation and meal expenses.

**4. [NCAA Division I Manual Bylaws 13.02.5.2 and 13.1.1.1 (2013-14 and 2014-15)] (Level III)**

The enforcement staff and the institution agree that in May and September 2014, the associate head coach had impermissible off-campus recruiting contact with three prospective student-athletes. Specifically:

- a. On May 14, 2014, the associate head coach had impermissible off-campus contact during an evaluation period with two then-football prospective student-athletes (prospects 3 and 4, respectively), who were juniors in high school.
- b. On September 26, 2014, the associate head coach had impermissible off-campus contact during an evaluation period with another then football prospective student-athlete (prospect 5) at a restaurant in Honolulu.<sup>5</sup>

**B. PARTIES' AGREED-UPON AGGRAVATING AND MITIGATING FACTORS**

Pursuant to NCAA Bylaw 19.6.2-(g), the parties agreed to the following aggravating and mitigating factors for the institution:

Agreed-upon aggravating and mitigating factors. [NCAA Bylaws 19.9.3 and 19.9.4]

- a. Aggravating factors. [NCAA Bylaw 19.9.3]
  - (1) A history of Level I, Level II or major violations by the institution, sport program(s) or involved individual. [NCAA Bylaw 19.9.3-(b)]
  - (2) Multiple Level II violations by the institution. [NCAA Bylaw 19.9.3-(g)]
- b. Mitigating factors. [NCAA Bylaw 19.9.4]
  - (1) Prompt acknowledgement of the violation, acceptance of responsibility and (for an institution) imposition of meaningful corrective measures and/or penalties. [NCAA Bylaw 19.9.4-(b)]

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<sup>5</sup> The institution submitted a student-athlete reinstatement request for prospect 2 for the violations detailed in Violation Nos. 1 and 3. Prospect 2 was reinstated subject to repayment of \$1,700. The student-athlete reinstatement staff determined that prospect 2 could make repayments as part of a repayment plan and as of the date of the SDR, prospect 2 has donated \$900 to charity. Student-athlete reinstatement requests were not required for the NCAA Bylaw 13 violations involving prospect 1 (Violation No. 1), prospects 3, 4 and 5 (Violation No. 4) for the following reasons: (1) prospect 1's eligibility had been exhausted; (2) prospects 3 and 4 did not attend UCLA; and (3) the violation involving prospect 5 was determined to be de minimis by the NCAA student-athlete reinstatement staff.

- (2) Affirmative steps to expedite final resolution of the matter. [NCAA Bylaw 19.9.4-(c)]
- (3) An established history of self-reporting Level III or secondary violations. [NCAA Bylaw 19.9.4-(d)]
- (4) Implementation of a system of methods designed to ensure compliance. [NCAA Bylaw 19.9.4-(f)]

Pursuant to NCAA Bylaw 19.6.2-(g), the parties have agreed to the following aggravating and mitigating factors for the associate head coach:

Agreed-upon aggravating and mitigating factors. [NCAA Bylaws 19.9.3 and 19.9.4]

- c. Aggravating factors. [NCAA Bylaw 19.9.3]
    - (1) Unethical conduct. [NCAA Bylaw 19.9.3-(e)]
  - d. Mitigating factors. [NCAA Bylaw 19.9.4]
- None.

#### **IV. REVIEW OF CASE**

The SDR fully detailed the parties' positions in the infractions case and included the agreed-upon primary facts, violations, violation levels and aggravating and mitigating factors. After reviewing the parties' principal factual agreements and respective explanations surrounding those agreements, the panel accepts the parties' SDR and concludes that the facts constitute Level II and Level III violations of NCAA legislation. The parties agreed that the associate head coach committed recruiting violations and acted unethically. The institution also agreed that it committed a significant breach of conduct when it provided a prospective football student-athlete with a second official visit to its campus. The institution violated NCAA Bylaw 13. The associate head coach violated NCAA Bylaws 10 and 13.

As an initial matter with regard to the associate head coach's recruiting violations, NCAA Bylaw 13 governs recruiting in athletics. NCAA Bylaw 13.2.1 generally prohibits an institutional staff member from being directly or indirectly involved 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. NCAA Bylaw 13.2.1.1-(g) and 13.2.1.1-(h) specifically prohibit financial aid, benefits and arrangements for free or reduced-cost services, rental or purchases of any type and free or reduced-cost housing.

Next, the associate head coach's conduct relating to his payment of services for prospects also violated NCAA Bylaw 10. NCAA Bylaw 10 governs ethical conduct in athletics. NCAA Bylaw 10.01.1 generally requires any institutional staff member to act with honesty and sportsmanship at all times and represent the honor and dignity of fair play and the generally recognized high standards associated with wholesome competitive sports. NCAA Bylaw 10.1 and 10.1-(c) provide that an institutional staff member may commit unethical conduct by engaging in knowing involvement in offering or providing a prospective or enrolled student-athlete an improper inducement or extra benefit or improper financial aid.

In March 2014, the associate head coach arranged for and provided housing and training services totaling \$2,400 for prospects 1 and 2. Specifically, the associate head coach paid for the prospects' housing in Arizona for approximately three weeks and for their receipt of training services from a private training facility there. Prospects 1 and 2 stated that while they were in Arizona, they would be transported from their hotel to the private workout facility to do weightlifting, work with medicine balls and sled training. Neither of the prospects reported knowing who paid for their hotel or training.

The associate head coach admitted to making the payment on behalf of the prospects. However, during one of his interviews, he somehow thought that his arrangement for and payment of services for the prospects was permissible under NCAA legislation because he did not consider them recruits due to the fact that "they were already signed" to National Letters of Intent. The hearing panel was quite troubled by the associate head coach's statements of ignorance of the rules considering he and the institution agreed that he had ample rules education provided by the institution. In fact, it is even more troubling that he admitted that it was not until he spoke with his attorney in this case that he had an understanding that his conduct violated NCAA rules. The associate head coach's lack of awareness of and adherence to NCAA recruiting rules also formed the basis for his unethical conduct violation. He admitted that had he exercised more care and diligence, he would have known or understood that his arrangement violated NCAA legislation.

When the associate head coach provided impermissible services to prospective student-athletes, he committed a significant breach of conduct that provided or was intended to provide more than a minimal but less than a substantial or extensive recruiting advantage or impermissible benefit. In so doing, he violated NCAA Bylaw 13. Similarly, when the associate head coach should have known that his arrangement for the prospects' housing and training services would violate NCAA legislation but paid for the services and benefits anyway, he acted unethically. The associate head coach violated NCAA Bylaw 10 as a result of his unethical conduct. The panel concludes the provision of impermissible services and the associate head coach's unethical conduct violations are Level II.

Additionally, the institution also violated NCAA Bylaw 13 when it provided a second official visit to prospect 2. NCAA Bylaw 13.6.2.1 limits a member institution to financing only one visit to its campus for a prospective student-athlete. The institution admitted that it provided prospect 2 with a second official visit to its campus in December 2013. The second official visit included approximately \$500 in housing, local transportation and meal expenses.

When the institution provided the extra official visit to prospect 2 it violated NCAA Bylaw 13. The panel concludes that the institution's provision of a second official visit to the prospect is Level II because it was a significant breach of conduct and provided or was intended to provide a more than a minimal but less than substantial recruiting advantage.

Lastly, the associate head coach's conduct violated other provisions of NCAA Bylaw 13 as well as those previously noted when he impermissibly contacted prospects while off-campus. NCAA Bylaw 13.02.5.2 defines an evaluation period and prohibits athletics staff members from having in-person, off-campus recruiting contacts with a prospective student-athlete during an evaluation period. Additionally, NCAA Bylaw 13.1.1.1 generally establishes the time period for off-campus contacts. Off-campus recruiting contacts with prospects or their relatives are generally prohibited prior to July 1 following the completion of a prospect's junior year of high school.

The parties agreed that on May 14, 2014, the associate head coach had impermissible off-campus recruiting contact during an evaluation period with prospects 3 and 4 while in Texas. Further, on September 26, 2014, the associate head coach had impermissible off-campus contact during an evaluation period with prospect 5 while in Hawaii.

When the associate head coach engaged in impermissible off-campus recruiting contacts with prospects he violated NCAA Bylaw 13. The impermissible contacts were isolated in nature and provided or were intended to provide no more than a minimal recruiting advantage. The panel concludes these violations are Level III.

## **V. PENALTIES**

For the reasons set forth in Sections III and IV of this decision, the panel accepts the parties' agreed-upon factual basis and violations and concludes that this case involved Level II and Level III violations of NCAA legislation. The panel then determined the applicable penalty classification. Level II violations are significant breaches of conduct. Level III violations are breaches of conduct. The parties agreed that two aggravating factors and four mitigating factors were present in this case for the institution. The panel adopts one of these aggravators, Multiple Level II violations and all of the agreed-upon mitigators. NCAA Bylaw 19.9.3-(b) identifies an institution's Level I, Level II or major infractions history as an aggravating factor; however, pursuant to NCAA Bylaw 19.9.3-(b)(1), because some 18 years have elapsed since the institution's last major infractions case, the panel did not determine it was an aggravator in this case. Thus, after determining the appropriate aggravating and mitigating factors, the panel classifies this case as Level II - Mitigated for the institution.

Regarding the associate head coach, the enforcement staff proposed two aggravators: unethical conduct and intentional, willful or blatant disregard for the NCAA constitution and bylaws. The associate head coach agreed with the unethical conduct aggravator but disagrees with the intentional, willful or blatant disregard of the rules aggravator. The panel adopts both of the enforcement staff's proposed aggravators because the associate head coach failed in his

responsibilities and obligations under the rules and his conduct exhibited a blatant disregard for the NCAA constitution and bylaws. The associate head coach proposed three mitigators in this case: prompt self-detection and self-disclosure of the violations; prompt acknowledgement of the violations, acceptance of responsibility and imposition of meaningful corrective measures and/or penalties; and the violations were unintentional, limited in scope and represent a deviation from otherwise compliant practices. The enforcement staff took no position on the first two proposed mitigators and opposed the final proposed mitigator regarding intentionality. The panel determines that none of the associate head coach's proposed mitigators apply.

The violations in this case were discovered and investigated pursuant to information received from an anonymous tip and not from the associate head coach's self-disclosure of violations, thus his first proposed mitigator of self-detection is inappropriate. Similarly, the panel determines that the proposed mitigator of prompt acknowledgement does not apply because the associate head coach should have known his conduct violated NCAA legislation and promptly acknowledged that and reported that to the institution and the NCAA. Instead, more than three months passed between the time an initial reporting of potential violations was sent and then retracted by his former girlfriend and the time another email sent to the institution in February 2015 alleged similar potential violations by the associate head coach. In neither instance was the associate head coach the source of the information. Finally, as noted above, the associate head coach's conduct exhibited a blatant disregard for NCAA legislation and, therefore, the panel determines that his proposed mitigator that his violations were unintentional is unwarranted. Thus, after determining the appropriate aggravating and mitigating factors, the panel classifies this case as Level II - Aggravated for the associate head coach.

Because the violations in this case occurred after October 30, 2012, the panel prescribed penalties pursuant to the new penalty structure under present NCAA Bylaw 19.9. These 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.

The institution's corrective actions are contained in the Appendix. The panel adopts the institution's self-imposed penalties, which are identified below, and prescribes the following additional penalties pursuant to NCAA Figure 19-1:

**Core Penalties for Level II – Mitigated Violations by the Institution (NCAA Bylaw 19.9.5)**

1. Financial penalty: The institution shall pay a \$5,000 fine.
2. Recruiting restrictions:
  - a. The institution reduced the number of full-time coaches by one for the spring recruiting period, from April 15 – May 30, 2015. (Institution imposed);

- b. The institution reduced the number of its spring evaluation days from 168 to 150 for the spring 2015 recruiting period. (Institution imposed)
- c. The institution reduced by two the number of official visits from their four-year average for the 2015-16 academic year.<sup>6</sup> (Institution imposed)

**Core Penalties for Level II – Aggravated Violations by the Associate Head Coach (NCAA Bylaw 19.9.5)**

3. This case reflected and the associate head coach admitted to committing significant violations of NCAA legislation involving the provision of impermissible benefits to prospects, impermissible recruiting contacts and unethical conduct. Therefore, he will be informed in writing by the NCAA that should he be employed or affiliated in an athletically related position at another NCAA member institution during a two-year period from September 16, 2016, through September 15, 2018, within 30 days of his hiring or affiliation, that employing institution shall ask for a date to appear before a hearing panel of the Committee on Infractions to show cause why restrictions on some or all coaching and recruiting duties should not apply. In addition to the foregoing conditions, the associate head coach shall attend a NCAA Regional Rules Seminar in each of the two years of the show-cause order commencing in calendar year 2017 and continuing through the end of the show-cause period to calendar year 2018. If currently employed by a member institution, the associate head coach's employing institution shall submit for review to the Committee on Infractions a plan for oversight for the associate head coach within 45 days of the release of this decision. Otherwise, the oversight plan should be submitted within 45 days after his hiring. The institution's plan should detail the institution's educational efforts with the associate head coach and detail its efforts to meet compliance standards.

**Additional Penalties for Level II – Mitigated Violations by the Institution (NCAA Bylaw 19.9.7)**

4. Public reprimand and censure;
5. The institution reduced the number of full-time coaches by one for the entire spring practice period, from March 31 – April 25, 2015. (Institution imposed)
6. The institution reduced the number of full-time coaches by one for the first two games of the 2015-16 football season. (Institution imposed)

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<sup>6</sup> The NCAA permits 56 official visits per year. The institution averaged 40 official visits over the last four years (2011-12 through 2014-15). The institution allowed a maximum of 38 official visits in 2015-16.

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The Committee on Infractions advises the institution that it should take every precaution to ensure that it observes the terms of the penalties. 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 prescribing more severe penalties or may result in additional allegations and violations.

NCAA COMMITTEE ON INFRACTIONS PANEL

Alberto R. Gonzales

Thomas Hill

Gary L. Miller

Joseph Novak

Gregory Sankey

Sankar Suryanarayan, Chief Hearing Officer

**APPENDIX**

**THE INSTITUTION'S CORRECTIVE ACTIONS AS IDENTIFIED IN THE JULY 8, 2016, SUMMARY DISPOSITION REPORT.**

1. The institution analyzed and revised its unofficial visit policies and procedures for the football program which was completed by September 1, 2015.
2. The institution suspended the associate head coach from all institutional activity from March 16, 2015, through June 19, 2015.
3. The institution prohibited the associate head coach from all recruiting activities during entire spring evaluation period, from April 15, 2015, through May 30, 2015.
4. The institution prohibited the associate head coach from all coaching activities during the entire spring practice period, from March 31, 2015, through April 25, 2015.
5. The institution suspended the associate head coach for two games at the start of the 2015 football season (September 5, 2015, versus Virginia; and September 12, 2015, at UNLV).
6. The institution fined the associate head coach a total of \$54,166 (the equivalent of one month's salary plus a return of \$10,000 2014-15 postseason bonus).
7. The institution issued the associate head coach a letter of reprimand on September 1, 2015.
8. The institution required the associate head coach to attend a 2016 NCAA Regional Rules Seminar at personal cost which was completed during the spring of 2016.