



**UNIVERSITY OF MISSISSIPPI**  
**PUBLIC INFRACTIONS DECISION**  
**OCTOBER 7, 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 two athletics programs - women's basketball and track and field - and eight involved individuals at the University of Mississippi.<sup>2</sup> The women's basketball violations centered on academic fraud while the track and field violations involved impermissible tryouts, inducements, transportation and recruiting. The violations in both programs were complicated by some staff and student-athletes attempting to cover up the conduct by providing false and misleading information and/or failing to cooperate. Both former head coaches also failed to fulfill their head coaching responsibilities.

The women's basketball violations all occurred during the staff's short tenure. In October 2012, the institution removed culpable staff members almost as quickly as they were hired - just seven months earlier. Their violations involved unethical conduct, head coach responsibility and impermissible contacts.

The unethical conduct violations fell into three categories: academic fraud, providing false and misleading information to the institution and/or enforcement staff and individuals failing to cooperate. As it relates to academic fraud, a former assistant basketball coach and the former director of basketball operations arranged for two student-athletes to receive fraudulent academic credit in five courses. The student-athletes needed the courses to complete their associate's degrees. The former assistant basketball coach also paid for and enrolled one of the student-athletes in her online courses. The former assistant basketball coach, former director of basketball operations and both student-athletes also committed unethical conduct when they attempted to cover up their actions. All four initially provided false and misleading information. Further, both former staff members failed to cooperate and personally instructed one of the student-athletes to delete relevant information and provide false information to the institution.

The academic violations occurred, in part, because the former head coach did not monitor his staff's actions during a five-week period. In failing to do so, he did not fulfill his head coaching

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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 Southeastern Conference, the institution has an enrollment of approximately 20,000. It sponsors 10 women's and eight men's sports. The institution had previous infractions cases in 1994 (football); 1986 (football) and 1959 (recruiting).

responsibilities. The former assistant basketball coach and former director of basketball operations also placed impermissible calls and text messages. The panel concludes the various unethical conduct and head coach responsibility violations are Level I, while the impermissible contacts are Level II.

In comparison to the women's basketball program, the track and field violations involved less egregious tryout, inducement, transportation and recruiting contact violations that generally occurred between June 2012 and March 2013. But those were not the only violations. Coaches committed unethical conduct and failed to exercise control over the program. A former assistant coach and the former head track coach committed unethical conduct when they provided false or misleading information during the investigation. Similarly, the former head track coach committed and was (or should have been) aware of the violations occurring in his program. The former head track coach did not meet the expectations for head coaches because he failed to promote an atmosphere for compliance and did not monitor his staff members. The panel concludes that Level II and III violations occurred in the institution's track and field program.

The panel classifies this case as Level I-Standard for the institution. With respect to women's basketball, the panel classifies the former head basketball coach's case as Level I-Standard and the four other involved individuals' cases as Level I-Aggravated. Similarly, the panel classifies all three involved individuals' cases in the track and field program as Level II-Standard. Because the violations straddled the implementation of the new penalty structure and did not predominately occur after implementation of the new structure's effective date, the panel conducted a penalty leniency test. The panel determines that former NCAA Bylaw 19.5.2 (2012-13 NCAA Division I Manual) afforded the parties with more lenient penalties.

Utilizing former NCAA Bylaw 19, the panel adopts and prescribes the following penalties: a three-year probationary period; scholarship reductions; a postseason ban and prohibition of signing two-year college transfers in women's basketball; recruiting restrictions in both the women's basketball and track and field programs; and other administrative penalties. The panel also prescribes six-year show-cause orders for both the former director of basketball operations and former assistant basketball coach, a two-year show-cause order for the former head basketball coach and one-year show-cause orders for each of the former track and field coaches.

## **II. CASE HISTORY**

On September 4, 2012, the institution received a letter from the Southeastern Conference (SEC) about potential violations in the women's basketball program and initiated an internal investigation into the matter.<sup>3</sup> During the first week of October 2012, the institution conducted preliminary interviews with women's basketball staff and student-athletes. The institution also became concerned interviewees were attempting to destroy relevant information.

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<sup>3</sup> The full description of the institution's investigation appears in the Findings of Fact section of this decision. The chronological narrative appears in that section because the events that occurred during the investigation provide the factual basis for some of the agreed-upon violations in the women's basketball program.

In response to this concern, on October 4, 2012, the institution contacted the NCAA enforcement staff to detail preliminary findings and request permission to move forward with the investigation to prevent the destruction of relevant information. The enforcement staff agreed. The following day, the institution interviewed the former director of basketball operations and a former assistant basketball coach.<sup>4</sup> Following the interviews, the institution placed both on administrative leave.<sup>5</sup> On October 17, 2012, the enforcement staff provided the institution with a verbal notice of inquiry and the institution and the enforcement staff continued to investigate conduct in the women's basketball program, including further interviews with the women's basketball staff on October 19, 2012. On October 22, 2012, the institution placed the former head basketball coach on administrative leave and later terminated his employment.

In the spring of 2013, a departing assistant track and field coach refused to sign the institution's departing staff affidavit form. Based on his refusal, the institution and enforcement staff expanded the investigation to include the track and field program. Also during the spring 2013, the institution and enforcement staff began investigating potential violations in its football program. The investigation continued for the next three years.

On January 22, 2016, the enforcement staff issued the original notice of allegations (NOA). It contained 28 allegations involving the institution's women's basketball, track and field and football programs. On March 6, 2016, a former assistant track coach responded to the NOA and later provided a supplemental response. On March 18, 2016, the former head track coach requested an extension to file his response. On March 28, 2016, the enforcement staff responded on behalf of all parties detailing that no party had objections so long as any extension did not delay the hearing nor shorten the enforcement staff's time to submit a written reply. The following day, the committee vice chair requested all parties participate in a conference call to discuss procedural options.<sup>6</sup> The vice chair informed all parties that a failure to submit their written submission or participate on the call constituted a waiver of any objection to her decision. On April 1, 2016, the Office of the Committees on Infractions (OCOI) conducted a teleconference, and on April 5, 2016, the vice chair granted the extension to the former head track coach only and set the hearing for late July. Also on that day, another former assistant track coach responded to the NOA.

On April 15, 2016, the former head basketball coach submitted his response to the NOA. In his response, the former head basketball coach raised five procedural issues. Generally, they were: (1) lack of notice regarding being the subject of an investigation; (2) lack of an attorney present during questioning; (3) failure to receive documentation regarding his termination; (4) failure to consider his cooperation as a mitigating factor; and (5) failure to receive interview transcripts. The panel considered all procedural arguments. The only issue relevant for the panel was his

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<sup>4</sup> The former director of basketball operations and former assistant basketball coach are married.

<sup>5</sup> The institution informed both that they would be terminated, but informed them that they would be placed on administrative leave while the institution needed their cooperation for the ongoing investigation.

<sup>6</sup> Pursuant to NCAA Bylaw 19.3.4, the committee chair was recused from any involvement in this case.

cooperation, which the panel discussed and considered at the infractions hearing.<sup>7</sup> On April 22, 2016, the institution submitted its response and the former director of basketball operations and former assistant basketball coach submitted a joint response.<sup>8</sup> In their joint response, the former director of basketball operations and former assistant basketball coach made accusations not previously disclosed in their interviews. On April 25, 2016, the OCOI notified the institution that its response did not comply with the page limitations detailed in COI IOP 3-13-3 and it had not submitted a request to exceed the 50-page limitation. Later that day, the institution submitted a request to exceed the page limit. The chief hearing officer granted the request, at which point the response was provided to the panel.

On May 2 and 4, 2016, the enforcement staff notified the panel and relevant parties of the need to conduct further interviews with the former director of basketball operations and former assistant basketball coach, as well as the enforcement staff and institution's ongoing inquiry into new information related to the institution's football program. On May 9 and 11, 2016, the enforcement staff conducted interviews with the former assistant basketball coach and former director of basketball operations, respectively.<sup>9</sup>

In light of the ongoing investigation into the football program, on May 19, 2016, the institution requested that the entire case be postponed or, in the alternative, the panel bifurcate the football allegations. The following day, the chief hearing officer requested that all parties submit their written positions on the institution's request. On May 23, 2016, the former head track coach submitted a timely response to the NOA in accordance with his extended deadline and submitted a supplemental response two days later. On May 27, 2016, the chief hearing officer set a conference call regarding the postponement request and identified two available options: (1) a postponement of the entire case; or (2) a bifurcation of all football allegations until completion of the ongoing investigation. Like with the earlier conference call, the chief hearing officer informed all parties that failure to submit a written submission or participate on the call constituted a waiver of objection to his final decision.

On June 1, 2016, the chief hearing officer conducted the conference call. The following day, he informed all parties of his decision to bifurcate all football allegations until a later date and

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<sup>7</sup> The other four issues pertained to the institution or the enforcement staff. The enforcement staff addressed its relevant issues in its written reply. In short, the enforcement staff identified that the former head basketball coach was advised of his right to legal counsel at the outset of his interviews; that upon the request for previous transcripts in December 2012, the enforcement staff provided the former head basketball coach and his attorney his requested transcripts; and, consistent with its operating procedures, the enforcement staff provided the former head basketball coach with access to the secure web on January 22, 2016. The enforcement staff indicated that at no time did he inform the enforcement staff of his inability to access the secure web.

<sup>8</sup> Other involved individuals also submitted timely responses associated with football allegations contained in the original notice of allegations.

<sup>9</sup> The former director of basketball operations and former assistant basketball coach reiterated the accusations contained in their joint response. The enforcement staff, however, did not believe the claims supported additional allegations. In order to ensure that the interviews were appropriate factual information and did not prejudice the panel, the chief hearing officer requested that he have the opportunity to review the interviews prior to adding them to the record. The chief hearing officer eventually added the interviews to the record on May 20, 2016.

instructed the enforcement staff to issue a revised NOA.<sup>10</sup> On June 3, 2016, the OCOI removed the panel's access to all football factual information.<sup>11</sup>

On June 6, 2016, the enforcement staff requested to exceed the page limitation for its written reply and statement of the case. The chief hearing officer granted the request the following day. On June 8, 2016, the enforcement staff issued a revised NOA. The women's basketball and track and field allegations remained unchanged.

Between June 20 and 22, 2016, the chief hearing officer handled multiple procedure requests. First, in response to the institution's indication that it may require an amended response to address the revised NOA, the chief hearing officer set a new deadline for written submissions. The institution did not file a revised or amended response. Similarly, the chief hearing officer received and granted both former assistant track coaches' requests to participate in the hearing remotely. Additionally, both the former head basketball coach and former head track coach submitted additional information. Finally, the enforcement staff submitted its written reply and statement of the case.

On June 24, 2016, the enforcement staff notified the panel that the former director of basketball operations and former assistant basketball coach would not be attending the hearing. On June 27, 2016, the former head basketball coach submitted additional information within the chief hearing officer's new deadline.

On July 19, 2016, the parties received an updated panel notification letter. Also, the panel sent a letter to the former director of basketball operations and former assistant basketball coach requesting their attendance at the hearing and requested access to additional interviews related to track and field allegations. The former director of basketball operations and former assistant basketball coach never responded. On July 25, 2016, the panel held an in-person hearing.

### **III. FINDINGS OF FACT**

#### *The women's basketball program*

After the 2011-12 women's basketball season, the institution determined it needed to go in a new direction and sought to hire a new women's basketball staff. The staff the institution hired lasted only seven months and never coached a game. Its abrupt departure in October 2012 stemmed from the institution's investigation and discovery of academic issues in the program during the early months of the staff's tenure.

The program's tenure officially began on March 28, 2012, when the institution announced its new head basketball coach (the former head basketball coach). In the days leading up to his

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<sup>10</sup> Both in its postponement request and on the conference call, the institution expressed logistical concerns regarding the bifurcation. To address these concerns, the chief hearing officer indicated that the same panel, where practicable, would hear any later allegations related to the institution's football program.

<sup>11</sup> Access data indicates that panel members had yet to access any football factual information.

press conference, he began assembling his staff. Specifically, the week prior, he and one of his assistant coaches from his previous institution attended the junior college national tournament in Kansas. One of the teams in the tournament was coached by two friends of the former head basketball coach (former director of basketball operations and former assistant basketball coach, respectively). On Friday, March 23, 2012, the former head basketball coach and his assistant coach met with the former director of operations and former assistant women's basketball coach where they loosely discussed some job openings in the industry. They had known each other for over 10 years. In fact, the former head basketball coach attended the former director of basketball operations' and the former assistant basketball coach's wedding in Mexico six years earlier.<sup>12</sup>

The meeting did not last long because the former head basketball coach left to travel to the University of Mississippi and interview for the institution's vacant head coaching position. The following day, the former director of basketball operations and the former assistant basketball coach finished their undefeated season with a junior college national championship. The two would also win co-national coach of the year and one of their elite student-athletes, (student-athlete 1), would win national player of the year honors. On Sunday, March 25, 2012, good news continued to follow. While traveling back from the national championship, the former assistant basketball coach received a call from the former head basketball coach. He informed her that it looked like he would be the next head women's basketball coach at the University of Mississippi. He asked if the former assistant basketball coach and her husband would be interested in joining the staff as an assistant basketball coach and director of basketball operations, respectively.

The former director of basketball operations and former assistant basketball coach discussed the opportunity and eventually agreed to join the former head basketball coach's staff. The two then drove from Texas to Oxford, Mississippi to attend the press conference. After the press conference, the institution officially hired the former assistant basketball coach and issued her an institutional cellphone. The former director of basketball operations was not officially hired until mid-April but had verbally accepted his position. The former director of basketball operations knew he was joining and, to some extent, acted as if he were already part of the women's basketball staff.<sup>13</sup>

After the press conference, the members of the women's basketball staff, including the former director of basketball operations, participated in a number of administrative meetings. One included rules education with the compliance office. Among other topics, the compliance office covered permissible recruiting activities. Shortly thereafter, the staff members left to finalize

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<sup>12</sup> In his first interview, the former director of basketball operations reported that he had known the other assistant coach even longer and that the other assistant coach had been a groomsman in his wedding.

<sup>13</sup> Immediately following the press conference, the former director of basketball operations returned to and continued working for the junior college. In his first interview, however, the former director of basketball operations acknowledged that he was 90 percent sure he would be coming to the institution and prior to his official employment with the institution he completed some administrative work for the former head basketball coach. Specifically, he reviewed and assisted in the logistical planning of the program's upcoming summer basketball camps.

personal and moving logistics, attend other previously scheduled engagements and begin recruiting for the institution.<sup>14</sup> Although they departed, the staff had been formed and their responsibilities under NCAA rules began.

During the first months of the women's basketball staff's tenure, the entire staff was seldom in the office at the same time. When interviewed, the former head basketball coach approximated that the entire staff was only in the office together 15 or 16 days during its first couple months. The majority of those fell in early April. From April 9 through April 19, 2012, the former head basketball coach held two staff meetings a day. At the hearing, the former head basketball coach indicated that compliance was a key part of these meetings. The structured meetings, however, differed from his past practice and philosophy. The meetings were also limited to this time period and generally were not maintained throughout the summer. In his interviews, the former head basketball coach admitted that he did not schedule formal, structured staff meetings. His calendars generally support these statements. In both his interviews and at the infractions hearing, he continued to emphasize that he would have casual conversations with his staff and maintained an open door policy. In addition to the casual conversations, the former head basketball coach required his staff to go to athletic department staff meetings. He also personally asked compliance or his direct supervisor questions and directed his staff to do the same. At the infractions hearing, he also identified two situations where he proactively identified potential conflicts and brought those to the attention of his supervisor.<sup>15</sup> As it related to prospects' academics, he heavily relied on his staff. Outside of general inquiries, the former head basketball coach did not actively seek information related to his prospects' academic progress, and his staff did not heed the rules education it received.

Despite receiving recruiting rules education, the former director of basketball operations and former assistant basketball coach agreed that beginning on March 28, 2012, and continuing through July 24, 2012, the former director of basketball operations and the former assistant basketball coach continued to engage in telephone-related contact with prospects. They had either coached or previously recruited many of the prospects. The former director of basketball operations and former assistant basketball coach suggested their contacts did not involve recruiting conversations, but related to checking in on their former student-athletes, making sure they were attending class and maintaining a mentor/mentee relationship. They acknowledged that for roughly four months, they cumulatively sent 320 text messages and placed 62 phone calls to 13 prospects. Two of those prospects were student-athlete 1 (who played for the former director of basketball operations and former assistant basketball coach) and another prospect (student-athlete 2) (who they previously recruited).<sup>16</sup>

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<sup>14</sup> For example, the former head basketball coach identified that he had prior engagements including camps, the Women's Basketball Coaches Association (WBCA) ethics seminars and SEC new coaches training.

<sup>15</sup> The former head basketball coach questioned the appropriateness of the former assistant coach recruiting student-athlete 1 because she previously coached her at her junior college and was concerned about student-athlete 1 and the former assistant basketball coach attending the Women's Final Four together.

<sup>16</sup> The factual information identifies 169 of the 320 text messages and 53 of the 62 phone calls involved student-athletes 1 and 2. The overwhelming majority of those involved student-athlete 1.

The relationship between the former director of basketball operations, the former assistant basketball coach and student-athletes 1 and 2, however, was not limited to telephone-related activity. It also involved the former director of basketball operations and the former assistant basketball coach completing and submitting academic coursework so that student-athletes 1 and 2 could complete their associate's degrees.

Preliminarily, the former head basketball coach was uneasy about recruiting student-athletes 1 and 2. Resting on assurances from the former director of basketball operations and former assistant basketball coach, he eventually decided to recruit them. Both were elite student-athletes on junior college teams that had played for the national championship only weeks earlier. He decided to recruit them despite the fact that he knew each would need to overcome academic challenges in order to be eligible. Specifically, the former head basketball coach knew that student-athlete 1 needed a SEC bylaw change in order for her previous online English courses to count towards her eligibility. Further, he knew both she and student-athlete 2 needed to take additional courses during the late spring and early summer in order to earn their associate's degrees.

In his interviews and at the infractions hearing, the former head basketball coach indicated that the student-athletes' academic challenges did not pose "red flags." However, he did acknowledge that the academic profiles of student-athletes 1 and 2 were different than those of the prospects he had previously recruited and that recruiting prospects with these academic backgrounds deviated from his past practices. Even if they did not appear as "red flags," he believed the situation was concerning enough to bring it to his direct supervisor's attention. According to the former head basketball coach, his supervisor informed him that other sport programs recruited prospects with similar academic backgrounds.

The former head basketball coach decided to move forward. As the staff's recruitment of student-athletes 1 and 2 progressed, he showed less, if any, concern. He delegated compliance and recruiting responsibilities to the former assistant basketball coach. He has consistently acknowledged that he received general updates on student-athletes 1 and 2 from both the former assistant basketball coach and the former director of basketball operations. The former head basketball coach admitted that he did not inquire what courses the student-athletes needed to earn their associate's degrees, nor did he inquire how they were going about earning those credits. What information he did know came from the general updates provided by the former assistant basketball coach and the former director of basketball operations.

Although student-athlete 1's and 2's academic resumes were different than previous prospects', the former head basketball coach indicated that his monitoring of the prospects was consistent with what he previously had done. He stated that he believed it would have been "insane" to think that he should have known more. As he identified at the infractions hearing, he made his assistant coaches "head coaches" of assigned areas and trusted they would do the right thing. He assigned the former assistant basketball coach with recruiting and compliance responsibilities and entrusted her to drill down to the granular level on prospect and compliance issues. In his written response and at the infractions hearing, the former head basketball coach asserted that he

was not, nor should he be, responsible for overseeing and monitoring online courses taken at another institution or the veracity of academic records.

The lack of oversight allowed the former director of basketball operations and former assistant basketball coach to complete and submit homework, assignments, papers, quizzes and exams for five online classes that student-athletes 1 and 2 needed. This conduct occurred during a five-week period in May and June 2012.

Near the end of May 2012, the former assistant basketball coach enrolled student-athlete 1 in two summer online courses. She also paid the \$630 cost associated with the classes. Around the same time, the former assistant basketball coach instructed student-athlete 2 to enroll in three online courses at three different institutions. Thereafter, the former director of basketball operations and the former assistant coach completed all of student-athlete 2's and the vast majority of student-athlete 1's online coursework.<sup>17</sup>

Further, the former director of basketball operations and former assistant basketball coach arranged (or were involved in arranging) for an individual to pose as a "proctor" for one of student-athlete 2's math exams. The proctor was a past acquaintance of the former director of basketball operations and former assistant basketball coach, whom they had met earlier in their careers. The former assistant basketball coach also arranged for the proctor to provide her with the exam ahead of time. After receiving the exam, the former assistant basketball coach admitted she attempted to do the work but could not complete it. She then forwarded the exam to another individual. The location of the exam was approximately 180 miles away from where student-athlete 2 lived. Student-athlete 2 admitted she never knew about nor physically took the in-person exam.

Both student-athletes 1 and 2 passed their summer online courses and received their associate's degrees. Throughout the five-week period, the former assistant basketball coach and former director of basketball operations provided the head coach with general updates – mainly, student-athletes 1 and 2 were doing well. The former head basketball coach took their updates with little, if any, additional inquiry. As a result, both student-athletes 1 and 2 applied to and enrolled in the institution. Both received athletically related aid from the institution from July through October 2012. Neither, however, competed.

#### *The track and field program*

Only a few months after hiring a new women's basketball staff, the institution also changed leadership within its track and field program. The institution hired a new head track coach (former head track coach) as head men's and women's track and field coach on June 12, 2012. It was a homecoming of sorts for him because he is an alumnus of the institution and previously served there as an assistant coach.

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<sup>17</sup> One of student-athlete 1's courses was a speech course. Student-athlete 1 personally gave and videotaped her speeches, prior to sending them to the former director of basketball operations and/or former assistant basketball coach to upload. The speeches themselves, however, were drafted and/or heavily revised by the former director of basketball operations.

Upon his hiring, the former head track coach began building a staff. On June 24, 2012, he offered a coaching position to an individual who had previously served as a coach of distance runners at a different NCAA Division I member institution (former assistant track coach 1). Former assistant track coach 1 verbally accepted the offer and officially began her employment at the institution on July 3, 2012. At approximately the same time, the former head track coach hired another assistant track coach who had also previously worked at another NCAA Division I institution (former assistant track coach 2). The coaching staff also included two other assistant coaches (former assistant track coach 3), a holdover from the previous coach's staff, and (former assistant track coach 4). The former head track coach pre-approved all scholarship offers the members of his staff made to prospective student-athletes.

*Former assistant track coaches 1's and 2's contacts with student-athletes at their previous institutions*

On June 25, 2012, the day after she accepted a job at the institution, former assistant track coach 1 began a series of contacts on her personal phone with a student-athlete (student-athlete 3) she had coached at her most recent former institution and with whom she had formed a close relationship. On that day, former assistant track coach 1 sent student-athlete 3 two text messages and engaged in a 17-minute phone conversation. On June 26, they spoke for 20 minutes and traded three text messages. On July 3, 2012, former assistant track coach 1's official start date at the institution, she called student-athlete 3 twice, sent her two texts, and had a 27-minute phone conversation when student-athlete 3 returned her calls. Former assistant track coach 1 sent a final text message to student-athlete 3 on July 11. During at least one of the conversations, former assistant track coach 1 talked to student-athlete 3 about possibly transferring to the institution. At some point after accepting her position at the institution and before her actual start date of July 3, 2012, former assistant track coach 1 informed the former head track coach that she had discussed a possible transfer with student-athlete 3, whom she described as "someone who might be interested in [the institution]" and a "lady that I would definitely love to have on the team." The former head track coach did not tell her at that time to cease recruiting student-athlete 3, remind her of recruiting rules or report the matter to the compliance office.

On July 18, 2013, former assistant track coach 1 emailed the head cross country coach at her former institution (cross country coach), asking for permission to recruit student-athlete 3. A day earlier, student-athlete 3 had emailed the cross country coach and asked permission to be recruited by the institution. In her email to the cross country coach, student-athlete 3 mentioned that the institution was considering offering her a substantial scholarship if she transferred.<sup>18</sup> In response to the information, the coaching staff at former assistant track coach 1's former institution contacted the former head track coach on July 20 to complain about former assistant track coach 1's activities. Although the former head track coach then admonished former assistant track coach 1 and told her to cease the contacts, he did not report the matter to the compliance office or any other institution administrator. The institution only became aware of the matter when the compliance office at former assistant track coach 1's former institution later contacted the Mississippi compliance office.

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<sup>18</sup> Her email stated, "[I]t sounds like they are going to offer a lot."

At the hearing, former assistant track coach 1 stated that many of the contacts were in reference to training and her new job, although she admitted that one of the contacts dealt with the possibility of student-athlete 3 transferring to Mississippi.<sup>19</sup> Student-athlete 3 was not considering leaving her institution until former assistant track coach 1 called her in an attempt to recruit her. Former assistant track coach 1 asked student-athlete 3 to come to Mississippi on a recruiting trip and told her that Mississippi could award her more scholarship aid than she was presently receiving. Student-athlete 3's institution denied her request to have contact with Mississippi, and she did not transfer.

Once she had been hired by Mississippi in the summer of 2012, former assistant track coach 2 also made recruiting overtures to a student-athlete (student-athlete 4), one of her former student-athletes. Former assistant track coach 2 made the contacts at the direction of the former head track coach, who was aware of student-athlete 4's athletics success and that former assistant track coach 2 had coached her. Using her boyfriend's phone so as to avoid detection, former assistant track coach 2 exchanged between 15-20 phone calls and texts with student-athlete 4 from July or August of 2012 into November of that year. They discussed the topic of possibly transferring in approximately 10-12 of the conversations. Former assistant track coach 2 first broached the topic of a possible transfer to student-athlete 4, and student-athlete 4 had no interest in a possible transfer to Mississippi until former assistant track coach 2 brought it up. During one of the conversations, former assistant track coach 2 offered to provide the former head track coach's phone number to student-athlete 4 so that the student-athlete's mother could contact the former head track coach to discuss the matter further. Sometime around Thanksgiving 2012, student-athlete 4 told former assistant track coach 2 that she was staying at her institution. The two of them had no further contact after that point.

The former head track coach denied awareness of his two assistant coaches contacting the student-athletes at their former institutions. In interviews with the enforcement staff and institution on July 10 and December 12, 2013, in his response to the NOA and at the hearing, the former head track coach conceded that the contacts occurred but stated that he did not know of them. However, both former assistant coaches stated that he was aware, with former assistant track coach 2 asserting that the former head track coach instructed her to contact student-athlete 4. In her July 17, 2012, email to her coaches, student-athlete 3 alluded to receiving a substantial grant-in-aid if she transferred, which could only have been approved by the former head coach. Student-athlete 4 recalled that former assistant track coach 2 offered to provide her with the former head track coach's phone number. Former assistant track coach 2 would not have made such an offer if she was making the contacts without the knowledge and approval of the former head track coach. Based on all of the factual information and the panel's assessment of the participating individuals at the hearing, the panel finds that the former head track coach was aware of the contacts his assistants were having with student-athletes 3 and 4 regarding their possible transfer to the institution. Additionally, he encouraged former assistant coach 2 to contact student-athlete 4.

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<sup>19</sup> At one point during her second interview, former assistant track coach 1 stated that this conversation occurred on July 3, 2012, the day she began working at the institution. However, in that same interview, she conceded that the conversations on June 25 and 26 also were possibly related to the recruitment of student-athlete 3.

*Prospects' participation with enrolled student-athletes on official paid visits*

Also beginning in the fall of 2012 and extending into the early 2013, prospective student-athletes joined enrolled women's distance runners on weekend practice runs. Former assistant track coach 1 conducted the regular weekend sessions at a rural national park, approximately 15 miles away from campus.<sup>20</sup> On approximately eight occasions from September 2012 into January 2013, former assistant track coach 1 allowed 20 prospective student-athletes who were on campus for official paid visits to join the enrolled student-athletes on the weekend runs. The times when the runs occurred were designated as "observe practice" on the prospects' itineraries, but former assistant track coach 1 gave them the option of running along the trails. She transported the prospects and enrolled student-athletes to the location from the track office in a team van, and the full group began the run at the same time. While the prospects and student-athletes ran, former assistant track coach 1 followed behind them in the van. She asserted that she followed the runners for safety purposes, but doing so also allowed her to observe the prospects during at least certain portions of the workouts. She maintained that position in her interviews, response to the NOA and when questioned by the panel at the infractions hearing.

Throughout the investigation and at the hearing, she claimed to understand that prospects could not participate in practices with enrolled student-athletes. She stated she would first give her student-athletes instructions and send them on their way. She would then wait a few minutes and let the prospects begin their workouts. During the workouts, the prospects ran with the enrolled student-athletes and at times even outpaced and overtook them. Former assistant track coach 1 acknowledged that when this occurred, she observed the prospects running. Likewise, she admitted she saw them when she turned the van around and headed back to the starting point. Former assistant track coach 1 claimed, however, that she did not offer instruction, time or critique prospects' performances or ask current student-athletes how the prospects performed. Five prospects and/or enrolled student-athletes provided the enforcement staff with a different account. They stated that the prospects and student-athletes started at the same time, ran together over at least portions of the trail and were visible to former assistant track coach 1 as she followed the full group in the van.

The former head track coach was aware that weekend runs took place and that prospects accompanied the team members to the trails. Throughout the fall of 2012, he did not visit the rural location and observe the activities. Also in the fall of 2012, he was unaware whether the prospects ran with the enrolled student-athletes, although he knew that it was common practice for prospective student-athletes to join with enrolled student-athletes on long runs. He also knew it was not unusual for coaches to sometimes observe the activities, because they do not consider the activities to be any kind of tryout. He described such runs as "one big jog" and a "fitness run." After prospects returned from the runs, they might occasionally mention to him that they liked the trails or make some other comments about the location, but no prospects ever specifically mentioned to the former head track coach that they ran with the team. He assumed that the prospects did not participate in the runs.

The following fall, on the morning of October 11, 2013, as official visit season for the track and field program was about to begin, the director of compliance (director of compliance) held a

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<sup>20</sup> Former assistant track coach 1 was also the head cross country coach.

meeting with the track and field coaching staff to discuss rules and regulations pertaining to campus visits by prospects. One of the items on the agenda was a reminder that prospects could not participate in countable activities with the enrolled student-athletes. Among the activities specifically listed as not allowed was "practice." During the meeting, the conversation turned to the topic of prospects running with the team during practices. Although the coaches told the director of compliance that this was a common practice, they did not share that prospects had run with the team while visiting the campus the previous academic year. At the request of the coaching staff, the director of compliance did some follow-up on the issue and, later that day, informed the staff that prospects should not run with the team during workouts. From that point forward, the coaching staff did not allow any prospects to run with the team.

*The institution's and enforcement staff's investigation into potential NCAA violations*

Around the same time that prospects began participating in the regularly scheduled weekend runs, the institution received information pertaining to potential NCAA issues within the women's basketball program. In September 2012, the SEC sent a letter to the institution inquiring, among other things, about student-athlete 1's past academic work. At that time, the institution's inquiry was narrow and limited. Over the coming months (and later, years), its investigation would soon expand in scope, number of sport programs and involved individuals.

The institution began its investigation into student-athlete 1's academic background and identified academic similarities with student-athlete 2's previous academic record. The institution conducted interviews from October 2 through October 19, 2012.<sup>21</sup> During that time, the institution encountered lies, deception and the destruction of information. For example, on October 3, 2012, the institution was in the process of reviewing student-athlete 1's junior college email inbox. They discovered numerous emails from the director of basketball operations' personal email account to student-athlete 1 that included attached completed assignments. In the midst of the institution's review, the emails began to disappear. The institution took screenshots of student-athlete 1's inbox and later confirmed that the former director of basketball operations obtained access to student-athlete 1's junior college account. He simultaneously deleted the emails from her junior college account and his personal email account.

As the investigation continued, the institution developed concrete factual information. As it developed this information, it confronted the women's basketball staff members with information that appeared contrary to their preliminary statements. When presented with concrete information, the former director of basketball operations and the former assistant basketball coach incrementally began admitting to completing academic coursework and deleting relevant information. The institution's efforts included imaging the women's basketball staff's computers and iPads, as well as taking screenshots and recovering relevant deleted emails between the former director of basketball operations, former assistant basketball coach and student-athletes 1 and 2. Some of those emails, particularly emails involving student-athlete 1, included attached completed coursework. Ultimately, the former director of basketball operations and former

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<sup>21</sup> During that time period, the institution, counsel and/or the enforcement staff interviewed the former director of basketball operations and former assistant basketball coach on four occasions (October 2, 3, 5 and 19, 2012), student-athlete 1 on three occasions (October 2, 4 and 9, 2012) and student-athlete 2 on two occasions (October 2 and 8, 2012).

assistant basketball coach acknowledged that they did not cooperate with the investigation and provided false and misleading information. In their joint response, they admitted that all of the allegations were correct.<sup>22</sup>

Similarly, student-athletes 1 and 2 ultimately admitted they did not originally provide truthful information. Originally, the student-athletes maintained that they completed all of their coursework throughout October 2012. Student-athlete 1 also originally stated that she paid for her courses. In her third interview, she admitted she deleted text messages between the former assistant basketball coach and herself. Both student-athletes separately interviewed again in January 2013. During her January 2013 interview, student-athlete 1 admitted that the former director of operations completed the vast majority of her summer coursework and that the former assistant basketball coach enrolled her in and paid for her courses. She also indicated that the former assistant basketball coach told her to delete relevant text messages and instructed her to report that she did all of her work and paid for her courses. Student-athlete 2 also changed her story. She indicated that the former assistant basketball coach told her to enroll in and pay for specific classes, but that she wouldn't have to do anything and it would all be taken care of.

The institution believed it had finished its investigation when, during the spring 2013, former assistant track coach 3 departed the institution. As part of the institution's procedures, it required former assistant track coach 3 to sign a form, attesting that he did not participate nor had knowledge of any NCAA rules violations. Former assistant track coach 3 refused to sign the form, leading the institution to expand its investigation into a second program.

As the institution's and enforcement staff's inquiries expanded, they continued to conduct interviews over the next year. The enforcement staff interviewed members of the track staff, prospects and enrolled student-athletes, who provided further detail and support regarding the staff's recruiting conduct and weekend runs.

#### **IV. ANALYSIS**

The violations in this case involved two sport programs, six staff members and two student-athletes. Six of the involved individuals committed unethical conduct. Both former head coaches failed to fulfil their head coaching responsibilities. In the women's basketball program, the violations involved academic fraud, false and misleading information, failure to cooperate, impermissible telephone and text message activity and head coach responsibility. The institution and former staff members agreed that the violations occurred. The former head basketball coach disagreed that he failed to monitor. In the track and field program, the violations included impermissible recruiting and tryouts conducted by members of the coaching staff. The former head coach failed to promote an atmosphere for compliance and both he and former assistant track coach 1 engaged in unethical conduct by providing false or misleading information during

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<sup>22</sup>After submitting their joint response, the enforcement staff interviewed the former assistant basketball coach and former director of basketball operations for a fifth time on May 9 and 11, 2016, respectively. Again, each acknowledged that the allegations were correct.

the investigation. The panel concludes that this case involved Level I, Level II and Level III violations.

**A. UNETHICAL CONDUCT: ACADEMIC FRAUD & IMPERMISSIBLE PRECOLLEGE INDUCEMENTS AND EXPENSES IN WOMEN'S BASKETBALL [NCAA Division I Manual Bylaws 10.01.1, 10.1, 10.1-(b), 10.1-(c), 13.2.1, 13.2.1.1-(e) and 13.15.1 (2011-12); 14.1.2 and 15.01.5 (2011-12 and 2012-13)]**

Starting in late spring 2012, the former assistant basketball coach, former director of basketball operations and two student-athletes knowingly committed academic fraud in a number of online summer courses. Both student-athletes needed the courses for eligibility.<sup>23</sup> Additionally, the former assistant basketball coach enrolled and paid for one of the student-athlete's courses. Based on the completion of these courses, the institution enrolled the student-athletes and provided them with athletically related aid. The institution and two former women's basketball staff members agreed to the majority of the facts and that Level I violations occurred.<sup>24</sup> The panel agrees.

**1. NCAA legislation relating to academic fraud.**

The applicable portions of the bylaws may be found at Appendix Two.

**2. At the end of May 2012, the former assistant basketball coach enrolled and paid for online summer courses for student-athlete 1 and, over the next five weeks, she and the former director of basketball operations completed five online courses that student-athletes 1 and 2 needed to complete their associate's degrees.**

The former assistant basketball coach, former director of basketball operations and student-athletes 1 and 2 committed unethical conduct when they knowingly arranged for fraudulent academic credit in a total of five online summer courses. The former assistant basketball coach also committed unethical conduct when she knowingly enrolled and paid for student-athlete 1's courses. Further, the institution impermissibly awarded the student-athletes athletically related aid. The conduct violated NCAA Bylaws 10, 13, 14 and 15.

NCAA Bylaw 10 outlines ethical conduct. NCAA Bylaw 10.01.1 requires institutional staff members and student-athletes to act with honesty and sportsmanship at all times. Among other

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<sup>23</sup> Since spring 2014, "academic fraud" has been referred to as "academic misconduct," and recently, the membership moved academic violations from NCAA Bylaw 10 to NCAA Bylaw 14. Consistent with the alleged conduct and the bylaws that existed at the time of the conduct, the panel refers to the violation as academic fraud.

<sup>24</sup> In their joint response, the former director of basketball operations and former assistant basketball coach agreed to the "majority of the facts," took responsibility for their actions and did not contest the allegations. They did, however, indicate that they believed the allegations should be processed under the former two-tier violation structure. Pursuant to NCAA Bylaw 19 (NCAA Division I Manual 2013-14), any cases processed after the implementation date of the new infractions procedures (August 1, 2013), shall be processed pursuant to those procedures. NCAA Bylaw 19.9, however, identifies under what circumstances the former penalty structure will be applied.

examples, NCAA Bylaw 10.1 defines the knowing arrangement of fraudulent academic credit and the knowing provision of inducements as unethical conduct. Those examples are memorialized in NCAA Bylaws 10.1-(b) and (c), respectively. NCAA Bylaw 13.2.1 prohibits institutional staff members from providing inducements or financial aid to prospects unless the provision is expressly authorized. NCAA Bylaw 13.2.1.1-(e) expressly prohibits providing cash or like items. NCAA Bylaw 14.1.2 places an affirmative responsibility on member institutions to determine the validity of the information on which a student-athlete's eligibility is based. Finally, NCAA Bylaw 15.01.5 requires that student-athletes meet all NCAA Bylaw 14 requirements prior to receiving institutional aid.

The former director of basketball operations and former assistant basketball coach did not operate with the honesty and integrity expected of staff members working at NCAA member institutions. Their actions were contradictory to the minimum standards of conduct contemplated by NCAA Bylaw 10 and 10.01.1. The former director of basketball operations and former assistant basketball coach knew they could not complete academic work for student-athletes 1 and 2. However, to ensure that the elite student-athletes completed their associate's degrees, they intentionally disregarded ethical conduct standards when they completed five online summer courses for student-athletes 1 and 2. Their efforts went to such lengths that they identified and arranged for a past acquaintance to serve as a straw proctor for one of student-athlete 2's exams. The proctor provided the former assistant basketball coach with the exam ahead of time and the former assistant basketball coach arranged for it to be completed. Student-athlete 2 admitted that she did not sit for nor had knowledge of the exam, which was purportedly completed 180 miles away from student-athlete 2's home. Student-athletes 1 and 2 were aware and complicit in the activity as it related to their courses. Based on their varying levels of participation and knowledge, all four violated NCAA Bylaw 10.1-(b) when they arranged for student-athletes 1 and 2 to receive fraudulent academic credit.

The former assistant basketball coach also committed unethical conduct when she knowingly enrolled and paid \$630 for student-athlete 1's online summer courses. Her conduct violated NCAA Bylaw 10.1-(c) and constituted an impermissible inducement under NCAA Bylaws 13.2.1 and 13.2.1.1-(e). Finally, the institution violated NCAA Bylaws 14.1.2 and 15.01.5 when it failed to determine the validity of student-athlete 1's and 2's eligibility and, based on fraudulently obtained courses, awarded them athletically related aid.

While each case is unique to its facts and circumstances, the committee has recently concluded that institutional staff members who complete online coursework for prospective or current student-athletes commit Level I violations. *University of Southern Mississippi* (2016) (concluding that Level I academic misconduct violations occurred when members of the men's basketball staff completed over sixty-credit hours of online coursework for seven prospective student-athletes); *Southern Methodist University* (2016) (concluding that a Level I academic misconduct violation occurred when a basketball administrative assistant obtained an incoming student-athlete's username and password and completed all of the his assignments and exams for an online course); *Syracuse University* (2015) (concluding that a Level I violation occurred when the former director of basketball operations and former basketball receptionist completed an extra credit paper for a student-athlete seeking a grade change over one year after he had

completed the course); and *Weber State University* (2014) (concluding that Level I violations occurred when a math instructor obtained five student-athletes' usernames and passwords and completed online quizzes, tests and exams, resulting in fraudulent academic credit).

The panel concludes that the violation is Level I because the conduct seriously undermined and threatened the integrity of the NCAA Collegiate Model. The violation was also intended to give the institution a substantial advantage. At the time of the academic fraud, the student-athletes would have had to successfully complete additional summer courses to earn their associate's degrees and be deemed eligible to enroll at the institution. Further, both were elite two-year transfers that could have made an extensive impact on the women's basketball program.

**B. UNETHICAL CONDUCT: FALSE & MISLEADING INFORMATION & THE COOPERATIVE PRINCIPLE BY WOMEN'S BASKETBALL STAFF AND STUDENT-ATHLETES [NCAA Division I Manual Bylaws 10.01.1, 10.1, 10.1-(d), 19.01.3 and 32.1.4 (2012-13)]**

In multiple interviews conducted in fall 2012, two former women's basketball staff members and two student-athletes provided false and misleading information. The staff members also failed to fulfill their obligations under the cooperative principle. The student-athletes did not file a response or participate in the hearing. However, in their final interviews, they admitted they had previously not been truthful. The institution and two former women's basketball staff members agreed to the majority of the facts and that Level I violations occurred.<sup>25</sup> The panel agrees.

**1. NCAA legislation relating to unethical conduct and the cooperative principle.**

The applicable portions of the bylaws may be found at Appendix Two.

**2. During the October 2012 investigation, the former director of basketball operations, former assistant basketball coach, and student-athletes 1 and 2 provided false and misleading information in their initial interviews, and the former director of basketball operations and former assistant basketball coach did not meet the expectations under the NCAA cooperative principle.**

The former director of basketball operations, former assistant basketball coach and student-athletes 1 and 2 committed unethical conduct when they stated that the former director of basketball operations and former assistant basketball coach were not involved in the academic fraud. Further, the former director of basketball operations and former assistant basketball coach violated the NCAA cooperative principle when they instructed and/or personally deleted information relevant to the investigation and instructed student-athlete 1 to tell a false story. The

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<sup>25</sup> In their joint response, the former director of basketball operations and former assistant basketball coach agreed to the "majority of the facts," took responsibility for their actions and did not contest the allegations. They did, however, indicate that they believed the allegations should be processed under the former two-tier violation structure. Pursuant to NCAA Bylaw 19 (NCAA Division I Manual 2013-14), any cases processed after the implementation date of the new infractions procedures (August 1, 2013), shall be processed pursuant to those procedures. NCAA Bylaw 19.9, however, identifies under what circumstances the former penalty structure will be applied.

student-athletes' conduct violated NCAA Bylaw 10. The former director of basketball operations and the former assistant basketball coach violated NCAA Bylaws 10, 19 and 32.

NCAA Bylaws 10.01.1 and 10.1 require institutional staff members and student-athletes to act with honesty and sportsmanship and ethical conduct. Among other examples, NCAA Bylaw 10.1-(d) identifies knowingly furnishing or influencing others to furnish false or misleading information as unethical conduct. At the time, NCAA Bylaws 19.01.3 and 32.1.4 required all institutional representatives to fully cooperate with investigations and placed an affirmative obligation on individual subjects to assist the enforcement staff in developing information.<sup>26</sup>

The institution (and later the enforcement staff) interviewed the former director of basketball operations and the former assistant basketball coach a total of five times.<sup>27</sup> Similarly, they interviewed student-athlete 1 on four occasions and student-athlete 2 on three occasions. Originally, each denied the involvement of the former director of basketball operations or the former assistant basketball coach in the summer online courses. Likewise, the former assistant basketball coach and student-athlete 1 claimed that student-athlete 1 and her family enrolled and paid for her summer online courses. All were untrue. They were orchestrated lies attempting to conceal known violations and thwart the investigation.

As the institution (and later the enforcement staff) continued the investigation, they uncovered concrete factual information refuting the interviewees initial claims, including emails intentionally deleted by the former director of basketball operations. When presented with this information, the former director of basketball operations and former assistant basketball coach reversed course, acknowledged their involvement in the academic fraud and admitted they previously provided false information in earlier interviews. Ultimately, they also acknowledged culpability in their joint response. Similarly, in their October 2012 interviews, student-athletes 1 and 2 consistently stated they had completed their online coursework and student-athlete 1 identified that she and her family enrolled in and paid for her online courses. Later, in their January 2013 interviews, student-athlete 1 and student-athlete 2 admitted that they had not been truthful when they were interviewed in October. Further, student-athlete 1 acknowledged that the former assistant basketball coach enrolled her in and paid for her courses and instructed her to tell a false story regarding the payments and coursework. She also instructed student-athlete 1 to delete text messages relevant to the investigation.

When the former director of basketball operations, former assistant basketball coach and student-athletes 1 and 2 intentionally provided false and misleading information, they committed unethical conduct and failed to act in accordance with the honesty, sportsmanship and integrity required in NCAA Bylaw 10. All four violated NCAA Bylaws 10.01.1, 10.1 and 10.1-(d). Their intentional lying undermined one of the core responsibilities required of employees and student-

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<sup>26</sup> The responsibility to cooperate still exists and is now located at NCAA Bylaw 19.2.3 (2016-17 Division I Manual).

<sup>27</sup> As previously noted, the enforcement staff and representatives from the institution individually interviewed the former director of basketball operations and the former assistant basketball coach for a fifth time to follow up on issues identified in their jointly submitted response. The interviews took place approximately three-and-a-half years after their fourth interviews.

athletes at member institutions. Likewise, when the former director of basketball operations deleted emails and the former assistant basketball coach instructed student-athlete 1 to tell a false story and to destroy relevant factual information, they failed to meet their obligations under the cooperative principle. These acts also violated NCAA Bylaws 10.01.1, 10.1, 10.1-(d), as well as, NCAA Bylaws 19.01.3 and 32.1.4.

While each case is unique, the committee has consistently concluded that current and former institutional staff members must be truthful and cooperate with the enforcement staff's investigation. *Georgia Southern University* (2016) (concluding that the former compliance officer's denial and then refusal to participate in further interviews constituted a Level I unethical conduct violation); and *Southeastern Louisiana University* (2015) (concluding that a head coach committed a Level I violation when he provided false information when he inaccurately described the duties performed by a volunteer coach in his program).

Ethical conduct and the cooperative principle are bedrock standards of conduct and principles on which the NCAA Collegiate Model and infractions process are based. All NCAA member institutions and staff must undertake these responsibilities with the utmost commitment. The former director of basketball operations, former assistant basketball coach and student-athletes failed to fulfill these obligations of membership and seriously undermined and threatened the NCAA Collegiate Model. The panel concludes their violations are Level I.

### **C. THE FORMER HEAD BASKETBALL COACH'S HEAD COACH RESPONSIBILITY [NCAA Division I Manual Bylaws 11.1.2.1 (2011-12)]**

During spring 2012, the former head basketball coach did not fulfill his head coaching responsibilities when he failed to monitor two staff members' activities surrounding two student-athletes' online coursework. The institution substantially agreed to the facts and that a Level I violation occurred. The former head basketball coach disagreed that he violated head coach responsibility legislation. The panel concludes that the former head basketball coach committed a Level I violation.

#### **1. NCAA legislation relating to head coach responsibility.**

The applicable portions of the bylaws may be found at Appendix Two.

- 2. For a five-week period, the former head basketball coach failed to monitor the former director of basketball operations' and former assistant basketball coach's involvement in student-athlete 1's and 2's online coursework, allowing their conduct to go undetected and resulting in the student-athletes obtaining fraudulent academic credit.**

From late May through June 2012, the former head basketball coach failed to monitor his former director of basketball operations and former assistant basketball coach, allowing their academic fraud to go undetected. The former head basketball coach knew student-athletes 1 and 2 faced

academic challenges, yet paid little, if any, attention to his staff members monitoring of their academic status. His conduct violated NCAA Bylaw 11.

On April 28, 2005, the NCAA membership adopted and placed specific responsibilities on head coaches and memorialized those expectations in NCAA Bylaw 11.1.2.1. Those responsibilities, however, were not new. Prior to the adoption of NCAA Bylaw 11.1.2.1, head coaches held monitoring responsibilities under NCAA Constitution 2.8.1.<sup>28</sup> The adoption of NCAA Bylaw 11.1.2.1 placed a responsibility on head coaches to promote an atmosphere for compliance and monitor the activities of those who report directly and indirectly to the head coach. A coach can be held responsible for failures in either or both requirements.

Head coaches are presumed responsible for the actions of their staff. That presumption is rebuttable.<sup>29</sup> The presumption was rooted in numerous cases in which head coaches routinely claimed ignorance to violations while indicating that such responsibilities were entrusted to their assistants. In response, the membership passed an affirmative obligation on all head coaches to promote an atmosphere for compliance and monitor their staffs.

The committee has consistently required coaches to affirmatively promote an atmosphere for compliance, monitor the activities of their staffs and has held coaches accountable for the activities of their staffs. In each of these cases, the head coach at issue was unable to rebut his presumed responsibility. *Syracuse University* (2015) (concluding that NCAA Constitution 2.8.1 and NCAA Bylaw 11.1.2.1 held the head men's basketball coach responsible for the violations involving his student-athletes and staff that occurred in student-athlete academics and resulted from their interactions and engagements with a representative of the institution's athletics interest); and *California State University, Sacramento* (2015) (concluding that the former head football coach was responsible for his former assistant coach's recruiting violations under NCAA Bylaw 11.1.2.1 (and later 11.1.1.1)).

Further, in concluding head coaches violated NCAA Bylaw 11.1.2.1, the committee has identified specific expectations and obligations of all head coaches under the bylaw. *University of Miami* (2013) (concluding that NCAA Bylaw 11.1.2.1 holds head coaches responsible for conduct of their staff and requires that head coaches seek information related to potential violations); *University of Connecticut* (2011) (concluding that NCAA Bylaw 11.1.2.1 requires coaches to recognize potential problems, address them and report them to athletics

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<sup>28</sup> Prior to April 28, 2005, the committee expressly stated that head coaches had an affirmative responsibility to monitor their respective programs under NCAA Constitution 2.8.1. See *University of Baylor* (1995); *University of Louisville* (1996); *California State University, Fullerton* (1999); *Bucknell University* (1999); *University of Kentucky* (2002); and *University of Missouri, Columbia* (2004). On three occasions after the adoption of NCAA Bylaw 11.1.2.1, the committee has concluded that head coaches failed to fulfill their monitoring responsibilities under NCAA Constitution 2.8.1. *Long Beach State University* (2008); *University of Michigan* (2010); and *Syracuse University* (2015) (concluding that the head men's basketball coach violated both NCAA Constitution 2.8.1 and NCAA Bylaw 11.1.2.1).

<sup>29</sup> The panel notes that since NCAA Bylaw 11.1.2.1's adoption, head coaches have been presumed "to have knowledge and, therefore, responsibility" for the actions of their staff. That presumption lived in the rationale of the bylaw from 2005 until it was formally included in the bylaw in 2012. In 2012, the bylaw language changed "presumed to have knowledge and, therefore responsibility" to "presumed to be responsible." The change did not have any material effect on the application of the presumption and the committee has consistently held head coaches to the same standard.

administration); and *University of Indiana, Bloomington* (2008) (concluding that NCAA Bylaw 11.1.2.1 places a specific and independent monitoring obligation on head coaches). The panel recognizes that each case is unique. But the overarching principle that head coaches must be held accountable for conduct in their programs remains constant for all head coaches in the NCAA.

Here, the former head basketball coach failed to rebut the presumption. He claimed ignorance of the academic fraud orchestrated and carried out by two of his staff members, claiming that he had entrusted and delegated the academic, recruiting and compliance responsibilities to his former assistant basketball coach. At the hearing, the former head basketball coach identified a number of actions that he undertook during his short tenure at the institution to promote compliance. He identified that during roughly the first two weeks of April 2012, he and his staff met every day. And while his philosophy was not to hold formal meetings, he had an open door policy and talked about rules every day. He provided further examples about promoting an atmosphere for compliance by identifying conflicts and bringing them to his supervisor and reporting (or requiring) a staff member to report an impermissible contact. He also indicated that he required his staff to attend institutional athletics compliance meetings. As identified at the infractions hearing, the enforcement staff did not believe, nor allege, that he failed to promote an atmosphere for compliance. It only alleged that he failed to monitor two staff members who, based on this lack of oversight and monitoring, committed academic fraud for student-athletes 1 and 2 over a five-week period. Outside of receiving general updates, the former head basketball coach could not demonstrate his specific monitoring efforts of his two former staff members. Therefore, he failed to rebut his presumed knowledge and responsibility. He remains accountable for their actions.

Recently, the committee concluded that two head coaches specifically failed to fulfill their monitoring responsibilities and meet the membership's expectations of head coaches. *Syracuse University* (2015) (concluding, in addition to failing to promote an atmosphere for compliance and among other monitoring failures, the head men's basketball coach failed to monitor his director of basketball operations and a basketball receptionist's involvement in student-athletes' academics who he knew encountered academic difficulties) and *California State University, Sacramento* (2015) (concluding, in addition to failing to promote an atmosphere for compliance, the former head football coach failed to monitor his assistant coach who engaged in impermissible recruiting contacts; some of the those contacts (impermissible in-person contacts) were limited to only three months). That is not to say that the presumption cannot be rebutted.

The committee has also identified that recognizing a potential issue, appropriate follow-up and a long history of rules education and compliance may effectively rebut a coach's presumed responsibility. *Wichita State University* (2015) (concluding that the enforcement staff did not demonstrate a violation when the former head baseball coach identified student-athletes standing around his former receptionist ordering merchandise, specifically inquired into the circumstances, informed the receptionist of relevant NCAA legislation and demonstrated that he and the institution educated her during her twenty plus years with the former head coach).

The former head basketball coach knew (and approved) his staff was recruiting two student-athletes who had encountered academic difficulties. The circumstances were unfamiliar and uncomfortable to the former head basketball coach. The panel recognizes his preliminary response of discussing his concerns with his direct supervisor. His responsibilities, however, did not end there. He had a responsibility – particularly, considering his initial concerns – to monitor student-athlete 1's and 2's recruitment and ensure that they fulfilled their academic requirements. The former head basketball coach relied on his two staff members and their general updates. Further, in his interviews, response and at the infractions hearing, the former head basketball coach consistently indicated that it was not his responsibility to monitor prospects' academics and he only involved himself in academics once student-athletes were on campus. The panel agrees that it was reasonable to delegate duties to his staff members. But those delegated responsibilities cannot remain unchecked.

Like the former head coach in *California State University, Sacramento*, the former head basketball coach's failure to monitor was limited to a short period of time. The duty to monitor, however, is an ongoing duty. During a significant portion of the short time when the academic fraud occurred, the former head basketball coach was not physically in Oxford, Mississippi. The former head basketball coach identified that he had both previously scheduled commitments (e.g., camps, Women's Basketball Coaches Association (WBCA) Ethics seminars, SEC new coaches training, etc.) and was responsible for moving his family across the country. The panel recognizes that coaches, particularly those who are transitioning to new opportunities, have to complete previous commitments. That, however, does not excuse the responsibilities they inherit the moment they become the head of a program.

When he accepted the position of head women's basketball coach at the institution, he was aware of his professional and personal obligations. He was also aware of the need to build out his basketball roster and that his staff was recruiting prospects with academic challenges. Being unfamiliar with those circumstances and physically being away from campus, the former head basketball coach should have increased his monitoring efforts rather than delegating them without proper supervision. He was not required to conduct a formal investigation into every class and assignment. But his absence, lack of inquiry and complete delegation and reliance on the former assistant basketball coach and former director of basketball operations allowed them to operate unchecked and commit academic fraud.

For these reasons the former head basketball coach failed to rebut his presumed responsibility. His circumstances are different than those in *Wichita State University*. He was aware of student-athlete 1's and 2's potential academic challenges, yet was unable to establish any specific measures that he initiated to ensure their recruitment and admission complied with NCAA bylaws. Further, the former head basketball coach had just formed a new staff. Unlike the case in *Wichita State University*, the former head basketball coach did not benefit from years of camaraderie, trust and a clear understanding of the former head basketball coach's expectations for compliance. As such, the initial months in charge of the program presented an important opportunity to establish effective monitoring procedures and compliance-related expectations. The former head basketball coach did not seize that opportunity.

As a result of his inattention to his former director of basketball operations' and former assistant basketball coach's involvement in student-athlete 1's and 2's online courses, the former head basketball coach failed to fulfill the responsibilities and expectations identified by the NCAA membership. These failures, albeit only for a limited time period, resulted in severe academic violations that cut to the core of the NCAA Collegiate model. The former head basketball coach violated NCAA Bylaw 11.1.2.1. The panel concludes that the violation is a Level I violation because it results from an underlying Level I violation within the sport program and from the direct actions of staff members over whom the former head basketball coach was responsible for monitoring.

**D. IMPERMISSIBLE CONTACTS IN WOMEN'S BASKETBALL [NCAA Division I Manual Bylaws 13.1.3.1, 13.1.3.1.4, 13.1.3.4.1 and 13.4.1.2 (2011-12)]**

From the press conference announcing the former head basketball coach through summer 2012, the former director of basketball operations and former assistant basketball coach engaged in impermissible telephone-related contacts. The institution and two former women's basketball staff members agreed to the majority of the facts and that Level II violations occurred.<sup>30</sup> The panel agrees.

**1. NCAA legislation relating to unethical conduct and the cooperative principle.**

The applicable portions of the bylaws may be found at Appendix Two.

**2. During the women's basketball staff's first four months, the former director of basketball operations and former assistant basketball coach placed impermissible telephone calls and sent impermissible text messages to prospects.**

Between March 28 and July 24, 2012, the former director of basketball operations and former assistant basketball coach placed 62 impermissible telephone calls and sent 320 impermissible text messages to 13 prospects. They previously coached, recruited or otherwise knew the majority of the prospects. The telephone-related activity violated existing NCAA Bylaw 13.

At the time of the violations, NCAA Bylaw 13 more strictly regulated telephone contacts for women's basketball staff members. Generally, NCAA Bylaw 13.1.3.1, prohibited telephone calls prior to July 1 after the prospect's junior year. NCAA Bylaw 13.1.3.1.4 created an exception for select times of the year in women's basketball. NCAA Bylaw 13.1.3.4.1 only permitted the head coach and specifically identified staff members who have passed the

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<sup>30</sup> In their joint response, the former director of basketball operations and former assistant basketball coach agreed to the "majority of the facts," took responsibility for their actions and did not contest the allegations. They did, however, indicate that they believed the allegations should be processed under the former two-tier violation structure. Pursuant to NCAA Bylaw 19 (NCAA Division I Manual 2013-14), any cases processed after the implementation date of the new infractions procedures (August 1, 2013), shall be processed pursuant to those procedures. NCAA Bylaw 19.9, however, identifies under what circumstances the former penalty structure will be applied.

certification exam to engage in authorized telephone-related activity. NCAA Bylaw 13.4.1.2 prohibited all text messaging.

On March 28, 2012, the institution's new women's basketball staff was in place. At that point, the former director of basketball operations and the former assistant basketball coach had verbally and officially accepted positions on the former head basketball coach's staff, respectively. After the press conference, the women's basketball staff received preliminary rules education, including education on permissible recruiting. In their interviews, the former director of basketball operations and former assistant basketball coach acknowledged they continued to contact prospects but indicated that the majority were personal and/or mentor-based contacts rather than recruiting. Regardless, and based on their new employment status with the institution, their communication with prospects was regulated by NCAA recruiting legislation. As a result, when they continued to call young women considered prospects of the institution they violated NCAA Bylaws 13.1.3.1 and 13.1.3.1.4. Likewise, and because text messages were prohibited, they violated NCAA Bylaw 13.4.1.2 when they cumulatively sent 320 text messages to prospects. Finally, the former director of basketball operations was not authorized to engage in telephone-related recruiting activity. When he placed telephone calls and sent text messages to prospects those contacts violated NCAA 13.1.3.4.1.

The panel concludes that the impermissible contacts are a Level II violation because recruiting is based on relationship building. Even if not aggressively recruiting all 13 prospects, the contacts continued and strengthened relationships that provided or were intended to provide more than a minimal recruiting advantage.

**E. IMPERMISSIBLE CONTACTS BY THE TRACK AND FIELD PROGRAM  
[NCAA Division I Manual Bylaws 13.1.3.1, 13.1.3.1.4, 13.1.3.1.4.1 and 13.1.3.4.2  
(2011-12)]**

In 2012, assistant track coach 1 made impermissible recruiting contact with a student-athlete who was enrolled at another NCAA member institution. Additionally, assistant track coach 2 made impermissible recruiting contact with another student-athlete who was enrolled at another NCAA member institution. The institution, enforcement staff and former assistant track coaches 1 and 2 substantially agreed on the facts and that Level II violations occurred. The panel agrees.

**1. NCAA legislation relating to recruiting.**

The applicable portions of the bylaws may be found at Appendix Two

**2. In June, July and in the fall of 2012, former assistant track coaches 1 and 2 engaged in impermissible recruiting activities when they contacted student-athletes at their former institutions to recruit them to Mississippi.**

Former assistant track coaches 1 and 2 violated NCAA recruiting legislation when they recruited student-athletes at their former institutions to transfer to Mississippi. The actions of the two

former assistant track coaches constituted tampering with the enrolled student-athletes of another program. The conduct violated certain provisions of NCAA Bylaw 13.

NCAA Bylaw 13.1.1.3 precludes athletics staff members of member institutions from contacting student-athletes at other four-year institutions without first obtaining written permission from the director of athletics at the institution where the student-athlete is enrolled. Without that permission, institutional staff members are not allowed to encourage the student-athlete to transfer. During the time period that the violations occurred, NCAA Bylaw 13.4.1.2 prohibited institutional staff members from sending text messages to prospective student-athletes.

In this case, former assistant track coach 1 did not have written permission from the director of athletics at her former institution to contact student-athlete 3, whom former assistant track coach 1 had coached while working at her previous institution where student-athlete 3 was enrolled. Nonetheless, the day after she accepted a coaching position at the institution, former assistant track coach 1 began a series of phone calls and text messages with student-athlete 3. At least some of the communications related to student-athlete 3 possibly transferring. Former assistant coach 1 asked student-athlete 3, who was not considering a transfer until former assistant track coach 1 broached the subject, to make a visit to the institution and indicated that student-athlete 3 would receive a favorable financial aid package. When former assistant track coach 1 contacted student-athlete 3 about a transfer without first having obtained written permission, she violated NCAA Bylaw 13.1.1.3. Because some of her contacts with student-athlete 3 were through text messages, former assistant track coach 1 also violated NCAA Bylaw 13.4.1.2.

Similarly, once former assistant coach 2 arrived at the institution, she exchanged approximately 20 text messages and/or phone calls with student-athlete 4, whom she had coached at her previous institution. Former assistant track coach 2 made the contacts without written permission from the director of athletics at her former institution. In approximately half of the contacts, former assistant track coach 2 talked to student-athlete 4 about possibly transferring to the institution. Former assistant track coach 2's actions also violated NCAA Bylaws 13.1.1.3 and 13.4.1.2.

Tampering with student-athletes at other institutions is strictly prohibited by NCAA legislation. In *University of Florida* (2015), citing *University of Colorado* (2002), a panel of this committee stated that contacts exceeding the boundaries of permissible recruiting are a serious matter to the membership. Impermissible contacts confer advantages upon those who engage in the contacts to the detriment of those who are abiding by the rules. The panel concludes that former assistant track coaches 1 and 2 committed Level II violations when they attempted to induce student-athletes at other institutions to transfer to Mississippi.

#### **F. IMPERMISSIBLE TRYOUTS BY THE TRACK AND FIELD PROGRAM [NCAA Division I Manual Bylaw 13.11.1 (2012-13)]**

On approximately eight occasions from September 2012 into January 2013, former assistant track coach 1 conducted impermissible tryouts of 20 women's track and field and cross country prospective student-athletes when she arranged for the prospects to attend official team practices

during their official paid visits and observed the prospects as they ran together with enrolled women's cross country student-athletes during the practices. The institution, enforcement staff and former assistant track coach 1 substantially agreed to the facts and that violations occurred. The institution and enforcement staff agreed that the violations were Level II. Former assistant track coach 1 asserted that the violations were Level III. The panel agrees that the violations occurred and are Level II.

**1. NCAA legislation related to tryouts of prospective student-athletes.**

The applicable portions of the bylaws may be found at Appendix Two.

**2. Former assistant track coach 1 conducted impermissible tryouts of prospective student-athletes from September 2012 into January 2013.**

Former assistant track coach 1 violated NCAA tryout legislation when she observed the prospects running with enrolled student-athletes during a practice she conducted during the prospects' official paid visits to campus. NCAA Bylaws preclude coaches from conducting any physical activity at which prospects display their athletics abilities. The panel concludes that former assistant track coach 1's conduct violated NCAA Bylaw 13.

NCAA Bylaw 13.11.1 prohibits coaches from conducting any physical activity at which one or more prospective student-athletes demonstrate or display their athletics ability. From October 2012 into January 2013, prospective student-athletes on their official paid visits ran with enrolled student-athletes at practices organized by former assistant coach 1. The panel recognizes that former assistant coach 1 was concerned for the safety and welfare of the prospective and enrolled student-athletes when she followed behind them in the team van during their runs on the rural road. The panel further acknowledges that she did not time the prospects or critique their performances. However, when she observed the prospects running with the enrolled student-athletes, she conducted impermissible tryouts in violation of NCAA Bylaw 13.11.1.

NCAA rules preclude coaches from conducting tryouts of prospective student-athletes visiting campus. When former assistant track coach 1 observed the prospects as they ran at a practice she organized, she committed Level II violations of NCAA tryout legislation.

**G. UNETHICAL CONDUCT BY FORMER ASSISTANT TRACK COACH 1 [NCAA Division I Manual Bylaws 10.01.1, 10.1 and 10.1-(d) (2013-14)]**

In February 2014, former assistant track coach 1 violated the NCAA principles of ethical conduct when she knowingly provided false or misleading information to the institution and NCAA enforcement staff regarding her knowledge of and/or involvement in violations of NCAA legislation. The enforcement staff and institution substantially agreed to the facts and that violations occurred. Former assistant track coach 1 did not agree to the facts or that violations occurred. The panel concludes that former assistant track coach 1 committed a Level II violation.

**1. NCAA legislation related to providing false or misleading information.**

The applicable portions of the bylaws may be found at Appendix Two.

**2. Former assistant track coach 1 violated the principles of ethical conduct when she provided false or misleading information during the investigation.**

Former assistant track coach 1 violated NCAA ethical conduct legislation when she stated she took precautions to avoid having prospects run with enrolled student-athletes on the rural weekend runs. Specifically, during her February 10 and February 20, 2014, interviews with the institution and enforcement staff, former assistant track coach 1 reported that she took appropriate precautions. She indicated that on the occasions in which visiting women's track and field and cross country prospects participated in team runs during cross country practice, she purposefully took steps to avoid violating NCAA tryout legislation by (a) separating the prospects from the student-athletes before starting the runs to prevent the two groups from running together; and (b) placing herself in a position where she could not observe the prospects run. The panel concludes that former assistant track coach 1 provided false or misleading information in violation of NCAA Bylaw 10.

NCAA Bylaws 10.01.1 and 10.1-(d) articulate the membership's expectation that all coaches conduct themselves with honesty, sportsmanship and the generally recognized high standards associated with wholesome competitive sports. Failure to do so constitutes unethical conduct. Among other things, coaches (and all institutional staff members) are required to furnish full and truthful information to the NCAA or the staff member's institution when questioned regarding possible NCAA rules violations.

An institutional staff member who provides false or misleading information in an interview engages in unethical conduct. *Purdue University* (2007) (concluding that an assistant coach engaged in unethical conduct when she denied her participation in academic fraud during an interview); *Indiana University* (2008) (concluding that a head coach engaged in unethical conduct when he lied during an interview); *University of Oklahoma* (2011) (concluding that a coach engaged in unethical conduct when he failed to divulge knowledge of a violation and later lied about it); *Southeastern Louisiana University* (2015) (concluding that a head coach provided false information when he inaccurately described the duties performed by a volunteer coach in his program).

Former assistant track coach 1 acknowledged that the weekend runs occurred, prospects and enrolled student-athletes ran together and she could see the prospects at times. She claimed that the prospects were held back and not allowed to start with the enrolled student-athletes and that the two groups ran separately, with the prospects behind the van she was driving so that she did not observe them. However, everyone else interviewed about the runs confirmed that the prospects and enrolled student-athletes started the runs at the same time, ran together as a group and that former assistant coach 1 followed the group in the van. When former assistant track coach 1 claimed that she separated the prospects from the enrolled student-athletes before the

runs began, and had the prospects run behind the van so as not to observe them, she provided false or misleading information in violation of NCAA Bylaws 10.01.1, 10.1 and 10.1-(d).

As stated above, ethical conduct is a bedrock principle of the NCAA Collegiate Model and infractions process. All NCAA member institution staff members must provide full and complete information when interviewed by their institutions or the NCAA enforcement staff. Former assistant track coach 1 failed to fulfill these responsibilities. The panel concludes that, in doing so, she committed a Level II violation.

**H. FAILURE TO PROMOTE AN ATMOSPHERE FOR COMPLIANCE AND FAILURE TO MONITOR BY THE FORMER HEAD TRACK COACH. [NCAA Division I Manual Bylaw 11.1.2.1 (2011-12 and 2012-13)]**

In 2012, the former head track coach did not fulfill the NCAA legislated responsibilities of a head coach when he failed to promote an atmosphere for compliance in his program by (1) not reporting former assistant track coach 1's recruiting activities to the institution; and (2) allowing and/or encouraging former assistant track coach 2 to engage in impermissible recruiting activities. The former head track coach further failed to fulfill the responsibilities of a head coach when, from October 2012 into January 2013, he failed to monitor former assistant track coach 1's activities regarding weekend runs with prospects and enrolled student-athletes. The enforcement staff and institution substantially agreed to the facts and that a Level II violation occurred. The former head coach did not agree to the facts or that a violation occurred. The panel concludes that the former head track coach committed a Level II violation.

**1. NCAA legislation related to head coach responsibility.**

The applicable portions of the bylaws may be found at Appendix Two.

**2. The former head track coach did not fulfill his responsibilities when he did not report former assistant track coach 1's recruiting contacts with student-athlete 3 to the institution and when he knew of and/or encouraged former assistant track coach 2's contacts with student-athlete 4. Further, he failed to monitor former assistant track coach 1's weekend tryouts.**

In 2012, the former head track coach did not promote an atmosphere for rules compliance in his program when he was aware of his assistants recruiting student-athletes at other institutions but did not report them to the institution's compliance office. Further, from October 2012 into January 2013, the former head coach failed to monitor one aspect of his program when he did not ensure that former assistant track coach 1 was conducting the rural weekend runs consistent with NCAA legislation. The former head track coach did not meet his responsibilities as a head coach as required by NCAA Bylaw 11.

Pursuant to NCAA Bylaw 11.1.2.1, head coaches are responsible for promoting an atmosphere for rules compliance in their programs. They are also responsible for monitoring the activities of all assistant coaches who report to them. The former head track coach was aware that former

assistant track coach 1 was in contact with student-athlete 3 about a possible transfer to the institution. Not only was he aware that former assistant track coach 2 was in contact with student-athlete 4 about a possible transfer, he encouraged the contacts. By not reporting former assistant track coach 1's contacts to the institutional administration, and by his awareness and encouragement of former assistant track coach 2's contacts, he demonstrated that rules compliance was not of utmost importance in his program, in violation of NCAA Bylaw 11.1.2.1.

Further, the former head track coach was aware that prospective student-athletes accompanied enrolled student-athletes to the rural national park weekend practice location when the prospects came to campus on official paid visits. He was also aware that former assistant track coach 1 transported both the prospects and enrolled student-athletes to the site and it was not unusual for prospects to join enrolled student-athletes for long runs. The former head track coach did not visit the practice location during the fall of 2012. To his credit, he stopped the practice of prospects running with enrolled student-athletes once advised to do so by the compliance office in the fall of 2013. However, he should have ensured, either by inquiring of former assistant track coach 1 or through personal observation, that the runs from the fall of 2012 into January 2013 were conducted consistent with NCAA recruiting legislation. His failure to do so constituted a failure to monitor the actions of former assistant track coach 1, contrary to NCAA Bylaw 11.1.2.1.

Head coaches violate NCAA head coach responsibility legislation when they do not make rules adherence the foundation of their programs. *Indiana University* (2008) (concluding that a head coach failed to promote an atmosphere for compliance when he did not monitor his staff's compliance with NCAA rules); *University of Connecticut* (2011) (concluding that a head coach who did not take steps to stop or report known rules violations violated his responsibilities). When the former head track coach allowed his two assistants to seek transfers of student-athletes at other institutions, knowing that such activities were not permitted, he demonstrated that rules compliance was not of utmost importance in the administration of his program. Further, he did not meet his head coach responsibilities when he failed to ensure that former assistant track coach 1 was conducting weekend practices in full compliance with NCAA rules. The panel concludes that his failures constituted Level II violations.

#### **I. UNETHICAL CONDUCT BY THE FORMER HEAD TRACK COACH. [NCAA Division I Manual Bylaws 10.01.1, 10.1 and 10.1-(d) (2012-13 and 2013-14)]**

In 2013, the former head track coach violated the NCAA principles of ethical conduct when he knowingly provided the institution and NCAA enforcement staff false or misleading information regarding his knowledge of and/or involvement in the impermissible recruiting activities of former assistant track coaches 1 and 2. The enforcement staff and institution substantially agreed on the facts and that Level I violations occurred. The former head track coach did not agree to the facts or that a violation occurred. The panel concludes that the violations occurred and are Level II.

**1. NCAA legislation related to unethical conduct.**

The applicable portions of the bylaws may be found at Appendix Two.

**2. In July and December 2013, the former head track coach provided false information during the investigation when he denied knowledge of and/or involvement in former assistant track coaches 1's and 2's impermissible attempts to get student-athletes at other institutions to transfer.**

The former head track coach violated NCAA ethical conduct legislation in two interviews when he denied awareness of former assistant track coach 1's impermissible recruiting activities and denied an awareness of, as well as encouragement of, former assistant track coach 2's impermissible recruiting activities. The former head track coach's denials violated NCAA Bylaw 10.

NCAA Bylaws 10.01.1, 10.1 and 10.1-(d) provide that an institutional staff member engages in unethical conduct when he or she provides false or misleading information to the institution or NCAA enforcement staff during an investigation of possible NCAA rules violations. *See also Indiana University* (2008) (concluding that a head coach engaged in unethical conduct when he lied during an interview); *University of Oklahoma* (2011) concluding that an assistant coach engaged in unethical conduct when he failed to divulge knowledge of a violation and later lied about it); *Ohio State University* (2011) (concluding that a head coach engaged in unethical conduct when he provided false information about a known violation); and *University of Central Florida* (2012) (concluding that a coach who provided false information about a known violation engaged in unethical conduct). The former head track coach was aware that former assistant track coaches 1 and 2 were making contact with student-athletes at the coaches' former institutions and talking to the student-athletes about possibly transferring to Mississippi. Further, he encouraged former assistant track coach 2 to contact student-athlete 4 about transferring to the institution. However, in his July and December 2013 interviews, he denied knowing of the violations and encouraging them. The panel considered all factual information and the statements made by parties at the infractions hearing. The panel concludes that when the former head track coach denied knowledge of his assistants' recruiting activities and denied he had requested former assistant coach 2 to recruit student-athlete 4, the former head coach engaged in Level II unethical conduct in violation of NCAA Bylaws 10.01.1, 10.1 and 10.1-(d).

**V. LEVEL III VIOLATIONS**

**IMPERMISSIBLE TRANSPORTATION [NCAA Division I Bylaws 16.11.2.1 and 16.11.2.3-(d) (2012-13)]** On August 11, 2012, former assistant track coach 3 provided a men's track and field student-athlete with impermissible transportation from the Memphis International Airport to the institution (approximately 70 miles).

**IMPERMISSIBLE LODGING [NCAA Division I Bylaws 13.2.1 and 13.7.2.1 (2012-13)]** On October 12, 2012, a men's track and field prospective student-athlete received complimentary

hotel lodging during an unofficial visit when he stayed overnight in the hotel room the institution provided to another men's track and field prospect who was on an official paid visit. The total monetary value of the lodging was approximately \$96.

**IMPERMISSIBLE MEALS [NCAA Division I Bylaws 13.2.1 and 13.7.2.1.2 (2012-13)]** On February 17-18, 2013, a men's track and field prospective student-athlete received two complimentary meals during an unofficial visit. The total monetary value of the meals was approximately \$30.

**IMPERMISSIBLE LODGING [NCAA Bylaws 13.2.1 and 13.7.2.1 (2012-13)]** On March 17, 2013, two men's track and field prospective student-athletes received complimentary hotel lodging during an unofficial visit when they stayed overnight in the hotel room the institution provided to another men's track and field prospect who was on an official paid visit. The total monetary value of the hotel lodging was approximately \$43 each.

## **VI. VIOLATIONS NOT DEMONSTRATED**

The enforcement staff made three further allegations regarding the former head track coach. The staff alleged that: (1) he made a home visit to a prospective student-athlete for the purpose of having her sign a National Letter of Intent (NLI), which also constituted failure to promote an atmosphere for rules compliance in his program; (2) he further failed to promote an atmosphere for rules compliance by directing a member of his staff to provide impermissible transportation to a student-athlete and engaged in unethical conduct by providing false information about the incident; and (3) he failed to monitor the meals and lodging for prospective student-athletes, leading to impermissible benefits. The panel does not conclude that these violations occurred.

Regarding his home visit to a prospect, the former head track coach made a home visit with an out-of-state prospective student-athlete (student-athlete 5) on February 10, 2013. He claimed that he made the visit because student-athlete 5's family wanted to meet him before she made her final commitment to attend the institution, which was more than halfway across the country from her home. Student-athlete 5's brother, who is also an NCAA track and field student-athlete, assisted his sister during her recruitment. He stated that student-athlete 5 was already "set" on attending Mississippi but that his parents wanted to meet the former head track coach before his sister signed her NLI. Student-athlete 5 and her parent also confirmed that the former head track coach's visit was not made to convince her to sign with the institution. Student-athlete 5 signed her NLI while the former head coach was present in her home for the visit, although the former head track coach was not actually in the room when she signed the paperwork.<sup>31</sup> Because the information did not establish that the purpose of the visit was to procure student-athlete 5's signature on her NLI, the panel concludes that the violation was not demonstrated. Accordingly, the panel also concludes that the enforcement staff did not demonstrate that the former head track coach's actions fell short of his responsibility to promote an atmosphere for rules compliance in his program.

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<sup>31</sup> Student-athlete 12 had received the NLI paperwork via email before the former head track coach's in-home visit.

The enforcement staff alleged that the former head track coach further failed to promote an atmosphere for rules compliance because he directed former assistant track coach 3 to transport a student-athlete from the Memphis airport to campus (see Level III violations above). Additionally, when the former head track coach denied in his interviews that he had directed former assistant track coach 3, he allegedly engaged in unethical conduct by providing false information. The panel concludes that these violations did not occur. While former assistant track coach 3 claimed that the former head coach told him to transport the student-athlete during a phone call, the former head track coach denied giving such a directive and stated that he instead told former assistant track coach 3 to not provide the ride.<sup>32</sup> Further, the student-athlete stated that former assistant track coach 3 agreed to transport him when the student-athlete initially phoned him from the airport, which would have been before former assistant track coach 3 phoned the former head track coach. The former head track coach spoke with former assistant track coach 4 on the same day and mentioned he had told former assistant track coach 3 to not provide the transportation. Finally, the director of operations recalled the former head track coach reminding former assistant track coach 3 several months after the incident that former assistant track coach 3 was aware the director of operations could not transport two student-athletes, as former assistant coach 3 was requesting him to do. For these reasons, the panel concludes that the violations were not demonstrated. Because the panel does not conclude that the former head track coach directed a member of his staff to provide impermissible transportation, it also concludes that the former head track coach did not provide false information about the incident in his interviews during the investigation.

Finally, the enforcement staff alleged that the former head track coach failed to monitor his program's provision of meals and lodging to visiting prospective student-athletes (see Level III violations above). The panel does not conclude that these violations occurred. Information at the infractions hearing established that the track and field program had 94 prospects visit during the 2012-13 academic year and that problems occurred on only three of the visits. A small number of inadvertent and isolated violations among numerous visits does not establish a failure to monitor by the former head track coach. The panel concludes that the violations were not demonstrated.

## **VII. PENALTIES**

For the reasons set forth in Sections III, IV, V and VI of this decision, the panel concludes this case involved Level I, II, and III violations of NCAA legislation. Pursuant to NCAA Bylaw 19.9.1, the panel concludes the violations did not predominantly occur after the implementation of the new penalty structure. As a result, the panel conducted a penalty analysis to determine whether the current or former penalty structure provided the institution with more lenient penalties. The panel determines that the former penalty structure provides the institution with

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<sup>32</sup> Records established that former assistant track coach 3 phoned the former head track coach shortly before picking up the student-athlete.

more lenient penalties. Therefore, the panel prescribes penalties pursuant to NCAA Bylaw 19.5.2 (2012-13 Division I Manual).

Under the current structure, the panel concluded whether violations occurred and whether those violations were Level I, II or III. To determine the appropriate classification of each party's case the panel then considered aggravating and mitigating factors pursuant to NCAA Bylaws 19.9.3 and 19.9.4. When assigning appropriate classifications, the panel assessed aggravating and mitigating factors by weight as well as number. The panel classifies the institution's case as Level I-Standard. The panel also classifies the former head basketball coach's case as Level I-Standard and both the former director of basketball operations' and former assistant basketball coaches' cases as Level I – Aggravated.<sup>33</sup> The panel classifies the cases for the former head track coach, former assistant track coach 1 and former assistant track coach 2 as Level II-Standard.

The panel then conducted a penalty analysis under former NCAA Bylaw 19.5.2. In considering cases under the former penalty structure, the panel reviewed past cases as guidance. Considering the required core penalties under Figure 19-1, including required postseason bans and financial penalties, the panel concludes that the former penalty structure provides the institution with more lenient penalties. Therefore, the panel prescribes penalties under former NCAA Bylaw 19.5.2.

All of the penalties prescribed in this case are independent of and supplemental to any action the Committee on Academics has taken or may take through its assessment of postseason ineligibility, historical penalties or other penalties. The institution's corrective actions are contained in Appendix One. After considering all information relevant to the case, the panel prescribes the following:

**Penalties and Disciplinary Measures (NCAA Bylaw 19.5.2 (2012-13))**

1. Public reprimand and censure.
2. Three years of probation from October 7, 2016, through October 6, 2019, or completion of the final penalty, whichever is later.<sup>34</sup>
3. The institution reduced the total number of athletically related financial aid awards in women's basketball by two awards during the 2013-14 academic year. (Institution imposed.)
4. The institution reduced the number of official paid visits in the women's basketball program by four (from 12 to eight) during the 2012-13 academic year and two (from 12 to 10) during the 2013-14 academic year. (Institution imposed.)

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<sup>33</sup> The panel classifies both former student-athletes' cases as Level I-Aggravated.

<sup>34</sup> Probation periods always commence with the release of the infractions decision. Pursuant to NCAA Bylaws 19.3.6-(e) and 19.9.5.7 and Division I Committee on Infractions Internal Operating Procedure 2-1-1, the committee tethers probationary periods to the prescribed penalties. The institution proposed a three-year probationary period. The authority to prescribe NCAA probation, however, rests solely with the committee.

5. The institution reduced the number of official paid visits in the track and field program by 30 (from 60 to 30) during the 2014-15 academic year. (Institution imposed.)<sup>35</sup>
6. The institution self-imposed a one-year postseason ban for the women's basketball program during the 2012-13 academic year. (Institution imposed.)

The panel acknowledges the self-imposed postseason ban. The panel, however, is concerned by the apparent trend of institutions self-imposing postseason bans. Too many institutions appear to be timing their self-imposed bans as a matter of convenience and strategy. While the committee acknowledges actions taken by institutions, the committee retains the authority to prescribe further penalties, particularly under the new penalty structure. Had the new penalty structure applied in this case, the panel would have considered whether additional postseason bans were warranted.

7. The institution reduced the number of recruiting-person days in women's basketball by 20 recruiting-person days (from 100 to 80) during the 2012-13 academic year. (Institution imposed.)
8. The institution reduced the number of recruiting-person days in the track and field program by 14.5 during the 2014-15 academic years (from 63.5 to 49). (Institution imposed.)<sup>36</sup>
9. The institution prohibited the women's basketball staff from initiating telephone contact with prospects and their families for eight weeks during the Spring 2013 semester. (Institution imposed.)
10. The institution prohibited the women's basketball program from signing two-year college transfer prospects during the 2012-13 and 2013-14 academic years. (Institution imposed.)

**Penalties Prescribed on the Former Head Basketball Coach's, Former Director of Basketball Operations' and Former Assistant Basketball Coach's Conduct**

11. Show-cause order: The former head basketball coach failed to monitor the actions of two of his staff members over a five-week period. His lack of monitoring allowed these staff members to commit academic fraud on behalf of two student-athletes who needed additional summer coursework in order to earn their associate's degrees. The former head basketball coach admitted that he knew both student-athletes needed additional academic work in order to enroll in the institution. Similarly, the former head basketball coach admitted that the student-athletes' academic backgrounds were different than student-athletes he had previously recruited. Finally, the former head basketball coach had just formed his new staff and had previously never worked with the former director of basketball operations and former assistant basketball coach. Irrespective of his lack of familiarity with these new staff

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<sup>35</sup> The reduction amounts to a 50 percent reduction from the institution's previous four-year average of 60 visits.

<sup>36</sup> The reduction amounts to a 20 percent reduction from the institution's previous four-year average of 63.5 days.

members, the former head basketball coach delegated recruiting and academic responsibilities to the them without monitoring their activities. Therefore, the former head basketball coach 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 October 7, 2016, through October 6, 2018, within 30 days of his hiring, that employing institution shall ask for a date to appear before a hearing panel to show cause why restrictions on all athletically related activity should not apply.

12. Show-cause order: The former assistant basketball coach violated core NCAA bylaws and requirements that are fundamental to the NCAA Collegiate Model and infractions process. First, she was knowingly involved in completing five online courses for two student-athletes who needed the courses in order to earn their associate's degrees and enroll in the institution. Her actions violated unethical conduct legislation. She committed further unethical conduct and failed to fulfill her duty to cooperate when she knowingly provided false and misleading information, instructed one of the student-athletes to provide false and misleading information and to destroy relevant information. Therefore, the former assistant basketball coach will be informed in writing by the NCAA that should she be employed or affiliated in an athletically related position at another NCAA member institution during a six-year period, from October 7, 2016, through October 6, 2022, within 30 days of her hiring, that employing institution shall ask for a date to appear before a hearing panel to show cause why restrictions on all athletically related activity should not apply.

13. Show-cause order: The former director of basketball operations also violated core NCAA bylaws and requirements that are fundamental to the NCAA Collegiate Model and infractions process. First, he was knowingly involved in completing five online courses for two student-athletes who needed the courses in order to earn their associate's degrees and enroll in the institution. His actions violated unethical conduct legislation. He committed further unethical conduct and failed to fulfill his duty to cooperate when he knowingly provided false and misleading information and personally deleted relevant emails. Therefore, the former director of basketball operations 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 six-year period, from October 7, 2016, through October 6, 2022, within 30 days of his hiring, that employing institution shall ask for a date to appear before a hearing panel to show cause why restrictions on all athletically related activity should not apply.

#### **Penalties Prescribed on the Former Head Track Coach's, Former Assistant Track Coach 1's and Former Assistant Track Coach 2's Conduct**

14. Show-cause order: The former head track coach did not report impermissible recruiting activities of two of his assistant coaches to the institution, nor did he require them to cease the activities. He encouraged one of the assistants to continue her impermissible recruiting. Further, the former head track coach failed to monitor weekend practices to ensure former assistant track coach 1 was conducting them in accordance with NCAA rules, and he engaged in unethical conduct when he provided false or misleading information regarding

the recruiting activities of his assistants. Therefore, the former head coach 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 one-year period, from October 7, 2016 through October 6, 2017, within 30 days of his hiring that employing institution shall ask for a date to appear before a hearing panel to show cause why restrictions on all coaching activities should not apply.

15. Show-cause order: Former assistant track coach 1 engaged in impermissible recruiting activities and conducted impermissible tryouts for prospective student-athletes. Further, former assistant track coach 1 was not fully forthcoming regarding the impermissible tryouts during her interviews. Therefore, former assistant track coach 1 will be informed in writing by the NCAA that should she be employed or affiliated in an athletically related position at another NCAA member institution during a one-year period, from October 7, 2016, through October 6, 2017, within 30 days of her hiring that employing institution shall ask for a date to appear before a hearing panel to show cause why restrictions on all coaching activities should not apply.

16. Show-cause order: Former assistant track coach 2 engaged in impermissible recruiting activities. Therefore, former assistant track coach 1 will be informed in writing by the NCAA that should she be employed or affiliated in an athletically related position at another NCAA member institution during a one-year period, from October 7, 2016, through October 6, 2017, within 30 days of her hiring that employing institution shall ask for a date to appear before a hearing panel to show cause why restrictions on all coaching activities should not apply.

### **Other Administrative Penalties**

17. During the 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 for admission, retention, financial aid or competition;
- b. Submit a preliminary report to the Office of the Committees on Infractions by November 30, 2016, setting forth a schedule for establishing this compliance and educational program;
- c. File with the Office of the Committees on Infractions an annual compliance reports indicating the progress made with this program by August 15<sup>th</sup> of each year during the period of probation. Particular emphasis shall be placed on rules education and monitoring of academic assistance provided by institutional staff members to student-athletes, activities of prospective student-athletes on official paid visits and adherence to recruiting legislation.

- d. Inform women's basketball and track and field prospective student-athletes in writing that the institution is on probation for three 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; and
  - e. 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 "landing page" and in the media guides for the involved sports. 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.
18. Pursuant to former NCAA Bylaw 19.5.2.7, the NCAA president may forward a copy of the public infractions decision to the appropriate regional accrediting agency.
19. Following the receipt of the final compliance report and prior to the conclusion of probation, 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.

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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 extending the institution's probationary period, prescribing more severe penalties or may result in additional allegations and violations.

NCAA COMMITTEE ON INFRACTIONS PANEL

Carol Cartwright  
Greg Christopher, Chief Hearing Officer  
Bobby Cremins  
Joel Maturi  
Eleanor Myers  
Larry Parkinson  
Jill Pilgrim

**APPENDIX ONE**

**CORRECTIVE ACTIONS IDENTIFIED IN THE INSTITUTION'S APRIL 22,  
2016, RESPONSE TO THE NOTICE OF ALLEGATIONS**

1. Termination of the involved staff members and the head women's basketball coach.
  - a. The former assistant basketball coach's employment at the university was terminated in October 2012;
  - b. The former director of basketball operations' employment at the university was terminated in October 2012;
  - c. The former head basketball coach was placed on administrative leave on October 22, 2012, and his employment with the university was terminated on March 31, 2013;
2. Added additional emphasis on academic misconduct legislation in new employee orientations.
3. Conducted rules education sessions with student-athletes and athletics staff regarding academic misconduct legislation.
4. The university requested the former head track coach's resignation on June 22, 2015.

**APPENDIX TWO**  
**Bylaw Citations**

**Division I 2011-12 Manual**

**10.01.1 Honesty and Sportsmanship.** Individuals employed by (or associated 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:

- (b) Knowing involvement in arranging for fraudulent academic credit or false transcripts for a prospective or an enrolled student-athlete;
- (c) Knowing involvement in offering or providing a prospective or an enrolled student-athlete an improper inducement or extra benefit or improper financial aid.

**11.1.2.1 Responsibility of Head Coach.** It shall be the responsibility of an institution's head coach to promote an atmosphere for compliance within the program supervised by the coach and to monitor the activities regarding compliance of all assistant coaches and other administrators involved with the program who report directly or indirectly to the coach.

**13.1.3.1 Time Period for Telephone Calls—General Rule.** Telephone calls to an individual (or his or her relatives or legal guardians) may not be made before July 1 following the completion of his or her junior year in high school (subject to the exceptions below), or the opening day of classes of his or her senior year in high school (as designated by the high school), whichever is earlier; thereafter, staff members shall not make such telephone calls more than once per week.

**13.1.3.1.4 Exception—Women's Basketball.** In women's basketball, telephone calls may be made to an individual (or the individual's relatives or legal guardians) as follows.

**13.1.3.4.1 Institutional Coaching Staff Members—General Rule.** All telephone calls made to a prospective student-athlete (or the prospective student-athlete's parents, legal guardians or coaches) must be made by the head coach or one or more of the assistant coaches who count toward the numerical limitations in Bylaw 11.7.4 (see Bylaw 11.7.1.2). In bowl subdivision football and women's rowing, such telephone calls also may be made by a graduate assistant coach, provided the coach has successfully completed the coaches' certification examination per Bylaw 11.5.1.1.

**13.4.1.2 Electronic Transmissions.** Electronically transmitted correspondence that may be sent to a prospective student-athlete (or the prospective student-athlete's parents or legal guardians) is limited to electronic mail and facsimiles. (See Bylaw 13.1.6.2.) All other forms of electronically transmitted correspondence (e.g., Instant Messenger, text messaging) are prohibited. Color attachments may be included with electronic mail correspondence, provided the attachment only includes information that is not created for recruiting purposes, except for items that are specifically permitted as printed recruiting materials (e.g., questionnaires), a media guide and video and audio materials, as permitted in Bylaw 13.4.1.5. Attachments other than a media guide and permissible video and audio materials shall not include any animation, audio or video clips and there shall be no cost (e.g., subscription fee) associated with sending the item attached to the electronic mail correspondence.

**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.

**13.2.1.1 Specific Prohibitions.** Specifically prohibited financial aid, benefits and arrangements include, but are not limited to, the following:

- (e) Cash or like items.

**13.15.1 Prohibited Expenses.** An institution or a representative of its athletics interests shall not offer, provide or arrange financial assistance, directly or indirectly, to pay (in whole or in part) the costs of the prospective student-athlete's educational or other expenses for any period prior to his or her enrollment or so the prospective student-athlete can obtain a postgraduate education.

**14.1.2 Validity of Academic Credentials.** As a condition and obligation of membership, it is the responsibility of a member institution to determine the validity of the information on which the eligibility of a student-athlete is based. Therefore, it is the responsibility of a member institution to determine whether a transcript is valid for purposes of applying appropriate NCAA legislation to the eligibility of a student-athlete when the institution receives notification, or otherwise has cause to believe, that a student-athlete's high school, preparatory school or two-year college transcript is not valid.

**15.01.5 Eligibility of Student-Athletes for Institutional Financial Aid.** A student-athlete must meet applicable NCAA (see Bylaw 14), conference and institutional regulations to be eligible for institutional financial aid. If these regulations are met, the student-athlete may be awarded institutional financial aid during any term in which a student-athlete is in regular attendance [was

enrolled initially in a minimum full-time program of studies as defined by the certifying institution during that term (see Bylaw 14.1.8.2.1.3 for final term exception and Bylaw 15.2.8 for summer-term exception)] under the following circumstances.

### **Division I 2012-13 Manual**

**10.01.1 Honesty and Sportsmanship.** Individuals employed by (or associated 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:

- (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.

**11.1.2.1 Responsibility of Head Coach.** It shall be the responsibility of an institution's head coach to promote an atmosphere for compliance within the program supervised by the coach and to monitor the activities regarding compliance of all assistant coaches and other administrators involved with the program who report directly or indirectly to the coach.

**13.11.1 Prohibited Activities.** A member institution, on its campus or elsewhere, shall not conduct (or have conducted on its behalf) any physical activity (e.g., practice session or test/tryout) at which one or more prospective student-athletes (as defined in Bylaws 13.11.1.1 and 13.11.1.2) reveal, demonstrate or display their athletics abilities in any sport except as provided in Bylaws 13.11.2 and 13.11.3.

**14.1.2 Validity of Academic Credentials.** As a condition and obligation of membership, it is the responsibility of a member institution to determine the validity of the information on which the eligibility of a student-athlete is based. Therefore, it is the responsibility of a member institution to determine whether a transcript is valid for purposes of applying appropriate NCAA legislation to the eligibility of a student-athlete when the institution receives notification, or otherwise has cause to believe, that a student-athlete's high school, preparatory school or two-year college transcript is not valid.

**15.01.5 Eligibility of Student-Athletes for Institutional Financial Aid.** A student-athlete must meet applicable NCAA (see Bylaw 14), conference and institutional regulations to be eligible for institutional financial aid. If these regulations are met, the student-athlete may be awarded

institutional financial aid during any term in which a student-athlete is in regular attendance [was enrolled initially in a minimum full-time program of studies as defined by the certifying institution during that term (see Bylaw 14.1.7.2.1.3 for final term exception and Bylaw 15.2.8 for summer-term exception)] under the following circumstances.

**19.01.3 Responsibility to Cooperate.** All representatives of member institutions shall cooperate fully with the NCAA enforcement staff, Committee on Infractions, Infractions Appeals Committee and Board of Directors to further the objectives of the Association and its enforcement program. The enforcement policies and procedures are an essential part of the intercollegiate athletics program of each member institution and 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.

**32.1.4 Cooperative Principle.** 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. An important element of the cooperative principle requires that all individuals who are subject to NCAA rules protect the integrity of an investigation. A failure to do so may be a violation of the principles of ethical conduct. The enforcement staff will usually share information with the institution during an investigation; however, it is understood that the staff, to protect the integrity of the investigation, may not in all instances be able to share information with the institution.

### **Division I 2013-14 Manual**

**10.01.1 Honesty and Sportsmanship.** Individuals employed by (or associated 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:

- (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.