



UNIVERSITY OF ALABAMA
PUBLIC INFRACTIONS DECISION
APRIL 14, 2017

I. INTRODUCTION

The NCAA Division I Committee on Infractions (COI) 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.¹ A panel of the committee considered this case through the cooperative summary disposition process in which all parties agreed to the primary facts and violations, as fully set forth in the summary disposition report (SDR). This case involved agreed-upon Level II and Level III football recruiting violations at the University of Alabama.² The case also involved a former assistant coach's Level I unethical conduct for providing false or misleading information.

After accepting the violations set forth in the SDR, the panel also adopted the institution's proposed penalties and corrective actions; therefore, the institution has no opportunity to appeal. The panel proposed a two-year show-cause order for the former assistant coach. Although the proposed show-cause order was more lenient than what the penalty guidelines require for a Level I violation of this nature, the former assistant coach nevertheless challenged the proposed penalty at an expedited penalty hearing. The panel retains the penalty, which the former assistant coach has the opportunity to appeal.

The most serious of the violations in this case involved a former assistant coach who engaged in recruiting violations and later, was untruthful when questioned about the violations. Specifically, this former assistant coach, along with a representative of the institution's athletics interests, engaged in impermissible off-campus recruiting contacts with prospective student-athletes. Other football coaches engaged in less serious recruiting violations. If not detected, recruiting violations often lead to recruiting advantages for offending institutions over institutions that comply with the rules.

When questioned about his recruiting activity, the former assistant coach provided false or misleading information to the institution and enforcement staff on two occasions in an effort to conceal his involvement in the violations. This substantially exacerbated the seriousness of this case.

¹ Infractions cases are decided by hearing panels comprised of NCAA Division I COI members. Decisions issued by hearing panels are made on behalf of the COI.

² A member of the Southeastern Conference, the University of Alabama has an enrollment of approximately 32,500 students. It sponsors 11 women's and nine men's sports. The institution had previous infractions cases in 2009 (multiple sports); 2002 (football); 1999 (men's basketball); 1995 (football); and 1964 (football).

The parties agreed the recruiting violations involving the former assistant coach were Level II and the other recruiting violations were Level III. The parties also agreed that the former assistant coach's provision of false or misleading information was Level I unethical conduct. The panel agrees with the parties' proposed levels. This case was limited to those issues, and the panel did not consider any other information.

The panel classifies this case as Level II-Mitigated for the institution. The panel classifies the assistant coach's violations as Level I-Aggravated. Because the violations occurred after implementation of the new penalty structure, the panel prescribes penalties utilizing current NCAA Bylaw 19. The panel considered the institution's self-imposed penalties and corrective actions and determines that they fell within the ranges contemplated by the penalty guidelines. The panel accepts those penalties. The panel also considered the former assistant coach's agreed-upon Level I violation and associated aggravating factors. Despite classifying the case as Level I-Aggravated, the panel determined that the case's factors supported a downward departure from the range for Level I-Aggravated show-cause orders (five to 10 years and restriction from all athletically related duties). Even with the proposed downward departure, the former assistant coach challenged the penalty at an expedited penalty hearing. The panel determines the penalty remains appropriate. Therefore, the panel adopts and prescribes: a \$5,000 fine, recruiting restrictions for football staff members, administrative disciplinary measures, the disassociation of the involved representative and a two-year show-cause order restricting off-campus recruiting for the former assistant coach. The penalty section of this decision provides greater detail and describes other penalties.

II. CASE HISTORY

In April 2015, the NCAA enforcement staff received information from confidential sources regarding potential violations in the institution's football program. On August 24, 2015, the enforcement staff issued a verbal notice of inquiry. From September 2015 to May 2016, the institution and the enforcement staff conducted a joint investigation. On April 27, 2016, the former assistant football coach resigned at the institution's request. In early October 2016, the representative of the institution's athletics interests (athletics representative) involved in this case submitted answers to written questions provided to her by the institution and enforcement staff in May 2016.³

In early November 2016, the institution and the former assistant coach agreed to use the summary disposition process. In late January 2017, the institution and the former assistant coach approved

³ The athletics representative is a resident of Houston and the mother of a former Alabama football student-athlete. The athletics representative meets the definition of a representative of the institution's athletics interests because she assisted in the recruitment of prospective student-athletes (Bylaw 13.02.15-(c)). The head football coach at the high school reported that the athletics representative identified herself in a telephone conversation as a representative of Alabama's football coaching staff.

the SDR. The parties submitted the SDR to the COI on January 24, 2017.⁴ A panel of the COI reviewed the SDR in late February 2017. The panel accepted the institution's proposed penalties and corrective actions, but proposed a two-year show-cause order for the former assistant coach. On March 7, 2017, the former assistant coach notified the panel that he would contest the proposed show-cause and requested an expedited penalty hearing on the issue. The panel conducted the hearing via videoconference on March 27, 2017. The videoconference included representatives from the former assistant coach's current employing institution.

III. PARTIES' AGREEMENTS

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

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

1. [NCAA Division I Manual Bylaws 13.01.2, 13.1.1.1 and 13.1.2.1 (2014-15)] (Level II)]

The institution, a former assistant football coach (former assistant coach 1) and the enforcement staff agree that between December 1, 2014, and May 21, 2015, former assistant coach 1 violated NCAA recruiting legislation when he engaged in a prearranged, impermissible off-campus contact at a high school in Houston, Texas (the high school) with four football prospective student-athletes. It is further agreed that former assistant coach 1 knew and/or should have known a representative of the institution's athletics interests (the athletics representative) was assisting and/or participating in the recruitment of the four prospects. Specifically:

- a. Between December 1, 2014, and January 31, 2015, the athletics representative, who was the mother of a then Alabama football student-athlete, contacted the head football coach at the high school to arrange a meeting. Once the athletics representative arrived at the high school, she asked to meet with four football prospective student-athletes (prospects 1, 2, 3 and 4 respectively). The athletics representative initially met with the four prospects for approximately 10 to 15 minutes and former assistant coach 1 later joined the meeting for approximately 15 to 20 minutes. The impermissible contact lasted a total of 25 to 35 minutes, occurred at least six months prior to the permissible timeframe for an off-campus contact with prospect 3 and at least 18 months prior to the

⁴ Pursuant to COI Internal Operating Procedure (IOP) 4-15-4, hearing panels may view violations established through the summary disposition process as less instructive than a decision reached after a contested process.

permissible time frame for off-campus contacts with prospects 1, 2 and 4. [Bylaws 13.01.2, 13.1.1.1 and 13.1.2.1 (2014-15)]

- b. Subsequently, on or about May 21, 2015, the athletics representative contacted the head football coach at the high school to arrange a meeting with prospects 2, 3 and 4 to follow up on the prior meeting with the prospects, as outlined in Violation No. 1-a. The second impermissible contact lasted approximately 10 minutes. [Bylaws 13.01.2, 13.1.1.1 and 13.1.2.1 (2014-15)]

2. [NCAA Division I Manual Bylaws 10.01.1, 10.1 and 10.1-(d) (2015-16)] (Level I)

The institution, former assistant coach 1 and the enforcement staff agree that between September 23, 2015, and April 25, 2016, former assistant coach 1 violated the principles of ethical conduct when he knowingly provided false or misleading information to the enforcement staff and institution regarding his knowledge of a representative of the institution's athletics interests assisting and/or participating in the recruitment of football prospects and individual involvement in the impermissible off-campus recruiting contact with four prospects. Specifically:

- a. During his September 23, 2015, and April 25, 2016, interviews with the enforcement staff and institution, former assistant coach 1 provided false or misleading information when he denied knowledge of the athletics representative's involvement with and her presence during former assistant coach 1's visit to the high school detailed in Violation No. 1. In both interviews, former assistant coach 1 denied seeing the athletics representative at the high school and denied that she had any involvement in his visit outlined in Violation No. 1-a. Former assistant coach 1's statements are in direct contradiction to information reported to the institution and enforcement staff by two involved football prospects and the high school's head football coach, as well as some of former assistant coach 1's own statements during his May 2, 2016, interview. [Bylaws 10.01.1, 10.1 and 10.1-(d) (2015-16)]
- b. During his September 23, 2015, and April 25, 2016, interviews with the enforcement staff and institution, former assistant coach 1 provided false or misleading information when he denied having in-person, off-campus recruiting contact with four football prospects at the high school as detailed in Violation No. 1-a. Specifically, former assistant coach 1 denied seeing or interacting with any prospects at the high school. Former assistant coach 1's statements are in direct contradiction to the information reported to the institution and enforcement staff by two involved football prospects and the high school's head football coach, as well as some of former assistant coach 1's own statements during his May 2, 2016, interview. [Bylaws 10.01.1, 10.1 and 10.1-(d) (2015-16)]

3. [NCAA Division I Manual Bylaws 13.02.5.2, 13.17.4.1 (2013-14); 13.01.2 (2013-14 and 2015-16); and 13.1.2.1 (2015-16)] (Level III)

The institution and enforcement staff agree that between May 14, 2014, and December 9, 2015, members of the institution's football coaching staff violated NCAA recruiting legislation on two occasions when they engaged in impermissible contacts and/or used an impermissible recruiter during the recruitment of two football prospective student-athletes. Specifically:

- a. On May 14, 2014, a then assistant football coach (former assistant coach 2) had impermissible off-campus contact during an evaluation period with a then football prospective student-athlete (prospect 5) at prospect 5's Maryland high school. Specifically, after conducting an evaluation of prospect 5, former assistant coach 2 engaged in a brief conversation with prospect 5. Further, former assistant coach 2 accompanied prospect 5 to his high school football head coach's office, where he participated in three different photographs with prospect 5 in an effort to document prospect 5's physical size. Former assistant coach 2's contacts with prospect 5 were impermissible as they occurred outside of a permissible contact period and two months prior to the permissible timeframe for an off-campus contact with prospect 5. [Bylaws 13.01.2, 13.02.5.2, 13.1.1.1, 13.17.4.1 (2013-14)]
- b. On or around December 9, 2015, members of the football coaching staff permitted an impermissible recruiter to attend a home visit with a then prospective student-athlete (prospect 6). Specifically, the institution arranged for prospect 6's youth football coach to provide a member of the coaching staff with transportation from the airport to prospect 6's home. The youth football coach then entered the home and was present for the duration of the recruiting visit, although not an active participant. [Bylaws 13.01.2 and 13.1.2.1 (2015-16)]

B. PARTIES AGREED-UPON AGGRAVATING AND MITIGATING FACTORS

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

Institution:

1. Aggravating factors [Bylaw 19.9.3]

A history of Level I, Level II or major violations by the institution, sport program(s) or involved individual [Bylaw 19.9.3-(b)]

2. Mitigating factors.

- a. Prompt acknowledgement and acceptance of responsibility [Bylaw 19.9.4-(d)]
- b. Established history of self-reporting [Bylaw 19.9.4-(b)]
- c. Implementation of compliance methods designed for rules compliance and controls [Bylaw 19.9.4-(e)]

Former assistant coach 1

1. Aggravating factors [Bylaw 19.9.3]

- a. Unethical conduct [Bylaw 19.9.3-(e)]
- b. Violations were premeditated [Bylaw 19.9.3-(f)]
- c. Intentional willful or blatant disregard for the NCAA constitution or bylaws [Bylaw 19.9.4-(m)]

2 Mitigating factors

None.

IV. REVIEW OF CASE

A. Agreed-upon violations

The SDR fully detailed the parties' positions in the infractions case and included the agreed-upon primary facts, violations, violation levels and aggravating and mitigating factors. After reviewing the parties' principal factual agreements and explanations surrounding those agreements, the panel accepts the parties' SDR and concludes that the facts constitute Level I and Level II violations involving former assistant coach 1, including unethical conduct. It also involved Level II and Level III recruiting violations for the institution, primarily recruiting contact violations. Violations of recruiting contact legislation have long been a concern of the membership.

Former assistant coach 1 knowingly committed a recruiting violation when he and the athletics representative made impermissible contact with four prospective student-athletes at their high school in Houston. He later provided false or misleading information to the enforcement staff and the institution on two occasions in an attempt to hide the contact. Further, other football coaches engaged in less serious recruiting infractions. The recruiting activity violated NCAA Bylaw 13. Former assistant coach 1's provision of false or misleading information violated Bylaw 10.

Bylaw 13 governs recruiting. The NCAA places strict limits on individuals who can make recruiting contacts. Bylaw 13.1.2.1 specifies that only authorized institutional staff members can

engage in recruiting contacts and forbids such contacts by representatives of an institution's athletics interests. With regard to when institutions may begin to contact prospects, Bylaw 13.1.1.1 prohibits any recruiting contact with a prospect prior to the end of his/her junior year of high school. In addition to contacts, athletics department staff members can also evaluate a prospect during certain periods. Bylaw 13.02.5.2 defines the evaluation period and prohibits off-campus contacts during these periods. Evaluation periods, contact periods and the other two recruiting periods, quiet periods and dead periods, occur at specific times during the year. These periods are delineated in Bylaw 13.17.4.1, the recruiting calendar for bowl subdivision football (FBS). Finally, as a general rule, Bylaw 13.01.2 prohibits institutional employees and athletics representatives from recruiting a prospective student-athlete except as permitted by the Association's bylaws.

The athletics representative and former assistant coach 1 violated several recruiting bylaws when they had contact with prospective student-athletes at the high school in Houston. First, when the athletics representative met with the prospects, she violated Bylaw 13.1.2.1 because athletics representatives are forbidden from making recruiting contacts with prospects. Second, these contacts all occurred prior to the end of the four prospects' junior year of high school. Consequently, former assistant coach 1 and the athletics representative violated Bylaw 13.1.1.1. Finally, when former assistant coach 1 and the athletics representative engaged in the impermissible contacts, they violated Bylaw 13.01.2 because their actions were contrary to the Association's recruiting bylaws. Pursuant to Bylaw 19.1.2, the panel concludes that these violations were Level II because they provided more than a minimal but less than a substantial recruiting advantage.

Other coaches engaged in impermissible recruiting contacts that the parties agreed to be Level III violations. Former assistant coach 2 initiated an in-person contact with a prospective student-athlete at the prospect's high school during an evaluation period, contrary to Bylaws 13.02.5.2 and 13.17.4.1. This contact also occurred prior to the end of the prospect's junior year, a violation of Bylaw 13.1.1.1. Former assistant coach 2 also violated Bylaw 13.01.2 because the recruiting contact with the prospect prior to the end of his junior year and during an evaluation period was contrary to the Association's recruiting bylaws. Additionally, members of the football staff allowed an individual who was not an authorized staff member to join the coaches in a home visit with a prospective student-athlete, a violation of Bylaw 13.1.2.1. The coaches also violated Bylaw 13.01.2 because the unauthorized individual's presence during the home visit was contrary to the Association's bylaws. Pursuant to Bylaw 19.1.3, the panel concludes these violations are Level III because they were inadvertent and/or isolated and did not provide the institution with more than a minimal advantage.

Impermissible recruiting contacts have long been a concern of the membership, including the COI. They remain a concern today. Institutions that engage in impermissible contacts gain an unfair recruiting advantage over those that comply with recruiting rules. Such contacts have been an ongoing issue and the subject of several infractions cases. *See Baylor University* (2016) (concluding that two assistant football coaches exceeded the limitations on evaluations and contacts of two

prospective student-athletes when the coaches positioned themselves at high school track meets in order to be noticed by the prospects); *California State University, Sacramento* (2015) (concluding, among other violations, that a former assistant coach committed Level II violations when he engaged in impermissible off-campus recruiting contacts in consecutive years); *University of Florida* (2015) (concluding that an assistant football coach violated recruiting legislation when he initiated an impermissible off-campus contact with a football prospective student-athlete during the prospect's junior year of high school); and *University of Colorado* (2002) (concluding that a football coach who, in an attempt to "be seen" by prospects, visited their high schools during non-contact periods and positioned himself in areas where the prospects were likely to be and engaged in impermissible contacts).

Beyond the impermissible recruiting contact and the advantages it created, the former assistant coach 1 agreed that he did not fulfill his obligations under Bylaw 10 during his interviews. In addition to the requirement to comply with the rules and regulations of the Association, coaches, student-athletes and others have an affirmative obligation to conduct themselves in an ethical manner as set forth in Bylaw 10. Included in this legislation is Bylaw 10.01, the general principle of ethical conduct that requires those associated with intercollegiate athletics to practice honesty and sportsmanship at all times. Conversely, Bylaw 10.1 identifies behaviors that constitute unethical conduct. Among these behaviors is the knowing provision of false or misleading information to the enforcement staff and institutions, as specified in Bylaw 10.1-(d). On two occasions, former assistant coach 1 provided false or misleading information to the enforcement staff and the institution regarding his involvement in and knowledge of impermissible recruiting contacts. When he did not provide truthful information, he did not act with honesty and thus violated Bylaw 10.01.1. He also violated Bylaws 10.1 and 10.1-(d), because providing false or misleading information is one of the behaviors specifically identified as unethical conduct.

Although not part of the violations in this case, but part of the case's overall context, the panel is troubled by the fact that two prospective student-athletes and officials at their high school did not cooperate with the enforcement staff's investigation. NCAA investigations play an essential role in maintaining the integrity of intercollegiate athletics and in holding those who violated the rules accountable for their actions. Pursuant to Bylaw 19.2.3, it is only through full cooperation, including the cooperation of prospective student-athletes and officials at their high schools, that investigations can be conducted in a fair, accurate and timely manner and the COI can decide cases on the best available information. Here, high school officials encouraged prospective student-athletes not to cooperate. As a result, two prospective student-athletes failed to fulfill their obligations under the bylaw.

B. Contested penalties

After accepting the facts and violations in the SDR, the panel proposed an additional penalty in the form of a two-year show-cause order associated with the former assistant coach 1 violations, primarily his unethical conduct. Former assistant coach 1 objected to the show-cause order proposed by the panel and requested an expedited penalty hearing pursuant to Bylaw 19.6.4.5.

After considering the former assistant coach's arguments at the March 27, 2017, hearing, the panel retains the show-cause because he was untruthful in two interviews with the enforcement staff and the institution.

Although former assistant coach 1 offered a number of unpersuasive arguments to mitigate his show cause, which was already reduced from the guideline range, he acknowledged the seriousness of the violations and expressed regret for his conduct. He maintained that certain factors contributed to his provision of false or misleading information—namely, he was confused when questioned about the impermissible recruiting contact and attributed the confusion to a personal condition. The former assistant coach further explained that his untruthfulness was also borne of a desire to "protect" both the athletics representative and his employer at the time, the University of Alabama. Finally, former assistant coach 1 argued that the attorney he had prior to his current counsel was ineffective in his representation during former assistant coach 1's interviews.⁵ Former assistant coach 1 proposed a one-year show-cause order commencing on April 27, 2016, the date he resigned from Alabama.

Former assistant coach 1's arguments do not support a reduction in, or elimination of, the show-cause penalty proposed by the panel. A two-year show-cause order is not at all excessive considering the fact that former assistant coach 1, on two separate occasions, failed his affirmative obligation to provide truthful information to the enforcement staff and the institution. In fact, a two-year show cause is a significant downward deviation from the prescribed five to 10-year show-cause period for a Level I-Aggravated violation. The panel decided to deviate from the prescribed show-cause penalty because of the nature of the underlying violations and because of the strong actions taken by his previous employer in response to his violations, as explained below in the Penalty section. For other show-cause orders involving Level I-Aggravated violations, *see, e.g., Southeast Missouri State University* (2017) (prescribing a six-year show-cause order for an assistant men's basketball coach who arranged for a prospective student-athlete to receive fraudulent academic credit, provided false or misleading information during his interviews and failed to cooperate); and *Southern Methodist University* (2015) (prescribing a five-year show-cause order for the head men's golf coach who committed recruiting violations and provided false or misleading information).

Former assistant coach 1's proposed one-year show-cause order retroactive to April 27, 2016, the date he resigned from Alabama, is insufficient for three reasons. First, since implementation of the new penalty structure in 2012, and at least 10 years prior, the committee has not implemented show-cause orders retroactive to the date the institution terminates the employment of an involved individual, which is independent of any committee action. If the panel accepted the proposed show-cause order, the net result would be an inconsequential penalty of only a few weeks, at best. Second, as previously indicated, the panel has already deviated downward significantly from the

⁵ Former assistant coach 1 was represented by his current attorney when he agreed to the violations charged in the SDR, including the violations of Bylaw 10.

penalty guidelines. Finally, the provision of false or misleading information on multiple occasions is a very serious violation of NCAA rules.

V. PENALTIES

For the reasons set forth in Sections III and IV of this decision, the panel accepted the parties' agreed-upon factual basis and violations and concludes that this case constituted Level I, II and III violations of NCAA legislation. Because the violations all occurred after the implementation of the new penalty structure in October 2012, the panel applied the penalty guidelines set forth in the 2016-17 NCAA Division I Manual (Penalty Guidelines).

When reviewing a case under the new penalty guidelines, the panel assesses aggravating and mitigating factors by weight, as well as number. The institution proposed that *Bylaw 19.9.4-(f) Exemplary cooperation* was an additional mitigating factor. Further, former assistant coach 1 claimed that *Bylaw 19.9.4-(c) affirmative steps to expedite final resolution of the matter* and *Bylaw 19.9.4-(h) other facts warranting a lower penalty range*, should apply to him. The panel does not agree that the purported mitigating factors suggested by the institution and former assistant coach 1 apply to this case.

After determining the appropriate aggravating and mitigating factors, the panel classifies this case as Level II-Mitigated for the institution and the former assistant coach's violations as Level I-Aggravated. Because there were extenuating circumstances in this case, and pursuant to Bylaw 19.9.6, the panel departed downward from one of the core penalties, the show-cause order for former assistant coach 1. The Penalty Guidelines call for a show-cause order of five to 10 years for a Level I-Aggravated case. Despite this accommodation by the panel, former assistant coach 1 chose to contest the show-cause order and requested an expedited hearing. After carefully considering the points made by former assistant coach 1 and his current employing institution at the expedited hearing, the panel affirms the two-year show-cause order. In making this decision, the panel reiterates that former assistant coach 1 had three aggravating factors and no mitigating factors associated with his behavior in this case. Considering this, a two-year limited show-cause order restricting former assistant coach 1 from off-campus recruiting is lenient, but justified by the unique circumstances of this case, as explained in Penalty No. 3 below.

All penalties prescribed in this case are independent and supplemental to any action that has been or may be taken by the Committee on Academics through its assessment of postseason ineligibility, historical penalties or other penalties. Because the panel upheld the two-year show-cause order following the expedited hearing, former assistant coach 1 may appeal the show-cause order to the Infractions Appeals Committee. Further, if former assistant coach 1 does not appeal, or if the Infractions Appeals Committee affirms the penalty, his current employing institution and any future employing institution may further show cause why restrictions on his recruiting activities are not appropriate.

The institution's corrective actions are contained in the Appendix. After considering all information relevant to the case, the panel prescribes the following penalties. Those penalties proposed or imposed by the institution are so noted:

Core Penalties for Level II-Mitigated Violations (Bylaw 19.9.5)

1. Financial Penalty: The institution shall pay a \$5,000 fine to the NCAA within 45 days of the release of this decision. (Institution proposed)
2. Recruiting restrictions: The institution withheld former assistant coach 1 and his replacement from off-campus recruiting and telephone contact for 39 days (April 22 - May 31, 2016). (Institution imposed)

Core Penalties for Level I-Aggravated Violations by former assistant coach 1 (Bylaw 19.9.5)

3. Show-cause order: Former assistant coach 1 committed an intentional recruiting violation when he, along with a representative of the institution's athletics interests, had an impermissible off-campus recruiting contact with four prospects. More significantly, on two occasions, former assistant coach 1 knowingly provided false or misleading information to the enforcement staff and the institution when questioned about the contact and the involvement of the athletics representative in impermissible recruiting activity. Former assistant coach 1's provision of false or misleading information on multiple occasions concerned the panel. Consequently, the panel determined that former assistant coach 1's violations were Level I-Aggravated. Therefore, the panel prescribes a two-year show-cause order for any member institution(s) employing former assistant coach 1. Any institution employing the former assistant coach must restrict him from all off-campus recruiting activities as defined by Bylaw 13.02.14 (2016-17 Division I Manual) from April 14, 2017, to April 13, 2019. Finally, former assistant coach 1 shall attend NCAA Regional Rules Seminars in 2017 and 2018.

Pursuant to Bylaw 19.9.6, the panel prescribes this two-year show-cause order which is three years less than the guideline minimum of five years for a Level I-Aggravated case. Nevertheless, the panel believes that this deviation from the core penalty minimum is warranted in this instance because of two circumstances. First, the underlying violation, an impermissible recruiting contact, was a Level II violation. Second, when it became apparent to the University of Alabama that former assistant coach 1 committed violations, it acted swiftly to address the situation, prompting him to resign in April 2016.

Former assistant coach 1 is currently employed by a member institution. If he does not appeal the panel's show-cause order, within 30 days of the receipt of this decision, the employing institution shall submit a letter to the Office of the Committees on Infractions setting forth its agreement with the restrictions of the show-cause order or request to appear before the hearing panel to show cause why the restrictions should not apply. Further, every six months thereafter through the end of the show-cause order, the employing institution shall file reports

documenting its adherence to these restrictions and the rules education provided to former assistant coach 1. If former assistant coach 1 is employed at another member institution during the period of the show-cause order, 30 days following the hiring of former assistant coach 1, that employing institution shall submit a letter to the Office of the Committees on Infractions setting forth its agreement with the restrictions of the show-cause order or request to appear before a hearing panel to show cause why the restrictions should not apply. Further, every six months thereafter through the end of the show-cause order, the employing institution shall file reports detailing its compliance with these restrictions.

Additional Penalties for Level II-Mitigated Violations (Bylaw 19.9.7)

4. Public reprimand and censure.
5. The institution shall disassociate the athletics representative. (Institution imposed) [Note: The committee typically limits a show-cause order to 10 years, but institutions have the discretion to decide if a show-cause order should be more than 10 years.]

Additional Penalties for Level III Violations (Bylaw 19.9.8)

6. The institution prohibited former assistant coach 2 from participating in any off-campus recruiting for 30 days (September 25, 2015, through October 25, 2015). (Institution imposed)
7. The institution suspended former assistant coach 2 for one contest during the 2015 football season. (Institution imposed)

The COI advises the institution that it should take every precaution to ensure that it observes the terms of the penalties. The COI 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 may 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

Melissa Conboy
Thomas Hill
Stephen Madva
Joel Maturi
Eleanor Myers, Chief Hearing Officer
Vince Nicastro
Joe Novak

APPENDIX

**CORRECTIVE ACTIONS AS IDENTIFIED IN THE INSTITUTION'S JANUARY 24,
2017, SUMMARY DISPOSITION REPORT (SDR)**

1. Pursuant to Bylaw 19.9.8-(a), the institution ceased its recruitment of the four prospective student-athletes at the Houston, Texas high school.
2. The institution commenced the termination process promptly after it received sufficient evidence that former assistant coach 1 committed NCAA violations. Rather than face the termination process, former assistant coach 1 submitted his letter of resignation on April 27, 2016.
3. The institution will issue letters of admonishment to the coaches involved in the Level III violations following the release of this decision.
4. The institution conducted additional rules education for the coaches involved in the Level III violations.