



**[December 19, 2017 Erratum: Section V, Penalty No. 5 (scholarship reductions) of this decision contained an error. The institution's self-imposed penalty was a reduction of men's basketball scholarships by three over a two-year period, not a reduction of three in each of two years.]**

**UNIVERSITY OF NORTHERN COLORADO**  
**PUBLIC INFRACTIONS DECISION**  
**DECEMBER 15, 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 COI decides infractions cases involving member institutions and their staffs.<sup>1</sup> This case involved the men's basketball program at the University of Northern Colorado and centered primarily on academic fraud and impermissible recruiting inducements.<sup>2</sup> The violations spanned over four years and involved nine members of the men's basketball staff, including the former head men's basketball coach. Seven of those staff members are at risk for their participation in the violations.

The violations in this academic fraud case strike at the heart of the Collegiate Model and were largely a product of the head coach's drive to succeed at any cost. As a first-time head coach in the spring of 2010, he placed tremendous pressure on himself and his staff to build on his predecessor's strong record. Thus, over the next four years, the head coach took shortcuts to success, putting his own self-interest and ambitions ahead of student-athlete welfare. He recruited talented but academically ineligible prospects and then violated foundational NCAA ethical conduct legislation to secure their eligibility. This included the head coach personally completing coursework for a prospect during the summer of 2010 and enlisting an athletic trainer to do the same. During the summer of 2012, the head coach directed his staff to do whatever was necessary to secure the eligibility of a second prospect, informing them that not getting the prospect was "not an option." As a result, three assistant coaches and a graduate assistant completed coursework for the prospect in three online courses. During the summer of 2014, another assistant coach arranged for and paid a friend to complete coursework for a third prospect. The actions of the head coach

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

<sup>2</sup> With primary affiliation in the Big Sky Conference, Northern Colorado has an enrollment of 13,087 students. It sponsors 10 women's and nine men's sports. This is Northern Colorado's first major, Level I or Level II infractions case.

and his staff constituted academic fraud and resulted in the prospects competing while ineligible and receiving impermissible financial aid and travel expenses.<sup>3</sup> These are Level I violations.

Additionally, the head coach and two of his assistant coaches either paid or arranged payment for the prospects' online summer courses. These payments constituted impermissible recruiting inducements. Because the coaches knowingly provided the inducements, their actions violated NCAA ethical conduct legislation. Three of the assistant coaches also violated ethical conduct legislation when they either refused to cooperate with the investigation or provided false or misleading information regarding their involvement in the violations. The recruiting inducements and unethical conduct are Level I violations.

The head coach's conduct was not limited to off-court academic issues. He also directed members of his staff to engage in impermissible practice sessions with a men's basketball student-athlete who was an academic nonqualifier. Specifically, in late 2014, the head coach instructed an assistant coach and the director of basketball operations to take the student-athlete to an off-campus gym for basketball workouts. The head coach violated NCAA eligibility, benefits and countable coach legislation when he directed his staff to engage in this conduct. This is a Level II violation.

Finally, the scope and nature of the violations in this case, as well as the head coach's personal involvement in many of them, demonstrated his failure to meet his responsibilities as a head coach. He admitted that he neither promoted an atmosphere of compliance nor monitored his staff. Instead, the head coach placed enormous pressure on his staff to secure prospects' eligibility and did not particularly concern himself with how they accomplished this. Through his indifference toward rules compliance, the head coach fostered a culture in which shortcuts were condoned and "get it done" was the staff's guiding principle. In short, the head coach's conduct fell far below the standard to which the membership holds head coaches. This is a Level I violation of head coach responsibility legislation.

Although the underlying conduct in this case was contrary to the membership's core expectations, the processing of the case featured a level of cooperation and agreement among the parties that exceeded those expectations. Northern Colorado, under the strong leadership of its president, set an example for all member institutions in its handling of this case. The institution agreed with nearly all the violations, although it took no position regarding one assistant coach's conduct. The head coach also agreed for the most part, contesting only the level of the nonqualifier practice violation and the allegation that he directed an athletic trainer to complete a prospect's coursework. Two assistant coaches and a graduate assistant also agreed to the facts and violations. Only one staff member, an assistant coach, fully contested the allegation in which he was named. Another assistant coach denied committing any violations during his interview but then failed to respond to the allegations or participate in the hearing.

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<sup>3</sup> In 2014, the NCAA membership began using the phrase "academic misconduct" rather than "academic fraud." Although there are minor nuances between the two, for the sake of consistency the panel utilizes "academic fraud," the phrase that applied at the time the majority of the conduct in this case occurred.

The panel classifies this case as Level I-Mitigated for the institution, Level I-Aggravated for the violations of the head coach and three of the assistant coaches, and Level I-Standard for the violations of the two other assistant coaches and the graduate assistant. Because the violations straddled the implementation of the current penalty structure and did not predominantly occur after the current structure's effective date, the panel compared the current and former penalty structures to determine which is more lenient. The panel concludes that former NCAA Bylaw 19.5.2 (2012-13 NCAA Division I Manual) afforded the parties with more lenient penalties.

The panel adopts nearly all of the significant penalties self-imposed by Northern Colorado and, utilizing former Bylaw 19, prescribes the following penalties: three years of probation, scholarship reductions, a one-year postseason ban, recruiting restrictions, and vacation of records and return of basketball tournament monies for ineligible competition. The panel also prescribes show-cause provisions for the head coach, assistant coaches and graduate assistant.

## **II. CASE HISTORY**

In late March 2016, a confidential source provided Northern Colorado with information regarding possible violations of NCAA legislation in the men's basketball program. The information related to online courses taken by men's basketball prospects prior to their enrollment at Northern Colorado. On April 6, 2016, after completing an initial review of the information and testing its credibility, Northern Colorado informed both the conference and the NCAA enforcement staff of potential academic fraud violations. The enforcement staff provided Northern Colorado with a written notice of inquiry on April 12, 2016, and the two commenced a cooperative investigation.

Over the next several months, Northern Colorado and the enforcement staff interviewed current and former student-athletes and institutional staff members, including the then head men's basketball coach. On April 21, 2016, Northern Colorado terminated the head coach's employment and placed three assistant men's basketball coaches on administrative leave. The institution also locked the coaches' offices to preserve any information relevant to the investigation.

From May 4 through 7, 2016, two athletics staff members searched each coach's office and prepared a log to inventory their findings. Northern Colorado also imaged the coaches' hard drives and email accounts and obtained records from the institutions offering the online courses. The institution and enforcement staff relied on this information during their interviews with the student-athletes and coaches. Northern Colorado terminated the employment of the three assistant coaches on May 10, 2016.

By August 2016, the head coach and three of his former staff members had admitted to paying for and/or completing online coursework for men's basketball prospects. Two other former staff members acknowledged that academic fraud occurred, but denied any involvement in the violations. Another former staff member refused to participate in the investigation.

On February 10, 2017, the enforcement staff issued a notice of allegations (NOA) to Northern Colorado, the head coach, and six of his former staff members. Northern Colorado, the head coach and three of the staff members submitted written responses to the allegations and participated in the infractions hearing on October 10, 2017. The remaining three staff members did not respond to the allegations and did not appear at the hearing.

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

In April 2010, after a string of increasingly successful seasons, Northern Colorado's then head men's basketball coach (previous head coach) accepted a head coaching position at another NCAA Division I member institution. Northern Colorado immediately elevated a then assistant coach to the position of head men's basketball coach (head coach). This was his first time in a head coaching position, having served as an assistant coach at Northern Colorado for the previous four years, and a junior college assistant coach for approximately eight years before that. From the outset of his tenure as Northern Colorado's head men's basketball coach, the head coach put tremendous pressure on himself and his staff to continue and build upon his predecessor's success. This resulted in the head coach making a series of self-described "very poor decisions" in an effort to secure talented but academically ineligible prospects. The head coach's efforts included completing coursework for one prospect, paying or arranging payment for prospects' courses and directing his staff members to do whatever it took to get certain prospects eligible. In turn, members of the head coach's staff completed coursework for prospects, paid for their courses and, in one case, paid an outside individual to complete a prospect's coursework. Other staff members conducted off-campus workouts with a nonqualifier at the head coach's direction. Ultimately, this conduct spanned over four years and involved nine members of the men's basketball coaching staff.

#### **The Coaching Staff's Completion of Coursework for Prospects 1, 2 and 3**

During the summers of 2010, 2012 and 2014, six members of the coaching staff completed or arranged for the completion of coursework for three academically ineligible prospects. All three prospects enrolled and received financial aid at Northern Colorado, and two of the three competed and received expenses as members of the men's basketball team. Northern Colorado agreed that the coaching staff's conduct surrounding the three prospects violated the institution's academic policies applicable to all students.

##### *Summer 2010: Prospect 1*

At the time he was elevated to the position of head men's basketball coach, the head coach was in the process of recruiting a highly-touted prospect (prospect 1). In his interview with the institution and enforcement staff, the head coach described prospect 1 as being so talented that he was "somebody that Northern Colorado shouldn't get." Prospect 1 was also academically ineligible.<sup>4</sup>

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<sup>4</sup> The head coach was not aware of prospect 1's ineligibility until shortly after he assumed his new position. During his recruitment of the prospect as an assistant coach, the compliance staff twice evaluated the prospect's high school transcripts and determined he

To secure his eligibility, the prospect enrolled in online algebra and biology courses at Brigham Young University (BYU) during the summer of 2010. The head coach completed algebra coursework on the prospect's behalf and enlisted an athletic trainer to complete coursework in the biology class.

With respect to the algebra course, the head coach acknowledged his role in completing prospect 1's coursework. He recalled discussing with prospect 1 that they would have to "work together to get this stuff done." The head coach did not recollect how they divided up the work but admitted that he completed a "significant number" of assignments in the algebra course. He used prospect 1's login information to access the assignments, then he completed the work and submitted it online. During his interview, when the enforcement staff showed the head coach a folder of completed assignments from prospect 1's algebra course, the coach acknowledged that the handwriting on the assignments was his. He admitted to being aware he was violating NCAA rules when he completed the coursework for prospect 1. Nonetheless, the head coach explained that he did not feel like the team could replace prospect 1, and he therefore "made the wrong judgment on sticking with him or finding someone else in May."

As it relates to prospect 1's biology course, the head coach enlisted a then athletic (trainer) to complete coursework on the prospect's behalf. The trainer admitted to completing the coursework. He reported that when the head coach initially approached him about doing work for the class, the head coach told the trainer he needed help with an online biology test for his then wife. The trainer believed the head coach's wife needed the test in order to find a job. At some point after the trainer completed the test, he realized it was not for the head coach's wife after all.<sup>5</sup> The head coach continued to ask the trainer to do work for the class. The trainer recalled completing two or three additional assignments before telling the head coach he was uncomfortable with the situation and would not complete any additional coursework. The trainer did not know who completed the remainder of the coursework.

Throughout the case, the head coach denied any involvement in the completion of prospect 1's biology course. He acknowledged that the factual information in the case record demonstrates that the trainer completed biology coursework on the prospect's behalf. But he denied asking or directing the trainer to do the work or telling the trainer the work was for his wife. The head coach stated that he saw biology assignments on the printer in the basketball coaching offices and assumed that members of his staff were completing the work for prospect 1.

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was a qualifier. On its third evaluation, however, the compliance staff discovered that the grading scale used in the prospect's home state meant that grades the staff had calculated as Bs during the first two evaluations were actually Cs. As a result, prospect 1's grade-point average was lower than the staff had initially calculated, and he was academically ineligible. The head coach learned of the results of this third evaluation within one or two weeks of becoming head coach.

<sup>5</sup> At the end of each online biology lesson, there was a short quiz called a "speedback assignment." The results of these speedback assignments showed prospect 1's name as the test-taker. Although the trainer did not know the prospect at that time and therefore did not recognize his name, he realized at this point that the coursework was for someone other than the head coach's then wife.

The trainer's statements and recollection of events are more credible for three reasons. First, the trainer voluntarily admitted to completing coursework for prospect 1 even before the enforcement staff directly asked him about his involvement or confronted him with coursework bearing his handwriting. And from the outset of his statement, the trainer made it clear that the head coach asked him to do the work. Second, the trainer's statements provided a reasonable explanation as to how an athletic trainer—who had no contact with or knowledge of recruits before they arrived on campus—came to be involved with a prospect's coursework. At the hearing, the head coach's counsel speculated that one of the assistant coaches and the head coach's then wife could have collaborated to arrange for the trainer to complete biology coursework for prospect 1. But nothing in the record supports this theory, whereas the trainer's statements directly support that it was the head coach who asked him to do the work. Finally, after the head coach took a self-described "hands on" approach to completing a significant portion of prospect 1's algebra coursework, it is unlikely he would have delegated the biology course to his staff or simply assumed they were doing the work. As the head coach acknowledged at the hearing, he invested a lot of time in prospect 1 as his primary recruiter and put a great deal of pressure on himself to secure the prospect's eligibility. It is more plausible that the head coach would have sought out the trainer, who had subject matter expertise, to help with the biology course. Accordingly, the panel finds that the head coach asked the trainer to complete biology coursework on behalf of prospect 1.

Prospect 1 received credit for both courses and enrolled at Northern Colorado for the fall 2010 semester. He then practiced, competed, and received financial aid and travel expenses as part of the men's basketball team from the 2010-11 through 2012-13 seasons.

#### *Summer 2012: Prospect 2*

Two years after going to great lengths to secure prospect 1's eligibility, the head coach began to pursue another academically ineligible prospect (prospect 2). Prospect 2 was a junior college transfer, who was nine credit hours short of meeting NCAA progress-toward-degree requirements. To address these academic deficiencies, the head coach directed his staff to enroll the prospect in online courses during the summer of 2012. The head coach informed his staff that not getting prospect 2 was "not an option" and pressured them to secure the prospect's eligibility in time for him to accompany the team on its planned trip to Australia later that summer. As a result, three assistant coaches and a graduate assistant completed coursework for prospect 2 in three online courses during the summer of 2012: a math course at Adams State University, a leadership development course at Cloud County Community College and a sociology course at Clarendon College.<sup>6</sup>

Prospect 2's primary recruiter, (assistant coach 1), managed the prospect's summer courses.<sup>7</sup> He divided the coursework among the staff, assigning the math course to himself, the leadership

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<sup>6</sup> Prospect 2 was also enrolled in an online salesmanship course at Cloud County during the summer of 2012. On June 18, 2012, either prospect 2 or a coaching staff member acting on his behalf withdrew from the course.

<sup>7</sup> Assistant coach 1 joined the coaching staff in August 2010 as the director of basketball operations. Approximately one year later, Northern Colorado promoted him to assistant coach. Assistant coach 1 left his job in the spring of 2013.

course to another assistant coach (assistant coach 2) and the sociology course to a third assistant coach (assistant coach 3) and a men's basketball graduate assistant (graduate assistant). In his interview, NOA response, and at the infractions hearing, assistant coach 1 candidly acknowledged his role in managing and completing coursework for prospect 2. He explained that he selected the courses based on the head coach's suggestions, registered the prospect and set up the necessary online accounts. He also maintained a folder—which the coaching staff labeled the "Get Shit Done" folder (GSD folder)—that contained information relating to the prospect's online courses. This included login information, documents relating to registration and payment, and any course materials the other staff members gave him. Assistant coach 1 described meeting with the head coach nearly every day to discuss the staff's progress toward completing the courses. During these meetings, the head coach reviewed the GSD folder to make sure the prospect's coursework was on track.

With respect to the math course, assistant coach 1 recalled that he completed at least two exams on behalf of prospect 2. He reported that the head coach assisted with the exams because he was good at math and assistant coach 1 was not. Corroborating assistant coach 1's account, the graduate assistant also recalled that the head coach helped with some of the math coursework for prospect 2. Although assistant coach 1 had no specific recollection of completing coursework for the math class beyond the two exams, he acknowledged that it was possible he had done more. He reported that prospect 2 did not complete any of his own work for the math course.

Assistant coach 2 was responsible for prospect 2's online leadership course.<sup>8</sup> Like assistant coach 1, he readily admitted in his interview, NOA response and at the hearing that he completed coursework for the prospect. He explained that he communicated with Cloud County and submitted coursework via an email account that assistant coach 1 created in the prospect's name. Northern Colorado retrieved a significant amount of coursework from this email account. The metadata for this coursework showed assistant coach 2 as the author and/or last editor of most of the documents. During his interview with Northern Colorado and the enforcement staff, assistant coach 2 identified his handwriting on the coursework. He did not specifically recall the prospect assisting with any of the coursework. Assistant coach 2 acknowledged completing most, if not all, of the work for the leadership course.

Assistant coach 1 assigned responsibility for the sociology course to assistant coach 3 and the graduate assistant.<sup>9</sup> Although the graduate assistant did not respond to the NOA in writing or attend the infractions hearing, he admitted during an interview that he completed coursework for the prospect. He stated that he had an undergraduate minor in sociology and therefore helped assistant coach 3 with the course. Assistant coach 3, however, denied any involvement in

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<sup>8</sup> Assistant coach 2 joined the coaching staff in 2006. He came in with the head coach—who was then an assistant coach—and the previous head coach. Assistant coach 2 left Northern Colorado in October 2012 because he did not like the direction the men's basketball program was heading with respect to recruiting.

<sup>9</sup> Assistant coach 3 joined the coaching staff in the spring of 2010, shortly after the head coach assumed his new position. As a student-athlete, assistant coach 3 played for the head coach for two years at a junior college in Kansas. The graduate assistant joined the staff in June 2011 and remained at the institution until the spring of 2013.

completing the prospect's coursework. In interviews on April 4 and October 18, 2016, assistant coach 3 claimed that assistant coach 1 asked him to help with the prospect's courses during a staff meeting in the head coach's office and he refused. Assistant coach 3 maintained that he distanced himself from the academic fraud scheme and was eventually ostracized by the other coaches for his refusal to participate. He also suggested that his refusal led the head coach to terminate his employment in the spring of 2013. The head coach denied this at the hearing, stating that he terminated the assistant coach's employment for reasons unrelated to prospect 2 and his summer coursework. Assistant coach 3 did not attend the hearing or submit a written response to the allegations. Northern Colorado took no position on assistant coach 3's involvement in the prospect's coursework and stated that it would defer to the panel's evaluation of the factual information. Specifically, the institution noted that, unlike with the other staff members, there was no documentation, email correspondence, handwriting or other evidence to demonstrate assistant coach 3's involvement.

Assistant coach 3's denials are not credible. Three other individuals—the graduate assistant and assistant coaches 1 and 2—reported that he was involved, making statements against their own interests in doing so. Assistant coach 1 remembered assigning a course to assistant coach 3 and stated that assistant coach 3 did not balk at the request or refuse to do the work. Additionally, the graduate assistant recalled working with assistant coach 3 on the sociology course. Assistant coach 1 corroborated this at the hearing, stating that he recalled seeing the graduate assistant sitting with a laptop in assistant coach 3's office working through the coursework together. Likewise, in response to a panel member's question at the hearing, assistant coach 2 stated that he was "110 percent sure" assistant coach 3 completed coursework for prospect 2. Accordingly, the panel finds that assistant coach 3 was involved in the scheme and completed sociology coursework on prospect 2's behalf.

Assistant coaches 1, 2 and the graduate assistant admitted that they knew they were violating NCAA legislation by completing prospect 2's coursework. But they felt pressured by the head coach and were concerned about negative repercussions if they refused. The graduate assistant questioned, "How can I tell the person who holds basically my career in his hands . . . how am I going to tell him no and then probably get fired because I wouldn't do what he wanted me to do?" Assistant coach 1 stated that the head coach never explicitly told the staff their jobs were in jeopardy if they did not participate, but "it kind of felt that way." Assistant coach 2 echoed this sentiment, stating that he felt he needed to participate in order to keep his job. He explained that while the head coach did not put it to him in those exact terms, "I think we all understand that if you're not a team player, you're not a player." Ultimately, the culture surrounding the men's basketball program—in particular, the lack of emphasis on doing things the right way—prompted assistant coach 1 to quit his job in the spring of 2013.

For his part, the head coach denied that he directed his staff members to complete coursework for prospect 2. He acknowledged, however, that he put pressure on them to secure the prospect's eligibility and he understood how they could have construed that pressure as a directive to do the prospect's work. He explained at the hearing, "I understand how me saying 'Get it done' could be perceived as to do the homework, although I never told anybody specifically to do a class." The



head coach also acknowledged that with so many classes to complete in a short period of time, it made sense that the staff would have had to do some of the coursework themselves to get it done in the necessary time frame. His bottom line was that the work needed to get done; he did not concern himself with how it was going to get done.

Prospect 2 did not know he was enrolled in courses at Adams State, Clarendon and Cloud County during the summer of 2012 and he had no knowledge of coursework being completed on his behalf. Prospect 2 received credit for the math, sociology and leadership courses from these institutions and enrolled at Northern Colorado for the fall 2012 semester. He then practiced, competed, received financial aid and travel expenses as part of the men's basketball team during the 2012-13 and 2013-14 seasons.

#### *Summer 2014: Prospect 3*

The men's basketball staff's completion of coursework for ineligible prospects continued in the summer of 2014 when a fourth assistant coach (assistant coach 4) arranged for and paid a friend to complete coursework for another junior college transfer (prospect 3).<sup>10</sup> Prospect 3 needed to complete two English courses and a math course at his junior college in order to graduate and become eligible to compete for Northern Colorado during the 2014-15 season. To help the prospect meet his transfer and eligibility requirements, assistant coach 4 reached out to a friend who was a former graduate assistant at the University of Southern Mississippi (former graduate assistant), and asked him to complete English coursework for prospect 3. Assistant coach 4 either paid or arranged payment of \$200 for the former graduate assistant to complete the work.

Assistant coach 4 first met the former graduate assistant in 2007 when they were both working for the men's basketball program at an NCAA Division II member institution. At the time, the former graduate assistant was a student manager for the team and assistant coach 4 was a graduate assistant. The former graduate assistant later worked at Southern Mississippi as a men's basketball graduate assistant from 2012 to 2014. During his stint at Southern Mississippi, the former graduate assistant participated in an academic fraud scheme in which he completed online coursework for academically deficient prospects. The COI prescribed a six-year show-cause order for the former graduate assistant's involvement in the scheme. See *University of Southern Mississippi* (2016).

During the summer of 2014, shortly after the former graduate assistant left his employment at Southern Mississippi, assistant coach 4 approached him regarding prospect 3's coursework. During an interview with Northern Colorado and the enforcement staff, the former graduate assistant reported that assistant coach 4 asked him to complete English coursework for prospect 3. Assistant coach 4 also asked him to provide coursework he had completed for a prospect at Southern Mississippi (Southern Mississippi prospect). The former graduate assistant agreed to

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<sup>10</sup> Assistant coach 4 came to Northern Colorado as the director of basketball operations in June 2013. In April 2014, the institution promoted him to the position of assistant coach. Northern Colorado terminated his employment in May 2016 after discovering and investigating the violations in this case.

help. He acknowledged that he knew he was violating NCAA rules by doing so, but he wanted to help his friend advance his career by securing an important recruit.

With respect to assistant coach 4's first request, the former graduate assistant recalled completing several small papers and perhaps one large research paper for prospect 3's English course. He stated that he accessed the assignments online and then emailed the completed work to assistant coach 4 for submission. When the enforcement staff showed the former graduate assistant two papers the institution recovered from assistant coach 4's hard drive, he confirmed that he wrote the papers. The metadata for the papers showed the former graduate assistant's then girlfriend (now wife) as the author of the documents. He explained that he completed the coursework on her computer and she had no knowledge of it. The former graduate assistant also reported that he received approximately \$200 for completing the coursework, though he was not sure who paid him. He stated that assistant coach 4 sent him a text message notifying him that a money order was available for pick-up.

In addition to completing coursework for prospect 3, the former graduate assistant also reported that he sent assistant coach 4 English coursework he previously completed for the Southern Mississippi prospect during his time at that institution. The investigation did not uncover this English coursework. Northern Colorado did, however, find a binder in assistant coach 4's office containing the Southern Mississippi prospect's completed math coursework. It is not clear from the information in the record if the former graduate assistant sent this material or if it came from another source.

During interviews on August 29 and December 4, 2016, assistant coach 4 denied asking and paying the former graduate assistant to complete coursework for prospect 3. Specifically, he claimed that he did not remember talking to the former graduate assistant about prospect 3's coursework but maintained that, if he did, it was merely to ask the former graduate assistant to proofread the work. In his written response and at the infractions hearing, assistant coach 4 made several arguments in support of his denials. First, he noted that prospect 3 claimed to have done the work himself when the enforcement staff and institution interviewed him. Second, assistant coach 4 argued that the former graduate assistant could not have completed online coursework for the prospect because prospect 3 attended the English course in person. Third, he claimed that the documents the institution found on his computer were study guides, not assignments. Study guides, he explained, "are a course tool which all teachers upload to help you study for tests." Finally, assistant coach 4 argued that the former graduate assistant lacked credibility and that the COI acknowledged as much in the context of the *Southern Mississippi* case.

The factual information in the record does not support assistant coach 4's denials. First, prospect 3 stated that he completed most of his own coursework, not all of it. This does not contradict the former graduate assistant, who could not recall whether he had done all of the coursework for prospect 3's English class or just a portion. Second, the class met in person but the coursework was managed through an online platform. The former graduate assistant's description of obtaining the course syllabus and assignments online is consistent with this type of course. Third, while the two documents found on assistant coach 4's computer are titled as study guides, both documents

are written in the first person in response to a series of questions. For example, one of the documents describes the student's reactions to a documentary on the BP oil spill and contains statements such as, "The part of 'The Spill' that I found most persuasive was how they went from place to place in BP's operation and found the different areas that they had safety violations and had different incidents that were not supposed to happen." These documents are completed student assignments, not study guides the course instructor prepared to help students review for an exam.

Finally, the former graduate assistant is credible. Despite being under a six-year show-cause order for the previous infractions case and thus having little incentive to cooperate, the former graduate assistant agreed to an interview. During that interview, he candidly described his role in completing coursework for prospect 3 *before* the institution and enforcement staff confronted him with documents implicating him in the completion of the coursework. His information was reasonably clear and detailed, especially with regard to how he obtained course assignments and sent the completed assignments back to assistant coach 4. Moreover, the former graduate assistant had no apparent reason to lie, particularly as he implicated himself in the process.<sup>11</sup> If assistant coach 4 had merely asked the former graduate assistant to *proofread* the prospect's papers—as assistant coach 4 claims to have done—it is difficult to fathom why the former graduate assistant would have admitted to *writing* those papers. Finally, it is not true that the COI found the former graduate assistant lacked credibility in the context of the *Southern Mississippi* case. Although the former graduate assistant did not appear at the hearing in that case, he cooperated with the investigation and admitted to committing violations of NCAA legislation. No aspect of his involvement in that case caused the panel to question his credibility as it relates to the present case.

Assistant coach 4, on the other hand, was less consistent in his statements and recollections. During his first interview, he unequivocally denied reaching out to the former graduate assistant regarding prospect 3's coursework. During his second interview, which took place after the institution and enforcement staff spoke with the former graduate assistant, assistant coach 4 initially continued to deny contacting the former graduate assistant. He then changed course and claimed that he asked the former graduate assistant to help proofread prospect 3's work, but did not ask him to do the work. By the end of that same interview, however, he stated that he did not actually remember contacting the former graduate assistant.

In short, the weight of the information in this case does not support assistant coach 4's version of events. Assistant coach 4 is the link between Southern Mississippi and prospect 3. It is implausible that a former Southern Mississippi graduate assistant would have completed coursework for a Northern Colorado prospect without assistant coach 4's involvement. It is equally implausible that the Southern Mississippi prospect's math coursework would have ended up in assistant coach 4's office without him specifically asking for it. Moreover, the former graduate assistant provided credible information that is supported by documents and metadata in the record. Accordingly, the

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<sup>11</sup> Assistant coach 4 suggested that the former graduate assistant was motivated by a desire to protect his wife from further inquiry, as her name appeared on the coursework. Even if this were true, it still would not explain how the former graduate assistant's wife became involved in the prospect's coursework in the first place. Moreover, this explanation does not account for the payment to the former graduate assistant, which had nothing to do with his wife. When the panel questioned him at the hearing, assistant coach 4 could not explain why the former graduate assistant would lie about receiving a \$200 payment to complete the coursework.

panel finds that assistant coach 4 asked the former graduate assistant to complete English coursework on behalf of prospect 3. The panel also finds that assistant coach 4 either paid or arranged payment of approximately \$200 for the former graduate assistant in return for his completion of the coursework.

Prospect 3 received credit for the English course and graduated from his junior college. He subsequently enrolled at Northern Colorado and received institutional financial aid in the fall of 2014. He did not compete at the institution.

### **The Coaching Staff's Tuition Payments for Prospects' Courses**

Along with completing coursework for ineligible prospects, members of the men's basketball staff also funded the prospects' summer courses. Specifically, during the summers of 2010 and 2012, the head coach either paid or arranged payment of approximately \$2,000 in tuition for prospects 1 and 2. This included reimbursing assistant coach 1 roughly \$400 after the assistant coach paid for one of prospect 2's courses. Additionally, in the summer of 2013, another assistant coach (assistant coach 5) paid approximately \$3,000 in tuition for two other academically ineligible prospects, (prospect 4) and (prospect 5). In total, the head coach and assistant coaches 1 and 5 paid approximately \$5,000 in tuition for courses the prospects needed to attain eligibility.

The head coach did not specifically recall paying or arranging payment for prospect 1's courses but accepted responsibility for doing so. He acknowledged that information in the record makes it reasonable to attribute funding of the courses to him. In particular, the credit card used to pay for the BYU algebra course was associated with a financial institution in Wichita, Kansas. The head coach lived in Kansas for five years and his former wife has family connections in Wichita. The head coach did not believe he asked one of his former in-laws to pay for prospect 1's courses but acknowledged that he "cannot definitively state that never occurred." In light of the Wichita connection and the head coach's hands-on approach to prospect 1's coursework, the panel finds that the head coach either paid or arranged payment for prospect 1's two online courses at BYU during the summer of 2010. The payments totaled \$332 (\$124 for the biology course and \$208 for the algebra course).

The head coach also accepted responsibility for paying or arranging payment for all three of prospect 2's courses during the summer of 2012. Assistant coach 1 admitted that he paid the \$417 course fee for prospect 2's sociology course with his credit card and the head coach later reimbursed him in cash. The head coach confirmed this, although he did not remember which course he had funded. As a general matter, the head coach admitted that his assistant coaches sometimes paid for prospects' courses and he reimbursed them. He admitted that he knew this conduct violated NCAA legislation. The head coach did not specifically recall paying for prospect 2's other two courses, although he again conceded that information in the record made it reasonable to conclude that he did. The panel agrees.

Specifically, as it relates to the Cloud County leadership course, information in the record ties the \$658 tuition payment to the head coach's former in-laws. That information includes a credit card

authorization form from Cloud County and a handwritten note in the "Get Shit Done" folder, both of which list the name of the head coach's former brother-in-law and the same credit card number.<sup>12</sup> Once again, the head coach did not recall asking any of his in-laws to pay for prospect 2's courses but acknowledged it was possible he had done so. With respect to the math course, a registration receipt shows that the \$597 tuition fee was paid with a credit card. However, Adams State could not provide any information about the card due to the age of the records. In light of the head coach's admissions and his general policy of reimbursing assistant coaches who paid for prospects' courses, the panel finds that the head coach either paid or arranged payment for all three of prospect 2's courses. The payments totaled \$1,672.

Finally, during the summer of 2013, assistant coach 5 paid or arranged payment for a total of six online courses for prospects 4 and 5. The two prospects were junior college transfers, who needed to complete three courses each to become eligible to compete for Northern Colorado. Assistant coach 5 previously coached prospects 4 and 5 as the head men's basketball coach at their junior college.<sup>13</sup> To help the prospects attain eligibility, assistant coach 5 arranged payment for all six courses the prospects required. Payment records from the institutions offering the courses, Clarendon College and Odessa College, showed that the tuition payments were made with a credit card belonging to a friend of assistant coach 5 (friend). The payments totaled \$2,924. The address used to register the prospects for the courses was the assistant coach's former address in Wyoming.

In a brief, unrecorded interview with representatives from Northern Colorado and the enforcement staff, the friend stated that he had no knowledge of the tuition payments but confirmed that the credit card used to make the payments belonged to him.<sup>14</sup> Although he did not recall giving assistant coach 5 his credit card number, he said it was not out of the question that he might have done so. The friend stated that he had loaned assistant coach 5 and his wife money on multiple occasions in the past and the assistant coach always paid him back in cash. He reported that if he did give assistant coach 5 his credit card information, the assistant coach never told him that he intended to use the card to pay for prospects' courses.

Assistant coach 5 did not participate in the investigation or processing of this case. Northern Colorado and the enforcement staff reached out to assistant coach 5 on multiple occasions to request an interview. Although assistant coach 5 acknowledged his involvement in a violation of NCAA legislation, he refused to provide any further information or participate in the investigation. He did not submit a written response to the allegations or attend the infractions hearing.

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<sup>12</sup> The first name that appears on the credit card form is the feminine version of the brother-in-law's first name and appears to be a misprint. The masculine and feminine versions of the name vary by only two letters.

<sup>13</sup> Assistant coach 5 came to Northern Colorado as an assistant men's basketball coach in April 2013. The institution terminated his employment in May 2016 after discovering and investigating the violations in this case.

<sup>14</sup> Although the interview with assistant coach 5's friend was not recorded or transcribed, the enforcement staff representative prepared a written summary of the interview. That summary is part of the factual information in this case.

After successfully completing their online courses, prospects 4 and 5 enrolled at Northern Colorado for the fall 2013 semester. The two prospects practiced, competed, and received financial aid and travel expenses as part of the men's basketball team during the 2013-14 and 2014-15 seasons.

### **Staff Members' Off-Campus Practice Sessions with a Nonqualifier**

From August through December 2014, at the direction of the head coach, two members of the men's basketball staff repeatedly engaged a nonqualifier student-athlete (student-athlete 1) in practice sessions during the student-athlete's year in residence.<sup>15</sup> Specifically, an assistant coach (assistant coach 6) and the then director of basketball operations (DOBO) took student-athlete 1 to a local high school gym to participate in basketball workouts.

Student-athlete 1 enrolled at Northern Colorado as an academic nonqualifier in the fall of 2014. As a nonqualifier, he and the staff understood that NCAA rules did not permit him to practice or compete with the men's basketball team during the 2014-15 academic year. Nonetheless, both the DOBO and assistant coach 6 reported that the head coach directed them to take student-athlete 1 off campus and work him out. According to assistant coach 6, the head coach selected the off-campus location to avoid discovery of the workouts. The staff members drove student-athlete 1 to the gym, where they would then work on basic skills for 30 to 40 minutes. This included ball handling, shooting skills and conditioning, among other things.

The accounts varied with respect to how often and for how long these workouts occurred. Student-athlete 1 reported that one or both of the staff members worked him out a couple times a week for approximately four weeks before the season started. Assistant coach 6 agreed that the workouts occurred once or twice a week, but recalled that they did not begin until November or December of 2014 and continued through the end of the season. The DOBO reported that he and assistant coach 6 worked together with student-athlete 1 for a week or two and that he alone conducted workouts with the student-athlete for about another month. At a minimum, however, all agreed that the workouts occurred a few times a week for a span of several weeks during the fall semester.

The head coach admitted that he asked assistant coach 6 and the DOBO to take student-athlete 1 to a gym; however, he denied directing them to conduct individual workouts with the student-athlete. He claimed he merely wanted the staff to "babysit" student-athlete 1 in a gym while the student-athlete was shooting. The head coach also denied directing the staff members to a specific gym in order to avoid detection. Notwithstanding these denials, the head coach accepted responsibility for the staff's conduct and admitted that they engaged student-athlete 1 in impermissible practice sessions that violated NCAA legislation.

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<sup>15</sup> The enforcement staff requested limited immunity for student-athlete 1, who had remaining eligibility. Acting pursuant to Bylaw 19.3.7-(c) and COI Internal Operating Procedure (IOP) 3-16, the COI vice-chair granted the staff's request.

#### **IV. ANALYSIS**

The violations in this case arose in the men's basketball program, spanned more than four years and involved nine members of the coaching staff, including the head coach. The violations fall into five areas: (A) academic fraud by six members of the coaching staff; (B) impermissible recruiting inducements in the form of coaching staff paying for prospects' online courses; (C) unethical conduct by assistant coaches 3 and 4, who provided false or misleading information, and assistant coach 5, who failed to cooperate in the investigation; (D) impermissible off-campus practice sessions with an academic nonqualifier; and (E) the head coach's failure to promote an atmosphere of compliance and monitor his staff.

**A. UNETHICAL CONDUCT: ACADEMIC FRAUD IN THE MEN'S BASKETBALL PROGRAM [NCAA Division I Manual Bylaws 10.01.1, 10.1, 10.1-(b) (2009-10, 2011-12 and 2013-14); 14.01.1, 15.01.5 (2009-10 through 2013-14); 14.11.1 (2010-11 through 2012-13); 16.8.1.2 (2010-11 through 2012-13); and 14.10.1, 16.8.1 (2013-14)]**

Over the course of three summers, six members of the men's basketball coaching staff, including the head coach, knowingly arranged for fraudulent academic credit for three prospects. This resulted in two of the prospects competing and receiving expenses while ineligible and all three prospects receiving financial aid while ineligible. Northern Colorado and the enforcement staff substantially agreed to the facts and that violations occurred, though the institution took no position with respect to assistant coach 3's conduct. Assistant coach 4 denied the allegations against him. The head coach and assistant coaches 1 and 2 agreed to most of the facts and conceded that their conduct violated NCAA academic fraud legislation. Assistant coach 3 and the graduate assistant did not respond to the allegations.<sup>16</sup> The panel concludes that Level I violations occurred.

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

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

**2. Six members of the coaching staff, including the head coach, violated NCAA academic fraud legislation when they completed or arranged for the completion of coursework for three academically ineligible prospects.**

During the summers of 2010, 2012 and 2014, the head coach, the graduate assistant, and assistant coaches 1 through 4 completed or arranged for others to complete coursework for prospects 1, 2 and 3. This constituted academic fraud in violation of Bylaw 10. Northern Colorado used the fraudulent academic credit to certify the prospects' eligibility. The institution then permitted prospects 1 and 2 to compete, provided them with travel expenses, and awarded all three prospects financial aid. In doing so, Northern Colorado violated Bylaws 14, 15 and 16.

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<sup>16</sup> Pursuant to Bylaw 19.7.2, the panel may view a party's failure to respond to the allegations as an admission that the violation occurred.

Bylaw 10 governs ethical conduct in collegiate athletics, with Bylaw 10.01.1 generally requiring student-athletes and those employed by or associated with an institution's athletics program to act with honesty and sportsmanship at all times. Bylaw 10.1 identifies several categories of unethical conduct, including knowing involvement in arranging for fraudulent academic credit (Bylaw 10.1-(b)).<sup>17</sup> As it relates to eligibility, Bylaw 14 establishes the general requirements. Bylaws 14.01.1, 14.10.1 (2013-14) and 14.11.1 (2010-11 through 2012-13) place an affirmative duty on institutions to certify only those student-athletes who meet eligibility requirements and to withhold ineligible student-athletes from competition.<sup>18</sup> Pursuant to Bylaw 15.01.5, student-athletes who do not meet Bylaw 14 eligibility requirements may not receive institutional financial aid. Similarly, Bylaw 16.8.1.2 (now Bylaw 16.8.1) permits institutions to provide actual and necessary travel expenses only to those student-athletes who are eligible for competition.

During the summer of 2010, in the head coach's drive to secure prospect 1's eligibility at the expense of his academic development, the head coach engaged in academic fraud.<sup>19</sup> Specifically, the head coach arranged for fraudulent academic credit for the prospect by completing his algebra coursework and enlisting the athletic trainer to complete the prospect's biology coursework. As the head coach admitted, he was fully aware that completing the prospect's coursework was a violation of fundamental NCAA academic legislation. But by the time he learned of prospect 1's academic shortcomings, the head coach was so heavily invested in the prospect and what he could bring to the team that he made an extremely poor decision. He determined it was better to stick with the prospect and break foundational rules to secure his eligibility than to restart the recruitment process and find someone new. Thus, the head coach completed a significant number of algebra assignments for prospect 1, using the prospect's login information to access and submit the coursework online. He also brought the trainer into his scheme under the guise of asking him to help the head coach's then wife complete an exam she supposedly needed for her job search. The head coach's conduct violated Northern Colorado's academic policies and resulted in prospect 1 obtaining fraudulent academic credit in his two online courses. The head coach's actions violated Bylaw 10.1-(b).

Academic fraud continued and expanded within the men's basketball program during the summer of 2012 as four members of the coaching staff completed coursework for prospect 2. After the head coach instructed the staff that losing prospect 2 was not an option, they worked together to complete three online courses for the prospect. Assistant coach 1 spearheaded the scheme, dividing the coursework among the staff members. He also met with the head coach nearly every

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<sup>17</sup> Effective August 1, 2016, the membership moved academic integrity violations from Bylaw 10 to Bylaw 14. As the violations in this case occurred prior to that time, they fall under Bylaw 10.

<sup>18</sup> In 2013, the membership renumbered Bylaw 14.11.1 to 14.10.1. One year later, the membership renumbered the same bylaw to 12.11.1. The bylaw did not change in any substantive respects.

<sup>19</sup> The head coach's violations during the summer of 2010 fall outside Bylaw 19.5.11's four-year statute of limitations. The head coach and the enforcement staff agreed, however, that the violations meet two exceptions to the statute of limitations: (1) the 2010 conduct is part of a pattern of willful violations on the part of the head coach that began before but continued into the four-year period (*see* Bylaw 19.5.11-(b)); and (2) the conduct demonstrates a blatant disregard for fundamental NCAA extra-benefit and ethical-conduct bylaws (*see* Bylaw 19.5.11-(c)).



day to report on the staff's progress. Assistant coach 1 completed the prospect's math coursework, assistant coach 2 completed his leadership coursework, and assistant coach 3 and the graduate assistant worked together to complete his sociology coursework. Prospect 2 was not even aware he was enrolled in the online courses, let alone that staff members were doing his coursework. The three assistant coaches' and the graduate assistant's actions violated Northern Colorado's academic policies and resulted in prospect 2 obtaining fraudulent credit in his three online courses.<sup>20</sup> This conduct violated Bylaw 10.1-(b).

The basketball staff committed yet another instance of academic fraud in the summer of 2014 when assistant coach 4 arranged for and paid his friend, a former graduate assistant at Southern Mississippi, to complete coursework for prospect 3. The prospect needed to complete three classes to graduate from his junior college and become eligible to compete at Northern Colorado. Thus, assistant coach 4 reached out to his friend and asked him to complete English coursework for prospect 3. The former graduate assistant accessed prospect 3's assignments online, completed the coursework and then emailed it to assistant coach 4 for submission. Assistant coach 4 either paid or arranged payment of \$200 for the former graduate assistant's services. Assistant coach 4's actions violated Northern Colorado's academic policies and resulted in prospect 3 obtaining fraudulent academic credit in his English course. This conduct violated Bylaw 10.1-(b).

In completing and arranging for the completion of coursework for academically ineligible prospects, the head coach, assistant coaches 1, 2, 3, 4 and the graduate assistant failed to conduct themselves with the honesty and integrity required of staff members working at NCAA member institutions. The head coach's conduct demonstrated that he prioritized short-term gains and on-court success over adherence to ethical conduct standards. Likewise, assistant coaches 1, 2, 3 and the graduate assistant showed a disregard for these standards when they bowed to pressure from the head coach and decided to secure prospect 2's eligibility by completing his coursework. Assistant coach 4 also failed to act in an honest and ethical manner when he arranged and paid for the completion of prospect 3's coursework. In short, the coaching staff's actions did not meet the baseline standards of conduct established by Bylaw 10.01.1.

The coaching staff's conduct also caused Northern Colorado to violate eligibility, financial aid and benefits legislation with respect to prospects 1, 2 and 3. First, the institution used the three prospects' fraudulent academic credit to certify their eligibility, thus violating Bylaw 14.01.1. Second, Northern Colorado violated Bylaws 14.11.1 (2010-11 through 2012-13), 14.10.1 (2013-14), 16.8.1.2 (2010-11 through 2012-13) and 16.8.1 (2013-14) when it permitted prospects 1 and 2 to compete and provided them with competition-related travel expenses.<sup>21</sup> Finally, the institution provided all three ineligible prospects with institutional financial aid in violation of Bylaw 15.01.5.

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<sup>20</sup> Although assistant coach 1 and the graduate assistant reported that the head coach also completed math coursework for prospect 2, the enforcement staff did not name the head coach in the academic fraud allegations relating to prospect 2.

<sup>21</sup> Prospect 3 enrolled at the institution in fall 2014 but never competed for the men's basketball team.

While each case is unique to its facts and circumstances, the COI has concluded time and again that institutional staff members who complete coursework for prospective or enrolled student-athletes commit Level I violations. *See University of the Pacific* (2017) (concluding that a Level I academic fraud violation occurred when the former head men's basketball coach provided academically ineligible prospects with answers to coursework and exams); *California State University, Northridge* (2016) (concluding that Level I academic fraud violations occurred when the former director of basketball operations completed coursework for four men's basketball enrolled student-athletes); *University of Mississippi* (2016) (concluding that a Level I academic fraud violation occurred when the former director of basketball operations and former assistant basketball coach completed coursework for two prospects in five online courses); *Southern Mississippi* (concluding that a Level I academic fraud violation occurred when members of the men's basketball staff completed over sixty credit hours of coursework for seven prospects); *Southern Methodist University* (2016) (concluding that a Level I academic fraud violation occurred when a basketball administrative assistant obtained an incoming student-athlete's username and password and completed all of his assignments and exams for an online course); and *Syracuse University* (2015) (concluding that a Level I academic fraud 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).<sup>22</sup>

Several of these cases feature circumstances distinctly similar to those at issue here. In recent years, the COI has all too frequently encountered academic fraud cases centered on basketball coaching staffs completing or arranging for the completion of coursework for ineligible prospects, particularly junior college transfers. By taking shortcuts to attain eligibility for these prospects, coaches harm rather than help them. It is imperative that coaching staffs—and head coaches, in particular—tread cautiously when recruiting academically ineligible prospects and act only with the prospects' best interests at heart.

Consistent with the COI's past cases, the panel concludes that the academic fraud of the head coach, assistant coaches 1, 2, 3, 4 and the graduate assistant is Level I. *See also* Bylaw 19.1.1 (listing academic fraud as an example of a Level I severe breach of conduct). These academic fraud violations strike at the heart of the Collegiate Model. Furthermore, the violations were intended to give—and *did* give—Northern Colorado a substantial recruiting and competitive advantage. As a result of the coaching staff's conduct, the three prospects completed their coursework and attained eligibility to compete for Northern Colorado. The coaching staff's conduct seriously undermined and threatened the integrity of the NCAA Collegiate Model.

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<sup>22</sup> The head men's basketball coach in *Pacific* and the DOBO in *CSUN* have both appealed the COI's findings of facts, conclusions of violations and penalties. Both appeals are pending before the Infractions Appeals Committee. In both cases, however, the institutions agreed that academic fraud occurred within their men's basketball programs. Neither institution filed an appeal.

**B. UNETHICAL CONDUCT AND IMPERMISSIBLE RECRUITING INDUCEMENTS: PAYMENT FOR PROSPECTS' COURSES [NCAA Division 1 Manual Bylaws 10.01.1, 10.1, 10.1-(c), 13.2.1, 14.01.1 and 15.01.5 (2009-10 through 2013-14); 14.11.1 and 16.8.1.2 (2010-11 through 2012-13); 14.10.1 (2013-14); 16.8.1 (2013-14 through 2014-15); and 12.11.1 (2014-15)]**

Over the course of three summers, members of the men's basketball coaching staff violated principles of ethical conduct when they knowingly provided impermissible recruiting inducements in the form of paying for multiple prospects' online courses. This resulted in Northern Colorado improperly certifying the prospects, allowing them to compete, and providing them with financial aid and travel expenses while ineligible. Northern Colorado, assistant coach 1 and the enforcement staff substantially agreed on the facts and that violations occurred. The head coach agreed to most of the facts, though he could not recall some details and disputed others. Nonetheless, he agreed that violations occurred and accepted responsibility for them. Assistant coach 5 did not participate in the process. The panel concludes that Level I violations occurred.

**1. NCAA legislation relating to unethical conduct and recruiting inducements.**

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

**2. The head coach and two assistant coaches acted unethically when they knowingly provided recruiting inducements to four prospects in the form of paying or arranging payment for the prospects' online courses.**

During the summers of 2010, 2012 and 2013, the head coach and assistant coaches 1 and 5 paid or arranged payment for online courses that prospects 1, 2, 4 and 5 needed to take in order to attain eligibility. The payments totaled nearly \$5,000 and constituted impermissible recruiting inducements in violation of Bylaw 13. Furthermore, the coaching staff provided the inducements knowingly in violation of Bylaw 10. Although the inducements rendered the prospects ineligible, Northern Colorado nonetheless certified their eligibility, allowed them to compete, and provided them with financial aid and competition-related travel expenses. In doing so, Northern Colorado violated Bylaws 12, 14, 15 and 16.

As identified above in Section IV.A., Bylaws 10.01.1 and 10.1 generally require institutional staff members to conduct themselves in an honest and ethical manner. At the time of the conduct at issue, subsection (c) of Bylaw 10.1 identified the knowing provision of recruiting inducements as unethical conduct. Bylaw 13.2.1 restricts institutional staff members from providing recruiting inducements or financial aid to prospects unless expressly authorized by NCAA legislation. Eligibility bylaws, as identified above, place a duty on institutions to certify only those student-athletes who are eligible (Bylaw 14.01.1) and to withhold ineligible student-athletes from competition (Bylaws 14.11.1, 14.10.1 and 12.11.1). Institutions may not provide ineligible student-athletes with financial aid (Bylaw 15.01.5) or competition-related travel expenses (Bylaws 16.8.1.2 and 16.8.1).

The head coach and assistant coaches 1 and 5 engaged in unethical conduct and provided impermissible recruiting inducements when they knowingly made or arranged for nearly \$5,000 in tuition payments for prospects' online courses. The head coach accepted responsibility for paying or arranging payment for prospect 1's courses during the summer of 2010 and prospect 2's courses during the summer of 2012. With respect to prospect 1, the head coach paid or arranged payment for the prospect's two online courses using a credit card belonging to one of his former in-laws. The tuition payments for prospect 1 totaled \$332. As it relates to prospect 2, assistant coach 1 admitted that he paid \$417 for the prospect's sociology course and the head coach reimbursed him in cash. The head coach also paid or arranged payment for prospect 2's other two summer courses using a credit card belonging to his former brother-in-law. The tuition payments for prospect 2's three summer courses totaled \$1,672. Finally, during the summer of 2013, assistant coach 5 used his friend's credit card to pay for a total of six courses for prospects 4 and 5. The tuition payments for the two prospects totaled \$2,924.

NCAA legislation does not authorize coaching staff members to make tuition payments on behalf of prospective or enrolled student-athletes. Accordingly, the payments made or arranged by the head coach and assistant coaches 1 and 5 constituted impermissible recruiting inducements in violation of Bylaw 13.2.1. Because the three coaches made or arranged these payments knowingly, their conduct was also unethical pursuant to Bylaw 10.1-(c). *See Pacific* (concluding an assistant men's basketball coach violated Bylaws 10 and 13 when he paid approximately \$1,300 in tuition for a prospect's online courses); *Southern Mississippi* (concluding that the former head men's basketball coach violated Bylaws 10 and 13 when he purchased a prepaid credit card and directed his staff to use the card to pay for a student-athlete's online course); and *Mississippi* (concluding that an assistant women's basketball coach violated Bylaws 10 and 13 when she knowingly paid \$630 for a student-athlete's online summer courses).

As with the academic fraud violations, the coaches' recruiting violations also caused Northern Colorado to violate eligibility, financial aid and benefits legislation. When the coaches provided prospects 1, 2, 4 and 5 with recruiting inducements, they rendered the prospects ineligible. Northern Colorado nonetheless certified the four prospects' eligibility, permitted them to compete, and provided them with financial aid and competition-related travel expenses. In doing so, the institution violated Bylaws 14.01.1, 14.11.1 (2010-11 through 2012-13), 14.10.1 (2013-14), 12.11.1, 15.01.5, 16.8.1.2 (2010-11 through 2012-13) and 16.8.1.

Pursuant to Bylaw 19.1.1, the three coaches' recruiting inducements and unethical conduct are Level I violations of NCAA legislation because they provided or were intended to provide a substantial or extensive recruiting advantage as well as a substantial or extensive impermissible benefit. The COI has previously concluded that the knowing provision of impermissible academic inducements or benefits constitutes a Level I violation. *See Pacific* (concluding a Level I violation occurred where an assistant men's basketball coach paid for a prospect's courses); *Mississippi* (concluding a Level I violation occurred where, among other violations, the assistant coach paid for a student-athlete's courses); and *Lamar University* (2016) (concluding a Level I violation occurred when a head coach gave student-athletes money for textbooks and tuition).

**C. UNETHICAL CONDUCT BY ASSISTANT COACHES 3, 4 AND 5 AND FAILURE TO COOPERATE BY ASSISTANT COACH 5 [NCAA Division I Manual Bylaws 10.01.1 and 10.1 (2015-16 and 2016-17); 10.1-(d) (2015-16); 10.1-(a), 10.1-(c) and 19.2.3 (2016-17)]**

During the investigation in this case, two assistant coaches acted unethically when they knowingly furnished false or misleading information to the enforcement staff and another acted unethically and violated the cooperative principle when he refused to participate in an interview. Northern Colorado and the enforcement staff substantially agreed on the facts and that violations occurred. Assistant coach 4 denied the allegations and assistant coaches 3 and 5 did not respond. The panel concludes that Level I violations occurred.

**1. NCAA legislation relating to unethical conduct and failure to cooperate.**

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

**2. Assistant coaches 3 and 4 acted unethically when they provided false or misleading information to the enforcement staff during its investigation and assistant coach 5 acted unethically and violated the cooperative principle when he refused to participate in an interview.**

Beginning in April 2016 and continuing through the present, assistant coaches 3, 4 and 5 engaged in unethical conduct that hindered the investigation in this case. Specifically, assistant coaches 3 and 4 provided false or misleading information on multiple occasions when they denied completing or arranging for the completion of coursework for ineligible prospects. This conduct violated Bylaw 10. Additionally, assistant coach 5 acted unethically and violated the cooperative principle when he refused to participate in an interview with Northern Colorado and the enforcement staff. Assistant coach 5's conduct violated Bylaws 10 and 19.

As set forth in Sections IV.A. and IV.B., Bylaws 10.01.1 and 10.1 generally require institutional staff members to conduct themselves in an honest and ethical manner. Staff members who knowingly furnish false or misleading information concerning their involvement in or knowledge of a violation act unethically pursuant to Bylaw 10.1-(c).<sup>23</sup> Staff members who refuse to furnish information relevant to an investigation also engage in unethical conduct under Bylaw 10.1-(a). Along those lines, Bylaw 19.2.3 places an obligation on current and former institutional staff members to cooperate fully with the enforcement staff during an investigation. Compliance with these bylaws is fundamental to the effectiveness of the membership's infractions process.

Assistant coach 3 acted unethically when he denied completing coursework for prospect 2 during interviews on April 4, 2016, and October 18, 2016. Substantial information in the record contradicts assistant coach 3's denials. In particular, three other credible individuals—assistant coaches 1, 2 and the graduate assistant—stated with certainty that assistant coach 3 was involved

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<sup>23</sup> Effective August 1, 2016, the membership renumbered Bylaw 10.1-(d) to 10.1-(c).

in completing the prospect's coursework. At the hearing, assistant coach 1 stated that he personally observed assistant coach 3 working with the graduate assistant to complete the coursework. Accordingly, when assistant coach 3 denied any involvement in the academic fraud scheme to complete prospect 2's coursework, he knowingly provided false information in violation of Bylaw 10.1-(c) (formerly 10.1-(d)).

Assistant coach 4 also acted unethically when he was untruthful during his August 29, 2016, and December 4, 2016, interviews. Specifically, he denied arranging for and paying the former Southern Mississippi graduate assistant to complete prospect 3's coursework despite substantial information in the record demonstrating his involvement in the violation. That information includes the former graduate assistant's admission that he completed the work at the request of assistant coach 4, who paid him to do so. Additionally, the institution found two of prospect 3's papers on assistant coach 4's computer and both contained metadata linking the work to the former graduate assistant. When assistant coach 4 denied engaging in academic fraud, he knowingly provided false information in violation of Bylaw 10.1-(c).

Finally, from fall 2016 through the present, assistant coach 5 has failed to cooperate with the investigation and processing of this case. Northern Colorado and the enforcement staff reached out to him on multiple occasions to request an interview, but he declined. The cooperative principle is a core tenet on which the entire infractions process depends. When assistant coach 5 refused to participate in the investigation, he violated that principle and acted unethically in contravention of Bylaws 10.1-(a) and 19.2.3.

The COI has consistently concluded that individuals who provide false or misleading information and/or fail to cooperate with investigations commit Level I violations. *See Pacific* (concluding that an assistant men's basketball coach engaged in Level I unethical conduct when he furnished false information during his interview and refused to participate in a second interview); *Mississippi* (concluding that women's basketball staff members engaged in Level I unethical conduct when they denied their involvement in academic fraud and instructed a student-athlete to delete information relevant to the investigation and give a false statement); and *Georgia Southern University* (2016) (concluding that a former assistant compliance director engaged in Level I unethical conduct when she developed a false story to explain her violation, persuaded a student-athlete to relay that false story during the investigation and refused to participate in further interviews). Furthermore, Bylaw 19.1.1 identifies failure to cooperate and individual unethical or dishonest conduct as examples of Level I severe breaches of conduct. Thus, consistent with Bylaw 19.1.1 and past cases, the panel concludes the conduct of assistant coaches 3, 4 and 5 constitutes Level I violations.

#### **D. IMPERMISSIBLE PRACTICE WITH AN ACADEMIC NONQUALIFIER [NCAA Division I Manual Bylaws 11.7.3, 14.3.2.1.1, 14.3.2.2, and 16.8.1 (2014-15)]**

In late 2014, the head coach directed two members of the men's basketball staff—one of whom was a non-coaching staff member—to engage a nonqualifier student-athlete in practice sessions during the student-athlete's year in residence. This conduct violated NCAA legislation relating to

year-in-residency requirements. Northern Colorado, the head coach and the enforcement staff substantially agreed to the facts and that violations occurred. The panel concludes that the violations occurred and they are Level II.

**1. NCAA legislation related to year-in-residency requirements.**

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

**2. The head coach caused violations of NCAA eligibility, benefits and countable coach legislation when he directed an assistant coach and a non-coaching staff member to engage an academic nonqualifier in impermissible practice sessions during the student-athlete's year in residence.**

From approximately August through December 2014, at the direction of the head coach, assistant coach 6 and the DOBO drove student-athlete 1, an academic nonqualifier, to a high school gym to participate in practice sessions. This conduct violated Bylaws 11, 14 and 16.

Bylaw 11 generally governs the conduct of athletics personnel. Bylaw 11.7.3 prohibits noncoaching staff members with sport-specific responsibilities, such as directors of operations, from participating in on-court or on-field activities. As it relates to eligibility, Bylaw 14.3.2.1.1 prohibits entering freshman student-athletes who are nonqualifiers from engaging in competition or practice during the first academic year of residence. Furthermore, pursuant to Bylaw 14.3.2.2, a nonqualifier who is ineligible for practice may not attend any practice session in any capacity, nor any meeting characterized as practice. Finally, with respect to benefits, Bylaw 16.8.1 prohibits institutions from providing ineligible student-athletes with practice and competition expenses.

The head coach admitted to directing assistant coach 6 and the DOBO to take student-athlete 1 to an off-campus gym and engage him in light activity. Pursuant to those instructions, assistant coach 6 and the DOBO drove student-athlete 1 to a local high school gym a few times a week during the fall and early winter of 2014. At the gym, they conducted 30- to 40-minute practice sessions with student-athlete 1, working with him on basic skills such as ball handling and shooting. The head coach admitted that although the workouts were low-intensity, they nonetheless constituted impermissible practice sessions under Bylaws 14.3.2.1.1 and 14.3.2.2. Furthermore, the involvement of the DOBO in these on-court activities violated Bylaw 11.7.3 because he was a non-coaching staff member. The staff members' provision of free transportation to and from these practice sessions also constituted a benefit to student-athlete 1 in violation of Bylaw 16.8.1.

While the head coach admitted and accepted responsibility for these violations, he disagreed with the enforcement staff's proposed violation level. The enforcement staff and Northern Colorado agreed that Level II is proper because the violations were not isolated or inadvertent, they provided or were intended to provide more than a minimal competitive or other advantage and they compromised the integrity of the NCAA Collegiate Model. The head coach, however, maintained that the panel could view the violations as Level III because they were isolated and limited in nature and did not provide more than a minimal recruiting or competitive advantage. The head coach also cited Level III cases featuring violations he claimed were analogous.

The panel determines that the violations are Level II for three reasons. First, the violations were not isolated or limited. While the factual information does not provide a precise timeframe for the violations, the parties agree that assistant coach 6 and the DOBO conducted the practice sessions at least a few times a week over a period of several weeks. Second, the violations were not inadvertent. Both the assistant coach and the DOBO reported that the head coach directed them to take student-athlete 1 to an off-campus gym to avoid being detected. This was deliberate planning, not an inadvertent mistake. Third, the violations provided more than a minimal advantage because they helped student-athlete 1 keep his skills sharp during his academic year in residence. The practice sessions also involved a non-coaching staff member, which provided Northern Colorado with another advantage over institutions that were following NCAA rules regarding countable coaches.

Recent COI decisions support that the head coach's conduct constitutes a Level II violation. *See Mississippi Valley State University* (2017) (concluding that Level II violations occurred where, among other certification violations, the institution allowed three first-year student-athletes to practice, compete and receive athletically related financial aid as nonqualifiers); *Jackson State University* (2016) (concluding Level II violations occurred when the head men's tennis coach permitted a nonqualifier student-athlete to practice, compete and receive travel-related expenses during his academic year in residence); and *Saint Peter's University* (2016) (concluding that Level II violations occurred when the former head men's swimming coach permitted two nonqualifier student-athletes to practice and compete during their academic year in residence). Here, where the staff conducted multiple practice sessions with a nonqualifier student-athlete, drove him off-campus to avoid detection and involved a non-coaching staff member in the violations, a Level II classification is both appropriate and consistent with past cases.

**E. HEAD COACH RESPONSIBILITY [NCAA Division I Manual Bylaws 11.1.2.1 (2009-10 through 2012-13) and 11.1.1.1 (2012-13 through 2014-15)]**

The head coach admitted that for over four years, he failed in his responsibilities to promote an atmosphere of compliance within the men's basketball program and to monitor his staff. The head coach, Northern Colorado and the enforcement staff substantially agreed to the facts and that the violation occurred. The panel concludes that the violation occurred and it is Level I.

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

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

**2. The head coach violated NCAA head coach responsibility legislation through his personal involvement in academic fraud, recruiting and practice violations and by failing to monitor his staff.**

Beginning in the 2009-10 academic year and continuing through 2014-15, the head coach failed to meet his responsibilities as a head coach. By personally violating NCAA legislation to secure prospects' eligibility and creating an environment in which his staff felt pressured to do the same,



the head coach failed to promote an atmosphere of compliance within the men's basketball program. Furthermore, after pressuring his coaching staff to get prospects eligible, he did not monitor his staff to ensure they did so in compliance with NCAA legislation. The head coach's conduct violated Bylaw 11.

Bylaw 11.1.1.1 (formerly Bylaw 11.1.2.1) establishes two affirmative duties for head coaches: (1) to promote an atmosphere of rules compliance and (2) to monitor those individuals in their program who report to them. With respect to the latter, the bylaw presumes that head coaches are responsible for the actions of their staffs. A head coach may rebut this presumption by demonstrating that he or she promoted an atmosphere of compliance and monitored his or her staff.

The head coach's personal involvement in severe Level I violations, the pressure he placed on his staff to get prospects eligible at any cost, and his indifference to foundational NCAA legislation were completely at odds with his responsibility to promote an atmosphere of compliance. The culture of a program begins with its leader. And when the head coach personally engaged in academic fraud and recruiting violations within weeks of becoming head coach, he established a culture that prioritized on-court success over rules compliance and student-athlete welfare. This culture worsened during the summer of 2012 when the head coach placed enormous pressure on his staff members to secure prospect 2's eligibility. By informing his staff that losing prospect 2 was "not an option," he made his staff members feel that they had to choose between breaking the rules or potentially losing their jobs. While this does not absolve the staff members of the poor choices they made, it demonstrates that rules compliance carried little, if any, significance for the head coach. This is further evidenced by assistant coach 4's academic fraud during the summer of 2014. In a program where "get it done" is the prime directive, it is not surprising that a newly-promoted assistant coach would decide to violate fundamental NCAA rules to secure a desirable prospect's eligibility. The head coach's involvement in directing student-athlete 1's impermissible practice sessions provides yet another example of his disregard for the rules. As these collective violations demonstrate—and as the head coach candidly admitted—he did not promote an atmosphere of compliance within the men's basketball program during his tenure as head coach.

With respect to monitoring, the head coach stated at the hearing that his overriding concern was that his staff secure the eligibility of the academically deficient prospects. He acknowledged that he did not concern himself with how the staff went about this, so long as it got done. The COI has previously concluded that head coaches failed to monitor when they over-relied on staff members. *See University of Louisville* (2017) (concluding that the head men's basketball coach failed to monitor when he delegated responsibility to a staff member to supervise visiting prospects in a basketball dormitory and did not check in with the staff member to verify that he was following NCAA rules and institutional policies); and *Syracuse* (concluding that a head coach does not meet his monitoring responsibility by simply delegating responsibility to staff members and trusting them to follow rules without ever checking up on them). Furthermore, as the head coach was himself engaged in violations and generally unconcerned with rules compliance, it is unsurprising that he did not keep tabs on his staff. In light of the head coach's conduct and his own admissions, the panel concludes that the head coach failed to monitor his staff.

Pursuant to Bylaw 19.1.1-(e), the head coach responsibility violation is Level I because it resulted from underlying Level I violations. *See Southern Mississippi* (concluding that the former head men's basketball coach committed a Level I head coach responsibility violation when he planned and implemented an academic fraud scheme); *Mississippi* (concluding that the former head women's basketball coach committed a Level I head coach responsibility violation when he failed to monitor his staff, allowing their academic fraud to go undetected); and *Saint Peter's* (concluding that a head swimming coach committed a Level I head coach responsibility violation where he demonstrated indifference to NCAA rules by permitting student-athletes to compete while ineligible and then influenced them to lie about it). Moreover, the head coach's win-at-all-costs attitude and indifference to rules compliance resulted in violations that seriously undermined the integrity of the Collegiate Model. The head coach not only failed to meet the membership's expectations for head coaches, his conduct was antithetical to those expectations. This is a paradigm Level I head coach responsibility violation.

## V. PENALTIES

For the reasons set forth in Sections III and IV of this decision, the panel concludes that this case involved Level I and II violations of NCAA legislation. Level I violations are severe breaches of conduct that seriously undermine or threaten the integrity of the NCAA Collegiate Model. Level II violations are significant breaches of conduct that may compromise the integrity of the Collegiate Model.

The violations in this case straddled the implementation of the current penalty structure and the panel determined they did not predominantly occur after the current structure's effective date of October 30, 2012. Accordingly, the panel conducted a penalty analysis under both former Bylaw 19.5.2 and current Bylaw 19.9 to determine which penalty structure was more lenient. In considering penalties under the former penalty structure, the panel reviewed past cases as guidance. In considering penalties under the current penalty structure, the panel reviewed the aggravating and mitigating factors and utilized the current penalty guidelines (Figure 19-1) to appropriately classify the case and violations.<sup>24</sup> The panel considered aggravating and mitigating factors by weight as well as number.

The multiple Level I violations in this case occurred over a four-year period and involved seven members of the men's basketball coaching staff. Additionally, the head coach, a person of authority, both condoned and participated in much of the wrongful conduct. The panel commends Northern Colorado, however, for its prompt detection and disclosure of the violations, its prompt acceptance of responsibility and its overall exemplary cooperation—particularly its president's strong leadership—throughout the processing of this case. As the enforcement staff noted both in its written reply and at the hearing, Northern Colorado's actions serve as a model for all NCAA

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<sup>24</sup> The membership recently adjusted and expanded the ranges in the penalty guidelines related to scholarship reductions and the duration of postseason bans, probation and show-cause orders. The adjusted guidelines became effective on August 1, 2017. Because the panel considered this case after that date, the panel used the adjusted guidelines.

member institutions dealing with potential academic fraud violations. After considering all information relevant to the case, the panel determined that the number and nature of the mitigating factors outweigh the aggravating factors with regard to the institution.<sup>25</sup> Therefore, the panel classifies the case as Level I-Mitigated for the institution.

The panel also considered aggravating and mitigating factors for the involved individuals in this case.<sup>26</sup> The head coach was at the center of multiple violations, including academic fraud. He also condoned and personally participated in violations. Although the panel appreciates the head coach's prompt acceptance of responsibility for the violations and his participation at the hearing, the panel classifies his violations as Level I-Aggravated due to the presence of multiple aggravating factors. The panel also classifies the violations of assistant coaches 3, 4 and 5 as Level I-Aggravated because there were several aggravating factors and only one mitigating factor for each. Finally, the panel commends assistant coaches 1, 2 and the graduate assistant on their prompt acceptance of responsibility and assistant coaches 1 and 2 on their exemplary cooperation. In particular, the panel appreciates that assistant coaches 1 and 2 sat for interviews, submitted written responses to the allegations, participated in the hearing and generally provided candid and truthful information to the institution, enforcement staff and COI. The panel classifies the violations of assistant coaches 1, 2 and the graduate assistant as Level I-Standard.

Based on the classifications in this case, it is a close call as to which penalty structure provides the more lenient penalties. Because the former penalty structure generally provides more lenient penalties for Level I cases, the panel prescribes appropriate penalties under former Bylaw 19.5.2. The panel also adopts nearly all of Northern Colorado's self-imposed penalties, which generally fall within the ranges for a Level I-Standard case under the current penalty guidelines. All penalties prescribed in this case are independent of and supplemental to any action the NCAA Division I Committee on Academics has taken or may take through its assessment of postseason ineligibility, historical penalties or other penalties. In prescribing penalties, the panel considered Northern Colorado's corrective actions, which are contained in Appendix One. The panel prescribes the following penalties (self-imposed penalties are so noted):

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<sup>25</sup> The panel determined that Bylaws 19.9.3-(a), (h) and (k) applied as aggravating factors for Northern Colorado. With respect to mitigating factors, the panel determined that Bylaws 19.9.4-(a), (b), (c), (f) and (h) applied. Northern Colorado and the enforcement staff also proposed as a mitigating factor Bylaw 19.9.4-(d) *An established history of self-reporting Level III or secondary violations*. In light of the severity of the violations in this case and the relatively low number of Level III or secondary violations reported by the institution over the past five years, the panel determined that this mitigating factor did not apply.

<sup>26</sup> For the head coach, the panel determined that Bylaws 19.9.3-(a), (e), (f), (h), (k) and (m) applied as aggravating factors and Bylaws 19.9.4-(b) and (h) applied as mitigating factors. For assistant coach 1, the panel determined that Bylaws 19.9.3-(e), (f) and (m) applied as aggravating factors and Bylaws 19.9.4-(b), (f) and (h) applied as mitigating factors. For assistant coach 2, the panel determined that Bylaws 19.9.3-(e), (f) and (m) applied as aggravating factors and Bylaws 19.9.4-(b), (f) and (h) applied as mitigating factors. For assistant coach 3, the panel determined that Bylaws 19.9.3-(e), (f) and (m) applied as aggravating factors and Bylaw 19.9.4-(h) applied as a mitigating factor. For assistant coach 4, the panel determined that Bylaws 19.9.3-(e), (f) and (m) applied as aggravating factors and Bylaw 19.9.4-(h) applied as a mitigating factor. For assistant coach 5, the panel determined that Bylaws 19.9.3-(d), (e), (f) and (m) applied as aggravating factors and Bylaw 19.9.4-(h) applied as a mitigating factor. Finally, for the graduate assistant, the panel determined that Bylaws 19.9.3-(e), (f) and (m) applied as aggravating factors and Bylaws 19.9.4-(b) and (h) applied as mitigating factors.

1. Public reprimand and censure.
2. Probation: Three years of probation from December 15, 2017, through December 14, 2020.
3. Financial penalty: As a result of the head coach's arrangement of fraudulent academic credit and recruiting inducements for prospect 1, the prospect competed while ineligible during the 2010-11 through 2012-13 seasons. Therefore, consistent with former Bylaws 19.5.2-(i) and 31.2.2.4, and the Infractions Appeals Committee's report in *Purdue University* (2000), IAC Report No. 306 in *University of Memphis* (2010) and IAC Report No. 414 in *Syracuse University* (2015), Northern Colorado shall return to the NCAA all of the monies it has received to date through conference revenue sharing for its appearance in the 2011 NCAA Men's Basketball Tournament. Specifically, Northern Colorado shall return its portion of monies it brought into the Big Sky Conference based on its participation in the tournament, subdivided by the number of members in the conference. Future revenue distributions that are scheduled to be provided to Northern Colorado from the tournament shall be withheld by the conference and forfeited to the NCAA. A complete accounting of this financial penalty shall be included in the institution's annual compliance reports and, after the conclusion of the probationary period, in correspondence from the conference to the Office of the Committees on Infractions.<sup>27</sup>
4. Postseason ban: Northern Colorado ended the 2016-17 men's basketball season with its last regular season game and did not participate in postseason conference or NCAA tournament competition. (Self-imposed.)
5. Scholarship reductions: The men's basketball program reduced by three the total number of permissible grants-in-aid for the 2017-18 and 2018-19 academic years. (Self-imposed.)
6. Recruiting restrictions:
  - a. Northern Colorado reduced the number of official visits in the men's basketball program to a total of four for each of the 2016-17 and 2017-18 academic years. This is a reduction of eight off the permissible number. (Self-imposed.)
  - b. Northern Colorado limited the number of off-campus recruiting person days in the men's basketball program to no more than 77 days during each of the 2016-17 and 2017-18 academic years. This is a reduction of 53 off the permissible number. (Self-imposed.)

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<sup>27</sup> Northern Colorado self-imposed a financial penalty of \$5,000 plus two percent of the institution's men's basketball budget. This is a significant financial penalty that falls within the Figure 19-1 guideline ranges for a Level I-Standard case. However, due to the application of the former penalty structure to this case, the panel does not adopt Northern Colorado's self-imposed financial penalty. Instead, the panel prescribes the return of tournament revenues as an alternative financial penalty. While it is uncommon for the COI to reject self-imposed penalties, this approach is consistent with past cases under the former penalty structure involving ineligible participation in the postseason. See *University of Memphis* (2009) (prescribing a return of tournament monies but no independent financial penalty); *University of Michigan* (2003) (same); and *Purdue University* (1999) (same).

- c. Northern Colorado imposed an eight-week prohibition on unofficial visits during each of the 2016-17 and 2017-18 academic years. (Self-imposed.)
- d. Northern Colorado prohibited the men's basketball coaching staff from initiating telephone calls, contact via social media and written correspondence with prospects for a seven-week period during each of the 2016-17 and 2017-18 academic years. (Self-imposed.)

### **Show-cause Orders**

- 7. The head coach violated core NCAA bylaws that are fundamental to the Collegiate Model. He engaged in academic fraud when he completed coursework for a prospect and enlisted the athletic trainer to do the same. The head coach also provided impermissible recruiting inducements to prospects and engaged in unethical conduct by paying or arranging payment for the prospects' online courses. Additionally, he directed two staff members to engage a nonqualifier in impermissible practice sessions. The head coach's personal involvement in violations and his general indifference to rules compliance demonstrated that he did not promote an atmosphere of compliance in the men's basketball program and failed to adequately monitor his staff, six of whom were also engaged in Level I violations. Therefore, the head coach shall be subject to a six-year show-cause order from December 15, 2017, through December 14, 2023. If the head coach seeks employment or affiliation with an athletically related position at an NCAA member institution during the six-year show-cause period, any employing institution shall be required to contact the OCOI to make arrangements to show cause why restrictions on athletically related activity should not apply. The six-year show-cause order is consistent with those prescribed in previous cases under former Bylaw 19.5.2. *See Mississippi* (prescribing a six-year show-cause order for an assistant women's basketball coach, who completed five online courses for two prospects and paid for one of the prospect's courses); and *University of Southern Mississippi* (2013) (prescribing a seven-year show-cause order for a head men's tennis coach who arranged for a student-athlete to write a paper for a prospect and a six-year show-cause order for an assistant coach who also provided a paper for the same prospect).
- 8. Assistant coach 1 spearheaded the academic fraud scheme surrounding prospect 2 and personally completed coursework for the prospect. He also knowingly provided prospect 2 with an impermissible recruiting inducement when he paid for one of the prospect's online courses. Therefore, assistant coach 1 shall be subject to a three-year show-cause order from December 15, 2017, through December 14, 2020. If assistant coach 1 seeks employment or affiliation with an athletically related position at an NCAA member institution during the three-year show-cause period, any employing institution shall be required to contact the OCOI to make arrangements to show cause why restrictions on athletically related activity should not apply. The three-year show-cause order is consistent with those prescribed in previous cases under former Bylaw 19.5.2 and takes into account assistant coach 1's exemplary cooperation. *See Georgia Southern University* (2011) (prescribing a five-year show-cause order for an assistant men's basketball coach who completed coursework for two student-athletes and provided false or misleading information regarding his involvement in the violations); and

*Florida State University* (2009) (prescribing a four-year show-cause order for an academic support services staff member who provided answers to coursework and exams for student-athletes across multiple sports).

9. Assistant coach 2 engaged in academic fraud when he completed coursework for prospect 2. Therefore, assistant coach 2 shall be subject to a three-year show-cause order from December 15, 2017, through December 14, 2020. If assistant coach 2 seeks employment or affiliation with an athletically related position at an NCAA member institution during the three-year show-cause period, any employing institution shall be required to contact the OCOI to make arrangements to show cause why restrictions on athletically related activity should not apply. The three-year show-cause order is consistent with those prescribed in previous cases under former Bylaw 19.5.2, including the *Georgia Southern* and *Florida State* cases cited above, and takes into account assistant coach 2's exemplary cooperation.
10. Assistant coach 3 engaged in academic fraud when he completed coursework for prospect 2. He also provided false or misleading information regarding his involvement in the academic fraud violation. Therefore, assistant coach 3 shall be subject to a five-year show-cause order from December 15, 2017, through December 14, 2022. If assistant coach 3 seeks employment or affiliation with an athletically related position at an NCAA member institution during the five-year show-cause period, any employing institution shall be required to contact the OCOI to make arrangements to show cause why restrictions on athletically related activity should not apply. The five-year show-cause order is consistent with those prescribed in previous cases, under former Bylaw 19.5.2, including the *Georgia Southern* and *Southern Mississippi* (2013) cases cited above.
11. Assistant coach 4 engaged in academic fraud when he arranged and paid for his friend, the former graduate assistant, to complete coursework for a prospect. He also provided false or misleading information regarding his involvement in the violation. Therefore, assistant coach 4 shall be subject to a four-year show-cause order from December 15, 2017, through December 14, 2021. If assistant coach 4 seeks employment or affiliation with an athletically related position at an NCAA member institution during the four-year show-cause period, any employing institution shall be required to contact the OCOI to make arrangements to show cause why restrictions on athletically related activity should not apply. The four-year show-cause order is consistent with those prescribed in previous cases under former Bylaw 19.5.2, including the *Georgia Southern* and *Florida State* cases cited above.
12. Assistant coach 5 knowingly provided impermissible recruiting inducements to two prospects when he paid or arranged payment for their online courses. He also engaged in unethical conduct and violated the cooperative principle by refusing to agree to participate in the investigation and processing of the case. Therefore, assistant coach 5 shall be subject to a five-year show-cause order from December 15, 2017, through December 14, 2022. If assistant coach 5 seeks employment or affiliation with an athletically related position at an NCAA member institution during the five-year show-cause period, any employing institution shall be required to contact the OCOI to make arrangements to show cause why restrictions on

athletically related activity should not apply. The five-year show-cause order is consistent with those prescribed in previous cases under former Bylaw 19.5.2. *See Mississippi* (prescribing a six-year show-cause order for an assistant women's basketball coach who paid for a prospect's courses, completed coursework for the prospect, and provided false or misleading information to the institution and enforcement staff).

13. The graduate assistant engaged in academic fraud when he completed coursework for prospect 2. Therefore, the graduate assistant shall be subject to a three-year show-cause order from December 15, 2017, through December 14, 2020. If the graduate assistant seeks employment or affiliation with an athletically related position at an NCAA member institution during the three-year show-cause period, any employing institution shall be required to contact the OCOI to make arrangements to show cause why restrictions on athletically related activity should not apply. The three-year show-cause order is consistent with those prescribed in previous cases under former Bylaw 19.5.2, including the *Georgia Southern* and *Florida State* cases cited above, and takes into account the graduate assistant's cooperation with the investigation.
14. Vacation of records: Northern Colorado acknowledged that ineligible participation in the men's basketball program occurred as a result of the violations in this case. Therefore, pursuant to former Bylaw 19.5.2-(h) and Bylaw 31.2.2.3, the institution shall vacate all regular season and conference tournament records and participation in which the ineligible student-athletes competed from the time they became ineligible through the time they were reinstated as eligible for competition. This order of vacation includes all regular season competition and conference tournaments.<sup>28</sup> Further, if any of the ineligible student-athletes participated in NCAA postseason competition at any time they were ineligible, the institution's participation in the postseason shall be vacated. The individual records of the ineligible student-athletes shall also be vacated. However, the individual finishes and any awards for all eligible student-athletes shall be retained. Further, the institution's records regarding its athletics programs, as well as the records of head coaches, shall reflect the vacated records and shall be recorded in all publications in which such records are reported, including, but not limited to, institutional media guides, recruiting material, electronic and digital media plus institutional, conference and NCAA archives. Any institution that may subsequently hire the affected head coaches shall similarly reflect the vacated wins in their career records documented in media guides and other publications cited above. Head coaches with vacated wins on their records may not count the vacated wins toward specific honors or victory "milestones" such as 100<sup>th</sup>, 200<sup>th</sup> or 500<sup>th</sup> career victories. Any public reference to the vacated contests shall be removed from the athletics department stationary, banners displayed in public areas and any other forum in which they may appear. Any trophies awarded by the NCAA in these sports shall be returned to the Association.

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<sup>28</sup> Among other examples, the COI has indicated that a vacation penalty is particularly appropriate when cases involve ineligible competition, academic violations, serious intentional violations, or the direct involvement of a coach. *See* COI IOP 4-15-4. Further, the COI has consistently prescribed a vacation of records in cases that involved student-athletes competing when they failed to meet amateurism and eligibility requirements. *See Southern Mississippi* (2013); *Georgia Southern*; and *Florida State*.

Finally, to aid in accurately reflecting all institutional and student-athlete vacations, statistics and records in official NCAA publications and archives, the sports information director (or other designee as assigned by the director of athletics) must contact the NCAA Media Coordination and Statistics office and appropriate conference officials to identify the specific student-athletes and contests impacted by the penalties. In addition, the institution must provide the NCAA Media Coordination and Statistics office with a written report, detailing those discussions. This document will be maintained in the permanent files of the NCAA Media Coordination and Statistics office. This written report must be delivered to the office no later than 45 days following the release of this decision. The sports information director (or designee) must also inform the OCOI of this submission to the NCAA Media Coordination and Statistics office.

15. During the period of probation, Northern Colorado shall:

- a. Continue to develop and implement a comprehensive educational program on NCAA legislation to instruct coaches, the faculty athletics representative, all athletics department personnel and all institutional staff members with responsibility for ensuring compliance with NCAA legislation in academic fraud, impermissible inducements, extra benefits and representatives of the athletics interests;
- b. Submit a preliminary report to the OCOI by January 31, 2018, setting forth a schedule for establishing this compliance and educational program;
- c. File with the OCOI annual compliance reports indicating the progress made with this program by November 1 during each year of probation. Particular emphasis shall be placed on rules education, monitoring institutional staff members' involvement in prospects' online courses, and adherence to recruiting legislation;
- d. Inform prospective student-athletes in the men's basketball program 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 decision 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.

16. Pursuant to Bylaw 19.9.10, the NCAA president may forward a copy of the public infractions decision to the appropriate regional accrediting agency.

17. 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 COI affirming that the institution's current athletics policies and practices conform to all requirements of NCAA regulations.

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The COI advises Northern Colorado 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 Northern Colorado contrary to the terms of any of the penalties or any additional violations shall be considered grounds for extending Northern Colorado's probationary period, prescribing more severe penalties or may result in additional allegations and violations.

NCAA COMMITTEE ON INFRACTIONS PANEL

Greg Christopher  
Bobby Cremins  
Joel Maturi, Chief Hearing Officer  
Eleanor Myers  
Vince Nicastro  
Jill Pilgrim  
David M. Roberts

## **APPENDIX ONE**

### **CORRECTIVE ACTIONS AS IDENTIFIED IN NORTHERN COLORADO'S MAY 9, 2017, RESPONSE TO THE NOTICE OF ALLEGATIONS**

The university has taken, or will take, the following actions:

1. Terminated the employment contracts of the head men's basketball coach (effective April 21, 2016) and assistant coaches 4, 5 and 6 (effective June 15, 2016);
2. Relocated the athletics compliance offices next to the student-athlete academic success offices to foster a stronger relationship and improve accessibility of the compliance office to student-athletes and academic success personnel;
3. Northern Colorado internal auditors conducted an audit of procedures for evaluating transfer student-athletes, and the compliance office has been provided access to the transfer software "Transferology" and the National Student Clearinghouse;
4. Created new forms for auditing of two- and four-year transfer prospective student-athletes, official visits, unofficial visits to receive greater information concerning transfer prospective student-athletes;
5. Expanded use of "JumpForward" monitoring software to include additional oversight of unofficial visits, complimentary admissions, CARA, contacts/evaluations through that system.
6. Expanded rules education. The university transitioned from two all-coaches, rules-education meetings per term to sport-specific rules education with each coaching staff every other month. Administrative staff now receives staff-specific rules education, and the compliance department began conducting all-staff compliance meetings twice each semester; and
7. Contracted for a two-year compliance assessment and audit by an external firm with experience in evaluating NCAA compliance systems, policies and procedures. Recommendations from the firm will be used to determine ways to improve existing systems, communications between campus groups, and compliance monitoring and evaluation procedures.

## **APPENDIX TWO**

### **Constitution and Bylaw Citations**

#### **Division I 2009-10 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 (e.g., coach, professor, tutor, teaching assistant, student manager, student trainer) 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.

**13.2.1 Offers and Inducements: 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 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.

**14.01.1 Institutional Responsibility.** An institution shall not permit a student-athlete to represent it in intercollegiate athletics competition unless the student-athlete meets all applicable eligibility requirements, and the institution has certified the student-athlete's eligibility. A violation of this bylaw in which the institution fails to certify the student-athlete's eligibility prior to allowing him or her to represent the institution in intercollegiate competition shall be considered an institutional violation per Constitution 2.8.1; however, such a violation shall not affect the student-athlete's eligibility, provided all the necessary information to certify the student-athlete's eligibility was available to the institution and the student-athlete otherwise would have been eligible for competition.

**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:

- (a) The student-athlete is an undergraduate with eligibility remaining under Bylaw 14.2 (five-year rule);
- (b) The student-athlete is a graduate student eligible under Bylaw 14.1.9;
- (c) Within six years after initial enrollment in a collegiate institution (provided the student does not receive such aid for more than five years during that period); however, after the six-year period expires, this restriction shall apply only to unearned athletics aid for which the athletics department intercedes on behalf of the student-athlete; or
- (d) The student-athlete receives a degree-completion award from the NCAA.

### **Division I 2010-11 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 (e.g., coach, professor, tutor, teaching assistant, student manager, student trainer) may include, but is not limited to, the following:

- (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.

**13.2.1 Offers and Inducements: 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.

**14.01.1 Institutional Responsibility.** An institution shall not permit a student-athlete to represent it in intercollegiate athletics competition unless the student-athlete meets all applicable eligibility requirements, and the institution has certified the student-athlete's eligibility. A violation of this bylaw in which the institution fails to certify the student-athlete's eligibility prior to allowing him or her to represent the institution in intercollegiate competition shall be considered an institutional violation per Constitution 2.8.1; however, such a violation shall not affect the student-athlete's eligibility, provided all the necessary information to certify the student-athlete's eligibility was available to the institution and the student-athlete otherwise would have been eligible for competition.

**14.11.1 Obligation of Member Institution to Withhold Student-Athlete from Competition.** If a student-athlete is ineligible under the provisions of the constitution, bylaws or other regulations of the Association, the institution shall be obligated to apply immediately the applicable rule and to withhold the student-athlete from all intercollegiate competition. The institution may appeal to the Committee on Student-Athlete Reinstatement for restoration of the student-athlete's eligibility as provided in Bylaw 14.12 if it concludes that the circumstances warrant restoration.

**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:

- (a) The student-athlete is an undergraduate with eligibility remaining under Bylaw 14.2 (five-year rule);
- (b) The student-athlete is a graduate student eligible under Bylaw 14.1.9;
- (c) Within six years after initial enrollment in a collegiate institution (provided the student does not receive such aid for more than five years during that period); however, after the six-year period expires, this restriction shall apply only to unearned athletics aid for which the athletics department intercedes on behalf of the student-athlete; or
- (d) The student-athlete receives a degree-completion award from the NCAA.

**16.8.1.2 Competition While Representing Institution.** An institution may provide actual and necessary travel expenses (e.g., transportation, lodging and meals) to a student-athlete for participation in athletics competition, provided the student-athlete is representing the institution (competes in the uniform of the institution) and is eligible for intercollegiate competition. Violations of this bylaw shall be considered an institutional violation per Constitution 2.8.1; however, they shall not affect the student-athlete's eligibility. Such competition includes:

- (a) Regularly scheduled intercollegiate athletics events;

- (b) NCAA championship events and NGB championship events in an emerging sport;
- (c) A licensed postseason football game (see Bylaw 18.7 for conditions required for licensing);
- (d) Nonintercollegiate open, amateur competition;
- (e) Other institutional competition permissible under NCAA legislation, including postseason events; and
- (f) Fundraising activities that an institution counts against its maximum contest limitations per Bylaw 17.

### **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.

**13.2.1 Offers and Inducements: 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.

**14.01.1 Institutional Responsibility.** An institution shall not permit a student-athlete to represent it in intercollegiate athletics competition unless the student-athlete meets all applicable eligibility

requirements, and the institution has certified the student-athlete's eligibility. A violation of this bylaw in which the institution fails to certify the student-athlete's eligibility prior to allowing him or her to represent the institution in intercollegiate competition shall be considered an institutional violation per Constitution 2.8.1; however, such a violation shall not affect the student-athlete's eligibility, provided all the necessary information to certify the student-athlete's eligibility was available to the institution and the student-athlete otherwise would have been eligible for competition.

**14.11.1 Obligation of Member Institution to Withhold Student-Athlete from Competition.** If a student-athlete is ineligible under the provisions of the constitution, bylaws or other regulations of the Association, the institution shall be obligated to apply immediately the applicable rule and to withhold the student-athlete from all intercollegiate competition. The institution may appeal to the Committee on Student-Athlete Reinstatement for restoration of the student-athlete's eligibility as provided in Bylaw 14.12 if it concludes that the circumstances warrant restoration.

**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:

- (a) The student-athlete is an undergraduate with eligibility remaining under Bylaw 14.2 (five-year rule); or
- (b) The student-athlete is a graduate student eligible under Bylaw 14.1.9.

**16.8.1.2 Competition While Representing Institution.** An institution may provide actual and necessary travel expenses (e.g., transportation, lodging and meals) to a student-athlete for participation in athletics competition, provided the student-athlete is representing the institution (competes in the uniform of the institution) and is eligible for intercollegiate competition. Such competition includes:

- (a) Regularly scheduled intercollegiate athletics events;
- (b) NCAA championship events and national governing body championship events in an emerging sport;
- (c) A licensed postseason football game (see Bylaw 18.7 for conditions required for licensing);
- (d) Nonintercollegiate open, amateur competition;
- (e) Other institutional competition permissible under NCAA legislation, including postseason events; and
- (f) Fundraising activities that an institution counts against its maximum contest limitations per Bylaw 17.

### **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:

- (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.

**13.2.1 Offers and Inducements: 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.

**14.01.1 Institutional Responsibility.** An institution shall not permit a student-athlete to represent it in intercollegiate athletics competition unless the student-athlete meets all applicable eligibility requirements, and the institution has certified the student-athlete's eligibility. A violation of this bylaw in which the institution fails to certify the student-athlete's eligibility prior to allowing him or her to represent the institution in intercollegiate competition shall be considered an institutional violation per Constitution 2.8.1; however, such a violation shall not affect the student-athlete's eligibility, provided all the necessary information to certify the student-athlete's eligibility was available to the institution and the student-athlete otherwise would have been eligible for competition.

**14.11.1 Obligation of Member Institution to Withhold Student-Athlete from Competition.** If a student-athlete is ineligible under the provisions of the constitution, bylaws or other regulations of the Association, the institution shall be obligated to apply immediately the applicable rule and



to withhold the student-athlete from all intercollegiate competition. The institution may appeal to the Committee on Student-Athlete Reinstatement for restoration of the student-athlete's eligibility as provided in Bylaw 14.12 if it concludes that the circumstances warrant restoration.

**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:

- (a) The student-athlete is an undergraduate with eligibility remaining under Bylaw 14.2 (five-year rule); or
- (b) The student-athlete is a graduate student eligible under Bylaw 14.1.8.

**16.8.1.2 Competition While Representing Institution.** An institution may provide actual and necessary travel expenses (e.g., transportation, lodging and meals) to a student-athlete for participation in athletics competition, provided the student-athlete is representing the institution (competes in the uniform of the institution) and is eligible for intercollegiate competition. Such competition includes:

- (a) Regularly scheduled intercollegiate athletics events;
- (b) NCAA championship events and national governing body championship events in an emerging sport;
- (c) A postseason football game (see Bylaw 18.7);
- (d) Nonintercollegiate open, amateur competition;
- (e) Other institutional competition permissible under NCAA legislation, including postseason events; and
- (f) Fundraising activities that an institution counts against its maximum contest limitations per Bylaw 17.

## **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:

- (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.

**11.1.1.1 Responsibility of Head Coach.** An institution's head coach is presumed to be responsible for the actions of all assistant coaches and administrators who report, directly or indirectly, to the head coach. An institution's head coach shall promote an atmosphere of compliance within his or her program and shall monitor the activities of all assistant coaches and administrators involved with the program who report, directly or indirectly, to the coach.

**13.2.1 Offers and Inducements: 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.

**14.01.1 Institutional Responsibility.** An institution shall not permit a student-athlete to represent it in intercollegiate athletics competition unless the student-athlete meets all applicable eligibility requirements, and the institution has certified the student-athlete's eligibility. A violation of this bylaw in which the institution fails to certify the student-athlete's eligibility prior to allowing him or her to represent the institution in intercollegiate competition shall be considered an institutional violation per Constitution 2.8.1; however, such a violation shall not affect the student-athlete's eligibility, provided all the necessary information to certify the student-athlete's eligibility was available to the institution and the student-athlete otherwise would have been eligible for competition.

**14.10.1 Obligation of Member Institution to Withhold Student-Athlete From Competition.** If a student-athlete is ineligible under the provisions of the constitution, bylaws or other regulations of the Association, the institution shall be obligated to apply immediately the applicable rule and to withhold the student-athlete from all intercollegiate competition. The institution may appeal to the Committee on Student-Athlete Reinstatement for restoration of the student-athlete's eligibility as provided in Bylaw 14.11 if it concludes that the circumstances warrant restoration.

**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:

- (a) The student-athlete is an undergraduate with eligibility remaining under Bylaw 14.2 (five-year rule); or
- (b) The student-athlete is a graduate student eligible under Bylaw 14.1.8.

**16.8.1 Expenses Provided by the Institution for Practice and Competition: Permissible.** An institution may provide actual and necessary expenses to a student-athlete to represent the institution in practice and competition (including expenses for activities/travel that are incidental to practice or competition). In order to receive competition-related expenses, the student-athlete must be eligible for competition.

### **Division I 2014-15 Manual**

**11.1.1.1 Responsibility of Head Coach.** An institution's head coach is presumed to be responsible for the actions of all assistant coaches and administrators who report, directly or indirectly, to the head coach. An institution's head coach shall promote an atmosphere of compliance within his or her program and shall monitor the activities of all assistant coaches and administrators involved with the program who report, directly or indirectly, to the coach.

**11.7.3 Noncoaching Staff Member with Sport-Specific Responsibilities.** A noncoaching staff member with sport-specific responsibilities (e.g., director of operations, administrative assistant) is prohibited from participating in on-court or on-field activities (e.g., assist with drills, throw batting practice, signal plays) and is prohibited from participating with or observing student-athletes in the staff member's sport who are engaged in nonorganized voluntary athletically related activities (e.g., pick-up games).

**12.11.1 Obligation of Member Institution to Withhold Student-Athlete from Competition.** If a student-athlete is ineligible under the provisions of the constitution, bylaws or other regulations of the Association, the institution shall be obligated to apply immediately the applicable rule and to withhold the student-athlete from all intercollegiate competition. The institution may appeal to the Committee on Student- Athlete Reinstatement for restoration of the student-athlete's eligibility as provided in Bylaw 12.12 if it concludes that the circumstances warrant restoration.

**14.3.2.1.1 Eligibility for Aid, Practice and Competition.** An entering freshman with no previous college attendance who was a nonqualifier at the time of enrollment in a Division I institution shall not be eligible for competition or practice during the first academic year of residence. However, such a student shall be eligible for nonathletics institutional financial aid that is not from an athletics source and is based on financial need only, consistent with institutional and conference regulations.

**14.3.2.2 Practice-Session Attendance.** A student-athlete who is a nonqualifier and who, therefore, is not eligible for practice, may not attend any practice sessions in any capacity, nor may the student-athlete attend any meeting characterized as practice (see Bylaw 17.02.1).

**16.8.1 Permissible.** An institution, conference or the NCAA may provide actual and necessary expenses to a student-athlete to represent the institution in practice and competition (including expenses for activities/travel that are incidental to practice or competition). In order to receive competition-related expenses, the student-athlete must be eligible for competition.

### **Division I 2015-16 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.

**11.1.1.1 Responsibility of Head Coach.** An institution's head coach is presumed to be responsible for the actions of all institutional staff members who report, directly or indirectly, to the head coach. An institution's head coach shall promote an atmosphere of compliance within his or her program and shall monitor the activities of all institutional staff members involved with the program who report, directly or indirectly, to the coach.

### **Division I 2016-17 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:

- (a) Refusal to furnish information relevant to an investigation of a possible violation of an NCAA regulation when requested to do so by the NCAA or the individual's institution;
- (c) 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.

**19.2.3 Responsibility to Cooperate.** Current and former institutional staff members or prospective or enrolled student-athletes of member institutions have an affirmative obligation to cooperate fully with and assist the NCAA enforcement staff, the Committee on Infractions and the Infractions Appeals Committee to further the objectives of the Association and its infractions program. The responsibility to cooperate requires institutions and individuals to protect the integrity of investigations and to make a full and complete disclosure of any relevant information, including any information requested by the enforcement staff or relevant committees. Current and former institutional staff members or prospective or enrolled student-athletes of member institutions have an affirmative obligation to report instances of noncompliance to the Association in a timely manner and assist in developing full information to determine whether a possible violation has occurred and the details thereof.