



[December 22, 2017, Erratum: The Findings of Fact section contained a typographical error under "Monitoring the Former Operations Director." Assistant coach 3, not assistant coach 4, was unaware of staff members charged with monitoring Minardi Hall ever providing updates to the head coach.]

[April 6, 2017 – This decision does not reflect the vacation of Violation No. IV. C and Penalty VI. 11, resulting from the April 6, 2018, decision of the NCAA Division I Infractions Appeals Committee (IAC). The violation and penalty were vacated in their entirety by the IAC.]

**UNIVERSITY OF LOUISVILLE**  
**PUBLIC INFRACTIONS DECISION**  
**JUNE 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 involves the men's basketball program at the University of Louisville.<sup>2</sup> It centers on a former director of men's basketball operations arranging for strippers and prostitutes to provide striptease dances and/or sex acts for 17 prospective and/or enrolled student-athletes, two nonscholastic basketball team coaches and a friend of one of the prospects.<sup>3</sup> Some of the prospects were minors.<sup>4</sup>

The COI has not previously encountered a case like this. A member of the men's basketball staff arranged on-campus striptease dances and acts of prostitution for enrolled student-athletes and prospective student-athletes (prospects), some of whom were minors, on their campus visits. The conduct occurred in an institutional dormitory predominantly occupied by the men's basketball team and others affiliated with the program. For approximately three and one-half years, the former director of men's basketball operations arranged with a local escort to bring female strippers and prostitutes to Minardi Hall on nights prospects were staying there. The women performed striptease dances for the prospects and, occasionally, enrolled student-athletes. On 10 occasions,

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

<sup>2</sup> A member of the Atlantic Coast Conference, the University of Louisville has an enrollment of approximately 21,000 students. It sponsors 13 women's and 10 men's sports. The institution had previous major infractions cases in 1957, 1996 (women's volleyball and men's basketball) and 1998 (men's basketball).

<sup>3</sup> The panel uses common terminology for sexual activities in this case. For example, the panel uses the words "prostitution" and "prostitutes" to describe those engaged in sex acts for money.

<sup>4</sup> The panel uses common terminology for sexual activities in this case. In doing so, the panel does not make determinations within the infractions process whether or not any act constituted criminal conduct. The panel's decision not to identify conduct as criminal should not be taken as the panel seeing the conduct as less serious than it is.

one or more of the prostitutes performed sex acts on and/or with prospects, an enrolled student-athlete and a prospect's friend. At least seven of the prospects who engaged in sex acts were minors under age 18 at the time. On two occasions, the former director of men's basketball operations arranged, through the escort, for prostitutes to have sex at local hotels with the nonscholastic basketball coaches of two prospects being recruited by the institution. The former director of men's basketball operations' planning and facilitation of the actions were Level I violations of NCAA legislation and violated NCAA ethical conduct standards. He violated NCAA cooperation legislation when he declined to respond to the notice of allegations or participate in the hearing.

The case also involves a former men's basketball program assistant refusing to provide requested phone records to the enforcement staff. The records were relevant to the enforcement staff's investigation. The former men's basketball program assistant's refusal constituted a failure to cooperate in the investigation and established a Level II violation.

Finally, the head men's basketball coach violated NCAA head coach responsibility legislation when he failed to rebut the presumption that he was responsible for the activities arranged by the former director of men's basketball operations. The former director of men's basketball operations was the head coach's "watchdog" in the dormitory and an extension of the head coach, even where there was a resident assistant also in the dormitory. The dormitory in which the violations occurred was populated almost exclusively by men's basketball student-athletes and others connected to the program. Although the panel did not conclude that the head men's basketball coach was aware of the activities, he did not exercise sufficient oversight of the former director of men's basketball operations, with at least a period of time where the head coach and institution were not aware whether he resided in the dormitory. Therefore, he did not meet his responsibility to ensure violations were not occurring. His failure to monitor constituted a Level I violation of NCAA legislation.

With a few minor exceptions, the institution agreed that the striptease dances and prostitution occurred. The institution and the head men's basketball coach did not agree that the facts established the head men's basketball coach failed to monitor the former director of men's basketball operations. The former men's basketball program assistant did not agree that he failed to cooperate in the investigation.

The panel classifies this case as Level I-Aggravated for the institution. The former director of men's basketball operations' violations are also Level I-Aggravated. The head men's basketball coach's violations are Level I-Standard, while the former men's basketball program assistant's violations are Level II-Aggravated. Because the violations occurred both before and after October 30, 2012, the effective date of the implementation of the new penalty structure, the panel compared the penalty structure in place prior to October 2012 and the current penalty structure to determine which is more lenient.

The panel concludes that former NCAA Bylaw 19.5.2 (2012-13 NCAA Division I Manual) afforded the institution with less stringent penalties for a Level I-Aggravated case. Thus, utilizing the former bylaw, the panel adopts and prescribes the following penalties: four years of probation,

a one-year postseason ban for the institution's men's basketball team, reductions in grants-in-aid and recruiting opportunities, vacation of records, game suspensions for the head men's basketball coach, and show-cause penalties for the former director of men's basketball operations and the former men's basketball program assistant. The penalty section of this decision describes other penalties.

## **II. CASE HISTORY**

On August 21, 2015, a former institutional student-athlete contacted the institution to report that a media organization had asked him about parties involving adult entertainment in Minardi Hall, a dormitory on campus that houses the men's basketball team. The information from the media organization included an allegation that the institution's former director of basketball operations (former operations director) had arranged for the parties. Ten days later, the media organization contacted the institution directly, requesting interviews with the head men's basketball coach (head coach) and the director of athletics. The institution denied the requests but took steps to begin inquiring about the allegations, based on the limited information it had at the time. The institution also alerted the NCAA enforcement staff about the matter.

On October 3, 2015, the media organization released a book entitled "Breaking Cardinal Rules." Based on revelations provided by a local self-described escort (escort), the book detailed striptease dances and acts of prostitution that the escort and former operations director arranged and organized in Minardi Hall over approximately a four-year period.

The enforcement staff provided a verbal notice of inquiry to the institution on October 21, 2015. Nearly one year later, on October 17, 2016, the staff issued a notice of allegations to the institution, the head coach, the former operations director and a former men's basketball program assistant (former program assistant) at the institution. The institution and the head coach filed responses to the notice of allegations on January 17, 2017. The former program assistant filed his response 13 days later, while the former operations director declined to file a response or participate in the process. On March 17, 2017, the enforcement staff submitted its written reply and statement of the case, while the institution, head coach and former program assistant all filed supplemental responses later in the month. A panel of the NCAA Division I COI conducted an in-person hearing on April 21, 2017. Representatives of the institution, including the head coach, attended the hearing, as did the former program assistant. The panel heard the case on the merits and based its decision on the full information in the record.

## **III. FINDINGS OF FACT**

### **Minardi Hall**

The head coach has been head men's basketball coach at the institution since March 2001. In his tenure, he has overseen a program that has experienced great success on the court. He has also

been a head coach at three other NCAA Division I member institutions and has over 40 years of experience as a men's basketball coach at the collegiate level. Minardi Hall—an environment predominantly occupied by individuals associated with the men's basketball program—and the former operations director figure prominently in this case. The former operations director resided in Minardi Hall.

Minardi Hall is the on-campus dormitory that houses members of the men's basketball program. Members of the team lived there at the time of the violations in this case and presently continue to reside there. The head coach was instrumental in Minardi Hall's construction. He raised the money to build the dormitory and name it in memory of his brother-in-law, who lost his life in the terrorist attacks of September 11, 2001. The two-story building, which opened in 2003, has 38 beds, all but two of which are situated in bedroom suites on either side of a common living area (the other two beds are in single rooms). At any given time, 30 to 32 of the beds are occupied by individuals associated with the men's basketball program, including team members, program assistants, team managers, video personnel and operations directors. The institutional housing department assigns the other six to eight beds to students who have no formal affiliation with the men's basketball team.

As with other campus housing, Minardi Hall houses a resident assistant who helps supervise the building. At the hearing, the institution and head coach explained that the resident assistant followed an official policy to report any problems in the hall to the housing department. At times, as a courtesy, the resident assistant also reported problems involving student-athletes to the basketball staff. The hall also had a security desk manned at night. Residents enter with a key card and, pursuant to written institutional policy, visitors are supposed to sign in.

### **The Former Operations Director**

The former staff member who figures most prominently in this case is the former operations director, who spent a little over four years as a member of the head coach's staff. The former operations director was a men's basketball student-athlete at the institution before graduating in 2009 and briefly playing professional basketball. As his playing career was ending, he contacted the head coach in the hopes of breaking into the coaching profession. The head coach hired him as a program assistant in January 2010.<sup>5</sup> He held that position until he earned his master's degree and the head coach promoted him to director of basketball operations in April 2012. As program assistant, he broke down film to assist in scouting and game preparations. He also assisted in on-campus recruiting efforts, mainly by giving campus tours and setting up academic meetings. As operations director, his responsibilities broadened and increased. His duties included coordinating the team's daily schedules, serving as a liaison to the academic advisors and assisting the video coordinators. He left the institution in April 2014 to take a position as an assistant men's basketball coach at another NCAA institution.

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<sup>5</sup> According to the head coach, program assistants serve the same role as individuals commonly described as graduate assistants.

The former operations director was integral to on-campus recruiting and regularly interacted with visiting prospects. As part of his duties, he maintained a list of the prospects the institution was targeting and sat in on staff meetings. He also showed prospects making official and unofficial visits around campus, including Minardi Hall. During official visits, he took them on tours of campus, delivered them to the dormitory at night and made sure they got up in the morning, got something to eat and made it on time to their campus appointments (e.g., meetings with academic advisors, getting to the practice facility to observe practice, etc.). One former men's basketball assistant coach at the institution (assistant coach 1) described the former operations director as the manager of on-campus recruiting, due to his knowledge of the institution and his relationship with the head coach. The former operations director described his "primary role" as liaison to housing.<sup>6</sup> He reported that if student housing had an issue with student-athlete activity in the dormitory, they reported it to him and he passed the information to the coaching staff.<sup>7</sup>

The former operations director had a room in Minardi Hall for a significant portion of the four years he was a member of the men's basketball staff, although there was some uncertainty as to the exact times he resided there. He began living in Minardi Hall upon taking the position of program assistant. Institutional records show that he had a room in the hall during the 2010-11, 2011-12 and 2013-14 academic years. He may have stayed in the hall at other times, and he may not have stayed there at times when he had a room assigned. The head coach was unsure of exactly when the former operations director resided in the hall, stating in his interview that the former operations director "may have" lived there for a short period after being promoted from his program assistant position. The former operations director stated that he lived in Minardi Hall both years he served as director of operations. Other individuals were unsure when exactly he may have resided in Minardi Hall.

While Minardi Hall, like other campus dormitories, housed a resident assistant with responsibility for all residents, the institution acknowledged that the former operations director lived in the hall to act as a "watch dog" over the men's basketball student-athletes. The head coach, who made all final decisions about how his program was run, chose him for the position. He hired the former operations director in part because he was loyal to the program and was someone the head coach trusted and considered to be of good character. Upon hiring the former operations director, the head coach placed him in Minardi Hall with instructions to "make sure the dorm was run properly" and take notice of potential NCAA rules violations. He expected the former operations director, and all staff members, to adhere to NCAA rules and watch for the student-athletes engaging in any illegal or impermissible activities, such as underage drinking and making excessive noise. By the head coach's own admission, he and his assistant coaches did not interact with prospects from 10 p.m. until the next morning, thus he considered the former operations director to be an "extension" of himself. According to the head coach, the former operations director heard him speak about

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<sup>6</sup> The former operations director made this statement in an interview he granted to the institution in September 2015.

<sup>7</sup> At the hearing, the head coach's position was that the resident assistant actually was responsible for overseeing Minardi Hall, not the former operations director. Yet the institution characterized the former operations director as the "watch dog" of the hall. The record is unclear regarding the precise parameters of the roles and responsibilities of the former operations director and the resident assistant.

making the right choices and behaving properly for eight years, going back to his time on campus as a student-athlete. He believed the former operations director would "do things right."

### **Monitoring the Former Operations Director**

The head coach in large part delegated specific monitoring of the former operations director to his assistant coaches. While the head coach asked the former operations director which institutions prospects were leaning toward attending, he stated in his interview that it was the assistant coaches who monitored the former operations director's activities with visiting prospects. However, three men's basketball assistant coaches (assistant coaches 2, 3 and 4, respectively) all denied that their duties included monitoring the former operations director. According to former assistant coach 2, "everybody assumed that everybody was doing the right thing." Regarding the head coach asking questions, former assistant coach 2 recalled only that the head coach would generally ask prospects if they enjoyed their visit.<sup>8</sup> Assistant coach 3 stated that the former operations director was responsible for the unofficial visit paperwork. He did not recall that prospects visiting unofficially were monitored while on campus, and his communication with the former operations director about visitors was limited to questions about the next day's schedule or whether the prospect was enjoying himself. Assistant coach 4 denied any role in monitoring the former operations director or any other staff members. He stated that the head coach was responsible for monitoring the staff's activities. Assistant coach 3 was unaware of staff members charged with monitoring Minardi Hall ever providing updates to the head coach.

### **Overnight On-campus Stays by Men's Basketball Prospects**

The institution also allowed prospects on unofficial visits to stay overnight in on-campus housing cost-free. The institution has a written policy, applicable to all prospective students, allowing them to stay the night as guests of dormitory residents under certain conditions. The policy requires that anyone having a guest stay overnight on campus take a number of steps to ensure the guest is approved and supervised:

You are allowed to have two guests per resident stay overnight. You must follow the instructions and submit an overnight guest form to your Hall Director or Residence Life Coordinator via paper form to the front desk by 4 p.m. EST. *at least two business days (48 business hours) in advance of a desired guest arrival.* The blank overnight guest form can be retrieved from your front desk. Overnight guests are defined as any person not assigned to that bedroom/suite/apartment, staying more than six hours in a day and/or sleeping in the bedroom/suite/apartment. All roommates/suite/apartmentmates must be in agreement about whom, when, and the number of hours a visitor is allowed. Guests cannot stay more than 14 times a semester, with no more than three consecutive nights. Minors can visit but in order

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<sup>8</sup> In a second interview, conducted by the head coach's counsel and subsequent to the issuance of the notice of allegations, assistant coach 2 changed his position somewhat, stating that the coaches did ask specific questions of prospects who stayed the night on campus.

to spend the night they must be approved by the Residence Life Coordinator, Hall Director, Assistant Director of Residence Education, and Community Manager prior to approval. Minors must also present a copy of their ID to be placed on file during the time of visit. Violations may lead to document [sic] and sanctions.

The men's basketball program often had unofficial visitors spend the night on campus in Minardi Hall in non-compliance with its own written policy. In a letter to the panel prior to the hearing and in response to the panel's inquiry, the institution stated that "the general practice was for a basketball staff member who resided at Minardi to take the prospective student-athlete to Minardi, sign in at the security desk, and *assign the prospect a room*, as that staff member knew which rooms were occupied and which student-athletes were present that day or night." (Emphasis added.) No specific person submitted an overnight guest form to the Residence Life Coordinator or Hall Director 48 hours in advance of the guest's arrival. Further, the visitors were not the specific guests of any resident. Some of the prospects eventually involved in the stripteases and prostitution ended up staying somewhere in Minardi Hall by themselves. One of the prospects (prospect 1) recalled staying in the room of an enrolled student-athlete who went out for the night and did not come back. At least four other individuals indicated they stayed in rooms by themselves on unofficial visits. Some of the visitors were minors under age 18. According to the institution's written Overnight Guest Policy, anyone having a minor non-student as a guest had to receive approval from no fewer than four people before the minor could spend the night. According to the institution's letter, that did not happen.

By his own admission, the head coach was unaware of what occurred in Minardi Hall from 10 p.m. until the following morning, but he often had contact with the visiting prospects on the day following their overnight stays in Minardi Hall. He asked them what he described as "standard, generic questions" about how their visits were going and if they were enjoying themselves. If the prospect was on an official visit, the head coach often met him at Minardi Hall for breakfast or in his office before the prospect left campus. Regarding those prospects on unofficial visits, the head coach was more likely to see them in his office or at practice the next day and engage in a short conversation before the prospect left for home. In those situations, he asked the same types of general questions and talked about recruiting. The head coach was not always present during unofficial visit activities.

### **Late Night Activities in Minardi Hall**

The head coach's general questions to prospects did not uncover the stripteases and prostitution that occurred in Minardi Hall. On 14 occasions from December 2010 through July 2014, the former operations director arranged instances of adult entertainment and/or prostitution for 15 prospective student-athletes, three enrolled student-athletes, a friend visiting campus with one of the prospects and two nonscholastic basketball coaches.<sup>9</sup> The activities consisted of striptease dances, oral sex and sexual intercourse. The former operations director paid the strippers and

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<sup>9</sup> The former operations director arranged the activities for one student-athlete when he was a prospect, as well as later when he was enrolled at the institution.

prostitutes for their services. All but two of the incidents occurred in Minardi Hall on nights when prospects were visiting the campus either officially or unofficially.<sup>10</sup> The former operations director arranged the other two incidents at local hotels. At least seven, and as many as 10, of the 15 prospects were minors under the age of 18 at the time the former operations director arranged the activities for them. Four of the prospects who engaged in sex acts were 17, while one other was 16. One 16-year-old declined the offer of a sex act. A third 16-year-old witnessed a striptease dance but was not interviewed; therefore, it could not be ascertained if he was offered or engaged in any sex acts.

The stripteases and prostitution usually occurred at night in Minardi Hall after the visiting prospect had spent the day on campus. Either an assistant coach, enrolled student-athletes who had been out with the prospect or the former operations director himself brought the prospect(s) to the dormitory. Once inside, the former operations director ushered the prospect(s) into the common area of a dormitory room and turned on some music. One or more women then entered the room and removed their clothing while dancing for the prospects, who were often provided cash by the former operations director to "tip" them.<sup>11</sup> Following the dances, one or more of the women would escort an individual prospect to a side bedroom and engage in oral sex or sexual intercourse unless the prospect refused. Two prospects declined the offers of sex acts during their visits, while 10 participated in them. The prostitutes also provided sex acts for two prospects' nonscholastic basketball coaches and a friend of one of the prospects who had accompanied the prospect on his visit.

The former operations director arranged the activities through the escort. He met her sometime in 2010 through a local barber and subsequently communicated with her by cell phone to arrange the activities. The escort eventually began keeping a journal of the dates of the events, the people who were present, and the amounts of money she was paid by the former operations director. At times, the strippers and prostitutes talked to the prospects about coming to the institution, telling them that the city was nice and student-athletes were treated well.

The first documented incidents occurred in late December 2010 and involved prospect 1, who made unofficial visits to the institution on December 31, 2010 and October 14, 2011. His experiences were typical of what occurred with other prospects over the three-plus years the incidents occurred. On the first visit, prospect 1 drove to campus with his mother to watch the institution's men's basketball team play. His mother stayed in a hotel while he stayed in Minardi Hall. On the day of the game, he watched practice, went to a mall and was given a tour of Minardi Hall by assistant coach 1. After watching the game, assistant coach 1 returned him to Minardi Hall, where the former operations director escorted him to a game room. There were three or four women in the room and music was playing. The women, who were already scantily clad, began a striptease dance until some of them were completely nude. Following the dances, the former

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<sup>10</sup> Nine prospects were visiting officially, while seven were visiting unofficially, at the time the former operations director arranged their activities. One of the prospects who engaged in the activities on two separate dates stayed at a local hotel on one of the trips. He did not visit the institution on that occasion.

<sup>11</sup> The investigation was unsuccessful in revealing the source of the money the former operations director provided to the prostitutes.



operations director asked prospect 1 if he wanted "anything." Prospect 1 replied that he would like to receive oral sex, at which time one of the women took him to another room and performed oral sex on him. The following morning, he met with the head coach and assistant coach 1 in the head coach's office, where the head coach gave him a "recruiting pitch." They had no conversation about what occurred the previous night.

On his second unofficial visit, prospect 1 travelled to campus with his high school coaches. Three other prospects also visited at the same time, including one of prospect 1's high school teammates (prospect 2). The prospects watched a morning practice, went out to eat, talked briefly to some of the institution's coaches and eventually watched the team's "Midnight Madness" scrimmage. After the scrimmage, the prospects returned to Minardi Hall and were in a room when the former operations director took them to a different room. Shortly thereafter, "maybe five or six" scantily-clad women entered and performed striptease dances to music. On this occasion, the former operations director provided cash to three of the prospects, which they used to throw at the strippers.<sup>12</sup> After approximately 15-20 minutes, each prospect and a different woman went to different rooms. As he had done previously, prospect 1 told the former operations director that he wanted oral sex, which one of the prostitutes then provided. Prospect 2 was also present for the dances but declined to participate in a sex act with one of the prostitutes.<sup>13</sup> The next morning, the prospects watched practice. Before departing for home, prospect 1 had a short conversation with the head coach and assistant coach 1 about the coaches possibly coming to watch one of prospect 1's high school games. The coaches did not ask prospect 1 about the previous night in Minardi Hall.

None of the prospects visiting the campus had prior knowledge that the activities would occur, and none of them expected strippers and prostitutes on their visits. Some of them expressed surprise and discomfort at what transpired. One prospect (prospect 3) stated that he was in Minardi Hall after a day on campus when a student-athlete retrieved him and took him to a conference room with two other prospects.<sup>14</sup> As they sat in the conference room having a "normal conversation," the door opened and in came the former operations director with four to five women, who proceeded to perform a striptease dance. After the dance, the former operations director handed him a condom and directed him to another room, where he found a woman naked in a bed. After she tried to "talk to me [and was] feeling me," prospect 3 left the room and told the former operations director he did not like the woman. The former operations director coaxed him back into the room, where the woman performed oral sex on him. Another prospect (prospect 4) "didn't really know what [the former operations director initially] meant" when he asked the prospect which stripper the prospect "wanted." That prospect declined to have sex with any of the strippers/prostitutes. A 17-year-old prospect who engaged in oral sex and sexual intercourse with one of the prostitutes offered that he "really didn't know too much about what was going on."

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<sup>12</sup> Prospect 1 estimated that each of the three prospects received \$40-\$50, all in one-dollar denominations. Because the former operations director did not provide any cash to prospect 1's teammate, prospect 1 shared his money with him.

<sup>13</sup> Prospect 2 also was present for striptease dances on his second unofficial visit, in December 2012.

<sup>14</sup> Prospect 3 was one of the minors. He was 17 at the time of the incident.

Prospect 2, who was 16 years old at the time of his visit, described how the former operations director handed him a condom and sent him to a room to engage in a sex act:

I walked out of the room [following the striptease dance. The former operations director] handed me a condom and said go wait for me upstairs. And I went upstairs for probably 10 or 15 minutes and one of the girls came up to my room and I didn't really say much. And she was just like, you know, you're nervous, you don't have to do this if you don't want to. And I was like, all right, well, I'm fine then. She was like, well, it's nice meeting you and she left.

The incidents continued into the next three years. The former operations director arranged striptease dances, prostitution, or both, for six prospects in 2011, five in 2012, three in 2013 and two in 2014.<sup>15</sup> Enrolled student-athletes were involved in the activities in 2011 and 2012, while one of the prospects' friend was involved in one of the 2013 incidents. The former operations director arranged for the two nonscholastic coaches to have sex with the prostitutes in 2012 and 2014.

The last incident occurred in July 2014, after the former operations director had moved on to take an assistant coaching position at another institution and the former program assistant was working at Louisville. In late July, the former operations director phoned the escort and asked her to provide her services to a highly-regarded prospect (prospect 5) and a person the former operations director described as prospect 5's uncle. The two were coming to Louisville to participate in a basketball tournament. The former operations director told the escort that prospect 5 was coveted by the institution. The escort agreed to the arrangement. On instructions from the former operations director, she drove to Minardi Hall, where a person unknown to her exited the building and gave her \$200 in cash. The former operations director also wired \$200, part of the escort's fee, to her at a local store. To fulfill the agreement, the escort and her daughter went to the hotel, where they engaged in sexual intercourse with prospect 5 and his adult companion.<sup>16</sup>

The head coach stated he was unaware that the stripteeses and prostitution were occurring. The panel did not conclude that he was aware, and the investigation did not reveal whether other members of the coaching staff may have known. Prospect 4 related an incident after he enrolled when assistant coach 3 made a comment to the team that it had practiced poorly "because y'all had strippers in there all night."<sup>17</sup> He felt that assistant coach 3 may have known of the incidents, as assistant coach 3 was "close" to the former operations director. Prospect 2 spoke of it being "common knowledge" that the activities were occurring. However, all other individuals, including many who lived in Minardi Hall, stated that the incidents were not known to all team members. No one who was interviewed during the investigation provided any information showing that the head coach was aware of the stripteeses and prostitution. In fact, the prospects and enrolled

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<sup>15</sup> One of the 2014 prospects had sex with a prostitute on two different occasions.

<sup>16</sup> The adult was actually prospect 5's guardian and nonscholastic basketball team coach.

<sup>17</sup> In his interview, assistant coach 3 denied ever making the statement.

student-athletes made it a point not to talk about the incidents. Even those that said they were unaware if the activities were NCAA rules violations did not want the coaches or their parents to find out. As one prospect put it, "I didn't want to deal with the consequences." The prospects and enrolled student-athletes all knew that if the head coach became aware of the incidents, he would have – as one put it – "flipped out."

While the institution generally agreed that the "value" of the activities was the amount of money the former operations director paid the escort, it disputed the values the escort placed on some of the activities. However, the panel does not find it necessary to place a precise dollar value on the stripteases and sex acts. The institution's position on values will be discussed in Section IV, Analysis.

### **The Investigation**

Following the release of the escort's "tell-all" book, the institution and enforcement staff conducted an investigation into the activities. As part of the investigation, the enforcement staff interviewed a number of individuals, attempted to interview others and expended numerous resources attempting to obtain relevant records. The staff was particularly interested in speaking with, and obtaining information from, the former program assistant and the former operations director.

#### *Former Program Assistant*

The enforcement staff tried to determine whether the former program assistant was involved in the July 2014 incident. He was a member of the head coach's staff at the institution from June 2014 until April 2016, when he finished his master's degree work and left the institution to take another job. His duties as program assistant were similar to those of the former operations director when he held the position. As part of the investigation, the enforcement staff tried to determine the identity of the person who provided \$200 cash to the escort outside Minardi Hall in July 2014. One possibility the staff explored was that the former operations director had contacted the former program assistant and had him deliver the payment.<sup>18</sup> Using institutional records, the staff determined that the former program assistant exited and reentered a rear door of Minardi Hall at 10:04 p.m. on the night the cash payment was provided to the escort.<sup>19</sup> The staff showed three photos, including the former program assistant, to the escort. She did not identify any of them as the individual who had given her the money, but stated that the former program assistant most resembled the person. She was certain that the other two individuals had not given her the money, but was not certain regarding the former program assistant.

In March 2016, the institution made a "mirror image" of the former program assistant's phone at the request of the enforcement staff to see who he had been in contact with. Because the former program assistant had recently received a new phone, the information did not reveal activity from

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<sup>18</sup> The former operations director and former program assistant met briefly once and exchanged telephone numbers. The former program assistant eventually deleted the former operations director's information, but he initially retained it.

<sup>19</sup> The escort estimated that she received the cash at 7-7:30 p.m. But she also stated it was dark. The panel notes that it is not dark at 7:30 p.m. in July.

2014. The former program assistant consented to an interview with the enforcement staff on April 13, 2016. During the interview, he stated that he had had no contact with the former operations director since a brief meeting after the former operations director left the institution. Also during the interview, the staff asked him for certain bank records. The staff followed up that request with a May 12, 2016, letter to the institution in which it asked for the bank records. The enforcement staff also requested his cell phone records from June 1, 2014, to September 30, 2014, based on his representation that he had had no contact with the former operations director. On May 20, 2016, the enforcement staff sent the same request directly to the former program assistant at his home in Florida because he was no longer employed at the institution. He wrote back to the staff on June 2, stating that he was busy and had "not yet decided whether I will give yet more time and attention to the NCAA's ongoing demands upon me." He offered no other reasons for not turning over the requested records.<sup>20</sup>

The staff requested the phone records twice more, with a final request that the former program assistant provide them by July 11, 2016. He did not provide the records but consented to a second interview, which occurred on August 14, 2016. However, as he stated at the hearing, the former program assistant was angry throughout the second interview and exhibited an "attitude." During the interview, he again refused to provide the phone records or execute a release so that the enforcement staff could retrieve them without him. He also specifically declined to offer any reason for his refusal. However, in his initial written response to the notice of allegations, dated January 30, 2017, he offered that his cooperation was threatening his current employment and that the enforcement staff was engaging in a "fishing expedition." In his supplemental response, dated March 24, 2017, he asserted for the first time that he could not produce the requested phone records because the phone was controlled by his mother, who would not consent to their release.

At the hearing, the former program assistant produced a copy of his mother's April 2017 monthly phone bill. The statement showed that, at that time, she was paying the bill for three different phone numbers, including the number for which the enforcement staff was interested in obtaining the 2014 records. The bill was divided into three separate accountings for each of the three phone numbers. He also claimed that he had informed the institution in May 2016 that the phone belonged to his mother. However, a contemporaneous letter from institutional counsel to the enforcement staff recounting the conversation indicated he had said only that either he or his mother paid for the phone, not the institution.<sup>21</sup> Institutional counsel was unable to recall if there had been any more specific discussion regarding who had control of the phone.

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<sup>20</sup> Later in June, the former program assistant turned over additional bank records to the enforcement staff.

<sup>21</sup> At the hearing, institutional counsel could not recall anything else about the conversation. He referred the panel back to his letter for his recollection of what the former program assistant told him. Institutional counsel sent this letter to the enforcement staff prior to the former program assistant's June 2, 2014, letter stating that he had not yet decided whether to cooperate further.

*Former Operations Director*

The former operations director was the central figure in the events that occurred. For this reason, all parties had an interest in interviewing him. Nearly all attempts were unsuccessful.<sup>22</sup> The enforcement staff made multiple efforts to interview and obtain information from the former operations director. On February 10, 2016, the staff spoke to his attorney, who informed the staff that the former operations director would not consent to an interview or provide copies of his phone records. The staff spoke to the attorney a second time on June 1, 2016, to again request an interview and phone records, as well as certain bank records. The attorney again refused to make his client available or provide any records. The former operations director had the opportunity to file a response to the notice of allegations and/or appear at the infractions hearing. He did neither.

#### **IV. ANALYSIS**

The violations in this case arose in the men's basketball program where a basketball staff member repeatedly brought strippers and prostitutes to campus and local hotels and into contact with prospective and enrolled student-athletes, among others. The violations fall into four areas: (1) the former operations director arranging striptease dances and sex acts for prospects, enrolled student-athletes, a friend of one of the prospects and two nonscholastic basketball team coaches; (2) unethical conduct and failure to cooperate by the former operations director; (3) failure to cooperate by the former program assistant; and (4) failure of the head coach to meet his responsibility to monitor the former operations director.

##### **A. IMPERMISSIBLE ACTIVITIES WITH PROSPECTS AND STUDENT-ATHLETES AND UNETHICAL CONDUCT [NCAA Bylaws 10.01.1 and 10.1, 13.2.1, 13.2.1.1-(e) and 16.11.2.1 (2010-11 through 2013-14 Division I Manual)]**

For several years, the former operations director brought strippers and prostitutes into Minardi Hall and local hotels. There, the strippers and prostitutes provided stripteases and sex acts for prospects and enrolled student-athletes, a friend of one of the prospects and nonscholastic basketball team coaches. These actions violated multiple areas of NCAA legislation. The institution and enforcement staff substantially agreed to the facts and that violations occurred. The former operations director did not respond to the notice of allegations. The panel agrees to the facts and concludes that the former operations director committed Level I violations.

##### **1. NCAA legislation relating to impermissible inducements and benefits and ethical conduct.**

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

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<sup>22</sup> The former operations director submitted to an interview with counsel for the institution on September 4, 2015, prior to the release of the escort's book and before the parties were aware of specific facts of the alleged incidents.

**2. For over three years, the former operations director violated NCAA legislation when he arranged striptease dances and prostitution for several prospective and enrolled student-athletes, a friend of a prospect and two nonscholastic basketball team coaches.**

On 14 occasions from December 2010 through July 2014, the former operations director brought strippers and prostitutes into Minardi Hall and hotels to perform stripteases and/or sex acts for a total of 15 prospects, three enrolled student-athletes, a friend of a prospect and two nonscholastic basketball coaches. Many of the prospects were minors. The former operations director's actions violated NCAA inducement, benefit and ethical conduct legislation. These are severe violations, regardless of any dollar amounts assigned to them. The conduct violated Bylaws 10, 13 and 16 and caused the institution to violate Bylaws 13 and 16.

As a foundational core for institutional staff members, Bylaws 10.01.1 and 10.1 generally require all staff members to conduct themselves in an ethical manner, which includes representing the honor and dignity of the high standards associated with wholesome competitive sports. Further, as basic, important principles, Bylaws 13.2.1 and 16.11.2.1 preclude an institution and any institutional employee from providing any inducements or benefits to prospects, enrolled student-athletes or their friends, unless the benefits or inducements are expressly permitted by NCAA legislation. Bylaw 13.2.1.1-(e) specifically prohibits institutional staff members from providing cash to prospects.

Without dispute, the bylaws do not allow institutional staff members to arrange for stripteases and sex acts for prospects, enrolled student-athletes and/or those who accompany them to campus. On 12 separate occasions over three years, the former operations director arranged for strippers and prostitutes to repeatedly come to Minardi Hall, where they performed lewd dances for, and engaged in sex acts with, prospects, enrolled student-athletes and a friend of one of the prospects. On two other occasions, the former operations director arranged for similar activities to occur with a prospect and two coaches of prospects' nonscholastic basketball teams at local hotels. The activities predominately occurred on campus, in a dorm that primarily housed basketball student-athletes and others associated with the program. They involved 15 prospects, many of whom were minors. At times, some of these prospects spent nights in rooms by themselves. The former operations director also handed prospects cash to "tip" the strippers. When the former operations director arranged for the strippers and prostitutes to provide their services, he violated Bylaws 10.01.1, 10.1, 13.2.1 and 16.11.2.1. When he gave prospects cash to tip the strippers, he violated Bylaws 10.01.1, 10.1 and 13.2.1.1-(e).

The COI has previously dealt with cases involving impermissible benefits rendered through providing access to strippers and striptease shows, although not to this magnitude. *See University of Miami* (2013) (concluding that a booster provided impermissible benefits to student-athletes when he purchased their admission, entertainment and beverages at strip clubs); *University of Alabama* (2002) (concluding that the institution violated NCAA benefit legislation when prospects on official visits and their student hosts were entertained by strippers on campus); *University of*

*Mississippi* (1994) (concluding that institutional boosters provided impermissible inducements when they took prospects to strip bars).

The panel concludes that the activities, both individually and collectively, are Level I violations. Level I violations are those that seriously undermine or threaten the integrity of the NCAA Collegiate Model. They include violations that provide or are intended to provide a substantial or extensive advantage or impermissible benefit. The NCAA Collegiate Model requires that athletics be integrated into the educational system and conducted in a manner that promotes the ideals of higher education and the integrity of intercollegiate athletics. This fundamental precept requires institutions to provide a safe, healthy and positive environment for their student-athletes not only academically, but in all facets of their lives. This duty extends to prospects during recruiting visits. The focus of NCAA bylaws prohibiting impermissible recruiting benefits makes this duty explicit and clear. This institution failed in this regard. The former operations director, the individual entrusted to keep order at Minardi Hall, created an environment that has no place on a college campus and was directly at odds with the NCAA Collegiate Model. The institution acknowledged at the hearing that his conduct was disgusting and inexcusable.

The institution agreed that the violations are Level I violations in the aggregate per Bylaw 19.1.1. However, it submitted that each individual violation was only Level III. It made this argument based solely upon the assigned monetary value of the striptease dances and sex acts. However, the panel considers other factors besides monetary value in determining the level of violations. In this instance, the panel need not ascertain an exact value of the activities. The nature of the violations themselves, without more, elevates them to Level I. The types of activities that occurred in this case were repugnant and threaten the integrity of the NCAA Collegiate Model, regardless of any precise dollar value assigned to them. Further, although the former operations director did not submit to interviews, and therefore did not speak to his motivations, the panel concludes that he arranged the activities in an attempt to convince the prospects to enroll at the institution. Thus, his actions were intended to provide a substantial or extensive recruiting advantage to the institution. Each one of these individual violations is Level I, and they are Level I collectively.

**B. UNETHICAL CONDUCT AND FAILURE TO COOPERATE [NCAA Bylaws 10.01.1 and 10.1 (2015-16 Division I Manuals); 10.1-(a) 2015-16 Division I Manual); and 19.2.3 (2015-16 Division I Manual)]**

In 2016, the former operations director violated the principles of ethical conduct and did not satisfy his responsibility to cooperate with the NCAA when he refused to furnish information relevant to an investigation of possible violations of NCAA legislation. The institution and enforcement staff substantially agreed to the facts and that violations occurred. The former operations director did not participate in the process. The panel agrees to the facts and concludes that the former operations director committed Level I violations.

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

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

**2. The former operations director engaged in unethical conduct and failed to cooperate when he refused to participate in interviews or provide relevant information to the enforcement staff during its investigation.**

On two occasions in 2016, the former operations director refused to consent to interviews and provide requested records to the enforcement staff during the investigation. This conduct impeded the infractions process and violated Bylaws 10 and 19, which govern ethical conduct and cooperation.

Bylaws 10.01.1 and 10.1 generally require all institutional staff members to conduct themselves in an ethical manner. Subsection (a) of Bylaw 10.1, as well as Bylaw 19.2.3, direct all institutional staff members to make a full and complete disclosure of information relevant to the investigation of possible NCAA rules violations to the enforcement staff upon request.

In both February and June 2016, the former operations director engaged in unethical conduct when he refused to submit to interviews or produce information requested by the enforcement staff during the investigation. Institutional staff members have a duty to provide all information relevant to investigations into potential NCAA rules violations. On both occasions here, the former operations director, through an attorney, refused to comply with the enforcement staff's requests. His actions violated Bylaws 10.01.1 and 10.1, as well as Bylaws 10.1-(a) and 19.2.3. Pursuant to Bylaw 19.1.1, the former operations director's unethical conduct and failure to cooperate are Level I violations.

In past cases, the COI has concluded that the failure to provide complete information violates NCAA ethical conduct and cooperation legislation. *See Northeastern University* (2014) (concluding that a head coach engaged in unethical conduct and failed to cooperate when he refused to consent to an interview); *Boise State University* (2011) (concluding that a head coach who failed to provide full and complete information violated NCAA cooperation and ethical conduct legislation); *University of Tennessee* (2011) (concluding that a head coach who provided incomplete information failed to cooperate).

**C. THE FORMER PROGRAM ASSISTANT'S FAILURE TO FULLY COOPERATE [NCAA Bylaw 19.2.3 (2015-16 and 2016-17 Division I Manual)]**

In 2016, the former program assistant failed to fully cooperate in the investigation when he refused to deliver requested phone records to the enforcement staff. The records were relevant to the investigation of possible NCAA rules violations. The institution took no position on the allegation because the former program assistant was no longer employed at the institution when the alleged violation occurred. The former program assistant agreed that the enforcement staff requested his phone records and he did not produce them, but he did not agree that he failed to cooperate with the investigation. The former program assistant's refusal violated Bylaw 19. The panel concludes that the former program assistant committed a Level II violation.



**1. NCAA legislation relating to failure to cooperate.**

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

**2. The former program assistant failed to cooperate when he refused to provide phone records relevant to the investigation to the enforcement staff during the investigation.**

From May through August 2016, the former program assistant violated NCAA cooperation legislation when he refused to produce certain phone records when requested to do so by the enforcement staff. The records were relevant to the investigation. Among other things, they may have contained information regarding the source of the funds provided to the escort by an unknown male in July 2016. His conduct violated Bylaw 19.

Bylaw 19.2.3 requires all present and former institutional staff members to cooperate fully in NCAA investigations (see cited cases above). Although the former program assistant submitted to interviews and produced requested bank records, he refused to produce phone records that might have assisted the enforcement staff in determining who the former operations director contacted in July 2014 to deliver \$200 cash to the escort outside Minardi Hall. The enforcement staff requested the records on multiple occasions, informed the former program assistant of his responsibility under NCAA bylaws, and informed him of his ability to be represented by counsel. The former program assistant continued to refuse to produce the records.

The former program assistant's stated reasons for refusing to provide the phone records did not absolve him of his obligation to cooperate. He physically possessed the phone and was the one who used it. Throughout the investigation, he offered several justifications for his refusal. Initially, he was undecided regarding his continued cooperation because he claimed he was "busy." Shortly thereafter, in his second interview, he was angry, had an "attitude" and again refused to provide the records. When specifically asked, he offered no reasons for his refusal. During the same interview, he declined an opportunity to sign a records release, which would have allowed the enforcement staff to obtain the records without intruding on the former program assistant's time. In his first response, he offered that the investigation was threatening his employment and that the enforcement staff was engaged in a "fishing expedition." Finally, in a supplemental response filed a month before the hearing, he stated for the first time, and 10-plus months after the initial request, that he could not produce the records because the phone was in his mother's name, she controlled the account and refused to give him access. This was the first time he specifically mentioned that he had an impediment to producing the records.

In support of the final reason for his refusal, the former program assistant produced a copy of his mother's April 2017 phone bill at the hearing. It confirmed that, at the time of the hearing, his mother was the named holder of the account that includes the phone for which the enforcement staff was requesting records. The bill also showed that charges for the three phones covered by the account are listed and totaled separate from each other, meaning that he could have provided the records only for the phone the staff was interested in without the staff being privy to the

information for the other two lines. If his mother allowed him to present an April 2017 bill, there is no reason why she could not have allowed him to retrieve the bills reflecting the charges and calling information for the limited period of 2014 the staff was interested in. The panel is unpersuaded that the former program assistant was unable to produce the records requested by the enforcement staff.

This situation is distinguishable from that of the appellant in *Former Assistant Men's Basketball Coach, The University of Southern Mississippi*, Infractions Appeals Report No. 437 (2017). In that matter, a former coach consistently asserted that his wife controlled the family finances and would not agree to release joint bank account records requested by the enforcement staff as it investigated potential NCAA rules violations. The Infractions Appeals Committee (IAC) determined that, under the circumstances, the enforcement staff's request was unduly burdensome and vacated the COI's determination that the former coach failed to cooperate when he did not turn over the records.<sup>23</sup> In this case, the former program assistant changed his reasons for not cooperating numerous times. He did not assert that his mother would not allow the records to be released until just before the hearing. Further, the billing statement he produced showed that the bills could have been separated so that he could produce records for just the phone he used. The former program assistant had possession and use of the phone. The enforcement staff's request for the records was made to pursue information of a possible NCAA rules violation. Thus, the former program assistant had a duty to produce the records. When he did not produce them, he failed to fully cooperate in the investigation in violation of Bylaw 19.2.3. His violation is Level II.

**D. HEAD COACH RESPONSIBILITY [NCAA Bylaws 11.1.2.1 (2010-11 Division I Manual through October 29, 2012) and 11.1.1.1 (October 30, 2012, through 2013-14)]**

For approximately four years, the head coach failed in his responsibility to monitor the activities of the former operations director, who reported to him. Neither the institution nor the head coach agreed with the enforcement staff that the head coach failed to monitor the former operations director. The panel concludes that the violation occurred and is Level I.

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

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

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<sup>23</sup> The IAC's report states that the COI established an "unduly burdensome" test for cooperation with records requests in *University of North Carolina, Chapel Hill* (2012). The panel disagrees. In that case, the COI did not establish a test. The review and production of relevant records are two of the few tools the enforcement staff has to meet its obligation to develop relevant, accurate and complete information for the panel's consideration. See Bylaws 19.5.1 and 19.7.7.3. If an individual has possession of, use of, access to or control of an account or phone, the COI expects that individual to produce records requested pursuant to NCAA bylaws.

**2. The head coach failed to monitor the former operations director when he gave the former operations director recruiting responsibilities but did not ensure that he complied with NCAA rules.**

From January 2010, the time the head coach hired the former operations director, through April 2014, when the former operations director left the institution, the head coach failed to monitor his activities in Minardi Hall with prospects visiting campus. Specifically, the head coach failed to monitor the former operations director when the head coach: (1) created the residential environment in which the violations eventually occurred and trusted the former operations director to behave in a manner consistent with NCAA rules; and (2) delegated monitoring of the former operations director to his assistant coaches without appropriate oversight. The head coach's failure to monitor the former operations director violated Bylaw 11 head coach responsibility legislation.

Bylaw 11.1.1.1 and its predecessor, Bylaw 11.1.2.1, create a presumption that head coaches are responsible for the actions of their subordinates. *See Syracuse University* (2015) (concluding that the bylaw places a duty upon a head coach to monitor the activities of all staff and administrators who report directly or indirectly to the head coach); *University of Miami* (2013) (concluding that the bylaw holds head coaches responsible for the conduct of staff); *Indiana University, Bloomington* (2008) (concluding that the bylaw places a specific and independent monitoring obligation on head coaches). The monitoring responsibility applies to all assistant coaches and program staff members who report, either directly or indirectly, to the head coach. That presumption is rebuttable.

Here, the head coach failed to rebut the presumption. He essentially placed a peer of the student-athletes in a position of authority over them and visiting prospects and assumed that all would behave appropriately in an environment that was, for all practical purposes, a basketball dormitory. Further, he delegated responsibility for monitoring the former operations director to his assistant coaches, who later stated they were unaware it was their job.

The first way the head coach's monitoring was deficient was in creating the living arrangements in which the violations occurred and then trusting the former operations director without verifying his actions. Admirably, the head coach raised the funds to construct Minardi Hall in memory of a fallen family member. However, once the hall was constructed, it was occupied almost exclusively by individuals associated with the men's basketball program. Into that environment he placed the former operations director, just a year removed from being a teammate of the student-athletes, as the person charged with keeping order. According to the head coach, the former operations director's duties included monitoring the behavior of the people in Minardi Hall. In such a setting, the head coach had a responsibility to ensure that the former operations director complied with NCAA and institutional rules.

Minardi Hall had a resident assistant, but the head coach chose the former operations director to serve as what the institution described as a "watch dog" over the student-athletes living there. The head coach hired the former operations director because he was loyal to the program and the head coach felt he was trustworthy. The former operations director attended staff meetings and

participated in rules education sessions, but was not specifically trained in any manner regarding the duties the head coach assigned him in Minardi Hall.

As a panel of this committee stated in *Syracuse University*, a head coach does not meet his monitoring responsibility by simply trusting an individual to know NCAA rules and do the right thing. In that case, a head coach hired an individual with a record of success in academic matters to oversee academics in his program. He delegated responsibilities to that individual and trusted him to follow all rules. The head coach did not check up on the individual's activities, which eventually included committing academic fraud on behalf of student-athletes. Here, the head coach gave the former operations director some general admonitions, such as keeping prospects out of bars and ensuring they did not make excessive noise. Yet the head coach gave the former operations director responsibilities for monitoring behavior in Minardi Hall. By the head coach's own admission, the coaching staff did not know what occurred inside the dormitory from the time the prospects on official visits returned there after dinner at approximately 10 p.m. until the next morning. The late-night hours of recruiting visits, including the sleeping arrangements of prospects, require just as much care, planning, monitoring and supervision by athletics staff as daytime events. When the prospects came to breakfast or another appointment the following morning, the head coach asked them only what he described as "standard generic questions" about their time on campus. His inquiries to the former operations director were limited to questions about how the prospect was enjoying his time on campus and where Louisville ranked on the prospect's list of institutions that were recruiting him.

The institution provided even less supervision for prospects staying overnight on unofficial visits to campus, which do not include assigned student hosts or organized meals. The head coach was not even present when some of the unofficial visits occurred, and he had little or no recall of some of them. During his interview with the enforcement staff, he stated a lack of awareness that at least one of the prospects involved in the violations even stayed in Minardi Hall while on an unofficial visit. Many of the prospects who visited were minors, including some who ultimately observed the striptease dances and were involved in the sex acts. Pursuant to institutional policy, their visits were to be approved by four individuals outside of athletics and a copy of their identifications placed on file. This did not happen. They were to stay in the room of an assigned host, which many did not. In such a setting, with high school students allowed into a college dormitory and, at best, loosely monitored by an individual barely older than the enrolled student-athletes, the risk for problems to occur was high. When the head coach placed the former operations director in charge of keeping order in Minardi Hall, did not ensure that he followed institutional policy and simply trusted him to do the right thing, he did not meet his responsibility to verify to the best of his ability that the danger of rules violations was minimized. The head coach failed to meet his responsibility to monitor the former operations director, and is therefore responsible for his actions.

Second, the head coach said he delegated the monitoring of the former operations director's activities to his assistant coaches. However, the assistant coaches who were interviewed were unaware of this responsibility. The head coach's own role was generally limited to asking the former operations director where the prospects were leaning toward enrolling. Consequently,

neither the head coach nor his assistant coaches monitored the former operations director's activities with visiting prospects on campus.

The former operations director had numerous duties when prospects were on campus. He took them on tours, made sure they got up in the morning and followed their itineraries, and was responsible for their well-being in Minardi Hall. The head coach's own observations of the former operations director's dealings with the prospects consisted of seeing them at breakfast or in some other limited, controlled setting. However, all assistant coaches denied that it was their responsibility to monitor the former operations director. Assistant coaches 2, 3 and 4 all denied that their duties included monitoring the former operations director's interactions with prospects. Similar to the head coach, they assumed that all staff members were performing their duties as instructed and in accordance with NCAA legislation. Their conversations with the former operations director were also similar to those had by the head coach, consisting of general questions about the visiting prospect's schedule and whether the prospect was enjoying himself. If the head coach expected his assistants to monitor the former operations director, he did not communicate it to them clearly. The head coach had the ultimate responsibility to monitor the activities of the former operations director. Because he did not rebut his presumed responsibility for the conduct of the former operations director, his subordinate, the head coach committed a Level I violation of Bylaw 19.1.1.

## **V. VIOLATIONS NOT DEMONSTRATED**

In addition to alleging that the former program assistant violated Bylaw 19.2.3 when he refused to provide certain phone records, the enforcement staff also alleged that the same conduct constituted unethical conduct pursuant to Bylaw 10.1-(a). The panel does not conclude that the specific facts of this situation establish unethical conduct. The former program assistant submitted to two interviews with the enforcement staff. He provided numerous pages of bank records when requested. He responded to the notice of allegations and participated in the hearing. Based on these specific facts, and even though he did not fully cooperate, the panel concludes that unethical conduct was not demonstrated.

## **VI. PENALTIES**

For the reasons set forth in Sections III and IV of this decision, the panel concluded that this case involved Level I and Level 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.

Because the violations in this case straddled the implementation of the new penalty structure, the panel conducted a penalty analysis under both former Bylaw 19.5.2 (2012-13 Division I Manual) and current Bylaw 19.9 to determine which penalty structure was less stringent. In considering

penalties under the former penalty structure, the panel reviewed past cases as guidance. In considering the penalties under the new penalty structure, the panel also reviewed the aggravating and mitigating factors and utilized the new penalty guidelines (Figure 19-1) to appropriately classify the case and violations. The panel considered aggravating and mitigating factors by weight as well as number. This case involved violations that occurred over close to a four-year period. The violations also included deliberate violations and a willful, blatant disregard for the NCAA constitution and bylaws, as well as student-athlete welfare. A person of authority condoned and participated in the wrongful conduct.<sup>24</sup> Additionally, many of the violations in this case caused ineligibility of the institution's student-athletes. After considering all information relevant to the case, the panel determined that (i) the number and nature of the aggravating factors outweigh the mitigating factors with regard to the institution and (ii) there are only aggravating and not mitigating factors with regard to the conduct of the former operations director. Therefore, the panel classified the institution's case as Level I-Aggravated. The violations are also Level I-Aggravated for the former operations director, while the head coach's violation is Level I-Standard. The former program assistant's violation is Level II-Aggravated. Because of the required more stringent core penalties for a Level I Aggravated case under Figure 19-1, the panel prescribes appropriate penalties under former Bylaw 19.5.2.

All of the penalties prescribed in this case are independent and supplemental to any action that has been or may be taken by the Committee on Academics through its assessment of postseason ineligibility, historical penalties or other penalties. The institution's corrective actions are contained in the Appendix. The panel prescribes the following:

1. Public reprimand and censure.
2. Four years of probation from June 15, 2017, through June 14, 2021.
3. Financial penalties: The institution shall pay a financial penalty of \$5,000 (institution imposed). The former operations director knew that his actions violated NCAA legislation. The student-athletes who participated in the striptease dances, prostitution and "tipping" of the strippers became ineligible for competition. They knew or should have known that their actions were contrary to NCAA legislation. Therefore, consistent with former Bylaw 19.5.2-(i) and Bylaw 31.2.2.4, the IAC's report in *Purdue University* (2000), IAC Report No. 306 in *University of Memphis* (2010) and IAC Report No. 414 in *Syracuse University* (2015), the institution shall return to the NCAA all of the monies it has received to date through conference revenue sharing for its appearances in the 2012, 2013, 2014 and 2015 NCAA Men's Basketball Tournaments. Future revenue distributions that are scheduled to be provided to the institution from those tournaments 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.

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<sup>24</sup> Because of the responsibilities he had for overseeing the student-athletes in Minardi Hall, the panel determines that the former operations director qualifies as a person of authority in this case during the two years he served as director of operations.

4. Postseason ban: The institution ended the 2015-16 men's basketball season with its last regular season game and did not participate in postseason conference or NCAA tournament competition. (institution imposed)
5. Scholarship reductions: The men's basketball program reduced by two the number of men's basketball grants-in-aid for the 2016-17 academic year (institution imposed). Additionally, the institution shall reduce the number of grants-in-aid for men's basketball by a total of four over the period of probation. The institution may take the reductions during any academic year covered by the probationary period.
6. Recruiting restrictions:
  - a. The institution reduced the number of recruiting opportunities by 30 by prohibiting any coach from traveling during the April 2016 recruiting period (24 days) and reduced the recruiting travel during the July 2016 recruiting period by six days. (institution imposed)
  - b. The institution reduced the number of official visits in the sport of men's basketball to a total of 10 during the 2015-16 academic year and will award no more than a total of 16 during the 2016-17 and 2017-18 academic years, a reduction of eight off the permissible number. (institution imposed)
  - c. For the full period of probation, the institution shall not allow any prospective men's basketball student-athletes on unofficial visits to the institution to stay overnight in any campus dormitory or other institutional-owned property.
7. Disassociation: The institution has disassociated the former operations director and represented that the disassociation is permanent. The disassociation shall include:
  - a. Refraining from accepting any assistance from the former operations director that would aid in the recruitment of prospective student-athletes or the support of enrolled student-athletes;
  - b. Refusing financial assistance or contributions to the institution's athletics program from the former operations director;
  - c. Ensuring that no athletics benefit or privilege is provided to the former operations director, either directly or indirectly, that is not available to the public at large; and
  - d. Implementing other actions that the institution determines to be within its authority to eliminate the involvement of the former operations director in the institution's athletics program.

8. The institution shall engage the services of an outside entity to audit its dormitory operations. The institutions shall comply with all recommendations made by the auditor for improving safety and activity monitoring in the dormitories.

### **Show-cause orders**

9. Head coach restrictions: **Restricted Coaching Activities.** The head coach failed in his duty to monitor the activities of the former operations director, a member of his staff who reported directly or indirectly to him. Specifically, the head coach entrusted the former operations director with overseeing Minardi Hall, a dormitory populated in large part by men's basketball student-athletes and others associated with the men's basketball program. Prospective student-athletes, including minors, regularly stayed overnight in the hall. The head coach did not take any action to ensure that the former operations director was trained for his duties. While the head coach made general inquiries regarding what was occurring in the hall, the head coach did not verify that the former operations director was appropriately exercising the authority the head coach conferred upon him. Further, he visited the dormitory only on limited occasions and was unaware exactly when the former operations director lived in Minardi Hall. Ultimately, the former operations director engaged in a series of disgraceful and repugnant actions that threatened the integrity of the NCAA Collegiate Model and went undetected for approximately four years. Therefore, pursuant to former Bylaw 19.5.2-(c), the institution shall suspend the head coach from all coaching duties for the first five conference games of the 2017-18 season. This institution or any other employing member institution during the 2017-18 academic year shall adhere to this penalty and the reporting requirements.

The provisions of this suspension require that the head coach not be present in the arena where the games are played and have no contact or communication with members of the men's basketball coaching staff and student-athletes during the suspension period. The prohibition includes all coaching activities for the period of time which begins at 12:01 a.m. the day of the first conference game and ends at 11:59 p.m. on the day of the fifth conference game. During that period, the head coach may not participate in any activities including, but not limited to, team travel, practice, video study and team meetings. The results of those contests from which the head coach is suspended shall not count in his career coaching record.

Although each case is unique, the head coach's suspension is consistent with those previously prescribed in *Syracuse University* (2015), *Saint Mary's College of California* (2013) and *University of Connecticut* (2011), where head men's basketball coaches were suspended from nine, five and three conference games, respectively.<sup>25</sup> Although those cases also included a

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<sup>25</sup> Although not expressly identified in Bylaw 19.4.5, the Division I Infractions Appeals Committee (IAC) modified the COI's head coach suspension in *Syracuse University* from the first nine conference games to the next nine games beginning with the release of its decision. In its decision, the IAC identified that it looks to the COI's rationale when the COI departs from precedent. The IAC also stated that it did not believe the COI considered the Syracuse head coach's lack of direct involvement or that he did not acquiesce to the conduct. Neither direct involvement nor acquiescence to the underlying violations is required when distinguishing between conference and regular season games. Here, the COI does not depart from precedent as the suspension falls within the range of cited suspensions (i.e., between nine and three conference games). However, in prescribing the head coach's five



failure to promote an atmosphere for compliance, a suspension is appropriate because those suspensions stemmed from head coach responsibility violations. Consistent with those cases and considering the underlying Level I violations in this case, the panel prescribes a suspension from conference games rather than regular season games because it is a more significant penalty.

10. The former operations director knowingly committed severe breaches of conduct that seriously undermined the integrity of the NCAA Collegiate Model. He arranged for strippers and prostitutes to come to Minardi Hall, where they performed striptease dances for, and various sex acts with, prospective student-athletes (some of whom were under age 18), enrolled student-athletes and a friend of one of the prospects. He also arranged for the prostitutes to provide their services to one prospect and two nonscholastic basketball coaches at local hotels. Therefore, the former operations director will be informed in writing by the NCAA that the panel prescribes a 10-year show-cause order pursuant to former Bylaw 19.5.2-(k). The show-cause period shall run from June 15, 2017, through June 14, 2027. Any NCAA member institution employing the former operations director during the 10-year period shall preclude him from holding any athletically related duties and from having any contact with prospective students and their families.
11. The former program assistant did not fully cooperate with the investigation. While he interviewed with the enforcement staff and provided some requested records, he declined to produce crucial phone records that, among other things, may have assisted the enforcement staff in determining who handed the escort \$200 in July 2014, immediately before she ventured to a local hotel. At the hotel, the escort and her daughter engaged in sexual intercourse with a prospect and the prospect's nonscholastic basketball team coach. The panel is not convinced that the former program assistant was unable to produce the requested phone records in a timely fashion. At the very least, if the former program assistant thought there were impediments to producing the requested records, he had an obligation to fully cooperate with the enforcement staff by explaining the perceived difficulties. Therefore, the former program assistant will be informed in writing by the NCAA that the panel prescribes a one-year show-cause order pursuant to former Bylaw 19.9.5.4. The show-cause period shall run from June 15, 2017, through June 14, 2018. If the former program assistant is employed by an NCAA member institution during the term of the show cause, he and the member institution shall schedule an appearance before a panel of the COI to determine whether he should be subject to the show-cause provisions of former Bylaw 19.5.2-(k).
12. Vacation of records. The COI has not previously dealt with a case like this. A team staff member arranged striptease dances and acts of prostitution for enrolled student-athletes and prospects who eventually enrolled at the institution. Some of the prospects were minors. By his actions, the former operations director rendered those student-athletes and prospects

ineligible for competition.<sup>26</sup> The violations were serious, intentional, numerous and occurred over multiple years. Therefore, pursuant to former Bylaw 19.5.2-(h) and Bylaw 31.2.2.3, and consistent with IAC Report No. 306 in *University of Memphis* (2010) and IAC Report 414 in *Syracuse University* (2015), the institution shall vacate all regular season and conference tournament wins in which ineligible student-athletes competed from the time they became ineligible through the time they were reinstated as eligible for competition through either the student-athlete reinstatement process or through a grant of limited immunity. Further, if any of the student-athletes competed in the NCAA Division I Men's Basketball Championships at any time they were ineligible, the institution's participation in the championships shall be vacated. The individual records of the ineligible student-athletes shall also be vacated. Further, the institution's records regarding men's basketball, as well as the record of the head coach, will reflect the vacated records and will be recorded in all publications in which men's basketball 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 which may subsequently hire the head coach shall similarly reflect the vacated wins in his 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 to attain specific honors or victory "milestones" such as 100th, 200th or 500th career victories. Any public reference to these vacated contests shall be removed from athletics department stationery, banners displayed in public areas and any other forum in which they may appear. Any trophies or other team awards attributable to the vacated contests shall be returned to the Association.

To ensure that all institutional and student-athlete vacations, statistics and records are accurately reflected in official NCAA publication and archives, the sports information director (or other designee as assigned by the director of athletics) must contact the NCAA media coordination and statistics staff 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 staff a written report detailing those discussions. This document will be maintained in the permanent files of the NCAA media coordination and statistics department. This written report must be delivered to the NCAA media coordination and statistics staff no later than 45 days following the initial infractions decision release or, if the vacation penalty is appealed, at the conclusion of the appeals process. A copy of the written report shall also be delivered to the Office of the Committees on Infractions (OCOI) at the same time.

13. Following the receipt of the final compliance report and prior to the conclusion of probation, the institution's president shall provide a letter to the committee affirming that the institution's current athletics policies and practices conform to all requirements of NCAA regulations.

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<sup>26</sup> The institution provided a chart of student-athletes who competed while ineligible and the contests in which they participated.

14. During the period of probation, the institution shall:

- a. Continue to develop and implement a comprehensive educational program on NCAA legislation to instruct the coaches, the faculty athletics representative, all athletics department personnel and all institution staff members with responsibility for NCAA recruiting and certification legislation;
  - b. Submit a preliminary report to the OCOI by August 1, 2017, 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 April 15, during each year of probation. Particular emphasis shall be placed on training athletics staff assigned to dormitory duties, full adherence to the institution's housing policies for visiting prospective student-athletes and monitoring of activities in the dormitories where student-athletes reside and where prospective student-athletes are housed on visits;
  - d. Inform in writing prospective student-athletes in men's basketball that the institution is on probation for four years and detail the violations committed. If a prospective student-athlete takes an official paid visit, the information regarding violations, penalties and terms of probation must be provided in advance of the visit. Otherwise, the information must be provided before a prospective student-athlete signs a National Letter of Intent; and
  - e. Publicize specific and understandable information concerning the nature of the infractions by providing, at a minimum, a statement to include the types of violations and the affected sport programs and a direct, conspicuous link to the public infractions report located on the athletic department's main or "landing" webpage. The information shall also be included in the men's basketball media guides and in an alumni publication. The institution's statement must: (i) clearly describe the infractions; (ii) include the length of the probationary period associated with the infractions case; and (iii) provide a clear indication of what happened in the infractions case. A statement that refers only to the probationary period with nothing more is not sufficient.
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The COI advises the institution that it should take every precaution to ensure that it observes the terms of the penalties. The COI will monitor the penalties during their effective periods. Any action by the institution contrary to the terms of any of the penalties or any additional violations may be considered grounds for extending the institution's probationary period, prescribing more severe penalties or may result in additional allegations and violations.

NCAA COMMITTEE ON INFRACTIONS PANEL

William Bock III

Carol Cartwright, chief hearing officer

Greg Christopher

Thomas Hill

Stephen Madva

Joe Novak

Larry Parkinson

**APPENDIX ONE**  
**CORRECTIVE ACTIONS AS IDENTIFIED IN THE INSTITUTION'S**  
**JANUARY 17, 2017, RESPONSE TO THE NOTICE OF ALLEGATIONS.**

A. Corrective Actions –The institution had a variety of security procedures in place, including a live-in RA, a security guard during the evening and early morning hours, locked exit doors, and a biometric finger scan and code system for gaining access to the dorm. However, the most significant security precaution undertaken by the institution was requiring a men's basketball staff member to live in Minardi in order to monitor the late-night activities of the student-athletes. It is a deep betrayal of trust that the person assigned responsibility to prevent improper activities was the person who arranged for these activities to occur.

Nevertheless, the following corrective actions have been taken by the institution since the inquiry began:

- i. Retained an individual to conduct an independent misconduct risk assessment by: (a) reviewing the athletics department and individual team policies and procedures; and (b) conducting on-campus interviews with a representative sampling of athletics administrators, coaches, staff, and students (student-athletes, interns, and/or employees). One outcome is to increase the probability that student-athletes (and staff) will come forward to disclose potential violations of institutional and or NCAA policy. The independent individual will return in the spring/summer of 2017 to do focused training with staff and student-athletes based upon the findings in the completed risk assessment.
- ii. Hired an independent group to conduct a Title IX sexual misconduct/sexual harassment risk management review. The group reviewed the university's athletics department policies and procedures and met with staff (athletics and university), coaches, and student-athletes to determine their knowledge of reporting options and resources related to any Title IX sexual misconduct/harassment complaints.
- iii. Added additional rules education by providing official/unofficial host training sessions for all student-athletes. These sessions included review of all areas of hosting, including permissible/impermissible benefits, proper entertainment activities during visits, student-host instruction documentation, and proper use of student host money.
- iv. Conducted and enhanced NCAA rules education sessions with the Minardi Hall student and contract staff, the university housing staff and the clubhouse staff, an affiliated university housing option that houses a number of student-athletes. Topics included ethical conduct, extra benefits, recruiting, and the necessity to report suspicious/questionable activity involving student-athletes to an appropriate supervisor.
- v. Implemented Monthly Monitoring Reports to each sport program that updates the coaching staff on the status of required forms, eligibility certifications, etc.

- vi. Undertook several security enhancements within Minardi Hall, including limiting access to the building "master key" that could be used to turn off side door alarm to Minardi Housing staff only.
  
- vii. Also, during the 2014-15 academic year, and unrelated to this inquiry, the institution undertook an intensive review of its on-campus recruiting activities.

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

**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. (2010-11 Division I Manual through October 29, 2012).

**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. (October 30, 2012, through 2013-14).

**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, 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:

**13.2.1 General Regulation.** An institution's staff member or any representative of its athletics interests shall not be involved, directly or indirectly, in making arrangements for or giving or offering to give any financial aid or other benefits to a prospective student-athlete or his or her relatives or friends, other than expressly permitted by NCAA regulations. Receipt of a benefit by a prospective student-athlete or his or her relatives or friends is not a violation of NCAA legislation if it is determined that the same benefit is generally available to the institution's prospective students or their relatives or friends or to a particular segment of the student body (e.g., international students, minority students) determined on a basis unrelated to athletics ability.

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

- (e) Cash or like items.

**16.11.2.1 General Rule.** The student-athlete shall not receive any extra benefit. The term "extra benefit" refers to any special arrangement by an institutional employee or representative of the institution's athletics interests to provide the student-athlete or his or her relatives or friends with a benefit not expressly authorized by NCAA legislation.

### **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:

**13.2.1 General Regulation.** An institution's staff member or any representative of its athletics interests shall not be involved, directly or indirectly, in making arrangements for or giving or offering to give any financial aid or other benefits to a prospective student-athlete or his or her relatives or friends, other than expressly permitted by NCAA regulations. Receipt of a benefit by a prospective student-athlete or his or her relatives or friends is not a violation of NCAA legislation if it is determined that the same benefit is generally available to the institution's prospective students or their relatives or friends or to a particular segment of the student body (e.g., international students, minority students) determined on a basis unrelated to athletics ability.

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

- (e) Cash or like items.

**16.11.2.1 General Rule.** The student-athlete shall not receive any extra benefit. The term "extra benefit" refers to any special arrangement by an institutional employee or representative of the institution's athletics interests to provide the student-athlete or his or her relatives or friends with a benefit not expressly authorized by NCAA legislation.

### **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:

**13.2.1 General Regulation.** An institution's staff member or any representative of its athletics interests shall not be involved, directly or indirectly, in making arrangements for or giving or offering to give any financial aid or other benefits to a prospective student-athlete or his or her relatives or friends, other than expressly permitted by NCAA regulations. Receipt of a benefit by a prospective student-athlete or his or her relatives or friends is not a violation of NCAA legislation if it is determined that the same benefit is generally available to the institution's prospective students or their relatives or friends or to a particular segment of the student body (e.g., international students, minority students) determined on a basis unrelated to athletics ability.

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

- (e) Cash or like items.

**16.11.2.1 General Rule.** The student-athlete shall not receive any extra benefit. The term "extra benefit" refers to any special arrangement by an institutional employee or representative of the institution's athletics interests to provide the student-athlete or his or her relatives or friends with a benefit not expressly authorized by NCAA legislation.

### **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:

**13.2.1 General Regulation.** An institution's staff member or any representative of its athletics interests shall not be involved, directly or indirectly, in making arrangements for or giving or offering to give any financial aid or other benefits to a prospective student-athlete or his or her relatives or friends, other than expressly permitted by NCAA regulations. Receipt of a benefit by a prospective student-athlete or his or her relatives or friends is not a violation of NCAA legislation if it is determined that the same benefit is generally available to the institution's prospective

students or their relatives or friends or to a particular segment of the student body (e.g., international students, minority students) determined on a basis unrelated to athletics ability.

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

(e) Cash or like items.

**16.11.2.1 General Rule.** The student-athlete shall not receive any extra benefit. The term "extra benefit" refers to any special arrangement by an institutional employee or representative of the institution's athletics interests to provide the student-athlete or his or her relatives or friends with a benefit not expressly authorized by NCAA legislation.

### **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:

(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.

**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.

### **Division I 2016-17 Manual**

**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.