



**UNIVERSITY OF SOUTHERN MISSISSIPPI**  
**PUBLIC INFRACTIONS DECISION**  
**APRIL 8, 2016**

## **I. INTRODUCTION**

The NCAA Division I Committee on Infractions is an independent administrative body of the NCAA comprised of individuals from the Division I membership and the public. The committee decides infractions cases involving member institutions and their staffs.<sup>1</sup> This case involves the men's basketball program at the University of Southern Mississippi.<sup>2</sup> It centers on the head coach and members of his coaching staff engaging in a plan of academic fraud designed to assist two-year college prospective student-athletes in attaining admission to the institution and eligibility to compete. Within six weeks of becoming employed at the institution, the head coach directed one of his assistant coaches and two graduate assistant managers to complete online academic coursework for the prospects. Other members of the staff were aware of the fraud and the associate head coach helped facilitate it. The staff members eventually completed online coursework for seven prospects over two academic years. Once the staff members completed the work, either they or the prospects submitted it for credit. A majority of the prospects used the credits to attain immediate eligibility for competition upon their transfer to the institution. The head coach violated NCAA ethical conduct, cooperation and head coach responsibility legislation when he planned and directed the academic fraud. One of the institutional coaches and one of the graduate assistant managers involved in the academic fraud declined to submit to interviews or otherwise cooperate in the investigation.

The case also involves a high school coach and a prep school coach paying the tuition, room and board expenses of two student-athletes during the year they served in residence on campus. Those coaches sent funds to the head coach, who passed them on to the student-athletes. The student-athletes used the funds to partially cover their educational expenses.

The head coach committed Level I violations of NCAA legislation when he formulated a plan to have his associate head coach, an assistant coach and two graduate assistant managers commit academic fraud by completing online academic coursework for two-year college prospective student-athletes. He committed further Level I violations when he provided false information and obstructed the investigation. The associate head coach, assistant coach and the graduate

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

<sup>2</sup> A member of Conference USA, The University of Southern Mississippi has an enrollment of approximately 11,000 students. It sponsors nine women's and seven men's sports. The institution had previous major infractions cases in 2013 (men's tennis); 1985 (football) and 1982 (football).

managers all committed Level I violations when they engaged in the fraud.<sup>3</sup> The prep school coach committed a Level I violation when he refused to furnish records during the investigation.

The institution agreed that the violations occurred. The head coach disagreed that the facts established that he personally committed any violations. He agreed that he failed to monitor his program and that members of his staff engaged in academic fraud, although he denied knowing of the fraud as it was happening. The associate head coach and one of the graduate assistants did not participate in the process, but the assistant coach and other graduate assistant admitted their part in the fraud. The prep school coach did not agree that he violated NCAA legislation.

The panel classifies this case as Level I – Standard for the institution and the prep school coach. The case is Level I – Aggravated for the head coach, associate head coach and graduate assistants. Based on the panel's conclusions, the violations in this case predominantly occurred after the implementation of the new penalty structure. Therefore, utilizing the penalty guidelines, the panel adopts and prescribes the following penalties: three years of probation, a two-year postseason ban for the institution's men's basketball team, reductions in grants-in-aid and recruiting opportunities and show-cause penalties of various lengths for the involved individuals. The penalty section of this decision describes other penalties.

## II. CASE HISTORY

In August 2014, the NCAA enforcement staff developed information regarding possible rules violations in the institution's men's basketball program. The information included allegations that the former head men's basketball coach (former head coach) had provided impermissible aid to two student-athletes and that a graduate assistant had completed online coursework for two-year college prospective student-athletes. From that time through March 2015, the enforcement staff requested limited immunity pursuant to NCAA Bylaw 19.3.7 for a number of individuals, including student-athletes, a graduate assistant manager (graduate assistant B) and a former assistant men's basketball coach (former assistant coach A).<sup>4</sup> The vice chair of the Committee on Infractions granted the requests.<sup>5</sup>

On October 17, 2014, the enforcement staff provided a verbal notice of inquiry to the institution. On July 22, 2015, the staff issued a notice of allegations to the institution, the former head coach, the former associate head men's basketball coach (former associate head coach), a then-assistant basketball coach (former assistant coach B), a then-assistant men's basketball coach at another NCAA institution (student-athlete 4's prep school coach), graduate assistant B and another former graduate assistant manager (graduate assistant A). On October 20 and 21, 2015, the

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<sup>3</sup> One assistant men's basketball coach is not at risk in the case due to a grant of limited immunity per NCAA Bylaw 19.3.7-(c).

<sup>4</sup> Former assistant coach A was involved in the violations but is not at risk due to the limited immunity grant.

<sup>5</sup> NCAA Bylaws 19.3.7-(c) and (d) state that limited immunity requests are to be granted by the chair of the committee. However, the chair of the committee recused himself from this case, therefore, the duty fell to the vice-chair.

institution, the former head coach, student-athlete 4's prep school coach, graduate assistant A and former assistant coach B, all filed responses to the notice of allegations. Within approximately 60 days, the institution, former head coach and graduate assistant A also filed supplemental responses. The enforcement staff submitted its written reply and statement of the case on December 18, 2015, and the panel conducted a hearing on January 21, 2016. In addition to institutional representatives and the enforcement staff, the former head coach, former assistant coaches A and B and student-athlete 4's prep school coach all attended the hearing.

At the hearing, counsel for the former head coach and assistant coach B made a procedural motion to exclude former assistant coach A from the hearing and to exclude an interview from former assistant coach A that occurred after he was granted limited immunity. The two parties argued that former assistant coach A should not have been granted limited immunity because he was not an institutional employee at the time of the grant of limited immunity and because they could not explore whether former assistant coach A and the enforcement staff struck a quid pro quo deal for certain information in exchange for limited immunity. The enforcement staff disagreed with those arguments. After hearing all parties' positions, the committee denied on the record the motions for two principal reasons. The vice chair, who was also the chief hearing officer, was satisfied that the limited immunity grant was consistent with past practices of the enforcement staff and was granted fairly. Also, the infractions process anticipates engaging former institutional employees for purposes of obtaining full and accurate information. *See* NCAA Bylaw 19.02.1 (defining an involved individual as both current and former institutional employees); NCAA Bylaw 19.2.3 (requiring cooperation in the infractions process from current and former institutional employees); NCAA Bylaw 10 (establishing a violation for providing false or misleading information for both current and former institutional employees); and *Texas Christian University* (2005) ( Limited immunity granted to two former assistant coaches who were no longer employed at a member institution). Limited immunity serves this important goal in a system that otherwise has limited tools. The panel heard the case on the merits and based its decision on the full information in the record.

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

#### **Background**

The University of Southern Mississippi (USM) hired the former head coach as head men's basketball coach on May 1, 2012. During his first year at USM, 2012-13, his staff consisted of the former associate head coach and former assistant coaches A and B. The former head coach also hired graduate assistants A and B in the spring of 2012 on the recommendation of one of his former assistant coaches at another institution. Finally, the former head coach hired a director of basketball operations (DOBO).

Before the former head coach's second year at USM, 2013-14, the former associate head coach moved on. The staff otherwise remained intact. The former head coach resigned from USM to accept a position at another institution on April 22, 2014. With the exception of graduate

assistant A, all members of the 2013-14 staff followed him to the new institution, although former assistant coach B soon thereafter returned to USM. Graduate assistant A was not retained by USM.

Former assistant coach B resigned from his position at USM on March 28, 2015, as the investigation into this case was ongoing. Similarly, former assistant coach A resigned his position at the former head coach's new institution on November 24, 2014, during the investigation. Graduate assistant B resigned from his position on the former head coach's staff at the new institution in November 2014, three days before a scheduled interview with the enforcement staff. The former head coach's new institution relieved him of his duties on March 27, 2015.

### **The coaching staff's recruiting in 2012-13**

Within six weeks of beginning his employment at USM, the former head coach and members of his staff formulated and implemented a plan to assist prospective student-athletes who needed additional academic support. The plan included the former head coach hiring graduate assistants A and B and directing them and former assistant coach A to travel to the locations where the two-year college prospects were located. When they arrived at the locations, the staff members completed the prospects' online academic coursework. At other times, the staff members completed the work while in locations other than where the prospects were physically located. The prospects or staff members then submitted the work for credit. The staff members who completed the online work gave updates to the full coaching staff in private meetings.

During the summer of 2012, members of the USM coaching staff completed online academic work for two two-year college prospective student-athletes (student-athletes 1 and 2, respectively). Both student-athletes 1 and 2 lacked the necessary academic credentials after the spring 2012 semester to transfer to USM and be immediately eligible to compete.

In the summer of 2012, graduate assistant A completed online English coursework for student-athlete 1.<sup>6</sup> An individual other than student-athlete 1 completed online Math coursework for student-athlete 1.<sup>7</sup> USM used the academic coursework to certify student-athlete 1's eligibility. He enrolled at the institution in the fall of 2012 and competed for the men's basketball team in the 2012-13 and 2013-14 seasons. USM provided him with expenses related to competition during those two seasons.

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<sup>6</sup> Computer metadata showed that a second person with a name other than student-athlete 1's also submitted English assignments on his behalf in the summer of 2012. The metadata showed the name of an assistant men's basketball coach at a non-NCAA institution. That institution's head coach had played under the former head coach and later served as his director of operations after the former head coach left USM. The panel was unable to explore the connection because the individual whose name appeared in the metadata was not subject to NCAA jurisdiction and no allegations were brought naming him.

<sup>7</sup> As will be set forth below, handwriting analysis established that the same individual also completed Math coursework for a number of other two-year college transfer prospective student-athletes recruited by the institution.

As student-athlete 1 was completing his second year at his two-year institution in the spring of 2012, he still needed to pass nine hours of transferable credits to attain NCAA Division I eligibility for the 2012-13 academic year. In the spring and summer of 2012, he enrolled in three, three-hour online courses offered by another institution, including two English courses and a Math course. According to former assistant coach A, graduate assistant coaches A and B both completed assignments for student-athlete 1. Graduate assistant A initially denied doing the work. However, after the enforcement staff confronted him with computer metadata, he admitted doing 'some assignments' and knowing that his actions constituted NCAA rules violations. Computer metadata confirmed that he authored six of student-athlete 1's English assignments submitted to the other institution. A handwriting analysis performed by a forensic document examiner established that the same person who completed prospect 1's Math assignments likely also completed assignments for other prospects. Graduate assistant B declined to interview with the NCAA staff, did not file a response to the notice of allegations and did not attend the infractions hearing.

In the summer of 2012, graduate assistant B also completed online English coursework for student-athlete 2. The same individual who completed Math assignments for student-athlete 1 and three other prospects also completed Math assignments for student-athlete 2. The institution used the coursework to certify student-athlete 2's eligibility. Student-athlete 2 enrolled at the institution in the fall of 2012 and competed for the men's basketball team during the 2012-13 and 2013-14 academic years. USM provided him with expenses related to competition during those two seasons.

At the end of the spring 2012 semester, as he was completing his second year of two-year collegiate enrollment, student-athlete 2 still needed nine credit hours to attain NCAA Division I eligibility for the 2012-13 academic year. He enrolled in three online courses at the other institution during the summer, including two English courses and a Math course. According to former assistant coach A, graduate assistant B completed coursework for student-athlete 2 at the direction of the former head coach. Computer metadata confirmed that graduate assistant B authored nine of student-athlete 2's English assignments submitted to the other institution. The handwriting analysis established that the same person who completed some of student-athlete 2's Math assignments likely also completed assignments for student-athlete 1 and three other prospects.

At the same time the USM staff was recruiting student-athletes 1 and 2, it was also recruiting a high school nonqualifier (student-athlete 3). Student-athlete 3 matriculated directly from high school to the institution in the fall of 2012. During the 2012-13 academic year, student-athlete 3's high school basketball coach (student-athlete 3's high school coach) provided over \$6,000 in cash and prepaid credit cards to student-athlete 3, who was serving his year in residence at the institution. Student-athlete 3 used the funds to help pay for his tuition, room and board. Student-athlete 3's high school coach mailed the cash and prepaid cards to the former head coach at the men's basketball office. The former head coach delivered the funds to student-athlete 3, who, usually accompanied by a member of the men's basketball staff, took the funds to the business office or logged into his institutional account to pay his bills.

While recruiting student-athlete 3, the former head coach had conversations with student-athlete 3's high school coach about the high school coach assisting with the cost of student-athlete 3's year in residence. The former head coach was aware that student-athlete 3 would likely graduate from high school as an NCAA Division I nonqualifier and thus would not be eligible to receive athletically related financial aid. Due to family circumstances, student-athlete 3 intermittently stayed at the home of his high school coach, who provided him clothing. Student-athlete 3's high school coach served as a mentor and father figure, but was not a parent or legal guardian of student-athlete 3.

The former head coach claimed that he inquired and received assurances from USM's then-compliance director (compliance director) in June 2012 that student-athlete 3's high school coach could pay his expenses based on their relationship and student-athlete 3's nonqualifier status. However, during his interview, the compliance director stated that he did not recall the specific conversation. The former head coach relied on a document allegedly dated June 18, 2012, and containing what he claimed were transcribed compliance notes from a staff meeting. The notes indicated that the compliance director had given guidance about the matter that the former head coach construed as approval. Prior to student-athlete 3 enrolling at the institution, the former head coach told student-athlete 3's high school coach that he could provide financial assistance for student-athlete 3. Thereafter, student-athlete 3's high school coach sent six packages to the former head coach from November 1, 2012, through April 30, 2013, containing a total of \$6,314.14 in either cash, prepaid credit cards or both. The former head coach passed the funds on to student-athlete 3, who used them to pay part of his tuition, room and board expenses for the year.<sup>8</sup>

A second nonqualifier (student-athlete 4) enrolled at the institution under a similar arrangement the following year, 2013-14. Student-athlete 4's prep school coach provided him with prepaid credit cards totaling \$2,198.25 on three occasions during the 2013-14 academic year. Student-athlete 4 used the funds to pay part of his tuition, room and board expenses.

Similar to student-athlete 3 the previous academic year, student-athlete 4 was a nonqualifier serving his year of residence at USM. Student-athlete 4's prep school coach was not a parent or legal guardian of student-athlete 4, although he had previously coached and mentored student-athlete 4's older brother and had a relationship with the family. During his high school years, student-athlete 4 lived apart from his family at the prep school. According to student-athlete 4, student-athlete 4's prep school coach "basically raised me from like, raised me when I was like 14, 15, something like that." Student-athlete 4's prep school coach and the former head coach discussed the possibility of student-athlete 4's prep school coach paying some of student-athlete 4's expenses. After conversing with student-athlete 4's parents prior to his enrollment at USM, student-athlete 4's prep school coach agreed to help pay for some of student-athlete 4's year-in-residence expenses. On October 28, 2013, November 27, 2013, and April 1, 2014, student-

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<sup>8</sup> Student-athlete 3's high school coach stated that the funds came from a 'slush fund' of camp funds he maintained and that he kept no record of the transactions.

athlete 4's prep school coach provided student-athlete 4 with prepaid credit cards in the amounts of \$966.00, \$901.00 and \$331.25, respectively.

Student-athlete 4's prep school coach mailed the prepaid cards to student-athlete 4 through the USM men's basketball office, alerting the former head coach when the cards were on the way. The former head coach delivered the cards to student-athlete 4, who then used them to help pay some of his tuition, room and board expenses. The former head coach did not check with the USM compliance office to determine if this arrangement was allowable under NCAA legislation. Because he considered the situation to be similar to that of student-athlete 3 the previous year, the former head coach stated that he relied on the purported compliance interpretation dated June 18, 2012, as permitting the payments.

### **The coaching staff's recruiting in 2013-14**

By the spring of 2013, the men's basketball staff was actively recruiting a number of prospects for the 2013-14 academic year. In addition to student-athlete 4, the prospects included a number of potential two-year college transfers who were at academic risk. As they had done for student-athletes 1 and 2 a year earlier, former assistant coach A and graduate assistants A and B completed academic coursework for five of the two-year college transfer prospects (student-athletes 5, 6, 7, 8 and 9, respectively) during the spring and summer of 2013. The staff members completed the academic work at the direction of the former head coach.

In the spring of 2013, former assistant coach A and graduate assistants A and B completed online coursework for student-athlete 5. As they were recruiting student-athlete 5 in the spring of 2013, the former head coach and former assistant coach A determined that student-athlete 5 required credits beyond his course load at his two-year institution to be immediately eligible. They enrolled him in two English and one Math online courses through the other institution. Former assistant coach A and graduate assistants A and B then completed some of student-athlete 5's online coursework.

Graduate assistant A completed the majority of student-athlete 5's coursework. On one occasion, the former head coach paid for graduate assistant A to travel to California, where student-athlete 5 was enrolled. While there, graduate assistant A and former assistant coach A assisted student-athlete 5 with his coursework. The same individual who completed Math coursework for student-athletes 1, 2 and two other prospects also completed online Math assignments for student-athlete 5. Although student-athlete 5 committed to attend the institution, he never enrolled.

Graduate assistant A admitted that he completed some of student-athlete 5's coursework. He did some of the work on former assistant coach A's home computer. Computer metadata confirmed him as the author of 11 assignments in one of student-athlete 5's English courses. Additionally, in mid-May 2013, former assistant coach A and graduate assistant A traveled to California, where they met with student-athlete 5 in a hotel room to help him study for a public speaking

class at his two-year institution. While there, graduate assistant A and former assistant coach A also completed some of student-athlete 5's English coursework from another institution.

The former head coach paid for graduate assistant A's trip to California. According to graduate assistant A, the former head coach offered him a trip to anywhere in the country as a postseason "reward" for a job well done. Graduate assistant A stated that he chose to visit Los Angeles and see a relative. Separately, former assistant coach A flew to Los Angeles at approximately the same time and picked up graduate assistant A at the airport. Together they went to the town where student-athlete 5's two-year institution was located and spent two-four days with him, assisting with his academic work. Former assistant coach A and graduate assistant A eventually flew together back to USM.

Graduate assistant A stated that he did not discuss doing academic work for student-athlete 5 with the former head coach. Graduate assistant A also stated he did not know whether the former head coach knew what he and former assistant coach A were doing in California. However, former assistant coach A stated that the former head coach sent graduate assistant A to California for the purpose of assisting student-athlete 5 with his academic work. Graduate assistant A, who was represented by the same counsel as the former head coach, made a last minute decision not to appear at the infractions hearing, so the panel was unable to question him. Based on the totality of the information presented, the panel finds that graduate assistant A traveled to California for the purpose of doing student-athlete 5's coursework at the direction of the former head coach.

Graduate assistant B also completed some of student-athlete 5's online work. Computer metadata confirmed that he either authored or modified nine of student-athlete 5's English assignments. Included among those assignments was one submitted to the other institution from Hattiesburg, Mississippi (where USM is located) at a time when student-athlete 5 was attending his two-year institution in California. The handwriting analysis established that the same person who completed some of student-athlete 5's Math assignments likely also completed assignments for student-athletes 1, 2 and two other prospects.

In the spring of 2013, graduate assistants A and B also completed online coursework for student-athlete 6. USM did not use the courses to certify student-athlete 6's eligibility. Student-athlete 6 enrolled at USM in the fall of 2013 and competed for the men's basketball team during the 2013-14 academic year. USM provided him with expenses related to competition during that season.

While recruiting student-athlete 6 in the spring of 2013, the men's basketball staff mistakenly believed that he would need additional academic credits to attain eligibility. The former head coach worked with two of student-athlete 6's two-year institution coaches to enroll student-athlete 6 in four online courses. One of student-athlete 6's two-year institution coaches had played for the former head coach, while a second had worked with him at another institution. At the same time that graduate assistant A traveled to California to complete online coursework for student-athlete 5, the former head coach paid for graduate assistant B to travel to Denver, Colorado. From there, at the former head coach's direction, graduate assistant B made a

relatively short drive to the community where student-athlete 6 was enrolled in his two-year institution and completed a number of assignments for him.

According to computer metadata, some of student-athlete 6's online assignments were submitted from a computer with an IP address associated with graduate assistant B's Pennsylvania hometown. One of the assignments submitted from that computer was submitted from the community where student-athlete 6's two-year institution is located. That assignment was submitted during mid-May 2013, the same time graduate assistant B was on the trip paid for by the former head coach.<sup>9</sup> The metadata further established that graduate assistant B also authored 10 of student-athlete 6's submissions in his online business course.

Graduate assistant A also admitted to completing some of student-athlete 6's online work. The former associate head coach provided student-athlete 6's login information to graduate assistant A, who completed what he estimated to be approximately 10 assignments for student-athlete 6. Further, four of student-athlete 6's assignments in his online business course were submitted from the same location in California where graduate assistant A was completing coursework for student-athlete 5. Graduate assistant A also authored 13 assignments in student-athlete 6's Art Appreciation online course. Student-athlete 6 stated that he did not register for, pay for or complete any of the other institution's online courses in which he was enrolled. The former associate head coach declined to interview with the enforcement staff, did not file a response to the notice of allegations and did not attend the infractions hearing.

In the spring and summer of 2013, graduate assistant B and an acquaintance (graduate assistant B's acquaintance) completed online coursework for student-athlete 7. Graduate assistant B's acquaintance completed some of student-athlete 7's coursework at the direction of either graduate assistant A, graduate assistant B, or both of them. The same person who completed Math assignments for student-athletes 1, 2, 5 and one other prospect also completed Math assignments for student-athlete 7. USM used the coursework to certify student-athlete 7's eligibility. He enrolled at USM in the fall of 2013 and competed for the men's basketball team during the 2013-14 and 2014-15 academic years. USM provided him with expenses related to competition during those two seasons.

Graduate assistant B traveled to the location of student-athlete 7's two-year institution and completed online assignments for him. Student-athlete 7 was enrolled at a two-year institution in Florida. According to his coach, student-athlete 7, a weak student, "was as far away from graduating as any kid I've ever had that did graduate." In the spring and summer 2013 semesters, student-athlete 7 was enrolled in 10 three-hour courses at his two-year institution and four online courses (one English, two Math and a Psychology course).<sup>10</sup> In spite of an approximately 2.2

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<sup>9</sup> This was the same time that former assistant coach A and graduate assistant A were completing coursework for student-athlete 5 in California.

<sup>10</sup> He took English 203 and Psychology 101 during the spring. He re-took English 203 and took two Math courses during the summer.

grade-point average (GPA) in his two years of on-campus work, student-athlete 7 managed three grades of "A" and one "B" for a GPA of 3.75 in his online courses from another institution.

In his interviews, student-athlete 7 insisted that he had done his own work in the other institution's courses. However, former assistant coach A stated that, at the direction of the former head coach, former assistant coach A transported graduate assistant B to the vicinity of student-athlete 7's two-year institution in June or July 2013. While staying at a hotel in the vicinity, graduate assistant B worked on the other institution's courses for student-athlete 7. The computer metadata matched the computer used to submit some of student-athlete 7's Math assignments to the same computer from which student-athlete 6's coursework originated. That computer's IP address is in graduate assistant B's Pennsylvania hometown (which is not student-athlete 7's hometown). The metadata for the other Math course indicated that graduate assistant B's mother was the author (with graduate assistant B being the modifier) of one assignment. In total, seven Math assignments were submitted to the other institution from graduate assistant B's hometown in Pennsylvania at times when student-athlete 7 was in Florida. Finally, the handwriting analysis established that the person who completed 12 Math assignments (six in each of the two courses) for student-athlete 7 was also likely the same person who completed Math assignments for student-athletes 1, 2, 5 and one other prospect.

Graduate assistants A and/or B also involved graduate assistant B's acquaintance in completing student-athlete 7's academic work. The metadata established that graduate assistant B's acquaintance completed and submitted some of student-athlete 7's assignments. The acquaintance attended college with graduate assistants A and B in Pennsylvania. She is from Jamaica and used the online alias "Rockabuskie." The metadata showed Rockabuskie as the author or modifier of 16 of student-athlete 7's psychology assignments. Thirty-one of the psychology assignments were submitted to the other institution from Jamaica at a time when student-athlete 7 was attending his two-year institution in Florida. Similarly, Rockabuskie authored five of student-athlete 7's English assignments. Six English assignments were submitted from either Jamaica or graduate assistant B's Pennsylvania hometown at a time when student-athlete 7 was attending his two-year institution in Florida. Graduate assistant B's acquaintance had no connection with student-athlete 7 independent of graduate assistants A and B. The panel finds that one or both of the graduate assistants involved her in the completion of student-athlete 7's academic coursework.

The former head coach closely monitored student-athlete 7's academic progress. On May 20, 2013, he and former assistant coach B communicated about student-athlete 7 via email.<sup>11</sup> Three minutes after former assistant coach B emailed that student-athlete 7 was "halfway done with psychology working on his English," the former head coach responded "Cool don't say anymore bout that on here!!" On July 4, 2013, the former head coach reached out to one of student-athlete 7's two-year institution professors (professor), asking if he could keep in contact so as to monitor student-athlete 7's progress in a class he needed to attain immediate eligibility. The professor responded by asking the former head coach to correspond through the basketball coaches at the

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<sup>11</sup> Former assistant coach B was the primary recruiter for student-athlete 7 and was also monitoring his academic progress.

two-year institution, but the former head coach asked if he could speak with the professor if student-athlete 7 granted written permission. Student-athlete 7 apparently granted the permission, because the former head coach and the professor proceeded to communicate via email over the next month regarding student-athlete 7's tests, assignments, attendance, attitude and final grade.

The pattern of basketball staff members completing online work for two-year prospective student-athletes at the direction of the former head coach continued into the fall of 2013 as the staff was recruiting student-athletes 8 and 9. In September 2013, the former head coach purchased the prepaid credit cards used to pay student-athlete 8's registration fees for two online courses at the other institution. Then, as he had done previously, the former head coach directed graduate assistant A to complete online English assignments for student-athlete 8. The institution used the online coursework to certify student-athlete 8's eligibility. Student-athlete 8 enrolled at the institution for the spring 2014 semester but did not compete as a member of the men's basketball team. He transferred following one semester on campus.

The former head coach paid for prepaid cards used to pay the registration fees for student-athlete 8's online courses. Student-athlete 8 was enrolled in his final semester at a two-year institution in the middle of the country in the fall of 2013. In mid-September of that year, the former head coach and former assistant coach A traveled to student-athlete 8's hometown on the east coast to discuss student-athlete 8's recruitment with an individual who was advising him (advisor). While there, the advisor mentioned to the former head coach that student-athlete 8 needed a Math class and two English classes to be eligible to transfer and that somebody would have to pay for the classes. The former head coach purchased four \$500 prepaid credit cards at a pharmacy and gave them to former assistant coach A, who in turn provided them to graduate assistants A and B to use to pay the fees to register student-athlete 8 into his online courses. Former assistant coach A produced the receipts for the prepaid cards during the investigation.

Subsequently, graduate assistant A completed online coursework for student-athlete 8. Student-athlete 8 enrolled in two online English courses at the other institution and an online Math course from a third institution. Graduate assistant A admitted completing student-athlete 8's coursework, and student-athlete 8 stated that he did not register for, pay for or complete any of his online coursework. Computer metadata confirmed that graduate assistant A authored a total of 75 assignments in student-athlete 8's English courses and submitted the assignments from Hattiesburg and elsewhere at times when student-athlete 8 was not in those locations.

In November 2014, former assistant coach A phoned student-athlete 8 at the direction of the former head coach. He made the call shortly before student-athlete 8's interview with the enforcement staff for the purpose of telling student-athlete 8 to claim that he had paid for his own online courses. Subsequently, during the interview, student-athlete 8 initially insisted that he had paid for his own online courses and completed the academic work himself. However, later in the interview he provided detail regarding his recruitment. He was first contacted by the former head coach during either August or September 2013 about possibly attending USM. Within approximately a month, he began receiving calls from former assistant coach A. Later that

autumn, former assistant coach A told student-athlete 8 that he (student-athlete 8) was signed up for three online courses and that he didn't have to worry because "it was going to be taken care of." From that point into December 2013, former assistant coach A phoned student-athlete 8 approximately every other week. Graduate assistant A also phoned at some point in the fall, at which time student-athlete 8 provided his computer login information and password to him. By November, student-athlete 8 committed to attend USM, and by early December he received transcripts in the mail from the online institutions indicating that he had passed his courses.

Graduate assistant B also continued completing academic online coursework for prospects after the summer of 2013. In the spring of 2014, he completed online Math coursework for student-athlete 9. The same individual who completed a written Math assignment for student-athlete 9 also completed assignments for student-athletes 1, 2, 5 and 7. The institution used the coursework to certify student-athlete 9's eligibility. He enrolled at the institution in the fall of 2014-15 and competed for the men's basketball team during the 2014-15 academic year.<sup>12</sup> USM provided him with expenses related to competition during that season.

During the 2013-14 academic year, student-athlete 9 was enrolled in two online Math courses at the other institution and another online Math class at a third institution. He eventually withdrew from one of the courses at the other institution and the Math course at the third institution. According to former assistant coach A, graduate assistant B completed coursework for student-athlete 9 in his remaining online course.

Computer metadata established that multiple Math assignments were submitted to the other institution from Hattiesburg at a time when student-athlete 9 was at his two-year institution in Florida. A seventh assignment in the course was submitted on May 15, 2014, from the community to where graduate assistant B had moved to join the former head coach's new coaching staff after leaving USM.

One of the assignments submitted by graduate assistant B was the same as an assignment he completed and submitted on behalf of student-athlete 7 a year earlier. The handwriting analysis established that the same person who completed the handwritten portions of the Math submissions was likely the same person who wrote assignments for student-athletes 1, 2, 5 and 7.

Graduate assistant B submitted the online Math assignments on behalf of student-athletes 1, 2, 5, 7 and 9. Former assistant coach A stated that graduate assistant B completed online Math work. One Math assignment for student-athlete 7 was submitted from graduate assistant B's hometown, while one assignment for student-athlete 9 was submitted from the community to where graduate assistant B moved to join the former head coach when the former head coach left USM. Metadata tied one submitted assignment to graduate assistant B's mother, and one of student-athlete 9's submitted assignments was the same assignment submitted on behalf of student-athlete 7 a year earlier.

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<sup>12</sup> He competed under a grant of limited immunity from the vice-chair of the committee.

The handwriting analyst concluded that the Math assignments for all five prospects were likely prepared by the same person. The panel finds that, based on the totality of the information, the Math assignments for the prospects were submitted by the same person, and that person was graduate assistant B.

The former head coach was aware of and directed the completion of the online coursework by members of his staff during the 2012-13 and 2013-14 academic years. The activity began within weeks of the former head coach being hired at USM, continued throughout his two-year tenure and involved the majority of his coaching staff and seven prospective student-athletes (approximately half of the prospects recruited in those two years). The activity followed a consistent pattern of assistant coaches and graduate assistants completing online coursework and submitting it on behalf of the prospects. On two occasions, the former head coach paid a graduate assistant to travel to the locations where the prospects were physically located. While in those locations, the graduate assistants completed and submitted coursework for the prospects in an attempt to disguise the identity of the people completing the work. The former head coach deleted information and misled NCAA investigators during the course of the investigation, as outlined in the next section of this decision. The fraudulent activity occurred over a two-year period and involved nearly half of the institution's men's basketball prospects.

Based on the totality of the information presented, the panel finds not credible the former head coach's denials that he directed the members of his staff to complete the online academic coursework and oversaw their actions. The panel finds that he devised and orchestrated the plan to complete fraudulent academic coursework for prospective student-athletes so they could be immediately eligible to play for his team at USM and that he deleted information relevant to the investigation.

**The former head coach's attempt to manipulate information, orchestrate statements and delete information during the investigation.**

From August to November 2014, as the investigation progressed, the former head coach undertook three types of actions designed to disrupt the investigation, including, most strikingly, the destruction of information relevant to the investigation. The former head coach: (1) instructed the DOBO to fabricate a document purportedly showing that the USM compliance office had approved, two-plus years earlier, student-athlete 3's high school coach paying student-athlete 3's educational expenses; (2) participated in numerous phone and text conversations with individuals involved in the investigation at significant times, often using a cell phone registered in his mother's name that he did not divulge until his third interview; and (3) deleted all emails from an account associated with another institution, even though he was aware that the emails were relevant to the investigation and would be of interest to the enforcement staff.

The former head coach and the majority of his staff departed USM for another institution in April 2014. The enforcement staff began conducting interviews related to the investigation in

August of that year, soon after receiving information of possible NCAA rules violations.<sup>13</sup> By the late summer or early fall, the former head coach was aware that an investigation might be ongoing. On October 24, 2014, the staff informed USM's outside counsel that it wished to interview student-athletes 3, 4, 7 and 9, as well as former assistant coach B, who was still employed by the institution at that time. The staff conducted interviews with the four student-athletes (among others) on the USM campus on October 30-31, 2014. On November 4, 2014, the staff interviewed student-athlete 4's prep school coach and contacted the institution where the former head coach was employed to schedule interviews with him and graduate assistant B. In succession, the staff then interviewed former assistant coach B on November 5, graduate assistant A on November 6 and student-athlete 3's high school coach on November 7, 2014. The staff conducted its first interview with the former head coach on November 18, 2014.

On or about October 31, 2014, the former head coach instructed the DOBO to create a document purporting to be a contemporaneous compilation of notes from a June 18, 2012, meeting between the former head coach and the USM compliance director. Once the investigation began, the former head coach used the document to justify his facilitation of the payments made to student-athletes 3 and 4 during the years they served in residence as nonqualifiers, without noting that it had been created more than two years after the June 2012 meeting.

One of the initial topics investigated by the enforcement staff was the source of the funds for student-athletes 3 and 4. In his first interview on November 18, 2014, the former head coach produced and referenced a document as a justification for facilitating the payment of student-athlete 3's and 4's educational expenses by their pre-collegiate coaches. The document purportedly contained notes made by the former head coach following a conversation with the compliance director on June 18, 2012. The former head coach told the enforcement staff that he "wrote those [notes] after my conversation with [the compliance director]." The former head coach did not mention that the document, while purporting to include his contemporaneous notes from a June 2012 conversation, had actually been prepared by his DOBO within the last three weeks. A specific entry in the notes purported to show that the compliance office had approved the payment of educational expenses by nonqualifiers' pre-collegiate coaches:

A non-qualifier or walk-on can have their expenses paid for by a parent, guardian, and/or former HS/Prep School Coach. If the coach and the player have the relationship where he has provided needed support for him in the past, like in the absence of a parent or guardian, the coach can provide needed support. **HOWEVER, IT CAN'T BE PAID FOR BY AN AAU COACH.**<sup>14</sup>

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<sup>13</sup> The enforcement staff's interviewed student-athlete 6 on August 27, 2014.

<sup>14</sup> When interviewed, the compliance director stated he did not recall the conversation. He said that, while he possibly could have had a conversation on the subject with the former head coach, he would not have said the arrangement was allowable unless a prospect's parents were not involved, the prospect was living with the coach and the coach was the only one taking care of the prospect. The compliance director indicated that he would not have just said 'yes' to the situation when the former head coach presented it to him.

The DOBO stated that he could not recall exactly when he transcribed the 2012 notes, although his pattern was to reduce notes to document form "reasonably close to the conversation." He recalled the former head coach asking him in the fall of 2014 to "get everything together" because of the NCAA investigation and that he might have "updated" the document at that time. However, computer metadata established that the DOBO created the document on October 31, 2014, the day after the enforcement staff interviewed student-athletes 3 and 4 and within eight days or less of interviewing their pre-collegiate coaches. The DOBO had no reason to construct notes from a conversation that allegedly occurred over two years earlier without instructions from the former head coach. The panel finds that the former head coach was attempting to create an impression that he had received approval from the compliance director to facilitate the payments of funds to the student-athletes by their pre-collegiate coaches.

During the same timeframe the DOBO fabricated the compliance document, the former head coach also made numerous contacts by phone and through text messages with other individuals involved in the investigation. He made most of the contacts on a phone in his mother's name, which he used in an attempt to make the contacts difficult to discover. The purpose of the contacts was to influence the investigation and find out what others were telling the enforcement staff. Specifically, the former head coach contacted student-athlete 6's two-year college coach (student-athlete 6's coach); student-athlete 3's high school coach; former assistant coach B; the compliance director; and student-athlete 4's prep school coach. He made the contacts with these individuals at significant times during the investigation. For instance, he instructed assistant coach A to call student-athlete 8 before his interview with the enforcement staff and tell the enforcement staff that he paid for his online classes. In his interview, assistant coach A admitted that he also encouraged student-athlete 8 to confirm that he completed his own coursework, but that the former head coach was mostly concerned with student-athlete 8 confirming that he paid for his own courses.

The former head coach attempted to obscure these contacts. He maintained a cell phone in his mother's name that he did not divulge to the enforcement staff. During his first interview, November 18, 2014, the enforcement staff asked him about his institutional phone, personal phone, any phones he may have used while employed at USM and whether he possessed a "burner" phone. Despite this thorough inquiry, the former head coach did not mention the phone he possessed in his mother's name that he had been using extensively in recent weeks. In his second interview, held March 16, 2015, the enforcement staff again asked him about his phones. Again, the former head coach did not mention the use of the phone in his mother's name.

Between the former head coach's second and third interviews, former assistant coach A informed the enforcement staff that, during the investigation, the former head coach was calling student-athlete 3's high school coach, former assistant coach B and student-athlete 4's prep school coach on a phone he maintained in his mother's name with an 859 area code. The purpose of the calls was to get updates and information about the interviews of the student-athletes at USM and others. Former assistant coach A recalled overhearing phone conversations in which the former head coach told student-athlete 3's high school coach and student-athlete 4's prep school coach what to tell the enforcement staff about their relationships with student-athletes 3 and 4.

It was only in his third interview, held May 12, 2015, when the enforcement staff asked him specifically about his area code 859 phone, that the former head coach acknowledged having such a phone in the name of his mother. He admitted that he used the phone to reach out to other individuals, mostly about "rumors." However, he claimed that he had reached out before he knew there was going to be an investigation, and then only to find out what others had heard. He mentioned student-athlete 6's coach, student-athlete 3's high school coach, student-athlete 4's prep school coach and former assistant coach B as individuals he tried to reach, but stated that many of the calls were actually made by members of his coaching staff.<sup>15</sup> He said that he gave them the area code 859 phone, told them to try to reach the individuals, and bring the phone back to him if they managed to make contact.

As another example of the types of calls that the former head coach made during the investigation, he phoned student-athlete 6's coach.<sup>16</sup> The former head coach said he made the call because he had heard "that something was going on regarding [student-athlete 6]." Subsequently, student-athlete 6's coach found out from student-athlete 6 that the enforcement staff had interviewed him regarding his online courses. Student-athlete 6's coach passed on the information to the former head coach.

After essentially never using the area code 859 phone previously, the former head coach used it continually during the times the enforcement staff was conducting multiple interviews regarding potential violations related to the academic issues and student-athletes 3's and 4's funds. From October 28, 2014, through November 6, 2014, the precise times when the enforcement staff was conducting interviews with them (and student-athletes 3 and 4, who had played for them), the billing statement for the area code 859 phone revealed 63 calls with student-athlete 3's high school coach (plus 10 texts) and 29 calls with student-athlete 4's prep coach. Further, the billing statement shows 71 calls with former assistant coach B (plus 47 texts). The enforcement staff obtained a copy of the billing statements for September 23 through November 22, 2014. The statements revealed one text message and no calls on the phone from September 23 through October 24, 2014. However, beginning on October 25 and continuing through November 6, the former head coach used the phone extensively. The times, pattern and frequency of the phone/text contacts and attempted contacts show that the former head coach was anxious almost to the point of frantic to contact various individuals and determine or influence what information they were providing to the NCAA.

On October 24, 2014, the enforcement staff informed USM that it wished to interview student-athletes 3, 4, 7, 9 and former assistant coach B. The next day, the former head coach exchanged nine text messages with student-athlete 3's high school coach between 10:52 a.m. and 11:02 a.m. They exchanged two more at 12:32 p.m. These exchanges occurred on the former head coach's personal phone.

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<sup>15</sup> The former head coach also stated that he was trying to reach these individuals for reasons unrelated to the investigation, such as recruiting.

<sup>16</sup> It is unknown whether the former head coach made this call on the area code 859 phone. Student-athlete 6's coach informed the enforcement staff of the conversation.

On October 28, 2014, the former head coach exchanged four phone calls and 10 text messages with student-athlete 3's high school coach on the area code 859 phone. The former head coach also made 12 calls to student-athlete 4's prep coach on the area code 859 phone and received two calls from student-athlete 4's prep coach on his personal phone. At 1:52 p.m., the former head coach called student-athlete 4's prep coach twice (for one minute each time) on the area code 859 phone. Three minutes later, student-athlete 4's prep coach returned the calls, and they engaged in a 10-minute conversation. Yet the former head coach continued to try to reach student-athlete 4's prep school coach throughout the evening and night – nine times from 5:21 p.m. to 9:39 p.m.

October 29, 2014, was the day before the enforcement staff arrived on campus at USM to commence interviews. The former head coach began calling student-athlete 3's high school coach at 7:06 a.m. They spoke for eight minutes and, when that call ended, the former head coach immediately tried to call him again at 7:14 a.m. He resumed his calls to student-athlete 3's high school coach at 11:48 a.m. and 12:30 p.m. and eventually spoke to him for six minutes at 5:48 p.m. His final of six calls to student-athlete 3's high school coach was at 6:13 p.m. The former head coach also made a number of calls to student-athlete 4's prep school coach on this date, beginning with a 10 minute conversation at 7:44 a.m. He made six further calls to student-athlete 4's prep school coach through the day, with the last being four minutes long at 11:06 p.m. The former head coach made a 10 minute call to the compliance director on this date, made or received eight calls from former assistant coach B and sent seven texts to former assistant coach B.<sup>17</sup> All of this activity occurred on the area code 859 phone.

The following day, October 30, 2014, the enforcement staff interviewed student-athletes 3 and 4 on the USM campus. The former head coach had an eight minute conversation with student-athlete 4's prep school coach at 11:04 a.m. and at 11:15 a.m., began calling student-athlete 3's high school coach. From 2:16 p.m. until 10:40 p.m., the former head coach phoned student-athlete 3's high school coach 12 times, with all but one of those calls registering as one minute in length.<sup>18</sup> The former head coach also exchanged seven calls and 12 text messages with former assistant coach B on this date, and the DOBO attempted to call the compliance director. All of the former head coach's phone and text activity occurred on the area code 859 phone.

On October 31, 2014, the DOBO fabricated the purported June 18, 2012, compliance notes. The former head coach began calling student-athlete 3's high school coach at 8:25 a.m., speaking to him for five minutes at 8:26 a.m., 10 minutes at 3:47 p.m. and six minutes at 5:09 p.m. In total, the former head coach made eight calls to student-athlete 3's high school coach on this date, along with one call to student-athlete 6's coach. He also exchanged 18 phone calls and 25 texts with former assistant coach B. All of this activity occurred on the area code 859 phone.

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<sup>17</sup> The DOBO also called the compliance director on this date. The former head coach stated that he was inquiring whether the compliance director recalled their conversations of June 2012.

<sup>18</sup> Student-athlete 3's interview ended at 1:59 p.m., Central time.

The former head coach continued his attempts to contact former assistant coach B, student-athlete 3's high school coach and student-athlete 4's prep school coach for another week. On November 1, 2014, the former head coach tried to phone student-athlete 4's prep school coach at 7:27 p.m. He also exchanged 17 phone calls and two texts with former assistant coach B. All of this activity occurred on the area code 859 phone.

On November 2, 2014, the former head coach called student-athlete 4's prep school coach three times between 7:39 a.m. and 8:31 a.m., speaking with him for four minutes on the third attempt. The former head coach also attempted to phone student-athlete 3's high school coach at 11:46 a.m., made four calls to former assistant coach B and tried to call the compliance officer. All of this activity occurred on the area code 859 phone.

On November 3, 2014, the former head coach had two phone conversations totaling 21 minutes with student-athlete 4's prep school coach and tried to reach him on two other occasions. The former head coach also had a short phone conversation with student-athlete 3's high school coach, made three calls to former assistant coach B and had an 18-minute conversation with the compliance director. All of this activity occurred on the area code 859 phone. In addition, student-athlete 4's prep school coach sent the former head coach two texts on his personal phone.

The enforcement staff interviewed student-athlete 4's prep school coach on November 4, 2014. From 5:06 a.m. to 6:07 p.m., the former head coach tried 15 times to phone student-athlete 3's high school coach. They had two short five minute conversations throughout the day. The former head coach also tried to phone student-athlete 4's prep school coach at 10:28 a.m. and exchanged 10 text messages with former assistant coach B. All of this activity occurred on the area code 859 phone.

On November 5, 2014, the former head coach tried to reach student-athlete 3's high school coach 12 times between 8:34 a.m. and 9:36 p.m. They finally connected and had a 21 minute conversation beginning at 9:37 p.m. All of this activity occurred on the area code 859 phone. The enforcement staff interviewed graduate assistant A on November 6, 2014, and student-athlete 3's high school coach on November 7, 2014. The former head coach had service on the area code 859 phone discontinued on November 8, 2014.

Besides his attempts to derail the investigation by the fabrication of the compliance document and attempting to monitor and influence the investigation with an undisclosed phone, the former head coach deleted a number of emails he had retained for years. He deleted them immediately before his first interview with the enforcement staff, knowing that the enforcement staff had an interest in reviewing them and that some of the emails related to his recruiting at USM.

When the former head coach began his employment at USM in May 2012, he retained an email account at his previous institution. He had the account all through his tenure at USM and kept it active when he moved on to his next institution in April 2014. During his first interview on November 18, 2014, the enforcement staff asked him about a short string of emails the staff already possessed from this account. In the emails, the former head coach discussed student-

athlete 7's academic standing with former assistant coach B. The email exchange occurred on May 20, 2013, almost a year after the former head coach had moved to USM. This was also the same approximate time graduate assistants A and B and former assistant coach A were out of town completing assignments for student-athletes. During the interview, the former head coach specifically said that the email account was still active. At the end of the conversation on the topic, the enforcement staff referenced "pulling" the emails from this account to see what they might show regarding recruitment or the academic activities of prospective student-athletes. The former head coach indicated that the emails would not show anything different from his story, that he was not hiding anything and that the staff could "obviously go look at it."

The enforcement staff followed up on accessing the emails. Shortly after the interview, the enforcement staff contacted the institution to which the email account was attached in an attempt to retrieve the contents. At that time, only one email remained on the account prior to the date of November 18, 2014 – an unrelated message dated May 2, 2012. The other emails could not be retrieved. During this second interview on March 16, 2015, the former head coach admitted deleting the emails from that account that corresponded with his time at USM either the night before or the day of his first interview. He stated that the emails were personal in nature. He repeated this reasoning at the hearing, referring to the emails as "embarrassing." He explained that he had previously retained them for years, even though people at the other institution could have accessed them, because he "just never thought about" deleting them until the night before his interview. He acknowledged that the NCAA likely would have wanted to review them.

At the hearing, the panel explored the former head coach's statements and actions surrounding his previous institution's email account. When confronted with the panel's questions, the former head coach acknowledged that, at the time he indicated his emails would not demonstrate any questionable activity and suggested that the enforcement staff review those emails, he had already deleted them.

**Panel Member:** [Former head coach], in your first interview, on Page 70, there was some discussion about [the previous institution] email address and the staff had some of those emails. The question was, if I was to pull the [previous institution] emails, for this time period, would it show anything different? That is meaning anything different from what you were discussing there. You said, "I don't believe so, no." At that point, you had deleted all the emails, is that correct, before the interview?

**Former Head Coach:** Was that my first interview?

**Panel Member:** Yes.

**Former Head Coach:** Yes, ma'am.

**Panel Member:** Okay. And then later in that interview, you said at Page 80, "I am not hiding, I have my other [previous institution] interview [*sic*]. You can obviously go and look at it all." You had already deleted everything?

**Former Head Coach:** Yes, ma'am.

### **Participation by student-athlete 4's prep school coach, the former associate head coach and graduate assistant B in the investigation**

In 2014 and 2015, the enforcement staff contacted other individuals requesting interviews and other information during the investigation. Among those individuals were student-athlete 4's prep school coach, the former associate head coach and graduate assistant B. Student-athlete 4's prep school coach interviewed with the staff and provided some records, but declined to turn over other requested records. The former associate head coach and graduate assistant B refused to submit to interviews or otherwise participate in the investigation.

In April and May 2015, student-athlete 4's prep school coach declined to provide bank records to the enforcement staff. The staff requested the records to ascertain whether they contained any information regarding the investigation into student-athlete 4's finances during his year in residence as a nonqualifier.

The enforcement staff interviewed student-athlete 4's prep school coach on November 4, 2014. Because student-athlete 4's prep school coach was an assistant men's basketball coach at an NCAA member institution at the time, the enforcement staff informed him of his obligation to provide truthful information and to cooperate in the investigation. He stated during the interview that he could likely review his bank records and identify withdrawals that coincided with the times he provided funds to student-athlete 4. He also stated a willingness to provide the records but mentioned that his wife handled the family's finances.

Following the interview, the enforcement staff developed further information regarding the source of the funds provided to student-athlete 4. The enforcement staff interviewed student-athlete 4's prep school coach for a second time on April 8, 2015, and requested that he provide phone and bank records. He eventually provided numerous pages of phone records. However, on April 14, 2015, student-athlete 4's prep school coach's wife contacted the enforcement staff to discuss concerns she had regarding the privacy of the bank records (her name is also on the account). The enforcement staff agreed to accept only the information regarding deposits and withdrawals for a certain time period, however, student-athlete 4's prep school coach contacted the staff on April 30, 2015, through his attorney to inform the staff that he would not comply.

The enforcement staff sent a second request to student-athlete 4's prep school coach for his bank records on May 8, 2015. The staff narrowed the scope of the request again in an attempt to respond to student-athlete 4's prep school coach's wife's privacy concerns, asking only for deposit and withdrawal information for a three-month period. The enforcement staff also

provided a copy of the NCAA Interview Notice Form to him. That form includes information regarding NCAA cooperation and ethical conduct legislation.

Student-athlete 4's prep school coach contacted the enforcement staff on May 15, 2015, to again object to the request for bank records. The enforcement staff suggested an alternate approach whereby student-athlete 4's prep school coach would provide the records to an agreed-upon third party for review. That person would then forward the results of the review to the enforcement staff. Student-athlete 4's prep school coach stated that he would discuss the matter with his wife. On May 18, 2015, student-athlete 4's prep school coach and his wife telephoned the enforcement staff and informed the staff that they would not provide the requested bank records. On May 21, 2015, the enforcement staff sent him one final request for the records. He did not provide them.

Regarding the former associate head coach, he declined on multiple occasions to interview with the enforcement staff. In phone conversations on September 15, 2014, and November 11, 2014, with the former associate head coach, the staff requested interviews. On both occasions, the former associate head coach declined. On December 10, 2014, and March 3, 2015, the enforcement staff sent letters to the former associate head coach requesting interviews. In the March 3, 2015, letter, the staff reminded him of NCAA cooperation and ethical conduct legislation. The former associate head coach did not respond to either written request.

As did the former associate head coach, graduate assistant B declined multiple requests by the enforcement staff to submit to an interview. In November 2014, he resigned his position on the former head coach's staff at an NCAA member institution three days prior to a scheduled interview with the enforcement staff and did not participate in the interview. In both January and March 2015, the enforcement staff requested interviews with him through letters sent to his home address. Graduate assistant B did not respond to the letters. On February 11 and 12, 2015, members of the enforcement staff travelled to graduate assistant B's home in Pennsylvania, where they relayed a request that he interview to his mother. On March 24, 2015, in a phone conversation, graduate assistant B's attorney informed the enforcement staff that he would not submit to an interview.

#### **IV. ANALYSIS**

The violations in this case all occurred in the men's basketball program. Within weeks of beginning their employment at USM, the former head coach and his staff formulated and commenced a plan to arrange fraudulent academic credit for prospective student-athletes. The former head coach also facilitated the payment of impermissible benefits to two nonqualifier student-athletes. The actions of the basketball staff constituted unethical conduct, and some members of the staff failed to cooperate in the investigation. The violations fall into five areas: (1) the former head coach and members of his staff implementing a plan of academic fraud; (2) student-athlete 3's high school coach and student-athlete 4's prep school coach providing impermissible benefits to student-athletes 3 and 4 during their year-in-residence; (3) unethical conduct, failure to cooperate and violation of head coach responsibility legislation by the former

head coach; (4) failure to cooperate by student-athlete 4's prep school coach; and (5) unethical conduct and failure to cooperate by graduate assistant B and the former associate head coach.

**A. ACADEMIC FRAUD, IMPERMISSIBLE INDUCEMENTS AND BENEFITS, AND INELIGIBLE PARTICIPATION [NCAA Bylaws 10.01.1, 10.1-(b), 10.1-(c), 14.01.1 and 16.8.1 (2011-12 through 2014-15 Division I Manual); 14.11.1 (2012-13 Division I Manual); 13.2.1 and 14.10.1 (2013-14 Division I Manual) and 12.11.1 (2014-15 Division I Manual)]**

From June 2012 through May 2014, the former head coach, former associate head coach and graduate assistants A and B were knowingly involved in arranging fraudulent academic credit for seven prospective student-athletes. The institution, enforcement staff and graduate assistant A substantially agreed to the facts and that Level I violations occurred. The former head coach agreed that academic fraud occurred, but did not agree that he knew of the activities, orchestrated them or was involved in any way. The former associate head coach and graduate assistant B did not respond to the notice of allegations. The panel concludes that Level I violations occurred and that the former head coach, the former associate head coach and graduates assistants A and B were involved in the violations.

**1. NCAA legislation relating to fraudulent academic credit, impermissible inducements and benefits, and ineligible participation.**

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

**2. From June 2012 through May 2014, the former head coach, former associate head coach and former graduate assistants A and B were knowingly involved in arranging fraudulent academic credit for seven prospective student-athletes, five of whom later participated while ineligible and received expenses related to competition.**

The former head coach, former associate head coach and graduate assistants A and B violated NCAA ethical conduct legislation when they knowingly arranged fraudulent academic credit for seven prospective student-athletes. Arranging fraudulent academic credit is a violation of NCAA ethical conduct legislation. *Texas Christian University* (2005) (unethical conduct for a head coach to direct members of his staff to engage in academic fraud); *Purdue University* (2007) (an assistant coach engaged in unethical conduct when she wrote portions of a paper for a student-athlete); *University of New Mexico* (2008) (two coaches who enrolled student-athletes in online courses and arranged for them to receive credit in those courses engaged in unethical conduct); *Arkansas State University* (2011) (the director of technology engaged in unethical conduct when he changed a failing grade to a passing grade for a student-athlete, resulting in fraudulent academic credit); and *Weber State University* (2014) (a math instructor engaged in unethical conduct when she completed quizzes, tests and exams for student-athletes). The former head coach violated NCAA extra benefit legislation when he paid for the cards used to pay for online courses for one prospect. The actions of the coaching staff resulted in five of the student-athletes

participating while ineligible and the institution providing the prospects with impermissible benefits. The panel concludes that the coaching staff members violated NCAA Bylaws 10 and 13 and caused the institution to violate provisions of NCAA Bylaws 12, 14 and 16.

NCAA Bylaws 10.01.1 and 10.1 require institutional staff members to act ethically and with honesty at all times. NCAA Bylaw 10.1-(b) precludes staff members from knowing involvement in academic fraud, while subsection (c) precludes staff members from knowingly providing improper inducements or extra benefits to prospective or enrolled student-athletes. The cited NCAA Bylaw 12 and 14 provisions obligate member institutions to permit only eligible student-athletes to compete. Similarly, NCAA Bylaw 16.8.1 limits the institutions to providing expenses related to competition to only eligible student-athletes. NCAA Bylaw 13.2.1 limits institutional staff members to providing only those inducements and benefits expressly allowed by the legislation to student-athletes.

Within weeks of their arrival at the institution, the former head coach, former associate head coach, former assistant coach A and the two graduate assistants formulated and began executing a plan to complete online academic coursework for prospective student-athletes. Former assistant coach A and graduate assistant A both admitted that they completed online coursework for multiple prospects. Computer metadata confirmed that graduate assistant A, along with graduate assistant B, were involved in the fraud. The scheme continued for the two years the staff served at the institution, during which time the staff members arranged for fraudulent academic credit for seven prospects. Their actions violated NCAA Bylaws 10.01.1, 10.1 and 10.1-(b).

When student-athlete 8's advisor told the former head coach that someone would have to pay for student-athlete 8's online courses, the former head coach purchased prepaid credit cards to cover the costs. He passed the cards to former assistant coach A, who in turn gave them to the graduate assistants. The graduate assistants used the cards to cover the fees for student-athlete 8's online courses. When the former head coach purchased the cards and caused them to be used for student-athlete 8's course registrations, he provided an impermissible benefit in violation of NCAA Bylaws 10.01.1, 10.1, 10.1-(c) and 13.2.1. Due to the actions of the men's basketball staff members, the institution allowed student-athletes 1, 2, 6, 7 and 9 to compete and receive competition-related expenses while ineligible, in violation of NCAA Bylaws 12.11.1, 14.01.1, 14.10.1, 14.11.1 and 16.8.1.<sup>19</sup>

**B. IMPERMISSIBLE FINANCIAL AID, IMPERMISSIBLE BENEFITS AND INELIGIBLE PARTICIPATION [NCAA Bylaws 14.01.1, 14.3.2.1.1, 15.01.2, 15.01.3 and 16.8.1 (2012-13 through 2014-15 Division I Manuals); and 14.10.1 (2013-14 Division I Manual)]**

During the 2012-13 and 2013-14 academic years, the institution allowed student-athlete 3's high school coach and student-athlete 4's prep school coach to provide funds to two nonqualifiers to

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<sup>19</sup> NCAA Bylaws 14.11.1 (2011-12 and 2012-13) and 14.10.1 (2013-14) contain the same bylaw language. The language appeared at different places in the manuals in different years.

pay toward their tuition, room and board during their years in residence. The institution violated NCAA eligibility and extra benefit legislation when it subsequently allowed student-athlete 3 to compete while ineligible.<sup>20</sup> The institution substantially agreed to the facts and that Level II violations occurred. The enforcement staff asserted that the former head coach provided the funds and that Level I violations occurred. The panel concludes that Level II violations occurred.

**1. NCAA legislation relating to impermissible financial aid, impermissible benefits and ineligible participation.**

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

**2. During the 2012-13 and 2013-14 academic years, student-athlete 3's high school coach provided student-athlete 3 with over \$6,000 of impermissible financial aid and student-athlete 4's prep school coach provided student-athlete 4 with over \$2,000 of impermissible financial aid.**

The institution violated NCAA financial aid legislation when it allowed student-athlete 3's high school coach to provide funds for student-athlete 3's tuition, room and board expenses. Similarly, the institution violated NCAA financial aid legislation when it allowed student-athlete 4's prep school coach to provide funds for student-athlete 4's tuition, room and board expenses. The institution violated NCAA eligibility and extra benefit when it allowed student-athlete 3 to compete and receive competition-related expenses while ineligible.

NCAA Bylaws 15.01.2 and 15.01.3 restrict the sources from which student-athletes may receive financial aid not administered by the institution. A student-athlete receiving aid from an unpermitted source is not eligible for intercollegiate athletics. Specifically, NCAA Bylaw 15.01.3 (a) states that student-athletes cannot receive aid other than that administered by the institution unless the aid is received from one upon whom the student-athlete is naturally or legally dependent. NCAA Bylaw 14.3.2.1.1 limits nonqualifiers to nonathletics institutional aid based on financial need only. NCAA Bylaws 14.01.1 and 14.10.1 obligate member institutions to withhold all ineligible student-athletes from competition, while NCAA Bylaw 16.8.1 limits the institution to providing expenses related to competition to only eligible student-athletes.

During the academic years that student-athletes 3 and 4 served in residence as nonqualifiers, student-athlete 3's high school coach and student-athlete 4's prep school coach gave them \$6,314.14 and \$2,198.25, respectively, that they used to pay educational expenses. Although they had relationships with the young men and their families, student-athlete 3's high school coach and student-athlete 4's prep school coach were not the student-athletes' parents, guardians or otherwise legally or naturally responsible for them. Therefore, when the institution allowed the coaches to provide funds to cover the student-athletes' tuition, room and board expenses

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<sup>20</sup> Student-athlete 4 competed and received competition-related expenses in the 2014-15 academic year. However, because he accepted a grant of limited immunity prior to the season, he did not compete while ineligible or receive impermissible benefits.

during their year-in-residence as nonqualifiers, it violated NCAA Bylaws 14.3.2.1.1 and 15.01.3. Because the student-athletes were rendered ineligible for competition by their receipt of the aid, the institution violated NCAA Bylaws 14.01.1, 14.10.1, 15.01.2 and 16.8.1 when it subsequently allowed student-athlete 3 to compete and receive expenses related to competition.

**C. THE FORMER HEAD COACH'S UNETHICAL CONDUCT, FAILURE TO COOPERATE AND FAILURE TO PROMOTE AN ATMOSPHERE OF COMPLIANCE [NCAA Bylaws 11.1.1.1 (2013-14 Division I Manual); and 10.01.1, 10.1, 10.1-(d) and 19.2.3 (2014-15 Division I Manual)]**

The former head coach engaged in a number of actions designed to thwart the investigation. Specifically, he acted in an unethical manner, failed to cooperate with the investigation and/or failed to promote an atmosphere of compliance when he: (1) deleted emails pertinent to the enforcement staff's inquiry; (2) provided false or misleading information during his three interviews with the enforcement staff and institution; (3) contacted other interviewees and individuals with knowledge of the investigation; and (4) directed the involvement of members of his coaching staff in a pattern of academic fraud. The enforcement staff and institution substantially agreed on the facts and that Level I violations occurred. The former head coach agreed that he deleted emails and contacted other individuals, but he did not agree that he did so in an effort to hinder the investigation. He also agreed that he was responsible for the actions of his staff members under NCAA head coach responsibility legislation, but did not agree that he directed a plan of academic fraud, was aware of it or provided false information regarding the fraud. The former head coach's conduct violated NCAA Bylaws 10 and 11. The panel concludes that the Level I violations occurred.

**1. NCAA legislation relating to unethical conduct, failure to cooperate and failure to promote an atmosphere of compliance.**

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

**2. The former head coach engaged in unethical conduct, failed to promote an atmosphere of rules compliance and failed to cooperate when he deleted emails pertinent to the investigation; provided false or misleading evidence during his interviews; contacted other individuals during the investigation; formulated and set into action a plan of academic fraud; and failed to monitor members of his staff who participated in the fraud.**

The former head coach violated NCAA ethical conduct legislation when he deleted emails and provided false or misleading information during his interviews. His deletion of emails, as well as contacting other individuals during then investigation, constituted a failure to cooperate. Finally, the former head coach violated head coach responsibility legislation when he planned and implemented an academic fraud scheme.

The former head coach's conduct violated a number of NCAA bylaws. NCAA Bylaws 10.01.1 and 10.1 generally require all institutional staff members to conduct themselves in an ethical manner. Subsection (a) of NCAA Bylaw 10.1 requires all institutional staff members to furnish information relevant to the investigation of possible NCAA rules violations to the enforcement staff upon request. NCAA Bylaw 10.1-(d) requires institutional staff members to provide full and truthful information regarding their knowledge of matters relating to possible NCAA rules violations. NCAA Bylaw 19.2.3 requires that all institutional staff fully and completely disclose any information relevant to potential NCAA rules violations and protect the integrity of investigations. NCAA Bylaw 11.1.1.1 holds head coaches responsible for the conduct of members of their coaching staffs. It bestows an affirmative duty on head coaches to promote an atmosphere for rules compliance in their programs and monitor all those who report, directly or indirectly, to the head coach.

The former head coach failed to disclose information relevant to the investigation when he knowingly deleted potentially relevant emails. Institutional staff members have a duty to provide all information relevant to investigations into potential NCAA rules violations. *Boise State University*, (2011) (a head coach who failed to provide full and complete information violated NCAA cooperation and ethical conduct legislation); *University of Tennessee* (2011) (a head coach who provided incomplete information failed to cooperate); *Radford University*, (2012) (a head coach failed to cooperate, as well as engaged in unethical conduct, when he told members of his staff and a student-athlete to withhold information and lie during interviews); and *Northeastern University*, (2014) (head coach engaged in unethical conduct and failed to cooperate when he refused to consent to an interview). During the former head coach's first interview, the enforcement staff asked him about an email it possessed from his account at an institution where he formerly worked. The email related to student-athlete 7's academic situation, which was relevant to the investigation. The former head coach stated that the email account was still active and left the interview knowing that the enforcement staff would be interested in reviewing other emails in that account. Even though he had retained those emails for a number of years, the former head coach deleted all emails from the account shortly before the interview. He stated that he would be embarrassed if anyone had seen their content. Subsequently, the emails could not be retrieved for review. The former head coach's deletion of the emails violated NCAA Bylaws 10.01.1, 10.1-(a) and 19.2.3.

Regarding the former head coach's provision of false or misleading information, he denied any knowledge of, or participation in, the academic fraud perpetrated by members of his staff in all three of his interviews. Yet he had overseen the creation of the scheme, hiring graduate assistants A and B to implement the academic fraud within weeks of beginning his own employment at the institution. An institutional staff member who provides false or misleading information in an interview engages in unethical conduct. *Purdue University* (2007) (an assistant coach engaged in unethical conduct when she denied her participation in academic fraud during an interview); *Indiana University* (2008) (head coach engaged in unethical conduct when he lied during an interview); *University of Oklahoma* (2011) (coach engaged in unethical conduct when he failed to divulge knowledge of a violation and later lied about it); *Ohio State University* (2011) (unethical to provide false information about a known violation); and *University of*

*Central Florida* (2012) (a coach denying awareness of a known violation engaged in unethical conduct). The two graduate assistants and former assistant coach A completed multiple assignments in numerous online courses for seven prospective student-athletes over a two-year period, and the former associate head coach facilitated the academic fraud regarding student-athlete 6. The members of his staff involved in the fraud made regular reports to the former head coach, and he twice paid for graduate assistants to travel to locations where prospects were located so as to complete academic work for them. When the former head coach denied in his interviews that he knew of or was involved in the academic fraud, he violated NCAA Bylaws 10.01.1 and 10.1-(d).

In addition to engaging in unethical conduct, the former head coach did not meet his obligation to fully cooperate and protect the integrity of the investigation when he contacted other individuals during the investigation. The Committee on Infractions dealt with a similar situation in *Georgia Institute of Technology* (2011), a case in which members of the athletics administration informed a student-athlete that he was going to be interviewed about a particular subject. In speaking to the obligations of member institutions and their employees to maintain the integrity of investigations, the committee stated:

The NCAA lacks subpoena power and other investigative tools and processes available to governmental investigating entities. Because of this, the successful adjudication of infractions cases is heavily dependent on the good faith efforts and, most importantly, the full and complete cooperation of member institutions and the involved parties under investigation by the enforcement staff. It is only through such cooperation that complete information can be gathered and analyzed by the enforcement staff, which allows the Committee on Infractions to reach just and fair conclusions regarding the facts of cases and to impose appropriate sanctions, if necessary. The bylaws are proposed and enacted by the NCAA members as mutual expectations for membership. They are a statement of the obligations that members have voluntarily undertaken to promote the core values of the NCAA including ethical conduct, honesty and rules compliance upon which the NCAA was founded.

*See also University of Tennessee* (2011) (head coach engaged in unethical conduct and failed to cooperate when he asked prospects not to divulge a violation and asked one of their fathers to lie); and *Radford University* (2012) (head coach engaged in unethical conduct when he met with his staff and a student-athlete, discussed topics from interviews and told them to lie and to not volunteer information).

Information from former assistant coach A, as well as the pattern, timing and frequency of the former head coach's calls and texts (many on an undisclosed phone in his mother's name), demonstrate that the former head coach contacted individuals during the investigation to influence information to be reported by individuals and to find out what others were telling the

enforcement staff.<sup>21</sup> Further, the former head coach had former assistant coach A contact student-athlete 8 in an attempt to influence the information he provided to the enforcement staff. These attempts by the former head coach to obscure the truth, as well as his deletion of the emails, violated his duty to cooperate and protect the integrity of the investigation, as required by NCAA Bylaw 19.2.3.

Finally, the former head coach did not set a tone for rules compliance in his program or otherwise meet his responsibilities as a head coach. Head coaches violate NCAA head coach responsibility legislation when they do not make rules adherence the foundation of their programs. *Indiana University* (2008) (head coach failed to promote an atmosphere of compliance when he did not monitor his staff's rules compliance); *University of Connecticut* (2011) (head coach who did not take steps to stop or report known rules violations violated his responsibilities); *University of Tennessee* (2011) (head coach failed to promote an atmosphere of compliance when he asked prospects and a prospect's father to withhold information); and *University of Central Florida* (2012) (head coach failed to discourage, stop or report impermissible activities by boosters). The former head coach sent a message that strict adherence to rules compliance was not a high priority in his program when he: (1) planned and implemented a scheme to involve members of his coaching staff in academic fraud; (2) deleted emails pertinent to the investigation; (3) contacted interviewees during the investigation; and (4) instructed former assistant coach A to contact student-athlete 8 and tell him to lie. Further, although he monitored the actions taken by the staff members as they engaged in academic fraud, the duty to monitor includes a responsibility to set the proper tone for rules compliance. The former head coach acknowledged that he was responsible for the actions of his staff under NCAA Bylaw 11.1.1.1. His actions further demonstrate that he failed to promote an atmosphere of compliance and failed to monitor his staff, as also required by the bylaw.

#### **D. STUDENT-ATHLETE 4's PREP SCHOOL COACH's FAILURE TO COOPERATE [NCAA Bylaw 19.2.3 (2014-15 Division I Manual)]**

Student-athlete 4's prep school coach failed to cooperate in the investigation when he refused to deliver requested bank records to the NCAA enforcement staff. The records were relevant to the investigation of the NCAA rules violations involving student-athlete 4. The institution and enforcement staff substantially agreed to the facts and that a Level I violation occurred. Student-athlete 4's prep school coach agreed that the enforcement staff requested his banks records and that he would not produce them, but he does not agree that he failed to cooperate with the investigation. The panel concludes that a Level I violation occurred.

##### **1. NCAA Legislation related to failure to cooperate.**

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

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<sup>21</sup> The former head coach paid for counsel for the DOBO, graduate assistant A and former assistant coach A's first two interviews. In those interviews, former assistant coach A testified falsely about his knowledge of, and participation in, the academic fraud. The DOBO and graduate assistant A were represented by the same lawyer as the former head coach. Each of them gave testimony which tended to exonerate the former head coach.

**2. Student-athlete 4's prep school coach failed to cooperate in the investigation when he refused to produce bank records relevant to the investigation to the NCAA enforcement staff.**

Student-athlete 4's prep school coach violated NCAA cooperation legislation when he refused to produce certain bank records when requested to do so by the enforcement staff. The records were relevant to the investigation, as they may have contained information regarding the source of the funds provided to student-athlete 4. At the time of the request, student-athlete 4's prep school coach was coaching at an NCAA member institution, and was therefore subject to all NCAA bylaws.

Student-athlete 4's prep school coach's failure to cooperate violated NCAA Bylaw 19.2.3, which requires all institutional staff members to cooperate fully in NCAA investigations. Although student-athlete 4's prep school coach submitted to interviews and produced requested phone records, he refused to produce bank records that, by his own admission, likely contained information relevant to the payment of funds to student-athlete 4. The enforcement staff requested the records on multiple occasions and informed student-athlete 4's prep school coach of his responsibility under NCAA bylaws. When his wife objected to producing the records on privacy grounds, the enforcement staff offered multiple reasonable accommodations to minimize the intrusion. Student-athlete 4's prep school coach continued to refuse to produce the records. His refusal violated his duty to cooperate under NCAA Bylaw 19.2.3

**E. GRADUATE ASSISTANT B's AND THE FORMER ASSOCIATE HEAD COACH's UNETHICAL CONDUCT AND FAILURE TO COOPERATE [NCAA Bylaws 10.1-(a) and 19.2.3 (2014-15 Division I Manual) and 19.7.2 (2015-16 Division I Manual)]**

Graduate assistant B and the former associate head coach engaged in unethical conduct when they refused to submit to an interview during the investigation. They failed to cooperate in the investigation when they did not file responses to the notice of allegations. The institution and enforcement staff substantially agreed to the facts and that Level I violations occurred. The panel concludes that Level I violations occurred.

**1. NCAA Legislation related to unethical conduct and failure to cooperate.**

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

**2. Graduate assistant B engaged in unethical conduct and failed to cooperate when he refused to submit to an interview and did not file a response to the notice of allegations.**

Graduate assistant B violated NCAA ethical conduct and cooperation legislation when he refused to interview with the enforcement staff and did not file a response to the notice of allegations. His conduct violated his responsibilities under NCAA Bylaws 10 and 19.

Subsection (a) of NCAA Bylaw 10.1 requires all current and former institutional staff members to furnish information relevant to an NCAA investigation when requested to do so by the NCAA. NCAA Bylaw 19.2.3 requires all current and former institutional staff members to cooperate in developing full information regarding possible NCAA rules violations. Finally, NCAA Bylaw 19.7.2 grants the panel the authority to consider a party's failure to submit a response to a notice of allegations as an admission that the violations occurred.

The enforcement staff requested that graduate assistant B submit to an interview numerous times. When graduate assistant B refused to interview, he violated NCAA Bylaw 10.1-(a). Further, the enforcement staff provided him with a notice of allegations and gave him the opportunity to respond. His failure to respond, even after the NCAA enforcement staff had secured the authority to offer him limited immunity, constituted a violation of NCAA Bylaw 19.2.3. Pursuant to NCAA Bylaw 19.7.2, the panel considers his failure to file a response as an admission that he committed the violations.

**3. The former associate head coach engaged in unethical conduct and failed to cooperate when he refused to submit to an interview and did not file a response to the notice of allegations.**

As did graduate assistant B, the former associate head coach violated NCAA ethical conduct and cooperation legislation when he refused to interview with the enforcement staff and did not file a response to the notice of allegations. His conduct violated his responsibilities under NCAA Bylaws 10.1-(a) and 19.2.3.

The enforcement requested that the former associate head coach submit to an interview four times. When the former associate head coach refused to interview, he violated NCAA Bylaw 10.1-(a). Further, the enforcement staff provided him with a copy of the notice of allegations and gave him an opportunity to respond. His failure to respond constituted a violation of NCAA Bylaw 19.2.3. Pursuant to NCAA Bylaw 19.7.2, the panel considers his failure to file a response as an admission that he committed the violations.

## **V. VIOLATIONS NOT DEMONSTRATED**

The enforcement staff alleged that the former head coach was the source of the funds provided to student-athletes 3 and 4, rather than their pre-collegiate coaches. The panel does not conclude that a violation occurred, based on the conflicting information. Both student-athlete 3's high school coach and student-athlete 4's prep school coach stated that they provided the funds to the student-athletes. Both student-athletes stated that they received funds from their pre-collegiate coaches during the academic year they served in residence as nonqualifiers. The panel concludes that the violation was not demonstrated.

The enforcement staff also alleged that former assistant coach B was knowingly involved in arranging the academic fraud concerning student-athlete 7. The panel does not conclude that a

violation occurred, based on the limited and conflicting information. Former assistant coach B, student-athlete 7's main recruiter, told student-athlete 7's two-year institution's academic advisor that student-athlete 7 would "receive guidance" in his courses and that the payment for the courses was "under control." In mid-May 2013, as graduate assistant B's acquaintance (who was also acquainted with former assistant coach B) was submitting fraudulent psychology coursework to the other institution on student-athlete 7's behalf, former assistant coach B had an email exchange with the former head coach in which former assistant coach B stated that "[student-athlete 7] is halfway done with psychology working on his English." It was to this communication that the former head coach admonished him not to say "anymore bout that on here!!" However, no metadata established that former assistant coach B submitted any of the fraudulent coursework. He denied any involvement in the academic fraud, much of which occurred when he was out of the country during the summer. Former assistant coach A stated that former assistant coach B was aware of the fraud, as the full staff discussed it during staff meetings. Although the panel concludes that former assistant coach B was aware of the fraud, the panel does not conclude that he was knowingly involved in arranging the fraud as alleged.

In addition to alleging that student-athlete 4's prep school coach violated NCAA Bylaw 19.2.3 when he refused to provide certain bank records, the enforcement staff also alleged that the same contact constituted unethical conduct pursuant to NCAA Bylaw 10.1-(a). The panel does not conclude that the specific facts of this situation establish both unethical conduct and failure to cooperate. Student-athlete 4's prep school coach submitted to two interviews with the enforcement staff. He provided numerous pages of phone records when requested. He responded to the notice of allegation and participated in the hearing. He stated a willingness to provide the requested bank records, but his wife specifically told the enforcement staff that she would not allow the records to be released. Based on these specific facts, 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 concludes that this case involved Level I and II violations of NCAA legislation. Pursuant to NCAA Bylaw 19.9.1, the panel concludes that the violations commenced before October 30, 2012, and continued after that date; however, the conduct constituting the violations predominantly occurred subsequent to October 30, 2012. Therefore, the panel prescribes penalties pursuant to the current NCAA Bylaw 19 penalty guidelines. In considering the penalties under the new penalty structure, the panel reviewed the aggravating and mitigating factors and utilized the new penalty guidelines (Figure 19-1) to appropriately classify the case and violations.

The panel then determined the applicable penalty classification. Level I violations are severe breaches of conduct, while Level II violations are significant breaches of conduct. The panel concludes that this case involved Level I violations consisting of unethical conduct including academic fraud by the former head coach. His conduct was as egregious as the head coaches' conduct in *Baylor University (2005)* (involving a head coach who paid the tuition of two student-

athletes and engaged in a protracted cover-up, including asking multiple people to lie, warranting a 10-year show-cause penalty) and *Texas Christian University* (2005) (involving a head coach who had members of his staff participate in a scheme to provide impermissible inducements and benefits and engage in academic fraud, warranting an eight-year show-cause penalty), cases decided under the former penalty structure. The former head coach's failure to meet his duties under NCAA head coach responsibility legislation also constituted a Level I violation. The case also involved Level I academic fraud violations by graduate assistants A and B and the former associate head coach. Student-athlete 4's prep school coach, graduate assistant B and the former associate head coach committed Level I violations when they failed to cooperate in the investigation. The panel further concludes that the case involved Level II violations consisting of impermissible participation, impermissible financial aid and ineligible participation.

To determine the appropriate classification of this Level I case as mitigated, standard or aggravated, the panel considered aggravating and mitigating factors pursuant to NCAA Bylaws 19.9.3 and 19.9.4. When applying the penalty guidelines, the panel also assessed aggravating and mitigating factors by weight as well as number. The panel determined the following factors applied, resulting in the panel classifying this case as Level I – Standard for the institution and student-athlete 4's prep school coach. The panel classified the case as Level I – Aggravated for the former associate head coach and graduate assistants A and B, who did not appear at the hearing. The panel also classified this as Level I – Aggravated for the former head coach, who had 10 aggravating factors.

#### **Aggravating Factors for the Institution**

- 19.9.3-(a): Multiple Level I violations;
- 19.9.3-(b): A history of Level I, Level II or major violations;
- 19.9.3-(h): Persons of authority condoned, participated in or negligently disregarded the violations or related wrongful conduct;
- 19.9.3-(i): One or more violations caused significant ineligibility or other substantial harm to a student-athlete or prospective student-athlete; and
- 19.9.3-(k): A pattern of noncompliance within the sports program involved.

#### **Mitigating Factors for the Institution**

- 19.9.4-(b): Prompt acknowledgement and acceptance of responsibility and imposition of meaningful corrective measures and/or penalties;
- 19.9.4-(c): Affirmative steps to expedite final resolution of the matter;
- 19.9.4-(d): Established history of self-reporting Level III or secondary violations; and
- 19.9.4-(f): Exemplary cooperation.

#### **Aggravating Factors for the former head coach**

- 19.9.3-(a): Multiple Level I violations;
- 19.9.3-(b): A history of Level I, Level II or major violations;

19.9.3-(d): Obstructing an investigation or attempting to conceal the violations;

19.9.3-(e): Unethical conduct, compromising the integrity of the investigation, failing to cooperate during an investigation or refusing to provide all relevant or requested information;

19.9.3-(f): Violations were premeditated, deliberate or committed after substantial planning;

19.9.3-(h): Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct;

19.9.3-(i): One or more violations caused significant ineligibility or other substantial harm to a student-athlete or prospective student-athlete;

19.9.3-(j): Conduct or circumstances demonstrating an abuse of a position of trust;

19.9.3-(k): A pattern of noncompliance within the sports program involved; and

19.9.3-(m): Intentional, willful or blatant disregard for the NCAA constitution and bylaws.

#### **Mitigating Factors for the former head coach**

The panel identified no mitigating factors for the former head coach.

#### **Aggravating Factors for student-athlete 4's prep school coach**

19.9.3-(e): Failing to cooperate during the investigation or refusing to provide all relevant or requested information.

#### **Mitigating Factors for student-athlete 4's prep school coach**

The panel identified no mitigating factors for student-athlete 4's prep school coach

#### **Aggravating Factors for graduate assistant B**

19.9.3-(a): Multiple Level I violations;

19.9.3-(d): Obstructing an investigation or attempting to conceal the violations;

19.9.3-(e): Unethical conduct, compromising the integrity of the investigation, failing to cooperate during the investigation or refusing to provide all relevant or requested information;

19.9.3-(f): Violations were premeditated, deliberate or committed after substantial planning;

19.9.3-(i): One or more violations caused significant ineligibility or other substantial harm to a student-athlete or prospective student-athlete;

19.9.9-(m): Intentional, willful or blatant disregard for the NCAA constitution and bylaws.

#### **Mitigating Factors for graduate assistant B**

The panel identified no mitigating factors for graduate assistant B

#### **Aggravating Factors for the former associate head coach**

19.9.3-(d): Obstructing an investigation or attempting to conceal the violations;

19.9.3-(e): Unethical conduct, compromising the integrity of the investigation, failing to cooperate during the investigation or refusing to provide all relevant or requested information;  
19.9.3-(f): Violations were premeditated, deliberate, or committed after substantial planning;  
19.9.3-(i): One or more violations caused significant ineligibility or other substantial harm to a student-athlete or prospective student-athlete;  
19.9.3-(m): Intentional, willful or blatant disregard for the NCAA constitution and bylaws.

### **Mitigating Factors for the former associate head coach**

The panel identified no mitigating actors for the former associate head coach

### **Aggravating Factors for graduate assistant A**

19.9.3-(e): Unethical conduct, compromising the integrity of the investigation, failing to cooperate during the investigation or refusing to provide all relevant or requested information;  
19.9.3-(f): Violations were premeditated, deliberate, or committed after substantial planning;  
19.9.3-(i): One or more violations caused significant ineligibility or other substantial harm to a student-athlete or prospective student-athlete;  
19.9.3-(m): Intentional, willful or blatant disregard for NCAA constitution and bylaws.

### **Mitigating Factors for graduate assistant A**

The panel identified no mitigating factors for graduate assistant A.

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

### **Core Penalties for Level I – (Standard) Violations (NCAA Bylaw 19.9.5)**

1. Probation: Three year probationary period to run consecutive to the present probation in Major Infractions Case No. 181513. This probation shall commence on January 30, 2017, and run through January 29, 2020.<sup>22</sup>
2. Competition Penalties: The men's basketball team shall end its season with the last scheduled regular season game and be banned from the postseason competition for two academic years. The panel adopts the institution's self-imposed postseason bans for the 2014-15 and 2015-16 seasons.

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<sup>22</sup> The institution reported that it self-imposed a three-year probationary period. Institutions may propose probationary periods, but the authority to prescribe probation rests solely with the panel.

3. **Financial Penalties:** The institution shall pay a financial penalty of \$5,000 plus an amount equal to one percent of the average total budget for the men's basketball budget over the previous three years (institution imposed).<sup>23</sup>
4. **Scholarship Reductions:** The men's basketball program shall reduce the number of grants-in-aid for men's basketball by a total of five. The program reduced by one the number of grants it awarded during the 2014-15 recruiting cycle. It shall further reduce grants by a total of four over the next three years (institution imposed).

### **Show-Cause Orders**

5. **Head Coach Restrictions:** The former head coach engaged in unethical conduct when he planned and orchestrated a scheme of academic fraud involving seven prospective student-athletes over two years. He involved members of his staff in the scheme and directed their activities. Further, he failed to fully disclose information relevant to the investigation and took affirmative steps to obstruct the investigation. Finally, he failed in his duty to promote an atmosphere of compliance and to monitor the activities of the staff who reported directly and indirectly to him. Specifically, the former head coach deleted relevant emails; provided false or misleading information regarding his knowledge of, and role in, the academic fraud; had the DOBO fabricate a fraudulent compliance document; and contacted interviewees and others involved in the investigation in an attempt to influence the investigation and learn what others were saying to the enforcement staff. Therefore, the former head coach will be informed in writing by the NCAA that the panel prescribes a 10-year show-cause order pursuant to NCAA Bylaw 19.9.5.5. The show cause period shall run from April 8, 2016, through April 7, 2026. The terms of the show-cause are as follows:
  - a. Any member institution employing the former head coach during the period of the show cause shall suspend him from all coaching duties; and
  - b. Pursuant to NCAA Bylaw 19.9.5.5, as a result of the former head coach's NCAA Bylaw 11.1.1.1 violation, and following the period of the show-cause, any member institution employing the former head coach shall suspend him for the first 50 percent of the first season he is employed. The provisions of the suspension require that the former 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 regular season game and ends at 11:59 p.m. on the day of the game that constitutes the end of suspension period. During that period, the former head coach may not participate in any coaching activities including, but not limited to, team travel, practice, video study, recruiting and team meetings. The results of those

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<sup>23</sup> The fine must be calculated in accordance with Division I Committee on Infractions Internal Operating Procedures 4-16-2 and 4-16-2-1.

- contests from which the former head coach is suspended shall not count in the former head coach's career coaching record.
6. Graduate assistant A knowingly committed academic fraud when he completed multiple on-line academic assignments for prospective student-athletes. While graduate assistant A admitted to involvement in the scheme, he was not fully forthcoming about his role and did not appear at the hearing. Therefore, graduate assistant A will be informed in writing by the NCAA that the panel prescribes a six-year show-cause order pursuant to NCAA Bylaw 19.9.5.4. The show-cause period shall run from April 8, 2016, through April 7, 2022. If graduate assistant A 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 committee to determine whether he should be subject to the show-cause provisions of NCAA Bylaw 19.9.5.4.
  7. Graduate assistant B knowingly committed academic fraud when he completed multiple online academic assignments for prospective student-athletes. Further, he refused to cooperate with the investigation. He resigned his job at a member institution just days before the enforcement staff was scheduled to interview him. Therefore, graduate assistant B will be informed in writing by the NCAA that the panel prescribes a seven-year show-cause order pursuant to NCAA Bylaw 19.9.5.4. The show-cause period shall run from April 8, 2016, through April 7, 2023. If graduate assistant B 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 committee to determine whether he should be subject to the show-cause provisions of NCAA Bylaw 19.9.5.4.
  8. Student-athlete 4's prep school coach failed to fully cooperate in the investigation. Although he submitted to interviews and provided phone records to the enforcement staff, he refused to provide bank records that had a potential bearing on the source of the payments to student-athlete 4. Therefore, student-athlete 4's prep school coach will be informed in writing by the NCAA that the panel prescribes a two-year show cause pursuant to NCAA Bylaw 19.9.5.4. The show cause period shall run from April 8, 2016, through April 7, 2018. The terms of the show cause are as follows:
    - a. Each year the show cause is in effect, or during each year student-athlete 4's prep school coach is employed by a member institution, student-athlete 4's prep school coach shall attend an NCAA Regional Rules Seminar;
    - b. Each month during the show-cause period, if student-athlete 4's prep school coach is employed by a member institution, he shall attend monthly sessions with the compliance officer to review his recruiting and coaching activities over the past 30 days; and
    - c. Any member institution employing student-athlete 4's prep school coach during the show-cause period shall file reports with the Office of the Committees on Infractions every six months detailing his activities and confirming that he is abiding by the

- terms of the show-cause order. Any institution that employs student-athlete 4's prep school coach during the term of the show cause shall adhere to this penalty. If the employing institution does not agree to these restrictions, it shall appear before a panel and show cause why the restrictions should not apply.
9. The former associate head coach facilitated the academic fraud involving student-athlete 6 by providing student-athlete 6's computer log-on information to graduate assistant A, who then completed some of the online coursework. Further, the former associate head coach did not cooperate in the investigation. Therefore, the former associate head coach shall be informed in writing by the NCAA that the panel prescribes an eight-year show-cause order pursuant to NCAA Bylaw 19.9.5.4. The show-cause period shall run from April 8, 2016, through April 7, 2024. If the former associate head coach 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 committee to determine whether he should be subject to the show-cause provisions of NCAA Bylaw 19.9.5.4.
10. Recruiting restrictions.
- a. The institution will reduce the number of official visits its men's basketball team may conduct in the 2015-16 academic year by three (institution imposed);
  - b. The institution will self-impose a prohibition from hosting any unofficial visits for a period of 10 weeks prior to the beginning of the fall 2016 academic semester, during times in which unofficial visits are otherwise permissible per the NCAA recruiting calendar (institution imposed);
  - c. The institution will restrict recruiting communications with prospective student-athletes by ten-weeks prior to the beginning of the fall 2016 academic semester (institution imposed); and
  - d. The institution will reduce the off-campus recruiting person days in men's basketball during the 2015-16 academic year by 25 (institution imposed).

**Additional Penalties for Level I and Level II Violations (NCAA Bylaw 19.9.7)**

11. Public reprimand and censure.
12. Vacation of records. When graduate assistants A and B and former assistant coach A completed on-line academic coursework for student-athletes 1, 2, 6, 7 and 9, the student-athletes became ineligible for competition. When student-athlete 3's high school coach and student-athlete 4's prep school coach provided them with impermissible financial aid, those two student-athletes were also rendered ineligible. However, student-athlete 4 later competed under a grant of limited immunity. Therefore, pursuant to NCAA Bylaws 19.9.7-(g) and 31.2.2.3, the institution shall vacate all regular season and conference

tournament wins in which student-athletes 1, 2, 3, 6, 7 and 9 competed from the time they became ineligible through the time they were reinstated as eligible for competition.<sup>24</sup> 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 championship shall be vacated. The individual records of the student-athletes shall also be vacated. Further, the institution's records regarding men's basketball, as well as the record of the former 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 former 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.

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 at the same time.

13. Pursuant to NCAA Bylaw 19.9.10, the NCAA president may forward a copy of the public infractions decision to the appropriate regional accrediting agency.
14. 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>24</sup> Student-athletes 7 and 9 were also granted limited immunity in return for truthful information. However, as they did not provide truthful information, any wins and championship participation in which student-athletes 7 and 9 competed shall be vacated. The institution shall also vacate their individual records.

15. 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 Office of the Committees on Infractions by May 31, 2016, setting forth a schedule for establishing this compliance and educational program;
  - c. Include information on this program in the annual compliance reports filed with the Office of the Committees on Infractions pertaining to Case No. 181513 which is due October 15, 2016. Particular emphasis shall be placed on the institution's efforts to implement its new transfer protocol and staff training regarding transfer student-athletes. The institution shall file annual compliance reports through the full probationary period;
  - d. Inform in writing prospective student-athletes in men's basketball that the institution is on probation for three years and detail the violations committed.<sup>25</sup> 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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<sup>25</sup> This penalty, and the publication requirements of subsection (e), are in force during the "overlap" period with the probation from Case No. 181513. The institution shall begin providing the information to men's basketball prospective student-athletes, and publicizing this probation, as of April 8, 2016, through the end of the probation period.

The Committee on Infractions advises the institution that it should take every precaution to ensure that it observes the terms of the penalties. The committee will monitor the penalties during their effective periods. Any action by the institution contrary to the terms of any of the penalties or any additional violations shall be considered grounds for extending the institution's probationary period, prescribing more severe penalties or may result in additional allegations and violations.

NCAA COMMITTEE ON INFRACTIONS PANEL

Michael Adams

Joel Maturi

Gary L. Miller

Eleanor Myers, chief hearing officer

Joe Novak

Jill Pilgrim

Dave Roberts

**APPENDIX ONE**  
**CORRECTIVE ACTIONS AS IDENTIFIED IN THE INSTITUTION'S OCTOBER 20, 2015, RESPONSE TO THE NOTICE OF ALLEGATIONS.**

1. As a result of Violation No. 1, the institution has augmented its policies for junior college transfers and online courses to require an institutional academic record review of any online course(s) taken during a transferring prospects' last semester at a previous school where one or more grade-point average and/or various credit hour benchmarks are not satisfied. That review includes confirmation of the prospects' payment for the online class(es) and analysis of submitted coursework.
2. As a result of Violation No. 2, the institution now requires that all mail sent to a specific student-athlete in care of the athletic department (as opposed to being mailed to the student-athlete's personal campus post office box or the student-athlete's off-campus address) be forwarded to the compliance office where the student-athlete is asked to open the mail in the presence of a compliance officer to ensure it does not contain anything that would jeopardize the student-athlete's eligibility. Prior to this new policy, mail sent to a student-athlete care of the athletic department was simply forwarded directly to the student-athlete or the office of the sport in which he/she participated.
3. As a result of the violations set out in Violation No. 2, the institution will not, absent extraordinary circumstances (*e.g.* the student is a close relative of the coach), enroll academic non-qualifiers with an intent that the student later become a member of any intercollegiate team during the probationary period.

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

**Division I 2011-12 Manual**

**10.01.1 Honesty and Sportsmanship.** Individuals employed by (or associated with) a member institution to administer, conduct or coach intercollegiate athletics and all participating student-athletes shall act with honesty and sportsmanship at all times so that intercollegiate athletics as a whole, their institutions and they, as individuals, shall represent the honor and dignity of fair play and the generally recognized high standards associated with wholesome competitive sports.

**10.1 Unethical Conduct.** Unethical conduct by a prospective or enrolled student-athlete or a current or former institutional staff member, which includes any individual who performs work for the institution or the athletics department even if he or she does not receive compensation for such work, may include, but is not limited to, the following:

**(b)** Knowing involvement in arranging for fraudulent academic credit or false transcripts for a prospective or an enrolled student-athlete.

**(c)** Knowing involvement in offering or providing a prospective or an enrolled student-athlete an improper inducement or extra benefit or improper financial aid.

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

**16.8.1 Permissible.** The permissible expenses for practice and competition that an institution may provide a student-athlete are defined in the following subsections. (See Bylaw 16.9 for expenses that may be provided by individuals or organizations other than the institution.)

**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:

(b) Knowing involvement in arranging for fraudulent academic credit or false transcripts for a prospective or an enrolled student-athlete.

(c) Knowing involvement in offering or providing a prospective or an enrolled student-athlete an improper inducement or extra benefit or improper financial aid.

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

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

**14.11.1 Obligation of Member Institution to Withhold Student-Athlete from Competition.**

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

**15.01.2 Improper Financial Aid.** Any student-athlete who receives financial aid other than that permitted by the Association shall not be eligible for intercollegiate athletics.

**15.01.3 Financial Aid Not Administered by Institution.** Any student who receives financial aid other than that administered by the student-athlete's institution shall not be eligible for intercollegiate athletics competition, unless it is specifically approved under the Association's rules of amateurism (see Bylaw 12) or the aid is:

(a) Received from one upon whom the student-athlete is naturally or legally dependent; or

(b) Awarded solely on bases having no relationship to athletics ability; or

(c) Awarded through an established and continuing program to aid students under the conditions listed in Bylaw 15.2.6.3.

**16.8.1 Permissible.** The permissible expenses for practice and competition that an institution may provide a student-athlete are defined in the following subsections. (See Bylaw 16.9 for expenses that may be provided by individuals or organizations other than the institution.

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

**10.01.1 Honesty and Sportsmanship.** Individuals employed by (or associated with) a member institution to administer, conduct or coach intercollegiate athletics and all participating student-athletes shall act with honesty and sportsmanship at all times so that intercollegiate athletics as a whole, their institutions and they, as individuals, shall represent the honor and dignity of fair play and the generally recognized high standards associated with wholesome competitive sports.

**10.1 Unethical Conduct.** Unethical conduct by a prospective or enrolled student-athlete or a current or former institutional staff member, which includes any individual who performs work for the institution or the athletics department even if he or she does not receive compensation for such work, may include, but is not limited to, the following:

(b) Knowing involvement in arranging for fraudulent academic credit or false transcripts for a prospective or an enrolled student-athlete.

(c) Knowing involvement in offering or providing a prospective or an enrolled student-athlete an improper inducement or extra benefit or improper financial aid.

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

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

**14.01.1 Institutional Responsibility.** An institution shall not permit a student-athlete to represent it in intercollegiate athletics competition unless the student-athlete meets all applicable eligibility requirements, and the institution has certified the student-athlete's eligibility. A

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

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

**14.10.1 Obligation of Member Institution to Withhold Student-Athlete From Competition.**

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

**15.01.2 Improper Financial Aid.** Any student-athlete who receives financial aid other than that permitted by the Association shall not be eligible for intercollegiate athletics.

**15.01.3 Financial Aid Not Administered by Institution.** Any student who receives financial aid other than that administered by the student-athlete's institution shall not be eligible for intercollegiate athletics competition, unless it is specifically approved under the Association's rules of amateurism (see Bylaw 12) or the aid is:

- (a) Received from one upon whom the student-athlete is naturally or legally dependent; or
- (b) Awarded solely on bases having no relationship to athletics ability; or
- (c) Awarded through an established and continuing program to aid students under the conditions listed in Bylaw 15.2.6.3.

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

**Division I 2014-15 Manual**

**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;
- (b) Knowing involvement in arranging for fraudulent academic credit or false transcripts for a prospective or an enrolled student-athlete;
- (c) Knowing involvement in offering or providing a prospective or an enrolled student-athlete an improper inducement or extra benefit or improper financial aid;
- (d) Knowingly furnishing or knowingly influencing others to furnish the NCAA or the individual's institution false or misleading information concerning an individual's involvement in or knowledge of matters relevant to a possible violation of an NCAA regulation.

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

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

**15.01.2 Improper Financial Aid.** Any student-athlete who receives financial aid other than that permitted by the Association shall not be eligible for intercollegiate athletics.

**15.01.3 Financial Aid Not Administered by Institution.** Any student who receives financial aid other than that administered by the student-athlete's institution shall not be eligible for intercollegiate athletics competition, unless it is specifically approved under the Association's rules of amateurism (see Bylaw 12) or the aid is:

- (a) Received from one upon whom the student-athlete is naturally or legally dependent; or
- (b) Awarded solely on bases having no relationship to athletics ability; or
- (c) Awarded through an established and continuing program to aid students under the conditions listed in Bylaw 15.2.6.3.

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

**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 2015-16 Manual**

**19.7.2 Responses by Institutions or Involved Individuals.** Any response to the notice of allegations shall be submitted to the hearing panel, if assigned, and the enforcement staff, and pertinent portions to the institution and all involved individuals, not later than 90 days from the date of the notice of allegations unless the chief hearing officer, if assigned, and if not assigned, the committee chair, grants an extension. The enforcement staff may establish a deadline for the submission of responses to any reasonable time within the 90-day period, provided the institution and all involved individuals consent to the expedited deadline. Failure to submit a timely response may be viewed by the panel as an admission that the alleged violation(s) occurred.