Head Coach Responsibilities Regarding Compliance with and Violations of NCAA Rules

What is a head coach's responsibility for ensuring NCAA violations do not occur within his or her program?

NCAA Division I Bylaw 11.1.1.1 states that 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.** A 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.

If the NCAA enforcement staff alleges that a head coach violated Bylaw 11.1.1.1 as a result of his/her involvement in a major/Level I or II violation(s), what could happen?

Pursuant to Bylaw 11.1.1.1, a head coach is presumed responsible for major/Level I and Level II violations (e.g., academic fraud, recruiting inducements) occurring within his or her program unless the coach can show that he or she promoted an atmosphere of compliance and monitored his or her staff. After August 1, 2013, if the NCAA Division I Committee on Infractions finds that a head coach violated Bylaw 11.1.1.1, he or she may be suspended, pursuant to a show-cause order, for up to an entire season for Level I violations and up to half of a season for Level II violations. The length of the suspension will depend on the severity of the violation(s) committed by his or her staff and/or the coach himself/herself.

Are there secondary/Level III violations that may result in a suspension of a head coach?

Yes.

Division I Sports Other Than Football and Basketball. Effective August 1, 2013, head coaches may be suspended for identified Level III violations committed by assistant coaches or staff members on or after August 1, 2013. The assistant coach or staff member who commits the violation also would face suspension. The list of identified Level III violations as discussed with the various coaches' associations includes:

- In-person, off-campus contacts during a dead period [particularly during the National Letter of Intent (NLI) signing dead period].
- Exceeding the permissible number of contacts with a prospective student-athlete.
- Intentional or significant game-day simulations and/or impermissible recruiting aids.
- Providing team gear or other inducements to prospective student-athletes.
- Violations that occur as a result of engaging nonscholastic third parties in the recruiting process (e.g., prescheduled unofficial visits that are impermissibly funded, etc.).
- Collective recruiting violations and/or other intentional recruiting violations (e.g., multiple impermissible early phone calls, multiple impermissible contacts, providing inducements).
- Impermissible benefits to student-athletes or inducements to prospective student-athletes by third parties that the coaching staff knows about or is involved with.
- Providing a written offer of athletically related financial aid to a prospective student-athlete prior to August 1 of the prospective student-athlete's senior year in high school.

Beginning August 1, 2013, for all sports, suspensions of coaches for designated Level III recruiting violations will be posted in a database on the NCAA website by the enforcement staff.
Division I Women's Basketball. Effective August 1, 2013, head coaches may be suspended for identified Level III violations committed by assistant coaches or staff members on or after August 1, 2013. The assistant women's basketball coach or staff member who commits the violation also would face suspension. The list of identified Level III violations as discussed with the Women's Basketball Coaches Association (WBCA) includes:

- In-person, off-campus contacts during a dead period (particularly during the NLI signing dead period).
- Exceeding the permissible number of opportunities with a prospective student-athlete.
- Intentional or significant game-day simulations and/or impermissible recruiting aids.
- Providing team gear or other inducements to prospective student-athletes.
- Violations that occur as a result of engaging nonscholastic third parties in the recruiting process.
- Collective recruiting violations and/or other intentional recruiting violations (e.g., multiple impermissible early phone calls, multiple impermissible contacts, providing inducements).
- Impermissible benefits to student-athletes or inducements to prospective student-athletes by third parties that the coaching staff knows about or is involved with.
- Providing a written offer of athletically related financial aid to a prospective student-athlete prior to August 1 of the prospective student-athlete's senior year in high school.

Division I Football. Effective August 1, 2013, head coaches may be suspended for identified Level III violations committed by assistant coaches or staff members on or after August 1, 2013. The assistant football coach or staff member who commits the violation also would face suspension. The list of identified Level III violations as discussed with the American Football Coaches Association (AFCA) includes:

- In-person, off-campus contacts during a dead period (particularly during the NLI signing dead period).
- Exceeding the permissible number of contacts with a prospective student-athlete.
- Intentional or significant game-day simulations and/or impermissible recruiting aids.
- Providing team gear or other inducements to prospective student-athletes.
- Violations that occur as a result of engaging nonscholastic third parties in the recruiting process (e.g., prescheduled unofficial visits that are impermissibly funded, etc.).
- Collective recruiting violations and/or other intentional recruiting violations (e.g., multiple impermissible early phone calls, multiple impermissible contacts, providing inducements).
- Holding 7-on-7 events on an institution's campus and/or otherwise attending or being involved in nonscholastic events (NCAA Football Bowl Subdivision only).
- Impermissible benefits to student-athletes or inducements to prospective student-athletes by third parties that the coaching staff knows about or is involved with.
- Providing a written offer of athletically related financial aid to a prospective student-athlete prior to August 1 of the prospective student-athlete's senior year in high school.
Division I Men's Basketball. Effective October 2009, for specific secondary/Level III violations that involve a Division I men's basketball staff member, a head coach may be suspended by the institution at the direction of the enforcement staff. Head coaches will be subject to NCAA tournament or regular season game suspensions for violations in his program involving:

- Camp employment.
- Camp operation.
- Donations to nonprofits.*
- Payment of consulting fees.
- Impermissible entertainment for individuals associated with a prospective student-athlete.*
- Involvement in nonscholastic events on campus.*

* In addition to a term of suspension for the head coach, an involved men's basketball staff member may be subject to a suspension.

Effective August 1, 2013, head men's basketball coaches may be suspended for identified Level III violations committed by assistant coaches or staff members on or after August 1, 2013. The assistant men's basketball coach or staff member who commits the violation also would face suspension. The list of identified Level III violations as discussed with the National Association of Basketball Coaches (NABC) includes:

- In-person, off-campus contacts during a dead period (particularly during the NLI signing dead period).
- Exceeding the permissible number of opportunities with a prospective student-athlete.
- Intentional or significant game-day simulations and/or impermissible recruiting aids.
- Providing team gear or other inducements to prospective student-athletes.
- Violations that occur as a result of engaging nonscholastic third parties in the recruiting process.
- Collective recruiting violations and/or other intentional recruiting violations (e.g., multiple impermissible early phone calls, multiple impermissible contacts, providing inducements).
- Impermissible benefits to student-athletes or inducements to prospective student-athletes by third parties that the coaching staff knows about or is involved with.
- Providing a written offer of athletically related financial aid to a prospective student-athlete prior to August 1 of the prospective student-athlete's senior year in high school.

What can a head coach do to promote an atmosphere of compliance and monitor the activities of his or her staff?

This document is intended to encourage conversations about the shared responsibilities for NCAA compliance as well as to provide guidance with examples of actions that may be taken in regard to Bylaw 11.1.1.1 legislation. The responsibility for NCAA rules compliance is shared by the various stakeholders on campus (e.g., presidents, directors of athletics, compliance, coaches). The guidance provided within this document is not required nor does it request coaches to write a policy or conduct training – it merely provides suggestions from the enforcement staff in the areas of communication, monitoring and documentation that coaches can use with the various stakeholders on campus.
The action plans described below may assist a head coach in promoting an atmosphere of compliance and monitoring the activities of his or her staff.

**Action Plan: Communication.**

A head coach should demonstrate and document a commitment to compliance through ongoing communication with his or her director of athletics, compliance staff and coaching staff. The outline below was created to assist a head coach with managing this dialogue.

- Meet with the chancellor or president to discuss his/her expectations for NCAA rules compliance.
- Meet with the director of athletics to discuss his/her expectations for NCAA rules compliance. Suggested talking points:
  - Director of athletics' philosophy and expectations on rules compliance.
  - Compliance resources for your program.
  - Program's shared responsibility with compliance staff.
  - Establish a plan in writing for continued dialogue with the director of athletics to discuss the institution's and program's compliance environment and expectations (e.g., regularly scheduled meetings with minutes, etc.).
- Meet with the compliance director to discuss his/her expectations for NCAA rules compliance. Suggested talking points:
  - Compliance director's philosophy and expectations on rules compliance.
  - Compliance resources for your program.
  - Discuss the compliance staff's and program's expectations for submitting rules interpretations and waiver requests, and determine how to best resolve any disagreements over the submission of such requests.
  - Program's shared responsibility with compliance staff.
  - Expectations for reporting actual and potential NCAA rules issues (e.g., immediate action, reporting lines).
  - Establish a written plan for continued dialogue with the compliance director to discuss the institution's and program's compliance environment and expectations (e.g., regularly scheduled meetings, etc.).
  - Establish a written plan for ongoing dialogue between the coaching staff and compliance staff to discuss key issues facing the sport and program (e.g., agents, initial eligibility, pre-enrollment amateurism, etc.).
- Meet jointly with the president, director of athletics and compliance director to discuss the institution's and program's compliance environment and expectations.
- Meet with the coaching and support staff to discuss the head coach's expectations for NCAA rules compliance. Include a written document outlining the head coach's commitment to ethical conduct along with suggested talking points:
  - Program's ethical standards.
  - Expectations for reporting actual and potential NCAA rules issues (e.g., immediate action; reporting lines).
  - Review the president's, director of athletics' and compliance director's philosophy and expectations for rules compliance.
Expectations for regular communication between the coaching staff and compliance staff.

Establish a plan for continued dialogue with the staff to discuss the institution's and program's compliance environment and expectations (e.g., regularly scheduled meetings, etc.).

Establish ongoing dialogue with staff to review any issues involving prospective student-athletes and current student-athletes (e.g., agents, initial eligibility, pre-enrollment amateurism, etc.).

Action Plan: Monitoring.

A head coach also should demonstrate a commitment to compliance through monitoring his or her staff's activities in consultation with the compliance staff. This may include staff meetings with agendas that specifically address compliance issues. The outline below was created to assist a head coach with managing his/her monitoring responsibilities.

- Actively look for red flags of potential violations. For example, if a prospective student-athlete takes an unofficial visit to campus, ask how the prospective student-athlete paid for the trip.
- Ask questions. For example, if a coach is suspicious of a third party or handler being involved in a prospective student-athlete's recruitment, ask questions of the coaching staff about the person. Emphasize the program's ethical standards, set the tone for what is and is not acceptable in dealing with third parties and keep a written record of the conversations.
- In consultation with the compliance director, create written procedures to ensure your staff is monitoring your program's rules compliance. Suggested procedures:
  - Assign a staff liaison(s) to the compliance staff.
  - Assign staff members to monitor specific areas of compliance (e.g., recruiting contacts, initial eligibility, amateurism, telephone contacts).
  - Regularly evaluate staff members to ensure their areas of compliance are monitored and that all responsibilities are executed in a timely manner.
  - Ensure that the entire program has adequate and ongoing compliance training and that there is a plan in place for discussion of important information.
  - Ensure that staff members are consistently attending compliance training.
  - Determine reporting lines for resolving actual and potential NCAA rules issues.
  - Determine reporting lines to alert compliance staff of issues involving prospective student-athletes and current student-athletes (e.g., agents, initial eligibility, pre-enrollment amateurism, etc.).
- Regularly solicit feedback from your staff members concerning their areas of compliance and the program's overall compliance environment in order to ensure that the monitoring systems are functioning properly. Ask the staff where the biggest areas for mistakes or ethical traps exist. Where is the grey area and how will the staff deal with it?
- Ensure that the program immediately notifies the compliance staff when concerns or red flags occur related to potential NCAA rules violations. A lack of immediate action by the head coach will be a significant factor in determining whether the head coach met the obligations imposed by Bylaw 11.1.1.1.
Additional Considerations: Documentation.

A head coach should document the ways in which he/she has communicated and/or demonstrated a commitment to compliance and be able to produce documentation relating to the procedures in place for monitoring the program's rules compliance. Potential areas for documentation:

- Meetings with the director of athletics, compliance staff and coaching staff.
- Program's procedures for monitoring and submission of documentation of specific areas of compliance (e.g., practice hours, unofficial visits).
- Reports to compliance of actual and potential NCAA rules issues.
- Monitoring efforts undertaken by the program to ensure that the staff and student-athletes are complying in a timely manner with NCAA rules and compliance obligations.

Please note that the ultimate determination of whether a head coach has exercised proper control over his or her program rests with the Committee on Infractions, and a failure to promote an atmosphere of compliance and/or failure to monitor determination will consider the unique facts and circumstances of each case. There is no way to set forth a checklist of items that will in all circumstances prevent a finding. Further, it is important that you consult with your athletics administration and compliance staff for additional guidance on how to tailor the best action plan for your institution.

The following information is a summary of some of the Committee on Infractions decisions that included a finding that the head coach failed to promote an atmosphere of compliance and/or monitor compliance within his or her program and underscore how the action plans may be of use.

Key Takeaways.

1. The head coach and staff have an obligation to report potential rules violations and actual rules violations to the administration.
   - Ask your staff about any red flags in a prospective student-athlete's recruitment or a student-athlete's enrollment and immediately alert compliance.

2. The head coach has an obligation to ensure that his/her program's monitoring systems are operating properly.
   - Ask your staff about any issues with the program's monitoring systems and alert compliance (e.g., timeliness, accuracy).

3. The head coach and staff have an obligation to consult with compliance staff to determine if their actions are consistent with NCAA rules.
   - Ask compliance staff before acting, especially in areas of grey.
4. The head coach and staff have an obligation to identify situations where circumstances could result in NCAA violations, alert compliance and monitor the situation closely.

Fact Scenarios: Bylaw 11.1.1.1 Violations.

The following information summarizes some of the factors that were noted by the Committee on Infractions in public infractions reports when finding that the head coach failed to meet his responsibilities under Bylaw 11.1.1.1 (previously cited as 11.1.2.1).

1. The head coach and staff knew that an agent/booster had a relationship with an elite prospective student-athlete.
   - The head coach failed to alert the compliance staff and administration of possible improprieties between the agent/booster and prospective student-athlete.
   - The head coach and staff knew of the prospective student-athlete's limited financial resources and did not take any steps to determine whether the relationship between the prospective student-athlete and agent/booster involved violations of NCAA legislation.
   - The Committee on Infractions noted that Bylaw 11.1.1.1 does not require a head coach to investigate wrongdoing, but it does require the head coach to recognize potential problems, address them and report them to the athletics administration.

2. The head coach and staff knew that several incoming two-year institution transfer student-athletes were deficient academically and were taking numerous classes in a short period of time to meet eligibility requirements.
   - The head coach asked his staff only general questions about the prospective student-athletes' progress and did not ask how the prospective student-athletes were supporting themselves, how the prospective student-athletes were traveling around town, how their classes were being paid for and how involved his staff was with the prospective student-athletes.
   - The head coach failed to involve the compliance staff in monitoring the prospective student-athletes' situations.

3. The head coach and staff encouraged a booster/high school coach to assist the program in recruiting and believed that the booster's employment as a high school coach superseded his status as a booster.
   - The head coach failed to consult with compliance to determine whether the booster's actions were permissible.

4. The head coach and staff were told that they could not have any involvement with an on-campus nonscholastic even, but the head coach provided the event operator with access to the program's boosters in order to solicit funding for the event.
   - The head coach failed to consult with compliance staff to determine if his interactions with the event operator posed any potential NCAA rules issues.
• The head coach permitted his incoming assistant coaches to attend the event (during a quiet period) and failed to consult with compliance staff to determine if their attendance was permissible.

5. The institution's men's basketball program's telephone contacts were subject to heightened scrutiny due to past violations.

• The men's basketball program's system for monitoring telephone contacts was not functioning properly because the coaches were submitting inaccurate information and were not submitting the logs in a timely manner.
• The head coach had no knowledge that the system was not functioning, and when he was made aware that coaches were not submitting their logs in a timely manner, he failed to resolve the issue with his staff.
• The Committee on Infractions noted that promoting an atmosphere of compliance requires more than general comments about compliance responsibilities.

Fact Scenarios: Monitoring Expectations.

The following information summarizes some of the monitoring considerations that were noted by the Committee on Infractions in public infractions reports that predate the adoption of Bylaw 11.1.1.1 (2005).

1. The institution failed to monitor a prospective student-athlete, who was living in the university's locale, the summer prior to initial enrollment.

• The head coach failed to provide the institution with information about the prospective student-athlete that would have facilitated the institution's monitoring efforts.
• Effective rules compliance demands more than providing rules education and requires actually checking to see whether the staff complies with the rules.

2. A prospective student-athlete received impermissible housing from a current student-athlete the summer prior to initial enrollment.

• The institution should have monitored the prospective student-athlete's circumstances, particularly as it relates to lodging, because of the heightened possibility for rules violations.
• The head coach should have inquired about the prospective student-athlete's lodging and determined whether it was permissible.

3. A booster engaged in numerous impermissible contacts with a prospective student-athlete and provided the prospective student-athlete with $4,000 of cash payments while the prospective student-athlete was residing in the locale of the institution during the summer prior to initial enrollment.

• The monitoring efforts should have included rules education for the prospective student-athlete, and the institution should have formally monitored the prospective student-athlete's presence in the locale of the institution.
• The prospective student-athlete's status as an elite prospective student-athlete should have created a heightened sense of awareness and prompted the institution to increase vigilance and closer monitoring.

4. An international student-athlete, who was a nonqualifer, received cash from the director of basketball operations in order to satisfy financial burdens.

• The Committee on Infractions noted that when an international student-athlete is also a nonqualifer, who is ineligible to receive athletically related financial aid, the institution has a greater responsibility to monitor the student-athlete in order to avoid potential rules violations.

• Although the director of basketball operations concealed the payments and left no "paper trail," the institution does not avoid responsibility to monitor the situation since the institution had other information available to prompt an inquiry (e.g., nonqualifer, international student-athlete).

5. A booster assisted the men's basketball staff in its recruiting efforts by having impermissible recruiting contacts with prospective student-athletes.

• The Committee on Infractions noted that a head coach is expected to recognize potential NCAA violations and report them to the athletics administration.

• The head coach failed to recognize that the individual's promotion of the institution to prospective student-athletes caused him to become a booster of the institution.