DECISION OF THE
NATIONAL COLLEGIATE ATHLETIC ASSOCIATION
DIVISION I INFRACTIONS APPEALS COMMITTEE

July 18, 2017

Decision No. 460
Former Head Women's Basketball Coach
University of Mississippi
Oxford, Mississippi

This report is filed in accordance with NCAA Bylaw 32.11 and is organized as follows:

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I. INTRODUCTION.

The former head women's basketball coach at the University of Mississippi appealed to the NCAA Division I Infractions Appeals Committee a specific finding of violation and penalty as determined by the NCAA Division I Committee on Infractions. In this decision, the Infractions Appeals Committee addresses the issues raised by the former head women's basketball coach (hereinafter referred to as former head coach).

II. BACKGROUND.

On October 7, 2016, the Committee on Infractions issued Infractions Decision No. 460 in which the committee found violations of NCAA legislation in the women's basketball and track and field program. On the basis of those findings, the Committee on Infractions determined that this was a major infractions case and imposed penalties accordingly.

The case related to the women's basketball program centered on violations of NCAA bylaws governing academic fraud, unethical conduct, impermissible contact and head coach's responsibility.

After the Committee on Infractions issued its report, the former head coach filed a timely Notice of Appeal October 21, 2016. A written appeal was filed December 6, 2016. The Committee on Infractions filed its Response January 19, 2017. Former head coach filed a Rebuttal to the Committee on Infractions Response February 3, 2017. The case was considered on the written record during the Infractions Appeals Committee's April 13, 2017, meeting and several conference calls.

III. FINDING OF FACT AS DETERMINED BY THE COMMITTEE ON INFRACTIONS.

See Committee on Infractions decision for appellant Page Nos. 5 through 14. A copy of the report may be accessed via the NCAA Legislative Services Database for the Internet (LSDBi) at the following link: https://web3.ncaa.org/lsdbi/.

IV. ANALYSIS AS DETERMINED BY THE COMMITTEE ON INFRACTIONS.

See Committee on Infractions decision for appellant Page Nos. 14 through 30. A copy of the report may be accessed via LSDBi at the following link: https://web3.ncaa.org/lsdbi/.
V. PENALTIES IMPOSED BY THE COMMITTEE ON INFRACTIONS.

The Committee on Infractions imposed a show-cause order because of the involvement of appellant in violation. The show-cause order imposed on appellant is set forth in Section VII.11 of the Committee on Infractions infraction decision:

The former head basketball coach failed to monitor the actions of two of his staff members over a five-week period. His lack of monitoring allowed these staff members to commit academic fraud on behalf of two student-athletes who needed additional summer coursework in order to earn their associate's degrees. The former head basketball coach admitted that he knew both student-athletes needed additional academic work in order to enroll in the institution. Similarly, the former head basketball coach admitted that the student-athletes' academic backgrounds were different than student-athletes he had previously recruited. Finally, the former head basketball coach had just formed his new staff and had previously never worked with the former director of basketball operations and former assistant basketball coach. Irrespective of his lack of familiarity with these new staff members, the former head basketball coach delegated recruiting and academic responsibilities to the them without monitoring their activities. Therefore, the former head basketball coach will be informed in writing by the NCAA that should he be employed or affiliated in an athletically related position at another NCAA member institution during a two-year period, from October 7, 2016, through October 6, 2018, within 30 days of his hiring, that employing institution shall ask for a date to appear before a hearing panel to show cause why restrictions on all athletically related activity should not apply.

VI. ISSUES RAISED ON APPEAL.

In his written appeal, the former head coach asserted that the finding of violation against him should be set aside because it is clearly contrary to the evidence presented to the committee; facts found by the committee do not constitute a violation; and procedural error occurred and but for the error, the committee would not have made the finding of violation. Further, the former head coach asserted the Committee on Infractions abused its discretion in prescribing the show-cause order.

VII. APPELLATE PROCEDURE.

In considering the former head coach's appeal, the Infractions Appeals Committee reviewed the Notice of Appeal; the record and transcript of the institution's July 25, 2016,
hearing before the Committee on Infractions and the submissions by the former head coach and the Committee on Infractions referred to in Section II of this report.

VIII. **INFRACTIONS APPEALS COMMITTEE'S RESOLUTION OF THE ISSUES RAISED ON APPEAL.**

**Finding of Violation**

In reviewing this case, the Infractions Appeals Committee may over-turn a finding and conclusion that one or more violations occurred only if:

a. The hearing panel's finding clearly is contrary to the evidence presented to the panel;

b. The facts found by the hearing panel do not constitute a violation of the NCAA constitution and bylaws; or

c. There was a procedural error and but for the error, the hearing panel would not have made the finding or conclusion. [Bylaw 19.10.1.2]

"A showing that there was some information that might have supported a contrary result will not be sufficient to warrant setting aside a finding nor will a showing that such information might have outweighed the information on which the committee based a finding. The Infractions Appeals Committee . . . will set aside a finding only on a showing that information that might have supported a contrary result clearly outweighed the information on which the Committee on Infractions based the finding." [University of Mississippi, Infractions Appeals Committee Public Report May 1, 1995, Page No. 10]

The hearing panel determines the credibility of the evidence.

The appellant argues the Committee on Infractions panel erroneously determined that he "failed to monitor a prospective student athlete's coursework at a previous institution." (Written Appeal Page No. 2) However, the failure to monitor a prospective student-athlete's coursework was not the issue. Rather, the Committee on Infractions' panel actually found the appellant violated Bylaw 11.1.2.1 as he "failed to monitor two staff members' activities surrounding two student-athletes' online coursework." (emphasis added) (Committee on Infractions Public Infractions Decision Page No. 19)

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1 See NCAA Division I Manual 2011-12.
The head coach's responsibility bylaw was created to define a head coach's obligation to promote a culture of compliance as well as monitor the activities of his or her staff. (NCAA Division I Proposal No. 2004-102 and Bylaw 11.1.1.1) The membership believed that too often, when assistant coaches or other administrators involved with the program are involved in serious violations, head coaches profess ignorance regarding such violations while indicating such responsibilities were entrusted to their assistants. Id. A head coach should be presumed to have knowledge and, therefore, responsibility for the actions of those individuals associated with his or her team whom the coach directly or indirectly supervises. Id.

Individuals charged with a failure to monitor the activities of their assistant coaches may present evidence to demonstrate they in fact monitored his or her staff members. In this case, the appellant failed to demonstrate that he implemented a hands-on approach to spot checking and a propensity to actively look for and evaluate red flags for potential violations and asking pointed questions; engage in ongoing dialogue to review any potential issues involving prospective or current student-athletes; or otherwise undertake affirmative actions to monitor his assistant coaches. During his hearing before the Committee on Infractions, the head coach discussed his approach for leadership and monitoring his staff. He made his assistant coaches "head coaches" of assigned areas and trusted that they would do the right thing. (Committee on Infractions Hearing Transcript, Page Nos. 158 - 159 and 168 - 170) Given the academic standing of the student-athletes under NCAA eligibility guidelines, particularly as it relates to transfer eligibility, the appellant should have taken a more active role in monitoring the activities of the staff members assigned to handle the matter. [Syracuse University Head Men's Basketball Coach, Infractions Appeals Committee Public Report March 6, 2015, Page Nos. 4 - 6]

This committee finds no basis to overturn the finding that the appellant failed to adequately monitor his staff.

Penalty

A penalty prescribed by the hearing panel, including determinations regarding the existence and weighing of any aggravating or mitigating factors, shall not be set aside on appeal except on a showing by the appealing party that the hearing panel abused its discretion. [Bylaw 19.10.1.1]

As we stated in the Alabama State case:
“...we conclude that an abuse of discretion in the imposition of a penalty occurs if the penalty: (1) was not based on a correct legal standard or was based on a misapprehension of the underlying substantive legal principles; (2) was based on a clearly erroneous factual finding; (3) failed to consider and weigh material factors; (4) was based on a clear error of judgment, such that the imposition was arbitrary, capricious, or irrational; or (5) was based in significant part on one or more irrelevant or improper factors.”

[Alabama State University, Infractions Appeals Committee Public Report June 30, 2009, Page No. 23]

In this case, the Committee on Infractions panel determined that former Bylaw 19.5.2 (2012-13 NCAA Division I Manual) afforded the parties with more lenient penalties. Therefore, the panel prescribed penalties under the former Bylaw 19.5.2.

The appellant failed to demonstrate that any of the factors required for a showing of an abuse of discretion existed in the Committee on Infractions' decision.

IX. CONCLUSION.

The finding of violation and penalty are affirmed.²

² According to the Division I Infractions Appeals Committee Policies and Procedures [See 3. b. (2) (d) at Page No. 4], any penalty that is appealed is automatically stayed through the course of the appeal process. This stay is triggered with the filing of the notice of appeal by the appellant and ends with the public release of the committee's decision. Therefore, the appellant's affirmed penalty of a show-cause order shall be applied July 18, 2017, through July 17, 2019.