



UNIVERSITY OF LOUISIANA AT LAFAYETTE
PUBLIC INFRACTIONS DECISION
January 12, 2016

I. INTRODUCTION

The NCAA Division I Committee on Infractions (COI) is an independent administrative body of the NCAA comprised of individuals from the Division I membership and the public that is charged with deciding infractions cases involving member institutions and their staffs.¹ This case involved the University of Louisiana at Lafayette (Louisiana-Lafayette) and the violations in this case involved the institution's football program.² This case initially arose out of a different investigation at another member institution. The NCAA enforcement staff interviewed a football student-athlete who had transferred to Louisiana-Lafayette and an assistant football coach. Both of these individuals became central figures in this case. The interviews ultimately led to an NCAA investigation of the Louisiana-Lafayette football program centered on possible entrance exam fraud committed by a former assistant football coach and several enrolled football student-athletes.

Weighing the information presented, the panel concludes that over a period of three academic years, the former assistant football coach committed several violations relating to academic misconduct, recruiting inducements, unethical conduct and failing to cooperate in the investigation. The former assistant football coach impermissibly arranged for several prospective football student-athletes to obtain fraudulent entrance exam scores at a rural testing site. They had no local connection with the site and travelled great distances to get there. The fraudulent scores allowed the prospects to obtain initial eligibility under NCAA rules and to compete for the institution. In addition, the former assistant football coach provided impermissible cash inducements to a prospect who eventually enrolled at the institution. When interviewed during the investigation, the former assistant football coach provided false and misleading

¹ 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. Pursuant to NCAA Bylaw 19.3.3, a seven-member panel considered this case.

² Louisiana-Lafayette is a member of the Sun Belt Conference. The institution sponsors seven women's programs and seven men's programs. The total campus enrollment is approximately 18,796. This was the institution's fifth major infractions case with the institution most recently appearing before the committee in 2007 for a case involving its football and men's basketball programs. The institution also had previous infractions cases in 1995 (baseball); 1973 (men's basketball); and 1968 (football and men's basketball).

information, and he ultimately failed to cooperate fully in the investigation. The panel concludes that the academic fraud, impermissible recruiting inducements, unethical conduct and failing to cooperate violations were each Level I.

Although the institution had no idea about the former assistant football coach's actions, institutions act through their institutional staffs. The NCAA constitution and bylaws require institutions to be accountable for the actions of their staffs. After determining the appropriate aggravating and mitigating factors the panel classifies the violations in this case as Level I – Mitigated for the institution and the former assistant football coach's violations as Level I – Aggravated.

The violations in this case straddled the implementation of the new penalty structure, and they predominated before the new penalty structure became effective. Thus, the panel conducted a penalty analysis under both former NCAA Bylaw 19.5.2 and current NCAA Bylaw 19.9 to determine which penalty structure was more lenient. The panel determined that the former penalty structure would have been more stringent. Applying the new Figure 19-1 Penalty Guidelines for a Level I – Mitigated case, the panel prescribes principal core penalties and additional penalties for the institution: a financial penalty; two-years of probation; vacation of certain football contests; and the panel accepts all of the institution's self-imposed penalties and prescribes additional penalties as noted below in section V of this decision. The panel prescribes an eight-year show-cause penalty for the former assistant football coach due to his Level I – Aggravated violations.

II. CASE HISTORY

This case began in December 2013 when the enforcement staff contacted the institution to request interviews with then-assistant coach (former assistant football coach) and a football student-athlete (student-athlete 1), a transfer from another member institution. The enforcement staff interviewed the former assistant football coach and student-athlete 1 about events that took place while that assistant was employed by another member institution and that institution recruited student-athlete 1. During those interviews, the enforcement staff believed the former assistant football coach may have known of or may have been involved in NCAA rules violations concerning academic issues while at another member institution. Those interviews led to the enforcement staff requesting the institution's assistance with arranging an interview with former Louisiana-Lafayette football student-athlete (student-athlete 2), who was incarcerated at the time. Student-athlete 2 was also a transfer from another member institution. The enforcement staff issued a verbal notice of inquiry (NOI) to the institution on January 14, 2014. The institution and the enforcement staff then conducted an extensive cooperative investigation of the information concerning alleged academic misconduct by the former assistant football coach. The institution terminated the former assistant football coach's employment on October 30, 2014.

The enforcement staff issued its Notice of Allegations (NOA) on May 22, 2015. The institution submitted its response to the NOA on August 20, 2015. On August 3, 2015, the former assistant football coach responded to the NOA, through counsel, by submitting a two-page letter to the COI summarily denying the allegations against him. The enforcement staff submitted its statement of the case and written reply on October 12, 2015. On November 13, 2015, the panel conducted the hearing. The former assistant football coach did not attend or otherwise participate at the hearing.

III. FINDINGS OF FACT

The Former Assistant Football Coach and Prospects' College Entrance Exams

The institution hired the former assistant football coach on January 3, 2011. During his employment at a previous member institution, the former assistant football coach developed a relationship with a test administrator for a national college entrance exam provider at a rural Mississippi high school (high school). The test administrator was a former teacher at the same high school. The test administrator administered college entrance exams for a college entrance exam provider at that site for approximately 20 years. The former assistant football coach recruited a former student-athlete who attended the same rural Mississippi high school where the test administrator worked. Over the years the former assistant football coach remained in contact with the test administrator about college entrance exam testing dates and seat availability at the high school. The former assistant football coach utilized his relationship with the test administrator to have several prospective student-athletes whom he was recruiting for the institution, take their college entrance exams at the high school. His colleagues on Louisiana-Lafayette's coaching staff, including the head football coach, believed that he had developed a certain expertise in NCAA rules related to academics and initial eligibility requirements. He frequently counseled other members of the Louisiana-Lafayette's football coaching staff about those rules.

During the period of 2011-13, the former assistant football coach arranged for five prospects to take the college entrance exam at the rural high school testing site where the test administrator proctored their exams.³ Shortly after he was hired by the institution, the former assistant football coach recruited a prospect (student-athlete 3) in the spring of 2011. Student-athlete 3 initially registered to take the college entrance exam at a site in his hometown. However, he requested a "test center change" to take the exam at the high school site as a standby student. The high school is more than four hours from student-athlete 3's hometown. Student-athlete 3 took the February 2011 college entrance exam at

³ In the NOA, the enforcement staff alleged that the former assistant football coach arranged for a sixth prospect to take the college entrance exam at the high school and to obtain a fraudulent exam score. That student-athlete, however, later retested after the college entrance exam provider questioned his score at the high school. The college entrance exam provider confirmed his retest score and it closed review of the matter. The facts do not show that the former assistant football coach committed any academic misconduct with respect to the exam score of that student-athlete.

the high school. The test administrator administered the February 2011 exam. During the investigation the former assistant football coach admitted in one of his interviews that he did not know whether student-athlete 3 would have known about the high school test site but for him telling the student-athlete that it was an option.

Student-athlete 3's exam answer sheet had at least 108 of 215 possible answers changed. Student-athlete 3 received a high enough score on the exam that the NCAA Eligibility Center used to certify his initial eligibility qualifier status. He subsequently enrolled at the institution in the fall of 2011, and received athletics aid for the 2011-12 academic year and the fall 2012 term. He competed for the football team during the 2011 and 2012 seasons. The college entrance exam provider did not subsequently cancel his exam score. However, at the hearing and in their written submissions, the enforcement staff and the institution substantially agreed that the former assistant football coach arranged for student-athlete 3 to obtain a fraudulent college entrance exam score at the high school.

The former assistant football coach recruited another prospect (student-athlete 4) to the institution from south Florida. Student-athlete 4 initially took the college entrance exam near his home in south Florida in April 2012. He did poorly on the exam and did not receive an NCAA initial qualifying score. Student-athlete 4 informed the former assistant football coach of his score. The former assistant football coach told him he would need to take the test again to earn a score that would be accepted by the institution. While student-athlete 4 and a family friend visited the institution, the former assistant football coach asked the family friend if he would be willing to drive student-athlete 4 to take the college entrance exam at the high school where the test administrator worked. In his interview, the family friend stated that the former assistant football coach gave him the name, address and phone number of the rural high school in Mississippi. The family friend agreed to drive student-athlete 4 approximately eight hours to the high school where student-athlete 4 took the college entrance exam for the second time in June 2012. The test administrator administered the June 2012 exam. His score was much higher on the second test but still did not make him an NCAA initial qualifier due to a deficiency in his core coursework in high school. Moreover, student-athlete 4's exam answer sheet had at least 52 of 215 possible answers changed. The majority of changes occurred in sections where student-athlete 4 repeatedly selected the same answer to every question in one or more columns. When interviewed student-athlete 4 reported that he did not make a "large amount" of changes to his answer sheet. The college entrance exam provider initiated a review of his June 2012 score. They cited the unusual score increase and unusual erasure patterns among the reasons why they cancelled student-athlete 4's score in November 2014.⁴

⁴ The college entrance exam provider did not provide notice to the institution or the NCAA Eligibility Center when a prospect's exam score was cancelled or invalidated. This fact concerned the panel since communication between member institutions, the NCAA Eligibility Center and the college entrance exam provider is necessary to ensure that prospective student-athletes' initial eligibility is properly determined.

Student-athlete 4 subsequently enrolled at the institution in the fall of 2012 as a nonqualifier. He did not receive athletics aid and he did not practice or compete with the football team during the 2012-13 academic year. After completing the required year-in-residence, student-athlete 4 received athletics aid and competed during the 2013 season and in two contests during the 2014 season before the investigation in this case discovered issues with his eligibility. The institution withheld him from competition until the NCAA reinstatement process reinstated him in December 2014. At the hearing and in their written submissions, the enforcement staff and the institution substantially agreed that the former assistant football coach arranged for student-athlete 4 to obtain a fraudulent college entrance exam score at the high school.

Two other prospects, (student-athlete 5 and 6 respectively) were high school teammates from south Florida whom the former assistant football coach recruited. Both enrolled at the institution in the fall of 2013. Both student-athletes registered for the college entrance exam on May 17, 2013, and took the exam in June 2013 at the high school. They travelled nearly 800 miles from their home in south Florida to the high school. The test administrator administered the June 2013 exam. Telephone records showed that the former assistant football coach and the test administrator at the high school exchanged five phone calls within four days prior to, and including, the June 2013 college entrance exam testing date. Those communications occurred after student-athlete 5 had already registered to take the exam at the rural Mississippi high school. Student-athlete 5's stepfather coached both student-athletes at their south Florida high school. The stepfather drove both student-athletes to the exam test site in rural Mississippi to take the exam. Telephone and text records showed that the former assistant football coach exchanged 20 phone calls and 28 text messages with student-athlete 5's stepfather between May 17, 2013, and June 8, 2013. That included two phone calls and 22 text messages between June 6 and June 8, 2013. The former assistant football acknowledged in one of his interviews that student-athletes 5 and 6 would not have known about the rural Mississippi high school test site but for his informing them.

Moreover, telephone and text records show that student-athlete 5 and the former assistant football coach spoke on the phone for 13 minutes on the evening before to his exam and exchanged seven text messages on the day of the exam. Student-athlete 5 had previously taken the college entrance exam three other times before June 2013. The NCAA Eligibility Center certified him as an NCAA qualifier based on his high school grade-point average and his prior college entrance exam scores. But his prior scores were just shy of the institution's regular admission standards.

His June 2013 exam score was significantly higher than the three previous exam scores. The official score review by the college entrance exam provider showed that at least 106 of 215 possible answers were changed on student-athlete 5's exam. Of those changes, 90 were made to the correct answer. On November 3, 2014, the college entrance exam provider cancelled his June 2013 score. The college entrance exam provider cited an unusually high number of identical responses on his answer sheet, unusual score increase,

and erasure patterns among the reasons for cancelling the score. Student-athlete 5's June 2013 score qualified him for discounted tuition. He subsequently enrolled at the institution. Student-athlete 5 did not receive athletics aid in the 2013-14 academic year. He practiced with the team but did not compete in any contests in the 2013 season. He eventually transferred from the institution after the spring 2014 term.

The NCAA Eligibility Center certified student-athlete 6 as an initial qualifier based on his June 2013 exam score. The former assistant football coach exchanged nine phone calls with student-athlete 6 just two days before he took the college entrance exam at the high school. He also exchanged nine text messages with student-athlete 6 on the day before the exam and exchanged 25 text messages with him on the day of the exam. The college entrance exam provider conducted an official review of student-athlete 6's answer sheet. The official score review showed that at least 99 of 215 possible answers were changed. Of those changes, 78 were made to the correct answer. Student-athlete 6 reported that he guessed at "probably a good 60 or 70 questions." The college entrance exam provider cancelled his June 2013 score. Among the reasons cited were unusual circumstances, including erasure patterns on his answer sheet, and inconsistency between his June 2013 exam score and his two previous exam scores. Those scores were both significantly lower.

The final instance of the former assistant football coach's involvement in prospects taking their college entrance exams at the high school occurred in a slightly different context. A different assistant football coach recruited (student-athlete 7) to the institution, a prospect from the New Orleans metropolitan area.⁵ Student-athlete 7's high school coach told him that he needed to take the exam again and that the next time the exam would be "out-of-state." The other assistant football coach and a third member of the football coaching staff approached the former assistant football coach to seek guidance about standby testing for student-athlete 7 for the June 2013 exam. The two colleagues knew the former assistant football coach had previous success in getting prospects initially eligible as qualifiers. The other assistant football coach stated in his interview that the former assistant football coach suggested the rural Mississippi high school as a test site. The former assistant football coach then communicated with student-athlete 7's high school coach. His high school coach registered him for the exam on May 29, 2013. Student-athlete 7 took the college entrance exam for the sixth time in June 2013 at the high school in rural Mississippi. The test administrator administered the June 2013 exam. He took all of his five previous exams in the New Orleans metropolitan area. Student-athlete 7 spoke with the other assistant football coach and his high school coach about taking the exam at the high school in rural Mississippi.

Similar to the other student-athletes' situations, the former assistant football coach had more than 20 minutes of phone calls and 11 text messages exchanged with student-athlete

⁵ The other assistant football coach has since taken another position at a different member institution and was not an involved individual in this case.

7's high school coach in the days immediately prior to his June 2013 exam. Additionally, student-athlete 7 reported in his interview that he did not study or prepare for the June 2013 exam. He also reported that he failed to answer numerous questions on each section of the exam. For the science and English portions, he noted that he did not answer at least 10 questions on each of those sections. Yet an answer was selected for every question on his answer sheet. On the day before the June 2013 exam, the former assistant football coach called the test administrator, followed immediately by a call with student-athlete 7's high school coach. In his interview, student-athlete 7 stated that after he arrived at the test site, he felt like the test administrator was "expecting [him]" and identified that student-athlete 7 was "from Louisiana."

Student-athlete 7 recorded an NCAA initial qualifying score from the June 2013 exam. He then initially enrolled at the institution in the fall of 2013. He received athletics aid and practiced but did not compete in the 2013-14 academic year. He competed in two contests during the 2014 season, before the investigation in this case discovered issues with his exam score. The college entrance exam provider conducted an official score review of student-athlete 7's June 2013 exam. On December 18, 2014, the exam provider cancelled his exam score taken at the high school due to unusual circumstances, including an unusually high number of identical responses, an unusual score increase and the erasure patterns on his answer sheet.

At the hearing, the enforcement staff and the institution substantially agreed that the test administrator had the expertise, access, and opportunity to alter all of the foregoing student-athletes' exam answer sheets. The former assistant football coach denied arranging for the five student-athletes to take the college entrance exam at the high school and denied arranging for them to obtain fraudulent exam scores. There was no indication that any of the prospects knew of any efforts of the former assistant football coach and the test administrator to alter their exam scores. The former assistant football coach knew the test administrator and he kept in regular contact with her prior to each of the February 2011, June 2012 and June 2013 exam dates. The test administrator administered each of those exams. The former assistant football coach directed each of the prospects to the high school test site in rural Mississippi. The panel finds the totality of the information presented, in both the written submissions and at the hearing, credible and persuasive. The former assistant football coach facilitated or arranged for student-athletes 3, 4, 5, 6, and 7 to take the college entrance exams at the high school, where the college entrance exam provider later cancelled four of those five scores.

The Former Assistant Football Coach's Cash Payments to Student-Athlete 2

The former assistant football coach recruited student-athlete 2 to the institution. Student-athlete 2 was also from south Florida. The former assistant football coach knew student-athlete 2 from his time at another member institution. Student-athlete 2 enrolled at a local community college in the same city as the institution with the intent to transfer and enroll at the institution. Student-athlete 2 was living in on-campus housing at the

institution during the spring and summer of 2012, while taking classes at the local community college. During that same time period, the former assistant football coach made multiple cash payments to student-athlete 2 to fund his living and educational expenses at the community college. In his interviews, student-athlete 2 reported that the former assistant football coach would meet him in a parking lot outside of the institution's cashier's office and the former assistant football coach would give him an envelope of cash to take to the cashier. Student-athlete 2 would return to the parking lot with a cashier's receipt after making the payment. He would give the former assistant football coach the cashier's receipt as proof that he paid the money to his student account.

During the spring and summer of 2012, the former assistant football coach made cash payments totaling approximately \$5,000 to student-athlete 2 for living and educational expenses. Additionally, after student-athlete 2 enrolled at the institution in the fall of 2012, the former assistant football coach provided another cash payment to student-athlete 2 in the amount of \$1,500 to pay for an installment of his housing bill. Student-athlete 2 was not working during these periods and was not receiving any financial aid from the community college or the institution. Student-athlete 2 did receive money from his mother during that time but not enough to cover all of his expenses. Student-athlete 2's bursar account receipts corroborate the fact that cash payments in substantially similar amounts and at the same times described by him were paid on his student account.

The enforcement staff and the institution disagreed as to whether the former assistant football coach made the cash payments. In his interview, the former assistant football coach denied having any role in making any cash payments to student-athlete 2 and reported he did not know how student-athlete 2 paid for his housing and educational expenses. The institution acknowledged the bursar records reflect cash payments and the payments were somewhat consistent with the amounts described by student-athlete 2. However, it argued that the records do not show the source of student-athlete 2's funds. The institution also argued that he is not credible because at the time of his interviews he was incarcerated after being arrested on campus for various charged crimes. Although the bursar receipts do not identify the source of student-athlete 2's funds for the payments, the panel finds student-athlete 2's statements, together with the surrounding information, credible and persuasive that the former assistant football coach made the payments to student-athlete 2.

The Former Assistant Football Coach's Interviews and His Level of Cooperation

At the hearing and in their written submissions, the parties substantially agreed the former assistant football coach consistently failed to furnish them with truthful and pertinent information during the investigation. The enforcement staff interviewed him on December 16, 2013, and February 25, 2014. In his February 25, 2014, interview, the former assistant football coach denied arranging for five prospects whom he was recruiting to take a college entrance exam at the rural Mississippi high school test site. As detailed above, the former assistant football coach informed all of the prospects and/or

their parents or guardians of the standby test site. Indeed, he admitted that but for his informing the prospects of the rural high school site, none of them would have known about the site.

The enforcement staff and the institution substantially agreed that the former assistant football coach did not provide truthful information in his interview about his involvement in the alleged violations. The parties substantially agreed that the former assistant football coach was not truthful about his involvement in arranging for the prospects to take the exams at the high school. They also agreed that he was not forthcoming with respect to his involvement in arranging for the prospects to obtain fraudulent exam scores. Consistent with its position on the cash payments to student-athlete 2, the institution disagreed with the enforcement staff's assertion that the former assistant football coach was not truthful in his interview regarding any cash payments. However, the panel reiterates that it does not find the former assistant football coach's persistent denials credible or persuasive. Although he submitted a general denial to all allegations against him and did not attend the hearing to provide the panel with an opportunity to hear directly from him on these matters, the panel finds that the totality of the information presented against him to be persuasive and credible.

In his February 25, 2014, interview, the former assistant football coach denied arranging for the same five prospects to obtain fraudulent exam scores at the high school. However, this statement is contrary to his relationship with the test administrator, the student-athletes' statements and those of their parents or guardians. This information combined with the cancelled scores, official score review results and corroborating telephone and text records indicate the former assistant football coach's denials have no support in the record. In the same interview, he similarly denied providing any cash payments to student-athlete 2 to assist him with living and educational expenses. Yet again, the weight of the information does not support the former assistant football coach's version of events. As noted above, the combination of student-athlete 2's statements, independent records from the institution and the fact that student-athlete 2 was not working or receiving financial aid indicates that the former assistant football coach made the cash payments to student-athlete 2. Moreover, during the investigation the institution requested the former assistant football coach sign a document that would allow the college entrance exam provider to turn over some records about how the five prospects' exams were paid for. He refused to sign the document and the institution subsequently terminated him on October 30, 2014.

Finally, in February 2015, when the enforcement staff was still investigating, the staff requested a third interview with him about his knowledge of or involvement in potential violations of NCAA legislation not previously discussed in his two other interviews. The enforcement staff also requested that he provide his cellular phone records from August 1, 2014, through January 30, 2015. Through his counsel, he declined both requests.

IV. ANALYSIS

The enforcement staff and the institution substantially agreed to most of the violations in this case. The violations in this case included three distinct areas within the football program: academic misconduct; recruiting violations; and unethical conduct. All of the violations were committed by the former assistant football coach.

A. FRAUDULENCE IN CONNECTION WITH COLLEGE ENTRANCE EXAMINATIONS [NCAA Bylaws 10.01.1, 10.1, 10.1-(h) (2010-11 through 2012-13 Division I Manuals); 12.11.1 (2014-15 Division I Manual); 14.1.2, 14.3.2.1 and 14.3.2.1.1 (2011-12 through 2013-14 Division I Manuals); 14.10.1 (2013-14 Division I Manual); 14.11.1 (2011-12 and 2012-13 Division I Manuals); and 15.01.5 (2011-12 through 2013-14 Division I Manuals)]

Over a period of three academic years, the former assistant football coach engaged in fraudulence or academic misconduct when he arranged for five football prospects to take college entrance exams and obtain fraudulent exam scores. The institution and the enforcement staff substantially agreed on the facts and that the violations occurred. The panel concludes that Level I violations occurred.

1. NCAA legislation regarding permissible recruiting contacts.

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

2. On three separate college entrance examination dates, February 2011, June 2012 and June 2013, the former assistant football coach arranged for five football prospects to obtain fraudulent exam scores at the rural Mississippi high school test site where the test administrator worked.

The former assistant football coach violated NCAA unethical conduct, amateurism, eligibility, and financial aid legislation when he knowingly arranged for five football prospects to obtain fraudulent college entrance exam scores at the rural Mississippi high school test site. While a substantial competitive advantage did not result from his violations of unethical conduct and eligibility legislation, his actions resulted in a substantial recruiting advantage and involved conduct that severely undermined or threatened the integrity of the NCAA Collegiate Model. The institution substantially agreed that the former assistant football coach knowingly arranged for the five prospects to obtain fraudulent exam scores. Accordingly, the former assistant football coach violated NCAA Bylaws 10, 12, 14 and 15. The enforcement staff and the institution agreed the violations were Level I.

The NCAA membership has promulgated several rules that govern an institution's and institutional staff's ethical obligations and responsibilities in maintaining eligibility of student-athletes. The NCAA general principle on honesty and sportsmanship is articulated in NCAA Bylaw 10.01. NCAA Bylaw 10.1 generally governs unethical conduct by current and former institutional staff members. Specifically, NCAA Bylaw 10.1-(h) prohibits prospects, current student-athletes, and current or former institutional staff members from engaging in fraudulence or misconduct in connection with entrance or placement examinations. NCAA Bylaws 12.11.1, 14.10.1 and 14.11.1 collectively require member institutions to certify student-athletes' eligibility and immediately withhold any student-athlete from intercollegiate competition who is ineligible under the provisions of the constitution, bylaws or other regulations of the NCAA.

NCAA Bylaw 14.1.2 requires member institutions to determine the validity of the information on which the eligibility of a student-athlete is based. NCAA Bylaw 14.3.2.1 defines what constitutes a nonqualifier under freshman eligibility standards in place at the time. A nonqualifier is a student who has not graduated from high school or who did not present the core-curriculum grade point-average (GPA) and the college entrance exam scores required for a qualifier or an academic redshirt. NCAA Bylaw 14.3.2.1.1 prohibits nonqualifiers from being eligible for athletics-based financial aid, regular-season competition or practices during the first academic year of residence. NCAA Bylaw 15.01.5 regulates the eligibility of student-athletes to receive institutional financial aid. The bylaw requires undergraduate and graduate student-athletes to meet applicable NCAA, conference, and institutional regulations during any term of regular attendance in order to receive institutional financial aid.

Based upon a preexisting relationship with the test administrator and past success with prospects earning qualifying entrance exam scores, the former assistant football coach directed five prospects to the high school testing site where they eventually received fraudulent exam scores. The test administrator at the high school was a longstanding acquaintance of the former assistant football coach. He knew the test administrator would have the expertise, access, and opportunity to alter the exam scores and that the site would have standby availability because of its rural location. While the former assistant football coach denied any wrongdoing in his interviews, he did acknowledge that but for him informing the five prospects about the rural high school test site, they would not have known about the site. Student-athletes 3, 4, 5, 6 and 7 each took college entrance exams at the high school test site in Mississippi on varying dates. Student-athlete 3 took the February 2011 exam at the high school. Student-athlete 4 took the June 2012 exam at the high school. Similarly, student-athletes

5, 6 and 7 took the June 2013 exam at the high school. The test administrator administered each of the respective exams at the high school.

Each of the prospects travelled a great distance to get to the rural location, with many of the prospects living in south Florida. Each of the prospects had taken the college entrance exam on at least one previous occasion, with some taking the exam multiple times, and four of the five prospects failed to obtain a NCAA qualifying score for initial eligibility. However, after taking the exam at the high school where the former assistant football coach had a contact as the test administrator, each of the five prospects obtained a substantially higher exam score than they previously had achieved. Those substantially higher exam scores made them all initial qualifiers under NCAA eligibility legislation. The college entrance exam provider eventually cancelled four of the five prospects' exam scores obtained from the rural high school test site because of improprieties there. Those improprieties included unusual increases in the exam scores and substantial erasure patterns evincing numerous changes to the prospects' answer sheets that resulted in numerous correct answers added to the prospects' exams.

Moreover, the former assistant football coach had numerous and consistent communications with the test administrator and the five prospects and/or their parents or guardians in the days and weeks immediately prior to each date of the college entrance exams. Student-athlete 7 stated that the test administrator was "expecting" him on this day of his exam and knew that he was from Louisiana. Phone and text message records showed the former assistant football coach speaking with or exchanging texts with the five prospects and/or their parents or guardians. Those communications corroborate a credible and persuasive narrative of deceit by the former assistant football coach. Once the prospects obtained initial qualifying scores, they were subsequently admitted to the institution; four of the five prospects received athletics aid, and most competed for the institution over a period of several seasons before the violations were discovered. After the investigation began and the violations were discovered, the institution withheld the prospects from competition and put them through the NCAA reinstatement process.

When the former assistant football coach arranged for the five prospects to take the college entrance exam at the high school where the test administrator worked, he knew they would likely obtain fraudulent exam scores which would allow them to achieve initial qualifying scores. Accordingly, he violated NCAA Bylaw 10. Additionally, when those five prospects obtained fraudulent exam scores on their college entrance

exams, they were certified by the NCAA Eligibility Center, and were later admitted to the institution. Moreover, four of the five prospects received athletics aid from the institution and competed while ineligible. As a result, the former assistant football coach's conduct resulted in institutional violations of NCAA Bylaws 12, 14 and 15 which govern initial eligibility standards and the responsibility of member institutions to withhold ineligible student-athletes from intercollegiate competition.

The COI has previously dealt with entrance exam issues in *University of Memphis* (2009). That case involved a men's basketball prospect's multiple attempts to obtain an NCAA initial qualifying score. In that case, another college entrance exam provider invalidated a men's basketball student-athlete's score. The involved student-athlete competed for the institution the entire 2007-08 season. The enforcement staff initially alleged the student-athlete committed unethical conduct in connection with his college entrance exam. Although there was no institutional staff involvement in the *University of Memphis* violations, the student-athlete in that case travelled long distance from Chicago to Detroit to take his college entrance exam, similar to the long distances travelled by student-athletes in this case. He had previously taken a different college entrance exam three times in the Chicago-area but had not achieved a qualifying score. The test provider conducted its own investigation into the student-athlete's college entrance exam and identified discrepancies on his exam. After sending two requests to the student-athlete to provide further information in its investigation, the test provider cancelled the student-athlete's college entrance exam score due to his non-cooperation. The COI ultimately did not need to make a determination as to whether the student-athlete engaged in unethical conduct by the alleged fraudulent completion of his college entrance exam because the test provider cancelled his exam score, which rendered him academically ineligible for competition his freshman season.

The panel cautions coaches and athletics staff against involving themselves in academic matters, including college entrance exams. While the institution likely could not have prevented the academic misconduct violations from occurring in this case because the former assistant football coach was determined to conceal his activities, the institution is responsible for the academic misconduct of its former staff member because institutions act through their staffs. The panel concludes the facts found constitute Level I violations of NCAA bylaws because the violations provided or were intended to provide a substantial recruiting advantage and involved conduct that seriously undermined or threatened the NCAA Collegiate Model.

B. IMPERMISSIBLE INDUCEMENTS [NCAA BYLAWS 10.01.1, 10.1, and 10.1(c) (2011-12 and 2012-13 NCAA Division I Manuals); 13.2.1 and 13.2.1.1-(e), and 13.15.1 (2011-12 Division I Manual); 16.01.1, 16.11.2.1 and 16.11.2.3 (2012-13 Division I Manual)]

Between the spring and summer of 2012, the former assistant football coach knowingly provided student-athlete 2 with cash payments to defray the cost of his living and educational expenses. The panel concludes that Level I violations occurred.

1. NCAA legislation regarding offers and inducements and unethical conduct.

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

2. Between the spring and fall of 2012, the former assistant football coach impermissibly provided student-athlete 2 with cash payments totaling approximately \$6,500 to cover his living and educational expenses.

When the former assistant football coach provided student-athlete 2 with cash payments to cover his living and educational expenses, he violated NCAA recruiting legislation. Between spring and fall 2012, the former assistant football coach provided impermissible inducements and extra benefits to one prospect in violation of NCAA Bylaws 13 and 16. In doing so he also committed unethical conduct in violation of NCAA Bylaw 10.

Regarding impermissible inducements, NCAA Bylaw 13.2.1 generally prohibits institutional staff members from directly or indirectly giving or offering any financial aid or other benefits to a prospect. NCAA Bylaw 13.2.1.1(e) specifically prohibits institutional staff from providing, among other things, cash or like items. NCAA Bylaw 13.15.1 prohibits institutional staff from offering, providing, or arranging financial assistance, directly or indirectly, for any period prior to the prospect's enrollment or so the prospect can obtain postgraduate education.

NCAA Bylaw 16.01.1 generally prohibits student-athletes from receiving any extra benefit. The bylaw also renders a student-athlete who receives unauthorized awards, benefits, or expenses ineligible for athletics competition. NCAA Bylaw 16.11.2.1 generally defines an extra benefit as any special arrangement by an institutional employee to provide a student-athlete or his or her relatives with a benefit not expressly authorized by NCAA legislation. NCAA Bylaw 16.11.2.3 details a list of other benefits or services that are prohibited but not limited to: loans of money; a

guarantee of bond; an automobile or use of an automobile; transportation; or signing or cosigning a note with an outside agency to arrange a loan. NCAA Bylaw 10.1(c) prohibits a coach from knowing involvement in arranging, offering or providing a prospect or enrolled student-athlete an improper inducement or extra benefit or improper financial aid. Athletics staff members who do so commit an unethical conduct violation.

The former assistant football coach recruited student-athlete 2 to the institution. Student-athlete 2 was from south Florida and transferred to the institution from another member institution. He was not working at the time and was not receiving any financial aid from the community college or the institution. He was living in the institution's on-campus housing while taking courses at the community college. While he was taking coursework at a local community college in the spring and summer of 2012, the former assistant football coach provided student-athlete 2 with approximately a \$5,000 cash payment to cover his living and educational expenses. The former assistant football coach disbursed the cash to him in an institution parking lot immediately prior to student-athlete 2 making the payment. Student-athlete 2 provided substantially accurate information consistent with the timing of cash payments he made to the institution's cashier's office. The institution's bursar records showed that student-athlete 2 made several cash payments to the institution in amounts substantially consistent with those payments detailed by him.

Similarly, in the fall of 2012, the former assistant football coach provided student-athlete 2 with a cash payment of \$1,500 to pay an installment of his housing expenses at the institution. The former assistant football coach again met student-athlete 2 in a parking lot on campus to disburse the cash. Student-athlete 2 took the money and made the cash payment on his student account for his housing expenses. While the institution's bursar records do not indicate the source of the cash payments, the panel found the timing and substantially correct information provided by student-athlete 2 regarding the amounts he received from the former assistant football coach to be credible and persuasive.

Regardless of the source of the cash, the former assistant football coach made the cash payments to student-athlete 2. Although the panel was somewhat concerned about student-athlete 2's credibility and there were no other known witnesses to the payments, other corroborating information such as the timing of the payments and bursar records made it objectively reasonable to for the panel to conclude a violation occurred. When the former assistant football coach provided student-athlete 2 with approximately \$6,500 in cash payments he violated NCAA Bylaws 13 and

16. Additionally, his provision of the cash payments constituted a separate act of unethical conduct under NCAA Bylaw 10.1(c).

The COI has issued decisions in several cases in recent years where coaches have provided impermissible inducements to prospects and concluded Level I or major violations. *See Northeastern University* (2014) (concluding head coach knowingly provided impermissible transportation and lodging to prospects); *St. Mary's College of California* (2013) (concluding assistant coach knowingly arranged for a prospect to receive impermissible transportation and housing); *University of Miami* (2013) (concluding assistant coaches knowingly provided impermissible transportation, meals and lodging to prospects); *Boise State University* (2011) (concluding head coach knowingly arranged and/or provided impermissible lodging, meals, apparel and cash to a prospect).

The panel concludes the facts as found constitute Level I violations of NCAA bylaws because they provided or were intended to provide a substantial recruiting advantage and involved conduct that seriously undermine or threaten the integrity of the NCAA Collegiate Model.

C. UNETHICAL CONDUCT AND FAILURE TO COOPERATE BY THE FORMER ASSISTANT FOOTBALL COACH [NCAA Bylaws 10.01.1 10.1, 10.1(d) (2013-14 Division I Manual); 10.1 –(a) (2014 – 15 Division I Manual); 19.2.3 and 19.2.3.2 (2014-15 Division I Manual)]

The former assistant football coach engaged in unethical conduct when he knowingly provided false or misleading information to the enforcement staff during the investigation. He also failed to fully cooperate throughout the investigation. The institution substantially agreed the violations occurred and they were Level I. The former assistant football coach denied violations occurred. The panel concludes that Level I violations occurred.

1. NCAA legislation regarding ethical conduct.

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

2. During his February 25, 2014, interview, the former assistant football coach provided false or misleading information when he denied arranging for five prospects to take college entrance exams at the rural high school in Mississippi and denied arranging for the same prospects to obtain fraudulent exam scores. He also failed to cooperate fully in the investigation.

The former assistant football coach violated NCAA ethical conduct legislation when he knowingly denied having any knowledge of arranging for five prospects to take college entrance exams at the rural Mississippi high school and obtain fraudulent exam scores. He also provided false and misleading information during the investigation and failed to cooperate fully throughout the infractions process. His actions seriously undermined or threatened the integrity of the NCAA Collegiate Model. Accordingly, the former assistant football coach violated NCAA Bylaw 10.

NCAA Bylaw 10.01.1 generally provides that institutional staff shall act with honesty and sportsmanship at all times and shall represent the honor and dignity of fair play in competition. NCAA Bylaw 10.1-(d) defines unethical conduct as knowingly furnishing the NCAA or the individual's institution false or misleading information concerning an individual's knowledge or involvement in possible violations of NCAA legislation. NCAA Bylaw 10-(a) deems it unethical conduct for an institutional staff member to refuse to furnish information relevant to an investigation of possible violations of NCAA legislation when requested to do so by the NCAA or the individual's institution.

Institutional staff have are required to cooperate fully throughout the infractions process. NCAA Bylaw 19.2.3 provides that current and former institutional staff members have an affirmative obligation to cooperate fully with and assist the enforcement staff, COI, and Infractions Appeals Committee to further the objectives of the NCAA and its infractions program. NCAA Bylaw 19.2.3.2 details some of the potential consequences for failing to satisfy the responsibility to cooperate including, an independent allegation and/or being considered an aggravating factor for purposes of determining a penalty.

Here, the former assistant football coach failed to disclose his knowledge of and involvement in potential rules violations. He denied any wrongdoing and only acknowledged that he informed the five prospects of the availability of rural Mississippi test site as a standby location. His denials are not consistent with the information in the record. He admitted to knowing the test administrator but denied directing the prospects to the high school test site. But he conceded that the prospects would have had no idea about the rural high school test site but for his informing them. The five prospects travelled great distances to take a college entrance exam at the site. He denied arranging for the prospects to obtain fraudulent exam scores at the test site. However, telephone and text records showed that he was in consistent communication with the

prospects and/or their parents or guardians in the hours, days and weeks immediately prior to the exam dates.

Those same records showed that he was also in consistent communication with the test administrator in the hours and days immediately prior to several of the prospects exams at the rural high school. Ostensibly, it is objectively reasonable for the panel to conclude that the purpose of such communications was to at least inform the test administrator that each of the prospects would be sitting for an exam at her test site. Due to improprieties on their exams, four of the five prospects obtained fraudulent scores that were later cancelled by the college entrance exam provider. Accordingly, when the former assistant football coach provided false or misleading information in the investigation, he violated NCAA Bylaw 10.

The former assistant football coach also failed to fulfill his obligation to cooperate fully during the investigation. The former assistant football coach participated in two interviews, one on December 16, 2013, and the other on February 25, 2014. In January and February 2015, the enforcement staff requested that he participate in a third interview and furnish his cellular phone records. Through his counsel, he declined to sit for a third interview or supply his cellular phone records. This was despite the fact that he was informed that the third interview would include his knowledge of or involvement in potential rules violations not previously discussed in his other interviews. He also refused a request by the institution to sign a document to allow the institution to obtain payment records from the college entrance provider about who paid for the five prospects' exams. He failed to submit a detailed response to the NOA and he failed to attend the hearing. When the former assistant football coach declined to participate in a third interview and refused to furnish his cellular phone records, he failed to fulfill his obligations to cooperate fully in the investigation. Accordingly, he violated NCAA Bylaw 19.2.3.

The former assistant football coach's unethical conduct is similar to other decided cases in recent years. *See e.g., University of Tennessee* (2011) (concluding coaches lied to investigators); *University of Oklahoma* (2011) (concluding coach lied to investigators); *Southeastern Louisiana University* (2015) (concluding head coach lied about the duties of a volunteer assistant coach); *University of North Carolina* (2012) (concluding assistant coach lied to investigators about his relationship with a sports agency); *Texas Southern* (2008) and (2012) (concluding coach lied to investigators); *Indiana University* (2008) (concluding coach lied to investigators); *Southern Methodist University* (2015) (on appeal)

(concluding administrative assistant lied to investigators and failed to fully cooperate in investigation).

The former assistant football coach's conduct in this case was particularly troubling because his actions involved academic misconduct and his actions caused the significant ineligibility of several prospective and later enrolled student-athletes. He endeavored to conceal his activities from the rest of the football coaching staff and the athletics compliance staff, and his violations went largely undetected until the enforcement staff interviewed student-athlete 2 in connection with another investigation. To the institution's credit, once it became aware of the violations, it moved swiftly to work with the enforcement staff in the investigation and to identify new documents and individuals with information to assist in the investigation. The institution also identified and reported at least one new exam fraud violation through its efforts in the cooperative investigation.

The panel concludes the facts found constitute Level I violations of NCAA bylaws because the violations involved conduct that seriously undermine or threaten the integrity of the NCAA Collegiate Model.

V. PENALTIES

For the reasons set forth in Sections III and IV of this decision, the panel concludes this case involved Level I violations of NCAA legislation. In this case, the panel conducted a separate analysis and made a separate determination as to whether to prescribe penalties under the former or current NCAA Bylaw 19 penalty guidelines. Because several of the violations occurred before the effective date of current NCAA Bylaw 19, the panel reviewed whether the violations predominated before or after the effective date of the new penalty structure. The panel concluded the violations predominated before the effective date of October 30, 2012. Therefore, the panel conducted a leniency test to determine which structure would be more lenient. The panel determined the new penalty structure guidelines were more lenient. In considering penalties under the former penalty structure, the panel reviewed past cases as guidance. The panel notes that past similar cases included longer probation terms and higher financial penalties than the new penalty structure. In considering the penalties under the new penalty structure, the panel reviewed the aggravating and mitigating factors under NCAA Bylaws 19.9.3 and 19.9.4 and utilized the new penalty guidelines (Figure 19-1) to appropriately classify the violations by the institution and the former assistant football coach.

Level I violations are severe breaches of conduct. The panel concludes the institution committed Level I violations because institutions act through their staff and the institution's former assistant football coach committed multiple Level I violations in this case. Although the case involved Level I violations, the panel did not conclude the

violations extended beyond the actions of the former assistant football coach, whose efforts at active concealment were substantial. The case did not involve a failure to monitor or a lack of institutional control. There was also no allegation that the head coach lacked control in this case.

The panel concludes the former assistant football coach committed Level I violations when he arranged for several prospective student-athletes to obtain fraudulent entrance exam scores to gain initial eligibility. He also committed a Level I violation when he offered impermissible cash inducements to a prospective student-athlete. He then exacerbated matters by committing Level I unethical conduct violations by providing false or misleading information and failing to cooperate in the investigation.

When applying the penalty guidelines, the panel also assessed aggravating and mitigating factors by weight as well as number for the institution and the former assistant football coach. The panel determined the following factors applied, resulting in the panel classifying this case as Level I – Mitigated for the institution; and Level I – Aggravated for the former assistant football coach.

Aggravating Factors for the Institution

19.9.3-(a): Multiple Level I violations by the institution or involved individual;

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

Mitigating Factors for the Institution

19.9.4-(b): Prompt acknowledgement of the violation, acceptance of responsibility and imposition of meaningful corrective measures;

19.9.4-(c): Affirmative steps to expedite final resolution of the matter;

19.9.4-(d): An established history of self-reporting Level III or secondary violations;

19.9.4-(f): Exemplary cooperation.

Aggravating Factors for the Former Assistant Football Coach

19.9.3-(a): Multiple Level I violations by the institution or involved individual;

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

19.9.3-(f): Violations were premeditated, deliberate, and 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 Assistant Football Coach

None.

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 determined that the number and nature of the mitigating factors outweighed the aggravating factors with regard to the institution. The panel commends the institution for its level of cooperation in this case. It expended substantial institutional resources to expedite a thorough and fair collection and disclosure of information in the case and the institution's president and athletics compliance director both personally invested substantial time and attention to the details of the investigation. In short, the institution's exemplary cooperation in this case was a model for the kind of relationship and cooperation member institutions should strive for in the infractions process. The panel prescribes the following:

Core Penalties for Level I – Mitigated Violations by the Institution (NCAA Bylaw 19.9.5)

1. Probation: Pursuant to NCAA Bylaw 19.9.5, the panel prescribes a two-year probationary period from January 12, 2016, to January 11, 2018. (Institution proposed)⁶.
2. Financial penalties: The institution shall pay a \$5,000 fine.
3. Scholarship reductions from the average number awarded over the previous four academic years: the football program shall reduce the number of initial scholarships by three in the 2016-17 and 2017-18 academic years for a sum reduction of six initial scholarships from the average.⁷ Further, the football program shall limit the total number of scholarships awarded in 2015-16 to 80; shall limit the total number of scholarships awarded in 2016-17 and 2017-18 to 82 each academic year representing a sum reduction of 11 scholarships.⁸ (Institution imposed) The panel accepts and adopts the institution's self-imposed scholarship reductions.
4. Recruiting restrictions:
 - a. The institution reduced the number of permissible off-campus recruiting days by six in the fall of 2015 and 22 in the spring of 2016. The

⁶ Institutions may propose probationary periods, but the authority to prescribe NCAA probation rests solely with the Committee on Infractions. In this instance, the panel accepted the institution's proposed two-year probationary period. Periods of probation always commence with the release of the infractions decision.

⁷ The institution averaged 25 initial grants-in-aid during the past four academic years.

⁸ The institution averaged 85 total grants-in-aid during the past four academic years.

institution also reduced off-campus recruiting days by 12 in the fall of 2014. (Institution imposed). The panel accepts and adopts all of the institution's self-imposed off-campus recruiting restrictions;

- b. The institution limited official visits to 38 for the fall of 2015, a reduction by four from the average number of visits offered during three of the last four years. The institution also limited official visits to 44 in 2014-15. (Institution imposed). The panel accepts and adopts the institution's self-imposed restrictions on official visits. The panel further prescribes the institution shall limit the number of official visits to 38 in the 2016-17 academic year; and
 - c. The institution prohibited all recruiting communications (initiating telephone calls, contact via social media, and written correspondence with prospective student-athletes) for a three-week period during the 2015-16 academic year to include: Sunday, October 11 through Saturday, October 17, 2015; Sunday, November 1 through Saturday, November 7, 2015; and Sunday November 22 through Saturday, November 28, 2015. (Institution imposed). The panel accepts and adopts the institution's self-imposed recruiting communications restrictions. The panel further prescribes an additional three-week ban on all institution-initiated recruiting communications in the football program for the 2016-17 academic year. The three-week ban shall be in effect during the same or analogous weeks the institution banned recruiting communications in football during the 2015-16 academic year.
5. 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 the implementation and adherence to NCAA legislation on academic misconduct, recruiting and ethical conduct;
 - b. Submit a preliminary report to the Office of the Committees on Infractions by February 29, 2016, setting forth a schedule for establishing this compliance and educational program;
 - c. File with the Office of the Committees on Infractions annual compliance reports indicating the progress made with this program by November 30 each year during the period of probation. Particular emphasis shall be placed on rules education for the institution's football and compliance staff and education regarding NCAA legislation on academic misconduct and

ethical conduct. The report must also include documentation of the institution's compliance with the penalties adopted and prescribed by the panel and imposed by the institution;

- d. Inform in writing prospective student-athletes in football that the institution is on probation for two years and detail the violations committed. If a prospective student-athlete takes an official paid visit, the information regarding violations, penalties and terms of probation must be provided in advance of the visit. Otherwise, the information must be provided before a prospective student-athlete signs a National Letter of Intent; and
- e. Publicize specific and understandable information concerning the nature of the infractions by providing, at a minimum, a statement to include the types of violations and the affected sport programs and a direct, conspicuous link to the public infractions decision located on the athletic department's main webpage and in the media guides for the involved sports. The institution's statement must: (i) clearly describe the infractions; (ii) include the length of the probationary period associated with the 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.

Additional Penalties for Level I – Mitigated Violations by the Institution (NCAA Bylaw 19.9.7)

6. Public reprimand and censure;
7. Vacation of records: The institution vacated the 2011 football season, including the program's victory and participation in the *New Orleans Bowl* that season, as a result of the participation of student-athlete 3 while ineligible. The panel accepts and adopts the institution's vacation of the 2011 football season. Additionally, when the former assistant football coach arranged for several prospective student-athletes to obtain fraudulent entrance exam scores to meet initial eligibility standards, he committed academic misconduct. The former assistant coach's actions caused several of the prospective student-athletes to receive fraudulent scores and those prospective student-athletes later enrolled and competed for the institution while ineligible in the 2012, 2013, and 2014 seasons. Therefore, pursuant to NCAA Bylaw 19.9.7-(g) and 31.2.2.3, the institution shall vacate all regular season and postseason bowl participation and wins in which ineligible student-athletes competed from the time they became ineligible through the time they were reinstated as eligible for competition. Further, the institution's records regarding football, as well as the record of the head coach, will reflect the vacated records and will be recorded in all publications in which football records are

reported, including, but not limited to, institutional media guides, recruiting material, electronic and digital media plus institutional, conference and NCAA archives. 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, including any applicable bowl 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.

8. In accordance with NCAA Bylaw 19.9.10, the NCAA president shall forward a copy of the public infractions report to the appropriate regional accrediting agency.
9. 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.

Core Penalties for Level I – Aggravated Violations by the Former Assistant Football Coach (NCAA Bylaw 19.9.5)

In this case, the panel concluded that the former assistant football coach committed multiple severe violations, engaged in unethical conduct, and failed to cooperate in the investigation. Therefore, the former assistant football 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 an eight-year period, from January 12, 2016, through January 11, 2024, within 30 days of the former assistant football coach's hiring, that employing institution shall ask for a date to appear before a hearing panel to show cause why the restrictions on all athletically related duties should not apply.

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 F. Adams

John S. Black

Carol A. Cartwright, Chief Hearing Officer

Alberto R. Gonzales

Joel D. Maturi

Gary L. Miller

Dave Roberts

APPENDIX ONE

CORRECTIVE ACTIONS AS IDENTIFIED IN THE INSTITUTION'S AUGUST 20, 2015, RESPONSE TO THE NOTICE OF ALLEGATIONS.

In addition to its self-imposed penalties, the university took, or will take, the following actions:

1. The employment of former assistant coach David Saunders was terminated on October 30, 2014. [Per athletics department practices for at-will employees, Saunders was paid through December 31, 2014.]
2. Beginning in the fall of 2014, at the direction of head football coach Mark Hudspeth, the football program ceased recruiting the south Florida area. The program will continue to not recruit that area until fall 2017;
3. The University's compliance office has adopted a review standard by which considerable increases in a prospective student-athlete's known standardized test scores will be reported to the responsible testing agency.⁹ Specifically, a score inquiry will be submitted to the testing agency if any one or more of a prospect's standardized test scores taken after September 1 of the prospect's junior year in high school increases by:
 - a. ACT: six or more points in the composite score, or six or more points in the subscore in individual subject area (Reading, Math, English or Science);
 - b. SAT: 300 or more points in the composite (Verbal and Math) or 150 or more in an individual subscore (Verbal or Math).

Information concerning the adopted review standard will be added to the Athletics Policy and Procedures Manual and reviewed with all sports at the beginning of each academic year.

4. The University's compliance office will enhance its overall rules-education program, and ensure that it provides NCAA rules education specific to the violations in this case to all athletics coaching staff members during the 2015-16 academic year; and
5. During the 2015-16 year, the University will undergo a review of its athletics compliance functions conducted by an outside entity with expertise in analyzing such programs.

⁹ As part of this initiative, the university's compliance office will educate its athletics coaching staff members about the importance of identifying significant increases in a prospective student-athlete's exam scores prior to initial enrollment. Further, recognizing that prospective student-athletes are not required to report all standardized test scores to the institution or NCAA Eligibility Center, the compliance office will encourage its coaches to inquire about prospective student-athletes' prior standardized test scores during the recruiting process and notify the compliance office if a prospect's score meets the review standard.

APPENDIX TWO
Bylaw Citations

Division I 2010-11 Manual

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

10.1 Unethical Conduct. Unethical conduct by a prospective or enrolled student-athlete or a current or former institutional staff member (e.g., coach, professor, tutor, teaching assistant, student manager, student trainer) may include, but is not limited to, the following:

(h) Fraudulence or misconduct in connection with entrance or placement examinations.

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:

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

(h) Fraudulence or misconduct in connection with entrance or placement examinations.

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

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

(e) Cash or like items.

13.15.1 Prohibited Expenses. An institution or a representative of its athletics interests shall not offer, provide or arrange financial assistance, directly or indirectly, to pay (in whole or in part) the costs of the prospective student-athlete's educational or other expenses for any period prior to his or her enrollment or so the prospective student-athlete can obtain a postgraduate education.

14.1.2 Validity of Academic Credentials. As a condition and obligation of membership, it is the responsibility of a member institution to determine the validity of the information on which the eligibility of a student-athlete is based. Therefore, it is the responsibility of a member institution to determine whether a transcript is valid for purposes of applying appropriate NCAA legislation to the eligibility of a student-athlete when the institution receives notification, or otherwise has cause to believe, that a student-athlete's high school, preparatory school or two-year college transcript is not valid.

14.3.2.1 Nonqualifier. A nonqualifier is a student who has not graduated from high school or who, at the time specified in the regulation (see Bylaw 14.3), did not present the core-curriculum grade-point average and/or SAT/ACT score required for a qualifier.

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.

15.01.5 Eligibility of Student-Athletes for Institutional Financial Aid. A student-athlete must meet applicable NCAA (see Bylaw 14), conference and institutional regulations to be eligible for institutional financial aid. If these regulations are met, the student-athlete may be awarded institutional financial aid during any term in which a student-athlete is in regular attendance [was enrolled initially in a minimum full-time program of studies as defined by the

certifying institution during that term (see Bylaw 14.1.8.2.1.3 for final term exception and Bylaw 15.2.8 for summer-term exception)] under the following circumstances:

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

[Note: See Bylaw 13.1.1.3 for the financial aid implications in the prohibition against contacting student-athletes of another four-year collegiate institution without permission of that institution's athletics director. See Bylaw 14.5.5.4 for financial aid implications related to the academic eligibility of four-year college transfers.]

Division I 2012-13 Manual

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

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

- (c) Knowing involvement in offering or providing a prospective or an enrolled student-athlete an improper inducement or extra benefit or improper financial aid;
- (h) Fraudulence or misconduct in connection with entrance or placement examinations.

14.1.2 Validity of Academic Credentials. As a condition and obligation of membership, it is the responsibility of a member institution to determine the validity of the information on which the eligibility of a student-athlete is based. Therefore, it is the responsibility of a member institution to determine whether a transcript is valid for purposes of applying appropriate NCAA legislation to the eligibility of a student-athlete when the institution receives notification, or otherwise has cause to believe, that a student-athlete's high school, preparatory school or two-year college transcript is not valid.

14.3.2.1 Nonqualifier. A nonqualifier is a student who has not graduated from high school or who, at the time specified in the regulation (see Bylaw 14.3), did not present the core-curriculum grade-point average and/or SAT/ACT score required for a qualifier.

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.

15.01.5 Eligibility of Student-Athletes for Institutional Financial Aid. A student-athlete must meet applicable NCAA (see Bylaw 14), conference and institutional regulations to be eligible for institutional financial aid. If these regulations are met, the student-athlete may be awarded institutional financial aid during any term in which a student-athlete is in regular attendance [was enrolled initially in a minimum full-time program of studies as defined by the certifying institution during that term (see Bylaw 14.1.7.2.1.3 for final term exception and Bylaw 15.2.8 for summer-term exception)] under the following circumstances:

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

[Note: See Bylaw 13.1.1.3 for the financial aid implications in the prohibition against contacting student-athletes of another four-year collegiate institution without permission of that institution's athletics director. See Bylaw 14.5.5.4 for financial aid implications related to the academic eligibility of four-year college transfers.]

16.01.1 Eligibility Effect of Violation. A student-athlete shall not receive any extra benefit. Receipt by a student-athlete of an award, benefit or expense allowance not authorized by NCAA legislation renders the student-athlete ineligible for athletics competition in the sport for which the improper award, benefit or expense was received. If the student-athlete receives an extra benefit not authorized by NCAA legislation, the individual is ineligible in all sports.

16.11.2 Nonpermissible.

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

16.11.2.3 Other Prohibited Benefits. An institutional employee or representative of the institution's athletics interests may not provide a student-athlete with extra benefits or services, including, but not limited to:

- (a) A loan of money;
- (b) A guarantee of bond;
- (c) An automobile or the use of an automobile;
- (d) Transportation (e.g., a ride home with a coach), except as permitted in Bylaw 16.9.1-(e), even if the student-athlete reimburses the institution or the staff member for the appropriate amount of the gas or expense; or
- (e) Signing or co-signing a note with an outside agency to arrange a loan.

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:

- (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.

14.1.2 Validity of Academic Credentials. As a condition and obligation of membership, it is the responsibility of a member institution to determine the validity of the information on which the eligibility of a student-athlete is based. Therefore, it is the responsibility of a member institution to determine whether a transcript is valid for purposes of applying appropriate NCAA legislation to the eligibility of a student-athlete when the institution receives notification, or otherwise has cause to believe, that a student-athlete's high school, preparatory school or two-year college transcript is not valid.

14.3.2.1 Nonqualifier. A nonqualifier is a student who has not graduated from high school or who, at the time specified in the regulation (see Bylaw 14.3), did not present the core-curriculum grade-point average and/or SAT/ACT score required for a qualifier.

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 Ineligibility.

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

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

15.01.5 Eligibility of Student-Athletes for Institutional Financial Aid. A student-athlete must meet applicable NCAA (see Bylaw 14), conference and institutional regulations to be eligible for institutional financial aid. If these regulations are met, the student-athlete may be awarded institutional financial aid during any term in which a student-athlete is in regular attendance [was enrolled initially in a minimum full-time program of studies as defined by the certifying institution during that term (see Bylaw 14.1.7.2.1.3 for final term exception and Bylaw 15.2.8 for summer-term exception)] under the following circumstances:

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

[Note: See Bylaw 13.1.1.3 for the financial aid implications in the prohibition against contacting student-athletes of another four-year collegiate institution without permission of that institution's athletics director. See Bylaw 14.5.5.4 for financial aid implications related to the academic eligibility of four-year college transfers.]

Division I 2014-15 Manual

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.

12.11 Ineligibility.

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

If a student-athlete is ineligible under the provisions of the constitution, bylaws or other regulations of the Association, the institution shall be obligated to apply immediately the applicable rule and to withhold the student-athlete from all intercollegiate competition. The institution may appeal to the Committee on Student- Athlete Reinstatement for restoration of the

student-athlete's eligibility as provided in Bylaw 12.12 if it concludes that the circumstances warrant restoration.

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.

19.2.3.2 Failure to Cooperate. Failing to satisfy the responsibility to cooperate may result in an independent allegation and/or be considered an aggravating factor for purposes of determining a penalty. Institutional representatives and the involved individual may be requested to appear before a hearing panel of the Committee on Infractions at the time the allegation is considered.