



FLORIDA INTERNATIONAL UNIVERSITY
PUBLIC INFRACTIONS DECISION

April 28, 2017

I. INTRODUCTION

The NCAA Division I Committee on Infractions (COI) is an independent administrative body of the NCAA comprised of individuals from the Division I membership and the public. The COI decides infractions cases involving member institutions and their staffs.¹ This case involved the now-former head women's basketball coach providing an impermissible cash benefit to a student-athlete at Florida International University.² A panel of the COI considered this case through the cooperative summary disposition process in which all parties agreed to the primary facts and violations, as fully set forth in the summary disposition report (SDR). The panel accepted the institution's self-imposed penalties and corrective actions, and proposed additional penalties to the institution and for the actions of the former head coach. Both the former head coach and institution objected to the proposed additional penalties. Following an expedited penalty hearing, the panel retained the contested penalties. Therefore, both the institution and former head coach have the opportunity to appeal those penalties.

All parties agreed that the former head coach provided \$600 cash to one of his student-athletes. The payment rendered her ineligible for competition. She used the money to pay an institutional debt so that she could register for a mini-term course she needed to retain eligibility. The former head coach then allowed her to compete in 18 games while ineligible. The actions of the former head coach constituted unethical conduct and established a failure to promote an atmosphere of rules compliance in the women's basketball program. The panel agrees that the former head coach's conduct constituted Level II violations of NCAA legislation.

The panel accepts the parties' factual agreements and that violations occurred in this case. Based on the timing of the violations, the panel used the current penalty guidelines. After considering the aggravating and mitigating factors, the panel classifies this case as Level II – Standard for the institution and Level II – Aggravated for the former head coach's conduct. Utilizing the penalty guidelines and NCAA bylaws authorizing additional penalties, the panel adopts and prescribes the following penalties: two years of probation, vacation of contests, public reprimand and censure, a financial penalty, publication requirements and a two-year show-cause order for the actions of the former head coach.

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

² A member of Conference USA, Florida International University has an enrollment of approximately 54,000 students. It sponsors 11 women's and seven men's sports. The institution had previous infractions cases in 2008 (multiple sports) and 2005 (football).

II. CASE HISTORY

On February 25, 2016, a women's basketball student-athlete and her mother reported to the NCAA customer service center that the institution's then head women's basketball coach had provided the student-athlete with \$600 cash. The customer service center informed a senior associate director of athletics at the institution that it had received a call and then passed the information to the NCAA enforcement staff, which opened an investigation on March 2, 2016.

On April 11, 2016, the institution submitted a self-report to the enforcement staff, detailing a violation of NCAA benefit legislation. The institution and enforcement staff then conducted a collaborative investigation and, along with the former head coach, submitted the SDR to the committee on January 10, 2017. After reviewing the SDR, the panel made a non-substantive change to the language of one of the submitted violations, proposed additional penalties to the institution and proposed that the former head coach's actions be penalized through a show-cause order.³ Because the institution and former head coach did not agree to the proposed additional penalties, the panel conducted separate expedited penalty hearings for them via videoconference on April 5, 2017.

III. PARTIES' AGREEMENTS

The parties jointly submitted an SDR that identifies an agreed-upon factual basis, violation of NCAA legislation and violation level. The SDR identified:

A. PARTIES' AGREED-UPON FACTUAL BASIS, VIOLATION AND VIOLATION LEVEL OF NCAA LEGISLATION

[NCAA Division I Manual Bylaws 12.11.1, 16.01.1, 16.8.1, 16.11.2.1 and 16.11.2.2 (2015-16) (Level II)]

The institution, the former head women's basketball coach (former head coach) and enforcement staff agree that the former head coach provided an impermissible extra benefit of \$600 cash to a women's basketball student-athlete (student-athlete) on December 17, 2015. Specifically, the student-athlete needed to complete successfully a 2015 winter term course to be academically eligible for the 2016 spring semester; however, she was unable to register for the course due to an outstanding balance on her student account of \$555. The former head coach provided her with \$600 cash, which she used to pay the outstanding balance on her account. The student-athlete registered for the winter term class, where she earned an A and maintained her academic eligibility for the 2016 spring semester. She subsequently competed in 10 home and eight away contests while ineligible.

³ Pursuant to COI Internal Operating Procedure (IOP) 4-15-4, hearing panels may view violations established through the summary disposition process as less instructive than a decision reached after a contested process.

[NCAA Division I Manual Bylaws 10.1-(c) and 11.1.1.1 (2015-16) (Level II)]

The enforcement staff has proposed and the institution and the former head coach have agreed that between December 2015 and March 2016, the former head coach violated the principles of ethical conduct and failed to promote an atmosphere of compliance within his program. Specifically, the former head coach knowingly provided the student-athlete an impermissible benefit in the form of \$600 cash. In addition, the former head coach also did not demonstrate that he promoted an atmosphere of compliance when he knowingly provided an impermissible benefit to the student-athlete; allowed her to compete in 18 contests while she was ineligible; and failed to report the violation of NCAA rules, either to the institution or the NCAA, until confronted about it.

B. PARTIES' AGREED-UPON AGGRAVATING AND MITIGATING FACTORS

Pursuant to NCAA Bylaw 19.6.2-(g), the participating parties agreed to the following aggravating and mitigating factors:

Institution:

1. Aggravating factors [Bylaw 19.9.3]
 - a. A history of Level I, Level II or major violations by the institution. [Bylaw 19.9.3-(b)]
 - b. Multiple Level II violations by the institution. [Bylaw 19.9.3-(g)]
 - c. Person of authority condoned, participated in or negligently disregarded the violation(s) or related wrongful conduct. [Bylaw 19.9.3-(h)]
2. Mitigating factors [Bylaw 19.9.4]
 - a. Prompt acknowledgement of the violation(s), acceptance of responsibility and imposition of meaningful corrective measures and/or penalties. [Bylaw 19.9.4-(b)]
 - b. Affirmative steps to expedite final resolution of the matter. [Bylaw 19.9.4-(c)]
 - c. An established history of self-reporting Level III or secondary violations. [Bylaw 19.9.4-d)]

Former head coach:

1. Aggravating factors [Bylaw 19.9.3]
 - a. Unethical conduct. [Bylaw 19.9.3-(e)]
 - b. Multiple Level II violations by the involved individual. [Bylaw 19.9.3-(g)]

- c. Person of authority condoned, participated in or negligently disregarded the violation(s) or related wrongful conduct. [Bylaw 19.9.3-(h)]
2. Mitigating factors [Bylaw 19.9.4]
 - a. Prompt acknowledgement of the violation(s) and acceptance of responsibility. [Bylaw 19.9.4-(b)]

IV. REVIEW OF CASE

A. Agreed-upon violations

The SDR fully detailed the parties' positions in the infractions case and included the agreed-upon primary facts, violations, violation levels and aggravating and mitigating factors. After reviewing the parties' principal factual agreements and explanations surrounding those agreements, the panel accepts the parties' SDR and concludes that the facts constitute Level II violations of NCAA legislation. The former head coach knew that providing a cash payment to a student-athlete violated NCAA legislation. His conduct violated Bylaws 10, 11 and 16 and resulted in the student-athlete participating while ineligible, in violation of Bylaws 12 and 16.

Pursuant to Bylaw 10.1-(c), an institutional staff member engages in unethical conduct when he or she knowingly provides an impermissible benefit to a student-athlete. With regard to membership's expectations of head coaches, Bylaw 11.1.1.1 requires head coaches to promote an atmosphere of rules compliance in their athletics programs. In the area of competition, Bylaw 12.11.1 requires member institutions to withhold ineligible student-athletes from athletics competition. Further, Bylaw 16.01.1 provides that a student-athlete who receives a benefit not authorized by NCAA legislation is ineligible in all sports. Regarding permissible expenses, Bylaw 16.8.1 allows institutions to provide competition-related expenses to student-athletes, but only if the student-athletes are eligible to compete. Bylaws 16.11.2.1 and 16.11.2.2 preclude institutional employees from providing any benefits to student-athletes that are not expressly authorized by NCAA legislation. The legislation does not permit coaches to provide cash payments to student-athletes.

The former head coach violated NCAA legislation in mid-December 2015, when he provided \$600 cash to the student-athlete so she could pay off an institutional debt and take a "mini-term" course between the fall 2015 and spring 2016 semesters. After the fall 2015 semester, her grade-point average had fallen below 2.0, and she needed to pass the mini-term course to retain academic eligibility to compete. The former head coach gave her the money even though he knew he was not permitted to provide a cash payment to the student-athlete. The student-athlete used the money to pay for the course, which she passed. She retained her eligibility and subsequently competed in 10 home and eight away contests through February 23, 2016, when the former head coach suspended her from the team for reasons unrelated to this case.

When the former head coach gave the student-athlete \$600 cash, he violated Bylaws 16.11.2.1 and 16.11.2.2, which prohibit institutional staff members from providing impermissible benefits to student-athletes. The cash payment rendered the student-athlete immediately ineligible for competition, per Bylaw 16.01.1. The student-athlete used the cash payment to pay her institutional debt so that she could enroll in the mini-term course. She passed the course, and the former head coach subsequently allowed her to participate in 18 games until he suspended her from the team in February. The student-athlete competed while ineligible in violation of Bylaws 12.11.1 and 16.01.1 and received expenses related to competition in violation of Bylaw 16.8.1.

The former head coach's actions also violated Bylaws 10.1-(c) and 11.1.1.1. A coach who provides impermissible benefits to student-athletes engages in unethical conduct and demonstrates that rules compliance is not a priority in his program. *St Peter's University* (2016) (concluding that a coach violated Bylaws 10.1 and 11.1.1.1 when he arranged for student-athletes to be paid for work not performed, provided impermissible benefits, and the student-athletes subsequently competed while ineligible); *Lamar University* (2016) (concluding that a coach engaged in unethical conduct and failed to promote an atmosphere of rules compliance in his program when he provided impermissible cash benefits to student-athletes). The former head coach's actions were Level II significant breaches of conduct. The institution gained more than a minimal competitive advantage when the student-athlete competed in 18 games while ineligible.

B. Contested penalties

Institution

After accepting the facts and violations in the SDR, the panel proposed five additional penalties to the institution. The institution did not agree to three of the proposed penalties, all of which dealt with a term of probation: (1) two years of probation; (2) the submission of annual compliance reports to the panel during each year of probation; and (3) the publication of the probation on the department of athletics' website and notification of the violations/probation to women's basketball prospective student-athletes. After considering the institution's positions and the violations agreed to in the SDR, the panel determines that the three disputed penalties remain appropriate. The penalties are appropriate due to the seriousness of the violations and the advantage the institution subsequently gained, the institution's infractions history and because they are within the Figure 19-1 penalty guideline range for Level II – Standard cases.

First, the former head coach's actions were significant breaches of conduct that resulted in more than a minimal competitive advantage for the institution. Through the SDR, the institution agreed that the former head coach engaged in Level II violations of NCAA legislation, which are significant breaches of conduct. The former head coach knew that his actions violated NCAA rules. His actions rendered the student-athlete ineligible for competition. Rather than report the violation or withhold the student-athlete from competition, the former head coach allowed her to compete. As a result of these significant breaches of conduct by its staff member, the institution gained more than a minimal competitive advantage when the student-athlete subsequently competed in 18 contests while ineligible.

Second, the panel assigned significant weight to the institution's prior history of major infractions cases, which the institution acknowledged as an aggravating factor. The decisions in the previous cases were issued in 2005 and 2008. The violations in both cases occurred over multiple years and overlapped, resulting in the institution serving a term of probation until mid-2012. The 2005 case involved a failure to monitor, while the latter case involved lack of institutional control. Of particular note, the COI in the 2008 case concluded that, even though the institution stated in its annual compliance reports to the committee that it was complying with all terms of probation, it had failed to meet an important duty regarding education of staff members.

In spite of this history, the institution proposed that it be given mitigation credit for implementation of a system of compliance methods designed to ensure rules compliance and satisfaction of institutional and coaches control standards (See Bylaw 19.9.4-(e)). In the SDR and at the expedited hearing, the institution claimed that all problems are in the past and it now has a viable system of education, monitoring and administration. The panel noted that, to the institution's credit, the present case does not involve agreed-upon deficiencies with either monitoring or institutional control. However, the panel also noted that the enforcement staff took no position regarding the presence of this mitigating factor, and the institution did not include information in the SDR to establish that the requisite system was in place prior to the violations. The institution's failure to demonstrate that the mitigator applies limits the panel's ability to consider it. *See University of Missouri* (2016) (concluding that, before mitigating factor Bylaw 19.9.4-(e) is applicable, an institution must demonstrate that the system of compliance was in place prior to the violations).

On February 3, 2017, the panel sent a letter to the institution proposing the probation penalty. In that letter, the panel stated that the information in the SDR had not established this mitigating factor. Even with this notice, the institution did not present sufficient information during the expedited hearing regarding the implementation of a compliance system. While the institution gave verbal assurances at the expedited hearing, it did not provide documentation that supported this mitigating factor. The institution's infractions history remains a factor accorded significant weight by the panel.

Third, the penalties are appropriate for the level and classification of this case. As will be set forth in Section V below, Penalties, this case is Level II – Standard for the institution. The panel determines that a period of probation is necessary to monitor and remediate any weaknesses that may exist in the institution's administration of its athletics program and to review the institution's athletics policies and practices. A two-year term of probation is within the Figure 19-1 penalty guidelines for Level II – Standard cases. Bylaw 19.9.5.7-(a), (b) and (d) authorize the panel to require annual compliance reports and to direct the institution to publish the details of the case and notify prospects of the violations. The panel determines that all three disputed proposed penalties are appropriate.

The institution argued that the proposed probation penalties are inconsistent with past COI decisions in *Arkansas State University* (2016), *University of California, Los Angeles (UCLA)* (2016), *University of Florida* (2015) and *Wichita State University* (2015). None of those

institutions served a term of probation. The panel is not persuaded by the argument. All four of the cited cases were classified Level II – Mitigated for the institutions. Additionally, while the Bylaw 19.9.3-(b) aggravating factor of a history of violations was established in *Arkansas State University*, it was only established for one prior case and the panel accorded it limited weight, unlike this case. Further, the panel determined that the Bylaw 19.9.4-(e) mitigating factor, implementation of a compliance system, was established in that case. It has not been established in the present case. *UCLA* also involved the Bylaw 19.9.4-(e) mitigating factor in a Level II – Mitigated case. Further, the prospects in that case who received impermissible benefits from a coach had already signed National Letters of Intent to attend the institution and did not compete while ineligible, reducing the significance of the advantage to the institution. Finally, neither *Florida* nor *Wichita State* involved any aggravating factors for the institutions. Conversely, each had multiple mitigators (four for *Florida* (including 19.9.4-(e)), five for *Wichita State*). The four cases cited by the institution are distinguishable from the present matter and do not support the institution's position.

Former head coach

After accepting the facts and violations in the SDR, the panel proposed to the former head coach that his actions be penalized through a two-year show-cause order. The proposed order requires any employing institution to suspend him from all coaching duties for the duration of the show-cause period and suspend him from all coaching duties for 50 percent of the first season he is employed following the show-cause period. After considering the former head coach's position, the violations he agreed to in the SDR and the information he presented at the expedited penalty hearing, the panel determines that the show-cause order remains appropriate. The penalty is appropriate due to the serious and intentional nature of the violations; the former head coach allowing the student-athlete to compete even though his actions rendered her ineligible; the failure of the former head coach to divulge his misconduct until it had been revealed to the institution by other sources; and because it is within the Figure 19-1 penalty guideline range for Level II – Aggravated cases.

First, the former head coach acknowledged in the SDR and during the expedited hearing that he knew he was violating NCAA legislation when he gave \$600 cash to the student-athlete. He characterized the violation as "technical" because he only provided the cash to assist the student-athlete in paying a debt so that she could sign up for a class she needed to continue toward graduation. Even if the panel were to accept his stated motive, there is nothing "technical" about knowingly violating a long-standing, well-known rule.

Second, the former head coach hid his actions from the institution and knowingly allowed the student-athlete to compete in 18 women's basketball contests while ineligible. He did not divulge the violation until the institution confronted him on March 9, 2016. The former head coach asserted that his sole motivation in providing the cash was to assist the student-athlete toward graduation, not to keep her eligible to compete. He further submitted that he did not know his actions would affect the student-athlete's eligibility. The panel finds his position unpersuasive, based on the facts of the case.

As fully set forth in the SDR, the former head coach and the student-athlete met with an institutional athletics administrator (administrator) in mid-December 2016, after the student-athlete's grades were posted. The purpose of the meeting was to look for possible options for the student-athlete to retain her athletics eligibility. The administrator suggested that the student-athlete enroll in a mini-term course between semesters. The student-athlete's athletics aid would have covered the cost of the course, but she could not register due to an outstanding \$555 bill she owed to the institution. The administrator recommended that the student-athlete contact her family for financial assistance, pay off her bill, and enroll in the mini-term course. Rather than explore this option, the former head coach provided the student-athlete with \$600. Based on her recollection of a conversation with the former head coach, the administrator understood that the student-athlete's family had provided the money to pay the debt. Although the former head coach did not recall the conversation, he agreed that he knew providing the student-athlete with the money was a violation and he intentionally did not report the violation.

These actions demonstrate that the former head coach's motivation included keeping the student-athlete eligible for competition. While he insisted that the only reasons he provided the money were his concern for her well-being and so she could continue progressing toward her graduation, the stated purpose of his meeting with the administrator in mid-December 2016 was to look at options for keeping the student-athlete eligible.⁴ Had his motivation been solely academic, without regard for basketball, he could have removed the student-athlete from the team and explored the permissibility of providing the cash at that point. Further, he stated that he intended to report the violation, but only after the season ended, because he "didn't want to cause any trouble." If he truly had no concern about his actions affecting the student-athlete's eligibility, there would have been no reason to wait until later to report the violation. He may well have been concerned about the student-athlete's academics and overall well-being, as he stated. However, his lack of transparency regarding the payment, and the fact that the rules he violated are well-known and unambiguous, also demonstrate his motivation to keep the student-athlete on the court.

Third, the former head coach's show-cause penalty is appropriate for the level and classification of this case. As will be set forth in Section V below, Penalties, the former head coach's actions resulted in the panel classifying his violations as Level II – Aggravated. A two-year show-cause order is at the low end of the penalty guidelines for Level II – Aggravated cases. Show-cause orders include restrictions on coaching duties. The penalty guidelines also include game suspensions for head coaches among the penalties. The 50 percent reduction is within the allowable guidelines. While the actions taken by the institution regarding the former head coach were significant, the panel determines per Bylaws 19.9.5.4 and 19.9.5.5 that a show-cause order for his actions is warranted.

At the expedited hearing, the former head coach argued that a show-cause order based on his actions would be inconsistent with past cases. He cited *San Jose State University* (2016), *UCLA*

⁴ The student-athlete graduated from the institution in the spring of 2016.

and *California State University, Sacramento* (2015) in support of his position. The panel is unpersuaded, because those cases are distinguishable from the present situation.

While the head coach in *San Jose State* committed multiple violations, the panel deemed them to be Level III, less serious than the violations attributed to the former head coach in this case. Further, the one-year show-cause order for the head coach in *San Jose State* was a direct result of the enforcement staff's failure to process that case in a timely manner. It does not require a reduction of the former head coach's penalty in this case. Regarding *UCLA*, the violations in that case were committed by an associate head coach, not the program's head coach. The panel in that case stated it was "troubled" by the associate head coach's claim that he was ignorant of the rules he was violating; nonetheless, the case did not involve a specific finding that the associate head coach knowingly committed NCAA rules violations, as in the present case. Even so, the panel prescribed a two-year show-cause for the associate head coach's actions. Head coach restrictions for Bylaw 11.1.1.1 violations did not apply to him as he was not a head coach. *UCLA* does not require a different result in the present matter. Finally, the panel in *California State University, Sacramento* prescribed a three-year show-cause order for the actions of the head coach in that case, one year longer than in the present matter. The show-cause in that case did not include specific restrictions unless the offending coach became employed at a member institution during the show-cause period. At that point, he would have to appear before a panel, which would consider possible penalties. This panel cannot speculate on what those penalties might be. The cases cited by the former head coach do not preclude the panel from prescribing a two-year show-cause order, including game suspensions, in this case.

V. PENALTIES

For the reasons set forth in Sections III and IV of this decision, the panel concludes that this case involved Level II violations of NCAA legislation. Pursuant to Bylaw 19.9.1, the panel concludes that the Level II violations occurred after October 30, 2012. Therefore, the panel prescribes penalties pursuant to the current Bylaw 19 penalty guidelines. In considering the penalties under the new penalty structure, the panel reviewed the aggravating and mitigating factors and utilized the new penalty guidelines to appropriately classify the case and violations.

In addition to the agreed-upon aggravating and mitigating factors, the parties proposed other factors for the panel's consideration: (1) the enforcement staff proposed aggravating factor 19.9.3-(m), blatant disregard for NCAA bylaws, for the former head coach; (2) the institution proposed mitigating factors 19.9.4-(e), implementation of a compliance system; and 19.9.4-(f), exemplary cooperation; and (3) the former head coach proposed mitigating factor 19.9.4-(f), exemplary cooperation.⁵

⁵ The institution stated that it agreed "in part" with proposed aggravating factor 19.9.3-(h), persons of authority participated in the violation. It offered no further explanation for its position. The panel determines it is applicable.

As relates to the former head coach, the panel determines that the facts support Bylaw 19.9.3-(m) as an aggravating factor. It is a long-time, well-known rule that coaches cannot provide cash payments to student-athletes. The former head coach was aware of the rule. His position that he provided the payment to assist the student-athlete in her quest to graduate from college, not to help her retain athletics eligibility, even if true, does not justify his intentional, blatant disregard for NCAA benefit legislation. Regarding the institution, and as set forth above, the panel is unable to determine from the record that the institution had in place a viable system of compliance prior to the violations. Therefore, Bylaw 19.9.4-(e) is inapplicable. Regarding Bylaw 19.9.4-(f), the institution met its obligation to cooperate under the bylaws. It investigated promptly upon receiving an inquiry from the enforcement staff, submitted a self-report and worked with the staff to conduct interviews. The institution's actions met, but did not exceed, its legislated expectations. The panel determines that Bylaw 19.9.4-(f) does not apply. Similarly, the former head coach met his obligation under the bylaws to be honest and cooperate, but his level of cooperation did not rise to exemplary.

The panel then determined the applicable penalty classification. Level II violations are significant breaches of conduct. The panel concludes that this case involved Level II violations consisting of an impermissible cash benefit, unethical conduct and failure of the former head coach to meet his responsibilities. To determine the appropriate classification of this Level II case as mitigated, standard or aggravated, the panel considered aggravating and mitigating factors pursuant to Bylaws 19.9.3 and 19.9.4. When applying the penalty guidelines, the panel assessed aggravating and mitigating factors by weight as well as number. The panel classifies this case as Level II – Standard for the institution. The institution's self-imposed penalties were within the penalty guidelines and appropriate for the violations that occurred in this case. The panel classifies the former head coach's conduct as Level II – Aggravated.

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 the Appendix. The panel prescribes the following:

Core Penalties for Level II – Standard Violations (Bylaw 19.9.5)

1. Probation: Two years of probation from April 28, 2017, through April 27, 2019, or completion of the final penalty, whichever is later.⁶
2. Financial penalty: The institution shall pay a \$5,000 fine.⁷

⁶ Probationary periods always commence with the release of the infractions decision. Pursuant to Bylaws 19.3.6-(e) and 19.9.5.7 and COI IOP 2-1-1, the committee tethers probationary periods to the prescribed penalties.

⁷ The fine shall be paid consistent with Division I Internal Operating Procedure 4-16-2.

3. The former head coach engaged in unethical conduct and failed to promote an atmosphere of compliance when he intentionally violated NCAA benefit legislation by providing a \$600 cash payment to the student-athlete. He characterized the violation as "technical" when, in fact, it was a blatant violation of long-standing and well-known legislation. He stated that he was going to report the violation to the athletics administration; however, he did not. After providing the impermissible benefit to the student-athlete, he allowed her to participate in 18 contests and receive competition-related expenses while ineligible. Therefore, the former head coach will be informed in writing by the NCAA that the panel prescribes a two-year show-cause order pursuant to Bylaw 19.9.5.5. The show-cause period shall run from April 28, 2017, through April 27, 2019. The terms of the show cause are as follows:
 - a. Any member institution employing the former head coach during the period of the show cause shall suspend him from all coaching duties; and
 - b. Pursuant to Bylaw 19.9.5.5, as a result of the former head coach's Bylaw 11.1.1.1 violation, and following the period of the show cause, any member institution employing the former head coach shall suspend him for the first 50 percent of the first season he is employed. The provisions of the suspension require that the former head coach not be present in the arena where the games are played and have no contact or communication with members of the women's basketball coaching staff and student-athletes during the suspension period. The prohibition includes all coaching activities for the period of time which begins at 12:01 a.m. the day of the first regular season game and ends at 11:59 p.m. on the day of the game that constitutes the end of suspension period. During that period, the former head coach may not participate in any coaching activities including, but not limited to, team travel, practice, video study, recruiting and team meetings. The results of those contests from which the former head coach is suspended shall not count in the former head coach's career coaching record.

Additional Penalties for Level II – Standard Violations (Bylaw 19.9.7)

4. Public reprimand and censure;
5. The institution shall vacate all victories in which the student-athlete competed while ineligible and adjust the former head coach's record at the institution to reflect the vacated contests. (institution imposed)⁸ The victories and records shall be vacated consistent with NCAA Bylaw 19.9.7-(g) and 31.2.2.3 and shall include all regular season and conference tournament records and participation in which the student-athlete participated while ineligible. This order of vacation includes all regular season competition and conference tournaments. The individual records of the student-athlete will also be vacated. Further, the institution's records regarding its athletics programs, as well as the records of the former head coach, will reflect the vacated

⁸ The institution represented that the student-athlete competed in two victories while ineligible in February 2016.

records and will be recorded in all publications in which such records are reported, including, but not limited to, institutional media guides, recruiting material, electronic and digital media plus institutional, conference and NCAA archives. Any institution that may subsequently hire the former head coach shall similarly reflect the vacated wins in his career records documented in media guides and other publications cited above. Head coaches with vacated wins on their records may not count the vacated wins toward specific honors or victory "milestones" such as 100th, 200th or 500th career victories. Any public reference to the vacated contests shall be removed from the athletics department stationary, banners displayed in public areas and any other forum in which they may appear.

Finally, to ensure that all institutional and student-athlete vacations, statistics and records are accurately reflected in official NCAA publications and archives, the sports information director (or other designee as assigned by the director of athletics) must contact the NCAA Media Coordination and Statistics office and appropriate conference officials to identify the contests impacted by this penalty. In addition, the institution must provide the NCAA Media Coordination and Statistics office with a written report, detailing those discussions. This document will be maintained in the permanent files of the NCAA Media Coordination and Statistics office. This written report must be delivered to the office no later than 45 days following the release of this decision. The sports information director (or designee) must also inform the Office of the Committees on Infractions of this submission to the NCAA Media Coordination and Statistics office.

6. 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 impermissible inducements, extra benefits, and representatives of the institution's athletics interests;
 - b. Submit a preliminary report to the Office of the Committees on Infractions by June 15, 2017, 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 February 28 of each year of probation. Particular emphasis shall be placed on providing comprehensive rules education to all athletics staff, student-athletes, athletics representatives and institutional employees whose positions include athletics duties. The report must also include documentation of the institution's compliance with the penalties adopted and prescribed by the panel;
 - d. Inform in writing prospective student-athletes in women's basketball 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 report located on the athletic department's main or "landing" 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.
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The COI advises the institution that it should take every precaution to ensure that it observes the terms of the penalties. The COI will monitor the penalties during their effective periods. Any action by the institution contrary to the terms of any of the penalties or any additional violations may be considered grounds for extending the institution's probationary period, prescribing more severe penalties or may result in additional allegations and violations.

NCAA COMMITTEE ON INFRACTIONS PANEL

Carol Cartwright

Greg Christopher

Joel Maturi, Chief Hearing Officer

Joyce McConnell

Gary Miller

Joe Novak

APPENDIX

**THE INSTITUTION'S CORRECTIVE ACTION AS IDENTIFIED IN THE
JANUARY 10, 2017, SUMMARY DISPOSITION REPORT**

1. After the institution learned of the underlying violation at issue in this case, the then head women's basketball coach's employment was terminated for cause on March 11, 2016.
2. A rules education session specific to the violations discovered in this matter was presented to the women's basketball program (individually) and all university coaching staff members (collectively) during an April 2016 rules education session.