UNIVERSITY OF SOUTH CAROLINA, COLUMBIA
PUBLIC INFRACTIONS DECISION
DECEMBER 20, 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 public. The COI is charged with deciding infractions cases involving member institutions and their staffs.¹ This case involved multiple recruiting violations in the football program at the University of South Carolina.² A COI panel 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 proposed an additional penalty to South Carolina. Because South Carolina accepted the additional penalty and the panel did not propose additional penalties to the involved assistant football coaches, the parties may not appeal.

Longstanding personal relationships between a South Carolina assistant football coach and two in-state high school coaches are at the center of the recruiting violations. This assistant coach and another South Carolina assistant coach impermissibly contacted and tried out prospects that the high school coaches handpicked for the assistant coaches. The assistant coaches leveraged these relationships to create a built-in recruiting advantage at the high school. The violations allowed South Carolina to make the critical decision to stop recruiting the prospects and focus elsewhere. This case is yet another example of how impermissible contacts and tryouts—no matter how few or brief—provide recruiting advantages to the detriment of institutions that comply with NCAA legislation. Even further, this case demonstrates that NCAA legislation does not "bend" for personal relationships between college recruiters and high school coaches.

The violations stemmed from the assistant coaches' two separate visits to the high school to otherwise permissibly observe a football class during an evaluation period. At the request of the assistant coach they had known for years, the high school head football coach and strength and conditioning coach handpicked four prospects to perform drills for the assistant coach. The strength coach then conducted the drills exclusively for the assistant coach, who asked the strength coach to execute certain drills. Earlier in the day, the assistant coach praised one of the prospects on his 40-yard dash time and told him he should attend South Carolina's football camp. One week later, the strength coach pulled three of the same four prospects aside to perform drills for the other assistant coach. Like before, the strength coach conducted the drills exclusively for the assistant coach, who instructed the strength coach on how to execute the drills and

¹ Infractions cases are decided by hearing panels comprised of COI members. Panels issue decisions on behalf of the COI.

² A member of the Southeastern Conference, South Carolina has an enrollment of approximately 25,000 undergraduate students. South Carolina sponsors nine men's sports and 12 women's sports. This is South Carolina's sixth major, Level I or Level II infractions case. Previously, South Carolina had major infractions cases in 2012, 2005, 1991, 1987 and 1967.
commented to the prospects about their performance. None of the prospects had completed their junior year in high school. The parties agreed Level II contact and tryout violations occurred.

The panel accepts the parties' factual agreements and concludes violations occurred. Because the violations occurred after October 30, 2012, the current penalty structure applies. After considering applicable aggravating and mitigating factors, the panel classifies this case as Level II-Mitigated for South Carolina and for the assistant coaches' violations. Utilizing the current penalty guidelines, the panel adopts and prescribes the core penalties of a $5,000 fine and multiple recruiting restrictions.

II. CASE HISTORY

In July 2016, the NCAA enforcement staff received information regarding potential recruiting violations by the South Carolina football staff at an in-state high school. Shortly thereafter, in August 2016, the enforcement staff interviewed two of the involved prospects. The prospects reported information about potential violations involving two assistant football coaches (assistant coaches 1 and 2). The enforcement staff notified South Carolina about the potential violations on or about October 25, 2016, and began a collaborative investigation soon thereafter. On October 31, 2016, the enforcement staff provided a verbal notice of inquiry to South Carolina. The enforcement staff then conducted additional interviews from November 2016 through March 2017 and a six-month status update with South Carolina on April 26, 2017. On October 6, 2017, the parties submitted the SDR to the COI. The panel reviewed the SDR on November 9, 2017. The panel proposed the additional penalty of public reprimand and censure, which is consistent with the public release of the infractions decision, on November 14, 2017. South Carolina accepted the additional penalty on the same date.

III. PARTIES' AGREEMENTS

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

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

[NCAA Division I Manual Bylaws 13.02.5.2, 13.1.1.1, 13.11.1 and 13.17.4.1 (2015-16)] (Level II)

---

3 Pursuant to COI Internal Operating Procedure (IOP) 3-9-2-1 (IOP numbering based on IOPs published on July 19, 2017), panels in future cases may view this decision as less instructive than a decision reached after a contested hearing because violations established through the summary disposition process constitute the parties' agreement.

4 This decision provides the agreed-upon factual basis, violations and violation levels as exactly stated in the SDR, except for shortening references to South Carolina, the involved individuals and the high school.
The enforcement staff, South Carolina and the assistant coaches agree that in May 2016, and during an evaluation period, the assistant coaches conducted impermissible tryouts and had impermissible recruiting contacts with prospects at a high school. Specifically:

a. On May 10, 2016, assistant coach 1 observed a regularly scheduled football class at the high school for evaluation purposes. However, assistant coach 1 conducted an impermissible tryout when the high school strength and conditioning coach pulled four prospects aside so assistant coach 1 could observe their participation in drills. Additionally, assistant coach 1 asked the strength coach to conduct position-specific drills with the prospects that the rest of the class did not perform. Further, assistant coach 1 had impermissible in-person, off-campus recruiting contact with one of the prospects when he spoke to him about his speed and told him he should attend South Carolina's football camp. Assistant coach 1's contact with the prospect was impermissible because it occurred before the completion of his junior year in high school and was outside a permissible contact period in football. [Bylaws 13.02.5.2, 13.1.1.1, 13.11.1 and 13.17.4.1 (2015-16)]

b. On May 17, 2016, a week later, assistant coach 2 conducted an impermissible tryout when he observed the same football class as assistant coach 1. Similar to assistant coach 1's impermissible tryout, the strength coach pulled three of the same four prospects aside so assistant coach 2 could observe their participation in drills. Assistant coach 2 asked the strength coach to adjust certain drills that the rest of the class did not perform. During the tryout, assistant coach 2 had impermissible in-person, off-campus recruiting contact with the prospects when he made comments about their performance and execution of the drills. Two of the three prospects perceived that assistant coach 2 taught them the drills. Assistant coach 2's contact with the prospects was impermissible because it occurred before the completion of their junior year in high school and was outside a permissible contact period in football. [Bylaws 13.02.5.2, 13.1.1.1, 13.11.1 and 13.17.4.1 (2015-16)]

B. PARTIES' AGREED-UPON AGGRAVATING AND MITIGATING FACTORS

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

South Carolina:

1. **Aggravating factors [Bylaw 19.9.3]**

   A history of Level I, Level II or major violations. [Bylaw 19.9.3-(b)]
2. **Mitigating factors [Bylaw 19.9.4]**
   a. Prompt acknowledgement of the violation, acceptance of responsibility and imposition of meaningful corrective actions and penalties. [Bylaw 19.9.4-(b)]
   b. An established history of self-reporting Level III or secondary violations. [Bylaw 19.9.4-(d)]

**Assistant coach 1:**

1. **Aggravating factors [Bylaw 19.9.3]**
   None.

2. **Mitigating factors [Bylaw 19.9.4]**
   a. Prompt acknowledgement of the violation and acceptance of responsibility. [Bylaw 19.9.4-(b)]
   b. The absence of prior Level I, Level II or major violations. [Bylaw 19.9.4-(h)]

**Assistant coach 2:**

1. **Aggravating factors [Bylaw 19.9.3]**
   None.

2. **Mitigating factors [Bylaw 19.9.4]**
   The absence of prior Level I, Level II or major violations. [Bylaw 19.9.4-(h)]

**IV. REVIEW OF CASE**

The SDR fully detailed the parties' positions and included the agreed-upon primary facts, violations, violation levels and aggravating and mitigating factors. After reviewing the parties' principal factual agreements and respective explanations surrounding those agreements, the panel accepts the parties' SDR and concludes Level II violations occurred.

The recruiting violations involved impermissible contacts and tryouts. In two separate visits to an in-state high school to observe a football class during an evaluation period, the assistant coaches impermissibly spoke with handpicked prospects and observed their participation in drills conducted exclusively for the coaches on their behalf. Longstanding relationships between

---

5 South Carolina self-reported 115 Level III or secondary violations from the 2012-13 academic year to the 2016-17 academic year, an average of 23 violations per year.
assistant coach 1 and the high school coaches facilitated the violations. The assistant coaches leveraged these relationships to create a built-in recruiting advantage at the high school. The violations allowed South Carolina to determine it would stop recruiting the prospects and focus elsewhere.

Bylaw 13 governs recruiting. Bylaw 13.11.1 addresses tryouts and generally prohibits institutions from conducting, or having conducted on their behalf, any physical activity at which one or more prospects reveal, demonstrate or display their athletics ability. In addition, Bylaws 13.1.1.1 and 13.02.5.2 set parameters on recruiting contacts. Bylaw 13.1.1.1 generally prohibits off-campus recruiting contacts with a prospect before July 1 following completion of his junior year in high school. As an additional restriction, Bylaw 13.02.5.2 prohibits athletics staff members from making in-person, off-campus recruiting contacts during an evaluation period. Instead, athletics staff may only be involved in off-campus activities designed to assess prospects' academic qualifications and playing ability during this period. Bylaw 13.17.4.1 establishes the recruiting calendar for bowl subdivision football and identifies April 15 through May 31 as an evaluation period.

In two separate visits to the in-state high school, the assistant coaches impermissibly contacted and tried out handpicked prospects. First, on May 10, 2016, assistant coach 1 visited the high school to permissibly observe a football class. Assistant coach 1 had deep ties to the area as a successful and longtime coach at a nearby high school. As a result, he knew the high school's head football coach (high school head coach) for approximately 25 years. Assistant coach 1 also knew the high school's strength and conditioning coach (strength coach) for several years because he coached him in high school. The strength coach considered assistant coach 1 to be like a father figure. The high school head coach and strength coach taught the football class, which met during the last period of the day. Approximately 50 to 60 members of the football team attended the class to work on skills and abilities, including the completion of drills, weight lifting and sprints on the track.

Assistant coach 1 arrived at the high school prior to the class and met with the high school head coach and strength coach in the high school head coach's office. The three discussed the class schedule and some of the school's prospects who had talent to play at the collegiate level. Assistant coach 1 then accompanied the coaches to the track to observe the class run the 40-yard dash. A prospect, who the coaches discussed in the office, ran a 4.3 seconds 40-yard dash. Assistant coach 1 commented to the prospect about his speed and told him he should attend South Carolina's football camp. The conversation lasted for approximately one minute or less. While assistant coach 1 permissibly observed the prospect run the 40-yard dash, the contact violated Bylaw 13.1.1.1 because the prospect had not yet completed his junior year in high school. The contact also violated Bylaw 13.02.5.2 because it occurred during an evaluation period as identified by Bylaw 13.17.4.1.

The football class then transitioned from the track to the football field. The strength coach divided the class into groups that rotated through stations and completed a series of position-specific drills. During their walk to the field, assistant coach 1 asked the strength coach to select
prospects the strength coach thought could play at South Carolina and put them through drills to allow assistant coach 1 to observe their footwork. The strength coach and the high school head coach handpicked four prospects, including the prospect that assistant coach 1 earlier praised for his 40-yard dash time, for assistant coach 1. When the strength coach asked him what type of drills he wanted to observe, assistant coach 1 indicated he would not mind seeing the prospects perform drills he used when he coached the strength coach in high school. The strength coach then conducted a series of four to five different footwork, position-specific drills with the prospects while assistant coach 1 stood next to him and observed. Assistant coach 1 communicated with the strength coach during the drills and asked him to change a drill. The prospects completed a different series of drills than the rest of the class and did not rotate with the other groups. Although at least one coach from another NCAA institution was present to observe the class, the strength coach only pulled the prospects aside for assistant coach 1. Assistant coach 1 recorded video of the prospects with his cell phone. After he left the high school, assistant coach 1 told the strength coach that assistant coach 2 would soon return to evaluate the same prospects. The evaluation violated Bylaw 13.1.1 because assistant coach 1 arranged for the strength coach to conduct, on assistant coach 1’s behalf, drills in which the prospects displayed their athletics ability, and inserted himself into the evaluation by requesting the strength coach execute certain drills.

When assistant coach 1 returned to campus, he shared the video of the prospects with assistant coach 2 and encouraged assistant coach 2 to evaluate the prospects in person. One week after assistant coach 1’s visit, on May 17, 2016, assistant coach 2 visited the high school to observe the same football class. The strength coach waited to begin warm-ups until assistant coach 2 arrived. Upon his arrival, assistant coach 2 permissibly watched the class warm up on the track. The class then transitioned to the football field to rotate through stations and perform football-specific drills.

Like he did for assistant coach 1, the strength coach pulled three of the same four prospects aside so that assistant coach 2 could observe their participation in drills. The prospects did not remain with the rest of the class or rotate through their series of drills. Instead, at the request of assistant coach 2, the strength coach conducted the same drills that the prospects performed for assistant coach 1. Assistant coach 2 stood next to the strength coach during the drills, instructed the strength coach on how to execute the drills and asked the strength coach to alter certain drills. Although coaches from other NCAA institutions were present to observe the class, the strength coach only pulled the prospects aside for assistant coach 2. While the prospects performed the drills, assistant coach 2 commented to them about their performance. Like with assistant coach 1, the evaluation violated Bylaw 13.11.1 because assistant coach 2 asked the strength coach to execute and alter drills conducted on assistant coach 2’s behalf. The contact also violated Bylaws 13.1.1.1 and 13.02.5.2, respectively, because the prospects had not yet completed their junior year in high school and the contact occurred during an evaluation period.

Impermissible contacts and tryouts—no matter how few or brief—are an important matter to the membership. The violations confer an unfair advantage in the recruiting process on institutions that engage in them to the detriment of institutions that comply with the legislation. Because of
member concern over these unfair advantages, the COI has warned of the seriousness of recruiting violations, including fleeting face-to-face encounters during non-contact periods. In Baylor University (2016), two assistant football coaches attended track and field meets in which two top-rated prospects competed and did not log the meets as evaluations of the prospects. The coaches also positioned themselves near where one of the prospects competed for the prospect to notice them and engage in short conversations with the prospect before, during and after the meets. The prospect had not completed his junior year in high school and the contacts occurred during an evaluation period. The impermissible evaluations and contacts, although brief, allowed the coaches to personally assess, demonstrate high regard for and establish a relationship with the prospects. In addition, University of Florida (2015) involved only a single in-person, off-campus contact between an assistant football coach and a top-rated prospect, who was a high school junior, at the prospect's high school. The two discussed the prospect's desire to enroll at Florida and the coach asked for the prospect's social media contact information. This single contact helped Florida keep in touch with and show interest in the prospect, which the institution's head football coach, assistant coach and prospect acknowledged were crucial to recruiting the prospect. In this case, the impermissible contacts and tryouts—although few and brief—gave South Carolina an unfair advantage in the recruiting process like in Baylor and Florida.

Despite the COI's warnings, contact and tryout violations continue to occur time and again. See Sam Houston State University (2017) (concluding the head women's tennis coach engaged in multiple impermissible contacts when he communicated with a student-athlete from another institution via social media and arranged for student-athletes on his team to impermissibly contact prospects via social media and an online video messenger) and University of Mississippi (2016) (concluding the director of women's basketball operations and an assistant women's basketball coach engaged in multiple impermissible telephone and text contacts with prospects, two assistant track and field coaches engaged in impermissible telephone contacts with student-athletes at the coaches' former institutions and an assistant track and field coach conducted multiple impermissible tryouts of prospects during official visits). In many of these cases, the violations allowed institutions to make critical recruiting decisions. See University of Virginia (2017) (concluding football coaching staff members engaged in multiple impermissible contacts when they posed for individual photographs with 32 prospects to verify the prospects' height and weight and determine whether to recruit them) and Southeastern Louisiana University (2015) (concluding the head women's volleyball coach and an assistant coach conducted multiple impermissible tryouts when they observed a prospect participate in volleyball activity during an unofficial visit and a volunteer coach gave instruction to another prospect at the head coach's direction during summer camp and both the head coach and volunteer coach observed the prospect's activity while the head coach also provided instruction). Like in these cases, the impermissible contacts and tryouts allowed South Carolina to assess the prospects and make a critical recruiting decision—to stop recruiting the prospects and focus attention and resources elsewhere.

The longstanding personal relationships between assistant coach 1 and the high school coaches—which the assistant coaches leveraged for the built-in recruiting advantage at the high
school—are particularly troubling. The strength coach pulled prospects aside to execute certain drills only for the assistant coaches and for no coaches from other NCAA institutions present to observe the football class. The strength coach admitted he did so because the South Carolina coaching staff was passionate about finding student-athletes the staff could win with and he wanted the best for assistant coach 1, who the strength coach considered to be like a father figure. While the COI acknowledges that coaches and athletics staff at NCAA institutions often have personal relationships with high school coaches, these relationships should not foster violations. NCAA coaches and athletics staff must not capitalize on their relationships with high school coaches to obtain advantages in the recruiting process through violations of the legislation. See Louisiana State University (2011) (confirming that NCAA athletics staff members are required to comply with NCAA recruiting legislation despite relationships with high school coaches and administrators). The recruiting legislation does not "bend" for personal relationships.

Pursuant to Bylaw 19.1.2, the panel concludes the impermissible contacts and tryouts are Level II violations. In Baylor, Florida, Sam Houston State, Mississippi, Virginia and Southeastern Louisiana cited above, the COI concluded the contact and tryout violations were Level II because of the advantages conferred on the institutions that violated the legislation. In concluding Level II violations in these cases, the COI generally noted that the contacts and tryouts provided recruiting advantages that consisted of the opportunity to show interest in, establish relationships with and personally assess the prospects. In this case, the violations allowed South Carolina to assess the prospects and decide to stop recruiting them. This provided South Carolina with more than a minimal but less than a substantial recruiting advantage.

V. PENALTIES

For the reasons set forth in Sections III and IV of this decision, the panel accepts the parties' agreed-upon factual basis and violations and concludes this case involved Level II violations. Level II violations are significant breaches of conduct that provide or are intended to provide more than a minimal but less than a substantial or extensive recruiting advantage.

Pursuant to Bylaw 19.9.1, the panel prescribes penalties under the current penalty structure because the violations occurred after October 30, 2012. In considering penalties, the panel first reviewed aggravating and mitigating factors pursuant to Bylaws 19.9.2, 19.9.3 and 19.9.4 to determine the appropriate classifications for the parties. The panel then used the current penalty guidelines (Figure 19-1) and Bylaws 19.9.5 and 19.9.7 to prescribe penalties.6

The panel notes South Carolina proposed, and the enforcement staff took no position on, two additional mitigating factors: Bylaw 19.9.4-(c) Affirmative steps to expedite final resolution of

---

6 The membership recently adjusted and expanded the ranges in the penalty guidelines related to scholarship reductions and the duration of postseason bans, probation and show-cause orders. The adjusted guidelines became effective on August 1, 2017. Because the panel considered this case after the effective date of the adjusted guidelines, the panel used the adjusted guidelines to prescribe penalties.
the matter and Bylaw 19.9.4-(e) Implementation of a system of compliance methods designed to ensure rules compliance and satisfaction of institutional/coaches' control standards. The panel considered the information presented in the SDR and the parties' respective positions and determines that neither mitigating factor applies. Specifically, with regard to Bylaw 19.9.4-(c), the panel recognizes South Carolina promptly scheduled interviews after the verbal notice of inquiry and responded to document requests, and otherwise worked collaboratively with the enforcement staff. The panel, however, determines that while this may demonstrate that South Carolina met its obligation to cooperate, it does not demonstrate affirmative steps expediting final resolution of the matter. Likewise, the panel recognizes the multiple compliance methods, including assignment of compliance liaisons to football coaches and student-athletes, monitoring activities and rules education, and history of self-reporting Level III violations cited by South Carolina in support of application of Bylaw 19.9.4-(e). The panel notes, however, that very few of these compliance methods specifically addressed recruiting. The panel determines that South Carolina did not demonstrate implementation of a system of compliance methods designed to ensure rules compliance, particularly related to recruiting.

The panel assessed the aggravating and mitigating factors by weight and number. Based on its assessment, the panel classifies this case as Level II-Mitigated for South Carolina and the assistant coaches' violations.

Because South Carolina and the assistant coaches agreed to the facts and violations, South Carolina accepted the panel's proposed additional penalty and the panel proposed no additional penalties to the assistant coaches, the parties have no opportunity to appeal. All penalties prescribed in this case are independent and supplemental to any action that has been or may be taken by the NCAA Division I Committee on Academics through its assessment of postseason ineligibility, historical penalties or other penalties. In prescribing penalties, the panel considered South Carolina's cooperation in all parts of this case and determines it was consistent with South Carolina's obligation under Bylaw 19.2.3. The panel also considered South Carolina's corrective actions, which are set forth in the Appendix. After considering all information relevant to this case, the panel prescribes the following penalties (self-imposed penalties are so noted):

**Core Penalties for Level II-Mitigated Violations (Bylaw 19.9.5)**

1. Financial penalty: South Carolina shall pay a $5,000 fine to the NCAA. (Self-imposed.)

2. Recruiting restrictions:
   a. The football program shall not recruit any of the prospects involved in the violations in this case. (Self-imposed.)
   b. The football program shall reduce fall evaluation days by four, from 42 to 38, during the fall 2017 evaluation period. (Self-imposed.)
c. No members of the football staff shall engage in off-campus recruiting activities at the high school involved in the violations in this case from September 1, 2017, to August 31, 2018. (Self-imposed.)

d. Assistant coach 1 shall be suspended from off-campus recruiting activities for 42 days during the fall 2017 evaluation period. (Self-imposed.)

e. Assistant coach 2 shall be suspended from off-campus recruiting activities for 42 days during the fall 2017 evaluation period. (Self-imposed.)

Additional Penalty for Level II-Mitigated Violations (Bylaw 19.9.7)

3. Public reprimand and censure.

________________________________________________________________

The COI advises South Carolina that it should take every precaution to ensure the terms of the penalties are observed. The COI will monitor the penalties during their effective periods. Any action by South Carolina contrary to the terms of any of the penalties or any additional violations may be considered grounds for prescribing more severe penalties or may result in additional allegations and violations.

NCAA COMMITTEE ON INFRACTIONS PANEL

William Bock, III
Carol Cartwright, Chief Hearing Officer
Stephen A. Madva
Joel Maturi
Vince Nicastro
Joe Novak
Sankar Suryanarayan
APPENDIX

SOUTH CAROLINA'S CORRECTIVE ACTIONS AS IDENTIFIED IN THE
OCTOBER 6, 2017, SUMMARY DISPOSITION REPORT

1. South Carolina issued letters of admonishment to the assistant coaches.

2. South Carolina will provide additional rules education regarding the "bump" rule and tryout rules during evaluations to all of its football coaching staff. South Carolina notes its significant compliance efforts in this regard, but will continue to emphasize the real-world application of NCAA rules in a variety of circumstances that coaches may find themselves during off-campus recruiting activities.