



WEST TEXAS A&M UNIVERSITY
PUBLIC INFRACTIONS DECISION
March 23, 2016

I. INTRODUCTION

The NCAA Division II Committee on Infractions is an independent administrative body of the NCAA comprised of individuals from the Division II membership and the public. The committee decides infractions cases involving member institutions and their staffs. This case involved the football program at West Texas A&M University.¹ It centered on members of the football coaching staff providing impermissible benefits to prospective and enrolled student-athletes and providing false information about the violations. The case also involved two student-athletes who engaged in academic fraud and the failure of a football coach to report the fraud once he became aware of it. The committee considered this case through the cooperative summary disposition process in which all parties agree to the primary facts and violations as fully set forth in the Summary Disposition Report (SDR). Because the institution and one of the involved individuals agreed to the violations and penalties, they have no opportunity to appeal. Two other involved individuals contested the committee's proposed additional penalties concerning them at expedited penalty hearings. Those two individuals have opportunities to appeal the contested penalties to the NCAA Division II Infractions Appeals Committee.

The parties agreed that members of the football coaching staff, including the former head coach, arranged or provided impermissible inducements and benefits for prospective and enrolled student-athletes in 2012 and 2013. Specifically, the coaches arranged for six prospective student-athletes to stay cost-free with members of the football team prior to the prospects' initial enrollment in 2012; made a loan (which was not repaid) to a student-athlete for childcare; and provided tickets to a professional baseball game, transportation and parking to two student-athletes. The former head coach and a former assistant coach provided false information regarding the violations, and the former head coach also induced two student-athletes to provide false information. The committee concludes that the coaches committed major violations of NCAA legislation when they provided impermissible extra benefits to the student-athletes and engaged in unethical conduct.

Further violations occurred when two football student-athletes engaged in academic misconduct. One of the student-athletes completed academic assignments and arranged for his family members to complete other academic work for the other student-athlete. One of the student-athletes provided incomplete information and refused to furnish other information during the investigation. A former assistant football coach who learned of the misconduct failed to report it

¹ A member of the Lone Star Conference, the institution has an enrollment of approximately 9,000 students. It sponsors nine women's and eight men's sports. The institution had previous infractions cases in 1988 (men's basketball), 1980 (multiple sports), 1976 (football and men's basketball) and 1965 (multiple sports).

to the athletics administration. The committee concludes that the student-athletes engaged in academic fraud. Additionally, one of the student-athletes provided misleading information and refused to cooperate fully with the investigation. The committee concludes that these are major violations.

After reviewing the parties' principal factual agreements and respective explanations surrounding those agreements, the committee accepted the parties' SDR and concludes that those agreements constitute major violations of NCAA bylaws. The committee determines that the following principal penalties are appropriate: three years of probation, reductions in financial aid awards in the sport of football, vacation of certain competition results and a financial penalty. Other penalties are detailed in the penalty section of this decision.

II. CASE HISTORY

On January 8, 2013, a former football student-athlete (student-athlete 1) reported to the director of athletics that an assistant football coach (former assistant coach 1) had provided student-athlete 1 with financial support to help with his childcare the previous fall. The institution initiated an investigation and reported NCAA bylaw violations to the NCAA enforcement staff on June 13, 2013.

The enforcement staff provided a written notice of inquiry to the institution on August 29, 2013, and proposed findings of fact to the institution, former assistant coach 1 and another involved individual (former head coach) in October 2014. Later that same month, the institution reported additional violations. Following a subsequent investigation, the enforcement staff amended the proposed findings of fact and provided them to the institution, former assistant coach 1, the former head coach and three other involved individuals: a second former assistant coach (former assistant coach 2) and two former football student-athletes (student-athletes 2 and 3, respectively). All participating parties jointly submitted the SDR to the committee on August 26, 2015.

The committee reviewed the SDR by teleconference on September 28, 2015, and requested further information from the institution and enforcement staff through an October 1, 2015, letter. On October 26, after receiving all the additional information, the committee conducted a second teleconference to consider the case. In late October and into November 2015, the committee sent letters to all parties, again requesting information and proposing additional penalties pursuant to NCAA Bylaw 32.7.1.4.3. All parties responded to the committee in writing by December 4, 2015. The institution and former assistant coach 2 agreed to the additional proposed penalties. The former head coach and former assistant coach 1 contested one of their proposed additional penalties and requested expedited penalty hearings pursuant to NCAA Bylaw 32.7.1.4.3. The committee conducted the hearings via videoconference on February 22, 2016.

III. PARTIES' AGREEMENT

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

The parties jointly submitted an SDR that identifies an agreed-upon factual basis and violations as established by NCAA legislation. The SDR identifies:

1. [NCAA Division II Manual Bylaws 13.2.2-(h) (2011-12 and 2012-13)]

It is agreed that in January, July and August 2012, the football coaching staff arranged for six then football prospective student-athletes to receive inducements in the form of cost-free housing, a total value of approximately \$720. Specifically:

- a. It is agreed that in January 2012, a then football prospective student-athlete (student-athlete 4) received one day of free lodging at a hotel and four days of free housing at the home of a then football student-athlete, a total value of approximately \$85.²
- b. It is agreed that in January 2012, a then football prospective student-athlete (student-athlete 5) received one day of free lodging at a hotel and two days of free housing at the home of a then football student-athlete, a total value of approximately \$65.
- c. It is agreed that in January 2012, a then football prospective student-athlete (student-athlete 6) received seven days of free housing at the home of a then football student-athlete, a total value of approximately \$70.
- d. It is agreed that in July and August 2012, a then prospective football student-athlete (student-athlete 7) received 22 days of free housing at the home of a then football student-athlete, a total value of approximately \$220.
- e. It is agreed that in July and August 2012, a then prospective football student-athlete (student-athlete 8) received 21 days of free housing at the home of a then football student-athlete, a total value of approximately \$210.

² The institution originally reported to the NCAA that student-athletes 4 and 5 stayed two nights at a hotel, and the institution submitted a student-athlete reinstatement request for student-athlete 5, who paid \$109 in restitution for the two nights at a hotel and two nights at the apartment of a then football student-athlete. The institution did not seek reinstatement for student-athlete 4, because he was not on the team in 2013. Subsequently, because of conflicting statements and documentation, the NCAA enforcement staff determined one day of cost-free hotel lodging to be the conservative agreed on violation.

- f. It is agreed that in July and August 2012, then prospective football student-athlete (student-athlete 9) received seven days of free housing at the home of a then football student-athlete, a total value of approximately \$70.

2. [NCAA Division II Manual Bylaw 16.11.2.1 (2012-13)]

It is agreed that in August 2012, former assistant coach 1 provided student-athlete 1 approximately \$300 cash as a loan for emergency childcare expenses. Student-athlete 1 did not repay the loan. [NCAA Bylaw 16.11.2.1 (2012-13)]

3. [NCAA Division II Manual Bylaws 10.01.1, 10.1, 10.1-(d), 11.1.2.1 and 19.01.2 (2012-13 and 2013-14)]

It is agreed that during the summer of 2013, the former head coach violated the principles of ethical conduct when he failed to deport himself in accordance with generally recognized high standards of honesty and sportsmanship normally associated with the conduct and administration of intercollegiate athletics, and failed to promote an atmosphere for compliance when he knowingly: (1) furnished the institution false or misleading information during its investigation of the aforementioned violation; and (2) influenced student-athletes 10 and 11 to provide false or misleading information to the institution during its investigation. Specifically:

- a. The former head coach provided false or misleading information to the institution on at least two occasions in August 2013 when he reported that two student-athletes (student-athletes 10 and 11, respectively) had paid for their tickets prior to the Texas Rangers' baseball game. [NCAA Bylaws 10.01.1, 10.1, 10.1-(d) and 19.01.2 (2013-14)]
- b. The former head coach knowingly influenced student-athletes 10 and 11 to provide false or misleading information when he instructed them to report that they paid for their tickets prior to the Texas Rangers' baseball game. As a result, he also failed to promote an atmosphere for compliance. [NCAA Bylaws 10.01.1, 10.1, 10.1-(d), 11.1.2.1 and 19.01.2 (2012-13 and 2013-14)]

4. [NCAA Division II Manual Bylaws 10.01.1, 10.1, 10.1-(c), 10.1-(d) and 19.01.2 (2012-13)]

It is agreed that in August 2012 and January and June 2013, former assistant coach 1 violated the principles of ethical conduct when he failed to deport himself in accordance with generally recognized high standards of honesty and sportsmanship normally associated with the conduct and administration of intercollegiate athletics when he knowingly: (1) provided extra benefits in the form of cash for emergency childcare expenses to student-athlete 1; and (2)

furnished his former and current institution false or misleading information during their respective investigations of Violation No. 2. Specifically:

- a. In August 2012, former assistant coach 1 knowingly provided an extra benefit to student-athlete 1 for emergency childcare expenses for the student-athlete's child valued at approximately \$300, as detailed in Violation No. 2. [NCAA Bylaws 10.01.1, 10.1, 10.1-(c) and 19.01.2 (2012-13)]
 - b. In January and June 2013, former assistant coach 1 knowingly furnished institutional staff members with false or misleading information when he denied providing an extra benefit to student-athlete 1. [NCAA Bylaws 10.01.1, 10.1, 10.1-(d) and 19.01.2 (2012-13)]
5. [NCAA Division II Manual Bylaws 10.01.1, 10.1, 10.1-(b), 10.1-(c), 14.4.1, 14.4.3, 14.4.3.1-(a), 14.4.3.1-(b), 16.8.1.2, 16.11.2.1 and 19.01.2 (2013-14 and 2014-15)]

It is agreed that during the 2014-15 academic year, student-athletes 2 and 3 engaged in academic misconduct in an effort to assist student-athlete 3 in maintaining his athletics eligibility. Additionally, former assistant coach 2 violated the principles of ethical conduct when he knowingly: (1) failed to report the academic misconduct violation after he learned that it had occurred; and (2) permitted student-athlete 3 to compete and receive travel expenses while ineligible. Specifically:

- a. In May 2014, student-athlete 3 requested and received permission from a professor to complete make-up work for SPAN 1411, a class in which he was enrolled in during the fall of 2013 and failed. Former assistant coach 2 and another member of the institution's athletics department then permissibly arranged for student-athlete 2 to tutor student-athlete 3. However, during May and June 2014, student-athlete 3 knowingly received impermissible academic assistance when student-athlete 2 completed and/or arranged for members of his immediate family to complete online assignments for student-athlete 3's SPAN 1411 class, which led him to obtain fraudulent academic credit. As a result, student-athlete 3 competed in seven games and received travel expenses on four occasions while ineligible during the 2014-15 football season. [NCAA Bylaws 10.01.1, 10.1, 10.1-(b), 14.4.1, 14.4.3, 14.4.3.1-(a), 14.4.3.1-(b), 16.8.1.2 and 16.11.2.1 (2013-14 and 2014-15)]
- b. In June 2014, former assistant coach 2 learned that student-athlete 2 had completed online assignments for student-athlete 3 when he received a text message from student-athlete 2 on June 14 indicating that he had done some of student-athlete 3's work. Former assistant coach 2 received another text message from student-athlete 2 on June 16, informing him that student-athlete

2 had done additional work for student-athlete 3. Nevertheless, former assistant coach 2 failed to report the academic misconduct violation. As a result, former assistant coach 2 knew student-athlete 3 was competing and receiving travel expenses while ineligible during the 2014-15 football season. [NCAA Bylaws 10.01.1, 10.1, 10.1-(c) and 19.01.2 (2013-14 and 2014-15)]

6. [NCAA Division II Manual Bylaws 10.1, 10.1-(a) and 10.1-(d) (2014-15)]

It is agreed that during the 2014-15 academic year, student-athlete 2 knowingly furnished misleading information and refused to furnish information relevant to an investigation of a possible violation of an NCAA regulation when he was requested to do so by the NCAA enforcement staff. Specifically, on November 26 and December 16, 2014, the enforcement staff requested that student-athlete 2 provide relevant information, including copies of all text messages between him, former assistant coach 2 and student-athlete 3, for the period of April to November 2014. On January 7, 2015, in response to the enforcement staff's request for information, student-athlete 2 provided copies of text messages between him, former assistant coach 2 and student-athlete 3. The enforcement staff compared the text messages provided January 7 to text messages provided to the enforcement staff by the institution and former assistant coach 2, and determined that student-athlete 2 failed to provide all of the text messages pertaining to his involvement in the academic misconduct issue outlined in Violation No. 6. Consequently, on January 15 and February 4 and 5, 2015, the enforcement staff again requested that student-athlete 2 provide copies of all his text messages with former assistant coach 2 and student-athlete 3. Nevertheless, student-athlete 2 failed to provide this information.

IV. SECONDARY VIOLATIONS

It is agreed that in January 2013, former assistant coach 1 provided student-athlete 5 an extra benefit when he arranged to pay for student-athlete 5's rent (approximately \$400) using former assistant coach 1's personal funds. Student-athlete 5 subsequently reimbursed former assistant coach 1. [NCAA Bylaw 16.11.2.1 (2012-13)]

It is agreed that on July 29, 2013, the former head coach provided student-athletes 10 and 11 with admission to a Texas Rangers' baseball game valued at approximately \$80 per football student-athlete. The former head coach was later reimbursed approximately \$30 per football student-athlete (the price he originally paid for the tickets). In addition, an athletics administrator and assistant football coach provided transportation and parking valued at approximately \$12 and \$7, respectively, to student-athletes 10 and 11. [NCAA Bylaws 16.7.1.1 and 16.11.2.1 (2012-13)]

V. REVIEW OF CASE

The submitted SDR fully details the parties' positions in the infractions case and includes the agreed-upon primary facts and violations. After reviewing the parties' principal factual agreements and the respective explanations surrounding those agreements, the committee accepts the parties' SDR and concludes that the facts constitute major and secondary violations of NCAA legislation. Specifically, the institution agrees that its football staff committed major violations in five areas.

A. Agreed-Upon Violations

The institution agreed that members of its football coaching staff committed major NCAA violations when they: (1) provided cost-free housing to prospective student-athletes; (2) provided a loan to an enrolled student-athlete; and (3) gave false or misleading information in interviews. Further major violations occurred when: (4) two football student-athletes engaged in academic misconduct; and (5) one of the student-athletes furnished misleading information and refused to fully cooperate in the investigation of the academic misconduct. NCAA Bylaw 19.02.2.2 defines major violations as violations that provide more than a minimal recruiting, competitive or other advantage or include any significant impermissible benefit. In this case, there are five areas of violations.

With regard to the first area of violations, the institution agreed that it provided free and reduced housing to prospective student-athletes, as identified in Violation No. 1. NCAA Bylaw 13.2.2-(h) precludes institutional staff members from any involvement in arranging or providing, directly or indirectly, free or reduced-cost housing to prospective student-athletes. The football coaching staff was aware that prospective student-athletes arrived in the vicinity of campus prior to the start of school and practice. At times, the coaches encouraged the student-athletes to arrive early. The coaches knew that institutional housing would not be available to the early arrivals. In those situations, the coaches had a practice of arranging for the incoming student-athletes to stay temporarily with enrolled student-athletes until permanent housing was available. Six student-athletes stayed from two to 22 days cost-free with enrolled student-athletes as a result of arrangements made by the coaches, while two of the student-athletes also stayed cost-free for one night in a local hotel after former assistant coach 1 arranged lodging there. The arrangements made by members of the football coaching staff for the incoming student-athletes to have cost-free housing violated NCAA Bylaw 13.2.2-(h).

Regarding the second area of major violations, former assistant coach 1 agreed that he provided a loan to student-athlete 1 as set forth in Violation No. 2. NCAA Bylaw 16.11.2.1 prohibits institutional staff members from providing student-athletes with benefits not expressly authorized by NCAA legislation.³ When former assistant coach 1 loaned \$300 to student-athlete 1, he provided an impermissible cash benefit in violation of this bylaw.

³ NCAA Bylaw 16.11.2.3 expressly prohibits institutional staff members from loaning money to student-athletes. However, this bylaw was not cited or agreed to by the parties.

The third area of violations also involved coaches' conduct. As set forth in Violation No. 3, the former head coach agreed that he violated the principles of ethical conduct, failed to promote an atmosphere for compliance and did not serve as a model of exemplary conduct for his student-athletes. Former assistant coach 1 agreed that he violated the principles of ethical conduct and did not serve as a model of exemplary conduct as set forth in Violation No. 4. Former assistant coach 2 also agreed that he violated the principles of ethical conduct and did not serve as a model of exemplary conduct. His violations are detailed in Violation No. 5.

NCAA Bylaw 10.1 requires enrolled student-athletes and institutional staff members to conduct themselves in an ethical manner at all times. Subsection (a) of the bylaw requires student-athletes and institutional staff members to furnish information relevant to investigations into possible NCAA rules violations when requested by the institution or NCAA enforcement staff. Subsection (c) of the bylaw precludes institutional staff members from knowing involvement in providing impermissible benefits to enrolled or prospective student-athletes, while subsection (d) prohibits institutional staff members from providing false or misleading information to the NCAA or institution regarding possible rules violations. That subsection also precludes institutional staff members from influencing others to provide false information. Further, NCAA Bylaw 11.1.2.1 requires head coaches to promote an atmosphere for rules compliance within the programs they lead. Finally, NCAA Bylaw 19.01.2 requires institutional staff members, as teachers of young people, to exhibit exemplary conduct as they exert their influence on student-athletes.

Regarding the former head coach, he twice told institutional investigators that the student-athletes who accompanied him to the baseball game had paid in advance for their tickets. In fact, he had purchased the tickets. Further, he asked the two student-athletes to report that they had paid for the tickets in advance, knowing this to be untrue. When the former head coach provided false information and asked two student-athletes to lie, he violated NCAA Bylaws 10.1 (d), 11.1.2.1 and 19.01.2.

Former assistant coach 1 provided a loan to student-athlete 1, knowing that it was impermissible for him to do so. Twice in 2013 he denied to institutional representatives that he had provided the loan. He only told the truth in April 2014, when his present employing institution informed him that the NCAA was coming to interview him. When former assistant coach 1 knowingly provided an impermissible loan to a student-athlete, he violated NCAA Bylaws 10.1-(c) and 19.01.2. On the two occasions when he provided false information, he violated NCAA Bylaws 10.1-(d) and 19.01.2.

Finally, regarding former assistant coach 2, he was aware that student-athletes 2 and 3 engaged in academic misconduct and failed to report the violation. As a result, he also knew that student-athlete 3 subsequently competed while ineligible during the 2014 football season. Former assistant coach 2 violated NCAA Bylaws 10.1-(c) and 19.01.2 when he failed to report a known violation of NCAA rules and take steps to prevent student-athlete 3 from competing.

The final two areas of violations involved student-athletes. In the first, and as also set forth in Violation No. 5, student-athletes 2 and 3 violated NCAA ethical conduct legislation when they engaged in academic misconduct in the spring and summer of 2014. Their actions resulted in student-athlete 3 competing while ineligible. The second area of student-athlete misconduct involved student-athlete 2 providing only partial information to the enforcement staff during the investigation of the academic misconduct. The details of student-athlete 2's violations after the academic misconduct are found in Violation No. 6.

NCAA Bylaw 10.1-(b) precludes involvement by student-athletes in arranging for fraudulent academic credit.⁴ And in addition to prohibiting institutional staff members from providing false or misleading information, NCAA Bylaw 10.1-(d) prohibits student-athletes from providing false or misleading information to the NCAA or institution regarding possible rules violations. At the time student-athletes 2 and 3 engaged in academic fraud, and student-athlete 3 subsequently competed, NCAA Bylaws 14.4.1, 14.4.3, 14.4.3.1-(a) and 14.4.3.1-(b) all provided that student-athletes could not compete unless they met NCAA satisfactory progress requirements. None of that legislation allowed credit obtained through misconduct to be used to meet those requirements. Further, during the same time, NCAA Bylaws 16.8.2.1 and 16.11.2.1 limited institutions to providing expenses related to competition to only those student-athletes eligible to compete.

Regarding the academic misconduct, student-athlete 2 completed academic assignments for student-athlete 3 and arranged for members of his family to complete other academic work. Student-athlete 3 submitted the work as his own, received academic credit for the course and used the credits for satisfactory progress purposes. The actions of student-athletes 2 and 3 constituted academic fraud in violation of NCAA Bylaw 10.1-(b). When student-athlete 3 subsequently competed and received travel expenses during the 2014 season, he did so in violation of the NCAA Bylaw 14 provisions and NCAA Bylaws 16.8.2.1 and 16.11.2.1.

The second area of student-athlete violations involved student-athlete 2 failing to provide a number of text messages pertaining to the academic misconduct to the NCAA enforcement staff upon request. In November and December 2014, the enforcement staff asked student-athlete 2 to provide copies of all text messages between him, student-athlete 3 and former assistant coach 2 regarding the academic misconduct. Student-athlete 2 only provided some of the requested information to the enforcement staff. Consequently, in January and February 2015, the enforcement staff again requested copies of all relevant texts. Student-athlete 2 did not respond to the staff's request. His failures to provide all requested information violated NCAA Bylaw 10.1-(a). When he gave the enforcement staff only some of the texts, he provided misleading information in violation of NCAA Bylaw 10.1-(d).

⁴ In an official interpretation issued April 16, 2014, the NCAA Academic and Membership Affairs staff changed the terminology for academic violations to "academic misconduct." In this case, the committee refers to the violations as agreed upon by the parties.

B. Contested Penalties

The committee proposed to penalize former head coach and former assistant coach 1 through two-year show-cause orders. Both coaches contested the committee's proposals. Pursuant to NCAA Bylaw 32.7.1.4.3, the committee held expedited hearings on the proposed penalties on February 22, 2016. After concluding that the penalties imposed by their present-employing institution were not appropriate, the committee prescribes the show-cause orders.

NCAA Bylaw 19.5.2.2 authorizes the committee to issue show-cause orders to involved individuals when it determines that an institution's disciplinary or corrective actions are not appropriate. The show-cause orders may include restrictions of some or all athletically related duties for an involved institutional staff member. The committee is the sole arbiter of whether an institution's disciplinary or corrective actions directed to an offending staff member satisfies the institution's obligation of NCAA membership.

Former head coach

The penalties prescribed on the former head coach by the institution where he presently serves in a volunteer capacity were inadequate because they did not address his specific violations and did not adequately address the seriousness of his conduct. The institution where he presently works required him to attend an NCAA Regional Rules Seminar at his own expense and receive approval from the director of athletics to recruit off campus. The committee initially notes that this case has nothing to do with recruiting and determines that penalty to be inadequate. Secondly, the former head coach engaged in unethical conduct not only by providing false information, but also by asking two student-athletes to lie. Further, by his actions he failed to promote an atmosphere for rules compliance or meet his responsibility to serve his student-athletes as a model of exemplary conduct. Therefore, the committee determines that a two-year show-cause is appropriate.

The committee's proposed penalty for these serious violations is well within the committee's discretion. It requires him to undergo ethics training and appear before the committee if he obtains a paid position at a member institution during a two-year period. The purpose of the appearance is for his employing institution to explain what actions it is taking to prevent similar rules violations. Following the explanation, the committee may or may not prescribe restrictions to the former head coach's athletically related duties. This penalty is appropriate for the former head coach's violations.

Former assistant coach 1

The penalties imposed upon former assistant coach 1 by the institution where he presently serves as head football coach were also insufficient, as they did not address his specific violations or the seriousness of his conduct. The institution where he presently serves as head football coach issued him a letter of reprimand, required three months of rules training and attendance at a Regional Rules Seminar, vacated a pay bonus and imposed various recruiting restrictions. The committee determines these penalties to be insufficient, based on former assistant coach 1's violations. Therefore, the committee prescribes a two-year show-cause order for the conduct of

former assistant coach 1. During the first year of the show-cause, former assistant coach 1 shall undergo ethics training and serve a one-game suspension.

As with the former head coach, former assistant coach 1's violations had nothing to do with recruiting. Therefore, recruiting restrictions are not sufficient. Former assistant coach 1 initially engaged in unethical conduct when he provided a \$300 loan to student-athlete 1 that was never repaid. At the time he provided the loan, former assistant coach 1 knew he was violating NCAA legislation. Further, and significantly, he provided false information about the loan on two occasions. In January 2013, while serving as an assistant coach at the institution, he lied to the director of athletics and compliance officer when he denied providing the loan to student-athlete 1. In June 2013, after he was named head football coach at his present institution, he lied to his director of athletics when he again denied loaning student-athlete 1 the money. He later stated that he provided false information to protect the job of the former head coach.

However, when the former head coach was relieved of his coaching duties at the institution in August 2013, the former assistant coach 1 did not come forward to correct his earlier false statements. It was only in April 2014, when he learned that the enforcement staff was going to interview him, and over one-and-one-half years after he provided the loan, that former assistant coach 1 told the truth. In each instance when he provided false information he engaged in unethical conduct. He only came forward with the truth once he knew of an impending interview. For these reasons, the committee determines that his present employing institution's disciplinary and corrective measures are inadequate and that suspension is warranted. However, because he was only a head coach on one of the occasions when he provided false information, the committee prescribes the suspension as one conference game rather than two as originally proposed.

In cases involving coaches' misconduct, this committee determines whether penalties imposed by employing institutions are appropriate pursuant to NCAA Bylaw 19.5.2.2. The committee has included game suspensions in show-cause orders prescribed for individuals' conduct when the committee considers the penalties imposed by the employing institutions to be insufficient. In doing so, the committee takes special note of situations in which offending coaches are serving as coaches, particularly head coaches, at the time the committee considers the case. In the summary disposition case of *Southwest Baptist University* (2012), a head men's basketball coach sent almost 500 text messages to prospective student-athletes, knowing that such communications were impermissible. Although the case did not include an unethical conduct violation for the coach's conduct (he was cited for failure to promote an atmosphere for compliance), the committee suspended him for the first two conference games as part of a show-cause provision. In *University of Alaska, Anchorage* (2014), a head women's basketball coach engaged in unethical conduct when he instructed a graduate assistant to deposit approximately \$7,000 into the bank accounts of two student-athletes, knowing it was impermissible. At the time the case was heard, the offending coach was serving as an assistant coach at an NCAA Division I institution. The committee found the present employing institution's self-imposed penalties of a letter of reprimand, ethics training, Regional Rules Seminar attendance, a foregone raise in pay and a mandatory compliance meeting to be inadequate. Accordingly, the committee

directed that the Division I institution suspend the coach for the first three conference games of the upcoming season.

Conversely, in *Chadron State College* (2013), the committee accepted the self-imposed penalties of a Division I institution that employed the former Chadron State head football coach as an assistant coach. The seven penalties were tailored to the violations and included no control over funds from football camps, no access to funds raised for the football program, no involvement with football camp registrations and monthly compliance meetings. The present-employing institution stated that the terms would be in place for the duration of the former head coach's employment.

In the present matter, the self-imposed penalties were insufficient for the types and seriousness of former assistant coach 1's violations. Therefore, the committee prescribes a two-year show-cause order, including a suspension for the first conference game of the season.

VI. PENALTIES

For the reasons set forth in Sections III and IV of this decision, the Committee on Infractions concludes that this case involved major violations of NCAA legislation. In prescribing appropriate penalties, the committee considered the institution's cooperation in the processing of the case. Cooperation during the infractions process is addressed in NCAA Bylaws 19.01.3 and 32.1.4. The committee concludes that the cooperation exhibited by the institution was consistent with its obligation under the bylaws. As the institution and former assistant coach 2 agreed to the factual findings, violations and the committee's proposed penalties, they have no opportunity to appeal. The former head coach did not agree to Penalties VI.9-(c) and (d). Former assistant coach 1 did not agree to Penalty VI.10-(g) and the two-year length of the show-cause penalty. They both have the opportunity to appeal those respective penalties.

The committee prescribes the following penalties. The institution's self-imposed penalties are specifically identified. The institution's corrective actions are contained in the Appendix.

Penalties and Disciplinary Measures (NCAA Bylaw 19.5.2)

1. Public reprimand and censure.
2. Three years of probation from March 23, 2016, through March 22, 2019.
3. The institution shall award no more than 32.49 total grants-in-aid in the sport of football for the 2016-17 academic year. This figure represents the four-year average of grants awarded from the 2011-12 through 2014-15 academic years, including the institution's self-imposed reductions in 2013-14 (the institution self-imposed a cut of two equivalency grants for the 2013-14 academic year).

4. The institution shall vacate all wins in which student-athlete 3 competed from the time he became ineligible until his eligibility was reinstated.⁵ The contests shall be vacated pursuant to NCAA Bylaws 19.5.2-(g) and 31.2.2.4. The individual statistics of student-athlete 3 shall also be vacated. Further, the institution's records regarding football, as well as the records of the former 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. Any institution which 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 cannot 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 shall be removed from 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 specific student-athletes and contests impacted by the penalties. In addition, the institution must provide the NCAA Media Coordination and Statistics Office a written report detailing those discussions with the director of statistics. This document must be delivered to the NCAA Media Coordination and Statistics Office no later than 45 days following the Committee on Infractions release. The sports information director (or designee) must also inform the Office of the Committees on Infractions of its submission to the NCAA Media Coordination and Statistics Office.
5. The institution shall pay a fine of \$5,000 (the institution proposed a fine of \$3,500).
6. The institution restricted the former head coach to on-campus recruiting only from June 2013 through May 1, 2014 (institution imposed).⁶
7. The institution required six members of the football coaching staff to forfeit a total of \$11,620 in performance incentives, including the former head coach (\$3,320); former assistant coach 1 (\$1,660); and former assistant coach 2 (\$1,660) (institution imposed).
8. The institution shall provide a copy of the infractions decision to its regional accrediting agency.
9. The former head coach provided false or misleading information to the institution on two occasions. Further, he influenced two student-athletes to provide false or misleading information. His provision of false information, and influencing two student-athletes to

⁵ Working through the Lone Star Conference office, the institution "nullified" these contests.

⁶ The former head coach did not complete this penalty due to his eventual resignation in August 2013.

provide false information, were contrary to the principles of ethical conduct and demonstrated a failure to promote an atmosphere for rules compliance in the football program. Therefore, the committee prescribes a two-year show-cause order pursuant to NCAA Bylaw 19.5.2.2 for the former head coach. The show-cause period shall run from March 23, 2016, through March 22, 2018. The conditions of the show-cause order are as follows:

- a. The former head coach shall be suspended indefinitely from all off-campus recruiting beginning February 1, 2014; any future off-campus recruiting requires pre-approval from the director of athletics (imposed by the institution where he presently serves in a voluntary capacity);
 - b. The former head coach shall attend a 2016 NCAA Regional Rules Seminar at his own expense (imposed by the institution where he presently serves in a voluntary capacity);
 - c. The former head coach shall undergo ethics training during the first year the show-cause order is in effect; and
 - d. If the former head coach becomes a salaried employee of any member institution during the term the show cause is in effect, he and the member institution shall contact the Office of the Committees on Infractions (OCOI) to schedule an appearance before the committee. The purpose of the appearance shall be to consider whether the member institution should be subject to the show-cause provisions of NCAA Bylaw 19.5.2.2, which could limit the former head coach's athletically related duties at the new member institution for a designated period.
10. Former assistant coach 1 knowingly provided impermissible benefits to student-athlete 1 in the form of a loan of approximately \$300. Former assistant coach 1 did not seek reimbursement of the loan and it was not repaid. Further, in January 2013, he denied to the institution that he had provided the loan. Also, on June 24, 2013, he denied to his present employing institution that he provided the loan. He did not give a truthful recitation of the events until his current employing institution informed him that the NCAA was going to interview him. His provision of the loan and of false information was contrary to the principles of ethical conduct. Therefore, the committee prescribes a two-year show-cause order pursuant to NCAA Bylaw 19.5.2.2 for former assistant coach 1. The show-cause period shall run from March 23, 2016, through March 22, 2018. The conditions of the show-cause order are as follows:
- a. Former assistant coach 1 shall be reprimanded in writing by his present institution (imposed by present employing institution);
 - b. Former assistant coach 1 shall have three months of mandatory rules training with the compliance office, with emphasis placed on the bylaws he violated (imposed by present employing institution);

- c. Former assistant coach 1 shall be suspended two weeks from off-campus recruiting in December 2013, for two weeks in the spring of 2014 and from all off-campus recruiting from November 15, 2014, through December 31, 2014 (imposed by present employing institution);
 - d. Former assistant coach 1 shall vacate \$2,910 in bonus pay (imposed by present employing institution);
 - e. Former assistant coach 1 shall attend a 2016 NCAA Regional Rules Seminar at his own expense (imposed by present employing institution);
 - f. Former assistant coach 1 shall undergo ethics training during the first year the show-cause order is in effect;
 - g. Former assistant coach 1 shall be suspended from all coaching duties for the first conference game of the 2016 season. The suspension shall commence at 11:59 p.m. on the day of the contest immediately preceding the first conference game and shall expire at 11:59 p.m. on the day of the first conference game. During the suspension, former assistant coach 1 shall not be present in the venue where the game is played and shall have no contact with other members of the coaching staff or members of the football team. Further, during the suspension former assistant coach 1 shall not participate in any activities that are defined as "coaching," including, but not limited to, team travel, recruiting, practice, video review and team meetings; and
 - h. No later than November 30, 2016, former assistant coach 1's present employing institution, or any other member institution employing him, shall file a report with the OCOI documenting that it has complied with all sanctions of this show-cause order. The report should also contain details regarding any possible further rules violations committed by former assistant coach 1.
11. Former assistant coach 2 failed to report academic misconduct involving football student-athletes 2 and 3 when he became aware that it had occurred. Further, former assistant coach 2 was aware that student-athlete 3 competed and received travel expenses during the 2014 season while ineligible. His failure to report known violations of NCAA violations to the athletics administration constituted unethical conduct.

Therefore, the committee prescribes a two-year show-cause order pursuant to NCAA Bylaw 19.5.2.2 for former assistant coach 2. The show-cause period shall run from March 23, 2016, through March 22, 2018. If former assistant coach 2 becomes employed at a member institution during the term the show cause is in effect, he and the member institution shall contact the OCOI to schedule an appearance before the committee. The purpose of the appearance shall be to consider whether the member institution should be subject to the show-cause provisions of NCAA Bylaw 19.5.2.2, which could limit former

assistant coach 2's athletically related duties at the new member institution for a designated period.

12. During 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 certification of student-athletes' eligibility for admission, financial aid, practice or competition;
- b. Submit a preliminary report to the OCOI by May 15, 2016, setting forth a schedule for establishing this compliance and educational program;
- c. File with the OCOI an annual compliance report indicating the progress made with this program on January 31 each year during the probation period. Particular emphasis shall be placed on education regarding benefits and inducements (including accommodations for student-athletes who arrive in the vicinity of campus prior to housing being available), coaches' responsibilities, and the establishment of a tutoring system that protects academic integrity. The report must include documentation of the institution's compliance with the penalties adopted and prescribed by the committee;
- d. Inform all prospective student-athletes in the sport of football that the institution is on probation for three years and explain the violations committed. The information must be provided in writing and for the full term of probation. The information must be provided before a prospective student-athlete signs a National Letter of Intent and no later than when the NCAA Eligibility Center provides a prospective student-athlete with the institution's academic data (see NCAA Bylaw 13.3.1.2); and
- e. For the full term of probation, publicize specific and understandable information concerning the nature of the infractions by providing, at a minimum, a statement including 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. The information shall also be included in the institution's football media guide and in an alumni publication. The statement must: (i) clearly describe the infractions; (ii) include the length of probation associated with the major infractions case; and (iii) give members of the general public a clear indication of what happened in the major infractions case to allow the public (particularly prospective student-athletes and their families) to make informed, knowledgeable decisions. A statement that refers only to the probationary period with nothing more is not sufficient.

13. At the conclusion of the probationary period, 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.

As required by NCAA legislation for any institution involved in a major infractions case, West Texas A&M University shall be subject to the provisions of NCAA Bylaw 19.5.2.3, concerning repeat violators, for a five-year period beginning on the effective date of the penalties in this case, March 23, 2016. Further, the committee 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 will cause the committee to consider extending the institution's probationary period, prescribing more severe penalties, or may result in additional allegations of violations.

NCAA COMMITTEE ON INFRACTIONS

Douglas D. Blais

John D. Lackey

Bridget Lyons

Julie A. Rochester, chair

Carey Snyder

Harry O. Stinson, III

Jane Teixeira

APPENDIX

THE INSTITUTION'S CORRECTIVE ACTIONS AS IDENTIFIED IN THE AUGUST 26, 2015, SUMMARY DISPOSITION REPORT.

1. On August 22, 2013, after determining he committed the violations discussed in Violation No. 3 of this report, West Texas A&M University (WTAMU) removed the former head coach from all coaching duties. The institution further required the former head coach to resign (or else be terminated), with the resignation taking effect October 21, 2013.
2. On October 28, 2014, WTAMU required that former assistant coach 2 resign (or else be terminated) as a result of his failure to report the academic misconduct violations involving football student-athlete 3.
3. WTAMU required the football staff to attend the Lone Star Conference Rules Education Seminar in June 2013.
4. WTAMU conducted rules education with its entire athletics staff specifically addressing, among other matters, Bylaw 13 as it concerns the housing violations described in Finding 1 of this report. All coaches were specifically instructed that student-athletes remain prospective student-athletes until they attend a class or participate in a sanctioned athletics activity and that the NCAA's inducement legislation continues to apply until that time.
5. WTAMU conducted rules education with the football coaching staff concerning impermissible benefit legislation and the institution's policy concerning the use of athletics funds to pay for hotel lodging. Coaching staff members involved in the violations at issue in this report and who remained at WTAMU received individualized, targeted rules education addressing their conduct. During these targeted rules education sessions, WTAMU specifically emphasized the coaches' responsibilities – specifically the head coach's responsibility – to monitor and provide effective oversight of the football staff's compliance efforts.
6. WTAMU amended its policy pertaining to allotment checks in response to the secondary violation described in this report. Specifically, athletics staff, coaches, and student-athletes were informed that, before any allotment check will be disbursed, the recipient student-athlete must affirmatively sign a ledger acknowledging receipt. Any deviation from this policy – for instance, if extenuating circumstances warrant someone other than the recipient student-athlete receiving the check – must be approved by the associate athletics director for compliance. Requests for exceptions must be presented in writing and include documentation establishing the existence of extenuating circumstances.
7. WTAMU increased its monitoring of prospective student-athletes who arrive on campus during the summer terms by requiring its coaching staff to provide signed lists of prospective student-athletes living in the Canyon or Amarillo, Texas area. The coaching staff must

provide confirmation of whether the prospective student-athlete is being housed in a dormitory or has signed an off-campus lease.

8. WTAMU has increased its emphasis on NCAA benefits legislation during rules education sessions with current and incoming student-athletes.
9. WTAMU notes that it would have pursued additional punitive measures against several of the other coaches identified in the report had they still been employed at the institution at the time these violations were discovered. In addition, the institution implemented the JumpForward compliance tracking system in August 2012, approximately four months prior to the initial report of violations. The institution has continued to utilize JumpForward as a unified recruiting contacts and reporting database and requires all athletics coaches to use the program.
10. On October 25, 2014, WTAMU declared football student-athlete 3 ineligible for competition as a result of the violations discussed in Violation No. 6. Student-athlete 3 did not compete for WTAMU after this date.
11. On October 31, 2014, WTAMU took the steps necessary to nullify the contests in which Student-athlete 3 competed while ineligible. WTAMU immediately notified the Lone Star Conference of these steps.
12. Beginning June 2013, WTAMU restricted the former head coach to on-campus recruiting through May 1, 2014. He did not complete this term due to his eventual resignation.
13. A letter of reprimand was issued to the former head coach on June 7, 2013, as a result of his failure to adequately monitor and control the football coaching staff, which contributed in part to the violations described in Violation No. 1 of this report.
14. A letter of reprimand was issued to former assistant coach 2 and two other assistant football coaches on June 7, 2013 as a result of their contributions to the impermissible housing arrangements involving transfer student-athletes.

Conference Actions

The Lone Star Conference accepted and implemented WTAMU's request to nullify the contest in which an ineligible player participated.