



HOUSTON BAPTIST UNIVERSITY
PUBLIC INFRACTIONS DECISION
January 19, 2018

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 is charged with deciding infractions cases involving member institutions and their staffs.¹ This case involved the football program at Houston Baptist University.² It centered on an impermissible prospective student-athlete host program. Additionally, the head football coach failed to promote an atmosphere of compliance and the institution failed to monitor. 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). Houston Baptist implemented corrective actions and penalties, which the panel adopted. However, the panel proposed additional penalties for Houston Baptist and a show-cause order for the head football coach, which both accepted. Therefore, pursuant to NCAA Bylaw 19.6, the parties do not have the opportunity to appeal.

Despite what should be a well-known prohibition against using student host groups exclusively organized and administered within athletics programs, the COI encountered yet another such case. In Houston Baptist's case, prior to the start of the 2014-15 academic year, circumstances caused a shortage of authorized individuals who could act as hosts for football prospects during weekend visits to the campus. In response to this, the head football coach initiated his own student host program and the football program used it over the course of three academic years. The program began early in the fall 2014 semester, when the head football coach approached his daughter, who was a Houston Baptist student and clerical worker in the football office, about serving as a campus tour guide for football prospects. She agreed and enlisted members of her sorority to assist in providing these tours. But this arrangement violated NCAA rules. The membership has been on notice for over a decade regarding the impermissibility of student host groups initiated by coaches and operated in a manner inconsistent with a member institution's policy for hosting prospective students in general.

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

² A member of the Southland Conference, Houston Baptist has an enrollment of 3,345. The institution sponsors seven men's sports and eight women's sports. Houston Baptist was an NCAA Division I member institution from approximately 1973 to 1989 and then joined the National Association of Intercollegiate Athletics (NAIA). The institution rejoined the NCAA as a Division I member in 2011, and started a football program beginning in the 2013-14 academic year. This is Houston Baptist's second major, Level I or Level II infractions case. Its only previous case occurred in 1990 and it involved men's gymnastics.

The NCAA published multiple education columns on this issue over the past 13 years, most recently in 2015. Yet, despite extensive notice to the membership, this is the third case in the past three years that included an impermissible student host group.

In addition, the parties agreed that the head coach did not rebut the presumption of responsibility for this violation. Specifically, he initiated the football student host program without seeking guidance from the compliance staff as to whether the student hosts' activities were permissible under NCAA legislation. This oversight demonstrated the head coach's failure to promote an atmosphere of compliance within the football program, a Level II violation of head coach responsibility legislation. This case reflects the importance of coaching staff members, particularly head coaches, consulting with the compliance office regarding recruiting activities, before independently taking action that could possibly violate NCAA legislation.

Even though Houston Baptist was aware that the head football coach's daughter and members of her sorority were acting as hosts for prospects, it failed to educate the football program regarding the host legislation, monitor its use of student hosts and/or identify potential violations of the host legislation. While the institution's oversight failures relative to the football student host program did not rise to a lack of institutional control, they demonstrate the absence of certain elements of an effective monitoring program and support a failure to monitor violation, a Level II violation of the principle of rules compliance.

The panel accepts the parties' factual agreements and concludes violations occurred. After considering applicable aggravating and mitigating factors, the panel classifies this case as Level II-Standard for Houston Baptist and the head football coach's violations. Utilizing the current penalty guidelines and NCAA bylaws authorizing additional penalties, the panel prescribes the following penalties: two years of probation, a \$5,000 fine, recruiting restrictions and a two-year show-cause order for the head football coach's conduct.

II. CASE HISTORY

On February 13, 2017, Houston Baptist submitted a self-report of recruiting violations in its football program to the NCAA enforcement staff. The report documented that a student who graduated from Houston Baptist in December 2016 provided campus tours during mid-to-late January 2017, to football prospects on official visits. Subsequently, in late February 2017, the institution submitted a second self-report that the football program paid sorority members to provide on-campus tours to football prospects during official visits. On May 10, 2017, the enforcement staff issued a notice of inquiry. In late July 2017, the enforcement staff provided a draft notice of allegations to Houston Baptist and the head football coach (head coach) to review and determine whether the parties could agree to the summary disposition process. Four days later, the parties accepted the proposed findings of fact and agreed to the summary disposition process. On October 11, 2017, the enforcement staff submitted the final summary disposition

report to the COI.³ A panel reviewed the SDR in early December 2017, accepted the facts comprising the case, but concluded that additional penalties were appropriate. In a December 12, 2017, letter, the panel proposed the following additional penalties: public reprimand and censure, two years of probation, a financial penalty, recruiting restrictions and a two-year show cause involving recruiting restrictions for the head coach. On December 18, 2017, Houston Baptist submitted a letter to the Office of the Committee on Infractions (OCOI) documenting additional self-imposed recruiting restrictions. On December 19, 2017, Houston Baptist and the head coach accepted the additional penalties proposed by the panel.

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.⁴ The SDR identified:

1. [NCAA Division I Manual Bylaws 16.11.1.1 (2014-15); 13.6.7.5, 13.6.7.6 and 13.7.2.1.8 (2014-15 through 2016-17); 16.11.2.1 (2015-16 and 2016-17); and 13.1.2.1 (2016-17)] (Level II)

The enforcement staff and Houston Baptist agree that during the 2014-15 through the 2016-17 academic years, Houston Baptist's football program violated NCAA recruiting legislation when it: (a) impermissibly organized, funded and oversaw a student-host program not designated in a manner consistent with the institution's policy for providing campus visits and tours to prospective students in general; (b) provided the impermissible student hosts with meals; and (c) used an impermissible recruiter during official visits. Specifically:

- a. During the 2014-15 through the 2016-17 academic years, Houston Baptist's football program employed at least eight female students, who were not designated in a manner consistent with the institution's policy for providing campus visits and tours to prospective students in general, to conduct impermissible hosting duties, which violated NCAA recruiting legislation. Specifically, the eight female students: (1) escorted and conversed with football prospects and their families during pregame activities for unofficial

³ Pursuant to COI Internal Operating Procedure (IOP) 4-9-2-1 (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 of NCAA legislation and violations levels exactly as stated in the SDR, except for shortening references to the parties.

visits; (2) were present for on-campus meals for official visits to accompany, converse with and answer questions of football prospects and their families; and (3) conducted campus tours during unofficial and official visits for football prospects and their families.

- b. During the 2014-15 through the 2016-17 academic year, Houston Baptist's football program provided impermissible meals during official visits to the student hosts referenced in Violation No. 1-a. The meals were not permissible as the student hosts were not designated in a manner consistent with the institution's policy for providing campus visits and tours to prospective students in general and the students were not designated as the one student-athlete host for football prospects.
- c. From January 13 through 28, 2017, Houston Baptist's football program permitted a former student to serve as a student host during official visits, which included being present at on-campus meals for official visits to accompany, converse with and answer questions of football prospects and their families and conducting campus tours for football prospects and their families.⁵ The former student was not a permissible recruiter under NCAA legislation; therefore, the activities violated NCAA recruiting legislation.

2. [NCAA Division I Manual Bylaw 11.1.1.1 (2014-15 through 2016-17)] (Level II)

The enforcement staff, Houston Baptist and the head coach agree that during the 2014-15 through the 2016-17 academic years, the head coach is presumed responsible for the violations detailed in Violation No. 1 and did not rebut the presumption of responsibility. Specifically, the head coach did not demonstrate that he promoted an atmosphere for compliance due to his personal involvement in the violations and his failure to seek guidance from the compliance staff as to whether the student hosts' activities were permissible under NCAA legislation.

3. [NCAA Division I Manual Constitution 2.8.1 (2014-15 through 2016-17)] (Level II)

The enforcement staff and Houston Baptist agree that during the 2014-15 through the 2016-17 academic years, the scope and nature of the violations detailed in Violation No. 1 demonstrate that the institution violated the NCAA Principle of Rules Compliance when it failed to adequately monitor its football program and ensure compliance with the recruiting legislation related to student hosts. Specifically, even though the institution was aware of the activities outlined in

⁵ The former student graduated from Houston Baptist in December 2016, and served as an impermissible student host for the 2014-15 and 2015-16 academic years and the fall 2016 semester as detailed in Violation Nos. 1-a and 1-b.

Violation No. 1, it failed to educate the football program regarding the student host legislation, monitor its use of student hosts and/or identify potential violations of the student-host legislation.

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:

Houston Baptist:

1. Aggravating factors [Bylaw 19.9.3]
 - a. A history of Level I, Level II or major violations. [Bylaw 19.9.3-(b)]⁶
 - b. Multiple Level II violations. [Bylaw 19.9.3-(g)]
 - c. Persons 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, acceptance of responsibility and imposition of meaningful corrective measures. [Bylaw 19.9.4-(b)]
 - b. An established history of self-reporting Level III or secondary violations. [Bylaw 19.9.4-(d)]⁷

Head football coach:

1. Aggravating factors [Bylaw 19.9.3]

Persons 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]

The absence of prior Level I, Level II or major violations committed by the involved individual. [Bylaw 19.9.4-(h)]

IV. REVIEW OF CASE

⁶ Although agreed upon, the panel accorded little weight to the aggravating factor set forth in Bylaw 19.9.3-(b) *A history of Level I, Level II or major violations*. The institution's only such case occurred in 1990.

⁷ The institution reported 33 Level III or secondary violations from June 1, 2012, through May 31, 2017, an average of approximately six violations each year.

The SDR fully detailed the parties' positions in this case 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.

Despite what should be a well-known prohibition against using prospective student-athlete host groups exclusively organized and administered within athletics programs, this is the third case in recent years involving impermissible hosts for football prospects. The head coach, with the assistance of his daughter, initiated a student host program within the football program that operated in a manner inconsistent with Houston Baptist's policy for hosting prospective students in general. The head coach's personal involvement in the student host program and his failure to seek guidance from the compliance staff supported the parties' agreed-upon head coach responsibility violations. Moreover, Houston Baptist failed to educate the football program regarding student host legislation. These inadequacies demonstrated that Houston Baptist failed to monitor certain aspects of its football program. Cumulatively, the conduct triggered violations in four areas of NCAA legislation.

Football Student Host Program

Houston Baptist's football recruiting host program violated NCAA recruiting legislation in three primary ways – recruiting, head coach responsibility and monitoring. It also violated extra benefit legislation when two track student-athletes, who were members of the head coach's daughter's sorority, were paid to be campus tour guides. The violations occurred within Bylaws 13, 16, 11 and Constitution 2.

Bylaw 13 governs recruiting. Bylaw 13.1.2.1 requires all recruiting contacts with a prospect or the prospect's relatives to be made only by authorized institutional staff members. Regarding on-campus recruiting contacts by student hosts, Bylaws 13.6.7.5 and 13.7.2.1.8 govern the use of student hosts during prospects' official and unofficial visits. Both Bylaw 13.6.7.5, regarding official visits, and Bylaw 13.7.2.1.8, pertaining to unofficial visits, require student hosts to be either a current student-athlete or a student who is designated in a manner consistent with the institution's policies for providing campus tours or visits to prospective students in general. Relatedly, Bylaw 13.6.7.6 prohibits institutions from providing a cost-free meal to a member of an institutional student support (host) group that assists in the recruitment of a prospects. As it relates to enrolled student-athletes, Bylaw 16 governs awards, benefits and expenses. Bylaw 16.11.1.1 (2014-15) and 16.11.2.1 (2015-16 and 2016-17) prohibit student-athletes from receiving "extra benefits," which are benefits not authorized under NCAA legislation.

A lack of authorized individuals who could act as hosts for football prospects during weekend visits to Houston Baptist's campus prompted the head coach to create his own student host program. Houston Baptist's official student-host group, the Husky Ambassadors, did not conduct campus tours on weekends, the time when most football prospects visited. Therefore, as a general practice the football program permissibly used other individuals, including women's soccer student-athletes and members of the football coaching staff, to provide weekend campus

tours for football prospects. That practice changed during the 2013-14 academic year when the women's soccer student-athletes stopped providing the weekend tours. This caused the head coach to look for other options.

Early in the fall 2014 semester, the head coach approached his daughter about serving as a campus tour guide for football prospects. She was a student at Houston Baptist and worked in the football office. She agreed and enlisted members of her sorority to assist in providing these tours. The head coach did not consult with the compliance office about the permissibility of using sorority members as hosts for prospects. Subsequently, the football program employed these students as hosts and tour guides for three years, paying them an hourly wage. Two of these students were also track student-athletes at the time, and the institution also paid them to be campus tour guides. As part of official visits, the football program provided a catered lunch for visiting prospects and their families. The student hosts typically ate lunch with the prospects and their families, along with the football coaching staff, professors, student-athlete hosts and members of the athletics department. The football program also used a former student, who was previously a member of the head coach's daughter's sorority, as a host for football prospects during a two-week period in January 2017.

The head coach's football host program violated recruiting and extra benefit legislation in three primary ways. In the first way, most members of the football host group were not student-athletes. Moreover, none engaged in host activity under regular campus visit policy for host groups. Consequently, when these students provided campus tours for prospects and their families, this activity violated Bylaws 13.6.7.5 and 13.7.2.1.8 because these students were not designated in a manner consistent with the institution's policy for providing campus visits and tours to prospective students in general. Also, when these members of the football host group received cost-free meals in conjunction with their hosting duties, Houston Baptist violated Bylaw 13.6.7.6 which prohibits institutions from providing free meals to student groups that assist in recruiting. Further, when Houston Baptist used a former student to engage in recruiting activities by providing campus tours on official visits after she had graduated, the institution violated Bylaw 13.1.2.1 because she was not a staff member authorized to engage in recruiting activity.

The involvement of student-athletes as paid campus tour guides and hosts triggered violations under Bylaw 16, awards and benefits. In this case, although two of the sorority members who acted as football hosts and tour guides were women's track student-athletes at the time, they were neither designated by the football program as student-athlete hosts for football prospects nor part of Houston Baptist's official student-host program. Therefore, when the football staff paid these student-athletes to act as hosts and campus tour guides, it provided a special arrangement and an extra benefit not authorized under NCAA legislation, violating Bylaws 16.11.1.1 (2014-15) and 16.11.2.1 (2015-16 and 2016-17).

Impermissible recruiting student host programs are an important matter to the membership. This is reflected in the fact that the national office disseminated educational columns devoted to this topic in 2004, 2010, 2012 and 2015. The prohibition of such groups is well-known and reflect

the findings and subsequent policy of several working groups that examined on-campus recruiting practices. These groups determined that a prohibition against gender-based host programs that focus solely on recruiting activities during prospective student-athlete's campus visits will provide a more realistic campus environment consistent with the recruitment of other visiting prospective students. Houston Baptist's employment of an all-female group to act as hosts for football prospects is contrary to this viewpoint and conferred an unfair advantage in the recruiting process over institutions that comply with the legislation and do not use impermissible student hosts.

As in the two previous cases involving this issue, the recruiting host and extra benefit violations in this case are Level II violations because they provided or were intended to provide more than a minimal but less than a substantial recruiting advantage. *See Rutgers, The State University of New Jersey, New Brunswick* (2017) (concluding a Level II violation occurred when, over a five-year period, Rutgers impermissibly allowed members of a football student-ambassador group to serve as student hosts during prospects' official and unofficial visits); and *Oklahoma State University* (2015) (concluding a Level II violation occurred when, over a four-year period, a student host group engaged in impermissible hosting activities during official and unofficial visits to campus by football prospects and their families). The Level II classification is consistent with these recent cases involving recruiting host violations.

Head Coach Responsibility

The recruiting violations in this case support the parties' agreed-upon head coach responsibility violation. The head coach failed in his responsibility in the following two ways: his direct involvement in the violation and his failure to consult with compliance. First, he initiated the impermissible student host program and thus was personally involved in the violations. Further, he failed to seek guidance from the compliance staff regarding the student host program he initiated. The panel concludes that this conduct ran counter to the head coach's responsibility under Bylaw 11 to promote an atmosphere of compliance within the football program.

Bylaw 11 governs the conduct and ethics of athletics personnel. Bylaw 11.1.1.1 establishes an affirmative duty for head coaches to monitor their staff members and promote an atmosphere of compliance within their programs. Head coaches are presumed responsible for violations in their programs but may rebut this presumption by demonstrating they promoted an atmosphere of rules compliance and monitored their staff members.

The head coach did not demonstrate that he promoted an atmosphere of compliance and therefore did not rebut the presumption of responsibility for two reasons: (1) he initiated the impermissible student host program and thus was personally involved in the violations and (2) he failed to seek guidance from the compliance office regarding the permissibility of his student host program under NCAA legislation. First, the head coach initiated and, with the assistance of his daughter, organized a student host program comprised of sorority members who provided campus tours on weekends for football prospects and members of their families. This all-female host program operated independent of Houston Baptist's official student-host group, the Husky

Ambassadors, and was not organized and administered in a manner consistent with the institution's policy for providing campus visits and tours to prospective students in general. Second, the head coach did not consult with the compliance office regarding the permissibility of his football host group. Head coaches must be mindful of the need to check with the compliance office before initiating any activity, particularly of a recruiting nature, that has any possibility of violating NCAA legislation.

The COI has regularly concluded head coach responsibility violations when the coach makes his own uninformed determination without consulting compliance staff. *See Monmouth University* (2017) (concluding that the head men's tennis coach impermissibly arranged housing for the prospect and permitted him to practice before enrollment and did not consult with the compliance staff prior to making these arrangements); *Grambling State* (concluding the former head women's track and field coach violated head coach responsibility legislation and that had he inquired about the permissibility of the living arrangement of the prospect that arrived early, he would have learned of the recruiting inducements violation); and *University of Hawaii at Manoa* (2015) (concluding the former head men's basketball coach violated head coach responsibility legislation when he determined an extra benefits violation did not occur without consulting the compliance staff). Like in these cases, the head coach failed to consult the compliance staff and did not promote an atmosphere of compliance. Accordingly, the head coach violated Bylaw 11.1.1.1.

Consistent with Bylaw 19.1.2 and previous cases, the head coach responsibility violation is Level II because it resulted from underlying Level II violations. *See* Bylaw 19.1.2 (citing, as a specific example of a Level II violation, a head coach violation resulting from underlying Level II violations); *The Ohio State University* (2017) (concluding a head men's swimming coach who committed Level II recruiting violations and did not take steps to prevent other recruiting violations also committed a Level II head coach responsibility violation); *Sam Houston State* (concluding a head women's tennis coach who committed multiple Level II recruiting and extra-benefits violations also committed a Level II head coach responsibility violation); and *Florida International University* (2017) (concluding a head women's basketball coach who committed a Level II violation when he provided an impermissible \$600 cash benefit to one of his student-athletes also committed a Level II head coach responsibility violation). Thus, as the underlying recruiting violations in this case are Level II, the head coach's Bylaw 11.1.1.1 violation is likewise Level II.

Failure to Monitor

Houston Baptist failed to monitor its football program to ensure compliance with NCAA student host legislation in two ways. First, even though the institution was aware of the football student hosts activities outlined in Violation No. 1, it failed to educate the football program regarding the student host legislation. Second, it failed to monitor its use of student hosts and/or identify potential violations of the student-host legislation. As a result, the recruiting violations associated with the football program occurred over a three-year period during the 2014-15 through 2016-17 academic years. In failing to monitor, Houston Baptist violated Constitution 2.

Constitution 2 sets forth core principles for institutions conducting intercollegiate athletics programs. Constitution 2.8.1 requires an institution to abide by all rules and regulations, monitor compliance and report instances of noncompliance.

Regarding education relating to student hosts, Houston Baptist's compliance staff provided monthly NCAA rules education to the football staff, which included information about official and unofficial visits. However, none of these sessions discussed student hosts, except for rules pertaining to student-athletes who acted in a hosting capacity. The athletics department also had published policies and procedures regarding official and unofficial visits, but none addressed the use or permissibility of student hosts who were not student-athletes. Because of the lack of education regarding the use of student hosts, no one in the football program realized that using the head coach's daughter and other sorority members to provide campus tours was a violation of NCAA legislation. Finally, while athletics department staff members knew the head coach's daughter worked with the football program during the 2014-15 through the 2016-17 academic years, no one provided her or the football coaches with education regarding what she could, and could not do, within the bounds of NCAA legislation.

In addition to failing to provide compliance education relating to student-hosts, Houston Baptist failed to monitor certain aspects of the football program. No one questioned the head coach's daughter's role or responsibilities relative to NCAA legislation despite the fact it was generally known that she served as an on-campus recruiter who provided campus tours. In addition, multiple athletics staff members either knew or should have known that the football staff used the head coach's daughter and members of her sorority to serve as tour guides based on their presence at official visit lunches. Despite these circumstances, no one inquired to determine whether the activities of this all-female group were permissible under NCAA legislation. Because the institution failed to educate, monitor and identify potential violations of the student hosts legislation in a timely manner, the violations occurred over multiple years.

While the institution's oversight failures relative to the football student host program did not rise to a lack of institutional control, they demonstrate the absence of certain elements of an effective monitoring program and support a failure to monitor violation. Monitoring recruiting activity, including recruiting student host programs, is an important aspect of any compliance system. So is the responsibility to provide proper compliance education. *See Rutgers* (concluding the institution failed to monitor when, among other shortcomings, it failed to ensure that its football student ambassadors' recruiting activities were permissible and did not provide rules education to the football staff or ambassadors regarding the "do's and don'ts" of such programs). In this case, Houston Baptist neither educated its athletics staff regarding the proper use of student hosts within NCAA legislation, nor monitored the activity of the student hosts, and thus lacked basic elements of a monitoring program.

Pursuant to Bylaw 19.1.2-(b), a failure to monitor is presumed Level II if the underlying violations are Level II unless facts warrant otherwise. In this case, because the underlying recruiting violations are Level II, the panel concludes Houston Baptist's failure to monitor is likewise Level II. This conclusion is consistent with recent cases. *See Monmouth University*

(2017) (concluding the institution committed a Level II failure to monitor violation when it did not monitor its men's tennis program and the conduct of the former head coach, which allowed the violations to occur undetected); and *University of Missouri, Columbia* (2016) (concluding the institution committed a Level II failure to monitor violation involving the men's basketball program when the institution allowed Level II recruiting inducements violations to occur undetected). Similar to *Monmouth* and *Missouri*, Houston Baptist failed properly oversee and monitor certain aspects of a particular sports program (football, in this case), which caused the violations associated with the student host program to go undetected.

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, including violations that involve more than a minimal but less than a substantial or extensive impermissible benefit.

Pursuant to Bylaw 19.9.1, the panel prescribes penalties under the current penalty structure because the violations in this case occurred after October 30, 2012. In considering penalties, the panel first reviewed aggravating and mitigating factors identified in 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.⁸ The parties agreed to three aggravating factors and two mitigating factors for Houston Baptist. The panel determines that all five factors apply, but assesses little weight to Bylaw 19.9.3-(b) *A history of Level I, Level II or major violations*, because Houston Baptist has only one previous major infractions case and it occurred nearly 30 years ago. With respect to the head coach, the parties agreed to one aggravating factor and one mitigating factor. The panel determines that the two agreed-upon factors apply to the head coach. The panel determines that no other factors apply to either Houston Baptist or the head coach.

The panel assessed the aggravating and mitigating factors by weight and number. Based on its assessment, the panel classifies this case as Level II-Standard for Houston Baptist and for the head coach's violations.

Because Houston Baptist and the head coach agreed to the facts and violations, and both accepted the panel's proposed additional penalties, the parties have no opportunity to appeal. All penalties prescribed in this case are independent and supplemental to any action that has been or

⁸ 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.

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 Houston Baptist's cooperation in all parts of this case and determines it was consistent with a member institution's obligation under Bylaw 19.2.3. The panel also considered Houston Baptist'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-Standard Violations (Bylaw 19.9.5)

1. Probation: A two-year probationary period beginning January 19, 2018, and concluding January 18, 2020.
2. Financial Penalty: Houston Baptist shall pay a \$5,000 fine.
3. Recruiting Restrictions—Institution: Houston Baptist shall limit official visits in football to 26 during each of two years. [Note: The institution has the option to implement these visit limitations beginning with the current academic year or starting with the 2018-19 academic year.]⁹
4. Recruiting Restrictions—Institution: Houston Baptist shall reduce the number of coaches participating in off-campus evaluations by one (from eleven to ten in the fall and eleven to ten in the spring) during the 2017-18 academic year. Further, the institution will also reduce the total number of evaluation days from 210 to 120 during the 2017-18 academic year. (Self-imposed.)
5. Recruiting Restrictions—Head Coach: Houston Baptist reduced the head coach's recruiting activity by two weeks during the 2017 spring evaluation period. (Self-imposed.)
6. Show-Cause Order—Head Coach Restrictions: The head football coach agreed he failed to promote an atmosphere of compliance due to his personal involvement in the violations and his failure to seek guidance from the compliance staff as to whether the student hosts' activities were permissible under NCAA legislation. Therefore, pursuant to Bylaw 19.9.5.4, the panel prescribes the following:

The head coach shall be subject to a two-year show-cause order from January 19, 2018, to January 18, 2020. Houston Baptist and any other institution that may employ the head coach during this two-year period shall restrict him from engaging in any face-to-face recruiting contacts (as defined in Bylaw 13.02.4) with prospects and their family members/legal guardians for the first week of the contact period in both the 2018-19 and 2019-20 academic years. Houston Baptist or any other employing member institution shall adhere to this

⁹ This represents a reduction of five from the institution's average number of official visits the previous four years.

penalty and provide reports proving compliance with these restrictions during the 2018-19 and 2019-20 academic years. The two-year show-cause order is pursuant to Bylaw 19.9.5 and consistent with past cases involving limited violations of extra benefit or recruiting legislation. See *Prairie View A&M University* (2017) (concluding that an assistant men's basketball coach violated benefit legislation by arranging the payment for an online course the student-athlete needed to regain his eligibility resulting in a two-year show-cause order); and *Grambling State University* (2017) (concluding that an assistant track coach provided a prospect and her father with improper inducements resulting in a two-year show-cause order). The panel did not prescribe a game suspension for the head coach, which is within the penalty guidelines for a Level II-Standard case. (0%-30% percent of the season.)

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

7. Public reprimand and censure (accomplished through release of the public infractions decision).
8. During the period of probation, Houston Baptist 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 institutional staff members with responsibility for NCAA recruiting and certification legislation;
 - b. Submit a preliminary report to the OCOI by March 15, 2018, setting forth a schedule for establishing this compliance and educational program;
 - c. File with the OCOI annual compliance reports indicating the progress made with this program by November 30 during each year of probation. Particular emphasis shall be placed on monitoring the institution's recruiting activity, particularly in the sport of football, and compliance education pertaining to recruiting.
 - d. Inform in writing football prospects that Houston Baptist is on probation for two years and detail the violations committed. If a prospect 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 prospect signs a National Letter of Intent;
 - e. Publicize specific information concerning the infractions by providing, at a minimum, a statement to include the types of violations in the football program and a direct, conspicuous link to the public infractions report located on the athletic department's main or "landing" webpage. The information shall also be included in the football media guides (either paper or digital versions) and in an alumni publication. The institution's statement must: (1) clearly describe the infractions and how they occurred; and (2) include the penalties associated with the infractions case; and

- f. Following the receipt of the final annual compliance report and prior to the end of probation date, the institution's president shall provide a letter to the COI affirming that the institution's current athletics policies and practices conform to all requirements of NCAA regulations.
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The COI advises Houston Baptist 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 Houston Baptist 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

Greg Christopher

Tom Hill

Stephen A. Madva

Joyce McConnell

Joe Novak

Larry Parkinson

Sankar Suryanarayan, Chief Hearing Officer

APPENDIX

**HOUSTON BAPTIST'S CORRECTIVE ACTIONS AS IDENTIFIED IN THE
OCTOBER 11, 2017, SUMMARY DISPOSITION REPORT AND DECMEBER 18, 2017
LETTER**

1. A letter of reprimand for the head football coach.
2. Further rules education for the football staff.
3. All official visit itineraries will now be reviewed by the assistant athletics director for compliance 48 hours prior to prospects' arrival on campus. The purpose for the action is to review who will be student host, who will be traveling on the official visit, to review campus tours and who will be conducting the tour.
4. All on-campus tours will be conducted by either a student-athlete, countable coaches, or through the Office of Admissions. Henceforth, the Houston Baptist University Football Program will not use any sorority student group and will not organize another student group to assist in recruiting prospects in any manner unless it is approved, organized through, and operated by the Office of Admissions as prescribed by the NCAA rules, as long as this rule remains in effect.
5. All coaches have been educated regarding student-host groups and organizations. Further, coaches were made aware that any student-host group must be sponsored through the University Office of Admissions and will need to meet university criteria.
6. Coaches have been strongly encouraged to adhere to and to turn in expense reports on time to the deputy athletics director.
7. Updated transfer procedures.
8. At the institution's expense, NCAA Academic and Membership Affairs staff will be invited to conduct, on the institution's campus, an Houston Baptist University Football staff compliance education seminar in 2018 at a date and time to be agreed on by both parties. Documentation of attendance at this seminar, relating to recruiting, shall be included in the institution's 2018 annual compliance report.
9. During the period of probation, and in addition to the compliance education seminar listed above for the institution's football staff, the institution shall devote one of its monthly Rules Compliance Seminars as an educational session on NCAA recruiting legislation regarding use of student hosts. This session will be attended by all coaches, athletic staff, and institutional staff responsible for adherence to, and implementation of NCAA rules.

Documentation of attendance at this Rules Compliance Seminar shall be included in the institution's 2018 annual compliance report.