



SOUTHEAST MISSOURI STATE UNIVERSITY
PUBLIC INFRACTIONS DECISION
March 10, 2017

I. INTRODUCTION

The NCAA Division I Committee on Infractions (COI) is an independent administrative body of the NCAA comprised of individuals from the Division I membership and the public. The committee decides infractions cases involving member institutions and their staffs.¹ This case involved academic misconduct by a former assistant men's basketball coach at Southeast Missouri State University.² A panel of the committee considered this case through the cooperative summary disposition process in which all participating parties agreed to the primary facts and violations, as fully set forth in the summary disposition report (SDR). The panel proposed additional penalties to the institution and the former assistant coach. The institution agreed to the additional penalties proposed by the panel and therefore has no opportunity to appeal. The former assistant coach, after not initially participating in the SDR process, contested the length of his proposed show-cause penalty at an expedited hearing. The committee retained the contested penalty in part. Pursuant to NCAA Bylaw 19.6.4.5, the former assistant coach has the opportunity to appeal his penalty.

As detailed in the SDR, the former assistant coach involved an enrolled student-athlete and several other individuals in an academic misconduct scheme centered on arranging fraudulent academic credit for a prospective student-athlete's online courses. Specifically, the former assistant coach abused his position of trust by pressuring an enrolled men's basketball student-athlete into completing three exams in Adams State University online courses on behalf of a men's basketball prospective student-athlete. As part of this academic misconduct scheme, the former assistant coach also arranged for other individuals associated with the men's basketball program to complete coursework in four Adams State online courses on the prospect's behalf. During the institution's and NCAA's investigation into these violations, the former assistant coach provided false or misleading information and failed to cooperate. The participating parties agreed that the former assistant coach's conduct violated NCAA ethical conduct legislation and constituted Level I violations. The panel concurs.

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

² A member of the Ohio Valley Conference, Southeast Missouri State University has an enrollment of 11,978 undergraduate students. It sponsors five men's and eight women's sports. This was the institution's sixth major, Level I or Level II infractions case with the institution most recently appearing before the COI in 2016 for a case involving its women's basketball program. The institution also had previous infractions cases in 2009 (men's and women's basketball), 2008 (men's and women's basketball), 1998 (men's basketball) and 1979 (men's basketball and men's track).

The panel accepts the parties' factual agreements and concludes that violations occurred in this case. Based on the timing of the violations, the panel used the current penalty guidelines. After considering the aggravating and mitigating factors, the panel classifies the case as Level I-Mitigated for the institution and Level I-Aggravated for the former assistant coach's violations. Utilizing the penalty guidelines and NCAA bylaws authorizing additional penalties, the panel prescribes the following core penalties: a two-year extension of probation from the institution's 2016 infractions case, a \$5,000 financial penalty and a six-year show-cause order for the former assistant coach.

II. CASE HISTORY

This case originated on October 7, 2015, when an enrolled men's basketball student-athlete informed his head coach that he had completed online exams on behalf of the prospect at the direction of the former assistant coach.³ The following day, the institution placed the former assistant coach on paid administrative leave and commenced an investigation.

On October 20, 2015, the institution contacted the NCAA enforcement staff to share the information it had developed and the two began a cooperative investigation.⁴ On November 3, 2015, the institution terminated the former assistant coach's employment. One week later, on November 10, 2015, the enforcement staff sent a letter to the former assistant coach requesting records related to the investigation. Although he had participated in three interviews and cooperated with the investigation to this point, the former assistant coach did not respond to this request. Nor did he respond to the enforcement staff's subsequent repeated requests for additional records and a final interview.

The enforcement staff issued a verbal notice of inquiry to the institution on January 27, 2016. On October 4, 2016, the enforcement staff provided the institution and the former assistant coach with a draft notice of allegations. The institution notified the enforcement staff on October 10, 2016, that it wished to process the case through summary disposition. The former assistant coach remained unresponsive.

On December 5, 2016, the institution and enforcement staff submitted the SDR to the COI. A panel of the COI reviewed the SDR on January 5, 2017. The panel proposed additional penalties to the institution and the former assistant coach on January 17, 2017. The additional penalties included a two-year extension of probation from the institution's 2016 infractions case, public

³ The enforcement staff requested limited immunity for the enrolled student-athlete prior to interviewing him. The chair of the COI granted that request on October 20, 2015. The enrolled student-athlete has complied with the conditions of limited immunity by providing complete and truthful information and fully cooperating with the investigation.

⁴ At the time the institution discovered the violation in this case, the enforcement staff and the institution were preparing to submit to the COI an already-completed SDR involving recruiting violations in the women's basketball program. To ensure a fair and timely resolution for the women's basketball program, the institution and the enforcement staff determined that the case should be bifurcated. The chair of the COI agreed. On February 12, 2016, the COI released its decision in the women's basketball case.

reprimand and censure, administrative reporting requirements, and a show-cause order for the former assistant coach. On January 19, 2017, the institution accepted the proposed penalties. The former assistant coach, however, notified the panel on January 18, 2017, that he would not accept the proposed show-cause penalty and requested an expedited hearing on the issue. The panel conducted an expedited penalty hearing via videoconference on February 13, 2017.

III. PARTIES' AGREEMENTS

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

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

[NCAA Division I Manual Bylaws 10.01.1, 10.1 (2014-15 through 2016-17), 10.1-(b) (2014-15 through 2015-16), 10.1-(d) (2015-16), 10.1-(a) and 19.2.3 (2015-16 and 2016-17) (Level I)]

The institution and enforcement staff agreed the former assistant men's basketball coach (former assistant coach) violated the principles of ethical conduct when he: (1) knowingly arranged for the receipt of fraudulent academic credit for a prospective student-athlete; (2) provided false or misleading information during his interviews; and (3) failed to cooperate with the institution and enforcement staff's investigation. Specifically:

- a. Between July and October 2015, a men's basketball prospective student-athlete (the prospect) was enrolled in four online courses at Adams State: (1) ENG 101 Communication Arts I, (2) ENG 102 Communication Arts II, (3) MATH 104 Finite Mathematics, and (4) PHIL 201 Introduction to Philosophy. The former assistant coach knowingly arranged to have a current men's basketball student-athlete (the enrolled student-athlete) complete three exams and individuals associated with the men's basketball program, who were located in California and Missouri, complete the remaining coursework on behalf of the prospect. As a result, the prospect received fraudulent academic credit that was later rescinded based on a finding by Adams State of academic misconduct. [Bylaws 10.01.1, 10.1 and 10.1-(b) (2014-15 and 2015-16)]
- b. During his October 8, October 9 and November 3, 2015, interviews with the institution and/or enforcement staff, the former assistant coach provided false or misleading information when he denied knowledge of and/or involvement in the arrangement for the completion of coursework on behalf of the prospect by individuals associated with the program as outlined in Violation No. 1-a. The former assistant coach's statements are in direct contradiction to information

reported, as well as metadata associated with the coursework. [Bylaws 10.01.1, 10.1 and 10.1-(d) (2015-16)]

- c. Beginning November 10, 2015, and continuing to the present, the former assistant coach failed to cooperate with the institution and enforcement staff when he refused to furnish information relevant to an investigation of possible NCAA violations. Specifically, the former assistant coach failed to submit records when requested to do so on multiple occasions and failed to submit to a final interview pursuant to a request made by the enforcement staff. [Bylaws 10.01.1, 10.1, 10.1-(a) and 19.2.3 (2015-16 through 2016-17)]

B. PARTIES' AGREED-UPON AGGRAVATING AND MITIGATING FACTORS

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

Agreed-upon aggravating and mitigating factors. [Bylaws 19.9.3 and 19.9.4]

a. Aggravating factors. [Bylaw 19.9.3]

- (1) A history of Level I, Level II or major violations by the institution, sport program(s) or involved individual. [Bylaw 19.9.3-(b)]

b. Mitigating factors. [Bylaw 19.9.4]

- (1) Prompt self-detection and self-disclosure of the violation(s). [Bylaw 19.9.4-(a)]
- (2) Prompt acknowledgement of the violation(s), acceptance of responsibility and imposition of meaningful corrective measures and/or penalties. [Bylaw 19.9.4-(b)]
- (3) Affirmative steps to expedite the final resolution of the matter. [Bylaw 19.9.4-(c)]
- (4) An established history of self-reporting Level III or secondary violations. [Bylaw 19.9.4-(d)]
- (5) Implementation of a system of compliance methods designed to ensure rules compliance and satisfaction of institutional/coaches' control standards. [Bylaw 19.9.4-(e)]
- (6) Exemplary cooperation. [Bylaw 19.9.4-(f)]

Pursuant to Bylaw 19.6.2-(g), the participating parties agreed to the following aggravating and mitigating factors for the former assistant coach:

Agreed-upon aggravating and mitigating factors. [Bylaws 19.9.3 and 19.9.4]

a. Aggravating factors. [Bylaw 19.9.3]

- (1) Multiple Level I violations. [Bylaw 19.9.3-(a)]
- (2) Unethical conduct, compromising the integrity of an investigation, failing to cooperate during an investigation or refusing to provide all relevant or requested information. [Bylaw 19.9.3-(e)]
- (3) Violations were premeditated, deliberate or committed after substantial planning. [Bylaw 19.9.3-(f)]
- (4) One or more violations caused significant ineligibility or other substantial harm to a student-athlete or prospective student-athlete. [Bylaw 19.9.3-(i)]
- (5) Conduct or circumstances demonstrating an abuse of a position of trust. [Bylaw 19.9.3-(j)]
- (6) Intentional, willful or blatant disregard for the NCAA constitution and bylaws. [Bylaw 19.9.3-(m)]

b. Mitigating factors. [Bylaw 19.9.4]

None.

IV. REVIEW OF CASE

A. Agreed-upon violations

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

The former assistant coach engaged in academic misconduct when he knowingly arranged for individuals associated with the men's basketball program, including the enrolled student-athlete,

to complete online coursework and exams on behalf of the prospect.⁵ He then provided false or misleading information during his interviews and failed to fully cooperate with the investigation. The former assistant coach's conduct violated principles of ethical conduct under Bylaw 10 and the responsibility to cooperate under Bylaw 19.

Bylaw 10 governs ethical conduct in collegiate athletics. Bylaw 10.01.1 generally requires institutional staff members and student-athletes to act with honesty and sportsmanship at all times. Bylaw 10.1 identifies several categories of unethical conduct, including knowing arrangement of fraudulent academic credit (Bylaw 10.1-(b)), knowing provision of false or misleading information during an investigation of possible violations (Bylaw 10.1-(d)) and refusal to furnish information relevant to an investigation (Bylaw 10.1-(a)).⁶ Bylaw 19.2.3 requires institutional representatives to cooperate with investigations and places an affirmative obligation on individual subjects to assist the enforcement staff in developing information.

With respect to the first category of unethical conduct, the participating parties agreed that the former assistant coach knowingly arranged for fraudulent academic credit when he directed the enrolled student-athlete to complete three online exams on behalf of the prospect. The enrolled student-athlete—a communications major with a 3.9 grade-point average at the time—knew this conduct was wrong and initially attempted to evade the former assistant coach's requests. But the former assistant coach exerted considerable pressure on the enrolled student-athlete, repeatedly urging him, both in-person and via telephone calls and text messages, to take the exams.⁷ The enrolled student-athlete eventually gave in to the pressure and completed online video-proctored exams for the prospect on September 24, 26 and 28, 2015. The former assistant coach was present at all three exams and periodically checked in on the enrolled student-athlete's progress. Shortly after the third exam, the former assistant coach asked the enrolled student-athlete to complete a fourth exam for the prospect. The enrolled student-athlete reported the former assistant coach's conduct to the head coach before the fourth exam could take place.

As part of this academic misconduct scheme, the former assistant coach also arranged for individuals associated with the men's basketball program to complete online coursework on

⁵ Since spring 2014, "academic fraud" has been referred to as "academic misconduct," and recently, the membership moved academic violations from Bylaw 10 to Bylaw 14. For consistency purposes, the panel refers to the violations as academic misconduct in this decision.

⁶ An official interpretation of Bylaw 10.1-(b) explains that an institution has the authority to determine whether academic misconduct has occurred consistent with its own academic policies applicable to all students. If an institution determines academic misconduct has occurred, it must report a violation of Bylaw 10.1-(b) in the following circumstances: (1) where an institutional staff member is involved in arranging fraudulent academic credit or false transcripts for a prospective or enrolled student-athlete; (2) where a student-athlete or prospective student-athlete is involved in arranging fraudulent academic credit or false transcripts; or (3) where academic misconduct results in an erroneous declaration of eligibility and the student-athlete subsequently competes for the institution. April 16, 2014, NCAA Educational Column, *Academic Misconduct—Reporting a Misconduct Violation*.

⁷ The enrolled student-athlete's telephone records showed that, between September 22 and October 6, 2015, there were 38 calls between the enrolled student-athlete and the former assistant coach. By comparison, there were four telephone communications between them during the previous month.

behalf of the prospect. These individuals had no formal connection to the institution at the time they completed the coursework (August through October 2015), but had been associated with the men's basketball program in the past. They included former students of the institution who were friends with several men's basketball student-athletes, a former men's basketball student employee and the former student employee's mother. These individuals registered the prospect for his online courses, kept track of his login information and completed and submitted coursework on his behalf.

In arranging for the enrolled student-athlete and other individuals to complete the prospect's coursework and exams, the former assistant coach arranged for the prospect to receive fraudulent academic credit in violation of Bylaw 10.1-(b). As a result of this conduct, Adams State determined that academic misconduct occurred in all four of the prospect's online courses and issued him failing grades in each. For its part, Southeast Missouri State determined that the enrolled student-athlete's involvement in this academic misconduct violated the institution's Academic Honesty Policy and thus suspended him for the first four games of the 2015-16 basketball season. The violations in this case were intentional—the former assistant coach acknowledged during his interviews that he understood NCAA legislation and knew what he was doing was wrong—and calculated to lead to a competitive advantage. By any definition, the former assistant coach's actions constitute academic misconduct.

Consistent with past COI decisions, and as the participating parties agreed, this conduct meets the definition of a Level I violation. *See, e.g., California State University, Northridge* (2016) (concluding that a Level I violation occurred when a staff member within the men's basketball program completed coursework on behalf of men's basketball student-athletes) (appeal pending); *University of Louisiana at Lafayette* (2016) (concluding that a Level I violation occurred when an assistant football coach arranged for fraudulent college entrance exam scores for five prospects); *Southern Methodist University* (2015) (concluding that a Level I violation occurred when a men's basketball administrative assistant completed online coursework on behalf of a prospective-student athlete).

Regarding the other two categories of unethical conduct, the participating parties agreed that the former assistant coach provided false or misleading information and failed to cooperate with the investigation. First, the former assistant coach provided false or misleading information in violation of Bylaw 10.1-(d) when he denied any involvement in arranging for individuals associated with the men's basketball program to complete coursework on behalf of the prospect. The former assistant coach's statements denying his involvement directly contradicted the record information in this case, including metadata associated with the coursework. That information shows that the coursework was submitted from IP addresses associated with the individuals mentioned above and from geographic locations where the prospect was not physically present. Moreover, the prospect admitted that he did not complete any coursework himself. Second, the former assistant coach failed to cooperate with the investigation, in violation of Bylaws 10.1-(a) and 19.2.3, when he did not respond to the enforcement staff's repeated requests for documents and a final interview. For a period of 13 months, beginning on November 10, 2015, the former

assistant coach failed to meet his obligation to fully cooperate with the investigation and assist the enforcement staff in developing information.

These are Level I violations as they involve unethical conduct that undermined the integrity of the NCAA Collegiate Model. See *University of Mississippi* (2016) (concluding that staff members in the women's basketball program committed Level I violations when they denied their involvement in academic misconduct and instructed a student-athlete to delete information relevant to the investigation and tell a false story); *Georgia Southern University* (2016) (concluding that a former assistant compliance director committed a Level I violation when she developed a false story to explain her academic violation, persuaded a student-athlete to relay that false story during the investigation and refused to participate in further interviews). As in these cases, the unethical conduct at issue here constitutes a Level I violation.

B. Contested penalties

After accepting the facts and violations in the SDR, the panel proposed additional penalties to the institution and the former assistant coach. The institution accepted the additional penalties, but the former assistant coach did not. He objected to the show-cause order proposed by the panel and requested an expedited penalty hearing pursuant to Bylaw 19.6.4.5. After considering the former assistant coach's arguments at the February 13, 2017, expedited hearing, the panel concludes that the show-cause penalty should be retained but shortened to six years. A six-year show-cause order is consistent with both the serious nature of the former assistant coach's violations and the COI's past decisions.

This case involves violations that strike at the heart of the Collegiate Model. The SDR identified Level I violations of NCAA ethical conduct legislation, including academic misconduct. Moreover, the former assistant coach abused his position of trust when he pressured the enrolled student-athlete—a highly regarded walk-on with a strong academic record—to participate in the academic misconduct scheme. These violations warrant a substantial show-cause penalty within the range contemplated by Bylaw 19.9.5.4 and the penalty guidelines set forth in Figure 19-1.

At the expedited hearing, the former assistant coach acknowledged the seriousness of the violations and expressed regret for his conduct. He maintained that extenuating circumstances contributed to his actions—namely, the pressure he was under as the sole staff member retained by the new head basketball coach. The former assistant coach also told the panel that he regretted his failure to cooperate with the investigation and explained that this failure was caused by his complete "shut down" in every aspect of his life following the institution's termination of his employment. Additionally, the former assistant coach argued that the proposed show-cause penalty was not consistent with the COI's decision in *Indiana University* (2008).

While the panel appreciates the former assistant coach's candor and his resumed participation in this matter, his arguments do not support a substantial reduction in the show-cause penalty proposed by the panel. A six-year show-cause penalty is consistent with the COI's recent decisions involving Level I academic misconduct, where the COI has prescribed show-cause

orders ranging between five and eight years. *See, e.g., University of Louisiana at Lafayette* (2016) (prescribing an eight-year show-cause order for an assistant football coach who arranged for prospective student-athletes to obtain fraudulent college entrance exam scores, provided false or misleading information and failed to cooperate); *University of Southern Mississippi* (2016) (prescribing an eight-year show-cause order for an associate basketball coach who completed online coursework for prospective student-athletes and failed to cooperate in the investigation); *Southern Methodist University* (2015) (prescribing a five-year show-cause order for a men's basketball administrative assistant who assisted a prospective student-athlete in obtaining fraudulent academic credit, provided false or misleading information and failed to cooperate).

The former assistant coach's reliance on *Indiana University* is misplaced due to the age of that case and the different nature of the violations at issue there. First, *Indiana University* is a 2008 case processed under the former penalty structure. Accordingly, it has little relevance to a case processed under the current Bylaw 19 penalty guidelines.⁸ Second, the violations in the two cases are fundamentally different. *Indiana University* involved a head men's basketball coach who committed recruiting violations (impermissible telephone calls) at two successive member institutions: the University of Oklahoma and Indiana University. In *Indiana University*, the COI prescribed a five-year show-cause order for the head coach for failing to adhere to the penalties the COI prescribed for him two years earlier in *University of Oklahoma* (2006). At the expedited hearing in this matter, the former assistant coach argued that the Indiana University coach's violations were more egregious than his, yet the COI prescribed a more lenient penalty in that case. Regardless of the severity of the violations, however, the panel does not regard a single 2008 decision focused on impermissible recruiting calls as more instructive than the COI's numerous recent decisions involving academic misconduct.

In short, the former assistant coach did not demonstrate how his conduct differed from the conduct at issue in these other academic misconduct cases. Accordingly, the panel sees no reason to depart from these past decisions.

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 that this case involved Level I violations of NCAA legislation. The panel then determined the applicable penalty classification based on aggravating and mitigating factors. Level I violations are severe breaches of conduct that seriously undermine or threaten the integrity of the NCAA Collegiate Model, including any violation that provides or is intended to provide a substantial or extensive recruiting, competitive or other advantage, or a substantial or extensive impermissible benefit. Specific examples of Level I violations include academic misconduct and failure to cooperate in an NCAA enforcement investigation.

⁸ *See NCAA Division I Infractions Appeals Committee Report No. 425 – Southern Methodist University* (2016) (explaining that, on appeal, "a review of precedent under the previous penalty structure provides little weight in determining a present abuse of discretion.").

The SDR identified one aggravating factor for the institution: a history of Level I, Level II or major violations. The institution agreed in part with this aggravator while the enforcement staff took no position. Specifically, the institution acknowledged its history of Level I, Level II or major infractions but noted that previous violations were not similar in nature in that they did not involve any type of academic misconduct. The panel agrees that the violations in this case are of a different nature than the institution's past violations, which primarily involved recruiting and extra benefits. But the panel cannot ignore the institution's significant infractions history. Indeed, as a result of the institution's previous violations, it has spent six of the past 10 years on probation. This history is inconsistent with a culture of compliance and the panel thus adopts the proposed aggravating factor for the institution. The enforcement staff and the institution agreed on six proposed mitigating factors for the institution. The panel adopts all six mitigating factors and commends the institution for acting swiftly and decisively after discovering the academic misconduct in this case.

With respect to the former assistant coach, the enforcement staff proposed six aggravating factors and no mitigating factors. The panel determines that all six aggravating factors apply to the former assistant coach's conduct.

This case involved violations that occurred after the adoption of the current version of Bylaw 19. Pursuant to Bylaw 19.9.1, the current penalty structure applies. The panel classifies the case as Level I-Mitigated and the former assistant coach's violations as Level I-Aggravated.

Because the institution agreed to the facts, violations and the panel's proposed penalties, it will have no opportunity to appeal. The former assistant coach, who did not agree to the additional penalty proposed for him, will have the opportunity to appeal that penalty. All penalties prescribed in this case are independent and supplemental to any action that has been or may be taken by the Committee on Academics through its assessment of postseason ineligibility, historical penalties or other penalties. The institution's corrective actions are contained in the Appendix. After considering all information relevant to the case, the panel prescribes the following penalties. Those penalties that were proposed by the institution are so noted:

Core Penalties for Level I-Mitigated Violations (NCAA Bylaw 19.9.5)

1. Probation: A two-year extension of probation from the institution's 2016 infractions case. Consequently, the probationary period will conclude on February 11, 2019.⁹
2. Financial Penalty: The institution shall pay a \$5,000 fine (Institution proposed).¹⁰

⁹ The COI prescribed a one-year probationary period in the 2016 case. That period of probation was to conclude on February 11, 2017. See *Southeast Missouri State University* (2016). Pursuant to Bylaws 19.3.6-(e) and 19.9.5.7 and Division I COI Internal Operating Procedure 2-1-1, the committee tethers probationary periods to the prescribed penalties.

¹⁰ The fine shall be paid consistent with Division I COI Internal Operating Procedure 4-16-2.

Core Penalties for Level I-Aggravated Violations (NCAA Bylaw 19.9.5)

3. Show-Cause Order: This case involved the former assistant coach's intentional violations of NCAA legislation. As a person in a position of authority and trust, the membership holds the former assistant coach to a high standard. When the former assistant coach knowingly arranged for the receipt of fraudulent academic credit for a prospective student-athlete, he did not fulfill that standard. He also abused his position of trust by pressuring the enrolled student-athlete to participate in the academic misconduct. Further, the former assistant coach had a responsibility to provide truthful information and to fully cooperate with the investigation. He committed unethical conduct when he provided false or misleading information during his interviews and failed to fully cooperate with the enforcement staff and institution. Therefore, the former assistant coach will be informed in writing by the NCAA that should he be employed or affiliated with an athletically related position at another NCAA member institution during a six-year period, from March 10, 2017, to March 9, 2023, within 30 days of the former assistant coach's hiring, that employing institution shall contact the Office of the Committees on Infractions to make arrangements to show cause why restrictions on athletically related activity should not apply.

Additional Penalties for Level I-Mitigated Violations (NCAA Bylaw 19.9.7)

4. Public reprimand and censure;
5. During this period of probation, the institution shall:
 - a. Continue to develop and implement a comprehensive educational program on NCAA legislation to instruct coaches, the faculty athletics representative, all athletics department personnel and all institutional staff members with responsibility for ensuring compliance with NCAA academic misconduct legislation;
 - b. Submit a preliminary report to the Office of the Committees on Infractions by April 30, 2017, setting forth a schedule for establishing this compliance program;
 - c. File with the Office of the Committees on Infractions annual compliance reports indicating the progress made with this program by December 15 each year during the probationary period. Particular emphasis should be placed on the institution's continued efforts to foster a greater culture of compliance within the institution's athletics department. This should include documentation of a robust onboarding and education process for new coaches and athletics staff, which should feature, among other things, a requirement that all new athletics employees review the committee's recent infractions decisions (2008, 2009 and 2016) involving the institution. The reports must also include documentation of the institution's compliance with the penalties adopted and prescribed by the panel;

- d. Inform prospective student-athletes in the men's basketball program in writing that the institution is on probation for two years and detail the violations committed. If a prospective student-athlete takes an official paid visit, the information regarding violations, penalties and terms of probation must be provided in advance of the visit. Otherwise, the information must be provided before a prospective student-athlete signs a National Letter of Intent; and
 - e. Publicize specific and understandable information concerning the nature of the infractions by providing, at a minimum, a statement to include the types of violations and the affected sport programs and a direct, conspicuous link to the public infractions decision located on the athletic department's main webpage "landing page" and in the media guides for the involved sports. The institution's statement must: (i) clearly describe the infractions; (ii) include the length of the probationary period associated with the major infractions case; and (iii) give members of the general public a clear indication of what happened in the Level I 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.
6. Following the receipt of the final compliance report and prior to the conclusion of probation, the institution's president shall provide a letter to the committee affirming that the institution's current athletics policies and practices conform to all requirements of NCAA regulations.

The committee advises the institution that it should take every precaution to ensure that the terms of the penalties are observed. 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 may be considered grounds for extending the institution's probationary period, prescribing more severe penalties or may result in additional allegations and violations.

NCAA COMMITTEE ON INFRACTIONS PANEL

Gregory Christopher, Chief Hearing Officer

Melissa Conboy

Stephen A. Madva

Joel D. Maturi

Joyce McConnell

Joseph D. Novak

Gregory Sankey

APPENDIX ONE

**THE INSTITUTION'S CORRECTIVE ACTIONS AS IDENTIFIED IN THE
DECEMBER 5, 2016, SUMMARY DISPOSITION REPORT**

1. The institution is in the process of creating a computer program that will identify any uncommon IP addresses associated with student-athletes' [student information system] accounts. The academic services and compliance staff will have access to the program and receive daily reports if a student's [student information system] account starts to be accessed by locations outside of the student's normal location(s). (Note: Institution acknowledges that prior implementation would not have prevented the alleged violation from occurring in this case since the coursework was being completed at another institution. However, this will create an additional monitoring system to safeguard against any similar violations occurring at the institution).
2. The institution has enhanced the compliance education program for student-athletes related to academic misconduct and online learning. In addition to all student-athletes receiving education at the beginning of the year meetings, each semester that a student-athlete is enrolled in online courses, he/she will also receive an automated email regarding applicable NCAA legislation and university policies and procedures related to online learning and academic misconduct.
3. The institution conducted rules education with all departmental coaching staff members regarding academic misconduct. Additionally, academic misconduct is a topic that has been highlighted during multiple weekly compliance education email distributions.
4. The institution suspended the enrolled student-athlete for the first four games of the 2015-16 basketball season due to his involvement in the academic misconduct issue which violated the university's Academic Honesty Policy as well as the Department of Athletics Code of Conduct.
5. The former assistant coach was placed on paid administrative leave on October 8, 2015. The former assistant coach's employment was terminated by the institution on November 3, 2015, due to his involvement and arrangement of fraudulent academic credit.

APPENDIX TWO

Bylaw Citations

Division I 2014-15 Manual

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

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

(b) Knowing involvement in arranging for fraudulent academic credit or false transcripts for a prospective or an enrolled student-athlete.

Division I 2015-16 Manual

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

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

(a) Refusal to furnish information relevant to an investigation of a possible violation of an NCAA regulation when requested to do so by the NCAA or the individual's institution;

(b) Knowing involvement in arranging for fraudulent academic credit or false transcripts for a prospective or an enrolled student-athlete;

(d) Knowingly furnishing or knowingly influencing others to furnish the NCAA or the individual's institution false or misleading information concerning an individual's involvement in or knowledge of matters relevant to a possible violation of an NCAA regulation.

19.2.3 Responsibility to Cooperate. Current and former institutional staff members or prospective or enrolled student-athletes of member institutions have an affirmative obligation to cooperate fully with and assist the NCAA enforcement staff, the Committee on Infractions and the Infractions Appeals Committee to further the objectives of the Association and its infractions

program. The responsibility to cooperate requires institutions and individuals to protect the integrity of investigations and to make a full and complete disclosure of any relevant information, including any information requested by the enforcement staff or relevant committees. Current and former institutional staff members or prospective or enrolled student-athletes of member institutions have an affirmative obligation to report instances of noncompliance to the Association in a timely manner and assist in developing full information to determine whether a possible violation has occurred and the details thereof.

Division I 2016-17 Manual

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

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

(a) Refusal to furnish information relevant to an investigation of a possible violation of an NCAA regulation when requested to do so by the NCAA or the individual's institution.

19.2.3 Responsibility to Cooperate. Current and former institutional staff members or prospective or enrolled student-athletes of member institutions have an affirmative obligation to cooperate fully with and assist the NCAA enforcement staff, the Committee on Infractions and the Infractions Appeals Committee to further the objectives of the Association and its infractions program. The responsibility to cooperate requires institutions and individuals to protect the integrity of investigations and to make a full and complete disclosure of any relevant information, including any information requested by the enforcement staff or relevant committees. Current and former institutional staff members or prospective or enrolled student-athletes of member institutions have an affirmative obligation to report instances of noncompliance to the Association in a timely manner and assist in developing full information to determine whether a possible violation has occurred and the details thereof.