



**UNIVERSITY OF SOUTH FLORIDA**  
**PUBLIC INFRACTIONS DECISION**  
**SEPTEMBER 19, 2017**

## I. INTRODUCTION

The NCAA Division I Committee on Infractions (COI) is an independent administrative body of the NCAA comprised of individuals from the Division I membership and public. The COI is charged with deciding infractions cases involving member institutions and their staffs.<sup>1</sup> This case involved impermissible recruiting inducements in the men's basketball program at the University of South Florida and unethical conduct by a former assistant men's basketball coach.<sup>2</sup> A panel of the COI considered this case through the cooperative summary disposition process in which all parties agreed to the primary facts and violations, as fully set forth in the summary disposition report (SDR). The panel proposed additional penalties to South Florida and the former assistant coach. Because the parties agreed to the proposed penalties, there is no opportunity to appeal.

The former assistant coach ignored foundational and well-known NCAA recruiting legislation and engaged in unethical conduct. First, he knowingly provided and arranged for impermissible recruiting inducements in the form of housing, meals and transportation to two prospective student-athletes. The impermissible inducements and resulting unethical conduct for knowingly providing and arranging for the inducements are Level II violations. Second, when questioned about his recruiting activity, the former assistant coach concealed the recruiting violation during two interviews with the enforcement staff and South Florida. Knowingly providing false or misleading information about the impermissible inducements during the investigation compounded the case and resulted in a Level I unethical conduct violation.

The panel accepts the parties' factual agreements and concludes violations occurred. Because the violations occurred after October 30, 2012, the current penalty structure applies. After considering applicable aggravating and mitigating factors, the panel classifies this case as Level II-Mitigated for South Florida and Level I-Standard for the former assistant coach's violations. Utilizing the current penalty guidelines, the panel adopts and prescribes the following core penalties: \$5,000 fine, scholarship reduction for the men's basketball program, withholding of a countable coach from off-campus recruiting for 50 days and a two-year show-cause order for the former assistant coach.

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

<sup>2</sup> A member of the American Athletic Conference, South Florida has an enrollment of 36,463 undergraduate students. South Florida sponsors eight men's sports and nine women's sports. This is the institution's third major, Level I or Level II infractions case. Previously, South Florida had major infractions cases in 1986 and 1982.

## II. CASE HISTORY

On March 17, 2016, the enforcement staff sent South Florida a notice of inquiry related to information that the former assistant men's basketball coach (former assistant coach) provided impermissible inducements to a prospective student-athlete not involved in the violations in this case. The enforcement staff expanded the investigation in May 2016 when a confidential source reported the former assistant coach provided housing and academic assistance to two other prospective student-athletes (prospects 1 and 2, respectively). Although the original inquiry concluded with no violations substantiated, on June 9, 2016, the enforcement staff informed South Florida of the potential violations involving the two prospects. The investigation of the violations involving the two prospects concluded in fall 2016.<sup>3</sup>

In late-February 2017, the parties agreed to participate in the summary disposition process.<sup>4</sup> On June 30, 2017, the parties submitted the SDR to the COI. A panel of the COI reviewed the SDR on August 2, 2017. The panel proposed the additional penalties of a public reprimand and censure to South Florida and a two-year show-cause order for the former assistant coach on August 7, 2017. South Florida and the former assistant coach accepted the additional penalties.

## III. PARTIES' AGREEMENTS

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

The parties jointly submitted an SDR that identifies an agreed-upon factual basis, violations of NCAA legislation and violation levels.<sup>5</sup> The SDR identified:

#### 1. [NCAA Division I Manual Bylaws 10.1, 10.1-(c), 13.2.1, 13.2.1.1-(f), 13.2.1.1-(h) (2015-16)] (Level II)

The enforcement staff, South Florida and the former assistant coach agree that in May 2016 the former assistant coach violated the NCAA principles of ethical conduct when he knowingly provided and arranged for approximately \$402-\$511

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<sup>3</sup> Pursuant to Bylaw 19.3.7 and COI Internal Operating Procedure (IOP) 3-16-1-2, on July 9, 2016, the COI chair granted a request by the enforcement staff for limited immunity for the two prospects. Prospect 1 complied with the conditions of limited immunity by providing complete and truthful information and fully cooperating with the investigation. Prospect 2 declined the interview with the enforcement staff and South Florida. The panel concludes prospect 2 did not comply with the conditions of limited immunity and revokes his immunity pursuant to COI IOP 3-16-1-3. Should prospect 2 attend an NCAA member institution, the NCAA Division I Committee on Student-Athlete Reinstatement through the student-athlete reinstatement process may consider whether his involvement in the recruiting inducements violation impacts his eligibility.

<sup>4</sup> Pursuant to COI IOP 3-9-2-1, future hearing panels may view violations established through the summary disposition process as less instructive than a decision reached after a contested process.

<sup>5</sup> This decision provides the agreed-upon factual basis, violations of NCAA legislation and violation levels as exactly stated in the SDR, except for shortening the references to South Florida, the former assistant coach and the two prospects.

in impermissible recruiting inducements, in the form of housing, meals and transportation to the two prospects. Specifically, the former assistant coach knowingly provided the then prospective student-athletes two nights of hotel lodging (\$185 value), two to five nights of lodging at the former assistant coach's home (\$73-\$182 value), seven meals each (\$112 value) and local transportation (\$32 value), with the former assistant coach directing the special assistant to the head men's basketball coach to provide one of the rides to the prospects.

**2. [NCAA Division I Manual Bylaws 10.01.1, 10.1 and 10.1-(d) (2015-16)] (Level I)**

The enforcement staff, South Florida and the former assistant coach agree that during the summer of 2016, the former assistant coach violated the NCAA principles of ethical conduct when he knowingly provided false or misleading information. Specifically, in the former assistant coach's June 13 and July 12, 2016, interviews with the enforcement staff and South Florida, he provided false or misleading information when he denied providing housing, meals, transportation, or any other benefits to the two prospects, when in fact he had.

**B. PARTIES' AGREED-UPON AGGRAVATING AND MITIGATING FACTORS**

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

South Florida:

1. Aggravating factors [Bylaw 19.9.3]

None.

2. Mitigating factors [Bylaw 19.9.4]

- a. Prompt acknowledgement of the violations, acceptance of responsibility and imposition of meaningful corrective measures and/or penalties. [Bylaw 19.9.4-(b)]
- b. Affirmative steps to expedite final resolution of the matter. [Bylaw 19.9.4-(c)]
- c. An established history of self-reporting Level III or secondary violations.<sup>6</sup> [Bylaw 19.9.4-(d)]
- d. Exemplary cooperation. [Bylaw 19.9.4-(f)]

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<sup>6</sup> In the past five years, South Florida reported 68 Level III or secondary violations.

Former assistant coach:

1. Aggravating factors [Bylaw 19.9.3]
  - a. Multiple Level I and II violations by the former assistant coach.<sup>7</sup> [Bylaws 19.9.3-(a) and (g)]
  - b. Unethical conduct.<sup>8</sup> [Bylaw 19.9.3-(e)]
2. Mitigating factors [Bylaw 19.9.4]

None.<sup>9</sup>

#### **IV. REVIEW OF CASE**

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 I and II violations occurred.

The violations in this case center on impermissible recruiting inducements and the former assistant coach's unethical conduct in knowingly violating the recruiting legislation and, more significantly, concealing the violation during the investigation. The violations began when the former assistant coach knowingly provided and arranged for impermissible recruiting inducements for the two prospects. The former assistant coach then heightened the severity of this case by providing false or misleading information during multiple interviews with the enforcement staff and South Florida. The former assistant coach's conduct supports the parties' agreed-upon recruiting and unethical conduct violations.

The first group of violations involve impermissible recruiting inducements and the former assistant coach's unethical conduct for his knowing involvement in the inducements. Specifically, the former assistant coach provided and arranged for housing, meals and transportation to the two prospects as recruiting inducements during May 2016 while the prospects lived near campus. The inducements violated recruiting legislation under Bylaw 13. The former assistant coach's knowing involvement in the inducements violated ethical conduct legislation under Bylaw 10.

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<sup>7</sup> Bylaws 19.9.3-(a) and (g) identify multiple Level I and multiple Level II violations as aggravating factors, respectively. The enforcement staff identified both factors as one combined aggravating factor and the former assistant coach agreed.

<sup>8</sup> Although not agreed upon, as provided in Section V of this decision, the panel determined Bylaw 19.9.3-(d) Obstructing an investigation or attempting to conceal the violation also applies as an aggravating factor for the former assistant coach.

<sup>9</sup> Although not agreed upon, as provided in Section V of this decision, the panel determined Bylaw 19.9.4-(h) Absence of prior conclusions of Level I, II or major violations by the former assistant coach also applies as a mitigating factor for the former assistant coach.

Bylaws 13 and 10 govern recruiting and ethical conduct, respectively. Bylaw 13.2.1 generally prohibits recruiting inducements and identifies specifically prohibited inducements. As set forth in Bylaws 13.2.1.1-(f) and (h), prohibited inducements include any tangible items, including merchandise, and free or reduced-cost housing. Bylaw 10 addresses impermissible recruiting inducements. While Bylaw 10.01.1 requires institutional athletics staff members and student-athletes to act with honesty and sportsmanship pursuant to the principles of ethical conduct, Bylaw 10.1-(c) specifies that knowing involvement in providing a prospect with an improper recruiting inducement is unethical conduct.

In May 2016, the former assistant coach provided and arranged for approximately \$402-\$511 in impermissible recruiting inducements to the two prospects. The head men's basketball coach did not know about the inducements. The prospects received the inducements while they lived near campus to receive tutoring for online courses needed for initial-eligibility certification. The inducements consisted of housing at the former assistant coach's home for two to five nights (\$73-182 value), hotel lodging for two nights (\$185 value), local transportation to and from the former assistant coach's home (\$32 value) and approximately 14 meals over nearly two weeks (\$112 value). The former assistant coach also directed the former special assistant to the head men's basketball coach (special assistant to the head coach) to provide transportation for the prospects on one occasion.

The COI has regularly concluded there is an increased risk of violations when prospects who are not enrolled at the institution move to the institution's locale. *See Boise State University* (2011) (concluding coaches and others provided impermissible recruiting inducements to multiple prospects in multiple sports who traveled to the locale of campus prior to enrollment). Despite the increased risk of violations with two prospects not enrolled at South Florida living near campus, the former assistant coach ignored well-known and foundational legislation and knowingly provided and arranged for the inducements in violation of Bylaw 13.2.1. Because of his knowing involvement in the inducements, he also violated the principles of ethical conduct set forth in Bylaw 10.01.1. *See Grambling State University* (2017) (concluding impermissible recruiting inducements and unethical conduct violations when an assistant women's track and field coach knowingly provided inducements to a prospect who arrived at campus but could not enroll at the institution, as well as to the prospect's father).

Pursuant to Bylaw 19.1.2, the panel concludes the impermissible recruiting inducements and resulting unethical conduct are Level II violations because they provided South Florida with more than a minimal but less than a substantial recruiting advantage and conferred more than a minimal but less than a substantial benefit on the prospects. In prior cases, the COI has concluded the provision of inducements and benefits of a nature and value like those at issue in this case were Level II violations. Likewise, in these cases and others, the COI has concluded the level of an unethical conduct violation is supported by the level of the underlying recruiting inducements violation. *See Grambling State* (concluding an assistant women's track and field coach committed a Level II unethical conduct violation supported by Level II recruiting inducements violations when the coach permitted a prospect to practice prior to enrollment and the coach and members or individuals affiliated with the program collectively provided

transportation, housing, lodging, meals and cash to the prospect, and transportation, housing and lodging to the prospect's father, that totaled \$1,563 in inducements); and *Sam Houston State University* (2017) (concluding a former head women's tennis coach committed a Level II unethical conduct violation supported by a Level II recruiting inducements violation when the coach purchased tennis rackets, paid association and tournament entry fees and arranged transportation and housing for a prospect, and paid the prospect to restring tennis rackets, that totaled \$607 in inducements). Like in these cases, impermissible recruiting inducements totaling approximately \$402-\$511 and the resulting unethical conduct for knowing involvement in the inducements are Level II violations.

The former assistant coach also engaged in unethical conduct for knowingly providing false or misleading information to the enforcement staff and South Florida. In multiple interviews during the investigation, the former assistant coach concealed the impermissible inducements to the two prospects. His dishonesty violated the principles of ethical conduct under Bylaw 10 and was a severe breach of conduct.

The categories of unethical conduct identified under Bylaw 10.1 include conduct by a current or former institutional staff member during an investigation of potential violations of NCAA legislation. Specifically, Bylaw 10.1-(d) provides that knowingly furnishing to the NCAA or the staff member's institution false or misleading information concerning involvement in or knowledge of matters relevant to a possible violation is unethical conduct.

During interviews with the enforcement staff and South Florida in June and July 2016, the former assistant coach knowingly gave false or misleading information regarding housing and transportation impermissibly provided to the two prospects. Specifically, on June 13, 2016, when asked to respond to a source informing the enforcement staff that the prospects stayed at a hotel near campus during May 2016, the former assistant coach falsely stated that he, not the prospects, personally used a room at the hotel for a day. Further, on July 12, 2016, the former assistant coach denied knowing the prospects stayed overnight at and received transportation from the hotel. However, in his final interview, on November 9, 2016, he admitted he previously gave false or misleading information to the enforcement staff and South Florida and the violation occurred. The former assistant coach's conduct required the enforcement staff and South Florida to expend additional resources and extended the investigation by several months.

The COI has recognized coaches' affirmative obligation to conduct themselves in an ethical manner under Bylaw 10 during an investigation. See *University of Alabama* (2017) (concluding unethical conduct violation by a former assistant coach when the coach concealed recruiting violations during two interviews with the enforcement staff and institution).<sup>10</sup> The former assistant coach did not meet this obligation and engaged in unethical conduct by concealing the recruiting violation during the investigation. Knowingly providing false or misleading information to the enforcement staff and South Florida compounded this case.

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<sup>10</sup> The former assistant football coach appealed the *Alabama* decision on other grounds. The appeal is pending.

Pursuant to Bylaw 19.1.1, the panel concludes the unethical conduct resulting from knowingly providing the enforcement staff and South Florida false or misleading information is a Level I violation because it was a severe breach of conduct that involved dishonesty. Recent unethical conduct cases involving the provision of false or misleading information during an investigation align with the Level I violation. *See Alabama* (concluding a former assistant football coach committed a Level I unethical conduct violation when the coach denied knowing or being involved in impermissible recruiting contacts and denied knowing an athletics representative's involvement with and presence during the coach's visit to a high school in two interviews with the enforcement staff and institution); and *Southeast Missouri State University* (2017) (concluding a former assistant men's basketball coach committed a Level I unethical conduct violation when he denied knowing or being involved in arranging for completion of coursework on behalf of a prospect by individuals associated with the program in three interviews with the enforcement staff and institution). As in these cases, knowingly providing false or misleading information during the investigation is a Level I unethical conduct violation.

## 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 I and II violations. Level I violations are severe breaches of conduct, including unethical or dishonest conduct. 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 pursuant to Bylaws 19.9.2, 19.9.3 and 19.9.4 to determine the appropriate classifications for the parties. The panel then used the current penalty guidelines (Figure 19-1) and Bylaw 19.9.7 to prescribe penalties.<sup>11</sup>

In addition to the agreed-upon aggravating and mitigating factors, the enforcement staff and former assistant coach proposed other factors for panel consideration. First, the enforcement staff proposed other aggravating factors for both South Florida and the former assistant coach that the applicable parties opposed. Specifically, the enforcement staff proposed two aggravating factors for South Florida: Bylaws 19.9.3-(b) A history of Level I, Level II or major violations by the institution or sport program and (h) Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct. The panel determines neither aggravating factor applies. The enforcement staff also proposed four additional

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<sup>11</sup> The membership recently 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.

aggravating factors for the former assistant coach: Bylaws 19.9.3-(d) Obstructing an investigation or attempting to conceal the violation; (h) Persons of authority condoned, participated in or negligently disregarded the violation; (j) Conduct or circumstances demonstrating an abuse of a position of trust and (m) Intentional, willful or blatant disregard for the NCAA constitution and bylaws. The panel agrees Bylaw 19.9.3-(d) applies because providing false or misleading information obstructed the investigation and was an attempt to conceal the violation. The panel, however, determines Bylaws 19.9.3-(h), (j) and (m) do not apply.<sup>12</sup>

The former assistant coach also proposed four mitigating factors that the enforcement staff opposed. Specifically, he proposed Bylaws 19.9.4-(b) Prompt acknowledgement of the violation and acceptance of responsibility; (c) Affirmative steps to expedite final resolution of the matter; (g) The violations were unintentional, limited in scope and represent a deviation from otherwise compliant practices and (i) Other facts warranting a lower penalty range. The panel determines the factors do not apply. Although not proposed by the parties, the panel determines Bylaw 19.9.4-(h) Absence of prior conclusions of Level I, II or major violations by the former assistant coach applies because the former assistant coach was not involved in any such violations.

The panel assessed these aggravating and mitigating factors by weight and number. Based on its assessment, the panel classifies this case as Level II-Mitigated for South Florida and Level I-Standard for the former assistant coach's violations.

Because South Florida and the former assistant coach agreed to the facts, violations and the panel's proposed penalties, they will have no opportunity to appeal. All penalties prescribed in this case are independent and supplemental to any action that has been or may be taken by the NCAA Division I Committee on Academics through its assessment of postseason ineligibility, historical penalties or other penalties. The panel considered South Florida's corrective actions, which are set forth in the Appendix, in prescribing penalties. After considering all information relevant to this case, the panel prescribes the following penalties (self-imposed penalties are so noted):

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

1. Financial Penalty: South Florida shall pay a \$5,000 fine to the NCAA. (Self-imposed.)
2. Scholarship Reductions: South Florida reduced the number of grants-in-aid in the men's basketball program by one for the 2016-17 academic year. (Self-imposed.)
3. Recruiting Restrictions: South Florida withheld one countable coach from off-campus recruiting for 50 days (June 27, 2016, until August 16, 2016). (Self-imposed.)

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<sup>12</sup> Although the panel determines Bylaw 19.9.3-(h) Persons of authority condoned, participated in or negligently disregarded the violation and Bylaw 19.9.3-(j) Conduct or circumstances demonstrating an abuse of a position of trust do not apply, there may be circumstances where assistant coaches are persons of authority and/or hold a position of trust.

#### **Core Penalties for Level I-Standard Violations (Bylaw 19.9.5)**

4. Show-Cause Order: This case involved the former assistant coach knowingly providing and arranging for two prospects to receive impermissible inducements. Those inducements involved free housing, transportation and meals. The former assistant coach agreed that his involvement in the inducements violated well-established inducement and ethical conduct legislation. Thereafter, South Florida and the enforcement staff questioned the former assistant coach about his involvement in the inducements and, on two separate occasions, he provided false and misleading information. The former assistant coach agreed that his provision of false and misleading information also violated ethical conduct legislation. Therefore, the former assistant coach shall be subject to a two-year show-cause order from September 19, 2017 to September 18, 2019. The former assistant coach shall be informed in writing by the NCAA that if he seeks employment or affiliation with an athletically related position at an NCAA member institution during the two-year show-cause period, the employing institution shall be required to:
  - a. Prohibit the former assistant coach from all coaching activities during the first year of the show-cause period;
  - b. Require and provide monthly one-on-one rules education with the employing institution's compliance office during each year of the show-cause order. The dates of and topics discussed during these sessions should be documented and reported to the Office of the Committees on Infractions (OCOI); and
  - c. Require the former assistant coach to attend NCAA Regional Rules Seminars during each year of the show-cause order.

If the employing institution does not agree with the restrictions, it shall contact the OCOI to make arrangements to show cause why the restrictions should not apply. If the employing institution agrees with the restrictions, it shall submit a plan detailing how it will monitor and adhere to the restrictions in the show-cause order. Thereafter, it will submit a written report detailing compliance with the show-cause order at the end of each year of the penalty.

#### **Additional Penalties for Level II-Mitigated Violations (Bylaw 19.9.7)**

5. Public reprimand and censure.
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The COI advises South Florida that it should take every precaution to ensure the terms of the penalties are observed. The COI will monitor the penalties during their effective periods. Any action by South Florida 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

Bobby Cremins

Stephen A. Madva

Joyce McConnell

Gary L. Miller

Dave Roberts, Chief Hearing Officer

Sankar Suryanarayan

**APPENDIX**

**SOUTH FLORIDA'S CORRECTIVE ACTIONS AS IDENTIFIED IN THE  
JUNE 30, 2017, SUMMARY DISPOSITION REPORT**

1. South Florida placed the former assistant coach on administrative leave on June 27, 2016, after South Florida received sufficient notice that he possibly committed NCAA violations. Rather than face the termination process, the former assistant coach resigned on July 20, 2016.
2. South Florida commenced the termination process for the former special assistant to the head coach promptly after South Florida received sufficient notice that he may have committed NCAA violations. Rather than face the termination process, the former special assistant to the head coach resigned on November 28, 2016.
3. South Florida conducted additional rules education for the men's basketball coaching staff.
4. To provide additional oversight of the men's basketball program, South Florida reassigned the assistant athletic director for compliance to the position of associate athletic director for sports and program services, designated him as a sport administrator for men's basketball, and placed his office in the men's basketball facility.