



RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY, NEW BRUNSWICK
PUBLIC INFRACTIONS DECISION
SEPTEMBER 22, 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 COI decides infractions cases involving member institutions and their staffs.¹ This case involves the football program at Rutgers, The State University of New Jersey, New Brunswick (Rutgers).² It centers on seven violation areas: (1) impermissible recruiting activities by a student host group; (2) failure to follow the institution's drug-testing policy; (3) an impermissible academic benefit; (4) an impermissible recruiting contact; (5) unethical conduct by the former assistant football coach; (6) a violation of head coach responsibility legislation by the former head football coach; and (7) the institution's failure to monitor aspects of its football program.

The seven violation areas, which occurred over an approximate five-year period, share the common thread of Rutgers and individuals failing to comply with institutional policies and compounding problems by further noncompliance with NCAA legislation. Specifically, during the 2011-12 academic year through the fall of 2015, the institution impermissibly had members of a football ambassador group become involved in recruiting when they served as student hosts during prospective student-athletes' official and unofficial visits. Others associated with the group also met with prospects off campus or engaged in impermissible publicity for prospects. In addition, for a four-year period, the institution failed to follow its drug-testing policy by not withholding student-athletes from competition. Rutgers failed to monitor these areas. Further, the former head football coach arranged an impermissible academic benefit for a football student-athlete when he violated university policy by contacting an instructor to facilitate additional work so that the student-athlete could raise his grade. From a head coach responsibility standpoint, the former head football coach failed to monitor the student-ambassador program and failed to promote an atmosphere of compliance based on his contact with the instructor. Finally, a former assistant football coach committed a recruiting contact violation when he put himself in a position to briefly interact face-to-face with a prospect at a high school. He later committed an unethical conduct violation when he was not forthright about his interaction. All of these violations are Level II violations.

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

² A member of the Big Ten Conference, the New Brunswick campus of Rutgers has an enrollment of approximately 36,000 students. It sponsors 14 women's and 10 men's sports. The institution had one previous major infractions case. That case occurred in 2003 and centered on a breakdown in the eligibility certification process across 15 sports.

With a few minor exceptions, Rutgers agreed with the violations, including the failure to monitor. The former head football coach agreed that he committed a violation when he arranged an impermissible academic benefit but did not agree that he failed his responsibilities as a head coach. The former assistant football coach agreed that he engaged in an impermissible recruiting contact but did not agree that he provided false or misleading information when questioned about the contact.

The panel concludes that violations occurred. Because the violations occurred both before and after October 30, 2012, the effective date of the implementation of the new penalty structure, the panel compared the penalty structure in place prior to October 2012 and the current penalty structure to determine which is more lenient. The panel concludes that current NCAA Bylaws 19.9.5 and 19.9.7 (2016-17 NCAA Division I Manual) affords the institution with less stringent penalties. After considering the aggravating and mitigating factors, the panel classifies this case as Level II-Standard for all parties. Utilizing the current and NCAA bylaws authorizing additional penalties, the panel adopts and prescribes the following penalties: two years of probation, a \$5,000 fine, game suspensions for the former head football coach (previously self-imposed), and show-cause provisions for the former head football coach and the former assistant football coach. The penalty section of this decision describes other penalties.

II. CASE HISTORY

On March 24, 2015, the enforcement staff sent a notice of inquiry to Rutgers relating to possible violations in the women's gymnastics program.³ During its women's gymnastics inquiry, the enforcement staff became aware of possible violations involving the institution's football program. Specifically, the enforcement staff reviewed social media postings indicating potential recruiting violations involving a football recruiting student host group, the football student ambassadors. On May 1, 2015, the enforcement staff sent a letter of inquiry concerning the football student ambassadors and social media postings that publicized the recruitment of student-athletes, a possible violation of NCAA recruiting legislation.

In mid-August 2015, a member of Rutgers' academic support staff informed athletics department officials that he received information about a potential NCAA violation involving the then head football coach (head coach). The information related to the head coach allegedly contacting an instructor regarding a student-athlete's failing grade in a course the student-athlete took during the 2015 spring semester.

From August through December 2015, the enforcement staff and institution conducted numerous interviews with prospects, football student-athletes, football staff members and other individuals associated with the football program. Among other issues, investigators scrutinized the football student ambassador group and the institution's drug-testing program. During this time, the

³ In September 2015, the enforcement staff processed the gymnastics violations as Level III.

enforcement staff interviewed a prospective student-athlete who reported a potential recruiting contact violation involving the former assistant football coach (the assistant coach).

In mid-February 2016, the institution submitted a self-report to the enforcement staff regarding the head coach's contact with the instructor. Following the submission of this self-report, from March through November 2016, the enforcement staff and institution continued the joint investigation.

On December 19, 2016, the enforcement sent a notice of allegations to the president of Rutgers, the head coach, the assistant coach and the former director of sports medicine (director of sports medicine), who oversaw the institution's drug-testing program. On April 19, 2017, following several extension requests, the parties submitted responses to the notice of allegations. On June 16, 2017, the enforcement staff submitted its reply and statement of the case to the hearing panel and the parties in the case. A panel of the COI conducted an in-person hearing on July 14, 2017. Institutional officials, the head coach, the assistant coach and the director of sports medicine attended the hearing. On July 19, 2017, the panel sent a letter to Rutgers and the enforcement staff regarding the appropriateness of an aggravating factor cited by the enforcement staff. On July 24, 2017, the parties responded with their positions relative to the aggravating factor. Also on July 19, 2017, the panel sent a letter to the NCAA's Academic and Membership Affairs (AMA) staff requesting an interpretation regarding the panel's ability to vacate records when an institution fails to suspend student-athletes for positive drug tests, in violation of its own policy. On August 1, 2017, the AMA staff responded with its interpretation. The panel heard the case on the merits and based its decision on the full information in the record.

III. FINDINGS OF FACT

The problems at Rutgers span approximately five years and touch on four main substantive areas: (1) a football student ambassador group (football ambassadors); (2) institutional drug-testing policy; (3) contact between the head coach and an instructor; and (4) contact between the assistant coach and a prospect. Within each of these areas, individuals and Rutgers failed to adhere to institutional policies and did not act in ways consistent with expectations.

Football Student Ambassador Group

The problems with the football ambassadors were a byproduct of a number of underlying failures in implementation, education, reporting lines and oversight surrounding the group. For approximately five years, the group assisted with all areas of recruiting and individuals associated with the group involved themselves with off-campus recruiting activities and publicity of prospects. The football ambassadors operated inconsistently with Rutgers policy.

The football ambassador activities came to light as the result of social media postings brought to the attention of the enforcement staff during the spring of 2015. Rutgers and the enforcement staff began an investigation of the institution's football ambassadors in May 2015. The investigation

revealed that the football ambassadors existed from approximately 2011 through the fall of 2015. This group operated independently from the Scarlet Ambassadors, Rutgers' official student-hosting organization. The program employed approximately 26 ambassadors during this period, and all but three were female. Rutgers permitted the football ambassadors to assist the football staff with all aspects of recruiting, including hosting prospects during official and unofficial visits, football practices and home football games.

Rutgers also used social media to publicize the recruitment of football student-athletes. Specifically, on numerous occasions between August 2014 and August 2015, a football ambassador and a volunteer on the operations staff commented publicly beyond confirming recruitment. Also, through a social media website, they publicized visits to the institution's campus of at least 19 football prospects.

In addition to on-campus contacts with prospects through hosting activities on official and unofficial visits, two football ambassadors, on two separate occasions, had contact with prospects off-campus. Specifically, on or around March 16, 2015, two football ambassadors had prearranged off-campus recruiting contact with two prospects in Orlando, Florida. Further, on or about April 3, 2015, the same two football ambassadors had prearranged recruiting contact with four prospects at an off-campus restaurant and a dorm room on campus.

Prior to the fall of 2015, Rutgers provided little, if any, compliance education to the members of the group.

In addition to lack of education, the involvement in recruiting and hosting functions was a result of Rutgers embedding the group within the football program. The football program organized and directed the group, including selecting its members. The football ambassadors exclusively assisted in the recruitment of football prospective student-athletes and the football recruiting staff supervised the group. The director of recruiting, who reported to the head coach, was the individual with direct oversight of the group.

As the head of the football program, the head coach knew the football ambassadors assisted with these visits, including interacting with prospects and their families. Moreover, the head coach acknowledged that he was aware of the Scarlet Ambassadors, the institution's official student host group administered through the undergraduate admissions office. The head coach recalled that his predecessor attempted to use the Scarlet Ambassadors for tours, but that "didn't work great" and "didn't fit the needs of what our [prospects] were looking for." Even with this understanding, the head coach never had a conversation with his predecessor or the compliance office regarding the permissibility of the structure or function of the football ambassador program. Further, he never evaluated the program. At the infractions hearing, the head coach acknowledged that he was responsible for all aspects of the football program, including the football ambassador program, stating "I think when you are the head football coach, everything falls on your plate and ultimately I'm responsible for it."

From a university-wide policy perspective, Rutgers used football ambassadors in a manner that was inconsistent with its policy for providing campus visits or tours to prospective students in general. Namely, the football student-ambassadors program was not affiliated with, nor administered by the institution's Office of Enrollment Management, the unit responsible for providing campus visits or tours. The football ambassadors performed both administrative and hosting duties, but it is only the hosting duties and related off-campus contacts with prospects that implicated NCAA recruiting legislation.

The Institution's Drug-Testing Policy

For over a decade, Rutgers had written policies and procedures for its student-athlete drug-testing program. Rutgers updated and modified its written policies and procedures for its student-athlete drug-testing program in 2005. Among the stated goals of the program as reflected in the 2005 policy was to identify and effectively intervene with drug users and alcohol abusers, and inform student-athletes of applicable drug-testing regulations. Rutgers enacted various policies, procedures and programs in support of these goals.

Rutgers acknowledged that at times, however, it failed to follow the program's requirements. Specifically, Rutgers failed to notify appropriate athletic department personnel of positive tests, implement corrective and disciplinary actions and identify student-athletes who had positive tests. Further, institutional staff failed to notify a few student-athletes of positive tests.

Rutgers agreed that it did not follow its own drug-testing policies and procedures at various times during the period from September 11, 2011, to the fall of 2015 by falling short of meeting the policy's notification and identification requirements. The institution's violations of drug-testing policies involved a total of 32 student-athletes who tested positive for banned substances. Many of these football student-athletes were permitted to compete without being subjected to the corrective or disciplinary actions mandated by the institution's drug-testing policy. Specifically, on several occasions, medical staff did not notify the director of athletics of positive tests, or involve the director of athletics in determining the penalties for football student-athletes who tested positive, as required by the institution's drug-testing policy. In addition, due to failures on the part of the medical staff, the football staff and the administration, Rutgers did not implement corrective actions or disciplinary actions in some instances. And Rutgers neglected to have the director of athletics document in writing the reasons for an alteration of any penalty, as the policy required. Further, the drug-testing policy required treatment contracts to be used when student-athletes tested positive an additional time (or times). However, the medical staff did not execute treatment contracts for approximately 30 student-athletes. Moreover, approximately 15 football student-athletes triggered positive drug tests that were not appropriately classified as first or subsequent violations of the program. The medical staff and the football staff allowed 14 of these student-athletes to compete without serving certain penalties, such as game suspensions, as required under the policy. Finally, on a few occasions, personnel failed to notify student-athletes of their positive drug tests in violation of the policy.

Head Coach Contact with a Faculty Member

In 2015, the head coach contacted an instructor in an attempt to arrange additional course work for a football student-athlete in an effort to raise that student-athlete's failing grade and maintain his eligibility. The head coach's actions violated university policy.

During the spring 2015 semester, a football student-athlete was performing poorly in a course. The student-athlete had several meetings with his academic advisors and then met directly with his instructor to address the situation. The instructor provided the student-athlete an opportunity to complete an additional assignment to make up for a failed quiz on which he had allegedly cheated. The student-athlete did not complete the assignment and he received a final grade of "F." He needed to pass the course in order to be eligible for the 2015 football season.

In late May 2015, shortly after the instructor posted the student-athlete's failing grade, the student-athlete contacted the instructor and requested the opportunity to complete additional work and pass the course. The instructor refused the student-athlete's request, citing the missed opportunities she gave him to earn extra credit during the semester. An administrator in the athletic support office subsequently notified the head coach of the student-athlete's "F" in the course and that he would not be eligible for the 2015 season.

On July 30, 2015, the head coach used his personal email account and contacted the instructor regarding the student-athlete's performance in the course. In the email, the head coach stated, "If there was any work that could be done to earn a grade change, I would be willing to have it done during football hours" Later that same day, the head coach arranged a personal meeting with the instructor. Before meeting with the instructor, the head coach had an August 3, 2015, telephone conversation with an administrator in the Academic Support Office regarding the process for changing final course grades. During this conversation, the head coach informed the academic support administrator that he was going to "reach out" to the student-athlete's instructor. The head coach's and the academic support administrator's account of the conversation varied. At a minimum, the administrator warned the head coach that contacting the instructor "was (not) a good idea."

Despite the academic support administrator's admonition, the head coach had a face-to-face meeting with the instructor on August 5, 2015, in an effort to arrange additional course work for the student-athlete so that he could attain a passing grade in the course. At the hearing, the head coach said that, at the time, he was not aware that institutional policy prohibited coaches from contacting faculty members, and he did not inform anyone in the athletics department of the meeting. The instructor initially acquiesced to the head coach's request to allow the student-athlete to complete additional work. Within a short time, the student-athlete submitted an initial draft of a paper to the head coach. After accepting some grammatical and punctuation suggestions from the head coach, the student-athlete emailed a final version of the paper to the instructor.

On August 7, 2015, the head coach met with the academic support administrator and informed her that he thought the student-athlete's grade in the dance appreciation course was going to be changed and thus he would be eligible for the 2015 season. The academic support administrator reported she immediately left the meeting and told the head coach that she "(didn't) want any part of this." The academic support administrator reported to her supervisor what the head coach had said during the August 3, 2015, telephone call and the August 7, 2015, in-person meeting. Rutgers administrators had concerns with what had occurred, so the institution conducted a review of the matter. The student-athlete's instructor later decided that she would not accept the student-athlete's additional course work. Accordingly, his failing grade stood, and he was ineligible for the 2015 football season.

The institution's internal investigation concluded that the head coach's contact with the instructor violated institutional policy and likely NCAA legislation. The institution's policy prohibiting contact between coaches and academic faculty was a subject covered in rules compliance sessions for several years at Rutgers.

Assistant Coach's Off-Campus Recruiting Contact and His Lack of Candor

In 2014, the assistant coach visited a football prospect at his high school during his sophomore year. The assistant coach put himself in a position to engage with the prospect and then did interact with him. The assistant coach chose to make matters worse by not being forthright about what he did.

In August 2015, the enforcement staff interviewed a football prospect from Pennsylvania. The prospect reported that in the spring of 2014 and during his sophomore year the assistant coach visited him at his high school. The prospect recalled that his high school coach pulled him from class and informed him that there was "someone here to see [him]." The prospect stated that he left the class and had a "minute, two minutes at the most" face-to-face interaction with the assistant coach. The prospect's high school coach corroborated the student-athlete's account of the assistant coach's visit. On the same day of this visit, the prospect posted a tweet thanking Rutgers and the assistant coach specifically for visiting him at his high school. The assistant coach's recruiting logs confirm that he visited the prospect at his high school on May 14, 2014.

The assistant coach was not forthright with the enforcement staff about his actions at the high school with the prospect. The enforcement staff interviewed the assistant coach on two occasions: on December 16, 2015, when he was still employed at Rutgers and again on August 3, 2016, when he was no longer at the institution. During his December 2015 interview, the assistant coach denied speaking with the prospect during the visit in question. He also failed to disclose that he had had a face-to-face encounter with the prospect during the visit. Additionally, during his 2015 interview, when questioned about the number of times he saw the prospect face-to-face, the assistant coach replied that he only saw the prospect in-person on the Rutgers campus and continued to deny that he had any in-person contact with the prospect at his high school. At the beginning of his second interview in August 2016, he stated that he reviewed the transcript of his

previous interview and did not have anything to change. However, after being asked by the enforcement staff if the prospect's high school coach brought the prospect to the assistant coach during the May 2014 visit, he admitted that he had a face-to-face encounter with the prospect but "did not speak to the young man." He maintained that position in his written response and at the hearing.

IV. ANALYSIS

The violations in this case center primarily on the football program and fall into seven areas: (A) impermissible recruiting activity by members of a football student host group and a football staff member; (B) violations of the institution's drug-testing policy; (C) an arrangement by the head football coach for an impermissible academic extra benefit provided to a student-athlete; (D) an impermissible recruiting contact; (E) unethical conduct by the assistant coach for providing false or misleading information; (F) failure of the head coach to meet his responsibility to monitor the football student host program and to promote an atmosphere of compliance; and (G) failure to monitor by the institution. These violations share the common thread of Rutgers and individuals not grasping the importance of adhering to institutional policies and compounding problems by further noncompliance with NCAA legislation.

A. IMPERMISSIBLE RECRUITING ACTIVITY BY STUDENT HOST GROUP [NCAA Division I Manual Bylaws 13.6.7.5 and 13.7.2.1.8 (2011-12 through 2015-16); 13.1.2.1, 13.1.2.1.1 and 13.4.1.4.1 (2014-15); and 13.10.2.1 and 13.10.2.4 (2014-15 and 2015-16)]

Rutgers permitted members of the football ambassadors group to conduct impermissible recruiting and hosting activities over approximately five years. Also, some associated with the group engaged in impermissible recruiting and publicity outside of the group's activities. The institution and enforcement staff substantially agreed to the facts and that violations occurred. The panel agrees with the parties' position that violations occurred. These violations are Level II.

1. NCAA legislation relating to recruiting.

The applicable portions of the bylaws may be found at Appendix Two.

2. For approximately five years, the institution violated NCAA legislation when it used a football ambassador group for recruiting purposes, and some associated with the group and football program engaged in impermissible off-campus recruiting and publicity of prospects.

During the 2011-12 academic year through the fall of 2015, Rutgers permitted members of the football ambassadors group, or those associated with the group, to operate in noncompliance with NCAA rules in three areas. First, football ambassadors impermissibly served as student hosts

during football prospects' official and unofficial visits and became involved in recruiting activities. These actions were inconsistent with university policy. Second, some individuals associated with the group impermissibly met off campus with prospects. Finally, others associated with the group and the football program impermissibly publicized the recruitment of prospects. Rutgers fell short in implementation, education, reporting lines and oversight of the football student ambassadors. These are significant violations. The conduct violated Bylaw 13.

Bylaws 13.6.7.5 and 13.7.2.1.8 govern the use of student hosts on official and unofficial visits and prohibit the use of student hosts in a manner inconsistent with the institution's policies. 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. Bylaw 13.4.1.4.1 allows communication with prospects only through electronic mail and facsimile. Further, Bylaw 13.1.2.1 requires that all in-person, on- and off-campus recruiting contacts with a prospective student-athlete shall be made only by authorized institutional staff members, i.e. coaches. Bylaw 13.10.2.1 prohibits institutions from publicizing the recruitment of a prospect beyond simply confirming that the institution is recruiting the student-athlete. More specifically, Bylaw 13.10.2.4 forbids member institutions from publicizing a prospective student-athlete's visit to the institution's campus.

Members of the football ambassador group were neither student-athletes nor regular students operating under regular campus-visit policy. When the football ambassadors engaged in the conduct involving visits, they violated Bylaws 13.6.7.5 and 13.7.2.1.8. In addition, the football student-ambassador group also engaged in impermissible off-campus recruiting activity arranged through text messaging and/or social media communication that violated Bylaws 13.1.2.1 and 13.4.1.4.1. Finally, members of the football ambassador group and a football staff member publicized the recruitment of prospective student-athletes in a fashion that violated Bylaws 13.10.2.1 and 13.10.2.4.

The COI has concluded in the past that violations occurred under similar circumstances. See *Oklahoma State University* (2015) (concluding that a student host group engaged in impermissible hosting activities during official and unofficial visits to campus by prospective football student-athletes and their families).

In a related way, off-campus contacts between members of the football ambassador group arranged through impermissible electronic communications also violated recruiting legislation. In this instance, members of the football ambassadors arranged off-campus contacts through text messaging and other social media, which Bylaw 13.4.1.4.1 expressly prohibits. When the football ambassadors, who were not authorized to recruit, met with prospective student-athletes on two occasions off campus, Rutgers violated Bylaw 13.1.2.1.

In another way connected to the football ambassadors group, a football ambassador and football staff member committed recruiting violations relating to the publicizing of recruiting information.

When a football ambassador and the football director of recruiting commented publicly beyond confirming recruitment and publicized visits to the institution's campus of at least 19 football prospects on social media, Rutgers violated Bylaws 13.10.2.1 and 13.10.2.4.

Rutgers allowed the football ambassador group to function in a way that violated NCAA legislation, despite the membership being on notice for several years that use of such student hosting groups was impermissible. The NCAA published multiple education columns on this issue over the past 13 years, most recently in 2015. These education columns placed the Association on notice regarding the most current legislation on the proper use of student hosts. The educational columns were based on Bylaws 13.6.7.5 and 13.7.2.1.8, among others, and their official and staff interpretations. The educational columns were made public and widely circulated and utilized by institutional compliance staff.

Even in light of commonly-known rules and concerns surrounding student-host groups, Rutgers took certain actions and failed to take others that led to these violations. Rutgers failed to appropriately educate members of the group and Rutgers personnel. Rutgers also chose to embed the group within the football program. Oversight of the group ultimately fell on the head coach. In this environment, it is not surprising that the group's use and the actions of some associated with the group crossed boundaries and ran afoul NCAA rules and Rutgers' own institutional policies.

The violations in this case are Level II violations of NCAA bylaws because they provided or were intended to provide more than a minimal but less than a substantial recruiting advantage. The Level II classification is consistent with the decision in *Oklahoma State*. Both cases involved impermissible recruiting activities by groups that did not comport with each institutions' policies for providing campus tours or visits to prospective students in general.

B. FAILURE TO COMPLY WITH THE INSTITUTION'S DRUG-TESTING POLICY [NCAA Division I Manual Bylaw 10.2 (2011-12 through 2015-16)]

Rutgers failed to follow its own drug-testing policies and procedures for a number of student-athletes over a multi-year period. Some of those student-athletes who had tested positive for banned substances then competed in contravention of Rutgers' drug-testing policy. Rutgers and the enforcement staff substantially agreed on the facts and that violations occurred. The panel agrees with the parties' position that violations occurred. These violations are Level II.

1. NCAA legislation regarding knowledge of use of banned drugs.

The applicable portions of the bylaw may be found at Appendix Two.

- 2. For approximately five years, Rutgers violated NCAA legislation when it failed to comply with its drug-testing policy requirements for 32 student-athletes, resulting in 14 football student-athletes competing without being subject to mandated corrective or disciplinary actions.**

At various times from September 2011 to the fall of 2015, Rutgers fell short of meeting its drug-testing policy for 32 student-athletes by not adhering to the policy in three principal areas: (1) notification; (2) proper identification of positive tests; and (3) implementation of required corrective or disciplinary action. These failures to follow the policy involved multiple athletics personnel across the athletics department. As a result, Rutgers allowed 14 football student-athletes who tested positive for banned substances to compete without being subject to corrective or disciplinary action required by the policy. These are significant violations. The failure to comply with the drug-testing policy violated Bylaw 10.

Bylaw 10.2 addresses compliance with institutional policy on drug abuse. The bylaw specifically requires athletics personnel who have knowledge that a student-athlete used a banned substance to comply with their institution's drug-testing policy.

Rutgers did not implement notice requirements under its drug-testing policy in several ways. At times, the medical staff did not notify the director of athletics of positive tests. Further, on a few occasions, Rutgers did not inform student-athletes of a positive drug test. The process also failed when medical personnel and/or the head coach did not notify and involve the director of athletics in determining the penalties, or alteration of required penalties, for football student-athletes who tested positive.

Rutgers did not adhere to its drug-testing policy in a second way when 15 student-athletes had positive drug tests that were not appropriately classified as first or subsequent violations of the drug-testing policy.

Rutgers also failed to implement required corrective or disciplinary action under its drug-testing policy. Specifically, the drug-testing policy required treatment contracts to be used when student-athletes tested positive an additional time (or times). Treatment contracts outlining mandatory treatment requirements, expectations and future possible sanctions were not utilized for approximately 30 football student-athletes after their first positive test as required by the institution's drug-testing policy. Moreover, of the 15 student-athletes who had initial positive tests (or subsequent violations) and were not properly identified by Rutgers, 14 of them were permitted to compete without being subject to timely corrective or disciplinary actions, including game suspensions, required by the policy.

Under Bylaw 10.2, Rutgers was required to comply with its drug-testing policy, and it did not do so within these three areas. Because of these collective failures, Rutgers fell short in complying with its drug-testing policy, affecting numerous student-athletes. When Rutgers did not implement its drug-testing policy, it violated Bylaw 10.2.

Consistently over time, the COI has concluded that institutions that fail to implement drug-testing policies violate Bylaw 10.2. *See University of Miami* (1995) (concluding that the institution failed to follow its drug-testing policy and permitted three football student-athletes to compete without being subject to the required disciplinary measures specified in the policy); *Baylor University*

(2005) (concluding that that the institution did not follow its drug-testing policy when three student-athletes failed a drug test, but the results were not reported to the appropriate university office as the policy required); *Syracuse University* (2015) (concluding that the institution failed to follow its written drug-testing policy when, following positive drug tests, the head coach men's basketball coach did not contact parents of student-athletes and when counselors released student-athletes back to competition without ensuring that student-athletes no longer used banned substances); *Oklahoma State University* (2015) (concluding that the institution violated its drug-testing policy when it permitted five football student-athletes to participate in competition who should have been withheld from competition because they failed institutional drug tests; and *California State University, Sacramento* (2015) (concluding that, similar to *Oklahoma State*, the institution violated its drug-testing policy when it permitted five football student-athletes to participate in competition who should have been withheld from competition because they failed institutional drug tests). This case has some differences from past cases, but all share the common thread of a failure to follow institutional drug-testing policies.

The panel concludes that these violations are Level II. Level II violations are significant breaches of conduct. Pursuant to Bylaw 19.1.2, significant breaches of conduct are those that may compromise the integrity of the NCAA Collegiate Model or that provided or were intended to provide more than a minimal but less than a substantial recruiting advantage. In this case, the violations of the drug-testing policy compromised the integrity of the NCAA Collegiate Model because such violations undermine the Association's commitment to drug-free and fair competition. Moreover, Rutgers did not implement proper disciplinary actions, including game suspensions, for some football student-athletes who tested positive for banned drugs. In failing to do so, it gained more than a minimal recruiting advantage over institutions that complied with drug-testing policies and withheld offending student-athletes. The Level II classification is consistent with the decisions in *Oklahoma State University* (2015) and *California State University, Sacramento* (2015), both of which involved failures to comply with punitive actions required by their respective policies, including failures to withhold from competition student-athletes who tested positive.

C. THE HEAD COACH'S ARRANGEMENT FOR AN ACADEMICALLY-RELATED EXTRA BENEFIT [NCAA Division I Manual Bylaw 16.11.2.1 (2014-15 and 2015-16)]

During the summer of 2015, the head coach provided an impermissible extra benefit to a football student-athlete when he contacted the student-athlete's instructor to arrange for him to complete additional coursework. The institution, the head coach and the enforcement staff substantially agreed on the facts and that the violation occurred. The panel agrees with the parties' position that the violation occurred. The violation is Level II.

1. NCAA legislation relating to extra benefits.

The applicable portions of the bylaws may be found at Appendix Two.

- 2. The head coach provided an impermissible extra benefit when, during the summer of 2015, he arranged for a student-athlete to complete additional coursework after the conclusion of the academic term so that the student-athlete could gain eligibility for the 2015 football season.**

During July and August 2015, the head coach violated NCAA legislation when he arranged for a football student-athlete to receive an impermissible academically-related extra benefit. Specifically, the head coach contacted the student-athlete's course instructor to arrange extra work for the football student-athlete so that he could pass the course and be eligible for the 2015 football season. The head coach agreed to the facts of the violation, but claimed that he was not aware of the institution's policy prohibiting contact between coaches and faculty members. The head coach's conduct violated Bylaw 16.

Bylaw 16 governs benefits for enrolled student-athletes. Bylaw 16.11.2.1 is the general rule that a student-athlete shall not receive any "extra benefit." An extra benefit is "any special arrangement by an institutional employee or representative of the institution's interest that is not expressly authorized by NCAA legislation."

Two months after a football student-athlete failed a dance appreciation course in which he was enrolled during the 2015 spring semester, the head coach contacted the course instructor using his personal email account and asked her to permit the student-athlete to complete extra work that would allow him to pass the course and retain his eligibility. He later personally met with the instructor to finalize the arrangement. The instructor initially agreed to the head coach's request. The head coach stated that he was not aware that institutional policies prohibited coaching staff from contacting faculty members regarding student-athletes' academic issues. However, this policy was a topic covered in rules compliance sessions for several years at the institution.

As a result of the head coach's conduct, the student-athlete received a benefit not generally available to the general student body and not authorized by NCAA legislation. The impermissible benefit was the "special arrangement" to ensure the student-athlete's eligibility. And it was made possible by the head coach's request and his involvement in the academic affairs of one of his student-athletes.

A similar violation occurred in a case involving the *University of Georgia* (2014). In *Georgia*, on the final day of classes for the 2013 fall semester, the head swimming coach contacted a professor in an attempt to arrange an independent study class that could be added to the student-athlete's fall semester schedule. This resulted in an impermissible benefit for the student-athlete. As in this case, the Georgia swimming coach made this arrangement to maintain the student-athlete's academic eligibility. Consistent with the decision in *Georgia*, the panel concludes that the head coach's conduct resulted in an impermissible benefit and a Level II violation.

**D. THE ASSISTANT COACH'S IMPERMISSIBLE RECRUITING CONTACT
[NCAA Division I Manual Bylaw 13.1.1.1 (2013-14)]**

During May 2014, an assistant football coach had impermissible, off-campus recruiting contact with a football prospective student-athlete, who was a high school sophomore at the time, at the prospect's high school. The institution and the enforcement staff substantially agreed on the facts and that the violation occurred. The assistant coach agreed that he had face-to-face contact with the prospect, but did not agree that he engaged in a conversation. The panel concludes that the contact occurred and that the assistant coach and the prospect spoke to one another. This violation is Level III.

1. NCAA legislation relating to recruiting contacts.

The applicable portions of the bylaws may be found at Appendix Two.

2. The assistant coach engaged in an impermissible recruiting contact with a prospective student-athlete who was high school sophomore at the time.

On May 14, 2014, the assistant coach visited a high school in Pennsylvania. During the visit, the assistant coach spoke with the high school's head football coach. The high school coach pulled a sophomore prospective student-athlete from class to meet with the assistant coach. The assistant coach had face-to-face contact with the prospective student-athlete and engaged in a conversation with him. This contact violated Bylaw 13.

Bylaw 13.1.1.1 prohibits off-campus recruiting contacts with a prospective student-athlete (or his or her relatives or legal guardians) before July 1 following the completion of his or her junior year in high school. In this instance, the assistant coach violated Bylaw 13.1.1.1 because the prospective student-athlete with whom he had contact was a high school sophomore at the time. Pursuant to Bylaw 19.1.3, the panel concludes that this violation is Level III because it was isolated and did not provide the institution with more than a minimal advantage.

Similar violations occurred in recent cases involving the *University of Alabama* (2017) and *University of California, Los Angeles (UCLA)* (2016). In *Alabama*, an assistant football coach initiated an in-person contact with a prospective student-athlete at the prospect's high school during an evaluation period, prior to the end of the prospect's junior year, a violation of Bylaw 13.1.1.1. In *UCLA*, the associate head football coach had impermissible off-campus contact during an evaluation period with two prospective student-athletes who were juniors in high school, also a violation of Bylaw 13.1.1.1. In both *Alabama* and *UCLA*, as in this instance, the panels determined that the impermissible recruiting contacts were Level III.

E. THE ASSISTANT COACH'S UNETHICAL CONDUCT [NCAA Division I Manual Bylaws 10.01.1, 10.1 (2015-16 and 2016-17); 10.1-(d) (2015-16); 10.1-(c) (2016-17)]

The assistant football coach engaged in unethical conduct when he provided false or misleading information during the investigation. The institution and the enforcement staff substantially agreed on the facts and that the violation occurred. The assistant coach disagreed that he provided false or misleading information. The panel concludes the violation occurred and it is Level II.

1. NCAA legislation relating to ethical conduct.

The applicable portions of the bylaws may be found at Appendix Two.

2. On two occasions, the assistant football coach engaged in unethical conduct when he provided false or misleading information to the NCAA enforcement staff and institution.

In two separate interviews, the assistant football coach violated NCAA principles of ethical conduct when he knowingly provided false or misleading information to the enforcement staff and institution regarding his impermissible contact with a sophomore prospective student-athlete. The conduct violated Bylaw 10.

Bylaw 10 requires coaches, student-athletes and others involved with intercollegiate athletics to conduct themselves in an ethical manner. Included in this legislation is Bylaw 10.01, the general principle of ethical conduct that requires individuals at member institutions to practice honesty and sportsmanship at all times. Conversely, Bylaw 10.1 identifies behaviors that constitute unethical conduct. Among these behaviors is the knowing provision of false or misleading information to the enforcement staff and institutions, as specified in Bylaws 10.1-(c) and 10.1-(d).⁴

During interviews conducted on December 16, 2015, and August 3, 2016, the assistant coach provided false and misleading information when he denied having any impermissible communication or contact with the prospective student-athlete during his 2014 visit to the prospect's high school. He also stated that the only time he saw the prospect face-to-face was on the Rutgers campus during visit(s). Contrary to the assistant coach's assertions, the prospect reported that the assistant coach visited him at his high school in the spring of 2014 and they spoke to each other. The prospect recalled that his high school coach summoned him from an art class to meet with the assistant coach and the meeting lasted approximately one to two minutes. On the day of this contact, the prospect posted a tweet thanking the institution and the assistant coach for visiting him. The assistant coach's recruiting logs confirm that he visited the prospect at his high

⁴ When the assistant coach was first interviewed, in December 2015, Bylaw 10.1-(d) identified the provision of false or misleading information as unethical conduct. That bylaw changed to 10.1-(c) in the 2016-17 Division I Manual and applied when the enforcement staff interviewed the assistant coach a second time, in August 2016.

school on May 14, 2014. The prospect's high school coach corroborated the prospect's account of his contact with the assistant coach and conversation.

In his written response and at the hearing, the assistant coach ultimately admitted that he had impermissible contact with the prospect. However, the assistant coach claimed that he did not initiate the contact nor speak to the prospect during the encounter. Based on the information presented to the panel, including the accounts of the May 2014 visit by the prospect and his high school coach, the contemporaneous tweet by the prospect regarding the visit and the assistant coach's recruiting logs, the panel concludes that the assistant coach knowingly provided false or misleading information regarding the recruiting contact, violating Bylaws 10.1-(c) and 10.1-(d). When he provided untruthful information, the assistant coach did not act with honesty and thus violated Bylaw 10.01.1.

The COI has previously decided cases involving the provision of false or misleading information as Level II violations. *See University of Mississippi* (2016) (concluding that an assistant track coach committed a Level II violation when she provided false or misleading information to the institution and the enforcement staff when questioned about prospects' participation in weekend runs with enrolled student-athletes); and *San Jose State University* (2016) (concluding that a head women's basketball coach committed a Level II violation when he provided false or misleading information regarding a transfer student-athlete's participation in team activities during her year in residence).

F. HEAD COACH RESPONSIBILITY [NCAA Division I Manual Bylaws 11.1.2.1 (2011-12 and 2012-13) and 11.1.1.1 (2012-13 through 2015-16)]⁵

For approximately five years, the head coach failed in his responsibility to monitor the football recruiting operations staff relative to the football ambassador program and failed to promote an atmosphere of compliance within the football program.

The institution disagreed that the head coach failed to monitor the recruiting operations staff; however, the enforcement staff and the institution agreed that the head coach failed to promote an atmosphere of compliance when he contacted an instructor and arranged for a student-athlete to receive an extra benefit. The head coach disagreed that he either failed to monitor or failed to promote an atmosphere of compliance. The panel concludes that the head coach both failed to monitor and failed to promote an atmosphere of compliance, a Level II violation.

1. NCAA Legislation related to head coach responsibility.

The applicable portions of the bylaws may be found at Appendix Two.

⁵ During the period of this violation, the head coach responsibility legislation citation changed from Bylaw 11.1.2.1. to 11.1.1.1.

2. The head coach failed to monitor the football operations staff relative to the football ambassador group and failed to promote an atmosphere of compliance when he arranged an impermissible academic benefit for a student-athlete.

For approximately five years, the head coach failed to monitor the football recruiting operations staff, which had direct oversight of the football ambassador group. This lack of oversight led to recruiting violations committed by the football ambassador group. Further, the head coach failed to promote an atmosphere of compliance when he violated university policy and contacted an instructor to make a special academic arrangement for a student-athlete. This conduct violated Bylaw 11.

Bylaw 11.1.1.1 and its predecessor, Bylaw 11.1.2.1, create a presumption that head coaches are responsible for the actions of their subordinates. *See Syracuse University* (2015) (concluding that the bylaw places a duty upon a head coach to monitor the activities of all staff and administrators who report directly or indirectly to the head coach); *University of Miami* (2013) (concluding that the bylaw holds head coaches responsible for the conduct of staff); and *Indiana University, Bloomington* (2008) (concluding that the bylaw places a specific and independent monitoring obligation on head coaches). The monitoring responsibility applies to all assistant coaches and program staff members who report, either directly or indirectly, to the head coach. That presumption is rebuttable.

Here, the head coach failed to rebut the presumption as it relates to the football ambassadors. From the 2011-12 academic year through the fall of 2015, the head coach took a casual approach to compliance as it relates to the student ambassador program. He exercised little, if any oversight of the group, permitting the recruiting staff to administer the program with no supervision. The panel noted that, upon being promoted to head coach, the head coach never had a conversation with the previous head football coach or compliance office regarding the structure or function of the football ambassador program and its permissibility under NCAA legislation. In addition, the head coach acknowledged that there were no written procedures pertaining to the football ambassadors and their activities. As the individual who had ultimate oversight of all aspects of the football program, it is implicit that the head coach was also responsible for the actions of football ambassadors and, ultimately, the violations they committed. At the hearing, the head coach appeared to recognize this, acknowledging during the discussion of the football ambassadors that he was responsible for all aspects of the football program.

The head coach also violated head coach responsibility legislation when, using his personal email account, he contacted a faculty member to arrange for the provision of an impermissible academic benefit for a student-athlete who had failed a course the previous semester. He later met in-person with the instructor. The head coach did so in an effort to gain the student-athlete's eligibility for the 2015 football season. Institutional policy prohibits coaches from contacting academic faculty and staff regarding student-athletes. The head coach admitted that he is responsible for knowing

the rules and a violation occurred, but maintained that he did not knowingly violate this policy when he contacted the student-athlete's instructor.

As detailed earlier in this decision, a very similar violation occurred in a 2014 case involving the University of Georgia. In *Georgia*, the head swimming coach contacted a professor in an effort to make a special academic arrangement for a men's swimming student-athlete in order to ensure the student-athlete's eligibility. The *Georgia* panel concluded that this action violated head coach responsibility legislation. Consistent with the decision in *Georgia*, the panel concludes that the head coach failed to promote an atmosphere of compliance, a Level II violation, when he contacted the student-athlete's instructor and made an impermissible academic arrangement.

G. THE INSTITUTION'S FAILURE TO MONITOR [NCAA Division I Manual Constitution 2.8.1 (2011-12 through 2015-16)]

Over a five-year period, the institution violated the principle of rules compliance when it failed to monitor its football program and ensure compliance with its football student-ambassador program and institutional drug-testing policy. The institution and the enforcement staff agreed on the facts and that the violation occurred. The panel agrees with the parties' position that the violation occurred. The violation is Level II.

1. NCAA legislation related to institutional responsibility to monitor its athletics program.

The applicable portion of the Constitution may be found at Appendix Two.

2. For a five-year period, the institution failed to ensure that the football student ambassadors' recruiting activities were permissible. Further, during the same period, the institution failed to ensure it followed its established institutional drug-testing policy with respect to 32 football student-athletes.

During the 2011-12 through 2015-16 academic years the institution failed in its duty to monitor in two ways: (1) it failed to ensure that the football student-ambassadors' recruiting activities were permissible; and (2) it failed to follow its established drug-testing policy with respect to 32 football student-athletes. The institution's failure to monitor violated NCAA Constitution 2.8.1.

NCAA Constitution 2.8.1 requires that each member institution comply with all rules and regulations of the Association, monitor its programs to ensure control over all aspects of its intercollegiate athletics program. The Constitution also establishes that the institution's administration or faculty, or a combination of the two, exercise control and responsibility over the conduct of the institution's intercollegiate athletics programs. The institution failed in this regard as it related to the monitoring of its football ambassador program and proper adherence to its drug-testing policy.

Regarding the monitoring of the football ambassador program, the institution's Office of Enrollment Management was responsible for providing campus visits or tours to all prospective students, including prospective student-athletes. NCAA legislation requires that athletics host groups be administered in a manner consistent with the institution's policy for providing campus visits or tours to prospective students in general. The university failed to monitor by not integrating the football ambassadors with the Office of Enrollment Management, in accordance with university policy. Further, even though athletics compliance staff members were present on many unofficial visit weekends and most official visit weekends to observe the group's activities, the monitoring failed to detect the infractions set forth in Violation A. Moreover, there was little, if any, oversight of the group by senior football staff members, specifically, the head coach. Finally, the institution did not provide rules education to the football staff or ambassadors regarding the "do's and don'ts" of such programs. This occurred despite the fact that the Association published numerous Educational Columns on this topic and that the Division I COI issued an infractions decision that included a Level II violation involving a student host group.

The institution also failed to monitor relative to compliance with its own drug-testing policy. As detailed in Violation B, between September 2011 and the fall of 2015, the institution failed to ensure that it adhered to its drug-testing programs written protocol regarding: (1) notification of positive tests to the Director of Athletics and involving the Director of Athletics in the penalty phase of the program; (2) failing to identify positive tests in accordance with the program's procedures; and (3) not subjecting student-athletes to the prescribed penalties of the program. As a result, 14 student-athletes were permitted to compete without being subjected to the corrective or disciplinary actions mandated by the institution's drug-testing policy.

V. VIOLATIONS NOT DEMONSTRATED

The enforcement staff alleged that the director of sports medicine was personally responsible for many of the drug-testing policy failures detailed in Violation B. The enforcement staff also implicated the head coach in these violations as it related to his head coach responsibility failure. Although the former director of sports medicine may well have borne some responsibility for the violations of the drug-testing policy, the panel concludes that the drug-testing policy failures were the result of shortcomings across several units in the athletics department, including sports medicine, football and the administration. Therefore, the panel concludes that responsibility for the drug-testing policy violations should not be assessed to any individual(s). Using the same rationale, the panel also concludes that the drug-testing policy violations should not be a component of the head coach responsibility failure involving the former head football coach.

VI. PENALTIES

For the reasons set forth in Sections III and IV of this decision, the panel concluded that this case involved six Level II violations and one Level III violation of NCAA legislation. Level II

violations are significant breaches of conduct that may compromise the integrity of the Collegiate Model. Level III violations are breaches of conduct that are isolated or limited in nature and provide no more than a minimal recruiting, competitive or other advantage.

Because the violations in this case straddled the implementation of the current penalty structure, the panel conducted an analysis of when the violations predominated. The panel determines that the violations predominated after October 30, 2012, the adoption date of current NCAA Bylaw 19. Therefore, the penalty guidelines that went into effect on August 1, 2013, apply.⁶

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 classification for the parties. In addition to the agreed-upon aggravating and mitigating factors, many aggravating and mitigating factors were contested by the parties.

With regard to the institution's aggravating factors, the enforcement staff proposed Bylaw 19.9.3-(b), a history of Level I, Level II or major violations, which the institution contested. Rutgers had only one previous major case, in 2003. Therefore, the panel determines that Bylaw 19.9.3-(b) does not apply. The enforcement staff also proposed Bylaw 19.9.3-(h), participation/condoning by persons of authority, which the institution contested. The panel notes that the head coach participated in a violation when he made an impermissible academic arrangement with an instructor. He also condoned the activities of the football ambassadors, which resulted in recruiting violations. Therefore, the panel determines that Bylaw 19.9.3-(h) is applicable. Further, the enforcement staff proposed, and the institution initially agreed to Bylaw 19.9.3-(i), significant ineligibility or other substantial harm to student-athletes. After the hearing, the panel asked the enforcement staff and the institution to clarify their positions relative to this potential aggravating factor. The enforcement staff confirmed its belief that this aggravating factor applied. The enforcement staff took this position because, in its view, the institution's failure to abide by its drug-testing policy resulted in student-athletes neither receiving the preventative and rehabilitative measures the policy was intended to provide, nor being deterred from drug use because of lack of punitive action. On the other hand, the institution reversed its earlier position, arguing that, while some harm may have accrued to a few student-athletes, the aggregate affect was not substantial. Both the enforcement staff and the institution agreed that significant ineligibility did not result. In considering the respective positions of both parties, the panel determines that Bylaw 19.9.3-(i) does not apply. Finally, the enforcement staff proposed Bylaw 19.9.3-(k), a pattern of noncompliance within the football program, which the institution contested. The panel noted that the violations involving the football ambassadors occurred over a five-year period and that the head coach was directly involved in the provision of an academically-related extra benefit. Based on these violations and the time period over which they occurred, the panel determines that Bylaw 19.9.3-(k) applies.

⁶ The membership recently expanded the ranges of 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 prior to that date, it used the guidelines that went into effect on August 1, 2013.

In reference to the institution's mitigating factors, in addition to the agreed-upon mitigating factors set forth in Bylaws 19.9.4-(a) and 19.9.4-(d), Rutgers proposed Bylaw 19.9.4-(e), implementation of measures to ensure rules compliance, to which the enforcement staff did not agree. The panel notes that the drug-testing policy violations occurred over many years, as did the recruiting violations associated with the football ambassadors. Both areas of violations went undetected by the compliance office during that time. Therefore, Bylaw 19.9.4-(e) does not apply. The institution also proposed Bylaw 19.9.4-(f), exemplary cooperation. The institution's actions met, but did not exceed, its legislated expectations. Consequently, the panel determines that Bylaw 19.9.4-(f) does not apply.

With regard to the head coach's aggravating factors, the enforcement staff proposed Bylaw 19.9.3-(d), obstructing an investigation or attempting to conceal the violation, which the head coach contested. The panel notes that the head coach informed an academic administrator that he planned to contact the student-athlete's instructor regarding the dance appreciation course the student-athlete failed in the 2015 spring semester. Therefore, the panel determines that Bylaw 19.9.4-(d) does not apply. The enforcement staff also proposed Bylaw 19.9.3-(f), premeditation, deliberation or substantial planning, which the head coach also contested. The head coach both emailed and personally met with the student-athlete's dance appreciation instructor as part of his plan to have the student-athlete regain academic eligibility for the 2015 football season. He also reviewed extra course work the student-athlete submitted to the instructor. Consequently, the panel determines that Bylaw 19.9.3-(f) applies. In addition, the enforcement staff proposed Bylaw 19.9.3-(g), multiple Level II violations, which the head coach contested. The panel notes that the head coach committed a Level II violation when he impermissibly contacted the student-athlete's dance instructor in an attempt to arrange an academically-related extra benefit. His head coach responsibility failure was also a Level II violation. Therefore, the panel determines that Bylaw 19.9.3-(g) applies. Additionally, the enforcement staff proposed Bylaw 19.9.3-(h), persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct, to which the head coach disagreed. The panel notes that the head coach participated in a violation when he contacted the student-athlete's dance appreciation instructor in an effort to have the student-athlete regain his eligibility. He also disregarded his obligation to oversee the activity of the football ambassadors. Consequently, the panel determines that Bylaw 19.9.3-(h) applies. Finally, the enforcement staff proposed Bylaw 19.9.3-(j), abuse of a position of trust, which the head coach contested. Because of the leadership position and the trust placed in the position of head football coach, it was incumbent upon the head coach to abide by the rules of the Association and to instill an atmosphere of compliance. In this instance, the head coach failed to do so. Therefore, the panel determines that Bylaw 19.9.3-(j) applies.

In reference to the head coach's mitigating factors, he proposed Bylaw 19.9.4-(e), implementation of measures to ensure rules compliance, to which the enforcement staff disagreed. The panel notes that the head coach had ultimate responsibility and oversight of the football ambassadors. This group was involved in recruiting violations that occurred over approximately five years. Further, the head coach committed a violation when he contacted a student-athlete's instructor to arrange an extra benefit. He also failed to promote an atmosphere of compliance. Therefore, the panel

determines that Bylaw 19.9.4-(e) does not apply. In addition, the head coach proposed Bylaw 19.9.4-(g), the violations were unintentional, limited and deviated from compliant practices. The panel concludes that the head coach knew, or should have known that contacting a student-athlete's instructor to arrange an extra benefit was against university policy and violated NCAA rules. Consequently, the panel determines that Bylaw 19.9.4-(g), is not applicable. Finally, the head coach proposed Bylaw 19.9.4-(i), other factors warranting a lower penalty range. Under this bylaw, the head coach focused on what he claimed were failures on the part of the institution and the former director of athletics for the violations which occurred. However, the panel concludes that the head coach bore responsibility for several violations in this case, including a failure to oversee the activities of the football ambassadors, his involvement in providing an academic extra benefit for a student-athlete and his head coach responsibility failure. Therefore, the panel determines that Bylaw 19.9.4-(i) does not apply. However, the panel determines that two mitigating factors apply to the head coach: (1) Bylaw 19.9.4-(c), affirmative steps to expedite final resolution of the matter; and (2) Bylaw 19.9.4-(h), the absence of prior conclusions of Level I, Level II or major violations committed by the involved individual. With regard to Bylaw 19.9.4-(c), the panel notes that the head coach is no longer coaching collegiately, but attended the hearing nonetheless and candidly addressed the panel's questions. Further, during the hearing, he admitted some responsibility for the violations in which he was named. Regarding Bylaw 19.9.4-(h), the head coach had no previous involvement in major/Level I/Level II violations of NCAA legislation, thus this bylaw applies.

Regarding the assistant coach's aggravating factors, the enforcement staff proposed one; Bylaw 19.9.3-(e), unethical conduct for providing false or misleading information. Because the assistant coach denied that he provided false or misleading information regarding his contact with a high school sophomore prospect, he disagreed with this aggravating factor. The panel concludes that the assistant coach provided false or misleading information to the enforcement staff and Rutgers when questioned about this contact. Therefore, the panel determines that Bylaw 19.9.3-(e) applies.

In reference to the assistant coach's mitigating factors, he proposed Bylaw 19.9.4-(g), violations were unintentional, limited and deviated from compliant practices. The panel notes that the assistant coach had more than 20 years of collegiate coaching experience. He knew, or certainly should have known, that contacting a high school sophomore prospect is contrary to NCAA recruiting legislation. He also knew, or should have known, that providing false or misleading information is a serious breach of conduct. Therefore, the panel determines that Bylaw 19.9.4-(g) does not apply as a mitigating factor. The assistant coach also proposed as a mitigating factor Bylaw 19.9.4 (i), other factors warranting a lower penalty range. Specifically, the assistant coach cited the fact that he is unemployed and has not been employed by an NCAA institution since 2015, when Rutgers terminated the entire football staff. The panel notes that it is common for institutions to release coaching staffs and that the assistant coach's employment circumstances are not unique. Therefore, the panel determines that Bylaw 19.9.4-(i) is not applicable. However, as the panel determined with the head coach, it similarly determines that Bylaw 19.9.4-(h), the absence of prior conclusions of Level I, Level II or major violations applies to the assistant coach.

The panel made this determination based on the fact that the assistant coach had no previous involvement in major/Level I/Level II violations of NCAA legislation.

Following its determination of the aggravating and mitigating factors, the panel then assessed the applicable penalty classification. In doing so, the panel considered the aggravating and mitigating factors by weight as well as number. This case involved violations that occurred over a five-year period. After considering all information relevant to the case, the panel determined that the nature and effect of the aggravating factors and the mitigating factors were essentially balanced for each of the parties. Therefore, the panel classifies the case as Level II-Standard for all parties.

Aggravating Factors for Rutgers

- 19.9.3-(g): Multiple Level II violations;
- 19.9.3-(h) Participation/Condoning by persons of authority; and
- 19.9.3-(k) Pattern of noncompliance within the football program.

Mitigating Factors for the Rutgers

- 19.9.4-(a): Prompt self-detection and self-disclosure of the violations; and
- 19.9.4-(d): Established history of self-reporting Level III or secondary violations.

Aggravating Factors for the Head Coach

- 19.9.3-(f): Violations were premeditated, deliberate or committed after substantial planning;
- 19.9.3-(g): Multiple Level II violations;
- 19.9.3-(h): Person of authority condoned/participated in the violations; and
- 19.9.3-(j): Conduct or circumstances demonstrating an abuse of a position of trust.

Mitigating Factors for the Head Coach

- 19.9.4-(c): Affirmative steps to expedite final resolution of the matter; and
- 19.9.4-(h): The absence of prior conclusions of Level I, Level II or major violations committed by the involved individual.

Aggravating Factors for the Assistant Coach

- 19.9.3-(e): Unethical conduct

Mitigating Factors for the Assistant Coach

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

All of the 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 Appendix One. The panel prescribes the following penalties. Those proposed or self-imposed by the institution are so noted:

Core Penalties for Level II – Standard Violations (NCAA Bylaw 19.9.5)

1. Probation: Two years from September 22, 2017, through September 21, 2019;⁷
2. Financial Penalties: Rutgers shall pay a financial penalty of \$5,000. (Self-imposed)⁸

Recruiting restrictions:

3. The institution shall reduce in the number of permissible, off-campus recruiting days by a total of 10: five days in the fall evaluation period and five days in the spring evaluation period during the 2017-18 academic year (Self-imposed)
4. The institution shall limit the football program to 36 official visits (for high school seniors and transfer students) in football during the 2017-18 academic year, a reduction by four from the average number of visits used during the four most recent academic years and 26 fewer than permitted under NCAA legislation (Self-imposed)
5. The institution shall prohibit telephone calls, contact via social media, and written correspondence with prospective student-athletes for a one-week period during the 2017-18 academic year. (Self-imposed)

Head Coach Restrictions

6. Rutgers suspended the head coach for three contests during the 2015 football season. (Self-imposed)

Show-cause Orders

7. The head coach failed to monitor the football student ambassador program and failed to comply with institutional policy when he contacted an instructor to arrange an impermissible academic benefit for a student-athlete. In committing these violations, he also failed his responsibility as a head coach. The panel determined that the head coach's violations were, taken together, Level II-Standard. Therefore, pursuant to Bylaw 19.9.5.4, the panel prescribes a one-year

⁷ The institution proposed a one-year period of probation.

⁸ The fine shall be paid in accordance with COI Internal Operating Procedure (IOP) 4-15-2.

show-cause order for the head coach that shall be in effect beginning with the date of this decision, September 22, 2017, and concluding on September 21, 2018. The head coach shall be informed in writing by the NCAA that if he seeks employment or affiliation in an athletically related position at an NCAA member institution during the one-year show-cause period, any employing institution shall be required to contact the OCOI to make arrangements to show cause why restrictions on his athletically related activity should not apply.

8. The assistant coach committed a Level III recruiting contact violation when he engaged in an impermissible off-campus recruiting contact with a prospective student-athlete who was a high school sophomore at the time. More significantly, on two occasions, the assistant coach provided false or misleading information to the enforcement staff and the institution when questioned about the contact. The panel determined that the assistant coach's violations were, taken together, Level II-Standard. Consequently, the panel prescribes a show-cause order for any member institution(s) employing the assistant coach. Pursuant to Bylaw 19.9.5.4, the panel prescribes a one-year show-cause order that shall be in effect beginning with the date of this decision, September 22, 2017, and concluding on September 21, 2018. During this period, any institution employing the assistant coach must restrict him from all off-campus recruiting activities as defined in Bylaw 13.02.14 (2016-17 Manual). Should the assistant coach become employed at a member institution during the show-cause period, that employing institution shall, within 30 days of his hiring, file a report with the Office of the Committees on Infractions setting forth its agreement with the recruiting restrictions of the show-cause order. Further, every six months thereafter through the end of the show-cause order, any employing institution shall file reports detailing its adherence to these restrictions. Any employing institution that wishes to contest this order shall contact the OCOI to make arrangements to show cause why the recruiting restrictions should not apply.

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

9. Public reprimand and censure.
10. During the period of probation, the institution shall:
 - a. Continue to develop and implement a comprehensive educational program on NCAA legislation to instruct the coaches, the faculty athletics representative, all athletics department personnel and all institution staff members with responsibility for NCAA recruiting and certification legislation;
 - b. Submit a preliminary report to the OCOI by November 15, 2017, setting forth the institution's plans to implement compliance measures to address the violations in this case and its compliance educational program;
 - c. File with the OCOI annual compliance reports indicating the progress made with this program by August 15 during each year of probation. Particular emphasis shall be placed

on full adherence to the institution's drug-testing policies, and compliance with NCAA recruiting legislation;

- d. Inform in writing prospective student-athletes in football 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 report located on the athletic department's main or "landing" webpage. The information shall also be included in the football media guides and in an alumni publication. The institution's statement must:
 - (i) clearly describe the infractions; (ii) include the length of the probationary period associated with the infractions case; and (iii) provide a clear indication of what happened in the infractions case.

Other penalties as appropriate:

- 11. Consistent with NCAA regulations, the institution is prohibited from organizing any student group to exclusively assist in recruiting prospective student-athletes. Any student host group used for prospective student-athletes must be administered through the institution's admissions office, consistent with policies and procedures for campus tours or visits by prospective students in general. All members of the student host group who serve as hosts for prospective student-athletes must have the majority of their hosting activity with prospective students in general and not with prospective student-athletes.
 - 12. 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.
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The COI advises the institution that it should take every precaution to ensure that it observes the terms of the penalties. The COI 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

Norman Bay

Greg Christopher

Bobby Cremins

Thomas Hill

Gary L. Miller, Chief Hearing Officer

Sankar Suryanarayan

APPENDIX ONE
CORRECTIVE ACTIONS AS IDENTIFIED IN THE INSTITUTION'S
APRIL 19, 2017, RESPONSE TO THE NOTICE OF ALLEGATIONS.

1. The University has established a policy that prevents student workers in the football program from serving simultaneously as members of the football student support group that assists with on-campus recruiting visits and from being involved in any recruiting activities outside of their responsibilities within the football office.
2. The football program now uses members of the University's Scarlet Ambassador group, which is comprised of students who provide campus visits to prospective students in general and is under the management of the University's Office of Enrollment Management (the University unit responsible for providing campus visits or tours to the prospective students generally). The Office of Athletic Compliance now requires all Scarlet Ambassadors who serve as hosts to attend a rules education meeting before the impending football season, as well requiring those working each game to attend an additional rules education session prior to each home football contest.
3. In August 2016, Rutgers instituted a new, comprehensive drug-testing policy, as well as overhauled oversight and reporting lines of the drug-testing program and, in October 2016, a new interim Chief Medical Officer assumed oversight of the drug-testing program while the University searches for a new Chief Medical Officer.
4. The head football coach was fined \$50,000.
5. A ban on external communications with media, sponsors and donors was placed on the head football coach during the pendency of the three-contest suspension.
6. A letter of reprimand was delivered to the head coach.
7. The head football coach was terminated at the conclusion of the 2015 football season.
8. The assistant football coach was relieved of his duties.
9. In November 2015, a new Director of Athletics was hired.
10. In March 2016, a new Senior Vice President and General Counsel was hired.
11. In August 2016, the University hired a Senior Vice President for Enterprise Risk Management, Ethics and Compliance (ERM). ERM has also added an institutional compliance officer focused on the Department of Athletics, and the Department of Athletics has added a Chief

Compliance Officer, two new Directors of Compliance, and a new Coordinator of Student-Athlete Services and has committed a designated compliance staff member to work with the football program.

12. A robust rules-education program has been implemented, including monthly NCAA rules education during the academic year for coaching staffs, and the Office of Athletic Compliance and ERM have constructed a program to educate specific groups on various NCAA policies, institutional policies, and federal/state regulations.
13. Head coaching contracts have been revised to include specific language regarding responsibilities in academics and compliance.
14. The duties of members of the football host/hostesses program have been revised and regular compliance meetings with all program student workers are held.

APPENDIX TWO
Constitution and Bylaw Citations

Division I 2011-12 Manual

2.8.1 Responsibility of Institution. Each institution shall comply with all applicable rules and regulations of the Association in the conduct of its intercollegiate athletics programs. It shall monitor its programs to assure compliance and to identify and report to the Association instances in which compliance has not been achieved. In any such instance, the institution shall cooperate fully with the Association and shall take appropriate corrective actions. Members of an institution's staff, student-athletes, and other individuals and groups representing the institution's athletics interests shall comply with the applicable Association rules, and the member institution shall be responsible for such compliance.

10.2 Knowledge of Use of Banned Drugs. A member institution's athletics department staff members or others employed by the intercollegiate athletics program who have knowledge of a student-athlete's use at any time of a substance on the list of banned drugs, as set forth in Bylaw 31.2.3.4, shall follow institutional procedures dealing with drug abuse or shall be subject to disciplinary or corrective action as set forth in Bylaw 19.5.2.2.

11.1.2.1 Responsibility of Head Coach. It shall be the responsibility of an institution's head coach to promote an atmosphere for compliance within the program supervised by the coach and to monitor the activities regarding compliance of all assistant coaches and other administrators involved with the program who report directly or indirectly to the coach.

13.6.7.5 Student Host. The student host must be either a current student-athlete or a student designated in a manner consistent with the institution's policy for providing campus visits or tours to prospective students in general. . .

13.7.2.1.8 Student Host. A student host used during an unofficial visit must either be a current student-athlete or a student who is designated in a manner consistent with the institution's policies for providing campus visits or tours to prospective students in general.

Division I 2012-13 Manual

2.8.1 Responsibility of Institution. Each institution shall comply with all applicable rules and regulations of the Association in the conduct of its intercollegiate athletics programs. It shall monitor its programs to assure compliance and to identify and report to the Association instances in which compliance has not been achieved. In any such instance, the institution shall cooperate fully with the Association and shall take appropriate corrective actions. Members of an institution's

staff, student-athletes, and other individuals and groups representing the institution's athletics interests shall comply with the applicable Association rules, and the member institution shall be responsible for such compliance.

10.2 Knowledge of Use of Banned Drugs. A member institution's athletics department staff members or others employed by the intercollegiate athletics program who have knowledge of a student-athlete's use at any time of a substance on the list of banned drugs, as set forth in Bylaw 31.2.3.4, shall follow institutional procedures dealing with drug abuse or shall be subject to disciplinary or corrective action as set forth in Bylaw 19.5.2.2.

11.1.2.1 Responsibility of Head Coach. It shall be the responsibility of an institution's head coach to promote an atmosphere for compliance within the program supervised by the coach and to monitor the activities regarding compliance of all assistant coaches and other administrators involved with the program who report directly or indirectly to the coach.

11.1.1.1 Responsibility of Head Coach.⁹ An institution's head coach is presumed to be responsible for the actions of all assistant coaches and administrators who report, directly or indirectly, to the head coach. An institution's head coach shall promote an atmosphere of compliance within his or her program and shall monitor the activities of all assistant coaches and administrators involved with the program who report, directly or indirectly, to the coach.

13.6.7.5 Student Host. The student host must be either a current student-athlete or a student designated in a manner consistent with the institution's policy for providing campus visits or tours to prospective students in general . . .

13.7.2.1.8 Student Host. A student host used during an unofficial visit must either be a current student-athlete or a student who is designated in a manner consistent with the institution's policies for providing campus visits or tours to prospective students in general.

⁹ During the time period of this case, the head coach responsibility legislation citation changed from NCAA Bylaw 11.1.2.1. to 11.1.1.1. However, the current legislation, which states that a head coach is presumed responsible for the actions of all assistant coaches and administrators who report, directly or indirectly, to the head coach was effective October 30, 2012, and therefore, applicable during part of the time period of Allegation No. 6. Prior to October 30, 2012, Bylaw 11.1.2.1 stated, "It shall be the responsibility of an institution's head coach to promote an atmosphere for compliance within the program supervised by the coach and to monitor the activities regarding compliance of all assistant coaches and other administrators involved with the program who report directly or indirectly to the coach."

Division I 2013-14 Manual

2.8.1 Responsibility of Institution. Each institution shall comply with all applicable rules and regulations of the Association in the conduct of its intercollegiate athletics programs. It shall monitor its programs to assure compliance and to identify and report to the Association instances in which compliance has not been achieved. In any such instance, the institution shall cooperate fully with the Association and shall take appropriate corrective actions. Members of an institution's staff, student-athletes, and other individuals and groups representing the institution's athletics interests shall comply with the applicable Association rules, and the member institution shall be responsible for such compliance.

10.2 Knowledge of Use of Banned Drugs. A member institution's athletics department staff members or others employed by the intercollegiate athletics program who have knowledge of a student-athlete's use at any time of a substance on the list of banned drugs, as set forth in Bylaw 31.2.3.4, shall follow institutional procedures dealing with drug abuse or shall be subject to disciplinary or corrective action as set forth in Bylaw 19.5.2.2.

11.1.1.1 Responsibility of Head Coach. An institution's head coach is presumed to be responsible for the actions of all assistant coaches and administrators who report, directly or indirectly, to the head coach. An institution's head coach shall promote an atmosphere of compliance within his or her program and shall monitor the activities of all assistant coaches and administrators involved with the program who report, directly or indirectly, to the coach.

13.1.1.1 Time Period for Off-Campus Contacts—General Rule. Off-campus recruiting contacts shall not be made with an individual (or his or her relatives or legal guardians) before July 1 following the completion of his or her junior year in high school (July 7 after the junior year in high school in women's ice hockey and July 15 after the junior year in high school in women's gymnastics), or the opening day of classes of his or her senior year in high school (as designated by the high school), whichever is earlier. U.S. service academy exceptions to this provision are set forth in Bylaw 13.16.1.

13.6.7.5 Student Host. The student host must be either a current student-athlete or a student designated in a manner consistent with the institution's policy for providing campus visits or tours to prospective students in general. . .

13.7.2.1.8 Student Host. A student host used during an unofficial visit must either be a current student-athlete or a student who is designated in a manner consistent with the institution's policies for providing campus visits or tours to prospective students in general.

Division I 2014-15 Manual

2.8.1 Responsibility of Institution. Each institution shall comply with all applicable rules and regulations of the Association in the conduct of its intercollegiate athletics programs. It shall monitor its programs to assure compliance and to identify and report to the Association instances in which compliance has not been achieved. In any such instance, the institution shall cooperate fully with the Association and shall take appropriate corrective actions. Members of an institution's staff, student-athletes, and other individuals and groups representing the institution's athletics interests shall comply with the applicable Association rules, and the member institution shall be responsible for such compliance.

10.2 Knowledge of Use of Banned Drugs. A member institution's athletics department staff members or others employed by the intercollegiate athletics program who have knowledge of a student-athlete's use at any time of a substance on the list of banned drugs, as set forth in Bylaw 31.2.3.4, shall follow institutional procedures dealing with drug abuse or shall be subject to disciplinary or corrective action as set forth in Bylaw 19.5.2.2.

11.1.1.1 Responsibility of Head Coach. An institution's head coach is presumed to be responsible for the actions of all assistant coaches and administrators who report, directly or indirectly, to the head coach. An institution's head coach shall promote an atmosphere of compliance within his or her program and shall monitor the activities of all assistant coaches and administrators involved with the program who report, directly or indirectly, to the coach.

13.1.2.1.1 Off-Campus Recruiters. An institutional staff member is not permitted to recruit off campus until he or she has been certified on an annual basis as to knowledge of applicable recruiting rules per Bylaw 11.5.1.1.

13.1.2.1 General Rule. All in-person, on- and off-campus recruiting contacts with a prospective student-athlete or the prospective student-athlete's relatives or legal guardians shall be made only by authorized institutional staff members. Such contact, as well as correspondence and telephone calls, by representatives of an institution's athletics interests is prohibited except as otherwise permitted in this section. Violations of this bylaw involving individuals other than a representative of an institution's athletics interests shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility.

13.4.1.4.1 Exception—Cross Country/Track and Field, Football and Swimming and Diving. In cross country/track and field, football and swimming and diving, electronically transmitted correspondence that may be sent to a prospective student-athlete (or the prospective student-athlete's parents or legal guardians) is limited to electronic mail and facsimiles. All other forms of electronically transmitted correspondence (e.g., Instant Messenger, text messaging) are prohibited.

13.10.2.1 Comments Before Commitment. Before the signing of a prospective student-athlete to a National Letter of Intent or an institution's written offer of admission and/or financial aid or

before the institution receives his or her financial deposit in response to its offer of admission, a member institution may comment publicly only to the extent of confirming its recruitment of the prospective student-athlete. The institution may not comment generally about the prospective student-athlete's ability or the contribution that the prospective student-athlete might make to the institution's team; further, the institution is precluded from commenting in any manner as to the likelihood of the prospective student-athlete committing to or signing with that institution.

13.10.2.4 Prospective Student-Athlete's Visit. A member institution shall not publicize (or arrange for publicity of) a prospective student-athlete's visit to the institution's campus. Further, a prospective student-athlete may not participate in team activities that would make the public or media aware of the prospective student-athlete's visit to the institution (e.g., running out of the tunnel with team, celebratory walks to or around the stadium/arena, on-field pregame celebrations).

13.6.7.5 Student Host. The student host must be either a current student-athlete or a student designated in a manner consistent with the institution's policy for providing campus visits or tours to prospective students in general.

13.7.2.1.8 Student Host. A student host used during an unofficial visit must either be a current student-athlete or a student who is designated in a manner consistent with the institution's policies for providing campus visits or tours to prospective students in general.

16.11.2.1 General Rule. The student-athlete shall not receive any extra benefit. The term "extra benefit" refers to any special arrangement by an institutional employee or representative of the institution's athletics interests to provide the student-athlete or his or her family members or friends with a benefit not expressly authorized by NCAA legislation.

Division I 2015-16 Manual

2.8.1 Responsibility of Institution. Each institution shall comply with all applicable rules and regulations of the Association in the conduct of its intercollegiate athletics programs. It shall monitor its programs to assure compliance and to identify and report to the Association instances in which compliance has not been achieved. In any such instance, the institution shall cooperate fully with the Association and shall take appropriate corrective actions. Members of an institution's staff, student-athletes, and other individuals and groups representing the institution's athletics interests shall comply with the applicable Association rules, and the member institution shall be responsible for such compliance.

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:

- (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;

10.2 Knowledge of Use of Banned Drugs. A member institution's athletics department staff members or others employed by the intercollegiate athletics program who have knowledge of a student-athlete's use at any time of a substance on the list of banned drugs, as set forth in Bylaw 31.2.3.4, shall follow institutional procedures dealing with drug abuse or shall be subject to disciplinary or corrective action as set forth in Bylaw 19.5.2.2.

11.1.1.1 Responsibility of Head Coach. An institution's head coach is presumed to be responsible for the actions of all assistant coaches and administrators who report, directly or indirectly, to the head coach. An institution's head coach shall promote an atmosphere of compliance within his or her program and shall monitor the activities of all assistant coaches and administrators involved with the program who report, directly or indirectly, to the coach.

13.6.7.5 Student Host. The student host must be either a current student-athlete or a student designated in a manner consistent with the institution's policy for providing campus visits or tours to prospective students in general.

13.7.2.1.8 Student Host. A student host used during an unofficial visit must either be a current student-athlete or a student who is designated in a manner consistent with the institution's policies for providing campus visits or tours to prospective students in general.

13.10.2.1 Comments Before Commitment. Before the signing of a prospective student-athlete to a National Letter of Intent or an institution's written offer of admission and/or financial aid or before the institution receives his or her financial deposit in response to its offer of admission, a member institution may comment publicly only to the extent of confirming its recruitment of the prospective student-athlete. The institution may not comment generally about the prospective student-athlete's ability or the contribution that the prospective student-athlete might make to the institution's team; further, the institution is precluded from commenting in any manner as to the likelihood of the prospective student-athlete committing to or signing with that institution.

13.10.2.4 Prospective Student-Athlete's Visit. A member institution shall not publicize (or arrange for publicity of) a prospective student-athlete's visit to the institution's campus. Further, a prospective student-athlete may not participate in team activities that would make the public or media aware of the prospective student-athlete's visit to the institution (e.g., running out of the tunnel with team, celebratory walks to or around the stadium/arena, on-field pregame celebrations).

16.11.2.1 General Rule. The student-athlete shall not receive any extra benefit. The term "extra benefit" refers to any special arrangement by an institutional employee or representative of the institution's athletics interests to provide the student-athlete or his or her family members or friends with a benefit not expressly authorized by NCAA legislation.

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:

- (c) 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.