



**UNIVERSITY OF GEORGIA**  
**PUBLIC INFRACTIONS DECISION**  
**DECEMBER 16, 2014**

**I. INTRODUCTION**

The NCAA Division I Committee on Infractions is an independent administrative body of the NCAA comprised of individuals from the NCAA Division I membership and the public that is charged with deciding infractions cases involving member institutions and their staffs.<sup>1</sup> This case involves the head women's and men's swimming and diving coach's provision of an impermissible benefit to a men's student-athlete and that coach's failure to promote an atmosphere of compliance at the University of Georgia.<sup>2</sup> The panel has considered the record, including the parties' submissions, presentations and information developed at the October 16, 2014, hearing. The panel concluded that the head coach provided an impermissible benefit to a student-athlete in his program and failed to promote an atmosphere of compliance. The panel prescribes core penalties in this case pursuant to NCAA Bylaw 19.9 and the accompanying Figure 19-1 Penalty Guidelines, as well as other standard administrative penalties.

In this case, the institution and the NCAA enforcement staff substantially agreed that impermissible benefits and head coach responsibility violations occurred during fall 2013. Specifically, they agreed that on the last day of classes of the fall semester the head coach made a special arrangement with a psychology professor, which resulted in an impermissible benefit for the men's student-athlete. The head coach proposed that a pass/fail independent study class could be added to the student-athlete's fall semester schedule. The head coach and the professor agreed to the terms of the course, including that the student-athlete would receive an incomplete grade until such work was completed. The head coach agreed that his actions demonstrated a failure to promote an atmosphere of compliance; however, he did not believe that what he did resulted in an impermissible benefit for the student-athlete. To that end, the head coach argued that without the underlying impermissible benefit violation, there could be no violation of NCAA Bylaw 11.1.1.1, head coach responsibility.

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<sup>1</sup> Infractions cases are decided by hearing panels comprised of NCAA Division I Committee on Infractions members. Decisions issued by hearing panels are made on behalf of the Committee on Infractions. Pursuant to NCAA Bylaw 19.3.3, a six-member panel considers this case.

<sup>2</sup> The University of Georgia is a member of the Southeastern Conference. Georgia sponsors 12 women's programs and nine men's programs. The undergraduate campus enrollment is 26,215 and the total campus enrollment is 34,475. This is the institution's seventh major infractions case. Previous infractions cases took place in 1978 (men's basketball and football), 1982 (football), 1985 (two cases separate cases, one in men's basketball and the other in football), 1997 (football) and 2004 (men's basketball).

The institution and the head coach disagreed with the enforcement staff over the appropriate violation level. The panel concludes that conduct resulting in an impermissible benefit and a violation of head coach responsibility occurred and that those violations are Level II-Mitigated for the institution and Level II-Aggravated for the head coach.

The violations in this case are Level II significant breaches of conduct. While an advantage did not result from the head coach's violations, his actions were intended to create more than a minimal competitive advantage and it involved conduct that could have undermined and threatened the integrity of the NCAA Collegiate Model. After weighing the aggravating and mitigating factors and applying the new Figure 19-1 Penalty Guidelines, for a Level II case, the panel prescribes the following principal core and administrative penalties: a fine; a show-cause order prohibiting recruiting activities and providing additional game suspensions for the conduct of the head coach, and other standard administrative penalties and reporting requirements.

## **II. CASE HISTORY**

The case originated on January 3, 2014, when the institution's senior associate athletic director for compliance and the institution's outside legal counsel contacted the NCAA vice president for enforcement to report potential violations of NCAA bylaws. The institution advised the enforcement staff that early that day it had conducted separate but simultaneous interviews of the student-athlete and the head coach, as well as additional interviews with the assistant coach and athletics department staff members. Because the interviews provided information suggesting that the head coach and the student-athlete had engaged in conduct contrary to NCAA bylaws, the institution advised that it would withhold the student-athlete and the head coach from competition indefinitely, which included a home swim meet scheduled the next day. That swim meet was projected to be the head coach's 500<sup>th</sup> competitive team victory. The institution continued its internal investigation and conducted further interviews. On January 9, the enforcement staff participated in a second interview of the student-athlete. On January 14, the enforcement staff issued a verbal notice of inquiry and advised the institution's president that the enforcement staff would conduct interviews on campus.<sup>3</sup> Those interviews took place two days later, on January 16.

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<sup>3</sup> On January 15, 2014, the enforcement staff requested that the Division I Committee on Infractions grant the student-athlete limited immunity. The chair of the committee, acting pursuant to NCAA Bylaw 19.3.7-(d), granted the limited immunity request in a memorandum also dated January 15, 2014. The committee chair granted the limited immunity on the condition that the student-athlete provided full, complete and truthful information. By cooperating with the process in this case, the student-athlete's eligibility was not affected, and at no time, did the institution have to seek reinstatement of the student-athlete. The student-athlete was advised that if it was subsequently discovered that he was not completely truthful, the immunity would be revoked and an allegation of unethical conduct was possible.

On January 21, 2014, the institution and the enforcement staff met via conference call to discuss the potential violation, as well as the scope and the nature of the head coach's involvement. Specifically, the parties discussed the possibility that the head coach had participated or was otherwise involved in academic misconduct that could give rise to an unethical conduct violation and/or impermissible benefits violation. The institution's academic review process needed to determine whether academic fraud had occurred as defined under institutional policy. On February 18, 2014, the institution's academic review process concluded that academic fraud had not occurred.

Two months later on April 2, 2014, the enforcement staff issued a notice of allegations (NOA). The NOA alleged that the head coach violated head coach responsibility and extra benefit legislation when he provided the extra benefit and failed to promote an atmosphere of compliance within his sport program. The institution and the head coach submitted responses on June 30, and July 1, 2014, respectively. After conducting separate prehearing conferences with the institution and the head coach, the enforcement staff submitted its reply on August 29, 2014. On October 16, 2014, the panel held an in-person hearing with all parties participating.

In its response and during the hearing, the institution described a late-add policy that allowed students, including the student-athlete, to add a course during a semester – even though classes had ended and that semester was concluding. The institution reported that during the fall 2013 semester there were a total of 69 late-add requests. At the hearing, the panel requested that the institution identify the following additional information with respect to these 69 requests: (a) whether the student was a student-athlete; (b) the student's class/year; (c) the student's major; (d) whether prerequisites were waived and (e) who requested the late add. The institution complied with the panel's request and submitted redacted records on October 30, 2014.

During its deliberations, the panel requested two post-hearing submissions to further clarify and supplement the record regarding the institution's suspension for the head coach as it related to his conduct in these violations. The hearing panel received the institution's complete and timely responses on November 12 and 13, 2014. See *Appendix*.

### **III. FINDINGS OF FACT**

#### **The head coach's involvement in the academic affairs**

For more than forty years, the head coach has been part of the institution's community. In 1970, he arrived on campus and was a student-athlete in the swimming and diving program for four years. The institution named him head coach of the women's program in 1979 and then also head coach of the men's program in 1983. According to the

institution and the head coach, the institution's women's and men's teams have achieved competitive success in the pool and significant academic achievement in the classroom.<sup>4</sup>

The student-athlete involved in the allegation enrolled at the institution during the spring 2013 semester and competed on the head coach's swimming team during the spring 2013 and subsequent seasons. At the onset of the fall 2013 semester, the student-athlete was pursuing pre-management/business studies and enrolled in four three-credit hour courses. The institution determined that the student-athlete needed to pass all four courses in order to maintain progress-toward-degree requirements and academic eligibility as defined in NCAA bylaws.

During the fall semester, the student-athlete, his academic counselor and the head coach became concerned that the student-athlete might not pass a math course. In response, the athletic academic advising staff, particularly the academic counselor for men's and women's swimming and diving, developed a plan for the student-athlete. Elements of the plan included increased tutoring, contacting the student-athlete's parents to have them encourage good study habits and regular progress updates from the academic counselor to the associate head coach. According to the athletic academics staff, the goal was to provide him with necessary support for the math course.

Towards the end of the semester, the head coach remained concerned and reached out to the senior associate athletic director for athletics and eligibility and the student-athlete's academic counselor to discuss the student-athlete's options. The head coach proposed adding an extra class. The head coach sought to have the student-athlete add an independent study class to create a "safety net" and ensure eligibility for the upcoming spring 2014 semester. The senior associate athletic director for academics and eligibility instructed that there was "nothing the head coach could do" and that adding an independent study was "not recommended" because classes had ended.

The associate coach also met with the academic counselor to discuss the student-athlete's academic performance and whether online courses were an option.<sup>5</sup> The associate athletic director for academic services stated in an interview that, at the time, he did not believe that having the student-athlete complete an online course was a viable option at the institution. He also stressed the need for the student-athlete to "apply himself" and cautioned against proceeding with a plan that was meant only to address the so-called "urgency" of eligibility concerns. The institution also had an unwritten policy that

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<sup>4</sup> For example, the women's program has received the NCAA Public Recognition Award for having an Academic Progress Rate score among the top 10% of institutions competing in swimming and diving. Additionally, during 2014 NCAA Championships for swimming and diving, the institution's men's and women's swimming student-athletes won both Elite 89 awards, which are given to the student-athlete with the highest cumulative grade-point average participating in the finals event.

<sup>5</sup> The associate coach, who was not named in the allegation and was not at-risk for NCAA penalties, was reprimanded by the institution as part of its self-imposed penalties or corrective measures. See *Appendix*.

prohibited coaches from communicating with instructors. The policy was communicated at coaches meetings.

On December 9, 2013, notwithstanding the instruction not to get involved and not to proceed with the independent study, the head coach contacted a professor in the psychology department whom he had known for some time. The head coach proposed that the professor admit the student-athlete to a pass/fail independent study. The professor agreed. The head coach and the professor agreed that the class would be added to the student-athlete's fall schedule. The student-athlete would complete the work the following spring 2014 semester. Until the work was completed, he would receive an incomplete grade ("I"). The effect of this agreement was for the student-athlete to be able to satisfy eligibility requirements. The independent study happened to be an upper level course and had prerequisites that the psychology professor also agreed to waive. According to the head coach, he knew the institution permitted late-add classes, and he "did not ask the professor for special treatment."

On December 10, 2014, the day after the head coach and the psychology professor agreed to the plan to add the upper level independent study, the head coach explained the arrangement to the student-athlete. The student-athlete had taken the final examination in the math course earlier that day. The grade for the math exam was not yet posted. Upon arriving at the pool for practice, the head coach directed him to meet with his friend, the psychology professor. The professor had requested a meeting with the student-athlete to confirm that he was willing to do the necessary work. By the time the student-athlete had arrived, the professor had already completed a late-add form and the form contained additional signatures from the department chair and a dean. The student-athlete later submitted the form to late-add the psychology independent study to the registrar to complete the process.

#### **The monitoring & response by the institution**

In the days leading up to and just after the student-athlete's math exam, the athletic academic advising staff knew that the head coach and the associate head coach were exploring the student-athlete's academic options. However, on or about December 13, the academic counselor accessed the student-athlete's records and learned that the class had been added. The academic counselor was concerned when the student-athlete shared his account of the independent study arrangement and when she noticed a final passing grade entered by the psychology professor only seven days later. The chain of events alerted the athletic department to monitor and conduct further inquiry into the situation.

The academic counselor documented those mid-December events in a written chronology:

- On Monday the 16<sup>th</sup>, [the associate head coach] was in my office twice during the morning to check on the student-athlete's posted grades....After

I told [the head coach] that [the student-athlete's] math grade hadn't posted yet, he brought up the extra class again and that he wasn't sure what to do with it. Again, I told him that I wasn't comfortable with that topic, and he needed to talk to [the executive associate athletic director/SWA] about it. He said he ran it by [the senior associate athletic director for academics and eligibility], but I had never heard anything from [the senior associate athletic director for academics and eligibility] about it.

- Later in the afternoon at 2:00 on the 16<sup>th</sup>, [the student-athlete's] math grade posted as a [passing grade]. I texted the associate head coach, the student-athlete, and the [associate athletic director for academic services] right away to let them know. The [associate head coach] immediately wrote back that he had told the head coach. [The associate athletic director for academic services] asked me to let [the executive associate athletic director/SWA] know, which I did. At 3:14 [the student-athlete] texted me back saying "I was gonna be fine anyway right? [The head coach] got me into his friends<sub>[sic]</sub> class on Tuesday and the guy just gave me an A." I immediately texted [the associate athletic director for academic services] to tell him what [the student-athlete] said, and [the associate athletic director for academic services] said to save the text, and to keep checking to see if a grade posted. By the time I left for the day around 5:15pm, a grade had not yet posted.
- [The head coach] called me at 6:05pm Monday night to ask what he should do with this extra class now. He wanted to know if he should get rid of it, or have it added to [the student-athlete's] spring schedule.
- When I came in to the office the morning of the 17<sup>th</sup>, I received a call from [the senior associate athletic director for compliance] asking me to come in to talk with him. I also received a call from [the senior associate athletic director for academics and eligibility] asking if I knew what was going on with this extra class. She said that she told [the head coach] not to add it, and that she never approved anything. She told me that a grade had posted which was when I logged on to the system and saw that the grade of "S" was posted for the extra class.

*Academic Counselor's Chronology*, created December 17, 2013.

As it turned out, the student-athlete received a passing grade in the math course and academic eligibility was never an issue. But as detailed above, and as the head coach admitted, he continued to be involved in the discussions about adding the independent study. For example, he stated in his response that when the student-athlete advised him that the psychology professor would only require several short papers for the course, the

head coach thought that requirement was insufficient and determined then that he would speak to the professor about increasing the amount of work. Also, upon learning that the professor had entered a passing grade of satisfactory ("S"), the head coach called the psychology professor three times to make a correction and enter "I" instead.

**The institution's academic review process**

The associate athletic director for academic services and the academic counselor discussed what had taken place and the next steps necessary to address the matter. The associate athletic director for academic services directed the academic counselor to compile a chronology and then he reported the matter to the senior associate director for compliance and the executive associate athletic director/senior woman administrator. They, in turn, notified the faculty athletic representative, the director of athletics and the institution's president.

The particular set of events surrounding the passing grade entered for the late-add class prompted the institution to retain outside counsel to assist in its internal review. Because the fall 2013 semester had ended, the institution delayed interviews until after the academic break. To ensure coordination and preclude the opportunity for the psychology professor, the head coach and the student-athlete to collaborate on a singular version of events, the institution and its counsel conducted the interviews consecutively on January 3, 2014.

When interviewed, the psychology professor stated that a student's request to add a course late in the semester for that current semester with work to be completed in a subsequent semester was not unusual. He did believe the request to late-add was unusual coming from a coach. The psychology professor also stated that he entered the "S" grade in error.

The institution's academic review process in a subsequent and separate review also concluded that the psychology professor "unintentionally" awarded the passing grade and that there was "no reason to believe that the psychology professor fraudulently awarded academic credit." With regard to the late-add policy, the institution confirmed the head coach's understanding of the institutional policy at that time.<sup>6</sup> The institution's registrar reported that overall there were 69 undergraduate "late-adds" during December 2013. Additional inquiry from the panel provided a better understanding of the circumstances surrounding the 69 undergraduate late-adds when compared to the student-athlete in this case.

In its post-hearing submission, the institution reported that none of the late-adds were for a student-athlete, other than the one for the student-athlete involved in this case.

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<sup>6</sup> The institution changed its late-add policy in January 2014 (a) to require a student to provide a letter explaining the reason for the late-add request, (b) a professor to submit a plan of action for the student and (c) a letter from the dean to the registrar also providing reasons for the late-add approval.

According to the institution, only 10 of the 69 late-adds were for freshmen and sophomores (five each). Of the nine remaining freshmen/sophomore late-add requests, most, but not all, were seeking section changes within the same course; two were changes to a course one level higher (e.g., a 2000 level course to a 3000 level course); one was a change from one pre-calculus course to another pre-calculus course; and one was the addition of an upper-level music course, which did not have prerequisites. In this case, the student-athlete had never enrolled in a psychology course prior to the addition of the upper level independent study and had the prerequisites for that class waived. The institution did not point to any other similarly situated student in its October 30 submission.

#### IV. ANALYSIS

##### A. HEAD COACH RESPONSIBILITY AND IMPERMISSIBLE EXTRA BENEFITS [NCAA BYLAWS 11.1.1.1 and 16.11.2.1 (2013-14 NCAA Division I Manual)]

1. **NCAA legislation relating to impermissible benefits resulting in a failure to promote an atmosphere of compliance within his program.**

**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. (*Adopted: 4/28/05, Revised: 10/30/12*)

##### **16.11.2 Nonpermissible.**

**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. [R] (*Revised: 1/19/13 effective 8/1/13*)

2. **At the end of the fall 2013 semester, the head coach did not promote an atmosphere for compliance when he proposed and acted upon a special arrangement to ensure that a student-athlete was enrolled in an independent study and able to maintain eligibility.**

The institution and the enforcement staff substantially agree that violations occurred as alleged. The head coach substantially agrees with the principle facts surrounding the head coach responsibility allegation, but he disagrees that he provided an extra benefit. The head coach therefore does not agree that there are any facts that constitute a violation of NCAA bylaws. The panel concludes that the facts constitute violations of NCAA Bylaws 11 and 16.

NCAA Bylaw 16.11.2.1 provides the general rule that a student-athlete shall not receive any extra benefit, which "refers to any special arrangement by an institutional employee or representative of the institution's interest that is not expressly authorized by NCAA legislation."

Relevant portions of NCAA Bylaw 11.1.1.1 require that an institution's head coach "shall promote an atmosphere of compliance within his or her program." NCAA Bylaws 11 and 16 are cited together in this single allegation case.

#### **Nonpermissible benefit**

The head coach contests the impermissible benefit allegation because, according to him, the benefit to the freshman student-athlete was the late enrollment in an upper level independent study and not the request. Because the late enrollment was completed pursuant to institutional policy and available to all students, the benefit, if any, was permissible. The panel disagrees.

As the fall term was ending, the head coach called a psychology professor, whom he had known for a long time, and asked that professor to permit a freshman student-athlete to add an upper-level independent study. The head coach was concerned that the student-athlete would not pass all of his classes and sought to create a "safety net." The head coach and not the student-athlete initiated and created the grade recovery plan. 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.

### **Failure to Promote an Atmosphere of Compliance**

The conduct that led to the "special arrangement" is also identified in the NCAA Bylaw 11.1.1.1 head coach responsibility allegation. The institution, the head coach and the enforcement staff agree that the head coach failed to promote an atmosphere of compliance as required by that bylaw. However, the head coach asserts that if the panel were to agree with him and conclude that there was no impermissible benefit, then there is no underlying violation to support a conclusion that he failed to promote under NCAA bylaws. The panel concludes that a violation of NCAA Bylaw 11.1.1.1 occurred.

As provided in NCAA Bylaw 11, head coaches share a responsibility for NCAA rules compliance. A head coach should demonstrate a commitment to compliance by fostering regular and ongoing communications with athletics department staff. He or she should maintain constant dialogue with the compliance office to discuss key issues or concerns in a sport program and to ensure program resources.

He or she is expected to set the tone for what is and is not acceptable conduct. He or she is expected to lead by example.

The head coach's decision-making with regard to the student-athlete in this case failed to demonstrate such leadership. As the head coach in the institution's swimming and diving program since 1979, he knew his responsibilities to the program and, moreover, to the student-athletes whom he coached. During coaches meetings he received clear and direct instruction not to contact professors about student-athletes. And yet that is precisely what he did. The head coach contacted the psychology professor multiple times about the independent study course that he (the head coach) requested. In addition to the requests he made of the psychology professor, the head coach also directed the student-athlete to act in a manner that would further the head coach's plan. The head coach acted contrary to institutional policy and contrary to the advice and caution provided by the staff responsible for athletic academic services and athletics eligibility certification. And he failed to consult with the compliance office. Quite simply, he should have allowed the academic and athletics compliance staff to address the student-athlete's situation without his interference.

Because the head coach proposed and acted upon a special arrangement, leveraged by his position on campus and/or his relationship with a faculty member, to ensure that a student-athlete was eligible to compete in the upcoming season, the head coach violated NCAA Bylaw 16. The head

coach did not look to the compliance office for any assistance or guidance on this issue. Moreover, his conduct not only violated institutional policy but also contrary to the advice provided by athletics department personnel. And to that end, the head coach violated NCAA Bylaw 11.

## V. PENALTIES

For the reasons set forth in Sections III and IV of this report, the panel concludes that this case involved Level II violations of NCAA legislation. Level II violations provide or are intended to provide more than a minimal but less than a substantial or extensive recruiting, competitive or other advantage; include more than a minimal but less than a substantial or extensive impermissible benefit; or involve conduct that may compromise the integrity of the NCAA Collegiate Model. The panel concludes that the facts of this case - a head coach who used his authority to secure an impermissible benefit for a student-athlete and otherwise disregarded structures in place to ensure rules compliance on campus - establish that not only was some competitive advantage intended but also that there was a significant breach of conduct that threatens the collegiate model.

This case involved violations of impermissible benefit and a head coach's failure to promote an atmosphere of compliance which occurred during the 2013-14 academic year. Therefore, any penalties are governed by NCAA Bylaw 19.9 (2013-14 Division I Manual).

To determine the appropriate classification, the panel considers the institution's aggravating and mitigating factors. When reviewing a case under the penalty guidelines, the panel assesses aggravating and mitigating by weight as well as number. The panel concludes the following factors apply in this case.

### **Aggravating Factors**

#### **Institution**

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

#### **Head Coach**

*19.9.3-(f)* Violations were premeditated, deliberate or committed after substantial planning;

*19.9.3-(h)* Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct;

*19.9.3-(j)* Conduct or circumstances demonstrating an abuse of a position or trust;

**Mitigating Factors  
Institution**

- 19.9.4-(a)* Prompt self-detection and self-disclosure of violation(s);
- 19.9.4-(b)* Prompt acknowledgement of the violation, acceptance of responsibility and imposition of meaningful corrective measures and/or penalties;
- 19.9.4-(c)* Affirmative steps to expedite final resolution of the matter;
- 19.9.4-(f)* Exemplary cooperation.

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 Academic Performance through its assessment of postseason ineligibility, historical penalties or other penalties. The institution's corrective actions are contained in the Appendix. After considering all information relevant to the case, the panel determines that (a) the number and nature of the mitigating factors outweigh the aggravating factors with regard to the institution and (b) that there are only aggravating and not mitigating factors with regard to the conduct of the head coach. The panel prescribes the following:

**Level II – Mitigated Core Penalties (NCAA Bylaw 19.9.5)**

The panel recognizes the institution's compliance monitoring function and the affirmative steps that led to its immediate detection of and response to the impermissible benefit violation. The panel also recognizes the institution's exemplary cooperation in the investigation of this case. While the panel identifies the institution's infractions history, it places less emphasis on this as an aggravating factor because the date of the most recent infractions case was 10 years ago.

1. Probation: 0.
2. Competition limitations: 0.
3. Financial penalty: The institution shall pay a \$5,000 fine to the NCAA.
4. Scholarship reduction: 0.

**Level II – Aggravated Core Penalties (NCAA Bylaw 19.9.5)**

5. Head coach restrictions through a show cause:

The head coach provided an impermissible benefit to a student-athlete in his program and failed in his duty to promote an atmosphere for compliance.

Specifically, the head coach proposed and acted upon a special arrangement, leveraged by his position on campus and/or his relationship with a faculty member, to ensure that the student-athlete was eligible to compete in the upcoming season. The head coach's conduct violated institutional policy, was contrary to the advice provided by athletics department personnel and was not informed by athletics compliance staff. Therefore, pursuant to NCAA Bylaw 19.9 (2013-14 Division I Manual), the conduct of the head coach is subject to head coach restrictions through a show cause.<sup>7</sup>

- a. Game suspensions. In total, the head coach shall be suspended from 50 percent of the dates of regular season competition during the 2014-15 season. The panel acknowledges and adopts the institution's full suspension of the head coach's duties since April 4, 2014. The panel will give credit only for those regular season competitions from which the head coach was suspended since April 4, 2014. The results of those competitions from which the head coach is suspended shall not count in the head coach's career coaching record.<sup>8</sup>
- b. Recruiting duties. In total, the head coach shall also be restricted from all recruiting duties for the period of one year, reduced, in part, by the institution's period of suspension of the head coach's conduct since April 4, 2014. The panel acknowledges and adopts the institution's period of suspension. In addition, the panel continues the suspension in a show-cause order ending on April 3, 2015. The provisions of this suspension prohibit recruiting activities for the period of time which begins at Midnight December 16, 2014 and ends at 11:59 p.m. on April 3, 2015.

The institution that currently employs the head coach or any other employing NCAA member institution during the period of the show cause restrictions shall adhere to and certify compliance with this penalty in a written report. If the employing member institution does not agree to these restrictions, it shall appear before the committee and show cause why the penalty is not appropriate.

Regional Rules Seminars. The panel further acknowledges and adopts the institution's requirement that the head coach attend a 2015 NCAA Regional Rules

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<sup>7</sup> Acknowledging the parties' presentations, including the self-imposed penalties and corrective actions regarding the head coach's conduct, the panel does not believe a further show cause is warranted in this case.

<sup>8</sup> The full terms of the head coach's institutional suspension are set forth in the *Appendix*. The panel notes that the institution reported in its November 2014 supplemental response that the head coach was withheld from "six regular season competitions." The institution may have counted competitions, instead of dates of competition, as is identified in NCAA Bylaw 17.21.

Seminar at his own expense. The head coach shall certify in writing which sessions of the seminar he attended and, within 30 days of his return to his employing institution, the employing institution shall send a letter to the committee certifying his attendance at the seminar.

Institutional Requirement. Within 30 days of the release of this decision, the employing institution shall file a report with the Office of the Committees on Infractions setting forth its agreement with these restrictions or asking for a date to appear before the committee to contest the restrictions.

6. Recruiting visit restrictions: 0.

**Level II – Standard Additional Penalties and Corrective Measures  
(NCAA Bylaw 19.9.7)**

7. Public reprimand and censure.

**Level II – Standard Additional Administrative Penalties (NCAA Bylaw 19.9.7)**

8. NA.

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NCAA COMMITTEE ON INFRACTIONS PANEL

Carol Cartwright  
Greg Christopher (Chief Hearing Officer)  
Thomas Hill  
Roscoe Howard, Jr.  
Joel Maturi  
Sankar Suryanarayan

## APPENDIX

### CORRECTIVE ACTIONS

#### **(As set forth in the institution's June 30, 2014, Response to the Notice of Allegations)**

1. With regard to institutional corrective actions, on January 7, 2014, the University of Georgia revised its policy regarding the late addition of courses. Beginning with the spring 2014 semester, all requests to add a course after the university's withdrawal deadline for that term must include, in addition to a completed late add form bearing the signed approvals of the instructor, department head and dean, the following:
  - A letter from the student explaining the reason(s) for the late add;
  - A plan of action from the instructor explaining how the student can complete the course by the end of the term; and
  - A letter from the dean to the registrar providing an extraordinary justification for supporting the late add.
2. Finally, moving forward, the men's and women's swimming program will report directly to the director of athletics.
3. On January 3, 2014, the head coach was suspended from recruiting activity and from coaching activities during competition. On April 4, 2014, the head coach was suspended from all University of Georgia job-related responsibilities.
4. Additionally, the university will impose the following penalties upon the head coach:
  - A letter of reprimand from the director of athletics.
  - There will be no increases in the financial terms of the head coach's existing employment contract for the duration of the contract (June 30, 2017).
  - Future bonuses earned by the head coach under his existing contract will be reduced by \$5,000 (a fine payable to the institution) and by an amount equal to the legal fees incurred by the university as a result of the violations in the case.

#### **(As set forth in the institution's November 2014 Supplemental Post Hearing Submissions)**

**Restrictions on the head coach's communications (written, oral, telephonic, electronic or other) with men's and women's swimming and diving student- athletes, prospective student-athletes in the sport programs, program coaches, and/or sport program staff.**

- Beginning January 3, 2014, the head coach was suspended from coaching during all University of Georgia Swimming and Diving meets and from all recruiting activities.

He was permitted to coach at practice and communicate with student-athletes and coaches in a coaching capacity from January 3 through April 3, 2014.

- Since April 4, 2014, the head coach has been prohibited from performing any act in the capacity of a coach of the swimming and diving program. This includes attending swimming and diving events or functions (e.g., meets, practices, meals, meetings, awards ceremonies, etc.) in which a Georgia swimming student-athlete is a participant. The head coach has been permitted to communicate with the swimming and diving student-athletes and assistant coaches in a noncoaching capacity (no direction or instruction related to swimming and diving.) Further, the head coach has been prohibited from communicating in any manner (e.g., telephone calls, written or electronic correspondence, in person communication, etc.) with prospective student-athletes, their families or coaches.

**Restrictions on the head coach's access to facilities where the program's student-athletes practiced or competed.**

- From January 3 through April 3, 2014, the head coach was permitted to access university facilities where the program's student-athletes practiced or competed.
- From April 4, 2014, to present, the head coach has been prohibited from accessing any facility where the program's swimming and diving team practices and competes, as well as the coaching staff's offices. (The head coach was permitted to retrieve his belongings from his office at an arranged date/time after April 4.)

**Restrictions on the head coach's opportunity to evaluate prospective student-athletes.**

- The head coach has been prohibited from evaluating prospective student-athletes since January 3, 2014.

**Restrictions on the head coach's ability to travel with the program's student-athletes during practice or competition.**

- The head coach has not been permitted to travel with the program's student-athletes for practice or competition since January 3, 2014.

**Monitors, systems or controls to ensure the head coach's compliance with its suspension. And certify the head coach's level of compliance with the provisions of the institution's suspension from January 2014 to the present.**

- The director of athletics informed the head coach of the terms of his suspension both orally and in writing, as well as orally informing all members of the swimming and

diving coaching staff. Additionally, athletic department staff members (compliance office, event management, etc.) were informed of the provisions of the suspension and requested to report any indications of non-compliance. To date, none has been reported to the compliance office, and the institution is not aware of any violations by the head coach. Accordingly, the institution certifies that the head coach has fully complied with the terms of the suspension.

**The total number of competitions for the men's and women's swimming and diving teams and individual members of the men's and women's swimming and diving teams during the 2013-14 season.**

- The total number of competitions for the men's and women's swimming and diving teams during the 2013-14 season was 18. This number does not include the Southeastern Conference championship meet or the NCAA Championships in which the university's men's and women's swimming and diving programs participated. Including those competitions, there were 21 total dates of competition.

**The total number of competitions for which the head coach was suspended for the men's and women's swimming and diving teams or individual members of the men's and women's swimming and diving teams during the 2013-14 season.**

- The head coach was suspended from 11 dates of competition, including the Southeastern Conference championships, NCAA Zone B Diving championships and the NCAA Swimming and Diving championships.

**Since April 4, 2014, how many regular season competitions has coach the head coach been withheld to date.**

- Since April 4, 2014, the head coach has been withheld from six regular-season competitions.