



# RESPONSIBILITIES OF DIVISION I HEAD COACHES

Understanding rules compliance and monitoring



**NCAA Division I Bylaw 11.1.1.1** states that a head coach is presumed to be responsible for the actions of all staff members who report, directly or indirectly, to the head coach. The head coach will be held accountable for violations in the program unless he or she can rebut the presumption of responsibility.

WHEN IS A HEAD COACH RESPONSIBLE FOR VIOLATIONS THAT OCCUR WITHIN HIS OR HER PROGRAM?

A head coach may rebut the presumption by showing that he or she:

1 Promotes an atmosphere of compliance within the program.  
AND

2 Monitors the activities of staff members who report, directly or indirectly, to the coach.

When a potential violation is reported, the NCAA enforcement staff will conduct an investigation. If the underlying violation is substantiated, and if a member of the athletics staff is involved, the enforcement staff must decide whether a Bylaw 11.1.1.1 allegation involving the head coach also is appropriate. In making this decision, the enforcement staff will consider the facts, as well as information provided by the head coach and his or her counsel, if any.

As noted, it is the **Committee on Infractions**, not the enforcement staff, that concludes whether the head coach satisfied the requirements of Bylaw 11.1.1.1. The Committee on Infractions is made up of representatives from the membership and the public, and its decisions are subject to appellate review by the Infractions Appeals Committee.

How enforcement staff analyzes a potential head coach responsibility allegation

Level I or II violation occurs in the sport program.

The head coach is responsible unless he or she can rebut the presumption.

Did the head coach promote an atmosphere of compliance AND monitor his or her staff?

YES

NO

No 11.1.1.1 allegation.

Enforcement staff brings 11.1.1.1 allegation. Committee on Infractions decides after a hearing.



IF THE COMMITTEE ON INFRACTIONS CONCLUDES THAT A COACH DID NOT SATISFY HIS OR HER HEAD COACH RESPONSIBILITY OBLIGATIONS, WHAT COULD HAPPEN?

For violations that occurred on or after Aug. 1, 2013, a head coach may receive a show-cause order and be suspended for up to an entire season for Level I violations and up to half of a season for Level II violations. The length of the suspension is determined by the Committee on Infractions and depends on the severity of the violation(s) committed, the level of the coach's involvement and any other aggravating or mitigating factors identified in Bylaw 19.9.



# WHAT CAN A HEAD COACH DO TO PROMOTE AN ATMOSPHERE OF COMPLIANCE AND MONITOR THE ACTIVITIES OF HIS OR HER STAFF?

There are many things a head coach can do to promote an atmosphere of compliance and monitor the activities of his or her staff. Every situation is unique, and cases are analyzed based on the specific circumstances. There is no checklist of items that will always prevent a Bylaw 11.1.1.1 allegation, so it is important to consult with athletics administrators on campus and with the compliance staff for additional guidance on the best action plan.

On Feb. 6, 2018, the Division I Board of Directors approved charging guidelines for head coach responsibility. In determining whether a head coach promoted an atmosphere of compliance and monitored the activities of his or her staff, the enforcement staff will consider the head coach's overall communications, monitoring efforts and activities that demonstrate his or her commitment to compliance, as well as the specific circumstances surrounding the alleged underlying violation(s). Examples that may inform the enforcement staff's analysis include, but are not limited to, the following:

- **Demonstration** that compliance is a shared responsibility by establishing clear expectations that all coaches, staff members and student-athletes will understand and comply with NCAA rules.
- **Demonstration** that ultimate responsibility for the integrity of the program rests with the head coach, including understanding that staff actions reflect on the head coach and violations will result in clearly articulated discipline.
- **Establishment** of a program that includes immediate reporting of actual and potential issues to the compliance staff and allowing an independent inquiry into those issues.
- **Timely, consistent and continuing education** of all coaches, staff members and student-athletes as to rules and regulations, including written agendas and documentation of subjects covered and issues discussed.
- **A history of consulting with the compliance staff** on a regular basis and asking before acting.

In addition, the enforcement staff offers observations on strategies for satisfying the obligations of Bylaw 11.1.1.1.

## Promoting compliance

A head coach demonstrates a commitment to compliance, in part, through ongoing good-faith communication with campus administrators, the athletics director, and members of the compliance and coaching staffs, including sport supervisors. The enforcement staff highlights the following actions that may assist a head coach with managing these conversations:

- **Understand** the chancellor's or president's expectations for NCAA rules compliance.
- **Meet with the athletics director** to discuss the philosophy of the department and establish a plan for continued dialogue about NCAA rules compliance. Also, discuss compliance resources and the program's shared responsibility with compliance staff.
- **Meet with the compliance director** to discuss the topics outlined above, as well as:
  - Expectations for submitting rules interpretations and waiver requests. Determine how to resolve disagreements regarding the submission of such requests.

- Expectations for reporting actual and potential NCAA rules issues.
- Plans for ongoing dialogue between the coaching and compliance staffs to discuss key issues facing the sport and program.

■ **Meet jointly** with the president (if possible), athletics director and compliance director to discuss the school's and program's **compliance approach and expectations**.

■ **Meet with the coaching and support staff** to discuss the head coach's expectations for compliance, along with the following:

- The program's ethical standards.
- Expectations for reporting actual and potential NCAA rules issues.
- The president's, athletics director's and compliance director's philosophy and expectations for rules compliance.
- Expectations for regular communication between the coaching staff and compliance staff.
- A plan for continued dialogue with the staff to discuss the school's and program's compliance environment and expectations (for example, regularly scheduled meetings, etc.).
- Ongoing dialogue with staff to review any issues involving prospective and current student-athletes.

■ Ensure that the entire program has adequate and **ongoing compliance training** and a plan in place for discussion of important compliance topics.

■ **Attend compliance training** and ensure that staff members also are **consistently attending**.

■ Adhere to **expectations of the compliance office** (for example, recording recruiting events in compliance software or logs and responding to compliance office requests) and ensure that staff members also are adhering.

■ Determine **reporting lines for resolving** actual and potential NCAA rules issues.

■ Determine **reporting lines to alert compliance** staff of issues involving prospective and current student-athletes.

**Genuine reinforcement of these messages is also important.** A coach does not demonstrate a commitment to compliance when he or she is personally involved in NCAA rule violations, or when he or she knows about violations and takes no action.



## Monitoring staff

A head coach demonstrates a commitment to compliance by monitoring his or her staff's activities in consultation with the compliance staff. This may include staff meetings with agendas that specifically address compliance issues. The following may assist a head coach with managing his/her monitoring responsibilities:

- **Actively look for red flags** of potential violations. If a prospective student-athlete takes an unofficial visit to campus, ask how the prospect paid for the trip. Also look into prospects or student-athletes who are at-risk academically and any involvement by coaching staff members in these situations.
- **Ask questions.** If a coach is suspicious of a third party or handler involved in a prospective student-athlete's recruitment, ask probing questions of assistant coaches and other staff members. Emphasize the program's ethical standards, be clear about what is acceptable in dealing with third parties and keep a written record of the conversations.
- **Consult with the compliance director** to create written procedures to ensure your staff is monitoring your program's rules compliance. Suggested procedures:
  - Assign a staff liaison to the compliance staff.
  - Assign staff members to monitor specific areas of compliance (for example, recruiting contacts, initial eligibility, amateurism, telephone contacts).
  - Evaluate staff members regularly to ensure their areas of compliance are monitored and that all responsibilities are executed in a timely manner.
- **Solicit feedback regularly** from staff members concerning their areas of compliance and the program's overall compliance environment. Ask the staff where the biggest areas for mistakes or ethical traps exist. Ask where the gray areas are and how the staff will deal with them.
- Ensure that program officials **notify the compliance staff immediately** when concerns, red flags or unique circumstances arise related to potential NCAA rules violations. A lack of immediate action by the head coach will be a significant factor in determining whether the head coach responsibility obligations were met.

## Additional considerations: Documentation

Documentation also may assist a coach in demonstrating a commitment to compliance and monitoring. Specifically, it is helpful if the head coach produces documentation (in any form) illustrating compliance efforts, procedures for monitoring the program's rules compliance and specific examples of communications about NCAA rules. Areas to document may include the following:

- Meetings with the athletics director, compliance staff and coaching staff.
- The program's procedures for monitoring and submission of documentation of specific areas of compliance (for example, practice hours and unofficial visits).
- Reports to compliance of actual and potential NCAA rules issues.
- Monitoring efforts to ensure that the staff and student-athletes are complying in a timely manner with NCAA rules and compliance obligations.
- Ensuring that assistant coaches and other staff are completing and submitting required compliance forms.







## REAL-LIFE CASES

The following are cases reviewed by the enforcement staff and/or the Committee on Infractions since 2013:

### Situation: Head coach responsibility allegations not brought by the enforcement staff

**1** The enforcement staff did not bring a Bylaw 11.1.1.1 allegation when an assistant coach committed a Level II violation by making an impermissible recruiting contact with a prospect. Although the head coach was presumed responsible, the enforcement staff believed the head coach rebutted the presumption based on the following:

Example

- The head coach communicated on numerous occasions a zero tolerance for violations.
- The coaching and compliance staffs participated in weekly meetings (as documented in contemporaneous agendas and other written communications).
- There was a documented pattern of coaching staff members routinely and proactively contacting the compliance staff with questions and concerns.

**2** The enforcement staff did not bring a Bylaw 11.1.1.1 allegation when an instructor committed a Level I violation by completing coursework for five student-athletes (all in the same sport). The presumption of responsibility did not apply because the instructor did not report directly or indirectly to the head coach. Furthermore, there was no information showing that the head coach knew or should have known about the impermissible academic assistance.

Example

### Situation: Head coach responsibility allegations brought by the enforcement staff but not found by the Committee on Infractions

**1** A head coach's administrative assistant committed Level II extra-benefit violations in connection with a VIP apparel account. The enforcement staff believed the head coach created an atmosphere of compliance, but did not believe the head coach monitored the activities of his administrative assistant. Accordingly, the staff alleged a Bylaw 11.1.1.1 violation. However, the Committee on Infractions disagreed and concluded that the head coach did not fail to monitor his administrative assistant. Specifically:

Example

- The head coach demonstrated that he consistently encouraged compliance with NCAA rules. School employees agreed that the head coach was serious about operating his program in a manner consistent with NCAA rules.
- The administrative assistant was a trusted and competent employee who attended weekly sport program staff meetings, which included a rules-education component.
- School staff members demonstrated an awareness of rules that impacted their responsibilities and indicated that the head coach instructed them to contact compliance personnel when questions arose.
- When the head coach observed suspicious activity, he appropriately reminded his assistant to ensure that student-athletes did not receive any impermissible benefit.

**2** A head coach committed a Level II extra-benefit violation after he provided impermissible athletically related aid to a student-trainer intended to benefit two student-athletes. The enforcement staff believed that his involvement in the violation demonstrated that the head coach failed to promote an atmosphere of compliance within his sport's program. However, the committee disagreed and concluded that the head coach successfully rebutted the presumption of responsibility. Specifically:

Example

- The institution showed that the head coach was very communicative with the compliance staff during his 12-year career at the institution and that he and his staff were generally very engaged with compliance.
- The head coach followed proper procedures by seeking input and approval from the institutional staff member responsible for the compliance aspects of financial aid before providing the impermissible aid.
- No other coaches were involved in the violation and there was no information in the record to suggest that the coach did not adequately monitor his staff.



**Situation: Head coach responsibility allegations brought by the enforcement staff and found by the Committee on Infractions**

The following are select factors noted by the Committee on Infractions when concluding that a head coach failed to satisfy his or her head coach responsibilities.

1

Example

The head coach and members of his coaching staff were involved in impermissible countable athletically related activity during the summer months and impermissible tryouts for two prospects. The coaching staff also arranged for cost-free housing for two prospects. The committee concluded that the head coach violated Bylaw 11.1.1.1 based on the following:

- The committee noted that there is an elevated risk of violations when prospects are on campus before their first full-time enrollment.
- The head coach asked the prospects to report to campus before the dormitories opened but took no action to confirm that their housing arrangements complied with NCAA legislation and therefore failed to establish an atmosphere of rules compliance within the program.
- Because members of the coaching staff supervised and participated in the violations, the head coach was presumed responsible for their actions. In light of his personal involvement, the head coach failed to promote an atmosphere of compliance and therefore could not rebut the presumption.

2

Example

The head coach failed to rebut the presumption of responsibility because he did not demonstrate that he monitored his director of operations' and assistant coach's involvement in two student-athletes' online coursework, which allowed their conduct to go undetected and resulted in the student-athletes obtaining fraudulent academic credit. The enforcement staff did not allege that the head coach failed to promote an atmosphere of compliance; however, the enforcement staff alleged, and the committee agreed, that the head coach violated Bylaw 11.1.1.1 based on the following:

- The head coach had a responsibility to monitor the recruitment of student-athletes who he knew had academic difficulties and ensure that they fulfilled their academic requirements. The panel concluded that while it was reasonable for the head coach to delegate these duties to his staff members, those delegated responsibilities cannot remain unchecked.
- The head coach's failure to monitor was limited to a brief period of time, but the duty to monitor is an ongoing duty. During a significant portion of the brief time when the academic fraud occurred, the head coach was not physically present on campus. As a result, his absence, lack of inquiry, and complete delegation and reliance on the two staff members, allowed them to operate unchecked and commit academic fraud.

**For more information, visit [www.ncaa.org/enforcement](http://www.ncaa.org/enforcement).**



# PROTECT THE GAME

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