

[August 20, 2019, Clarification – a footnote has been added to Appendix One, Corrective Actions, to clarify that one of the institution's listed corrective actions was identified by the associate head coach and was not included among the actions listed by Utah.]



UNIVERSITY OF UTAH
PUBLIC INFRACTIONS DECISION
August 6, 2019

I. INTRODUCTION

The NCAA Division I Committee on Infractions (COI) is an independent administrative body of the NCAA comprised of individuals from the Division I membership and public. The COI is charged with deciding infractions cases involving member institutions and their staffs.¹ This case involves the men's basketball program at the University of Utah engaging in impermissible recruiting activities and the head coach failing to meet his responsibilities.² A panel of the COI considered this case through the cooperative summary disposition process in which all parties agreed to the primary facts and violations, as fully set forth in the summary disposition report (SDR). The panel adopted the parties' self-imposed penalties and proposed further penalties.

The head men's basketball coach contested the panel's proposed suspension. Following an expedited hearing per Bylaw 19.6.4.5 and consistent with the applicable penalty range for head coach suspension penalties, the panel declines to prescribe a suspension in this case. All other parties agreed to the proposed additional penalties; therefore, none of the parties have an opportunity to appeal.

The core recruiting violations in this case occurred over a seven-day period in the spring of 2018. They included the coaching staff conducting an impermissible off-campus evaluation and an impermissible off-campus contact during a designated quiet period. The parties agreed that the coaching staff mistakenly misapplied recruiting legislation in April 2018, leading to the violations. A further violation occurred when the associate head men's basketball coach coordinated with a local community college head men's basketball coach to facilitate a prospect's trip to the Utah campus. The community college head coach arranged and paid for the prospect to come to the area, where the prospect then made a visit to the Utah campus. When he engaged in these activities, the community college head coach became a representative of the institution's athletics interests (commonly referred to as boosters). Because the head coach was personally

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

² A member of the Pac-12 Conference, Utah has an enrollment of approximately 31,000 and sponsors eight men's sports and 11 women's sports. This is Utah's fifth major, Level I or Level II infractions case. It had previous cases in 2018 (baseball), 2003 (men's basketball), 1987 (football) and 1962 (men's basketball).

involved in the violations and did not confirm that the off-campus activities and involvement of the community college head coach were permissible, the parties agreed that the head coach failed to meet his responsibility to promote rules compliance and monitor his staff. The violations are Level II.

The case also includes a Level III violation. In July 2018, the men's basketball staff observed the head coach's prospect-aged son participating with members of the men's basketball team in a practice activity. The coaches' observation of the otherwise permissible activity converted it into an impermissible tryout.

The panel accepts the parties' factual agreements and concludes violations occurred. After considering applicable aggravating and mitigating factors, the panel classifies this case as Level II-Standard for Utah and the associate head coach's violations, and Level II-Mitigated for the head coach's violations. Utilizing the current penalty guidelines and NCAA bylaws authorizing additional penalties, the panel adopts and prescribes the following penalties: two years of probation to run consecutive to the institution's current probation, a \$5,000 fine, recruiting restrictions, a show-cause order for the associate head coach and disassociation of the community college head coach.

II. CASE HISTORY

On May 1, 2018, a source informed the NCAA enforcement staff that the Utah men's basketball coaching staff had recently visited a prospect at his high school during a quiet period. Three days later, the head basketball coach at the prospect's (prospect) high school confirmed to the enforcement staff that the visit occurred. Shortly thereafter, Utah self-reported the violation as well as another violation. The enforcement staff and institution then engaged in a short investigation before the enforcement staff issued a verbal notice of inquiry on May 30, 2018. The institution, head men's basketball coach (head coach) and associate head men's basketball coach (associate head coach) jointly submitted the SDR to the COI on February 25, 2019.³

A panel of the COI reviewed the SDR on March 25, 2019, accepted the facts and violations as set forth in the SDR but proposed additional penalties to the institution, head coach and associate head coach. The panel sent the additional penalty letters to Utah and the associate coach on March 28, 2019 and, after further deliberations, to the head coach on May 8, 2019. The institution and associate head coach accepted all additional penalties, while the head coach contested the penalty proposed for his conduct. The panel conducted an expedited penalty hearing regarding that penalty on July 12, 2019. Following the hearing, the panel declined to prescribe the contested head coach suspension penalty.

³ Pursuant to COI Internal Operating Procedure (IOP) 4-9-2-1, panels in future cases may view this decision as less instructive than a decision reached after a contested hearing because violations established through the summary disposition process constitute the parties' agreement.

III. PARTIES' AGREEMENTS

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

The parties jointly submitted an SDR that identified an agreed-upon factual basis, violations of NCAA legislation, aggravating factors, mitigating factors and violation levels.⁴ The SDR identified:

1. [NCAA Division I Manual Bylaws 13.02.5.4, 13.1.2.1, 13.6.2.6.1, 13.6.7.1, 13.14.1 and 13.14.4 (2017-18)] (Level II)

The institution, head coach, associate head coach and enforcement staff agree that from April 25 through May 1, 2018, the head coach, associate head coach and two assistant men's basketball coaches conducted impermissible on and off-campus recruiting activities. Specifically:

- a. On April 25, 2018, during a designated quiet period, an assistant men's basketball coach made an impermissible recruiting evaluation at a two-year college located in another state. [Bylaw 13.02.5.4 (2017-18)]
- b. On April 26, 2018, during a designated quiet period, the head coach, associate head coach and the two assistant coaches made an impermissible recruiting contact with the prospect at his high school in another state. [Bylaw 13.02.5.4 (2017-18)]
- c. On April 30 and May 1, 2018, the associate head coach, in coordination with the community college head coach, who became a representative of the institution's athletics interests, arranged and used impermissible funds provided by the two-year college to pay for the prospect's transportation, meals and lodging during his official paid visit to the institution after the institution exhausted its number of permissible men's basketball official paid visits for that period. The associate head coach's actions in coordinating the prospect's visit included frequent conversations and text message exchanges with the two-year college coach and the prospect's high school coaches about scheduling the prospect's flights, organizing his schedule and local transportation and facilitating his hotel lodging. Further, the head coach was generally aware that the associate head coach was coordinating the unofficial visit with the two-year college, and he and the two assistant coaches were present for the visit and

⁴ This decision provides the agreed-upon factual basis, violations and violation levels as exactly stated in the SDR, except for shortening references to the parties and student-athletes.

interacted with the prospect. Additionally, the community college head coach joined the prospect on his visit to the institution and at a meal with the men's basketball coaching staff, which constituted impermissible in-person recruiting contact. [Bylaws 13.1.2.1, 13.6.2.6.1, 13.6.7.1, 13.14.1 and 13.14.4 (2017-18)]

2. [NCAA Division I Manual Bylaw 13.11.1 (2017-18)] (Level III)

The institution and enforcement staff agree that on July 17, 2018, a then men's basketball prospective student-athlete, who was also the head men's basketball coach's son, participated in summer athletics activity that was organized and observed by the men's basketball coaching staff.

3. [NCAA Division I Manual Bylaw 11.1.1.1 (2017-18)] (Level II)

The institution, head coach and enforcement staff agree that from April 25 through May 1, 2018, the head coach is presumed responsible for the violations detailed in Violation No. 1 and did not rebut the presumption of responsibility. Specifically, the head coach did not demonstrate that he promoted an atmosphere of compliance and monitored his staff in connection with these recruiting violations because he personally participated in the violations detailed in Violation Nos. 1-(b) and 1-(c) and did not proactively evaluate potential NCAA rule implications by reviewing a recruiting calendar or consulting with athletics compliance staff regarding the impermissible recruiting evaluation detailed in Violation No. 1-(a) despite having knowledge of the recruiting activity before it occurred.

B. PARTIES' AGREED-UPON AGGRAVATING AND MITIGATING FACTORS

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

Institution:

1. Aggravating factor. [Bylaw 19.9.3]⁵

A history of Level I, Level II or major violations. [Bylaw 19.9.3-(b)]

2. Mitigating factors. [Bylaw 19.9.4]

(a) Prompt self-detection and self-disclosure of the violations. [Bylaw 19.9.4-(a)]

(b) Prompt acknowledgment of the violation, acceptance of responsibility, and imposition of meaningful corrective measures. [Bylaw 19.9.4-(b)]

⁵ In the SDR, the institution stated an agreement "in part" with two other aggravating factors. They will be discussed in Section V, Penalties.

- (c) An established history of self-reporting Level III or secondary violations.
[Bylaw 19.9.4-(d)]

Head coach:

1. Aggravating factor. [Bylaw 19.9.3]

Persons of authority condoned, participated in or negligently disregarded the violation(s) or related wrongful conduct. [Bylaw 19.9.3-(h)]

2. Mitigating factors. [Bylaw 19.9.4]

- (a) Prompt self-detection and self-disclosure of the violations. [Bylaw 19.9.4-(a)]
(b) Prompt acknowledgement of the violation(s) and acceptance of responsibility.
[Bylaw 19.9.4-(b)]
(c) The absence of prior Level I, II or major violations. [Bylaw 19.9.4-(h)]

Associate head coach:

1. Aggravating factor. [Bylaw 19.9.3]

Other facts warranting a higher penalty range. [Bylaw 19.9.3-(n)]⁶

2. Mitigating factor. [Bylaw 19.9.4]

The absence of prior conclusions of Level I, Level II or major violations.
[Bylaw 19.9.4-(h)]

IV. REVIEW OF CASE

Agreed-upon violations

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

In spring 2018, members of the men's basketball coaching staff committed violations of Bylaw 13 when they conducted impermissible off-campus recruiting and used a booster to help recruit the prospect. The head coach personally participated in the violations and was presumed

⁶ This factor was identified because the associate head coach did not provide all relevant information during his first interview. Some of his answers were incomplete but his omissions did not rise to a level of unethical conduct.

responsible for them. Because he did not rebut the presumption and failed to promote an atmosphere for rules compliance in his program, the head coach violated Bylaw 11.

Level II Recruiting Violations

The recruiting violations involve the Utah men's basketball program conducting an off-campus evaluation and an off-campus contact during a quiet period and subsequently using the community college head coach to assist in recruiting the prospect. The off-campus contact involved the prospect, for whom the community college head coach later paid expenses to visit the Utah campus. The associate head coach enlisted the community college head coach to assist in planning and facilitating the prospect's visit to Utah. Because he assisted the Utah men's basketball program in recruiting the prospect, the community college head coach was a booster of the program. As a booster, his contacts with the prospect, and the money he spent bringing the prospect to Utah, were violations of Bylaw 13 recruiting legislation.

Bylaw 13 governs recruiting.⁷ The bylaw defines recruiting quiet periods as those times when institutional recruiters are prohibited from making any off-campus recruiting contacts or evaluations. Only on-campus contacts are allowed during quiet periods. Regardless of when recruiting activities occur, the bylaw provides that in-person, on- and off-campus contacts can only be made by authorized institutional staff members. Representatives of an institution's athletics interests (commonly referred to as boosters) are not allowed to make any on- or off-campus recruiting contacts. Further, Bylaw 13 limits basketball programs to 24 official paid visits over any two-year period. While hosting a prospect on an official visit, institutions may pay the prospect's actual costs for meals, lodging and transportation. All funds used to recruit prospects must be controlled by the member institution, and institutions cannot permit any outside organization, agency or group of individuals to use or expend funds for the recruitment of student-athletes.

Utah began recruiting the prospect in July 2017. However, because of the possibility that he would not qualify academically, the institution filled its allotment of grants-in-aid for that recruiting cycle while still maintaining contact with him. By April 2018, Utah had an additional men's basketball grant available due to another student-athlete transferring out of the program. By then, the prospect's academic situation had improved to the point that it appeared he would qualify, leading Utah to renew its recruiting efforts. Other institutions were also recruiting him.

Utah's recruiting activities resulted in a series of Level II recruiting violations occurring over a seven-day period from April 25 through May 1, 2018. In early April, an assistant men's basketball coach reviewed the recruiting calendar and mistakenly concluded that off-campus recruiting activities were allowable later that month, during a time that was actually a quiet period. Acting on his misunderstanding, and with the knowledge of the head coach, the assistant coach conducted an evaluation at a two-year college in a neighboring state on April 25, 2018. The following day, which was also part of the quiet period, the full Utah coaching staff visited the prospect's high school in a different state. While at the high school, the staff had contact with the

⁷ The full text of all bylaws violated in this case is at Appendix Two.

prospect and his coach. Within two days, the prospect's high school coach informed the associate head coach that the visit had been contrary to NCAA rules. The Utah coaching staff immediately reported the contact, as well as the earlier evaluation, to the university's athletics administration.

At the same time the men's basketball staff made the visit to the prospect at his high school, the associate head coach teamed up with the local community college head coach to get the prospect to the Utah campus for a visit. Because of the questions regarding the prospect's academic status, the community college was also recruiting him. Because Utah had already used its allotment of official visits, the associate head coach and the community college head coach developed a plan to have the community college pay for the prospect to visit that institution. They agreed that while the prospect was in the area, he would also visit the Utah campus. The associate head coach suggested when the prospect might visit, discussed with the community college head coach what the prospect's activities in the area would be, and arranged the hotel room reservation for the prospect.⁸

The prospect arrived in the area on April 30, 2018. His flight landed at 9:30 a.m., whereupon the community college head coach picked him up and took him to the community college campus. The prospect completed his tour of the community college campus within two hours, at which time the community college head coach transported him to the Utah campus. They arrived before noon. While at Utah, the prospect took a campus tour and met with an academic advisor, a strength coach, student-athletes and members of the men's basketball coaching staff. He and the community college head coach stayed at the Utah men's basketball facility into the evening, where they watched a professional basketball game on television and the prospect ate pizza with the men's basketball team and staff.⁹ Later in the evening, the associate head coach transported the prospect back to his hotel. The next morning, the associate head coach and two Utah assistant men's basketball coaches met the prospect and the community college head coach for breakfast at a local restaurant before the community college head coach transported the prospect to the airport for his return flight home.

The activities of the men's basketball coaching staff from April 25 through May 1, 2018, violated various provisions of Bylaw 13. To begin, when members of the staff traveled off-campus to conduct an evaluation and contacted the prospect on consecutive days during a quiet period, they violated Bylaw 13's prohibition against all off-campus activities during quiet periods.

Additionally, the Utah coaching staff's use of the community college head coach to assist in the recruitment of the prospect resulted in a host of Bylaw 13 violations. Specifically, when the community college head coach began assisting Utah in the recruitment of the prospect by helping plan his visit to the area, he became a booster of the institution's athletics program. The

⁸ The associate head coach asked the Utah staff member who handled travel arrangements to check on the availability of rooms at a hotel near campus. That staff member made a reservation in the community college head coach's name. The prospect stayed in the room. The community college paid for the accommodations.

⁹ The prospect paid for his own meal.

community college then paid for the prospect to visit Utah, resulting in the visit being classified as "official" and causing Utah to exceed the number of official visits it was allowed to provide under Bylaw 13. The community college head coach, and the Utah men's basketball program, further violated Bylaw 13 when the community college head coach accompanied the prospect on the official visit and the Utah men's basketball staff knew of and participated in the contacts that occurred on the visit. Finally, because the funds used to finance the prospect's official visit were not controlled by Utah, but instead came from an outside organization (the local community college), Utah and its men's basketball staff further violated Bylaw 13.

These agreed-upon violations are similar to previous cases involving Level II recruiting violations, including those involving boosters. Bylaw 19.1.2 defines Level II cases as significant breaches of conduct. Subsection (d) of the bylaw lists multiple recruiting violations as an example of a Level II violation, particularly when, as in this case, they do not amount to a lack of institutional control. *See University of San Francisco* (2018) (concluding that when coaches and a booster arranged or provided approximately \$2,000 worth of recruiting inducements to eight prospects, the violations were Level II); *University of Mississippi* (2017) (concluding that when an assistant coach's inaccurate information regarding family relationships caused an institution to pay the expenses of non-family members accompanying a prospect on an official visits to campus, the violations were Level II); and *Baylor University* (2016) (concluding that two football coaches who made two impermissible evaluations and had one impermissible contact over five weeks committed Level II recruiting violations). Utah and its booster committed similar recruiting violations in this case. The violations are Level II.

Head Coach Responsibility

The head coach agreed that he failed to meet his responsibilities as the leader of the men's basketball program under NCAA legislation when he was personally involved in the violations and failed to confirm that the off-campus recruiting activities and the prospect's campus visit were permissible. His personal involvement and shortcomings established his failure to promote an atmosphere for compliance and failure to monitor his staff as required by Bylaw 11.

Bylaw 11.1.1.1 sets forth head coach responsibilities. It requires head coaches to promote an atmosphere for rules compliance in their programs and to monitor the activities of their subordinates. The bylaw presumes head coaches responsible for violations committed by those the head coach supervises. Head coaches may rebut the presumption by demonstrating that they promoted an atmosphere for rules compliance in their program and monitored those they supervise. The head coach did not rebut the presumption and is therefore responsible for the violations.

The parties agreed that the head coach responsibility violation also occurred during the April 25, 2018 through May 1, 2018, period when the head coach and his staff had off-campus contact with the prospect during a quiet period, hosted (along with his staff) the prospect on an impermissible official visit and did not ensure that he and his staff were in compliance with NCAA legislation when conducting their recruiting activities. Without reviewing the recruiting calendar or checking with the compliance office, the head coach took an assistant coach's word that the

assistant coach's April 25, 2018, off-campus evaluation was allowable. Similarly, the next day the head coach and his staff contacted the prospect at his out-of-state high school. Once again, the head coach did not confirm the permissibility of the activity. Both days' activities occurred during a quiet period, when off-campus activities are prohibited.

The head coach became aware that the April 25 and 26 activities were violations on April 28, 2018, when the prospect's high school coach contacted the associate head coach and pointed out that the visit to the high school two days earlier was impermissible. The associate head coach passed the information to the head coach, who to his credit immediately reported the violations to the compliance officer. In the same conversation, he also inquired of the compliance officer whether the prospect's scheduled unofficial visit, set for two days later, could still take place; however, he did not confirm that all circumstances of the visit complied with NCAA legislation. The compliance officer told him, based on the information provided, that the visit was allowable. As a result, the institution allowed a booster to finance an official visit and have contact with a prospect. By his personal involvement in the violations, and by failing to ensure that his staff's activities were conducted according to NCAA legislation, the head coach failed to meet his responsibilities under Bylaw 11.1.1.1.

The panel also accepts the parties' agreement that the violation is Level II. This violation is similar to previous Level II cases in which panels have concluded that head coaches are responsible for program violations because they personally participated in the violations and/or failed to ensure their program was operating in compliance with NCAA legislation. Bylaw 19.1.2-(e) addresses head coaching responsibility violations, stating that they may be Level II if they result from underlying Level II violations. *See Florida International University* (2017) (concluding that a head coach's Bylaw 11.1.1.1 violation was Level II when he engaged in other Level II violations); *San Jose State University* (2016) (specifically stating that, because a head coach committed an underlying Level II violation, his head coach responsibility violation was also Level II); and *University of Hawaii, Manoa* (2015) (concluding that when a head coach allowed his director of operations to help coach, failed to report a known violation and influenced others not to report the violation, all of which were Level II violations, he committed a Level II head coach responsibility violation). As with the violations in those cases, the panel concludes that the head coach's Bylaw 11 violation in this case is Level II.

Level III Recruiting Violation

The parties also agreed that the Utah men's basketball coaching staff committed a Level III violation of Bylaw 13 tryout legislation on July 17, 2018. Bylaw 19.1.3 defines Level III violations as those that are isolated and limited in nature and provide no more than a minimal recruiting, competitive or other advantage. Bylaw 13.11.1 prohibits member institutions from conducting tryouts of prospects or having someone conduct the physical activity on its behalf. A "tryout" is defined as any physical activity at which prospects reveal, demonstrate or display their athletics abilities in any sport. The head coach's son, who was also a prospect, participated in a summer men's basketball practice activity while the coaches observed. When the members of the coaching staff observed him demonstrating his athletics ability, the staff converted the activity into an impermissible tryout.

Consistent with similar tryout cases, the violation is Level III. *See San Jose State* (concluding that a Level III violation occurred when a nonqualifier participated in nine out-of-season skill instruction or conditioning sessions with team members) and *Hawaii* (concluding that when coaches observed a prospect participate in a scrimmage with enrolled student-athletes, the coaches converted the activity into a Level III impermissible tryout). Like these two cases, the staff observing the head coach's son in this case resulted in no more than a minimal advantage to the institution. The violation is Level III.

Contested penalty

Following its initial review of the SDR, the panel proposed additional penalties to the parties pursuant to Bylaw 19.6.4.5, including a suspension for the head coach based on his Bylaw 11.1.1.1 violation. Panels have discretion to prescribe penalties within ranges identified by the NCAA membership.¹⁰ The panel originally proposed a two-game suspension for the head coach within that range, which he contested at an expedited penalty hearing. Following the hearing, and based on the additional information provided by the head coach and institutional representatives, the panel declined to prescribe the suspension.

The head coach self-reported the off-campus visit violations (See Violations 1-a and 1-b) to the compliance office as soon as he realized the visits were impermissible. While on the phone with the compliance officer making the self-report, he inquired whether the prospect's upcoming unofficial "side visit" to Utah when visiting the local two-year college was allowable. The compliance officer replied in the affirmative. However, the head coach and compliance officer apparently did not fully communicate on the specifics of the visit, such as the extensive role the community college head coach would play in facilitating the visit. The lack of full communication contributed to the mistakes that resulted in Violation 1-(c).

At the hearing, the institution's president and compliance officer spoke to the head coach's strong personal commitment to integrity. They and other campus personnel agreed that the violations were unintentional. The president mentioned that the violations that occurred over the eight-day span were the head coach's first significant rules violations. According to the compliance officer, the head coach and his staff are committed to rules compliance, regularly engage with the compliance office and accept the answers to their compliance questions without complaint.

This head coach has consistently demonstrated a commitment to rules compliance throughout his eight years at the institution. He promptly self-reported the quiet period visit violations when he became aware of them, and he inquired prior to the prospect's visit whether it was allowable. The violations were unintentional, limited and not indicative of systemic problems. For all of these reasons, the panel determines that the two-game suspension it initially proposed is not appropriate in this case.

¹⁰ Pursuant to Bylaw 19.9.2, panels may deviate from the penalty guidelines when there are extenuating circumstances.

V. PENALTIES

For the reasons set forth in Sections III, IV and V of this decision, the panel accepts the parties' agreed-upon factual basis and violations and concludes this case involved Level II and III violations of NCAA legislation. Level II violations are significant breaches of conduct that provide or are intended to provide more than a minimal but less than a substantial or extensive advantage. Level III violations are isolated or limited in nature and provide no more than a minimal advantage.

In considering penalties, the panel first reviewed aggravating and mitigating factors pursuant to Bylaws 19.9.2, 19.9.3 and 19.9.4 to determine the appropriate classifications for the parties. The panel then used the current penalty guidelines (Figure 19-1) and Bylaws 19.9.5 and 19.9.7 to prescribe penalties.

For the institution, the panel determines that three aggravating factors and three mitigating factors apply. The parties agreed on all three mitigating factors and one aggravating factor. The enforcement staff proposed two further aggravating factors, 19.9.4-(g), *Multiple Level II violations*, and 19.9.4-(h), *Persons of authority condoned, participated in or negligently disregarded the violations or wrongful related conduct*, with which Utah only agreed "in part." Because the men's basketball staff engaged in a second, separate violation with the prospect even after discovering the first two violations, the panel determines that factor 19.9.4-(g) applies. Regarding 19.9.4-(h), the head coach acknowledged that he participated in the violations. His acknowledgement to any part of the factor is sufficient to establish it. *See University of Arizona (2019)* (specifically determining that, because this factor uses the disjunctive "or," a party's agreement to any part of the factor is enough for it to apply) and *Ohio State University (2016)* (determining that this factor applied when a head coach agreed that he disregarded the potential for violations but did not participate in or condone them). Because the head coach participated in the violations, this factor applies.

Utah also proposed an additional mitigating factor of Bylaw 19.9.4-(i), *Other factors warranting a lower penalty range*. Because the institution is presently on probation, and considering the recruiting advantages this institution gained when it provided an extra official visit, the panel determines that this mitigating factor does not apply.

Regarding the head coach, the panel determines that the one aggravating factor and three mitigating factors on which the parties agreed exist in the case. The head coach proposed an additional mitigating factor of Bylaw 19.9.4-(g), *The violations were unintentional, limited in scope and represent a deviation from otherwise compliant practices*. However, by the time the prospect arrived on campus, the head coach was aware of the previous violation involving the prospect. He was further aware that the men's basketball program had no more official visits available, yet did not check to determine if the circumstances under which the prospect was visiting were permissible. The panel determines that this factor does not apply.

Finally, regarding the associate head coach, the panel determines that one aggravating and one mitigating factor apply: Bylaw 19.9.3-(n), *Other facts warranting a higher penalty range* and Bylaw 19.9.4-(h), *The absence of prior conclusions of Level I, Level II or major violations*. The parties agreed to these factors.

Based on the facts, violations and presence of aggravating and mitigating factors, the panel classified this case as Level II-Standard for both the institution and the associate head coach, and Level II-Mitigated for the head coach. As all parties agreed to the facts, violations and proposed penalties, there is no opportunity to appeal. All penalties prescribed in this case are independent and supplemental to any action that has been or may be taken by the NCAA Division I Committee on Academics through its assessment of postseason ineligibility, historical penalties or other penalties. In prescribing penalties, the panel considered Utah's cooperation in all parts of this case and determines it was consistent with the institution's obligation under Bylaw 19.2.3. The panel also considered Utah's corrective actions, which are set forth in Appendix One, in prescribing penalties. After considering all information relevant to this case, the panel prescribes the following penalties (self-imposed penalties are noted):

Core Penalties for Level II-Standard Violations (Bylaw 19.9.5)

1. Probation: Two years of probation, to run consecutive to the probation in Case No. 00767. This will extend the probation period through May 22, 2021.
2. Financial penalty: The institution shall pay a fine of \$5,000. The fine will come directly from the men's basketball budget. (Self-imposed.)¹¹
3. Recruiting restrictions:
 - a. Utah prohibited all four countable men's basketball coaches from engaging in off-campus recruiting for a five-day period and over the course of a weekend from July 11-15, 2018. This represented the next off-campus recruiting opportunity following the quiet period violation. (Self-imposed.)
 - b. Utah reduced in-person recruiting days for men's basketball from 130 to 113 for the 2018-19 academic year. (Self-imposed.)
 - c. Utah implemented a three-week ban on unofficial visits and complimentary admissions in the sport of men's basketball beginning November 2, 2018. (Self-imposed.)
 - d. Utah reduced the number of official visits in men's basketball by two in 2018-19, representing an eight percent reduction in visits, based on the four-year average. (Self-imposed.)

¹¹ The fine shall be paid consistent with COI Internal Operating Procedures 5-15-2 and 5-15-2-1.

4. Show-cause order: The associate head coach was personally involved in the recruiting violations. He arranged with the community college head coach, a representative of the institution's athletics interests, to circumvent official visit limits by having the community college pay for the prospect to visit the locality, including the Utah campus. He did not check with the athletics compliance staff to determine whether his activities were allowable. Further, although his conduct did not rise to an unethical level because he later supplemented his statements voluntarily, he was not fully forthcoming with the institution and enforcement staff in his initial interview regarding his role in securing the prospect's hotel room. Therefore, the associate head coach will be informed in writing by the NCAA that the panel prescribes a one-year show-cause order pursuant to Bylaw 19.9.5.4. The terms of the show-cause are as follows:
 - a. Utah shall suspend the associate head coach from all coaching and recruiting activities for one week. (Self-imposed and served from November 13-19 during the 2018-19 men's basketball regular season.)
 - b. The associate head coach shall attend the 2019 NCAA Regional Rules Seminar. (Self-imposed.) As part of its annual compliance reports, Utah shall certify all sessions of the seminar attended by the head coach.
 - c. The associate head coach shall not engage in any off-campus recruiting activities during the month of July 2019.

Additional Penalties for Level II – Standard Violations (Bylaw 19.9.7)

5. Public reprimand and censure.
6. Show-cause order: When the community college head coach assisted the men's basketball staff in the recruitment of the prospect, he became a representative of Utah's athletics interests pursuant to Bylaw 13.02.15-(c). His actions assisted the Utah men's basketball coaching staff in circumventing NCAA recruiting legislation, which resulted in a recruiting advantage for the institution. Therefore, pursuant to Bylaw 19.9.7-(i) and COI Internal Operating Procedure (IOP) 5-15-7, Utah shall disassociate the community college head coach for one year. The terms of the disassociation are as follows:
 - a. Utah shall not accept any assistance from the community college head coach that would aid in the recruitment of prospective student-athletes or the support of enrolled student-athletes.
 - b. Utah shall not accept any financial assistance for the athletics program from the community college head coach.
 - c. Utah shall ensure that no athletics benefit or privilege is provided to the community college head coach that is not generally available to the public at large.

- d. For the period of the disassociation, no member of the Utah men's basketball staff shall have any on- or off-campus contact or interaction with the community college head coach. Utah is reminded that, as the community college head coach is a representative of Utah's athletics interests, he is subject to all limitations on individuals similarly designated.
7. In addition to Penalty 6, Utah shall prohibit all members of the men's basketball coaching staff from any on-campus interaction with men's basketball coaches from the community college head coach's institution that is unrelated to permissible complimentary admission to home contests, consistent with NCAA legislation. Specifically, the community college men's basketball coaches shall not participate in any official or unofficial visits on the Utah campus for a minimum of one year, attend practice or informally meet with Utah men's basketball coaches in any institutional facility. Further, for a minimum of one year, Utah will not recruit any prospects from the community college. (Self-imposed.)
 8. The two assistant men's basketball coaches referenced but not named in Violation No. 1, as well as the head coach, shall attend an NCAA Regional Rules Seminar during the term of probation. (Self-imposed).¹² As part of its annual compliance reports, Utah shall certify all sessions of the seminar attended by the coaches.
 9. 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 September 30, 2019, setting forth a schedule for establishing this compliance and educational program.
 - c. File with the OCOI annual compliance reports indicating the progress made with this program by March 31 during each year of probation. Particular emphasis shall be placed on men's basketball rules education and adhering to all NCAA bylaws regarding recruiting visits.
 - d. Inform in writing prospective student-athletes in men's basketball 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.

¹² In self-imposing this penalty, the institution indicated that the head coach will attend the 2020 seminar, while the assistants will attend in 2019. One of the assistant coaches referenced in Violation No. 1 has left this institution. His replacement must attend a seminar.

- 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 program 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 men's basketball 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. A statement that refers only to the probationary period with nothing more is not sufficient.
10. Following the receipt of the final compliance report and prior to the conclusion of probation, the institution's president shall provide a letter to the committee affirming that the institution's current athletics policies and practices conform to all requirements of NCAA regulations.

The COI advises Utah that it should take every precaution to ensure the terms of the penalties are observed. The COI will monitor the penalties during their effective periods. Any action by the institution contrary to the terms of any of the penalties or any additional violations may be considered grounds for prescribing more severe penalties or may result in additional allegations and violations.

NCAA COMMITTEE ON INFRACTIONS PANEL
Norman Bay
Carol Cartwright, Chief Hearing Officer
Stephen Madva
Roderick Perry
Gregory Sankey
Sankar Suryanarayan
Sarah Wake

APPENDIX ONE

**UTAH'S CORRECTIVE ACTIONS AS IDENTIFIED IN THE FEBRUARY 25, 2019,
SUMMARY DISPOSITION REPORT**

1. The two assistant men's basketball coaches referenced, but not named, in Violation No. 1 received letters of reprimand regarding the off-campus contact violation during the quiet period.
2. The head coach will receive a letter of reprimand and notice that future significant violations of NCAA legislation may subject him to a head coach suspension.
3. The associate head coach received a letter of reprimand and notice that future significant violations of NCAA legislation may subject him to a coaching suspension. Further, the institution rescinded its "coach in waiting" agreement with the associate head coach.¹
4. The men's basketball program is required to obtain pre-approval from the compliance office for all future off-campus recruiting activities.
5. The men's basketball staff will be required to attend additional rules education, beyond the university's requirement for all staff. Specific instruction will be provided related to unofficial and official visit legislation and engagement with the local community college.

¹ The institution did not include the rescission of the associate head coach's "coach in waiting" agreement in its corrective actions. That action was identified by the associate head coach.

APPENDIX TWO
Bylaw Citations

2017-18 Division I Manual

11.1.1.1 Responsibility of Head Coach. An institution's head coach is presumed to be responsible for the actions of all institutional staff members 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 institutional staff members involved with the program who report, directly or indirectly, to the coach.

13.02.5.4 Quiet Period. A quiet period is a period of time when it is permissible to make in-person recruiting contacts only on the institution's campus. No in-person, off-campus recruiting contacts or evaluations may be made during the quiet period.

13.1.2 Permissible Recruiters.

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.

13.6.2.6.1 Basketball. In basketball, an institution may provide official visits to up to 24 prospective student-athletes in a rolling two-year period.

13.6.7.1 General Restrictions. [A] An institution may provide entertainment, pursuant to Bylaw 13.6.7.5, on the official visit for a prospective student-athlete and up to four family members accompanying the prospective student-athlete within a 30-mile radius of the institution's main campus. Entertainment and contact by representatives of the institution's athletics interests during the official visit are prohibited. It is not permissible to entertain friends (including dates) of a prospective student-athlete at any time at any site.

13.11.1 Prohibited Activities. A member institution, on its campus or elsewhere, shall not conduct (or have conducted on its behalf) any physical activity (e.g., practice session or test/tryout) at which one or more prospective student-athletes (as defined in Bylaws 13.11.1.1 and 13.11.1.2) reveal, demonstrate or display their athletics abilities in any sport except as provided in Bylaws 13.11.2 and 13.11.3.

13.14.1 Institutional Control. All funds for the recruiting of prospective student-athletes shall be deposited with the member institution, which shall be exclusively and entirely responsible for the manner in which such funds are expended.

13.14.4 Slush Funds. An institution shall not permit any outside organization, agency or group of individuals to use, administer or expend funds for recruiting prospective student-athletes, including the transportation and entertainment of, and the giving of gifts or services to, prospective student-athletes or their relatives, legal guardians or friends.