



**UNIVERSITY OF CONNECTICUT  
PUBLIC INFRACTIONS DECISION  
July 2, 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 decides infractions cases involving member institutions and their staffs.<sup>1</sup> This case involved benefits, practice, coaching personnel and recruiting violations in the men's basketball program at the University of Connecticut.<sup>2</sup> The former head men's basketball coach also violated ethical conduct and head coach responsibility legislation and failed to cooperate.

This case illustrates the importance of full candor and cooperation in the infractions process, as well as head coach control. The head coach faltered in both respects, increasing the severity of his violations and allowing violations within the program to occur for most of his tenure.

Connecticut hired the head coach roughly one year after a major infractions case involving the men's basketball program. At the time of his hire, the head coach had no prior head coaching experience and only two years of experience as an assistant. The violations—which Connecticut agreed occurred—began in just his second season as head coach and continued throughout his tenure.

The violations involved multiple aspects of the program. Connecticut permitted some student-athletes to compete while ineligible when a trainer provided them free basketball training and other impermissible benefits. The program also routinely exceeded countable athletically related activities (CARA) limits over four years when it did not record pick-up games attended by student managers who reported back to coaches. In addition, the program exceeded the number of countable coaches during three of these years when the video coordinator engaged in impermissible coaching instruction. These violations are Level II. The program also committed more isolated and limited recruiting violations, which are Level III.

The head coach failed to meet his legislated head coach responsibilities when he did not monitor his staff or otherwise stop and prevent violations. Making matters worse, he was not entirely forthcoming in his interview during the investigation when questioned about his knowledge of and involvement in some of the violations. He then failed to cooperate when he declined to participate

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

<sup>2</sup> A member of the American Athletic Conference, Connecticut has a total enrollment of approximately 32,000 students. It sponsors 13 women's and 11 men's sports. This is the institution's second Level I, Level II or major infractions case. Connecticut had a prior major infractions case in 2011 (men's basketball).

in a second interview after his termination from Connecticut. Full candor and cooperation are paramount to the infractions process. Anything less impedes the process. These violations are Level I.

The panel classifies this case as Level II-Standard for Connecticut and Level I-Aggravated 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, a \$5,000 fine, a scholarship reduction, recruiting restrictions, vacation of records and a three-year show-cause order for the head coach. The penalties section of this decision details these and other penalties.

## **II. CASE HISTORY**

The enforcement staff received an anonymous email on September 27, 2017, regarding potential violations in the men's basketball program. Shortly thereafter, the enforcement staff requested limited immunity for a former men's basketball prospective student-athlete and the former associate head men's basketball coach (associate head coach). The COI chair granted the requests pursuant to NCAA Bylaw 19.3.7-(c) and COI Internal Operating Procedure (IOP) 4-18. On November 15, 2017, the enforcement staff provided Connecticut with a verbal notice of inquiry. The enforcement staff and Connecticut then investigated the case from December 2017 through July 2018. In August 2018, Academic and Membership Affairs (AMA) staff responded to a joint interpretation request from the enforcement staff and institution regarding issues related to the allegation involving coaching activity.

The enforcement staff held a pre-notice of allegations (NOA) conference with legal counsel for the former head coach (head coach) on September 6, 2018. During the conference, the enforcement staff discussed the proposed allegations. Following this conference but before issuance of the allegations, multiple individuals executed affidavits and gave them to the head coach. On September 28, 2018, the enforcement staff issued an NOA to Connecticut and a post-separation NOA involving the head coach's alleged conduct after his termination from Connecticut. In accordance with COI IOP 4-13-3, the enforcement staff later amended the NOA issued to Connecticut to remove a recruiting allegation involving a particular prospect based on new information.

The COI chair extended the deadline to respond to the NOAs multiple times at the head coach's request. Connecticut and the head coach submitted their responses on January 18, 2019. The head coach included in his response affidavits that he obtained between the pre-NOA conference and issuance of the NOAs. The enforcement staff replied to the responses on March 19, 2019. Connecticut and the head coach filed supplemental responses on April 5, 2019. From his initial response through the hearing date, the head coach requested the addition of dozens of items into the record. The COI added all information into the record as requested by the head coach. The enforcement staff also asked the chief hearing officer (CHO) to add the transcript of a March 2019 interview of the associate head coach into the record. The CHO, however, declined to do so

because good cause was not shown for precluding the head coach from the interview in accordance with COI IOP 4-13-1. The panel held the hearing on May 2, 2019.<sup>3</sup>

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

Connecticut hired the head coach as an assistant coach, his first coaching position, in 2010. In September 2012, the prior head men's basketball coach retired. Connecticut promoted the head coach to the position—and as the head coach described at the hearing—the job landed in his lap with just two years of experience as an assistant. The events in this case began in the head coach's second season and continued after his termination from Connecticut on March 10, 2018.

#### **Conduct within the Men's Basketball Program**

The conduct that resulted in the allegations involved several areas of the men's basketball program. These areas included preseason practice, personnel, boosters and recruiting. The conduct occurred for over four years—nearly all of the head coach's tenure at Connecticut.

##### *Preseason Practice*

During the preseason of the 2013-14 through 2016-17 academic years, student managers attended pick-up games involving men's basketball student-athletes. The pick-up games occurred two to four times per week at the Werth Center, Connecticut's closed basketball facility. Each game lasted between one-and-one-half to two hours. Connecticut did not record this time as CARA. The student-athletes, however, regularly met or nearly met the eight-hour per week maximum of CARA—as well as the weekly two-hour limit on individual skill instruction—with regular training activities during the weeks in which the pick-up games occurred.

The student managers—who reported indirectly to the head coach—kept statistics for participating student-athletes and regularly printed, copied and distributed them to the coaches' mailboxes. Coaches discussed the reports during staff meetings. Coaches sometimes asked student-athletes in passing how the team was coming together or how certain student-athletes performed in the games. The head coach was aware that the games took place but did not report them to the compliance staff or otherwise question their permissibility. The head coach even referred to the games as "captain's practice."

##### *Coaching Activity*

During much of this same period, the head coach told student-athletes at the end of practices to see the video coordinator with questions about team plays. On occasion during the 2013-14 through 2016-17 academic years, the video coordinator provided coaching instruction to student-athletes that exceeded the responsibilities of his position. The video coordinator's responsibilities included maintaining a database of plays and coordinating the team's video operations. One of his

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<sup>3</sup> The CHO requested the associate head coach and the former administrative assistant to the head coach (administrative assistant) attend the hearing.

specific duties was giving student-athletes access to the video review program used to manage the playbook.

While the panel recognizes that the video coordinator may not have provided instruction to all student-athletes, it is uncontroverted that he provided instruction to at least two student-athletes. In the 2014-15 season, the video coordinator gave one student-athlete a 10-minute instruction session in which he ran through select plays with the student-athlete on the court. The video coordinator gave another student-athlete limited instruction and feedback on the side of the court after practices and in the film room during the 2015-16 and 2016-17 academic years. A student manager also observed the video coordinator providing brief instruction about plays and answering student-athletes' questions about positioning during plays after practice. The video coordinator's interaction with these student-athletes extended beyond giving them access to the playbook. The video coordinator reported to the head coach but the head coach did not ask probing questions or look for red flags regarding the video coordinator's conduct.

#### *Training Sessions*

The head coach also did not report or question the permissibility of workouts through training sessions provided by a trainer to three men's basketball student-athletes both on campus and in Atlanta, Georgia. Connecticut acknowledged that the trainer became a booster when he provided on-campus training. He trained both professional and amateur athletes through a business based in Atlanta. The trainer identified Connecticut basketball as a client on the business' website. The head coach knew the trainer for nearly 20 years and described him as a good friend who was like family.

The head coach invited the trainer to campus and to attend games on occasion. The trainer attended practices and strength and conditioning sessions in January 2016. That same month, the head coach provided complimentary admission to the trainer for multiple men's basketball games and paid for his lodging at a campus hotel. The head coach also listed the trainer on the complimentary admissions pass list for an away game in Florida on February 25, 2016. In addition, the head coach provided the trainer complimentary admission to a March 2016 home game in which the head coach identified the trainer as a friend on the pass list. At the time, the trainer's son was a Connecticut football prospect.

After visiting campus several times in early 2016, the trainer returned to campus toward the end of the spring term after the season concluded but prior to the end of classes. During this visit, he trained two student-athletes who had exhausted their eligibility. The head coach confirmed the trainer's presence on campus when he reported during the investigation and at the hearing that he saw a training session involving the former student-athletes.

During this time on campus, the trainer also connected with three student-athletes who had eligibility remaining. Shortly after exchanging contact information, the trainer texted the student-athletes and offered to train them. The trainer and student-athletes met at the Werth Center, where the trainer provided training services during the evening on two occasions. Each evening session

lasted approximately forty-five minutes to an hour. The student-athletes did not pay the trainer for the services nor did the trainer ask to be paid.

Following the on-campus training, the trainer contacted the same three student-athletes to gauge their interest in traveling to Atlanta for more training. The student-athletes wanted the additional training and, after the spring term ended, traveled to Atlanta in May. Before leaving on this trip, the father of one of the student-athletes contacted the head coach about the permissibility of his son training in Atlanta. The head coach told him that the training was permissible if Connecticut did not pay for it. The head coach never spoke to the student-athlete, however, about what was permissible before traveling to Atlanta.

While in Atlanta, the three student-athletes stayed at the trainer's home without charge for four days and three nights where they also received free meals. The trainer gave the student-athletes approximately eight free training sessions. The trainer provided free local transportation, use of his automobile and access to a private gym for the sessions. The value of the benefits totaled \$384 per student-athlete for a total of \$1,152. After receiving the benefits, two of the student-athletes competed and received expenses over two seasons before obtaining reinstatement from the NCAA. The other student-athlete competed and received expenses over one season.

During his March 1, 2018, interview, the head coach denied knowing that student-athletes trained with the trainer on campus and in Atlanta. He later, however, acknowledged that the training in Atlanta occurred. The record does not support the head coach's denial.

In finding that the trainer provided free training to student-athletes on campus, the panel carefully weighed the record. The enforcement staff and institution tried to interview the head coach, trainer, and two of the student-athletes about the on-campus training but all four declined to interview.<sup>4</sup> The trainer, however, executed an affidavit on September 26, 2018, that he gave to the head coach. Although his website identified Connecticut basketball as a client, the trainer denied in his affidavit that he trained the three student-athletes on Connecticut's campus. One of the student-athletes refuted the trainer and admitted that the trainer provided him and the other two student-athletes with free training. The panel recognizes that the student-athlete was not fully forthcoming until his fourth and final interview. But the panel finds his account credible because it is corroborated by multiple individuals.

Both the former strength and conditioning coach (strength and conditioning coach) and associate head coach supported the student-athlete's account that the on-campus training occurred. Specifically, the strength and conditioning coach stated that the student-athlete who reported the training and another student-athlete told him that they trained with the trainer in the evenings and arranged the sessions in advance. The strength and conditioning coach himself observed a small portion of one session. The associate head coach also witnessed the training and reported that the coaching staff was aware that the sessions took place.

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<sup>4</sup> The head coach interviewed with the enforcement staff on other topics during his March 1, 2018, interview.

In his final interview, the student-athlete explained why he did not initially report that he trained with the trainer on campus. Specifically, he stated that he felt pressure to not disclose the training because he was nervous about getting in trouble and not playing. He also admitted in his second interview that the trainer contacted him the morning of that interview and told him that their conversation that morning "never happened." Before his final interview, however, the student-athlete's father reassured the student-athlete and encouraged him to tell the truth. The student-athlete was then fully forthcoming.<sup>5</sup>

The panel does not find the head coach's denial that he knew about the on-campus training to be credible. As head coach of the team, he was in the best position to know about the training sessions. He also had a close relationship with the trainer. The associate head coach confirmed that the coaching staff was aware of the sessions.

Similarly, the head coach's denial that he knew about the training in Atlanta is also not credible. The head coach explained at the hearing that he did not recall the conversation he had about the permissibility of the trip with the father of one of the student-athletes who went to Atlanta. He also stated that he was preoccupied with his duties as a coach for USA Basketball and traveling during the summer to know his student-athletes' whereabouts. While some of the coaches may not have known about the training in Atlanta, the record does not support this explanation. Specifically, a student-athlete, his father and the strength and conditioning coach corroborated that the head coach knew about the training. In addition, the student-athletes had already traveled to Atlanta and received training by the time the head coach began the majority of his own travel.

Finally, the trainer's affidavit does not carry much weight. The trainer executed the affidavit after the enforcement staff notified the head coach about the allegations in the case. The record also does not corroborate his statements, particularly his denial that the head coach was aware of the training in Atlanta.

### *Recruiting*

A number of events associated with recruiting also occurred from October 2016 through September 2017. These events involved multiple prospects and their family members, boosters and men's basketball staff members.

Many of the events centered on the recruiting of a former highly-rated prospect. The prospect took an unofficial visit with his high school team to Connecticut in October 2016 and an official visit in December 2016 before deciding to enroll at another Division I institution. Boosters conversed with the student-athlete about the program on both his unofficial and official visits.

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<sup>5</sup> The panel does not assign the September 25, 2018, affidavit of a former student-athlete much weight. The former student-athlete gave the affidavit to the head coach and did not interview with the enforcement staff. He stated in his affidavit that, in a conversation on a messaging app, the student-athlete who reported the training to the enforcement staff expressed doubt that the trainer actually trained him on campus. The affidavit also claims that Connecticut pressured that student-athlete into stating that he trained with the trainer and that the student-athlete was fearful he could lose his eligibility. The statements in the affidavit are speculative. In addition, the former student-athlete executed the affidavit after the enforcement staff notified the head coach about the allegations in the case.

One booster met with the prospect at First Night, a midnight madness-type event, during the prospect's unofficial visit. The booster is a former men's basketball student-athlete at Connecticut who is a friend and former teammate and roommate of the head coach. The booster regularly visited the head coach in the basketball offices and attended men's basketball games. The booster spoke highly of the men's basketball program and head coach during this conversation with the prospect. The booster also spoke about the brotherhood among Connecticut men's basketball student-athletes and advised the prospect that he would fit in well with the head coach.

In the record, this is the only contact between the booster and prospect that lasted beyond the exchange of a greeting. The prospect stated in his interview that he talked with the booster on his high school campus and the administrative assistant recalled the prospect and booster briefly interacting during a game on campus in December 2016. In a September 19, 2018, affidavit that the prospect gave to the head coach, however, the prospect clarified that he only exchanged a greeting with the booster on his high school campus and had no contact with him on Connecticut's campus during his official visit.<sup>6</sup> The record did not substantiate that conversations took place between the booster and the prospect other than at First Night.

The record also did not establish that the prospect ate a free meal on his unofficial visit. The prospect initially stated in his interview that the coaching staff gave him a free meal during First Night. In his affidavit, however, he denied this. His high school coach accompanied him on the unofficial visit and generally corroborated that the prospect did not eat a free meal from the coaching staff during the visit. There was thus insufficient information demonstrating that the prospect ate a free meal at First Night.

A few months after his unofficial visit, the prospect took an official visit to Connecticut in December 2016 where he spoke to a former elite Connecticut student-athlete and professional basketball player (former professional basketball player) on a video call. During the visit, the head coach invited the prospect, the prospect's brother and sister, the team, coaches and noncoaching staff members to his home for a dinner party. The team members and staff ate and talked with the prospect and his family in common areas in the basement of the head coach's home. Before the meal, the head coach conducted a recruiting presentation in which he spoke about the brotherhood among Connecticut student-athletes.

Later that evening, the administrative assistant answered a video call from the former professional basketball player on her iPad and gave the iPad to the head coach. The head coach had a close personal relationship as a friend and former teammate with the former professional basketball player. The head coach and the prospect were away from dinner guests in a separate room. The head coach handed the iPad to the prospect. During the call, the former professional basketball player spoke to the prospect about basketball and his experience at Connecticut. After a few minutes, the iPad was returned to the administrative assistant. The administrative assistant thought a call with another professional basketball player could have taken place but could not verify that it did.

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<sup>6</sup> There are a number of discrepancies between the prospect's October 30, 2017, interview and his September 19, 2018, affidavit. The panel generally gives more weight to the interview because it occurred closer to the actual events.

The record does not support the head coach's account. In his March 1, 2018, interview and at the hearing, the head coach denied planning or arranging the call. He also disagreed with other details about the call. His account is that the former professional basketball player appeared on the iPad in a video call and that the iPad was shared with dinner guests, who spoke with the former professional basketball player. Others at the party, however, disputed this description. A student-athlete in attendance reported that he would have recalled if the former professional basketball player was on a video call, as he would have liked to talk with him. The former director of student-athlete development for men's basketball (director of student-athlete development), a former assistant men's basketball coach (assistant coach) and the associate head coach also did not recall the guests sharing an iPad with the former professional basketball player on a video call.

Contrary to the head coach's account, it is more likely that the head coach planned and arranged the video call between the prospect and the former basketball player. The prospect reported that, prior to the visit, the head coach told him that he was going to show him the Connecticut brotherhood and put him on the phone with his former Connecticut teammates during the official visit. In a staff meeting before the visit, the head coach and the coaching staff discussed the specifics of the visit, including possibly arranging a call with a former student-athlete like the former professional basketball player.

The question may have been answered by the former professional basketball player but he refused to interview with the enforcement staff or institution. Instead, he executed an affidavit on September 26, 2018, that the head coach submitted into the record with his response to the allegations. But the affidavit carries little weight. The former basketball player executed the affidavit after the enforcement staff notified the head coach about the allegations in the case. Further, the affidavit is not supported by the record, which demonstrates to the panel that the head coach planned and arranged the call.

Another friend of the head coach, the director of student-athlete development, played a role in other recruiting activities. He reported to the head coach and served in a noncoaching position that did not permit him to recruit. The director of student-athlete development was from the Los Angeles area and remained connected to the west coast during his tenure with the institution. Although not a coach, the director of student-athlete development called one prospect and another prospect's step-father—both of whom were from the Los Angeles area—to talk about basketball.

According to one prospect, the director of student-athlete development called him at least twice during the 2016-17 academic year to discuss his recruitment and other personal matters. The director of student-athlete development acknowledged that he spoke with the prospect by phone following the prospect's official visit but denied initiating the call. Instead, he claimed that the prospect called him to check on his family. The panel finds the prospect's account more credible than the director of student-athlete development's account because he had no incentive to provide anything other than the truth during his interview.

The director of student-athlete development exchanged multiple calls with another prospect's step-father. The director of student-athlete development met with the prospect and his step-father when



the prospect took an unofficial visit to Connecticut in October 2016. The director of student-athlete development and the step-father had a pre-existing relationship, playing basketball against one another in high school. Following the visit, and during the 2016-17 academic year, they called each other multiple times to discuss basketball after the prospect verbally indicated that he was no longer interested in attending Connecticut.

Other events associated with recruiting took place beyond these contacts. Some prospects and their family members ate free meals during unofficial visits. A coach gave one of these prospects free apparel. Another prospect shot free throws with the head coach on his official visit. Connecticut also lost track of recruiting-person days.

The associate head coach stated during his interview that prospects on unofficial visits and their families sometimes ate meals that the institution provided to men's basketball student-athletes at the Werth Center. One of these occasions involved the prospect whose step-father exchanged calls with the director of student-athlete development. During his October 2016 visit, the prospect, his step-father and his mother joined members of the team for lunch at the Werth Center. They did not pay for their meal.

Another prospect and his mother ate a free meal during the prospect's unofficial visit in June 2017. During the visit, a coach purchased sandwiches from a local restaurant and they ate lunch with the coaches in the team dining area at the Werth Center. While a neighborhood friend who drove the prospect and his mother to campus for the visit may have also bought the pair food that day, he was not with them for the entire visit—including when they ate the meal at the Werth Center.

During the same unofficial visit, the assistant coach gave the prospect two workout shirts and two pairs of workout pants. While on a tour of campus with his mother, the head coach and assistant coach, the group was caught in a storm. The prospect and his mother entered the locker room area where the assistant coach placed the apparel in a bag and gave it to the student-athlete. The prospect was not asked to return the apparel and kept it.

In addition, during a September 2017 official visit, the head coach and another prospect shot a couple free throws together. The two had walked through the Werth Center and saw a basketball on the court. The prospect, who was in street clothes, asked the head coach to shoot a free throw with him. The prospect shot two free throws and the head coach shot one before they left the facility.

Finally, during the 2016-17 academic year, the men's basketball program used 132 recruiting-person days. Connecticut lost track of the days and did not record the days properly.

### **Investigation after Termination**

Connecticut terminated the head coach on March 10, 2018—nine days after his interview with the enforcement staff and institution. After the interview, the head coach's counsel advised the enforcement staff that the head coach wanted to correct a statement from the interview. Based on

the head coach's request and new facts identified by the enforcement staff, the enforcement staff sought a second interview with the head coach.

The enforcement staff requested several times in May and June 2018 that the head coach participate in a second interview. In response, the head coach's counsel initially asked the enforcement staff about the topics to be addressed in the interview and advised that he would be in touch to schedule the interview. However, on June 11, 2018, counsel informed the enforcement staff that the head coach would not submit to a second interview until the head coach completed his grievance and arbitration process with Connecticut. The enforcement staff reiterated its request for a second interview shortly thereafter, but the head coach's counsel did not change his position.

In the months leading to the hearing, the enforcement staff again asked to interview the head coach. In response, on March 5, 2019, the head coach's counsel advised that the head coach would not sit for a second interview until he resolved the legal issues with the institution. At the hearing, the head coach's counsel confirmed that he advised his client not to interview a second time.

#### **IV. ANALYSIS**

The violations occurred primarily in the men's basketball program from the 2013-14 to 2017-18 academic years. The Level I and Level II violations fall into four areas: (A) extra benefits; (B) impermissible CARA and coaching activity; (C) unethical conduct and failure to cooperate by the head coach; and (D) the head coach's failure to monitor his program and promote an atmosphere of compliance. Multiple Level III recruiting violations also occurred in the program.

##### **A. EXTRA BENEFITS, IMPERMISSIBLE EXPENSES AND INELIGIBLE COMPETITION [NCAA Division I Manual Bylaws 12.11.1, 16.8.1, 16.11.2.1 and 16.11.2.2-(c) (2015-16)]**

In the spring and summer of 2016, a trainer provided extra benefits to men's basketball student-athletes. As a result, the student-athletes competed and received expenses while ineligible. Connecticut and the enforcement staff substantially agreed to the facts and that the facts constitute violations of NCAA legislation. The head coach partially agreed with the allegation and disputed the level of the violations. The panel concludes that Level II violations occurred.

##### **1. NCAA legislation relating to extra benefits, impermissible expenses and ineligible competition.**

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

##### **2. A trainer provided extra benefits to three student-athletes when he gave them free training, lodging, meals and local transportation. The institution then failed to withhold the ineligible student-athletes from subsequent competition, which resulted in impermissible competition and expenses.**

During the 2016 spring term, a trainer provided free on-campus training to several men's basketball student-athletes. After the term ended, the trainer provided additional free training to the same three student-athletes, as well as lodging, meals and local transportation, in another state. Because of the impermissible benefits, the student-athletes competed and received expenses while ineligible. The benefits and expenses violated Bylaw 16 and the ineligible competition violated Bylaw 12.

Bylaws 16 and 12 govern benefits and eligibility, respectively. Bylaw 16.8.1 permits institutions to provide actual and necessary expenses to eligible student-athletes who represent the institution in practice and competition. Bylaw 16.11.2.1 prohibits boosters from providing unauthorized extra benefits to student-athletes. Among other prohibited benefits, Bylaw 16.11.2.2-(c) prohibits boosters from providing the use of an automobile. Bylaw 12.11.1 requires institutions to withhold ineligible student-athletes from competition.

At the end of the 2016 spring term, the trainer provided two free basketball training sessions to three student-athletes at the Werth Center. Just weeks later, in May 2016, the trainer provided approximately eight more free training sessions to the same student-athletes at a private gym in Atlanta. In conjunction with the training, he gave the student-athletes free meals and lodging at his home over four days, local transportation, use of his personal automobile and access to the private gym. The benefits totaled just under \$1,200 for the three student-athletes. The student-athletes competed and received actual and necessary expenses while ineligible because of the benefits. The benefits and expenses violated Bylaws 16.8.1, 16.11.2.1 and 16.11.2.2-(c). The ineligible competition violated Bylaw 12.11.1.

The trainer's actions provided more than a minimal competitive advantage and impermissible benefit. Consistent with Bylaw 19.1.2 and prior COI decisions, the panel concludes that the violations are Level II. *See University of Tennessee at Chattanooga* (2018) (concluding that Level II violations occurred when a booster provided student-athletes with reduced rent, free use of automobiles, meals and transportation); *Sam Houston State University* (2017) (concluding that a Level II violation occurred when a booster provided an impermissible benefit in the form of cost-free housing worth approximately \$200 to a student-athlete); and *University of Missouri, Columbia* (2016) (concluding that Level II violations occurred when a booster provided discounted resort room rates and a free boat ride to multiple student-athletes, and free meals to one student-athlete's family members, and a student manager provided impermissible transportation to multiple student-athletes, worth a total of approximately \$1,000). Like in these cases, Level II violations took place when the trainer provided impermissible benefits to the student-athletes and the student-athletes competed and received expenses while ineligible.

**B. IMPERMISSIBLE CARA AND COACHING ACTIVITY [NCAA Division I Manual Bylaws 17.1.6.2-(a), 17.1.6.2.2 and 17.1.6.3.4 (2013-14); 17.1.7.2.2 (2014-15 and 2015-16); 11.7.3, 11.7.6, 17.1.7.2-(a) and 17.1.7.3.4 (2014-15 through 2016-17)]<sup>7</sup>**

Over four academic years, the men's basketball program routinely exceeded the permissible limit of CARA outside the playing season. Additionally, a noncoaching staff member engaged in impermissible coaching activity, which caused the program to exceed the number of countable coaches for three academic years. Connecticut and the enforcement staff substantially agreed to the facts and that the facts constitute violations of NCAA legislation. The head coach agreed with the alleged CARA violations but disputed the level of the violations and the coaching activity allegation. The panel concludes that Level II violations occurred.

**1. NCAA legislation relating to CARA and coaching activity.**

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

**2. The men's basketball program exceeded permissible CARA limitations during the preseason over four academic years when it failed to record time from pick-up games that became CARA due to the actions of student managers, and the program also exceeded the number of countable coaches when the video coordinator provided impermissible coaching instruction during the latter three of these years.**

From the 2013-14 through 2016-17 academic years, the men's basketball program did not record preseason pick-up games as CARA although student managers attended and distributed statistics from the games. The failure to record the time resulted in Bylaw 17 violations. The video coordinator, a noncoaching staff member, also provided coaching instruction to student-athletes on occasion from the 2014-15 through 2016-17 academic years. The video coordinator's conduct constituted impermissible coaching activity under Bylaw 11 causing the program to exceed its countable coaches limit by one for those three years.

Bylaw 17 governs playing and practice seasons and, through Bylaw 17.1.7.2-(a), prohibits men's basketball student-athletes from exceeding eight hours per week of CARA with no more than two hours per week on skill-related workouts during the preseason. Bylaw 17.1.7.2.2 specifies that no more than four student-athletes may be involved in skill-related instruction with their coaches at any one time during the preseason. Institutions must record countable hours on a daily basis for each student-athlete pursuant to Bylaw 17.1.7.3.4. In addition, Bylaw 11 regulates aspects of the conduct of athletics personnel. Bylaw 11.7.3 prohibits a noncoaching staff member with sport-specific responsibilities—such as a video coordinator—from participating in on-court activities. Bylaw 11.7.6 limits a men's basketball team to no more than four coaches.

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<sup>7</sup> Bylaws 17.1.6.2-(a), 17.1.6.2.2 and 17.1.6.3.4 were renumbered as Bylaws 17.1.7.2-(a), 17.1.7.2.2 and 17.1.7.3.4, respectively, in 2014-15. In addition, the enforcement staff could have cited Bylaw 11.7.1.1-(a) in the 2014-15 through 2016-17 Manuals but did not. The bylaws cited in this decision are the bylaws included in the NOA.

Student-athletes exceeded weekly CARA limitations when Connecticut did not record pick-up games held during the preseason of the 2013-14 through 2016-17 academic years as CARA. The pick-up games became CARA when student managers attended the games, recorded statistics and then distributed the statistics to the coaches. The amount of impermissible CARA was significant—the games occurred between two and four times per week and each game lasted between one-and-one-half to two hours. Coaches also inquired about the student-athletes' performance during these "captain's practices." Connecticut thus violated Bylaws 17.1.7.2-(a), 17.1.7.2.2 and 17.1.7.3.4.

Adhering to weekly CARA limits is a basic but fundamental requirement. The COI has consistently concluded that Bylaw 17 violations occur when programs exceed CARA limits. *See California State University, Sacramento* (2018) (concluding that violations occurred over four years when coaches in the men's and women's tennis programs mandated student-athletes' participation in and/or monitored student-athletes' involvement in a variety of tennis activities that were not recorded as CARA) and *San Jose State University* (2016) (concluding that violations occurred when, during three semesters, more than four women's basketball student-athletes participated in out-of-season skill-related activities at the same time). Like in these cases, exceeding CARA limits for four years gave Connecticut a competitive advantage over institutions that complied with this legislation.

Occurring less frequently but still troubling, Connecticut also violated coaching activity legislation over three of the same four years. From 2014-15 through 2016-17, the video coordinator engaged in impermissible coaching instruction with student-athletes. The video coordinator provided basketball instruction and feedback to multiple student-athletes. The instruction included reviewing plays and answering questions about positioning on or near the court and in the film room. Consistent with an August 2018 interpretation issued by AMA in response to a joint request from the enforcement staff and institution, this instruction was impermissible. As a result, the video coordinator became a countable coach and the men's basketball program exceeded its countable coaches limit in violation of Bylaws 11.7.3 and 11.7.6.

The COI regularly concludes that Bylaw 11 violations occur when noncoaching staff members give instruction to student-athletes because of the competitive advantage conferred by the violations. *See University of Oregon* (2018) (concluding that violations occurred when, over four years, noncoaching staff members in the men's and women's basketball programs engaged in impermissible coaching activities that caused their respective programs to exceed limits on countable coaches) and *University of Northern Colorado* (2017) (concluding that violations occurred when, a few times per week over several weeks, a noncoaching staff member engaged in impermissible coaching activities that caused the men's basketball program to exceed limits on countable coaches). Like in these cases, the video coordinator's conduct caused the institution to exceed coaching staff limits.

In accordance with Bylaw 19.1.2, the CARA and coaching activity violations are Level II. The CARA violations were not isolated or limited and gave Connecticut more than a minimal competitive advantage. The coaching activity violations occurring over three years were part of

the broader pattern of CARA-related violations. The COI has regularly concluded that CARA and coaching activity violations that take place over multiple years are Level II. *See Oregon; Sacramento State; Northern Colorado; and San Jose State.* Nothing materially distinguishes these cases from the current case.

**C. UNETHICAL CONDUCT AND FAILURE TO COOPERATE [NCAA Division I Manual Bylaws 10.1, 10.1-(a), 10.1-(c), 19.2.3, 19.2.3.2 (2017-18)]<sup>8</sup>**

The head coach violated ethical conduct legislation when he knowingly provided false or misleading information during the investigation. The head coach failed to cooperate and further violated ethical conduct legislation when he declined to participate in a second interview. The head coach disputed the allegations. The panel concludes that the head coach committed Level I violations.

**1. NCAA legislation relating to unethical conduct and failure to cooperate.**

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

**2. The head coach violated ethical conduct legislation when he knowingly provided false or misleading information during the investigation regarding violations.**

During his March 1, 2018, interview, the head coach knowingly provided false or misleading information when he denied his involvement in and personal knowledge of violations. His conduct violated Bylaw 10.

Bylaw 10 requires current and former staff members to conduct themselves in an ethical manner. Staff members must not knowingly furnish false or misleading information concerning their involvement in or knowledge of violations in accordance with Bylaw 10.1-(c).

The head coach violated ethical conduct legislation when he denied during his March 1, 2018, interview that he planned or arranged the video call between a prospect and the former professional basketball player during the prospect's official visit.<sup>9</sup> Substantial information in the record contradicted this denial and demonstrated that the head coach planned and arranged the call. In particular, the head coach told the prospect before the visit that he would put him on the phone with a former teammate during the visit. The head coach and staff also discussed during a staff meeting prior to the visit possibly arranging a call with someone like the former professional basketball player. The head coach thus knowingly provided false or misleading information in violation of Bylaw 10.1-(c).

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<sup>8</sup> The panel could have cited Bylaws 10.1, 10.1-(a), 19.2.3 and 19.2.3.2 in the 2018-19 Manual but did not. The bylaws cited in this decision are the bylaws included in the NOA.

<sup>9</sup> As set forth in Violation V.B., the panel concluded that a Level III impermissible contact occurred when the former professional basketball player promoted the program during the video call with the prospect.

The head coach also violated ethical conduct legislation when he denied knowing that the student-athletes trained with the trainer. His denial is not supported by the record. Multiple individuals corroborated that the head coach knew about the training both on campus and in Atlanta. Moreover, the head coach's explanation that he was preoccupied with his duties for USA Basketball and travel and did not know that the student-athletes went to Atlanta is unpersuasive. The student-athletes had already traveled to Atlanta and received training by the time the head coach began the majority of his own travel. As head coach, he was in the best position to know about the training sessions—on- and off-campus—and the whereabouts of his student-athletes. When the head coach denied knowing that the student-athletes received training from the trainer, he again violated Bylaw 10.1-(c). Special honors and responsibilities, such as coaching for USA Basketball, do not absolve head coaches from fulfilling their basic duties.

Being forthcoming during an investigation is critical to the infractions process. The COI has consistently concluded that the knowing provision of false or misleading information is unethical conduct. *See University of Alabama* (2017) (concluding that an assistant coach engaged in unethical conduct when he knowingly provided false or misleading information during the investigation about recruiting violations) and *Northern Colorado* (concluding that two assistant men's basketball coaches engaged in unethical conduct when they knowingly provided false or misleading information during the investigation regarding their involvement in academic fraud violations). Failing to give the enforcement staff truthful information significantly harms its ability to conduct a thorough and timely investigation. The conduct was contrary to the standards of ethical conduct that the membership expects of athletics staff entrusted to set an example for student-athletes.

The panel concludes that the unethical conduct violation is Level I pursuant to Bylaw 19.1.1. The COI has regularly concluded that individuals who violate ethical conduct legislation by knowingly providing false or misleading information during the investigation commit Level I violations. *See Alabama* and *Northern Colorado*. Bylaw 19.1.1-(d) also identifies an unethical conduct violation as an example of a Level I severe breach of conduct.

This case can be distinguished from the few prior cases in which the COI concluded that unethical conduct violations for knowingly providing false or misleading information were Level II. *See Rutgers, The State University of New Jersey, New Brunswick* (2017) (concluding that an assistant football coach engaged in unethical conduct when he knowingly provided false or misleading information during the investigation regarding his impermissible recruiting contact with a prospect); *University of Mississippi* (2016) (concluding that a head and assistant track coach engaged in unethical conduct when they knowingly provided false or misleading information during the investigation regarding their knowledge of and/or involvement in recruiting violations); and *San Jose State* (concluding that a head women's basketball coach committed a Level II violation when he knowingly provided false or misleading information during the investigation regarding a nonqualifier's participation in impermissible strength and conditioning activities and skill-related instruction). In these cases, unique circumstances did not warrant Level I violations in accordance with Bylaw 19.1.1. Here, however, the head coach knowingly provided false or misleading information regarding his involvement in and knowledge of violations that resulted in

long periods of ineligibility for multiple student-athletes. In addition, the head coach was not forthcoming about multiple, separate events. The head coach seriously undermined and threatened the integrity of the infractions process and NCAA Collegiate Model when he knowingly provided false or misleading information. The circumstances in this case warrant a Level I unethical conduct violation.

**3. The head coach violated ethical conduct legislation and failed to cooperate when he declined to participate in a second interview with the enforcement staff after his termination.**

Beginning in May 2018, the head coach chose not to participate in a second interview with the enforcement staff and institution. This hindered the enforcement staff's investigation. His conduct violated Bylaws 10 and 19.

Bylaw 10.1-(a) obligates staff members to make complete disclosure of information concerning possible violations when requested by the enforcement staff. To further the mission of the infractions process, Bylaw 19.2.3 requires staff members to cooperate fully with and assist the enforcement staff.

The head coach violated ethical conduct legislation and failed to fully cooperate with the investigation after his termination from Connecticut. The enforcement staff sought a second interview when it discovered new information and at the head coach's urging to correct a statement from his interview. Despite repeated requests in May and June 2018 and again in the weeks leading to the hearing, the head coach declined to sit for a second interview until he resolved his legal issues with Connecticut. When the head coach declined to participate in a second interview, he acted in contravention of Bylaws 10.1-(a) and 19.2.3.

The head coach argued that an ongoing legal dispute with Connecticut should preclude him from sitting for a second interview. He contended that he sat for one interview, provided the enforcement staff with records and assisted with the investigation by identifying and obtaining information related to the case. Counsel's advice and partial cooperation, however, do not negate the responsibility to fully cooperate in this process.

Although the panel acknowledges that individuals in the infractions process may be involved in outside legal proceedings, they must still participate in order for the process to function. There is no automatic exception for reliance on the advice of counsel. *See University of the Pacific* (2017) (concluding that the head men's basketball coach failed to cooperate when he stopped participating in the investigation on the advice of counsel and due to a lack of financial resources) and *University of Minnesota – Twin Cities* (2000) (concluding that an academic counselor failed to cooperate when he did not answer questions during an interview with the institution on the advice of his counsel and did not respond to requests for interviews from the enforcement staff). The cooperative principle is a core tenet on which the entire infractions process depends. Allowing someone to not participate in the process based on the blanket "advice of counsel" argument would



have a detrimental effect on the process and jeopardize the ability for the enforcement staff to develop full and complete facts.

In addition, the COI has routinely emphasized that the responsibility to cooperate means *full* cooperation *throughout* the process. *See Pacific* (concluding that the head men's basketball coach failed to cooperate when he did not participate in the investigation for nearly a year before resuming his participation); *University of Louisiana at Lafayette* (2016) (concluding that an assistant football coach failed to cooperate when he declined to participate in a third interview and furnish phone records after having participated in two interviews earlier in the investigation); and *Southern Methodist University* (2015) (concluding that a men's basketball administrative assistant failed to cooperate in the later stages of the investigation after having participated in two interviews). Like in these cases, the head coach failed to fully cooperate despite *some* cooperation during the investigation.

In accordance with Bylaw 19.1.1, the panel concludes that the unethical conduct and failure to cooperate violations are Level I. This is consistent with past cases. *See Louisiana Lafayette* and *Pacific*. Bylaw 19.1.1-(c) also identifies failure to cooperate as an example of a Level I severe breach of conduct.

This case is different than the few prior cases in which the COI concluded that failure to cooperate violations were Level II. *See Sacramento State* (concluding that a volunteer assistant women's tennis coach failed to cooperate when he refused to interview with the enforcement staff after initially cooperating); *University of North Carolina at Chapel Hill* (2017) (concluding that a curriculum secretary failed to cooperate when she did not participate in the investigation initially); and *Syracuse University* (2015) (concluding that an academic coordinator failed to cooperate when she did not participate in the investigation initially). Unlike in *North Carolina* and *Syracuse*, the head coach initially cooperated before declining to sit for a second interview and answer additional questions from the enforcement staff. This left the enforcement staff with unanswered questions regarding the head coach's knowledge of events related to the case. In addition, although the volunteer assistant coach in *Sacramento State* initially cooperated before refusing to interview, the COI processed the case via summary disposition in which the parties agreed to the level of the violations. Further, unlike a volunteer assistant coach, the head coach leads his program and, in this case, was central to the investigation. By failing to cooperate, the head coach seriously undermined and threatened the integrity of the infractions process and NCAA Collegiate Model. His unethical conduct and failure to cooperate violations are thus Level I.

**D. HEAD COACH RESPONSIBILITY [NCAA Division I Manual Bylaw 11.1.1.1 (2013-14 through 2017-18)]<sup>10</sup>**

For most of his tenure, the head coach failed to monitor his staff and promote an atmosphere of compliance. Connecticut and the enforcement staff substantially agreed to the facts and that the violation occurred. The head coach disputed the allegation. The panel concludes that the head coach committed a Level II violation.

**1. NCAA legislation relating to head coach responsibility.**

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

**2. The head coach violated head coach responsibility legislation through his failure to monitor staff, personal involvement in violations, and failure to stop and prevent violations.**

The head coach did not meet his legislated head coach responsibilities for over four years. He failed to monitor his staff. In addition, through his personal involvement in and failure to stop and prevent violations, he did not promote an atmosphere of compliance. His conduct violated Bylaw 11.

Bylaw 11.1.1.1 establishes two affirmative duties for head coaches: (1) to promote an atmosphere of compliance; and (2) to monitor individuals in their program who report to them. The bylaw presumes that head coaches are responsible for the actions of their staff members. A head coach may rebut this presumption by demonstrating that he or she promoted an atmosphere of compliance and monitored his or her staff.

The head coach failed to rebut the presumption when he did not monitor staff in two areas. First, the head coach failed to monitor student managers who reported indirectly to him. The head coach knew that student-athletes played pick-up games attended by student managers each preseason in addition to the CARA that he and his staff led. The student managers prepared statistics for the coaching staff and he even talked with others about the games. But he failed to monitor the student managers' actions to ensure that the games complied with NCAA legislation. He also never detected that the scrimmages became CARA although the violations involved student-athletes and student managers.

Similarly, the head coach also failed to monitor the video coordinator. The head coach instructed student-athletes after many practices to visit the video coordinator with questions about the team's plays. At times, when they did, the video coordinator engaged in impermissible coaching activity.

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<sup>10</sup> The enforcement staff cited Bylaw 11.1.1.1 in the 2013-14 through 2016-17 Manuals in the NOA. It based part of the head coach responsibility allegation, however, on the head coach's alleged unethical conduct for knowingly providing false or misleading information in March 2018. At the hearing, in response to a request for clarification from the CHO, the enforcement staff made clear that the citation in the allegation should also include Bylaw 11.1.1.1 in the 2017-18 Manual. The head coach did not object at the hearing to citation to the 2017-18 Manual in the allegation.

Despite directing student-athletes to him, the head coach failed to monitor the video coordinator's actions to ensure that he did not engage in impermissible instruction. The head coach also did not ask questions or look for red flags although the video coordinator reported to him and the violations occurred at the team's practice facility.

Failure to monitor in and of itself results in a head coach responsibility violation. *See Oregon* (concluding that the head men's basketball coach violated head coach responsibility legislation when he failed to monitor the director of basketball operations' interaction with student-athletes) and *University of Louisville* (2017) (concluding that the head men's basketball coach violated head coach responsibility legislation when he failed to monitor a staff member who supervised visiting prospects in a basketball dormitory). Nonetheless, beyond this failure to monitor, the head coach also did not promote compliance.

The head coach did not promote an atmosphere of compliance in two ways. First, he personally involved himself in violations when he gave false or misleading information to the enforcement staff and institution.<sup>11</sup> Simply stated, a head coach cannot rebut the presumption of responsibility when he knowingly provides false or misleading information during an investigation. *See Southern Methodist* (concluding that the head men's basketball coach failed to promote an atmosphere of compliance, in part, because he provided false or misleading information during the investigation). Although the interview occurred near the very end of his tenure as head coach, his conduct during the investigation set the wrong tone as the leader of his program.<sup>12</sup>

The head coach also failed to promote an atmosphere of compliance when he did not stop and prevent the impermissible training. The COI has regularly concluded that head coaches do not promote an atmosphere of compliance when they do not identify, address or report potential problems in their program. *See Tennessee at Chattanooga* (concluding that the head men's tennis coach failed to promote an atmosphere of compliance when he did not inquire about the permissibility of student-athletes' housing and automobile arrangements or discuss the arrangements with the compliance staff); *The Ohio State University* (2017) (concluding that the head men's swimming coach failed to promote an atmosphere of compliance when he was aware that a prospect was on campus but failed to notify the compliance staff or take appropriate action to ensure the prospect's housing arrangements complied with NCAA legislation); and *Grambling State University* (2017) (concluding that the head women's track coach failed to promote an atmosphere of compliance when he failed to make inquiries regarding a prospect's housing arrangements and did not stop and report known recruiting violations). Here, the head coach knew that the trainer was providing training services for multiple student-athletes on campus and that the student-athletes were planning to travel to Atlanta to continue training. But he did not consult the compliance staff and otherwise took no action to ensure that the training complied with NCAA legislation. This allowed the violations to occur.

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<sup>11</sup> The head coach was also personally involved in Level III Violation Nos. V.B. and V.D.

<sup>12</sup> The enforcement staff did not allege and the panel does not conclude that the head coach failed to promote an atmosphere of compliance when he violated ethical conduct legislation and did not fully cooperate following his termination.

Despite his failure to monitor staff, personal involvement in violations and failure to stop and prevent violations, the head coach argued that he rebutted the presumption of responsibility because of his track record of compliance. The head coach pointed to various statements by athletics staff members regarding their experience working with him on compliance-related matters. He also noted instances of good communication between the basketball and compliance staff. Further, at the hearing, the head coach described ways in which he emphasized compliance within his program, including rules education and creating an environment where his staff could report issues to the compliance staff.

The panel recognizes the head coach's previous lack of violations, examples of good communication, that he encouraged staff to report issues and efforts to educate staff. But the responsibility does not end there. The head coach did not sufficiently demonstrate that he monitored the actions of his staff members, actively looked for red flags and took charge to bring violations to the attention of the compliance staff. He also violated ethical conduct legislation while head coach. He thus failed to meet his responsibility to promote an atmosphere of compliance and monitor staff in accordance with Bylaw 11.1.1.1.

The head coach's actions can be distinguished from those of previous head coaches whom the COI concluded rebutted their presumed responsibility. In *Pacific*, the violation at issue resulted from a legitimate misunderstanding between the head baseball coach and an associate athletics director. The COI concluded that the head coach rebutted his presumed responsibility because he demonstrated that he promoted an atmosphere of compliance. Likewise, in *Wichita State University* (2015), the head baseball coach failed one time to ask follow-up questions regarding his administrative assistant's impermissible benefits violation. Unlike in *Pacific* and *Wichita State*, the head coach did not make a one-time mistake. Rather, multiple violations involving several individuals occurred over most of his tenure and he personally violated ethical conduct legislation while serving as head coach. He also did not bring violations to the attention of the compliance staff or spot check for violations. In short, the head coach was not vigilant in ensuring a compliant program.

The level of head coach responsibility violations derives from the levels of the underlying violations within the program. See Bylaws 19.1.1-(e) and 19.1.2-(e). This case involved multiple underlying Level II violations and one underlying Level I violation in the men's basketball program. The panel carefully assessed the timing and duration of the underlying violations in determining the level of the head coach responsibility violation. Although the underlying unethical conduct violation for knowingly providing false or misleading information is Level I, it occurred just days before the head coach's termination. The head coach, however, failed to monitor staff over four years and did not stop and prevent violations, which resulted in multiple Level II violations. Based on the timeline unique to this case, the panel concludes that the head coach responsibility violation is Level II as alleged by the enforcement staff. The violations and level for the head coach responsibility violation in this case are constrained to the facts and do not establish a standard or test. Future one-time conduct could result in Level I head coach responsibility violations.

The COI has consistently concluded that head coach responsibility violations are Level II when the underlying violations are Level II. *See University of Utah* (2018) (concluding that a Level II head coach responsibility violation occurred when the head baseball coach instructed and permitted his operations director to engage in impermissible coaching activity) and *University of Hawaii at Manoa* (2015) (concluding that a Level II head coach responsibility violation occurred when the head men's basketball coach permitted and instructed an operations director to engage in coaching activities). The head coach responsibility violation here is Level II because, coupled with the unique circumstances in this case, the underlying violations are primarily Level II.

## **V. LEVEL III VIOLATIONS**

The enforcement staff alleged multiple recruiting violations as Level II. Connecticut agreed that the violations occurred and were Level II. The head coach disagreed with many of the allegations and argued that any recruiting violations were Level III. The panel concludes several recruiting violations occurred but were Level III because they were isolated, limited in scope and provided no more than a minimal advantage.

### **A. IMPERMISSIBLE RECRUITING CONTACT [NCAA Division I Manual Bylaw 13.1.2.1 (2016-17)]**

In October 2016, a booster had impermissible in-person recruiting contact with a prospect during an unofficial visit. Specifically, the booster talked with a highly-recruited prospect about the brotherhood among Connecticut student-athletes, spoke highly of the institution and head coach, and advised the student-athlete that he would fit in well with the head coach. The booster's contact violated Bylaw 13.1.2.1.

### **B. IMPERMISSIBLE RECRUITING CONTACT [NCAA Division I Manual Bylaw 13.1.2.1 and 13.1.3.5.1 (2016-17)]**

The former professional basketball player impermissibly promoted the men's basketball program during a video call with the same highly-recruited prospect on his official visit in December 2016. During the visit, the head coach invited the prospect, the prospect's brother and sister, the team, coaches, and noncoaching staff members to his home for a dinner party. While at the party, the former professional basketball player spoke with the prospect about basketball and his experience at Connecticut via a video call. The contact violated Bylaws 13.1.2.1 and 13.1.3.5.1.

### **C. IMPERMISSIBLE RECRUITING CONTACT [NCAA Division I Manual Bylaw 13.1.2.1 and 13.1.3.4.1 (2016-17)]**

During the 2016-17 academic year, the director of student-athlete development had impermissible recruiting phone contact with a prospect and another prospect's step-father. Specifically, the director of student-athlete development impermissibly called a prospect at least twice during his recruitment to discuss the recruitment and other personal matters. The director of student-athlete

development also exchanged multiple calls with another prospect's step-father to talk basketball. Although the calls with the step-father occurred after the prospect verbally indicated that he was no longer interested in attending Connecticut, he was still a prospect. The calls violated Bylaws 13.1.2.1 and 13.1.3.4.1.

**D. IMPERMISSIBLE RECRUITING INDUCEMENT [NCAA Division I Manual Bylaw 13.2.1 and 13.7.2.1 (2015-16)]**

On February 25, 2016, the head coach impermissibly provided complimentary admission to a men's basketball game in Florida to the trainer, who was the father of a recruitable football prospect. The head coach listed the trainer on the complimentary admissions pass list for the game. The inducement violated Bylaws 13.2.1 and 13.7.2.1.

**E. IMPERMISSIBLE RECRUITING INDUCEMENT [NCAA Division I Manual Bylaw 13.2.1 and 13.7.2.1.2 (2016-17)]**

The men's basketball staff provided impermissible meals to two prospects and their family members in 2016-17. In October 2016, a prospect and his parents joined members of the team for lunch at the Werth Center during the prospect's unofficial visit. The prospect and his family did not pay for their meal. Another prospect took an unofficial visit in June 2017. During the visit, the prospect and his mother ate lunch paid for by a coach at the Werth Center. The inducements violated Bylaws 13.2.1 and 13.7.2.1.2.

**F. IMPERMISSIBLE RECRUITING INDUCEMENT [NCAA Division I Manual Bylaw 13.2.1 and 13.2.1.1-(b) (2016-17)]**

During a June 2017 unofficial visit, men's basketball staff provided free athletic apparel to a prospect. While on a tour of campus, the prospect, his mother, the head coach and the assistant coach were caught in a storm. Inside the locker room area, the assistant coach placed two workout shirts and two pairs of workout pants in a bag and gave it to the prospect. Connecticut did not ask the prospect to return the apparel. The inducement violated Bylaws 13.2.1 and 13.2.1.1-(b).

**G. IMPERMISSIBLE RECRUITING-PERSON DAYS [NCAA Division I Manual 13.02.9 (2016-17)]**

During the 2016-17 academic year, the men's basketball program used 132 recruiting-person days. Connecticut lost track of the days and did not record the days properly. As a result, Connecticut exceeded the 130-day annual limit in violation of Bylaw 13.02.9.

## **VI. VIOLATIONS NOT DEMONSTRATED**

The record did not substantiate parts of several allegations. These allegations included alleged impermissible recruiting contacts, an impermissible recruiting inducement and an impermissible tryout. The panel does not conclude that violations occurred.

As part of the allegation that resulted in Violation V.A., the enforcement staff alleged that a booster impermissibly contacted the prospect during an official visit in December 2016 and at the prospect's high school. The record did not establish that the booster conversed with the prospect beyond the exchange of a greeting during the official visit or at the prospect's high school as alleged. The panel thus cannot conclude that the violations occurred.

In addition, the enforcement staff alleged, as part of the allegation that resulted in Violation V.B., that an impermissible recruiting contact occurred when a second former student-athlete and professional basketball player promoted the program via a video call with the prospect. Related to this allegation, as part of the allegation that resulted in Violation IV.C., the enforcement staff alleged that the head coach violated ethical conduct legislation when he denied planning or arranging this call. The panel cannot conclude that the alleged violations occurred because the record did not substantiate that the call took place.

The enforcement staff also alleged that Connecticut provided the prospect an impermissible meal as a recruiting inducement during his official visit in December 2016. The record did not establish that the prospect ate the meal as alleged. The panel thus cannot conclude that the violation occurred.

In another allegation involving a different prospect, the enforcement staff alleged that Connecticut conducted an impermissible tryout when the prospect shot free throws with the head coach at the Werth Center during an official visit. Bylaw 13.11.1 prohibits institutions from conducting tryouts, except as otherwise permitted by the bylaws. The panel concludes that an impermissible tryout did not occur because the prospect shot only two free throws while in street clothes. The COI has previously concluded that a prospect shooting a single shot in street clothes did not constitute an impermissible tryout. *See Hawaii* (concluding that no impermissible tryout occurred when a prospect, wearing sandals, shorts and a t-shirt, shot a basketball to start a fast break drill for members of the team.) Like in *Hawaii*, the prospect did not participate in a tryout and a violation did not occur.

## **VII. PENALTIES**

For the reasons set forth in Sections III, IV and V of this decision, the panel concludes that this case involved Level I, II and III violations of NCAA legislation. Level I violations are severe breaches of conduct that seriously undermine or threaten the integrity of the NCAA Collegiate Model, including individual unethical conduct and failure to cooperate during an investigation. 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, including violations that involve more than a minimal but less than a substantial or extensive impermissible benefit. Level III violations are breaches of conduct that 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 Connecticut and the head coach. The panel then used the current penalty guidelines (Figure 19-1) and Bylaws 19.9.5 and 19.9.7 to prescribe penalties.

The panel determined that the below-listed factors applied and assessed the factors by weight and number. Based on its assessment, the panel classifies this case as Level II-Standard for Connecticut and Level I-Aggravated for the head coach's violations.

### **Aggravating Factors for Connecticut**

19.9.3-(b): A history of Level I, Level II or major violations by the institution;

19.9.3-(g): Multiple Level II violations by the institution;

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

19.9.3-(k): A pattern of noncompliance within the sport program.

Connecticut agreed with the aggravating factors but argued that the panel should not give them all full weight. Specifically, Connecticut argued that the panel should give Bylaw 19.9.3-(b), *A history of Level I, Level II or major violations*, little weight. Connecticut also submitted that the aggravating factors of Bylaw 19.9.3-(g), *Multiple Level II violations by the institution*, and Bylaw 19.9.3-(k), *A pattern of noncompliance within the sport program*, were redundant. Similarly, Connecticut argued that the panel should consider the head coach's culpability for triggering Bylaw 19.9.3-(h), *Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct*, in assessing the weight to give the factor.

The panel does not give Bylaw 19.9.3-(b) little weight as requested by Connecticut. In determining the weight to assign the factor, the COI regularly evaluates the number of prior cases, the years between the cases and similarities of prior cases. The panel has not minimized the weight of the factor when prior cases occur shortly before the case at issue and involve the same program. *See San Jose State University (2018)* (giving the factor significant weight because the COI concluded similar violations occurred in a case just two years prior) and *Florida International University (2017)* (giving the factor significant weight because the violations in the two prior cases, occurring in 2008 and 2005, overlapped and resulted in an extended period of probation prior to the events in the 2017 case). Here, Connecticut's only prior case was in 2011, just a few years before the events in this case. The case involved the same program and similar violations. The panel thus does not minimize the weight of the factor as requested by Connecticut.



Likewise, the panel does not assign the other factors—Bylaws 19.9.3-(g), 19.9.3-(h) and 19.9.3-(k)—less weight. While Bylaw 19.9.3-(g), *Multiple Level II violations by the institution*, and Bylaw 19.9.3-(k), *A pattern of noncompliance within the sport program*, may involve similar underlying conduct, the factors are separate and distinct as defined by the membership. The panel applies both factors to Connecticut because the institution committed multiple Level II violations and the sports program also had a pattern of noncompliance.

With respect to Bylaw 19.9.3-(h), *Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct*, the panel emphasizes that institutions are responsible for their employees—particularly, head coaches. Although the head coach condoned, participated in or negligently disregarded the violations, the COI has regularly applied the factor to both institutions and involved individuals. See *Florida International* (determining that the factor applied to the institution and the involved individual whose conduct resulted in the factor) and *St. Francis University (Pennsylvania)* (2014) (same). Like in these cases, Bylaw 19.9.3-(h) applies to Connecticut because the head coach acted on behalf of the institution.

### **Mitigating Factors for Connecticut**

19.9.4-(b): Prompt acknowledgement of the violations, 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; and

19.9.4-(d): Established history of self-reporting Level III or secondary violations.<sup>13</sup>

Connecticut identified three additional mitigating factors: Bylaw 19.9.4-(e), *Implementation of a system of compliance methods designed to ensure rules compliance and satisfaction of institutional/coaches' control standards (e.g., National Association of Athletics Compliance Reasonable Standards)*; Bylaw 19.9.4-(f), *Exemplary cooperation*; and Bylaw 19.9.4-(i), *Other facts warranting a lower penalty range*. The panel determines that none of these additional factors apply.

With respect to Bylaw 19.9.4-(e), Connecticut did not demonstrate that it implemented a system of compliance methods designed to ensure rules compliance and satisfaction of control standards. The COI has regularly applied the mitigating factor when the compliance system was in place at the time of the violations *and* detected the violations. See *North Carolina Central University* (2018) (determining that the factor did not apply because the institution implemented compliance improvements after the violations); *Rutgers* (determining that the factor did not apply because the violations went undetected over many years); and *Missouri* (determining that the factor did not apply because improvements and enhancements made to the system should have been in place prior to the violations). Connecticut implemented some of the compliance methods *after* the violations in the case. In addition, Connecticut did not establish the extent to which the system in place at the time of the violations *detected* the violations.

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<sup>13</sup> Connecticut self-reported 95 Level III violations from the 2013-14 through 2017-18 academic years.

Although Connecticut met its obligation to cooperate, it did not demonstrate exemplary cooperation in accordance with Bylaw 19.9.4-(f). Connecticut argued that it expended substantial resources during the investigation and brought violations to the attention of the enforcement staff. The enforcement staff, however, did not support the factor. The COI has used a high standard to assess exemplary cooperation. *See Northern Colorado* (determining that the factor applied when an institution searched coaches' offices, inventoried the items found, imaged computer drives and email accounts, and obtained its student-athletes' coursework submitted to other institutions when investigating potential academic violations) and *Oklahoma State University (2015)* (determining that the factor applied when, over 11 months, the institution assisted the enforcement staff in reviewing over 50,000 emails and other records and conducting roughly 90 interviews). Although the panel acknowledges that research by the senior compliance administrator helped break open a portion of the investigation, Connecticut's cooperation met its legislated obligation but did not rise to the level of exemplary.

Finally, regarding Bylaw 19.9.4-(i), Connecticut did not demonstrate that other facts warrant a lower penalty range. Connecticut argued that it discovered information that ultimately aligned with the allegations and was preparing to self-report violations when the enforcement staff notified the institution that it intended to investigate. The panel appreciates Connecticut's efforts to discover information to help the enforcement staff with its investigation. The panel does not, however, apply Bylaw 19.9.4-(i) to this case. Connecticut only met its legislated obligation to cooperate and did not promptly self-report violations.

### **Aggravating Factors for the Head Coach**

19.9.3-(a): Multiple Level I violations by the involved individual;

19.9.3-(e): Unethical conduct and failure to cooperate;

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

19.9.3-(k): Pattern of noncompliance within the sports program; and

19.9.3-(m): Intentional, willful or blatant disregard for the NCAA constitution and bylaws.

The head coach disagreed with the aggravating factors identified by the enforcement staff. His unethical conduct and failure to cooperate violations, however, plainly support application of Bylaws 19.9.3-(a), 19.9.3-(e), 19.9.3-(h) and 19.9.3-(m).<sup>14</sup> *See Pacific* (applying the same factors for the head men's basketball coach who engaged in unethical conduct and failed to cooperate). In addition, Bylaw 19.9.3-(k) applies because the head coach's program did not comply with the legislation for a period of several years, including four years of CARA violations and three years in which coaching activity violations occurred. The program demonstrated a clear pattern of noncompliance. *See Oregon* (determining that the factor applied when the program engaged in impermissible coaching activity over four years) and *Hawaii* (determining that the factor applied

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<sup>14</sup> The enforcement staff identified Bylaw 19.9.3-(g), *Multiple Level II violations by the involved individual*, as an aggravating factor. Based on circumstances unique to this case, the panel determines that Bylaw 19.9.3-(a), *Multiple Level I violations by the involved individual*, applies and subsumes Bylaw 19.9.3-(g).

when extra benefits, impermissible coaching activity and ineligible competition occurred over two years).

### **Mitigating Factors for the Head Coach**

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

The head coach identified Bylaw 19.9.4-(f), *Exemplary cooperation*, 19.9.4-(g), *The violations were unintentional, limited in scope and represent a deviation from otherwise compliance practices*, and Bylaw 19.9.4-(i), *Other facts warranting a lower penalty range*, as mitigating factors. The panel determines that none of these additional factors apply.

Bylaw 19.9.4-(f) does not apply because the head coach did not meet his minimal obligation to cooperate. In support of exemplary cooperation, the head coach contended that he repeatedly and persistently participated in the investigation and identified information and violations unknown to the enforcement staff. While the panel acknowledges that the head coach participated in a portion of the investigation, he ultimately failed to cooperate when he declined to participate in a second interview despite several requests from the enforcement staff.

Likewise, the panel does not apply Bylaw 19.9.4-(g) to the head coach because the unethical conduct and failure to cooperate violations were intentional, the violations occurred for several years and there is no showing that the violations deviated from otherwise compliant practices. The head coach argued that, at every opportunity, he promoted rules compliance and implemented systems to ensure his staff was compliant. The record simply does not reflect this.

In addition, the head coach did not demonstrate other facts warranting a lower penalty range in accordance with Bylaw 19.9.4-(i). The enforcement staff's statements of the case set forth different "other facts" as mitigating factors identified by the head coach: the "affirmative obligation to report instances of noncompliance" and "letters from [the head coach]'s counsel." The head coach did not elaborate on either "other fact" in his responses or at the hearing. Nonetheless, the head coach failed to stop and prevent violations in this case. Likewise, any letters from counsel referenced by the head coach, including those pertaining to his failure to cooperate, do not support application of the factor. The COI has rarely applied this factor, generally reserving it for circumstances where a party has taken steps above and beyond what is expected or where unique circumstances warrant it. *See Oregon* (determining that the factor applied because the institution's robust monitoring detected an impermissible grade change and the institution acted quickly to prevent ineligible competition) and *San Jose State* (2016) (determining that the factor applied where the institution self-reported the violations and took meaningful corrective action, but the enforcement staff did not act on the information for over 16 months). Unlike in these cases, no additional facts warrant a lower penalty range.

All the penalties prescribed in this case are independent and supplemental to any action the NCAA Division I Committee on Academics has taken or may take through its assessment of postseason

ineligibility, historical penalties or other penalties. In prescribing penalties, the panel considered Connecticut's cooperation in all parts of this case and determines it was consistent with Connecticut's obligation under Bylaw 19.2.3. The panel also considered Connecticut's corrective actions, which are contained in Appendix One. The panel prescribes the following penalties (self-imposed penalties are so noted):

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

1. Probation: Two years of probation from July 2, 2019, through July 1, 2021.
2. Financial penalty: Connecticut shall pay a \$5,000 fine. (Self-imposed.)
3. Scholarship reductions: Connecticut shall not exceed 12 grants-in-aid awarded in men's basketball during the 2019-20 academic year. (Self-imposed.)
4. Recruiting restrictions:
  - a. One-week ban on unofficial visits in men's basketball during the 2018-2019 academic year. (Self-imposed.)
  - b. Two-week ban on unofficial visits in men's basketball during the 2019-20 academic year.
  - c. One-week ban on recruiting communications in men's basketball during the 2018-2019 academic year. (Self-imposed.)
  - d. One-visit reduction from the permissible number of official visits in men's basketball during the rolling 2018-19 and 2019-20 two-year period.<sup>15</sup>
  - e. A reduction of four recruiting-person days from the permissible number of recruiting-person days in men's basketball during the 2018-19 academic year. (Self-imposed.)
  - f. A reduction of four recruiting-person days from the permissible number of recruiting-person days in men's basketball during the 2019-20 academic year.

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

5. Show-cause order: The head coach violated ethical conduct legislation when he knowingly provided false or misleading information during the investigation. He also failed to cooperate and further violated ethical conduct legislation when he declined to participate in a second interview after his termination from Connecticut. Therefore, the head coach shall be subject to a three-year show-cause order from July 2, 2019, to July 1, 2022. Pursuant to COI IOP 5-

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<sup>15</sup> Connecticut self-imposed a one-visit reduction from the number of permissible official visits in men's basketball during the 2018-19 academic year.

15-3-1, if the head coach seeks employment or affiliation with any athletically related position at an NCAA member institution during the three-year show-cause period, any employing institution shall be required to contact the Office of the Committees on Infractions (OCOI) to make arrangements to show cause why restrictions on all athletically related activity should not apply.

Head coach restriction: The head coach violated head coach responsibility legislation when he failed to monitor his staff and promote an atmosphere of compliance. Bylaw 19.9.5.5 and the Figure 19-1 penalty guidelines contemplate head coach suspensions to address head coach responsibility violations. Therefore, should the head coach become employed in an athletically related position at an NCAA member institution during the three-year show-cause period, the head coach shall be suspended from 30 percent of the first season of his employment.<sup>16</sup> The suspension shall run concurrently with the first year of the show-cause order. Because the show-cause order restricts the head coach from all athletically related activity, this suspension is subsumed within the show-cause order.

Although each case is unique, the show-cause order is consistent with those prescribed in prior cases. *See East Tennessee State University* (2018) (concluding Level I-Aggravated violations for head coach responsibility and unethical conduct, and prescribing a five-year show-cause order restricting the coach from all athletically related activities) and *Pacific* (concluding Level I-Aggravated violations for head coach responsibility and unethical conduct, and prescribing an eight-year show-cause order restricting the coach from all athletically related activities and, as part of the order, suspending the coach from 50 percent of his first season should the coach become employed during the show-cause period). Like in these cases, the show-cause order falls within the membership-approved penalty guidelines.

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

6. Public reprimand and censure through the release of the public infractions decision.
7. Vacation of team and individual records: Connecticut acknowledged that ineligible participation in the men's basketball program occurred as a result of violations in this case. Therefore, pursuant to Bylaws 19.9.7-(g) and 31.2.2.3 and COI IOP 5-15-3, Connecticut shall vacate all regular season and conference tournament records and participation in which the ineligible student-athletes competed from the time they became ineligible through the time they were reinstated as eligible for competition.<sup>17</sup> This order of vacation includes all regular season competition and conference tournaments. Further, if any of the ineligible student-athletes participated in NCAA postseason competition at any time they were ineligible,

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<sup>16</sup> Although the panel classifies the head coach's overall violations as Level I-Aggravated, the suspension is based on a Level II head coach responsibility violation in accordance with the penalty guidelines at Figure 19-1.

<sup>17</sup> Among other examples, a vacation penalty is particularly appropriate when a case involves serious intentional violations, the direct involvement of a coach, a large number of violations or the institution has a recent history of major violations. *See* COI IOP 5-15-6. Further, the COI has consistently prescribed a vacation of records in cases that involved student-athletes competing after receiving extra benefits of similar monetary values. *See Monmouth University* (2017) and *Hawaii*.

Connecticut's participation in the postseason contests in which the ineligible competition occurred shall be vacated. The individual records of the ineligible student-athletes shall also be vacated. However, the individual finishes and any awards for all eligible student-athletes shall be retained. Further, Connecticut's records regarding its athletics programs, as well as the records of head coaches, shall reflect the vacated records and be recorded in all publications in which such records are reported, including, but not limited to, institutional media guides, recruiting material, electronic and digital media plus institutional, conference and NCAA archives. Any institution that may subsequently hire the affected head coach shall similarly reflect the vacated wins in his career records documented in media guides and other publications cited above. Head coaches with vacated wins on their records may not count the vacated wins toward specific honors or victory "milestones" such as 100<sup>th</sup>, 200<sup>th</sup> or 500<sup>th</sup> career victories. Any public reference to the vacated records shall be removed from the athletics department stationary, banners displayed in public areas and any other forum in which they may appear. Any trophies awarded by the NCAA in these sports shall be returned to the Association.

Finally, to aid in accurately reflecting all institutional and student-athlete vacations, statistics and records in official NCAA publications and archives, the sports information director (or other designee as assigned by the director of athletics) must contact the NCAA Media Coordination and Statistics office and appropriate conference officials to identify the specific student-athletes and contests impacted by the penalties. In addition, the institution must provide the NCAA Media Coordination and Statistics office with a written report detailing those discussions. This written report will be maintained in the permanent files of the NCAA Media Coordination and Statistics office. This written report must be delivered to the office no later than 45 days following the release of this decision or, if the institution appeals the vacation penalty, at the conclusion of the appeals process. A copy of the written report shall also be delivered to the OCOI at the same time.

8. During the period of probation, Connecticut shall:
  - a. Continue to develop and implement a comprehensive educational program on NCAA legislation to instruct coaches, the faculty athletics representative, all athletics department personnel and all institutional staff members with responsibility for recruiting and certification legislation;
  - b. Submit a preliminary report to the OCOI by 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 May 30 during each year of probation. Particular emphasis shall be placed on rules education regarding benefits, playing and practice seasons, coaching activities, recruiting, ethical conduct and head coach responsibility;

- d. Inform prospects in the men's basketball program in writing that Connecticut is on probation for two years and detail the violations committed. If a prospect 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 prospect signs an NLI; and
  - e. Publicize specific and understandable information concerning the nature of the infractions by providing, at a minimum, a statement to include the types of violations and the affected sport programs and a direct, conspicuous link to the public infractions decision located on the athletic department's main webpage "landing page" and in the media guides for men's basketball. The institution's statement must: (i) clearly describe the infractions; (ii) include the length of the probationary period associated with the case; and (iii) give members of the general public a clear indication of what happened in the case to allow the public (particularly prospects and their families) to make informed, knowledgeable decisions. A statement that refers only to the probationary period with nothing more is not sufficient.
9. Prohibition on the recruitment in all sports of the football prospect involved in Violation V.D. (Self-imposed.)
  10. Prohibition on student managers attending pick-up basketball games involving men's basketball student-athletes in the non-championship season during the 2018-19 academic year. (Self-imposed.)
  11. Following the receipt of the final compliance report and prior to the conclusion of probation, Connecticut's president shall provide a letter to the COI affirming that Connecticut's current athletics policies and practices conform to all requirements of NCAA regulations.
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The COI advises Connecticut and the head coach that they should take every precaution to ensure that they observe the terms of the penalties. The COI will monitor Connecticut while it is on probation to ensure compliance with the penalties and terms of probation and may extend the probationary period, among other action, if Connecticut does not comply or commits additional violations. Likewise, any action by Connecticut or the head coach contrary to the terms of any of the penalties or any additional violations shall be considered grounds for prescribing more severe penalties and/or may result in additional allegations and violations.

NCAA COMMITTEE ON INFRACTIONS PANEL

Michael Adams

Jody Conradt

Thomas Hill

Joel Maturi, Chief Hearing Officer

Gary L. Miller

Larry Parkinson

Roderick Perry



**APPENDIX ONE**

**CONNECTICUT'S CORRECTIVE ACTIONS IDENTIFIED IN ITS  
RESPONSE TO THE NOTICE OF ALLEGATIONS ISSUED TO CONNECTICUT**

1. Connecticut provided violation-specific rules education.
2. Connecticut ended the head coach's employment after it determined that he had committed serious infractions and had been less-than-truthful with investigators.
3. Connecticut developed additional systems and procedures to prevent and/or detect many of the violations detailed in the NOA issued to Connecticut.

**APPENDIX TWO**  
**Bylaw Citations**

**Division I 2013-14 Manual**

**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.

**17.1.6.2 Weekly Hour Limitations—Outside the Playing Season.**

**(a) Sports Other Than Football.** Outside of the playing season, from the institution's first day of classes of the academic year or September 15, whichever occurs earlier, to one week prior to the beginning of the institution's final examination period at the conclusion of the academic year, only a student-athlete's participation in required weight training, conditioning and skill-related instruction shall be permitted. A student-athlete's participation in such activities per Bylaw 17.02.1 shall be limited to a maximum of eight hours per week with not more than two hours per week spent on skill-related workouts. All countable related activities outside the playing season are prohibited one week prior to the beginning of the final examination period for the applicable academic term through the conclusion of each student-athlete's final exams.

**17.1.6.2.2 Skill Instruction—Sports Other Than Baseball and Football.** Participation by student-athletes in skill-related instruction in sports other than baseball and football is permitted outside the institution's declared playing season, from the institution's first day of classes of the academic year or September 15, whichever occurs earlier, to one week prior to the beginning of the institution's final examination period at the conclusion of the academic year [see Bylaw 17.1.6.2-(a)]. More than four student-athletes from the team may be involved in skill-related instruction with their coaches from September 15 through April 15. Prior to September 15 and after April 15, not more than four student-athletes from the same team may be involved in skill-related instruction with their coaches at any one time in any facility. Skill-related instruction shall not be publicized and shall not be conducted in view of a general public audience.

**17.1.6.3.4 Hour-Limitation Record.** Countable hours must be recorded on a daily basis for each student-athlete regardless of whether the student-athlete is participating in an individual or team sport. Any countable individual or group athletically related activity must count against the time limitation for each student-athlete who participates in the activity but does not count against time limitations for other team members who do not participate in the activity.

**Division I 2014-15 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.

**11.7.3 Noncoaching Staff Member with Sport-Specific Responsibilities.** A noncoaching staff member with sport-specific responsibilities (e.g., director of operations, administrative assistant) is prohibited from participating in on-court or on-field activities (e.g., assist with drills, throw batting practice, signal plays) and is prohibited from participating with or observing student-athletes in the staff member's sport who are engaged in nonorganized voluntary athletically related activities (e.g., pick-up games).

**11.7.6 Limitations on Number of Coaches and Off-Campus Recruiters.** There shall be a limit on the number of coaches (other than graduate assistant coaches per Bylaw 11.01.3, undergraduate assistant coaches per Bylaw 11.01.4 and volunteer coaches per Bylaw 11.01.5) who may be employed by an institution and who may contact or evaluate prospective student-athletes off campus in each sport as follows:

<b>Sport</b>	<b>Limit</b>
Basketball, Men's .....	4

**17.1.7.2 Weekly Hour Limitations—Outside the Playing Season.**

**(a) Sports Other Than Football.** Outside of the playing season, from the institution's first day of classes of the academic year or September 15, whichever occurs earlier, to one week prior to the beginning of the institution's final examination period at the conclusion of the academic year, only a student-athlete's participation in required weight training, conditioning and skill-related instruction shall be permitted. A student-athlete's participation in such activities per Bylaw 17.02.1 shall be limited to a maximum of eight hours per week with not more than two hours per week spent on skill-related workouts. All countable related activities outside the playing season are prohibited one week prior to the beginning of the final examination period for the applicable academic term through the conclusion of each student-athlete's final exams.

**17.1.7.2.2 Skill Instruction—Sports Other Than Baseball and Football.** Participation by student-athletes in skill-related instruction in sports other than baseball and football is permitted outside the institution's declared playing season, from the institution's first day of classes of the academic year or September 15, whichever occurs earlier, to one week prior to the beginning of the institution's final examination period at the conclusion of the academic year [see Bylaw 17.1.7.2-(a)]. More than four student-athletes from the team may be involved in skill-related instruction with their coaches from September 15 through April 15. Prior to September 15 and after April 15, not more than four student-athletes from the same team may be involved in skill-

related instruction with their coaches at any one time in any facility. Skill-related instruction shall not be publicized and shall not be conducted in view of a general public audience.

**17.1.7.3.4 Hour-Limitation Record.** Countable hours must be recorded on a daily basis for each student-athlete regardless of whether the student-athlete is participating in an individual or team sport. Any countable individual or group athletically related activity must count against the time limitation for each student-athlete who participates in the activity but does not count against time limitations for other team members who do not participate in the activity.

**Division I 2015-16 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.

**11.7.3 Noncoaching Staff Member with Sport-Specific Responsibilities.** A noncoaching staff member with sport-specific responsibilities (e.g., director of operations, administrative assistant) is prohibited from participating in on-court or on-field activities (e.g., assist with drills, throw batting practice, signal plays) and is prohibited from participating with or observing student-athletes in the staff member's sport who are engaged in nonorganized voluntary athletically related activities (e.g., pick-up games).

**11.7.6 Limitations on Number of Coaches and Off-Campus Recruiters.** There shall be a limit on the number of coaches (other than graduate assistant coaches per Bylaws 11.01.3 and 11.01.4, undergraduate assistant coaches per Bylaw 11.01.5 and volunteer coaches per Bylaw 11.01.6) who may be employed by an institution and who may contact or evaluate prospective student-athletes off campus in each sport as follows:

<b>Sport</b>	<b>Limit</b>
Basketball, Men's .....	4

**12.11.1 Obligation of Member Institution to Withhold Student-Athlete From Competition.** If a student-athlete is ineligible under the provisions of the constitution, bylaws or other regulations of the Association, the institution shall be obligated to apply immediately the applicable rule and to withhold the student-athlete from all intercollegiate competition. The institution may appeal to the Committee on Student- Athlete Reinstatement for restoration of the student-athlete's eligibility as provided in Bylaw 12.12 if it concludes that the circumstances warrant restoration.

**13.2.1 General Regulation.** An institution's staff member or any representative of its athletics interests shall not be involved, directly or indirectly, in making arrangements for or giving or offering to give any financial aid or other benefits to a prospective student-athlete or his or her

relatives or friends, other than expressly permitted by NCAA regulations. Receipt of a benefit by a prospective student-athlete or his or her relatives or friends is not a violation of NCAA legislation if it is determined that the same benefit is generally available to the institution's prospective students or their relatives or friends or to a particular segment of the student body (e.g., international students, minority students) determined on a basis unrelated to athletics ability.

**13.7.2.1 General Restrictions.** During an unofficial visit, the institution may not pay any expenses or provide any entertainment except a maximum of three complimentary admissions (issued only through a pass list) to a home athletics event at any facility within a 30-mile radius of a member institution's main campus in which the institution's intercollegiate team practices or competes. Such complimentary admissions are for the exclusive use of the prospective student-athlete and those persons accompanying the prospective student-athlete on the visit and must be issued on an individual-game basis. Such admissions may provide seating only in the general seating area of the facility used for conducting the event. Providing seating during the conduct of the event (including intermission) for the prospective student-athlete or the prospective student-athlete's parents (or legal guardians) or spouse in the facility's press box, special seating box(es) or bench area is specifically prohibited. Complimentary admissions may not be provided during a dead period, except as provided in Bylaw 13.7.2.5.

**16.8.1 Permissible.** An institution, conference or the NCAA may provide actual and necessary expenses to a student-athlete to represent the institution in practice and competition (including expenses for activities/ travel that are incidental to practice or competition). In order to receive competition-related expenses, the student-athlete must be eligible for competition.

**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.

**16.11.2.2 Other Prohibited Benefits.** An institutional employee or representative of the institution's athletics interests may not provide a student-athlete with extra benefits or services, including, but not limited to:

(c) An automobile or the use of an automobile;

**17.1.7.2 Weekly Hour Limitations—Outside the Playing Season.**

**(a) Sports Other Than Football.** Outside the playing season, from the institution's first day of classes of the academic year or September 15, whichever occurs earlier, to one week prior to the beginning of the institution's final examination period at the conclusion of the academic year, only a student-athlete's participation in required weight training, conditioning and skill-related instruction shall be permitted. A student-athlete's participation in such activities per Bylaw 17.02.1 shall be limited to a maximum of eight hours per week with not more than two hours per week spent on skill-related workouts. All countable related activities outside the playing season are

prohibited one week prior to the beginning of the final examination period for the applicable academic term through the conclusion of each student-athlete's final exams.

**17.1.7.2.2 Skill Instruction—Sports Other Than Baseball and Football.** Participation by student-athletes in skill-related instruction in sports other than baseball and football is permitted outside the institution's declared playing season, from the institution's first day of classes of the academic year or September 15, whichever occurs earlier, to one week prior to the beginning of the institution's final examination period at the conclusion of the academic year [see Bylaw 17.1.7.2-(a)]. More than four student-athletes from the team may be involved in skill-related instruction with their coaches from September 15 through April 15. Prior to September 15 and after April 15, not more than four student-athletes from the same team may be involved in skill-related instruction with their coaches at any one time in any facility. Skill-related instruction shall not be publicized and shall not be conducted in view of a general public audience.

**17.1.7.3.4 Hour-Limitation Record.** Countable hours must be recorded on a daily basis for each student-athlete regardless of whether the student-athlete is participating in an individual or team sport. Any countable individual or group athletically related activity must count against the time limitation for each student-athlete who participates in the activity but does not count against time limitations for other team members who do not participate in the activity.

### **Division I 2016-17 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.

**11.7.3 Noncoaching Staff Member with Sport-Specific Responsibilities.** A noncoaching staff member with sport-specific responsibilities (e.g., director of operations, administrative assistant) is prohibited from participating in on-court or on-field activities (e.g., assist with drills, throw batting practice, signal plays) and is prohibited from participating with or observing student-athletes in the staff member's sport who are engaged in nonorganized voluntary athletically related activities (e.g., pick-up games).

**11.7.6 Limitations on Number of Coaches and Off-Campus Recruiters.** There shall be a limit on the number of coaches (other than graduate assistant coaches per Bylaws 11.01.3 and 11.01.4, student assistant coaches per Bylaw 11.01.5 and volunteer coaches per Bylaw 11.01.6) who may be employed by an institution and who may contact or evaluate prospective student-athletes off campus in each sport as follows:

<b>Sport</b>	<b>Limit</b>
Basketball, Men's .....	4

**13.02.9 Recruiting-Person Days—Men's Basketball.** In men's basketball, a recruiting-person day is defined as one coach engaged in an off-campus recruiting activity of a men's basketball prospective student-athlete, including a prospective student-athlete who has signed a National Letter of Intent (or the institution's written offer of admission and/or financial aid), on one day (12:01 a.m. to midnight); two coaches engaged in recruiting activities on the same day shall use two recruiting-person days. Men's basketball staff members shall not exceed 130 recruiting-person days during the academic year.

**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.

**13.1.3.4.1 Institutional Coaching Staff Members—General Rule.** All telephone calls made to a prospective student-athlete (or the prospective student-athlete's parents, legal guardians or coaches) must be made by the head coach or one or more of the assistant coaches who count toward the numerical limitations in Bylaw 11.7.6 (see Bylaw 11.7.2). In bowl subdivision football and women's rowing, such telephone calls also may be made by a graduate assistant coach, provided the coach has successfully completed the coaches' certification examination per Bylaw 11.5.1.1.

**13.1.3.5.1 Representatives of Athletics Interests.** Representatives of an institution's athletics interests (as defined in Bylaw 13.02.15) are prohibited from making telephonic communications with a prospective student-athlete or the prospective student-athlete's relatives or legal guardians.

**13.2.1 General Regulation.** An institution's staff member or any representative of its athletics interests shall not be involved, directly or indirectly, in making arrangements for or giving or offering to give any financial aid or other benefits to a prospective student-athlete or his or her relatives or friends, other than expressly permitted by NCAA regulations. Receipt of a benefit by a prospective student-athlete or his or her relatives or friends is not a violation of NCAA legislation if it is determined that the same benefit is generally available to the institution's prospective students or their relatives or friends or to a particular segment of the student body (e.g., international students, minority students) determined on a basis unrelated to athletics ability.

**13.2.1.1 Specific Prohibitions.** Specifically prohibited financial aid, benefits and arrangements include, but are not limited to, the following:

(b) Gift of clothing or equipment;

**13.7.2.1 General Restrictions.** During an unofficial visit, the institution may not pay any expenses or provide any entertainment except a maximum of three complimentary admissions (issued only through a pass list) to a home athletics event at any facility within a 30-mile radius of a member institution's main campus in which the institution's intercollegiate team practices or competes. Such complimentary admissions are for the exclusive use of the prospective student-athlete and

those persons accompanying the prospective student-athlete on the visit and must be issued on an individual-game basis. Such admissions may provide seating only in the general seating area of the facility used for conducting the event. Providing seating during the conduct of the event (including intermission) for the prospective student-athlete or the prospective student-athlete's parents (or legal guardians) or spouse in the facility's press box, special seating box(es) or bench area is specifically prohibited. Complimentary admissions may not be provided during a dead period, except as provided in Bylaw 13.7.2.5.

**13.7.2.1.2 Meals.** A prospective student-athlete on an unofficial visit to an institution may pay the actual cost of meals (or the regular cost of training-table meals) and eat with other prospective student-athletes who are on their official visits or with enrolled student-athletes.

**17.1.7.2 Weekly Hour Limitations—Outside the Playing Season.**

**(a) Sports Other Than Football.** Outside the playing season, from the institution's first day of classes of the academic year or September 15, whichever occurs earlier, to one week prior to the beginning of the institution's final examination period at the conclusion of the academic year, only a student-athlete's participation in required weight training, conditioning and skill-related instruction shall be permitted. A student-athlete's participation in such activities per Bylaw 17.02.1 shall be limited to a maximum of eight hours per week with not more than two hours per week spent on skill-related workouts. All countable related activities outside the playing season are prohibited one week prior to the beginning of the final examination period for the applicable academic term through the conclusion of each student-athlete's final exams.

**17.1.7.3.4 Hour-Limitation Record.** Countable hours must be recorded on a daily basis for each student-athlete regardless of whether the student-athlete is participating in an individual or team sport. Any countable individual or group athletically related activity must count against the time limitation for each student-athlete who participates in the activity but does not count against time limitations for other team members who do not participate in the activity.

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**10.1 Unethical Conduct.** Unethical conduct by a prospective or enrolled student-athlete or a current or former institutional staff member, which includes any individual who performs work for the institution or the athletics department even if he or she does not receive compensation for such work, may include, but is not limited to, the following:

- (a) Refusal to furnish information relevant to an investigation of a possible violation of an NCAA regulation when requested to do so by the NCAA or the individual's institution;
- (c) Knowingly furnishing or knowingly influencing others to furnish the NCAA or the individual's institution false or misleading information concerning an individual's involvement in or knowledge of matters relevant to a possible violation of an NCAA regulation;



**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.

**19.2.3 Responsibility to Cooperate.** Current and former institutional staff members or prospective or enrolled student-athletes of member institutions have an affirmative obligation to cooperate fully with and assist the NCAA enforcement staff, the Committee on Infractions and the Infractions Appeals Committee to further the objectives of the Association and its infractions program. The responsibility to cooperate requires institutions and individuals to protect the integrity of investigations and to make a full and complete disclosure of any relevant information, including any information requested by the enforcement staff or relevant committees. Current and former institutional staff members or prospective or enrolled student-athletes of member institutions have an affirmative obligation to report instances of noncompliance to the Association in a timely manner and assist in developing full information to determine whether a possible violation has occurred and the details thereof.

**19.2.3.2 Failure to Cooperate.** Failing to satisfy the responsibility to cooperate may result in an independent allegation and/or be considered an aggravating factor for purposes of determining a penalty. Institutional representatives and the involved individual may be requested to appear before a hearing panel of the Committee on Infractions at the time the allegation is considered.