



AUGUSTA UNIVERSITY
PUBLIC INFRACTIONS DECISION
June 2, 2022

I. INTRODUCTION

The NCAA Division II Committee on Infractions (COI) is an independent administrative body of the NCAA comprised of individuals from the Division II membership and public. The COI is charged with deciding infractions cases involving member institutions and their staffs. This case involved academic misconduct violations in the men's basketball program at Augusta University.¹ Both the head men's basketball coach and a former assistant men's basketball coach were personally involved in the violations, which demonstrated the head coach's failure to promote an atmosphere for compliance in his program and monitor his staff. Additionally, the assistant coach violated NCAA ethical conduct principles when he provided false or misleading information regarding his involvement in the violations.

The COI considered this case through the cooperative summary disposition process in which Augusta, the head coach and the assistant coach agreed to the primary facts and violations as fully set forth in the summary disposition report (SDR). Following its review of the SDR, the COI accepted Augusta's self-imposed penalties and proposed additional penalties for the institution, the head coach and the assistant coach. The assistant coach did not respond to the proposed two-year show-cause order for his conduct and therefore has no opportunity to appeal. The institution and the head coach challenged their proposed penalties at an expedited hearing. Following the hearing, the COI maintained the institution's challenged penalties—specifically, a three-year probationary period and required attendance at two NCAA Regional Rules Seminars for certain institutional staff members—and modified the head coach's penalty from a general two-year show-cause order to a two-year show-cause order with specific restrictions. Both the institution and the head coach have the opportunity to appeal these penalties.

The violations in this case centered on efforts by the head coach and assistant coach to assist a men's basketball student-athlete who was struggling academically. Although the student-athlete had access to various forms of academic support—including tutoring, the institution's academic success center and learning accommodations—the two coaches decided to directly involve themselves in the student-athlete's coursework. Specifically, the head coach added content to one of the student-athlete's papers, and the assistant coach sat with the student-athlete during an online exam and provided him with answers to multiple questions. The institution and both coaches agreed that this conduct violated NCAA academic misconduct legislation. As a result of the violations, the student-athlete competed in 16 contests and received competition-related expenses while ineligible. The parties agreed that these violations are major.

¹ A member of the Peach Belt Conference, Augusta has a total enrollment of approximately 9,000 students. The institution sponsors six men's and seven women's sports. These sports include men's and women's golf, which Augusta sponsors at the Division I level. This is the institution's first major infractions case.

When the institution and enforcement staff questioned the assistant coach about his involvement in the student-athlete's academics, the assistant coach compounded his violation by denying that he provided the student-athlete with exam answers. The assistant coach's denial was refuted by video evidence, the institution's finding of academic misconduct, and the student-athlete's own admission that the assistant coach gave him answers. Despite his earlier denial, the assistant coach agreed in the SDR that he provided false or misleading information to the institution and enforcement staff and that his conduct constituted a major violation of NCAA unethical conduct legislation.

Finally, the head coach agreed that he did not meet the membership's standards under Bylaw 11 head coach responsibility legislation. Specifically, the head coach's personal involvement in the academic misconduct violation demonstrated that he did not promote an atmosphere for compliance in the men's basketball program. Further, the head coach failed to monitor his staff and did not report the assistant coach's conduct when he learned that the assistant coach sat with the student-athlete during an exam. The head coach agreed that the Bylaw 11 violation is major.

The COI accepts the parties' factual agreements and concludes that major violations occurred. Utilizing NCAA bylaws authorizing penalties, the COI adopts and prescribes the following principal penalties: three years of probation; a reduction of two financial aid awards in the men's basketball program; a \$5,000 fine; vacation of records; attendance at NCAA Regional Rules Seminars in 2022 and 2023 for certain institutional representatives; a two-year show-cause order with specific restrictions for the head coach; and a general two-year show-cause order for the assistant coach.

II. CASE HISTORY

The violations in this case came to Augusta's attention in March 2021 when the institution's academic success center coordinator (academic coordinator) observed the former assistant men's basketball coach (assistant coach) sitting with a men's basketball student-athlete while the student-athlete completed an online exam. Several months prior to this incident, the academic coordinator had also observed the head men's basketball coach (head coach) making edits to the same student-athlete's paper for a different class. The academic coordinator reported the incident involving the assistant coach to her supervisor, and the institution began an academic misconduct investigation. The institution then self-reported potential violations to the NCAA enforcement staff.

On May 4, 2021, the enforcement staff issued a verbal notice of inquiry to Augusta. Following a collaborative investigation, the enforcement staff provided a draft notice of allegations (NOA) to the institution, head coach and assistant coach. Of all the parties, only the assistant coach informed the enforcement staff that he wished to contest the allegations.² Accordingly, the enforcement staff issued an NOA to all three parties on August 27, 2021. That same day, the assistant coach

² The assistant coach participated in an interview with the institution and the enforcement staff on June 17, 2021. At some point following the interview, the institution terminated the assistant coach's employment.

informed the enforcement staff that he would agree to the violations and wanted to pursue resolution of the case via summary disposition.

The enforcement staff then withdrew the NOA, and the parties jointly submitted an SDR to the COI on October 25, 2021. The COI considered the SDR during a December 10, 2021, videoconference. On December 20, 2021, the COI proposed additional penalties for the institution and both coaches. The institution responded on December 23, 2021, identifying its disagreement with two of the proposed penalties—the two-year show-cause order for the head coach and aspects of the Regional Rules penalty—but not specifically requesting an expedited penalty hearing. The institution's letter also contained additional factual assertions not included in the SDR and provided clarifying information regarding an inadvertent factual misstatement in the COI's additional penalty letter.³

On January 5, 2022, the COI chair asked the parties to identify whether they agreed with the factual assertions and clarifications set forth in Augusta's letter. The chair also asked the head coach to confirm whether the institution accurately represented his position in objecting to the proposed show-cause penalty. The enforcement staff and the head coach responded on January 10 and 11, respectively, confirming that they agreed with the factual statements in the institution's letter. The enforcement staff also provided a full transcript of the head coach's interview for additional context. The head coach's letter confirmed that Augusta correctly represented his objection to the proposed show-cause order. The assistant coach did not respond to the proposed show-cause order for his conduct.

The chair acknowledged the parties' submissions in a January 14, 2022, letter. The chair's letter noted that although the COI's consideration of an SDR does not typically include review of interview transcripts, the submission of the head coach's transcript clarified certain imprecisely drafted statements in the SDR and offered helpful context beyond the limited interview excerpts provided in the parties' correspondence. Because that correspondence also included excerpts from the student-athlete's interview, the chair asked the enforcement staff to provide the full transcript of that interview as well. The enforcement staff submitted the student-athlete's interview transcript on January 18, 2022.

On January 25, 2022, the COI reconvened to consider the parties' submissions in response to the proposed additional penalties. The COI accepted the parties' factual clarifications and the additional transcripts as amendments to the original SDR. The COI then reconsidered the SDR and penalties in light of those amendments and determined that the penalties originally proposed

³ Specifically, the COI's letter stated that the head coach learned the assistant coach provided answers to a men's basketball student-athlete during an exam but did not report the conduct. Acknowledging that the parties' drafting of the SDR may have caused confusion on this point, Augusta's letter clarified that the head coach learned the assistant coach *sat with* the student-athlete during the exam and did not report it, but he did not become aware of the assistant coach *providing answers* until the enforcement staff informed the head coach of this during his interview.

by the COI remained appropriate.⁴ The chair informed the parties of the COI's determination in a January 28, 2022, letter, which also established a February 7 deadline for the institution and head coach to notify the COI whether they would accept the proposed penalties.⁵

Augusta and the head coach submitted timely responses requesting an expedited penalty hearing to challenge the COI's proposed penalties. Both parties identified that their earliest availability to participate in such a hearing would be late April 2022. Thus, the COI scheduled a hearing to be held via videoconference on April 26, 2022. Prior to the hearing, the institution and the head coach provided written submissions setting forth their positions and arguments related to the challenged penalties. Along with contesting the show-cause and Regional Rules penalties, Augusta's written submission also stated for the first time that the institution would contest the proposed three-year probationary period.⁶

The COI heard the parties' arguments at the April 26 expedited penalty hearing. Because the head coach remains employed by Augusta, and the institution objected to the proposed show-cause order for his conduct, the proceedings also served as a show-cause hearing pursuant to Bylaw 19.5.2.2.

III. PARTIES' AGREEMENTS

The parties jointly submitted an SDR that identified an agreed-upon factual basis, violations of NCAA legislation and type of violations.⁷ The SDR identified:

1. [NCAA Division II Manual Bylaws 14.9.2.1-(a), 14.9.2.2-(a), 14.12.1 and 16.8.1 (2020-21)] (Major)

The institution, the assistant coach, the head coach and the enforcement staff agree that the assistant coach and the head coach committed post-enrollment academic misconduct for a

⁴ The membership's summary disposition process does not contemplate negotiation or reconsideration of the COI's proposed penalties. Parties who object to additional penalties proposed by the COI may challenge those penalties at an expedited hearing pursuant to Bylaw 32.8.1.4.3. In this unique and limited circumstance, however, the COI determined that reconsideration was appropriate in light of the parties' factual clarifications to the SDR and the submission of two additional transcripts. The COI viewed the clarifications and transcripts as amendments to the original SDR that warranted reconsideration.

⁵ The February 7 deadline did not apply to the assistant coach, who had already waived the opportunity to challenge his proposed penalty by failing to respond to the COI's December 20, 2021, additional penalty letter.

⁶ Prior to the COI's reconsideration of the SDR and penalties, Augusta informed the COI that it would accept the proposed three-year probationary period. In its written submission, however, the institution modified its position and stated that it would accept only a two-year term of probation. COI Internal Operating Procedure (IOP) 4-8-2-1-1 now requires parties to identify all challenged penalties in their hearing request and states that any penalties not identified at that time will be deemed accepted and may not be challenged at the expedited hearing. Because this IOP was not in effect at the time of Augusta's request, it did not bar the institution's challenge to the proposed probationary period.

⁷ This decision provides the agreed-upon factual basis, violations and type of violations exactly as stated in the SDR, except for shortening references to the parties.

men's basketball student-athlete. As a result of the academic misconduct, the student-athlete competed in 16 contests and received actual and necessary expenses while ineligible. Specifically:

- a. During the 2020 fall semester, the head coach added content to the student-athlete's English paper, in violation of the institution's academic misconduct policy. [Bylaws 14.9.2.1-(a), 14.9.2.2-(a) and 16.8.1 (2020-21)]
- b. On March 8, 2021, the assistant coach provided answers to multiple questions on an exam in the student-athlete's criminal justice course, in violation of the institution's academic misconduct policy. [Bylaws 14.9.2.1-(a) and 14.9.2.2-(a) (2020-21)]

2. [NCAA Division II Manual Bylaws 10.01.1, 10.1 and 10.1-(c) (2020-21)] (Major)

The institution, the assistant coach and the enforcement staff agree that the assistant coach violated the NCAA principles of ethical conduct when he knowingly provided false or misleading information to the institution and enforcement staff regarding his involvement in academic misconduct. Specifically, on June 17, 2021, the assistant coach provided false or misleading information to the institution and enforcement staff when he denied that he provided the student-athlete answers to his criminal justice exam despite the student-athlete's admission, video evidence and the institution's finding of academic misconduct.

3. [NCAA Division II Manual Bylaw 11.1.2.1 (2020-21)] (Major)

The institution, the head coach and the enforcement staff agree that during the 2020-21 academic year, the head coach is presumed responsible for the violations detailed in Proposed Finding of Fact No. 1 and did not rebut the presumption of responsibility. Specifically, the head coach did not demonstrate that he promoted an atmosphere of compliance and monitored his staff within the men's basketball program because the head coach knew the assistant coach sat with the student-athlete during his criminal justice exam in contradiction with institutional policy. Further, the head coach is presumed responsible for the violation detailed in Proposed Finding of Fact No. 1 because of his personal involvement in the violation.

IV. REVIEW OF CASE

Agreed-Upon Violations

The SDR fully detailed the parties' positions and included the agreed-upon primary facts, violations and type of violations. After reviewing the parties' principal factual agreements and respective explanations surrounding those agreements, the COI accepts the SDR and concludes that major violations occurred. Specifically, the COI concludes that the head coach and the assistant coach engaged in academic misconduct when they, respectively, added content to the student-athlete's paper and provided him with answers to exam questions. The assistant coach

then compounded his violation by providing false or misleading information when questioned by the institution and enforcement staff. Finally, the head coach's personal involvement in the academic misconduct violation, as well as his failure to monitor his staff, demonstrated that he did not meet his legislated responsibilities as a head coach. The COI concludes that the two coaches engaged in academic misconduct in violation of Bylaw 14. The academic violations also caused the student-athlete to compete and receive competition-related expenses while ineligible, which violated Bylaws 14 and 16. Additionally, the assistant coach's provision of false or misleading information constituted unethical conduct under Bylaw 10, and the head coach failed to promote an atmosphere for compliance and monitor his staff as required by Bylaw 11. All of the violations are major.

Academic Misconduct

The academic misconduct violations in this case centered on a men's basketball student-athlete who struggled with significant academic challenges. Due to those challenges, he worked closely with the academic coordinator, and the institution provided him with learning accommodations such as extended time to take tests. However, despite the academic resources available to the student-athlete, the head coach and the assistant coach took it upon themselves to provide him with additional help on two occasions. The coaches' actions violated NCAA academic misconduct legislation.

Bylaw 14 requires all institutions to develop written institutional policies and procedures regarding academic misconduct and to investigate and adjudicate misconduct in accordance with those established policies. Bylaws 14.9.2.1-(a) and 14.9.2.2-(a) specifically prohibit institutional staff members from being involved in academic misconduct with a student-athlete. If a student-athlete is ineligible—including due to involvement in academic misconduct—Bylaw 14.12.1 obligates the institution to withhold the ineligible student-athlete from competition. Relatedly, Bylaw 16.8.1 prohibits institutions from providing competition-related expenses to ineligible student-athletes.

The first instance of academic misconduct occurred during the fall 2020 semester when the head coach added content to the student-athlete's English paper. The academic coordinator observed the head coach's conduct as it happened. While reviewing the student-athlete's paper on her computer, the academic coordinator noticed another user was simultaneously editing the paper. She instructed the student-athlete to stop working on the paper while she reviewed it, but the student-athlete informed her that it was the head coach who was editing the paper.⁸ During his interview with the enforcement staff and at the expedited penalty hearing, the head coach confirmed the academic coordinator's recounting of this event and acknowledged providing too much assistance on the student-athlete's paper. The academic coordinator contacted the head coach and admonished him for working on the student-athlete's paper, but she did not report the incident to any institutional officials or the athletics department.

⁸ The student-athlete provided the head coach with access to his student accounts, which was a violation of Augusta's information systems policy.

The student-athlete's academic challenges continued in the spring 2021 semester, and the academic coordinator informed the men's basketball coaching staff that the student-athlete was failing most of his classes. The assistant coach, however, noted that the student-athlete had a passing grade in his history class. When the academic coordinator questioned this, the assistant coach informed her that the student-athlete passed his last history exam because his teammates took the online exam first and then provided him with the answers. The assistant coach stated that this was the only way the student-athlete could pass the course. Following this conversation, the academic coordinator spoke with her supervisor about the situation and began observing the student-athlete more closely.

The second instance of academic misconduct occurred later that semester on March 8, 2021. The academic coordinator—who was also an instructor—held an online exam in her criminal justice class, which was proctored by video. When the academic coordinator watched the exam video, she observed the assistant coach sitting next to the student-athlete while he took the exam. The video also showed the student-athlete submitting answers without his hands on the keyboard and impermissibly utilizing his phone during the exam. During an interview with the institution and the enforcement staff, the student-athlete acknowledged that the assistant coach provided him with answers to multiple exam questions. After viewing the video, the academic coordinator reported the incident to Augusta's academic misconduct officials and informed the athletics department.

When the head coach added content to the student-athlete's paper and the assistant coach provided him with exam answers, they violated Augusta's institutional policies and NCAA academic misconduct legislation under Bylaws 14.9.2.1-(a) and 14.9.2.2-(a). As a result of the academic misconduct, the student-athlete competed in 16 contests and received actual and necessary expenses while ineligible. The institution's failure to withhold the ineligible student-athlete from competition and its provision of expenses violated Bylaws 14.12.1 and 16.8.1.

Consistent with Bylaw 19.02.2.2 and past academic misconduct cases, the violations are major. *See King University* (2020) (concluding a major academic misconduct violation occurred when the associate head men's basketball coach substantially edited a student-athlete's take-home test, which the student-athlete then submitted for credit in the course) and *University of Southern Indiana* (2011) (concluding a major academic misconduct violation occurred when an assistant men's basketball coach arranged for a booster to complete academic work for a student-athlete). As in these cases, the conduct of the head coach and assistant coach was not inadvertent in nature, provided more than a minimal competitive advantage and threatened the integrity of the NCAA Collegiate Model. *See* Bylaws 19.02.2.1 and 19.02.2.2.

Unethical Conduct

Due to his role in the academic misconduct violations, the assistant coach was a central figure in the investigation. However, he hindered the investigation by failing to provide truthful information during his interview with the institution and enforcement staff. The assistant coach's conduct violated Bylaw 10.

Bylaw 10 regulates ethical conduct, with Bylaw 10.1 setting forth a number of behaviors the NCAA membership has identified as examples of unethical conduct. Among other examples, Bylaw 10.1-(c) identifies as unethical conduct knowingly furnishing false or misleading information concerning an individual's involvement in or knowledge of potential NCAA violations.

When the assistant coach denied any involvement in academic misconduct, he provided false or misleading information in violation of Bylaw 10. During his June 17, 2021, interview with the institution and enforcement staff, the assistant coach denied providing answers to the student-athlete during his criminal justice exam. However, his denial was contradicted by: (1) the video footage showing the conduct of the assistant coach and student-athlete during the exam; (2) the student-athlete's admission that the assistant coach provided him with answers during the exam; and (3) Augusta's finding that the assistant coach's conduct violated institutional policy.⁹ Nonetheless, the assistant coach maintained that he merely sat with the student-athlete to ensure he finished the exam. The enforcement staff offered the assistant coach an opportunity to interview a second time to correct the record, but he declined the offer. Ultimately, however, he admitted to the academic misconduct violation when he agreed to process this case via summary disposition. He also agreed that his provision of false or misleading information constituted unethical conduct in violation of Bylaw 10.

The COI has previously concluded that major violations of Bylaw 10.1-(c) occur when individuals provide false or misleading information during interviews with the institution and/or enforcement staff. *See Ohio Dominican University* (2019) (concluding in an SDR that a major violation occurred when an assistant coach denied any involvement in student-athletes' use of a banned drug, but his denial was contradicted by the accounts of all four student-athletes who were involved); *West Liberty University* (2019) (concluding in an SDR that a major violation occurred when a head men's soccer coach provided false or misleading information regarding his involvement in making impermissible tuition payments from personal camp funds); and *Fayetteville State University* (2017) (concluding a major violation occurred when a head women's basketball coach provided a false or misleading written statement to the director of athletics regarding her involvement in an impermissible booster payment).¹⁰ Consistent with these cases and Bylaw 19.02.2.2, the assistant coach's violation is major.

Head Coach Responsibility

The direct involvement of the head coach and his assistant coach in the academic misconduct violations demonstrated that the head coach did not promote an atmosphere for compliance in the

⁹ Augusta adjudicated the assistant coach's conduct on two occasions. First, during its academic misconduct review, the institution found that the assistant coach and student-athlete violated the institution's academic misconduct policy. Second, during a human resources review, Augusta found that the assistant coach violated institutional policy by providing assistance to the student-athlete during the exam.

¹⁰ Although *Ohio Dominican* and *West Liberty* were decided through the summary disposition process and may be viewed as less instructive under COI IOP 4-8-2-1, the COI cites to these and other SDR decisions because they involve violations of a similar nature.

men's basketball program or monitor his staff. In this way, his conduct failed to meet the membership's expectations for head coaches under Bylaw 11. The head coach responsibility violation is major.

Bylaw 11.1.2.1 establishes two affirmative duties for head coaches: (1) to promote an atmosphere for rules compliance; and (2) to monitor those individuals in their program who report to them. With respect to the latter, the bylaw presumes head coaches are responsible for the actions of those individuals who report to them. Head coaches may rebut this presumption by demonstrating that they promoted an atmosphere for compliance and monitored their staffs.

The head coach agreed that he could not rebut the presumption of responsibility for the academic misconduct violations. First, due to his personal involvement in a portion of the violations—specifically, adding content to the student-athlete's paper—the head coach could not demonstrate that he promoted an atmosphere for compliance in his program. Compliance starts at the top, and the COI has previously observed that head coaches who personally engage in NCAA violations do not set a proper tone of compliance for their programs. *See Clarion University of Pennsylvania* (2021) (concluding in an SDR that a head women's soccer coach who was personally involved in financial aid violations did not promote an atmosphere for compliance); *Saint Leo University* (2019) (concluding in an SDR that the head women's volleyball coach failed to promote compliance due to his personal involvement in providing impermissible benefits in the form of cash and a rental payment to a student-athlete); and *Christian Brothers University* (2019) (concluding in an SDR that the head men's and women's tennis coach did not promote an atmosphere for compliance due to his personal involvement in providing improper recruiting inducements and his failure to engage the compliance staff to determine whether his actions were permissible). As in these cases, the head coach violated his Bylaw 11.1.2.1 duty to promote an atmosphere for compliance when he personally engaged in violations.

Second, the head coach agreed that he did not adequately monitor his staff—and the assistant coach, in particular. At the expedited hearing, the head coach stated that he and the assistant coach were aware the student-athlete was falling behind in his assignments and had a criminal justice exam coming up. He told the assistant coach to go get the student-athlete and make sure he took the exam. When the head coach later learned that the assistant coach sat with the student-athlete during the exam in violation of institutional policy, he did not report the assistant coach's conduct. He explained at the expedited hearing that he understood the academic coordinator would report the incident and it would be handled through the proper channels for academic violations. He did not, however, think it necessary to report the assistant coach's conduct to the compliance staff, director of athletics, or any other athletics or institutional personnel.

The head coach did not meet his duty to monitor his staff when he (1) failed to ensure that his assistant coach adhered to institutional and NCAA rules regarding academic misconduct, and (2) failed to report the assistant coach's violation of those rules. The COI has previously concluded that head coaches do not meet their Bylaw 11.1.2.1 responsibility to monitor their staff members when, among other things, they do not take adequate steps to ensure rules compliance. *See King* (concluding the head men's basketball coach violated Bylaw 11.1.2.1 when he failed to ensure that his coaching staff adhered to NCAA legislation during a prospect's stay at the associate head

coach's home and failed to monitor his staff's involvement with prospects' admissions essays) and *Clark Atlanta University* (2014) (concluding in an SDR that the head men's basketball coach breached his Bylaw 11.1.2.1 duty to monitor his staff when he did not track his assistant coaches' actions, including their provision of impermissible benefits to student-athletes).

Consistent with Bylaw 19.02.2.2 and the cases cited above, the head coach responsibility violation is major. The head coach's failure to promote compliance and monitor his staff allowed the underlying academic misconduct violations to occur. As noted above, those violations provided more than a minimal competitive advantage and threatened the integrity of the Collegiate Model. Thus, the head coach responsibility violation is major.

Contested Penalties

Following its review of the SDR, the COI proposed additional penalties to the institution pursuant to Bylaw 32.8.1.4. These penalties included a three-year probationary period and a requirement that the director of athletics, compliance director and faculty athletics representative (FAR) attend NCAA Regional Rules Seminars in 2022 and 2023. The institution accepted some of the proposed penalties but argued that the probationary period should be two years and the director of athletics and FAR should be required to attend only one Regional Rules Seminar. Given the significance of the underlying conduct (*i.e.*, academic misconduct), the head coach's direct involvement and his passivity regarding the assistant coach's conduct, the COI also proposed a two-year general show-cause order for the head coach. Both the institution and the head coach contested the proposed show-cause order, arguing that it should be reduced to one year with specific restrictions. After considering the information presented at the expedited hearing and in the parties' written submissions, the COI maintains the probation and Regional Rules penalties as originally proposed and modifies the show-cause order to a two-year period with specific restrictions.

Probation

After considering the institution's arguments and information presented at the expedited hearing, the COI maintains the three-year probationary period, which appropriately addresses the conduct that occurred in this case. A three-year period is commensurate with the severity of the violations, consistent with relevant case guidance, and provides the institution an opportunity to fully implement and demonstrate the effectiveness of the compliance reforms it undertook following the discovery of these violations. Stated more directly, there was a lack of appreciation for adherence to academic integrity within the men's basketball program. The three-year probationary period provides Augusta with an appropriate amount of time to demonstrate how its education efforts and compliance systems will prioritize strict adherence to compliance with NCAA and institutional academic rules, policies and procedures.

This case involved academic misconduct and unethical conduct, both of which are among the most serious violations within the membership's infractions process. Academic misconduct, in particular, cuts to the core of the Collegiate Model, principles of fair competition and student-athletes' educational pursuits. For this reason, the COI's most recent cases involving academic misconduct violations have also involved three-year probationary periods. *See King* (prescribing

a three-year probationary period where the associate head men's basketball coach substantially edited a student-athlete's take-home test, which the student-athlete then submitted for academic credit) and *West Texas A&M University* (2016) (prescribing a three-year probationary period in a case resolved via summary disposition, where a football student-athlete, along with his family, completed assignments for one of his teammates, and the assistant football coach who learned of the academic misconduct failed to report the violation). Additionally, as in this case, *West Texas A&M* involved unethical conduct violations by individuals who provided false or misleading information during the investigation. Both *West Texas A&M* and *King* also involved head coach responsibility violations.

Augusta argued, however, that other past cases supported a shorter probationary period for the institution. Specifically, Augusta pointed to four cases that, in the institution's view, "arguably involved more serious and extensive bylaw violations" but resulted in probationary periods of one to two years. Notably, however, none of these cases included academic misconduct violations. See *Clarion* (prescribing two years of probation for financial aid and head coach responsibility violations); *Saint Leo* (prescribing one year of probation for impermissible benefits and head coach responsibility violations); *West Liberty* (prescribing one year of probation for impermissible benefits, head coach responsibility and unethical conduct violations); and *Fayetteville State* (prescribing two years of probation for impermissible benefits, impermissible practice and competition, head coach responsibility and failure to monitor violations).

While these cases undoubtedly involved serious violations, the COI finds them less instructive in this instance than its past cases involving academic misconduct. Assessing the severity of a case involves more than simply tallying the number of bylaw violations. The nature and circumstances of the violations, as well as the individuals involved, are equally, if not more, important. Here, the violations involved (1) intentional conduct by the head coach and assistant coach to complete academic work on behalf of a struggling student-athlete, (2) the student-athlete's subsequent ineligible competition that was made possible by the coaches' academic misconduct, (3) the assistant coach's failure to provide truthful information when questioned about his conduct, and (4) the head coach's failure to meet his responsibility to promote an atmosphere for compliance and monitor his staff. These are serious violations warranting serious penalties.

Additionally, the three-year probationary period will provide the institution with an opportunity to reinforce its compliance efforts and fully implement the policy reforms that arose from this case. To be clear, this case did not involve a failure to monitor violation. However, the absence of a failure to monitor violation does not mean that an institution's compliance-related systems, policies and procedures do not need enhancement. Augusta has already acknowledged areas for improvement, and the three-year probationary period provides the COI with an appropriate amount of time to monitor the implementation and effectiveness of compliance-related enhancements.

After the conduct in this case came to light, Augusta undertook a number of reform and educational efforts aimed at deterring and detecting any future academic violations. These included, among other things: (1) monthly meetings with athletics department staff to discuss academic assistance rules; (2) appointment of an academic advisor who is dedicated to student-athletes but reports outside the athletics department; (3) changes in lines of communication for student-athlete

academic issues; and (4) a policy requiring all tutoring of student-athletes to be handled by the institution's academic success center. Augusta argued that this comprehensive response to the violations, along with the institution's cooperative efforts throughout the investigation, warranted a shorter probationary period. The COI applauds Augusta for its proactive approach. These actions, however, do not absolve the institution of responsibility for the violations that occurred. The three-year probationary period holds the institution accountable while at the same time providing it with a platform to further enhance its compliance practices. Indeed, the probationary period presents an opportunity for the institution to commit time and resources to ensuring its remedial measures are fully operational and effective, with the benefit of COI monitoring through the compliance reporting process.

NCAA Regional Rules Seminars

The COI likewise maintains the penalty requiring the director of athletics, compliance director and FAR to attend NCAA Regional Rules Seminars in both 2022 and 2023. Regional Rules attendance is not unduly burdensome, and the education obtained through the Seminars will complement the institution's enhancements to its compliance and rules education program. In fact, taking advantage of educational opportunities such as NCAA Regional Rules is one way an athletics department can promote compliance for all individuals with NCAA-related responsibilities. NCAA Regional Rules attendance is an appropriate penalty where the violations in this case demonstrated potential gaps in the institution's current rules education around reporting of academic misconduct violations. The Regional Rules requirement is also consistent with past case guidance.

Augusta argued, however, that it is unreasonable to require two years of Regional Rules attendance for the director of athletics and FAR, who are both experienced and busy administrators.¹¹ The institution also argued that it already has a robust rules education program and noted that this case did not involve an institutional failure to monitor or lack of institutional control violation. The COI is not persuaded by these arguments.

First, with Regional Rules currently being held virtually, participation is not a burden. Participants may watch the sessions online—either live or via archived recordings in the NCAA Learning Portal. This Regional Rules format should cause little to no disruption to the director of athletics' and FAR's schedules. Moreover, despite their years of experience and depth of rules knowledge, there is always more to learn. And at this particular moment, as rules are rapidly changing to meet the evolving landscape of collegiate athletics, even the most experienced administrators can benefit from additional education.

Second, although Augusta appears to have a strong rules education program, the facts and circumstances of this case suggest potential gaps in that program. For example, the academic coordinator who discovered the head coach's academic misconduct in fall 2020 did not initially report the violation to any institutional or athletics personnel. It was not until the spring 2021 semester, when she observed the assistant coach assisting the student-athlete with an online exam,

¹¹ With respect to the compliance director, however, Augusta agreed that two years of Regional Rules attendance is appropriate.

that she reported the violations to the institution's academic misconduct officials and the athletics department. Whether intentional or simply not front of mind, immediately reporting potential misconduct was not a top priority. Similarly, the head coach assumed the assistant coach's conduct would be handled through the institution's academic misconduct process applicable to all students, but he failed to report that conduct to the athletic director or compliance office. Again, whether intentional or just passive neglect, immediate reporting was not of prime importance. Additional rules education may assist with some of these reporting and communications breakdowns between the athletics and academic staffs.

Finally, the Regional Rules penalty is consistent with past case guidance. Contrary to Augusta's assertions, the COI has prescribed Regional Rules attendance even when there was no conclusion that the institution failed to monitor or lacked institutional control. *See Clarion* (prescribing two years of Regional Rules attendance for the associate athletic director for compliance in a case involving financial aid and head coach responsibility violations, but no failure to monitor or lack of institutional control). The COI has also commonly required institutions to send multiple staff members to Regional Rules—tailored to those individuals with direct responsibility in the area where the violations occurred—and/or required attendance during multiple years. *See Bluefield State College* (2021) (in a case resolved via summary disposition, requiring attendance during each of the three years of probation for the director of athletics and compliance director) and *King* (requiring attendance for the entire men's basketball coaching staff in either 2020 or 2021). The Regional Rules requirement proposed by the COI in this case is within the scope of these past penalties. Requiring Regional Rules attendance is not punitive in nature. Rather, it is a growth opportunity. The COI maintains the penalty.

Show-Cause Order

The COI proposed a two-year show-cause order for the head coach, requiring any employing institution to restrict him from all athletically related activity during the show-cause period (*i.e.*, a general show-cause order). Both the institution and the head coach contested the proposed penalty, arguing that a one-year show-cause order with specific restrictions would be more appropriate. After considering the parties' arguments and the information presented at the expedited hearing, the COI maintains the two-year show-cause period, but modifies the penalty from a general to a specific show-cause order. The two-year period accounts for the severity of the head coach's violations and is consistent with the length of show-cause orders prescribed in previous academic misconduct cases. However, the COI determined that a specific show-cause order was more appropriate in light of relevant IOPs and case guidance, the head coach's history of compliance, and his provision of candid and truthful information during the investigation and expedited hearing.

Bylaw 19.5.2.2 establishes the COI's discretion to prescribe a show-cause order if the COI determines that an institution has not taken sufficient disciplinary or corrective action to address its staff member's violations. COI IOPs 5-16-1-1 and 5-16-1-2 address the types of show-cause orders the COI may prescribe. The IOPs state, respectively, that general show-cause orders are "typically" prescribed for individuals who are no longer employed at a member institution, and specific show-cause orders are "usually" prescribed for individuals who remain at the institution

where the violations were committed or are already employed at another member institution. The COI, however, maintains the discretion to prescribe either a general or specific show-cause order regardless of an involved individual's current employment status.

When Augusta discovered the head coach's violations, it imposed and implemented the following disciplinary measures: (1) suspension without pay for 45 days; (2) a two-year period of institutional probation; (3) a written reprimand and final warning; and (4) a suspension from coaching two scrimmages and three regular season contests in the fall of 2021.

The COI determined that these sanctions did not sufficiently address the serious nature of the head coach's violations. Thus, following its initial consideration of the SDR, the COI proposed a two-year general show-cause order. Following the expedited hearing, the COI maintains that two years is the appropriate length for the show-cause order. A one-year show-cause order, as proposed by the institution and head coach, is disproportionate to the severity of the violations. The head coach personally engaged in academic misconduct on behalf of a student-athlete. No matter his intention in doing so, his conduct violated foundational academic misconduct legislation. With over 30 years of Division II coaching experience, the head coach either knew or should have known that he could not assist the student-athlete in this way. A one-year show-cause order does not adequately address this conduct.

Due to the serious nature of academic misconduct violations, the COI has typically prescribed either two- or three-year show-cause orders in such cases. *See King* (prescribing a two-year show-cause order with specific restrictions for the associate head men's basketball coach who engaged in academic misconduct); *West Texas A&M* (prescribing a two-year general show-cause order for the assistant football coach who failed to report an academic misconduct violation involving one student-athlete completing coursework for another); and *Southern Indiana* (prescribing a three-year show-cause order with specific restrictions for the assistant men's basketball coach who arranged for a booster to complete coursework for a student-athlete). Consistent with these cases and the nature of the head coach's violations, the COI maintains the two-year show-cause period.

However, the COI declines to require the institution to restrict the head coach from *all* athletically related duties. Instead, the COI prescribes specific restrictions within the show-cause period that are tailored to address the violations. The restrictions are listed in full in Penalty No. 9 of this decision, but generally include a suspension from five conference games, two years of attendance at Regional Rules Seminars, development of a best practices document dealing with student-athlete academics, ethics training, and monthly meetings with the institution's compliance office.¹²

The COI's modification of the penalty from a general to a specific show-cause order accounts for the facts and circumstances of this case and is consistent with past case guidance and COI IOPs. First, the modified penalty takes into account the disciplinary and corrective actions already taken

¹² The institution proposed other restrictions for the COI to consider. Those restrictions, however, either could not be imposed within the context of an individual show-cause order (such as a requirement that *all* athletics staff and the FAR attend group academic integrity training) or were not relevant to the head coach's violations (such as a reduction in off-campus recruiting days). Thus, the COI crafted different restrictions that were more closely tailored to the violations. The COI did adopt and prescribe one of the institution's proposals—a requirement that the head coach attend monthly meetings with the compliance office.

by the institution, as well as the absence of any prior major NCAA violations over the course of the head coach's more than 30-year career. In modifying the penalty, the COI also recognized that the head coach immediately accepted responsibility for his violations and provided candid and truthful information to the institution and enforcement staff during the investigation and again at the expedited hearing. This behavior stands in contrast to the assistant coach, who was not truthful during his interview and did not accept responsibility for his violations until after the enforcement staff issued an NOA in this case.

Although the head coach's behavior differs from that of his assistant coach, specific restrictions on his athletically related duties combined with educational efforts are appropriate. Again, this case demonstrated that the head coach did not prioritize academic integrity, as he was both personally involved and responsible for his assistant coach's involvement in academic misconduct. As such, a suspension in addition to the institutionally-imposed suspension is appropriate. Moreover, a suspension from conference games is more appropriate in that it corresponds with the severity of the violations and ineligible competition. In addition to the suspension, the COI prescribes educational requirements and opportunities for the head coach to be actively involved in developing best practices and policies associated with academic integrity issues.

The specific show-cause order is consistent with past cases and the guidance found in COI IOPs 5-16-1-1 and 5-16-1-2. Although these IOPs do not *mandate* a type of show-cause order based on the individual's employment status, the COI has prescribed show-cause orders consistent with this IOP guidance in the majority of cases. In *King*, for example, the COI prescribed a two-year show-cause order with specific restrictions for the associate head men's basketball coach, who was employed at another member institution at the time of the hearing. But for King's head men's basketball coach, who had retired by the time of the hearing, the COI prescribed a one-year general show-cause order. *See also Clarion* (prescribing a general three-year show-cause order for a head women's soccer coach who was not employed at a member institution at the time of the hearing) and *West Texas A&M* (prescribing a two-year specific show-cause order for an assistant football coach who was employed at another member institution at the time of the hearing).

Accordingly, taking into account the circumstances surrounding the violations and guidance from the COI's IOPs and past cases, the COI determines that a two-year show-cause order with specific restrictions appropriately addresses the head coach's violations.

V. PENALTIES

For the reasons set forth in Sections III and IV of this decision, the COI concludes that this case involved major violations of NCAA legislation. Major violations are not isolated or inadvertent, provide or are intended to provide more than a minimal advantage, and include intentional violations of NCAA legislation.

In prescribing penalties, the COI evaluated relevant mitigating factors pursuant to Bylaw 32.7.1.3. As part of its evaluation, the COI also considered Augusta's cooperation in all parts of the case and determines it was consistent with the institution's obligation under Bylaw 32.1.3. Likewise,

the COI considered Augusta's corrective actions as set forth in Appendix One. After considering all information relevant to the case, the COI prescribes the following penalties (self-imposed penalties are so noted):

Penalties for Major Violations (Bylaw 19.5.2)

1. Public reprimand and censure through the release of the public infractions decision.
2. Probation: Three years of probation from June 2, 2022, through June 1, 2025.¹³
3. During this period of probation, Augusta shall:
 - a. Continue to develop and implement a comprehensive compliance and educational program on NCAA legislation to instruct coaches, the faculty athletics representative, all athletics department personnel and all institutional staff members with responsibility for ensuring compliance with NCAA legislation on certification and recruiting. The program shall include education related to communication between non-athletics institutional staff members and the athletics department, particularly as it relates to reporting potential NCAA violations to the athletics department.
 - b. Submit a preliminary report to the Office of the Committees on Infractions (OCOI) by July 31, 2022, setting forth a schedule for establishing this compliance and educational program.
 - c. File with the OCOI annual compliance reports indicating the progress made with this program by March 15 during each year of probation. Particular emphasis shall be placed on rules education and monitoring related to academic integrity, as well as communication between non-athletics institutional staff members and the athletics department. Augusta must include specific examples of this education, including presentation materials and sign-up sheets.
 - d. Inform prospects in the men's basketball program in writing that Augusta is on probation for three 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 a National Letter of Intent.
 - 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

¹³ Augusta proposed a two-year probationary period. As discussed in Section IV of this decision, the COI adds an additional year due to the severity of the agreed-upon violations in this case, which included academic misconduct and unethical conduct. The three-year probationary period is also consistent with other recent cases involving academic misconduct violations. Although institutions may recommend terms of probation, the authority to prescribe probation rests solely with the COI. Periods of probation always commence with the release of the infraction decision.

sport program, and a direct, conspicuous link to the public infractions decision located on the athletics department's main webpage "landing page" and in the media guides for the affected sport program. 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.

4. Augusta shall reduce financial aid awards in the men's basketball program by two—one during the 2022-23 academic year and one during the 2023-24 academic year. In addition, the men's basketball program shall not apply for any Presidential Admission Exemptions for prospective student-athletes during this same two-year period. (Self-imposed.)
5. Augusta shall pay a \$5,000 fine. (Self-imposed.)
6. Vacation of records: Augusta acknowledged that a men's basketball student-athlete competed while ineligible as a result of the violations in this case. Therefore, pursuant to Bylaw 19.5.2-(g) and Executive Regulations 31.2.2.4 and 31.2.2.5, Augusta shall vacate all regular season and conference tournament records and participation in which the student-athlete competed from the time he became ineligible through the time he was reinstated as eligible for competition. (Self-imposed.) This order of vacation includes all regular season competition and conference tournaments. Further, if the ineligible student-athlete participated in NCAA postseason competition at any time he was ineligible, the institution's participation in the postseason shall be vacated. The individual records of the ineligible student-athlete shall also be vacated.¹⁴ However, the individual finishes and any awards for all eligible student-athletes shall be retained. Further, the institution's records regarding the men's basketball program, as well as the records of the head coach, shall reflect the vacated records and shall 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 100th, 200th or 500th career victories. Any public reference to the vacated contests shall be removed from the athletics department stationery, 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 ensure that all institutional and student-athlete vacations, statistics and records are accurately reflected in official NCAA publications and archives, the sports information

¹⁴ The COI has consistently prescribed a vacation of records in cases that involved student-athletes competing while ineligible as a result of academic misconduct violations. See *King*; *West Texas A&M*; and *Southern Indiana*.

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 document 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 14 days following the release of this decision or, if the vacation penalty is appealed, at the conclusion of the appeals process. The sports information director (or designee) must also inform the OCOI of this submission to the NCAA Media Coordination and Statistics office.

7. Because this case involved academic misconduct, Augusta shall provide a copy of the infractions decision to its regional accrediting agency.
8. During the 2021-22 academic year, the institution suspended the head coach from two scrimmages and three regular season contests. (Self-imposed.)
9. Show-cause order: The head coach violated fundamental NCAA academic integrity legislation when he assisted the men's basketball student-athlete with coursework—specifically, when he contributed content to the student-athlete's paper. Additionally, when the head coach learned that the assistant coach sat with the student-athlete during an exam in contravention of institutional policy, the head coach did not report the conduct to the compliance staff or other institutional personnel. The head coach's direct involvement in the violations and his failure to report the assistant coach's conduct demonstrated that he did not promote an atmosphere for compliance within the men's basketball program and did not monitor his staff. Therefore, the head coach shall be subject to a two-year show-cause order from June 2, 2022, through June 1, 2024. In accordance with Bylaw 19.5.2.2 and COI IOP 5-16-1-2, any member institution employing the head coach during the show-cause period shall adhere to the following restrictions¹⁵:
 - a. The institution shall suspend the head coach from all coaching duties for the first five conference games of the 2022-23 season.¹⁶ The provisions of this suspension require that the head coach not be present in the arena where the games are played and have no contact or communication with members of the men's basketball coaching staff and student-

¹⁵ Should the head coach separate from Augusta and become employed by another member institution during the two-year show-cause period, that institution (the "employing institution") will have the opportunity to appear before the COI to show cause why it need not comply with the terms of this show-cause order. See Bylaws 19.5.2.2.1 and 19.5.2.2.1.1. Alternatively, within 30 days of hiring the head coach, the employing institution must submit a report to the COI confirming the institution's understanding of the terms of the show-cause order and its responsibility to monitor the head coach's compliance. The employing institution must also document how it will monitor the head coach's conduct to ensure compliance with the terms of the show-cause order. Thereafter, the employing institution shall submit annual reports showing how it is continuing to monitor the head coach. Those reports shall include any documentation specifically required by the terms of the show-cause order.

¹⁶ As explained in Section IV of this decision, the COI prescribes a suspension of five conference games rather than the first five regular season games. By their nature, conference games are more significant, and suspending the head coach from the first five conference games is appropriate given the severity of the underlying academic misconduct and head coach responsibility violations.

athletes during the suspension period. The prohibition includes all coaching activities for the period of time which begins at 12:01 a.m. the day of each contest and ends at 11:59 p.m. on those days. During that period, the head coach may not participate in any coaching activities including, but not limited to, team travel, practice, video study, recruiting and team meetings. The results of those contests from which the head coach is suspended shall not count toward the head coach's career coaching record.

- b. The institution shall require the head coach to attend NCAA Regional Rules Seminars in 2022 and 2023 at his own expense.¹⁷ The COI defers to the institution's judgment as to how many and which sessions the head coach must attend. At a minimum, however, the head coach shall attend one session in each year focused on academic integrity. The institution shall provide documentation of the sessions attended by the head coach with its annual compliance reports.
- c. During the show-cause period, the head coach shall attend monthly meetings with the institution's senior compliance administrator for the purpose of receiving individual rules education. At least one meeting per academic year shall focus on NCAA legislation related to academic integrity. The institution shall provide the agendas for these monthly meetings as part of their annual compliance reports.
- d. During the first year of the show-cause period, the head coach shall collaborate with the institution's academic services and athletics staffs to develop a "best practices" guide for men's basketball staff engagement with student-athletes on academic matters. This guide could include practices related to coaches' access to student-athlete email accounts, review of class syllabi, and interaction with student-athletes' professors and tutors, among other things. The best practices guide should be reviewed and approved by the institution's executive leadership and submitted to the COI as part of the annual compliance reporting process.

During the second year of the show-cause period, as part of his responsibility to promote an atmosphere for compliance in the men's basketball program, the head coach shall educate his staff on these best practices. Any educational materials developed as part of this process shall be provided to the COI by the institution as part of the annual compliance reporting process.

- e. During the second year of the show-cause period, the head coach shall undergo ethics training. The institution shall provide documentation of this training with its annual compliance reports.

10. Show-cause order: The assistant coach violated fundamental NCAA academic integrity legislation when he provided a men's basketball student-athlete with answers to exam

¹⁷ Augusta self-imposed a requirement for the head coach to attend the 2022 NCAA Regional Rules Seminar. Due to the nature and severity of the head coach's violations, and consistent with the length of his show-cause penalty, the COI adds an additional year to this requirement.

questions. The assistant coach then compounded his violation by denying that he provided answers to the student-athlete despite video evidence to the contrary and the student-athlete's own admission. The assistant coach's provision of false or misleading information to the institution and enforcement staff constituted unethical conduct. Therefore, the assistant coach shall be subject to a two-year show-cause order from June 2, 2022, through June 1, 2024. In accordance with Bylaw 19.5.2.2 and COI IOP 5-16-1-1, any institution employing the assistant coach during the two-year show-cause period shall restrict the assistant coach from all athletically related activities. Any NCAA member institution employing the head coach during the two-year show-cause period shall abide by the terms of the show-cause order unless it contacts the OCOI to make arrangements to show cause why the terms of the order should not apply.

Although each case is unique, this show-cause order is consistent with prior cases involving academic misconduct and/or ethical conduct violations. *See King* (prescribing a two-year show-cause order with specific restrictions for an associate head men's basketball coach who engaged in academic misconduct on behalf of a student-athlete and violated ethical conduct principles); *West Liberty* (prescribing a two-year show-cause order for a head men's soccer coach who provided impermissible tuition payments to two student-athletes, provided false or misleading information regarding the payments and violated head coach responsibility legislation); and *Fayetteville State* (prescribing a three-year show-cause order for the head women's basketball coach who arranged benefits for two student-athletes, allowed them to participate in impermissible practice activity, provided false or misleading information and violated head coach responsibility legislation). Here, a two-year show-cause order is appropriate to address the assistant coach's academic misconduct and his provision of false or misleading information.

11. During the term of probation, the institution shall require the director of athletics, compliance director and faculty athletics representative to attend NCAA Regional Rules Seminars in 2022 and 2023.¹⁸ The institution shall provide documentation of the sessions attended by these individuals in its annual compliance reports.
12. Following the receipt of the final compliance report and prior to the conclusion of probation, Augusta's president shall provide a letter to the COI affirming that Augusta's current athletics policies and practices conform to all requirements of NCAA regulations.

As required by NCAA legislation for any institution involved in a major infractions case, Augusta shall be subject to the provisions of Bylaw 19.5.2.3 concerning repeat violators for a five-year period beginning on the effective date of the penalties in this case, June 2, 2022. The COI further advises Augusta that it should take every precaution to ensure that it observes the terms of the penalties. The COI will monitor Augusta while it is on probation to ensure compliance with the

¹⁸ If, due to the timing of this decision release, one or more of these individuals are unable to register and attend the 2022 Regional Rules Seminar, they may instead attend in 2024.

penalties and terms of probation and may extend the probationary period, among other action, if Augusta does not comply or commits additional violations. Likewise, any action by Augusta, the head coach or the assistant coach contrary to the terms 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 DIVISION II COMMITTEE ON INFRACTIONS

Jessica Chapin
John David Lackey, Chair
Richard Loosbrock
Melissa Reilly
Leslie Schuemann
Jason Sobolik

APPENDIX ONE

AUGUSTA'S CORRECTIVE ACTIONS AS IDENTIFIED IN THE OCTOBER 25, 2021, SUMMARY DISPOSITION REPORT

- Academic policy updates were provided to entire athletic staff during annual retreat prior to start of 2021-22 academic year. Updates include the following policy enhancements:
 - Reiterate that coaches are not to initiate communication with professors of student-athletes.
 - If a professor initiates the communication, a coach may return the communication.
 - All academic communication must funnel through the Assistant AD for Compliance and Academic Services.
 - Point person regarding communication with the Academic Success Center and Academic Advising.
 - Provide coaches with reports of study hall hours and progress report campaigns.
 - Will work with the FAR regarding communication with faculty.
 - Submit the missed class notifications to faculty regarding student-athlete travel.
 - Coaches are not to provide any type of tutoring services or study help to any student-athletes.
 - If study hall is conducted on the road, the coach may monitor only.
 - All tutoring must be completed by the Academic Success Center or by the Academic Department.
- Mandatory compliance training for all athletic coaches regarding the topic of providing academic support and assistance to student-athletes.
- Availability of in-person consultation with Assistant AD for Compliance and Academic Services regarding any follow-up questions or to discuss specific issues.
- Termination of the enrollment of the men's basketball student-athlete.
- Termination of the former assistant men's basketball coach.
- Penalties imposed on the head men's basketball coach:
 - Suspension without pay for a period of 45 days.
 - Placed on probationary status for the 2021-22 and 2022-23 academic years.
 - Placement of a permanent letter of reprimand in his personnel file.

- Issuance of a final warning letter, meaning immediate termination in the event of any further issues or violations.

APPENDIX TWO

Bylaw Citations

Division II 2020-21 Manual

10.01.1 Honesty and Sportsmanship. Individuals employed by (or associated with) a member institution to administer, conduct or coach intercollegiate athletics and all participating student-athletes shall act with honesty and sportsmanship at all times so that intercollegiate athletics as a whole, their institutions and they, as individuals, shall represent the honor and dignity of fair play and the generally recognized high standards associated with wholesome competitive sports.

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

- (c) Knowingly furnishing or knowingly influencing others to furnish the NCAA or the individual's institution false or misleading information concerning an individual's involvement in or knowledge of matters relevant to a possible violation of an NCAA regulation.

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

14.9.2.1 Student-Athlete. A student-athlete shall not be involved in:

- (a) Academic misconduct involving a current or former institutional staff member or representative of athletics interests.

14.9.2.2 Institutional Staff Member or Representative of Athletics Interests. A current or former institutional staff member or a representative of an institution's athletics interests shall not be involved (with or without knowledge of the student-athlete) in:

- (a) Academic misconduct related to a student-athlete.

14.12.1 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 14.13, if it concludes that the circumstances warrant restoration.

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.