

NEGOTIATED RESOLUTION¹

University of South Florida – Case No. 01184.

October 29, 2021

I. CASE SYNOPSIS

The University of South Florida; head women's basketball coach; former head football coach; and NCAA enforcement staff agree with the violations detailed below. The parties agree that this case should be resolved as Level II – Standard for the institution, head women's basketball coach and former head football coach.

Origin of the case.

In February 2020, a member of the institution's athletics staff reported to in-house counsel that certain violations had gone unreported, including potentially impermissible on-field activities of football noncoaching staff members. The institution's outside counsel immediately conducted interviews and gathered relevant records, including football practice video that confirmed multiple football noncoaching staff members engaged in impermissible practice activities. After the institution provided a self-report to the enforcement staff, the parties began a collaborative investigation that substantiated violations in the football and women's basketball programs as well as confirmed that a number of Level III violations had not yet been reported. Additionally, during the course of the investigation, the institution and enforcement staff learned of a Level III violation involving the women's volleyball program after a member of the women's volleyball staff reported a possible violation.

Football.

In August 2017 and March 2018, the institution submitted Level III violations involving noncoaching staff member activity in the football program. Following these violations, the institution's compliance staff provided additional rules education to the football staff, including former head football coach, about the limitations on permissible activities of noncoaching staff members. Additionally, in April 2018, the former head football coach met with the institution's then president and then director of athletics, who both reiterated the institution's expectation that the football program understand and adhere to noncoaching staff member limitations.

Nevertheless, a noncoaching staff member (football noncoaching staff member 1) who was involved in the August 2017 and March 2018 violations, continued to participate impermissibly during practice and off-field activities that spring and through the end of the 2018 football season. Specifically, football noncoaching staff member 1 provided technical and tactical instruction to football student-athletes who played tight end during drills and off-field film assessments.

¹ In reviewing this agreement, the hearing panel made editorial revisions pursuant to NCAA Division I Committee on Infractions (COI) Internal Operating Procedure (IOP) 4-9-1-2. These modifications did not affect the substance of the agreement.

During the 2019 season, numerous football noncoaching staff members engaged in impermissible on-field activity. For example, a noncoaching staff member (football noncoaching staff member 2), regularly led the special teams' on-field practice activities and off-field film assessments and instruction. Additionally, three defensive noncoaching staff members regularly simulated position players in scout team on-field practice activities. These activities occasionally occurred while the former head football coach was on the practice field. Also, two offensive noncoaching staff members occasionally provided direction to football student-athletes in on-field practice activities.

While members of the institution's compliance staff visited practice regularly, they did not observe the extensive impermissible noncoaching staff member activity in part because equipment staff members provided warnings to noncoaching staff members. Specifically, if an equipment staff member observed a member of the compliance staff approaching the practice field from the athletics department offices, he would alert the other equipment staff members dispersed throughout the practice field via radio headsets. The equipment staff members would then directly inform noncoaching staff members that compliance was on its way, allowing noncoaching staff members an opportunity to step back or stop their activities.

Women's basketball.

While the football investigation was ongoing, the institution received an internal report of potential violations involving the women's basketball program. Subsequent interviews established that noncoaching staff members engaged in impermissible activities. Specifically, two noncoaching staff members participated in walk-throughs in the presence of the coaching staff, including the head women's basketball coach. This impermissible activity occurred despite the institution previously reporting a women's basketball noncoaching staff member's impermissible walk-through activity as a Level III violation in February 2018 and the compliance staff providing subsequent education and direction to the basketball program. The same two noncoaching staff members also participated impermissibly in drills on approximately five occasions. Additionally, a student-manager engaged in on-court activities on more than a limited basis and noncoaching staff members provided impermissible instruction to male practice players.

The women's basketball coaching staff also required all student-athletes to complete fifty daily free throws and certain student-athletes to complete up to an hour of extra cardio workouts per week. These activities were not recorded and, when added to other logged times, resulted in countable athletically related activity (CARA) overages.

Women's volleyball.

Toward the end of the football and women's basketball investigations, the institution received an internal report of potential violations regarding the women's volleyball program. Subsequent interviews established that the women's volleyball director of player development participated impermissibly in practice, including by acting as a referee during practice, approximately one time per week over approximately a three-month period.

Unreported Level III violations.

The investigation also confirmed that the institution had failed to report multiple Level III violations. The reason these violations were not reported varied, including using the occurrence as a teaching tool, failing to submit drafted Level III reports and a breakdown in reporting lines within the compliance office. Compliance and other institutional officials acknowledged during the investigation that none of these were valid reasons for withholding violations reports and accepted responsibility for the unreported violations.

II. PARTIES' AGREEMENTS

A. Agreed-upon findings of fact, violations of NCAA legislation and violation levels.

1. [NCAA Division I Manual Bylaws 11.7.1, 11.7.1.1, 11.7.3 and 11.7.6 (2017-18 through 2019-20)] (Level II)

The institution and enforcement staff agree that from March 2018 through December 2019, seven then football noncoaching staff members participated impermissibly in on and off-field practice activities. As a result, the football program exceeded the permissible number of countable coaches. Specifically:

- a. From March through December 2018, then football noncoaching staff member 1 regularly provided technical and tactical instruction to football student-athletes, including leading the tight ends' on-field practice activities and off-field film assessments and instruction. [NCAA Bylaws 11.7.1, 11.7.1.1, 11.7.3 and 11.7.6 (2017-18 and 2018-19)]
- b. From August through December 2019, six then football noncoaching staff members provided technical and tactical instruction impermissibly to football student-athletes. Specifically:
 - i. Then football noncoaching staff member 2 regularly led the special teams' on-field practice activities and off-field film assessments and instruction. [NCAA Bylaws 11.7.1, 11.7.1.1, 11.7.3 and 11.7.6 (2019-20)]

- ii. Then football noncoaching staff member 3, then football noncoaching staff member 4 and then football noncoaching staff member 5, regularly simulated position players in scout team on-field practice activities. [NCAA Bylaws 11.7.1, 11.7.1.1, 11.7.3 and 11.7.6 (2019-20)]
- iii. Then football noncoaching staff member 6 and then football noncoaching staff member 7, occasionally provided direction to football student-athletes in on-field practice activities. [NCAA Bylaws 11.7.1, 11.7.1.1, 11.7.3 and 11.7.6 (2019-20)]

2. [NCAA Division I Manual Bylaw 11.1.1.1 (2017-18 through 2019-20)] (Level II)

The institution, former head football coach and enforcement staff agree that from March 2018 through December 2019, the former head football coach is presumed responsible for the violations detailed in Agreed-Upon Finding of Fact No. 1 and did not rebut the presumption of responsibility. Specifically, the former head football coach did not demonstrate that they promoted an atmosphere for compliance as a shared responsibility because, despite prior similar violations in the football program and receipt of rules education from the institution's compliance staff, the former head football coach did not establish clear expectations regarding compliance with legislation regarding noncoaching staff members. Not only did the same impermissible activity continue to occur, multiple members of the former head football coach's staff utilized an alert system to avoid detection by compliance. Further, the former head football coach did not demonstrate that they monitored their staff as they were present when some of the violations occurred, failed to actively look for red flags and failed to self-detect potential violations.

3. [NCAA Division I Manual Bylaws 11.01.7-(d), 11.7.1, 11.7.1.1, 11.7.3 and 11.7.6 (2017-18 through 2019-20)] (Level II)

The institution and enforcement staff agree that from the 2017-18 through 2019-20 academic years, three women's basketball noncoaching staff members and a student-manager participated impermissibly in on-court activities. As a result, the women's basketball program exceeded the permissible number of countable coaches. Specifically:

- a. During the 2017-18 and 2018-19 academic years, then women's basketball noncoaching staff member (then women's basketball noncoaching staff member 1) regularly provided impermissible instruction to male practice players. Additionally, during the 2018-19 academic year, women's basketball noncoaching staff member 1 simulated position players in scout team and engaged in other drills in on-court practice activities on approximately five occasions. [NCAA Bylaws 11.7.1, 11.7.1.1, 11.7.3 and 11.7.6 (2017-18 and 2018-19)]

- b. During the 2017-18 through 2019-20 academic years, then women's basketball student-manager, participated impermissibly in CARA, including engaging in drills at full speed. [NCAA Bylaw 11.01.7-(d) (2017-18 through 2019-20)]
 - c. During the 2018-19 academic year, then women's basketball noncoaching staff member 2, simulated position players in scout team and engaged in other drills in on-court practice activities, on approximately 10 occasions. [NCAA Bylaws 11.7.1, 11.7.1.1, 11.7.3 and 11.7.6 (2018-19)]
 - c. During the 2019-20 academic year, women's basketball noncoaching staff member 3, occasionally provided impermissible instruction to male practice players. [NCAA Bylaws 11.7.1, 11.7.1.1, 11.7.3 and 11.7.6 (2019-20)]
4. NCAA Division I Manual Bylaws 17.1.7.1, 17.1.7.3.4 and 17.1.7.10.6.1 (2018-19 and 2019-20)] (Level II)

The institution and enforcement staff agree that during the 2018-19 and 2019-20 academic years, the women's basketball program required women's basketball student-athletes' participation in CARA and required athletically related activities (RARA) beyond NCAA legislated limitations. Further, the women's basketball program failed to ensure the accurate recording of student-athletes' CARA hours in reports to the compliance staff. Specifically:

- a. During the 2018-19 and 2019-20 academic years, the women's basketball coaching staff required all women's basketball student-athletes to shoot fifty daily free throws in addition to scheduled and recorded practice times. The coaching staff also required multiple women's basketball student-athletes to complete weekly cardio workouts in addition to scheduled and recorded practice times. As a result, the women's basketball program exceeded weekly CARA limitations on approximately 23 occasions. [NCAA Bylaws 17.1.7.1 and 17.1.7.3.4 (2018-19 and 2019-20)]
 - b. On December 31, 2018, the women's basketball team practiced from approximately 8:00 p.m. until approximately 11:30 p.m. in violation of legislation prohibiting RARA activities during a continuous eight-hour period between 9 p.m. and 6 a.m. [NCAA Bylaw 17.1.7.10.6.1 (2018-19)]
5. [NCAA Division I Manual Bylaw 11.1.1.1 (2017-18 through 2019-20)] (Level II)

The institution, head women's basketball coach and enforcement staff agree that from the 2017-18 through the 2019-20 academic years, the head women's basketball coach is presumed responsible for the violations detailed in Agreed-Upon Findings of Fact Nos. 3 and 4 and did not rebut the presumption of responsibility. Specifically, the head women's basketball coach did not demonstrate that they promoted an atmosphere for compliance as the head women's basketball coach permitted and/or was aware of the noncoaching staff members' involvement in

impermissible activities outlined in Agreed-Upon Finding of Fact No. 3 yet failed to stop the impermissible activity or report it to compliance. Further, the head women's basketball coach did not demonstrate that they monitored their staff as they failed to ensure the accuracy and completion of the practice logs in order to determine whether requiring daily free throws and cardio workouts in addition to the scheduled practice hours complied with CARA limitations.

6. [NCAA Division I Manual Bylaws 11.7.1, 11.7.1.1, 11.7.3 and 11.7.6 (2020-21)] (Level III)

The institution and enforcement staff agree that from August through October 2020, the women's volleyball director of player development engaged in decision making in on-field practice activities and, as a result, the women's volleyball program exceeded the permissible number of countable coaches. Specifically, the women's volleyball director of player development acted as a referee during practice approximately one time per week over approximately a three-month period.

7. [NCAA Division I Manual Constitution 2.8.1 and Bylaws 14.3.4, 14.5.5.1 and 16.8.1 (2017-18); 13.4.3.2 (2017-18 and 2018-19); 19.2.2 (2017-18 through 2019-20); 11.3.2.5 and 13.1.1.3 (2018-19); and 11.3.2.8 (2018-19 and 2019-20)] (Level II)

The institution and enforcement staff agree that from approximately February 2018 through December 2019, the institution failed to report known Level III violations involving multiple sport programs. These violations were not reported for a variety of reasons, including but not limited to, using the occurrence as a teaching tool, failing to submit drafted Level III reports and/or a breakdown in reporting lines within the compliance office. Specifically:

- a. In February 2018, two four-year transfer baseball student-athletes who were serving their year of residence traveled to an away contest during which they received actual and necessary expenses, including a meal. [NCAA Bylaw 14.3.4, 14.5.5.1 and 16.8.1 (2017-18)]
- b. In June 2018, the men's and women's soccer programs advertised for their soccer camps without including language indicating that the camp was open to any and all entrants. [NCAA Bylaw 13.4.3.2 (2017-18)]
- c. In November 2018, a then assistant football coach tweeted an impermissible endorsement of a recruiting service. [NCAA Bylaw 11.3.2.5 (2018-19)]
- d. In December 2018, a then assistant football coach tweeted an impermissible endorsement of a high school football program and coach. [NCAA Bylaw 11.3.2.8 (2018-19)]
- e. In May 2019, a then assistant football coach tweeted an advertisement for an institutional football camp that lacked language indicating that the camp was open to any and all entrants. [NCAA Bylaw 13.4.3.2 (2017-18)]

- f. In May 2019, an assistant women's golf coach contacted a student-athlete at another Division I institution via a third party without first obtaining authorization through the notification of transfer process. [NCAA Bylaw 13.1.1.3 (2018-19)]
 - g. In June 2019, a then men's basketball director of operations tweeted an impermissible endorsement of a recruiting service. [NCAA Bylaw 11.3.2.5 (2018-19)]
 - h. In November 2019, the head men's basketball coach tweeted an impermissible endorsement of a prospective student-athlete's team and coach. [NCAA Bylaws 11.3.2.8 (2019-20)]
 - i. In January 2020, the institutional men's soccer account tweeted an impermissible endorsement of a prospective student-athlete's team. [NCAA Bylaws 11.3.2.8 (2019-20)]
8. [NCAA Division I Manual Constitution 2.8.1 (2017-18 through 2019-20)] (Level II)

The institution and enforcement staff agree that from the 2017-18 through 2019-20 academic years, the scope and nature of the violations detailed in Agreed-Upon Findings of Fact Nos. 1, 3 and 7 demonstrate the institution violated the NCAA principle of rules compliance when it failed to adequately monitor its football and women's basketball programs to ensure compliance with noncoaching staff member legislation and failed to report known Level III violations. Specifically:

- a. Both the football and women's basketball programs previously committed violations involving noncoaching staff members participating in practices activities. However, the institution failed to heighten its monitoring or take reasonable steps to prevent further similar non-complaint conduct and, partly as a result, the violations in Agreed-Upon Findings of Fact Nos. 1 and 3 occurred. [NCAA Bylaw 2.8.1 (2017-18 through 2019-20)]
- b. The institution failed to take swift action when noncompliance occurred, as evidenced by its failure to timely report multiple known Level III violations outlined in Agreed-Upon Finding of Fact No. 7. [NCAA Bylaw 2.8.1 (2017-18 through 2019-20)]

B. Post-separation findings of fact, violations of NCAA legislation and violation levels.

None.

C. Agreed-upon aggravating and mitigating factors.

Pursuant to NCAA Bylaw 19.5.12.1.3-(e), the parties agree that the aggravating and mitigating factors identified below are applicable. The parties assessed the factors by weight and number and agree that this case should be resolved as Level II – Standard for the institution, head women's basketball coach and former head football coach.

In analyzing the aggravating and mitigating factors for the institution, the enforcement staff recognized and gave significant weight to the institution's exemplary efforts during the course of the investigation by identifying Bylaw 19.9.4-(f). However, significant weight was also given to Bylaws 19.9.3-(g) and 19.9.3-(h) in light of the matter consisting of seven Level II violations and the involvement of two head coaches and members of the compliance staff in condoning and/or negligently disregarding violations. As a result of this analysis, the parties agreed this case should be resolved as Level II – Standard for the institution.

Regarding both head women's basketball coach and former head football coach, the parties identified multiple mitigating factors as it relates to their cooperation in the investigation and processing of this matter. However, significant weight was given to Bylaw 19.9.3-(h) for both parties. Specific to the former head football coach, the violations in the football program occurred in the former head football coach's presence over the course of two seasons despite prior similar violations and rules education. Similarly, the violations in the women's basketball program occurred in the head women's basketball coach's presence despite prior similar violations and rules education. Therefore, the parties agreed that this case, as it relates to head women's basketball coach and former head football coach, should also be resolved as Level II – Standard.

Institution:

1. Aggravating factors (Bylaw 19.9.3).
 - a. A history of Level I, Level II or major violations by the institution [Bylaw 19.9.3-(b)].
 - b. Multiple Level II violations by the institution [Bylaw 19.9.3-(g)].
 - c. Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct [Bylaw 19.9.3-(h)].
 - d. A pattern of noncompliance within the sports programs involved. [Bylaw 19.9.3-(k)].

2. Mitigating factors (Bylaw 19.9.4).

- a. Prompt acknowledgement of the violation, acceptance of responsibility and imposition of meaningful corrective measures and penalties [Bylaw 19.9.4-(b)].
- b. Affirmative steps to expedite final resolution of the matter [Bylaw 19.9.4-(c)].
- c. Exemplary cooperation [Bylaw 19.9.4-(f)].

Involved Individual (former head football coach):

1. Aggravating factor (Bylaw 19.9.3).

- a. Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct [Bylaw 19.9.3-(h)].
- b. A pattern of noncompliance within the sports program involved. [Bylaw 19.9.3-(k)]

2. Mitigating factors (Bylaw 19.9.4).

- a. Prompt acknowledgement of the violation and acceptance of responsibility [Bylaw 19.9.4-(b)].
- b. Affirmative steps to expedite final resolution of the matter [Bylaw 19.9.4-(c)].
- c. The absence of prior conclusions of Level I, Level II or major violations committed by the involved individual [Bylaw 19.9.4-(h)].

Involved Individual (head women's basketball coach):

1. Aggravating factor (Bylaw 19.9.3).

- a. Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct [Bylaw 19.9.3-(h)].
- b. A pattern of noncompliance within the sports program involved. [Bylaw 19.9.3-(k)]

2. Mitigating factors (Bylaw 19.9.4).

- a. Prompt acknowledgement of the violation and acceptance of responsibility [Bylaw 19.9.4-(b)].
- b. Affirmative steps to expedite final resolution of the matter [Bylaw 19.9.4-(c)].

- c. The absence of prior conclusions of Level I, Level II or major violations committed by the involved individual [Bylaw 19.9.4-(h)].

III. OTHER VIOLATIONS OF NCAA LEGISLATION SUBSTANTIATED; NOT ALLEGED

None.

IV. REVIEW OF OTHER ISSUES

The enforcement staff considered naming the noncoaching staff members involved in Agreed Upon Findings of Fact Nos. 1 and 3 as involved individuals. However, the enforcement staff ultimately decided that not naming any individuals at-risk in the underlying allegations and focusing on the responsibility of the head coaches in the programs as outlined in Agreed Upon Findings of Fact Nos. 2 and 5 was the most appropriate approach. The widespread nature of the impermissible conduct in both the football and women's basketball programs indicate the culpability for the actions of these relatively junior noncoaching staff members resides primarily with program leadership.

V. PARTIES' AGREED-UPON PENALTIES²

All penalties agreed upon in this case are independent and supplemental to any action that has been or may be taken by the NCAA Division I Committee on Academics through its assessment of postseason ineligibility, historical penalties or other penalties.

Pursuant to Bylaw 19.5.12.1.3-(e), the parties agree to the following penalties:

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

1. Probation: Three years of probation from October 29, 2021, through October 28, 2024.³
2. Financial penalty: The institution shall pay a fine of \$10,000 plus one-half of one percent of each of the football and women's basketball budgets.⁴

² If an opportunity to serve a penalty will not be available due to circumstances related to COVID-19, the penalty must be served at the next available opportunity. With the exception of postseason bans, probation and general show-cause orders, this methodology applies to all penalties, including institutional penalties, specific restrictions within show-cause orders and head coach restrictions, unless otherwise noted.

³ Institutions must serve probation during the prescribed penalty period. The COVID-19 next available opportunity penalty methodology does not apply.

⁴ The fine from the program budgets must be calculated in accordance with NCAA Division I Committee on Infractions Internal Operating Procedures 5-15-4 and 5-15-4-1.

3. Scholarship reduction(s): The institution shall reduce the number of initial grants-in-aid awarded in the football program by two during the 2022-23 academic year.⁵ The reduction shall be based on the average amount of aid awarded in the football program over the past four years.⁶
4. Head coach restriction: the former head football coach violated head coach responsibility when they failed to promote an atmosphere of compliance and failed to meet monitoring expectations the membership has placed on head coaches. Bylaw 19.9.5.5 and the Figure 19-1 penalty guidelines contemplate head coach suspensions to address head coach responsibility violations. Therefore, any member institution employing the former head football coach in an athletically related position during the 2021-22 or 2022-23 academic years shall suspend the former head football coach from 7.5% of the football regular season contests in the first season of employment. This percentage corresponds with one football regular season contest. The provisions of this suspension require that the former head football coach not be present in the facility where the contest is played and have no contact or communication with football coaching staff members or student-athletes during the one contest-suspension period. The prohibition includes all coaching activities for the period of time that begins at 12:01 a.m. on the day of the contest and ends at 11:59 p.m. that day. During that period, the former head football coach may not participate in any coaching activities, including, but not limited to, team travel, practice, video study, recruiting and team meetings. The result of the contest from which the former head football coach is suspended shall not count toward the former head football coach's career coaching record.
5. Show-cause order: the head women's basketball coach violated head coach responsibility legislation when they failed to promote an atmosphere of compliance and failed to meet monitoring expectations the membership has placed on head coaches. Therefore, the head women's basketball coach shall be subject to a one-year show-cause order from October 29, 2021, through October 28, 2022.⁷ In accordance with Bylaw 19.9.5.4 and NCAA Division I Committee on Infractions Internal Operating Procedure (IOP) 5-15-3, any employing member institution shall restrict the head women's basketball coach from 15 hours of team practices during the women's basketball playing season. Additionally, during the one year show-cause period, any employing member institution shall provide the head women's basketball coach enhanced monitoring and NCAA rules education, which shall include monthly meetings with the member institution's compliance officer to

⁵ COVID-19-related legislation has increased the availability of grants-in-aid. To meet the intention of the penalty guidelines, the parties have agreed to limit more meaningful initial grants-in-aid. This penalty does not affect the institution's ability to utilize the waiver approved by the NCAA Division I Council on October 6, 2021, permitting institutions to replace up to seven scholarship football student-athletes who depart following the 2022 fall term.

⁶ Over the past four years, the football program has averaged 25 initial grants-in-aid per year.

⁷ The parties did not include a game suspension for the head women's basketball coach, which is within the penalty guidelines for a Level II-Standard case (0-30% percent of the season).

review the head women's basketball coach's coaching activity and to provide NCAA rules education as appropriate. Finally, the head women's basketball coach shall attend an NCAA Regional Rules Seminar one time at their own expense.⁸ Any member institution that employs the head women's basketball coach in an athletically related position during the one year show-cause period, shall abide by the terms of the show-cause order unless it contacts the office of the Committees on Infractions to make arrangements to show cause why the terms of the order should not apply.^{9 10}

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

6. The institution shall reduce the allowable CARA for the women's basketball program by two hours per week for the first four weeks following the first contest of the 2021-22 academic year and then by one hour per week for the next four weeks.
7. The women's basketball program shall prohibit noncoaching staff members from participating in practice in a managerial role or as practice players in the manner permitted by the blanket waiver approved September 8, 2020, by the NCAA Division I Committee for Legislative Relief (self-imposed).
8. The women's basketball program shall reduce by one the number of noncoaching staff members who attend practice for a period of seven days during the 2021-22 academic year.

⁸ In satisfaction of this requirement, the head women's basketball coach attended the 2021 NCAA Regional Rules Seminar.

⁹ Through negotiations, the parties agreed that significant restrictions on the head women's basketball coach's practice activities during the playing season represents a meaningful and equitable penalty for the agreed-upon findings in the women's basketball program. While noncoaching staff member violations occurred in both the football and women's basketball programs, those in the football program were greater in number, breadth and impact. After receiving related rules education, seven then football noncoaching staff members engaged in impermissible activity. Five of these football noncoaching staff members regularly provided technical and tactical instruction to student-athletes. Additionally, equipment staff members provided warnings to noncoaching staff members when compliance visited practice to conceal impermissible activity. By contrast, the violations in the women's basketball program were not as extensive, involved fewer noncoaching staff members and did not involve a warning system, thus supporting a different, albeit still significant, penalty for the head women's basketball coach. Further, this approach is supported by precedent as the Committee on Infractions has prescribed show-cause orders where, as here, the head coach violated head coach responsibility legislation but was not named as an involved individual in the underlying violations. *See e.g., Houston Baptist University* (2018) (applying a two-year show-cause order, including recruiting restrictions, to a head coach not named as an involved individual in the underlying recruiting violation) and *Southern Illinois University at Carbondale* (2018) (applying a one-year show-cause order to a head coach not named as an involved individual in the underlying extra benefit and other violations).

¹⁰ The hearing panel acknowledges the two cases cited by the parties in footnote 9 of this agreement, but notes that both cases were resolved via summary disposition and therefore may be viewed as less instructive pursuant to Committee on Infractions Internal Operating Procedure (COI IOP) 4-10-2-2. Those cases also appear to be outliers when compared to the COI's broader scope of precedent around Bylaw 11.1.1.1 violations. In deciding future cases, the COI will adhere to its historical practice of prescribing show-cause orders for head coaches who are involved in underlying violations and suspensions for head coaches who are responsible for violations of Bylaw 11.1.1.1.

9. The women's volleyball program shall restrict the women's volleyball director of player development from participating in one week (seven days) of on-court practices (self-imposed) no later than the end of the 2021-22 academic year.
10. The women's volleyball program shall not utilize a temporary replacement exception for the first seven days of furlough for a full time assistant coach (self-imposed) no later than the end of the 2021-22 academic year.
11. The women's golf program shall restrict an assistant coach from participating in an international recruiting trip (self-imposed) no later than the end of the 2021-22 academic year.
12. The women's golf program shall cease recruiting the prospective student-athlete referenced in Agreed-Upon Finding of Fact No. 7-(f) (self-imposed).
13. The women's golf program shall be precluded from conducting any recruiting activities with any prospective student-athletes for a period of one week during the fall of 2021 contact period.
14. The football program shall reduce by one the number of countable coaches able to participate in practice for a period of two days (self-imposed) no later than the end of the 2021-22 academic year.
15. The football program shall reduce by two the number of quality control analysts who attend practice for a period of seven days (self-imposed) no later than the end of the 2021-22 academic year.
16. The football program shall reduce by two the number of quality control analysts who attend practice for fourteen days during the 2021-22 academic year.
17. Public reprimand and censure through the release of the negotiated resolution agreement.
18. During this period of probation, the institution 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 office of the Committees on Infractions by December 15, 2021, setting forth a schedule for establishing this compliance and educational program.

- c. File with the office of the Committees on Infractions annual compliance reports indicating the progress made with this program by September 1, during each year of probation. Particular emphasis shall be placed on rules education and monitoring related to adherence with NCAA personnel and playing and practice season legislation.
 - d. Inform prospects in all affected sports programs in writing that the institution 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 sport programs 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 involved sports programs for the entire period of probation. 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.
19. Following the receipt of the final compliance report and prior to the conclusion of probation, the institution's president shall provide a letter to the Committee on Infractions affirming that the institution's current athletics policies and practices conform to all requirements of NCAA regulations.

VI. OTHER AGREEMENTS

The parties agree that this case will be processed through the NCAA negotiated resolution process as outlined in Bylaw 19.5, and a hearing panel comprised of members of the Committee on Infractions will review the negotiated resolution. The parties acknowledge that the negotiated resolution contains agreed-upon findings of fact of NCAA violations and agreed-upon aggravating and mitigating factors based on information available at this time. Nothing in this resolution precludes the enforcement staff from investigating additional information about potential rules violations. The parties agree that, pursuant to Bylaw 19.1.2, the violations identified in this agreement occurred and should be classified as Level II – Standard.

If a hearing panel approves the negotiated resolution, the institution, head women's basketball coach and former head football coach agree that they will take every precaution to ensure that the terms of the penalties are observed. The institution, head women's basketball coach and former head football coach acknowledge that they have or will impose and follow the penalties contained

within the negotiated resolution, and these penalties are in accordance with those prescribed in Bylaws 19.9.5, 19.9.6, 19.9.7 and 19.9.8. The office of the Committees on Infractions will monitor the penalties during their effective periods. Any action by the institution, head women's basketball coach or former head football coach contrary to the terms of any of the penalties or any additional violations may be considered grounds for prescribing more severe penalties or may result in additional allegations and violations.

The parties acknowledge that this negotiated resolution may be voidable by the Committee on Infractions if any of the parties were aware or become aware of information that materially alters the factual information on which this negotiated resolution is based. Additionally, the parties acknowledge that this negotiated resolution will not be binding if the case is referred to the independent accountability resolution process (Bylaw 19.11).

The parties further acknowledge that the hearing panel, subsequent to its review of the negotiated resolution, may reject the negotiated resolution. Should the hearing panel reject the negotiated resolution, the parties understand that the case may be submitted through a summary disposition report (Bylaw 19.6) or notice of allegations (Bylaw 19.7) and prior agreed-upon terms of the rejected negotiated resolution will not be binding.

Should a hearing panel approve the negotiated resolution, the parties agree that they waive NCAA hearing and appellate opportunities.

NCAA COMMITTEE ON INFRACTIONS PANEL

Carol Cartwright
Thomas Hill, Chief Hearing Officer
Mary Schutten