

**[October 1, 2021, Clarification: The first paragraph of Section II, *Case History* included general information related to the origins and initial investigative phases of this case. Although accurately drafted, the decision omitted some non-substantive events that provide additional clarity as to how and when the violations were discovered. Footnote No. 3 has been amended to provide additional clarity.]**



**GEORGIA INSTITUTE OF TECHNOLOGY  
PUBLIC INFRACTIONS DECISION  
September 21, 2021**

## **I. INTRODUCTION**

The NCAA Division I Committee on Infractions (COI) is an independent administrative body of the NCAA comprised of individuals from the NCAA Division I membership and the public. The COI decides infractions cases involving member institutions and their staffs.<sup>1</sup> This case involved impermissible athletically related and coaching activities in the women's basketball program at the Georgia Institute of Technology (Georgia Tech).<sup>2</sup> Due to her personal involvement in and awareness of the violations, Georgia Tech's former head women's basketball coach also failed to meet her legislated responsibility as a head coach. Additionally, after separating from the institution, a former assistant women's basketball coach failed to cooperate with the NCAA enforcement staff's investigation.

The case centered on impermissible countable athletically related activity (CARA) and coaching limitation violations that stemmed from the head coach's general indifference to NCAA rules. These violations occurred from the 2016-17 academic year through February 2019. During this time, the head coach consistently required student-athletes to practice in excess of permissible limitations for CARA and did not provide them with a required day off. Relatedly, for over seven months, the head coach permitted graduate student managers to provide impermissible instruction, which caused the program to exceed the limit on countable coaches. Although this case does not involve a failure to monitor violation, the women's basketball violations occurred and went undetected for more than two years due in part to Georgia Tech's inattention to its women's basketball program's athletically related activities. These violations are Level II.

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

<sup>2</sup> A member of the Atlantic Coast Conference, Georgia Tech has a total enrollment of approximately 32,000 students. It sponsors nine men's and eight women's sports. This is the institution's sixth Level I, Level II, or major infractions case. Georgia Tech had prior major infractions cases in 2019 (men's basketball); 2014 (football and men's and women's basketball); 2011 (football and men's basketball); 2005 (football, men's and women's cross country, men's and women's indoor and outdoor track, men's and women's swimming); and 1989 (football).

The CARA and impermissible coaching activities demonstrate that the head coach failed to promote an atmosphere of compliance and monitor her program. The excessive CARA violations directly stemmed from the head coach's disregard for hour limitations, regularly requiring her team to practice longer than scheduled and failing to provide her team with a required day off. Further, the head coach did not monitor the CARA logs filled out by her director of operations. The head coach's direct involvement in the violations and general indifference to NCAA rules demonstrate that she did not meet the high standards the membership has established for head coaches. The violation is Level II.

The case also involved post-separation conduct by the former assistant women's basketball coach. Specifically, the assistant coach failed to meet his affirmative obligation to cooperate in the investigation when he refused to participate in follow up interviews with the enforcement staff on two separate occasions. Similarly, he refused to produce requested bank records. The violation is Level I.

In addition to these violations, due to conflicting information in the record, the panel did not conclude that the head coach provided two student-athletes with impermissible cash payments. And because the panel did not conclude that the head coach provided impermissible cash payments, the panel also did not conclude that the head coach provided false and misleading information regarding those payments.

After considering applicable aggravating and mitigating factors, the panel classifies this case as Level II-Standard for Georgia Tech, Level II-Standard for the head coach, and Level I-Aggravated for the assistant coach. Utilizing the applicable penalty guidelines and bylaws authorizing additional penalties, the panel adopts and prescribes the following penalties: a fine of \$5,000 plus one percent of the budget of the women's basketball program; three years of probation to be served consecutive to the institution's current probationary period; a mandatory review of the Georgia Tech compliance program that includes an external audit; a one year show-cause order followed by a 15 percent game suspension for the head coach; and a five year show-cause order for the assistant coach.

## **II. CASE HISTORY**

After receiving information related to potential rules violations in the Georgia Tech women's basketball program, the enforcement staff asked the institution to investigate. At the time, Georgia Tech and the enforcement staff were investigating conduct in the men's basketball program. In spring 2018, Georgia Tech conducted an investigation, including interviews with women's basketball coaches and staff, and records collection.

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Based on the conduct identified by Georgia Tech's internal investigation, the institution self-reported potential violations to the enforcement staff on March 31, 2019.<sup>3</sup>

On February 28, 2020, the enforcement staff issued a Notice of Allegations (NOA) to Georgia Tech and the former head women's basketball coach (head coach) and post separation NOA's to the head coach and the former assistant women's basketball coach (assistant coach). Following the NOA, this case experienced significant disruptions and delays caused by multiple extension requests and scheduling conflicts by the head coach and the institution. Georgia Tech submitted a timely response to the NOA on May 28, 2020. On four separate occasions, however, citing technological disruption caused by a malware attack on his law firm, counsel for the head coach requested and received an extension to file a response. Counsel submitted the head coach's response on July 21, 2020. Thereafter, on September 15, 2020, the enforcement staff submitted its written reply and statement of the case.

After reviewing the submissions, the COI noted that a number of exhibits relied upon by the parties had not been included in the case record. Thus, on October 6, 2020, the chief hearing officer requested that the parties ensure that the case record was complete with all relied-upon factual information. Two days later, the panel set the hearing for videoconference on November 12, 2020.

The enforcement staff facilitated the chief hearing officer's request by adding many items into the case record. Counsel for the head coach never responded. On November 5, 2020, the chief hearing officer again requested that counsel for the head coach address the missing factual information.

On November 9, 2020, three days before the scheduled hearing, a representative from the head coach's counsel's law firm contacted the chief hearing officer requesting a continuance after the firm lost contact with the head coach's counsel. In light of the unique circumstances, the chief hearing officer granted the continuance. The head coach retained new counsel, and on November 16, 2020, the head coach's new counsel requested roughly a one-month period to familiarize himself with the case record and the positions previously taken by the head coach. On November 18, 2020, the chief hearing officer granted the request.

On February 2, 2021, the panel rescheduled the hearing for March 3, 2021. Two days later, however, Georgia Tech identified that significant and unavoidable conflicts for institutional representatives and outside counsel would prevent them from participating in a March 3 hearing. In response, the chief hearing officer held a scheduling conference with the stated intent of rescheduling the hearing for April. Unfortunately, however, Georgia Tech's scheduling conflicts delayed the case until June 2021. Finally, after nearly an 18-month delay resulting from

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<sup>3</sup> In May 2018, the enforcement staff permitted Georgia Tech to investigate the matter after initially requesting that the institution temporarily refrain from any investigation. Once given clearance, Georgia Tech's inquiry into potential NCAA violations was stalled when the assistant coach declined to participate. Ultimately, Georgia Tech self-reported potential violations after an outside law firm conducted an internal investigation into non-NCAA matters and discovered the NCAA-related conduct. On July 15, 2019, Georgia Tech requested that the COI bifurcate the men's basketball and women's basketball infractions cases. *See Georgia Institute of Technology* (2019). Although bifurcation is disfavored, the COI ultimately agreed that it was appropriate in this case due to timing and case efficiency considerations.

circumstances related to party extensions and party unavailability, the panel held a hearing via videoconference on June 23, 2021.

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

The parties submitted stipulated facts. The stipulated facts are limited in nature and address dates of employment for the head coach and the assistant coach and dates associated with only a few of the events in the case. Georgia Tech hired the head coach as the head women's basketball coach in 2003. After several years as the head women's basketball coach, Georgia Tech placed her on administrative leave on February 27, 2019. Georgia Tech terminated the head coach's employment on March 26, 2019.

#### **CARA and Coaching Activity in the Women's Basketball Program**

During the head coach's final three seasons at the institution, from at least 2016 through 2019, the women's basketball staff routinely required student-athletes to participate in CARA exceeding legislated daily and weekly maximums and did not provide required days off. Two primary factors contributing to these overages were team practices lasting longer than scheduled and involvement of coaching staff members rendering student-athletes' day-off activities as CARA. Additionally, beginning in the summer of 2018 and continuing until the head coach was suspended from her coaching duties in February 2019, she permitted two graduate managers to provide tactical or technical instruction to student-athletes during practices.

The head coach assigned responsibility for recording and reporting CARA to the director of women's basketball operations (DOBO), an individual who was not present for team practices or other athletically related activities. Because the DOBO did not attend practice, she relied upon coaches to tell her if practices deviated from the schedule. However, the assistant coaches denied providing such information to the DOBO. The DOBO notified women's basketball student-athletes of the upcoming week's practice schedule on Sunday evenings during the season. The schedules included the team's anticipated participation in on-court practices, weights/conditioning, film sessions and team competition. On the day before or day of practices, a former assistant women's basketball coach informed student-athletes of changes to the schedule and often required them to report to practice early. Additionally, practices routinely lasted longer than originally scheduled.

Women's basketball student-athletes consistently reported that they generally practiced longer than scheduled.<sup>4</sup> One women's basketball student-athlete asserted that the team was required to practice an hour or more than scheduled on a daily basis. Although they did not recall it being a daily

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<sup>4</sup> In her response, the head coach argued that there are many discrepancies between statements by student-athletes and coaches. She also submitted that certain student-athletes admitted that they no longer desired to have her as head coach and intended to provide false statements. The panel acknowledges that the student-athletes recollections varied slightly; however, the overwhelming majority, at least two-thirds, of the student-athletes reported that the team exceeded practice hours to some degree.

requirement, several women's basketball student-athletes recalled being required to practice an hour or slightly more than scheduled on multiple occasions.

Several athletics department staff members confirmed that the team exceeded practice hours to some degree. Additionally, a former assistant women's basketball coach reported that although she did not specifically track practice hours, she believed that Georgia Tech required student-athletes to practice more on-court than any other institution at which she coached during her career.

The practice logs submitted to compliance reflected scheduled or anticipated practice time rather than time actually practiced. The logs listed each women's basketball student-athlete as having practiced for the exact same amount of time as her teammates for each practice activity over the course of the championship segments of three seasons. The identical practice durations listed in the CARA logs, however, directly conflicted with reports from student-athletes that additional CARA was occasionally required of some individuals and not others. For instance, one student-athlete was required to attend hour-long 6 a.m. workouts two or three times a week as a punishment for being late during the 2018-19 season. Those activities, however, never appeared on the student-athletes' CARA logs. Another student-athlete described punishment workouts involving pushing weights a certain distance along the floor that would have to be repeated subsequent days if the goal was not met. These workouts were also omitted from the CARA logs submitted by the women's basketball program. In her interview with the enforcement staff, the head coach admitted that she did not review or sign off on the CARA logs.

The compliance staff educated women's basketball student-athletes regarding practice hour limitations at the beginning of each academic year, and they were generally aware of the number of hours the team could permissibly practice. Although the student-athletes approved practice logs that were submitted to compliance by the women's basketball program, several reported approving hour totals they knew were incorrect. The student-athletes explained that they approved the incorrect hours because they were concerned about the head coach retaliating against them if they did not. At the infractions hearing, the institution's compliance director described her relationship with the head coach as "strained and increasingly so" during her tenure at Georgia Tech. One student-athlete reported that the head coach specifically told the team not to trust or communicate with the associate director of athletics for compliance, and/or the senior woman administrator and associate director of athletics.

In addition to exceeding weekly CARA limitations, the women's basketball staff also required student-athletes to participate in athletically related activities with coaching staff members on their designated days off. Specifically, during the championship segments of women's basketball seasons between 2016-17 and 2018-19, the program usually designated one or two days off per week. However, student-athletes did not receive a day off each week. Several members of the women's basketball staff messaged women's basketball student-athletes requesting that they shoot, workout or watch film at the practice facility during the designated days off. Student-athletes reported that the messages they received were often phrased in ways that made the activity seem mandatory, and they believed they were required to attend these sessions.

One student-athlete provided examples of the text messages she received from the women's basketball staff asking her to shoot or watch film during her days off. In one exchange, when the student-athlete responded that her day was "packed," the staff member replied, "What about before your meeting with [the head coach]? I will come get you from class or study hall[.] It won't take long, it will take less than 1 hour." The student-athlete then agreed to meet the staff member to shoot and watch film.

Further, members of the women's basketball staff were present during the athletically related activities that took place during the scheduled days off. Even beyond just attending, a then assistant women's basketball coach, and the program's graduate managers facilitated student-athlete workouts on the court.

The women's basketball program utilized shot-tracking technology during the shooting sessions that occurred on the student-athletes' days off. This technology recorded the number, position and success rate of each student-athlete's shots. The coaching staff had access to and reviewed the shot-tracking information. The shot tracking information also identified who was participating in scheduled day-off workouts and the amount of work each individual performed during the sessions. The head coach directed a graduate manager to print data from the shot-tracking system and provide it to her.

The head coach also utilized graduate managers in coaching instruction. The head coach hired two graduate managers for the 2018-19 academic year. Though the graduate managers held sport-specific non-coaching staff positions, they provided tactical or technical instruction to women's basketball student-athletes during regular team practices and workouts occurring on scheduled days off. One graduate manager reported that he instructed student-athletes during shooting sessions occurring on scheduled days off and approximately once or twice a week during regular team practices. The other graduate manager reported that she communicated with women's basketball student-athletes during drills at nearly every practice and offered critiques to the student-athletes about what they did incorrectly while participating. Although the head coach denied that she instructed the graduate managers to provide tactical and technical instruction, she acknowledged and was aware that the graduate managers provided the instruction.

## **The Investigation**

The head coach was a central figure in the enforcement staff's investigation. During the investigation, information emerged related to potential cash payments from the head coach to two student-athletes. Specifically, one student-athlete reported receiving cash payments of \$200 on two separate occasions. On the first occasion, the student-athlete reported receiving \$200 associated with a summer team-building activity. Additionally, the student-athlete reported receiving \$200 in addition to the host money she received for a prospect's official visit. The second alleged payment permitted additional student-athletes to join prospects during evening activities during their official visits to Georgia Tech. Similarly, a second student-athlete alleged that the head coach provided her with \$200 in the head coach's office. Although the enforcement staff investigated each instance, the information in the record was limited exclusively to the statements

of the two student-athletes. These statements were vague, and at times inconsistent. Likewise, they were contradicted by the statements of other student-athletes interviewed during the investigation. When the enforcement staff interviewed the head coach, she denied making impermissible cash payments to the two student-athletes.

Another key figure in the enforcement staff's investigation was the assistant coach. Georgia Tech hired the assistant coach as the assistant women's basketball coach in 2015. During the internal investigation, Georgia Tech interviewed the assistant coach on May 18, 2018. The assistant coach denied knowledge of or involvement in the violations. After reviewing his phone records, Georgia Tech requested a follow-up interview of the assistant coach. Rather than interview, the assistant coach resigned and his attorney indicated that he would not cooperate with the investigation. After the enforcement staff began its investigation, the staff made two additional requests for the assistant coach to interview and requested bank records. The assistant coach declined each of these requests and informed the enforcement staff on multiple occasions that he would not participate in the processing of this case.

#### **IV. ANALYSIS**

The underlying violations in this case spanned for more than two years and support a head coach responsibility violation. The violations fall under three areas: (A) impermissible CARA and coaching activity; (B) head coach responsibility; and (C) the assistant coach's unethical conduct and failure to cooperate.

##### **A. IMPERMISSIBLE CARA AND COACHING ACTIVITY [NCAA Division I Manual Bylaws 17.1.7.4 (2016-17); 17.1.7.1 and 17.1.7.3.4 (2016-17 through 2018-19); and 11.7.1.1, 11.7.3, 11.7.6 and 17.1.7.6 (2017-18 and 2018-19)]**

From the 2016-17 academic year through February 2019, the head coach consistently directed women's basketball student-athletes' participation in CARA beyond NCAA legislated daily and weekly hour limitations and did not provide the required days off during the season. Further, the head coach failed to ensure the accurate recording of student-athletes' countable hours to the compliance staff. Lastly, between July 2018 and February 2019, the program routinely exceeded the limit on the number of coaches by two.

Georgia Tech agreed the violations occurred and that they are Level II. The head coach disagreed that violations occurred. The panel concluded the violations occurred and are Level II.

###### **1. NCAA Legislation Relating to CARA and Coaching Limitations**

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

###### **2. For more than two years, the women's basketball coaching staff amended the weekly practice schedule, requiring student-athletes to participate in approximately one additional hour of undocumented, impermissible CARA on practice days.**

From the 2016-17 academic year through February 2019, under the head coach's supervision, the women's basketball program regularly deviated from scheduled practice time and required the team to practice longer than originally scheduled. This additional practice went undocumented. Regardless, it was countable activity and the additional undocumented activity exceeded CARA limitations. The conduct violated playing and practice season legislation outlined in Bylaw 17.

Bylaw 17 governs playing and practice seasons. Among other things, the Bylaw establishes when student-athletes may engage in CARA during and outside the playing season. Bylaw 17.1.7.1 restricts a student-athlete's participation in CARA to four hours per day and 20 hours per week. Pursuant to Bylaw 17.1.7.3.4, countable hours must be recorded daily for each student-athlete.

Multiple student-athletes, including almost two-thirds of the student-athletes interviewed, reported that they routinely practiced one hour per day longer than scheduled and practices regularly lasted longer than scheduled. Likewise, several student-athletes detailed individual practice days lasting an hour or more than scheduled on multiple occasions. Three women's basketball staff members confirmed that the team exceeded practice hours to some degree. The practice overages resulted in regular instances of daily CARA exceeding the allowable maximum of four hours. Similarly, the multiple instances of exceeding the four-hour daily limits resulted in the women's basketball program exceeding the 20 hour per week limitation during most weeks of the championship segment. Georgia Tech's failure to provide student-athletes with a required day off further contributed to excessive CARA.

Relatedly, the women's basketball program submitted inaccurate practice logs to the compliance staff. Those logs reflected scheduled or anticipated practice time rather than time actually practiced. The head coach assigned responsibility for recording and reporting CARA to the DOBO, who was not present for practices or other athletically related activities. The DOBO relied on coaches to tell her if practices deviated from the schedule and did not proactively inform coaches when student-athletes were approaching CARA limits. However, the assistant coaches denied providing such information to the DOBO. Instead, the logs listed each women's basketball student-athlete as having practiced for the exact same amount of time as her teammates for each practice activity over the course of the championship segments of three seasons. In other words, the logs reflected identical CARA times for each student-athlete for more than two years. The identical practice durations listed in the CARA logs directly conflict with what the vast majority of women's basketball student-athletes reported to Georgia Tech and the enforcement staff.

Although the student-athletes approved the practice logs submitted to compliance, several reported approving hour totals they knew were incorrect because they were concerned about retaliation from the head coach. In addition, the head coach had a tense relationship with compliance and the Georgia Tech administration. At one point, the head coach told the team not to trust or communicate with the associate athletics director for compliance or the senior woman administrator. Although the CARA violations directly stem from the head coach's requirement that her team practice beyond legislated limits, the panel is troubled that the identical nature of the CARA logs never raised red flags for the Georgia Tech compliance office for more than two years. Regardless of the tense relationship, had Georgia Tech's compliance office flagged the practice

logs as potentially problematic, it could have inquired about the women's basketball practice schedule, discovered the violations earlier and prevented additional violations from occurring. That simply did not happen here, and as a result, the violations continued to occur for more than two years. The excessive practice violated multiple provisions of Bylaw 17, including daily and weekly limitations.

The COI has consistently concluded that CARA violations occur when a student-athlete exceeds CARA limitations and a staff member fails to record countable hours. *See University of California, Santa Barbara (UCSB) (2019)* (concluding CARA violations occurred when the head track coach monitored student-athletes' summer and day off training activities, which converted the activities into impermissible CARA in excess of legislated limitations); *Texas Christian University (TCU) (2018)* (concluding, via summary disposition, that the head swimming and diving coach and his staff directed or supervised student-athletes' participation in CARA that exceeded daily and weekly limitations and failed to ensure accurate recording of CARA); and *San Jose State University (2018)* (concluding, via summary disposition, that the head baseball coach and his staff directed or supervised student-athletes' participation in CARA that exceeded daily and weekly limitations and failed to ensure accurate recording of CARA).<sup>5</sup>

Pursuant to Bylaw 19.1.2, the panel concludes that the violations are Level II. Because the women's basketball student athletes were engaging in countable activity at times when it was prohibited, Georgia Tech gained more than a minimal competitive advantage over other institutions that were adhering to CARA limitations. Furthermore, this activity spanned more than two years and was therefore not isolated or limited in scope. In previous cases where CARA violations occurred over an extended period, the COI has concluded the violations were Level II. *See UCSB* (concluding that CARA violations occurring over a two-and-a-half-year period were Level II); *San Jose State* (concluding that CARA violations occurring over a six-and-a-half month period were Level II); and *California State University, Sacramento (2018)* (concluding that CARA violations occurring over a span of three-and-a-half years were Level II). The CARA violations in this case are consistent with the scope and nature of violations regularly designated as Level II in previous cases.

**3. For more than a two-year period, the head coach amended the team's weekly practice schedule, requiring student-athletes to participate on scheduled days off each week during the regular season resulting in CARA violations.**

From 2016-17 through February 2019, student-athletes did not receive a day off each week. Despite what was documented on the women's basketball practice schedule, at the direction of the head coach, the women's basketball program required and tracked student-athlete activities on designated days off. Because the additional activity was not initiated and requested solely by student-athletes, the conduct resulted in violations of Bylaw 17.

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<sup>5</sup> Although *TCU* and *San Jose State* were decided through the summary disposition process and may be viewed as less instructive under COI Internal Operating Procedure (IOP) 4-10-2-2, the panel cites to these and other cases resolved via summary disposition because they involved similar underlying conduct and violations.

During the playing season, Bylaws 17.1.7.4 and 17.1.7.6 require one day off per week, during which CARA is prohibited. During times when CARA is not allowed, student-athletes may engage in voluntary athletically related activity that they initiate on their own. Pursuant to Bylaw 17.02.19, an activity is voluntary if all of the following conditions are met: (1) the student-athlete is not required to report back to a coach or other athletics department staff member; (2) the activity is initiated and requested solely by the student-athlete; (3) the student-athlete's attendance and participation in the activity is not recorded for purposes of reporting it to coaching staff members or other student-athletes; and (4) the student-athlete is not subjected to penalty if they choose not to participate in the activity.<sup>6</sup>

The women's basketball staff required additional athletically related activity on designated days off and observed those activities. Several staff members messaged student-athletes requesting that they shoot, workout or watch film at the practice facility on their designated days off. Because the women's basketball staff—not the student-athletes—initiated the messages, the activity was not voluntary. Student-athletes confirmed that the activity was not voluntary when they reported that they believed they were required to attend these sessions.

Additionally, one or more staff members were present during athletically related activities. The women's basketball staff's attendance at these shooting sessions triggered countable activity and permitted them to evaluate and coach their student-athletes. These additional, undocumented practice sessions provided the Georgia Tech women's basketball team with a competitive advantage over institutions who abided by limitations on athletically related activity. Furthermore, it subjected student-athletes to mandatory practice sessions at times when they were prohibited.

Beyond merely attending these sessions, an assistant women's basketball coach and the program's graduate managers facilitated student-athlete workouts on the court. The head coach directed one of these managers to report back with information describing the volume and accuracy of shots taken by the student-athletes. Athletics department staff may not report voluntary activity information to a program's coaching staff. Similarly, the women's basketball program utilized shot-tracking technology during shooting sessions occurring on scheduled days off so the number, position and success rate of each student-athlete's shots were recorded. This information was available to and reviewed by the coaching staff. Because information regarding voluntary workouts may not be recorded for the purpose of reporting it to the coaching staff, the women's basketball program's method of tracking student-athletes activity and making it available to the coaching staff rendered the sessions non-voluntary.

All of these activities ran contrary to the limitations placed on CARA in Bylaw 17. As such, the head coach, women's basketball program and Georgia Tech violated Bylaws 17.1.7.4 and 17.1.7.6.

The COI has consistently concluded that Level II CARA violations occur when student-athletes do not receive one day off per week. *See TCU* (concluding via summary disposition that the swimming and diving coaching staff impermissibly used a travel day as a day off) and *UCSB*

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<sup>6</sup> The NOA did not cite Bylaw 17.02.19. The panel provides the Bylaw here for context only.

(concluding that the head track coach monitored student-athletes' training activity when CARA was prohibited during weekly days off). Here, the panel concludes the violations occurred and they are Level II.

**4. Over a six-month period, the head coach permitted graduate managers to provide impermissible tactical or technical instruction during regular season practices and CARA held on scheduled days off.**

Between July 2018 and February 2019, the head coach permitted non-coaching staff members to engage in activities that are exclusively reserved for countable coaches. As such, Georgia Tech exceeded the number of permissible coaches. The conduct violated coaching staff limitations in Bylaw 11.

Bylaw 11.7.3 prohibits a non-coaching staff member with sport-specific responsibilities from participating in on-court activities. In addition, Bylaw 11.7.6 limits a women's basketball team to no more than four coaches. Under Bylaw 11.7.1.1, a staff member must count against this coaching limit if, among other things, the staff member provides technical or tactical instruction to a student-athlete at any time.

Although the graduate managers held sport-specific non-coaching positions, the head coach permitted them to provide tactical or technical instruction to student-athletes during regular team practices and workouts on scheduled days off. One graduate manager reported that he instructed student-athletes during shooting sessions on scheduled days off and approximately once or twice a week during practices. A second graduate manager reported that she communicated with student-athletes during drills at nearly every practice and offered critiques to student-athletes. As a result, the program exceeded legislated limits on countable coaches because non-coaching staff members instructed student-athletes during the 2018-19 year. At the infractions hearing, the head coach admitted that she allowed her graduate managers to engage in coaching activity.

The COI has consistently concluded that Level II coaching activity violations occur when non-coaching staff members give instruction to student-athletes. See *Siena College* (2020) (concluding that Level II coaching activity violations occurred when the operations director provided instruction to student-athletes that ranged from preparing and presenting scouting reports during film review to coaching in practices and games, which caused the men's basketball program to exceed countable coach limits); *University of Connecticut* (2019) (concluding that Level II coaching activity violations occurred when a men's basketball video coordinator engaged in impermissible coaching activities by giving instruction and feedback to student-athletes on or near the court and in the film room, causing the program to exceed countable coach limits); and *University of Oregon* (2018) (concluding that Level II coaching activity violations occurred when an operations director and assistant strength coach in the men's and women's basketball programs participated in student-athletes' voluntary workouts, provided instruction during drills and refereed during practices, which caused their programs to exceed countable coach limits). Thus, pursuant to Bylaw 19.1.2, the panel concludes the violations occurred and are Level II.

**B. HEAD COACH RESPONSIBILITY [NCAA Division I Manual Bylaw 11.1.1.1 (2016-17 through 2018-19)]**

The head coach's direct involvement in and knowledge of violations demonstrated that she failed to promote an atmosphere for compliance and monitor her program. She regularly and intentionally disregarded limitations on CARA and coaching activity. Georgia Tech agreed the violations occurred and that they are Level II. The head coach disagreed that violations occurred. The panel concludes the violation occurred and is Level II.

**1. NCAA Legislation relating to Head Coach Responsibility.**

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

**2. The head coach did not demonstrate that she promoted an atmosphere of compliance due to her personal involvement in the violations, her failure to monitor staff, and her disregard of fundamental CARA and coaching staff legislation.**

For more than a two-year period, the head coach failed to meet the high expectations set for head coaches under the membership's bylaws. Specifically, she failed to both promote an atmosphere of compliance and monitor her staff. The head coach blatantly disregarded certain fundamental and well-known CARA and coaching staff limitations. She was indifferent to others. Finally, due to a tense relationship with the institution's compliance office, she took steps to distance her program from compliance. The panel concludes that the head coach's conduct violated Bylaw 11.

Bylaw 11.1.1.1 establishes two affirmative duties for head coaches: (1) to promote an atmosphere of compliance and (2) to monitor individuals in their programs who report to them either directly or indirectly. The bylaw also presumes that head coaches are responsible for the actions of those who report to them. The head coach may rebut this presumption by showing that she promoted an atmosphere of compliance and monitored her staff.

The head coach's personal role in the violations and instruction to her team demonstrate that promoting an atmosphere of compliance was not a priority. At best, compliance was an afterthought. Her conduct demonstrates that she committed intentional violations and disregarded others. She also distanced her team from the compliance staff, expressly telling her student-athletes not to trust or communicate with compliance. In doing so, the head coach failed to promote an atmosphere of compliance. Similarly, the head coach failed to monitor her staff. She failed to ensure that her staff did not encourage, attend or seek information regarding day off workouts, which led to day-off activities becoming countable. Likewise, the head coach did not stop her graduate managers from routinely providing impermissible coaching instruction to student-athletes.

The head coach denied that she violated head coach responsibility legislation. Specifically, she disputed that she was directly involved in any violations. In addition, if violations occurred, the head coach asserted that she rebutted the presumption of responsibility by promoting compliance

and adequately monitoring her staff. With respect to promoting compliance, the head coach argued that she: (1) communicated to her staff a commitment to compliance; (2) participated and ensured that her staff participated in regular meetings with compliance staff and the athletics director; (3) had a documented pattern of instructing coaches to routinely and proactively contact compliance staff with questions and concerns; (4) established a high level of engagement with compliance staff; and (5) neither failed to act in response to known risks nor was personally involved in the misconduct. With respect to monitoring her staff, the head coach argued that the enforcement staff's charging guidelines establish that a head coach fulfills the duty to monitor when the coach is aware of and relies on compliance staff, who has access to complete and accurate information. The head coach contended that she knew of and relied on compliance systems to facilitate monitoring CARA. In addition, she ensured that compliance staff had access to all information regarding CARA and that the information was accurate.

The panel concludes that the information in the record does not support the head coach's assertions. She was personally involved in violations, disregarded others and set a tone that compliance could not be trusted. Likewise, her arguments related to monitoring also fall short. The head coach directed her team to practice over the hour limitations. The head coach knew that her team exceeded scheduled practice times on a regular basis. She knew or should have known that the forms provided to compliance were inaccurate. Even a cursory review of the CARA logs would have identified issues or raised concerns. The forms, however, did not identify overages. Thus, the head coach's argument that she relied on compliance to monitor and identify CARA overages falls flat. The head coach had an independent, non-delegable duty and she failed to meet that duty.

Although the panel is not persuaded by the head coach's arguments, it remains concerned about Georgia Tech's compliance office's failure to identify any CARA issues. Like the head coach, the institution, through its compliance program, also has an affirmative obligation to implement an adequate system of compliance. It is inexplicable that the compliance office did not identify any red flags with respect to the women's basketball program submitting identical CARA forms over more than a two-year period or that compliance did not identify excessive CARA, required day-off practices or non-coaching staff members participating in coaching activity through spot checks or other monitoring functions. Although the panel observes and remains concerned about these broader shortcomings, they in no way undermine the head coach's failure to meet duties and responsibilities of head coaches under Bylaw 11.1.1.1.

In applying Bylaw 11.1.1.1, the COI has generally considered the specific actions the head coach has taken to promote compliance and monitor his or her staff (i.e., what the coach did), as set against the underlying violations (i.e., what actually occurred). In recent cases, the COI has concluded that head coach responsibility violations occurred when coaches were personally involved in the violations, failed to ensure that their staff were not involved and failed to consult with compliance staff. *See Siena* (concluding that the head men's basketball coach violated head coach responsibility legislation when he personally involved himself in benefits and coaching activity violations and directed and permitted his staff to also violate legislation); *UCSB* (concluding that the head track coach violated head coach responsibility legislation when he personally involved himself in CARA violations and failed to consult compliance, and the head

water polo coach violated head coach responsibility legislation when he personally involved himself in recruiting and benefits violations, failed to consult compliance and involved an assistant coach in the violations); *Oregon* (concluding that the head women's basketball coach violated head coach responsibility legislation when he invited and permitted an assistant strength coach to participate in impermissible coaching activity); and *University of Hawaii at Manoa* (2017) (concluding that multiple Level II violations occurred and went undetected in the men's basketball program in part to a strained relationship between the head coach and compliance). As in these cases, the COI concludes that a head coach responsibility violation occurred.

In accordance with Bylaw 19.1.2-(e), head coach responsibility violations are typically Level II when they result from underlying Level II violations. Accordingly, the head coach responsibility violation is Level II.

**C. POST-SEPARATION UNETHICAL CONDUCT AND FAILURE TO COOPERATE [NCAA Division I Manual Bylaws 10.1, 10.1-(a), 19.2.3 and 19.2.3.2 (2017-18 through 2019-20)]**

The assistant coach refused to participate in interviews and provide requested documents. The panel concludes these violations occurred and are Level I.

**1. NCAA legislation relating to unethical conduct and the responsibility to cooperate.**

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

**2. The assistant coach violated the NCAA principles of ethical conduct and failed to cooperate when he refused interview requests from the enforcement staff and refused the enforcement staff's request to provide bank records.**

The assistant coach violated unethical conduct legislation and failed to cooperate when he declined two follow-up interview requests by the enforcement staff and failed to produce requested bank records. His conduct fell well short of his obligations outlined in Bylaws 10 and 19.

Bylaw 10.1-(a) obligates staff members to make complete disclosure of information concerning possible violations when requested by the enforcement staff. To further the mission of the infractions process, Bylaw 19.2.3 requires staff members to cooperate fully with and assist the enforcement staff during an investigation. Failure to cooperate is a legislated example of a Level I violation in accordance with Bylaw 19.1.1.

The analysis here is simple: the assistant coach failed to meet his legislated responsibility to cooperate. Furthermore, the membership has identified an individual's failure to provide the enforcement staff with complete information as an example of unethical conduct. The assistant coach violated Bylaws 10.1-(a) and 19.2.3.

The COI has routinely emphasized that the responsibility to cooperate means *full* cooperation *throughout* the process. See *Connecticut* (concluding that the head men's basketball coach failed to cooperate when he declined to participate in a second interview after his termination from the institution); *University of the Pacific* (2017) (concluding that the head men's basketball coach failed to cooperate when he did not participate in the investigation for nearly a year before resuming his participation); and *University of Louisiana at Lafayette* (2016) (concluding that an assistant football coach failed to cooperate when he declined to participate in a third interview and furnish phone records). In these cases, the COI concluded that the violations were Level I. Here the panel concludes that the assistant coach failed to fully cooperate despite *some* initial cooperation with Georgia Tech, and the violation is Level I.

## **V. VIOLATION NOT DEMONSTRATED**

The NOA alleged that, between July and November 2018, the head coach provided impermissible benefits in the form of approximately \$600 cash to two women's basketball student-athletes. Based on this allegation, the enforcement staff also alleged a post-separation allegation against the head coach. Specifically, the post-separation NOA alleged that on September 24, 2019, after her employment with Georgia Tech had ended, the head coach violated the NCAA principles of ethical conduct and failed to cooperate when she knowingly provided false or misleading information concerning her involvement in the impermissible benefits allegation. The panel concludes that the facts do not support these violations.

Bylaw 16.11.2.1 restricts student-athletes from receiving extra benefits, which are special arrangements by an institutional employee to provide a student-athlete or his or her family or friends with an impermissible benefit. Institutions must withhold ineligible student-athletes from competition in accordance with Bylaw 12.11.1. Pursuant to Bylaw 16.8.1, an institution may provide actual and necessary expenses only to eligible student-athletes to represent the institution in practice and competition. Further, as previously mentioned, Bylaws 10.1-(a) and 19.2.3 require individuals to make complete and truthful disclosures to the enforcement staff about potential violations.

The case record contained an overwhelming degree of conflicting information with regard to the impermissible benefits allegations. The student-athletes who allegedly received the impermissible benefits provided conflicting and unsupported information during the interviews with the enforcement staff. Although the head coach acknowledged at the infractions hearing that she personally used cash instead of other means of payment, there is not sufficient support to demonstrate that she provided impermissible cash to her student-athletes. Therefore, and based on the available facts, the panel concludes the impermissible benefits violation did not occur. Because the panel does not conclude that the head coach provided the student-athletes with impermissible cash payments, the student-athletes did not become ineligible, compete while ineligible or receive impermissible actual and necessary expenses. Therefore, additional violations of Bylaw 12.11.1 and 16.8.1 did not occur.

It then follows that because the panel concludes the underlying impermissible benefits violation did not occur, it does not conclude that the head coach provided false and misleading information in her interview with the enforcement staff. Therefore, the panel does not conclude that post separation violations of Bylaw 10.1-(a) and 19.2.3 occurred.

## **VI. PENALTIES**

For the reasons set forth in Sections III and IV of this decision, the panel concludes that this case involves Level II violations of NCAA legislation. Level II violations are significant breaches of conduct that provide or are intended to provide more than a minimal but less than a substantial or extensive advantage or benefit. The panel also concludes that this case involves a Level I post-separation violation of NCAA legislation. Level I violations are severe breaches of conduct that undermine or threaten the integrity of the NCAA Collegiate Model.

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

### **Aggravating Factors for Georgia Tech**

- 19.9.3-(b): A history of Level I, Level II or major violations by the institution;
- 19.9.3-(g): Multiple Level II violations by the institution;
- 19.9.3-(h): Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct; and
- 19.9.3-(m): Intentional, willful or blatant disregard for the NCAA constitution and bylaws.

Georgia Tech agreed Bylaw 19.9.3-(b) should apply but argued that it should be given little weight. Specifically, Georgia Tech asserted that its prior infractions cases can be distinguished from this case in that different programs and violations types were involved. The panel is not persuaded. Georgia Tech's infractions history is significant, with regular appearances before the COI. Given Georgia Tech's recurring history, *including a recent case involving the men's basketball program*, the panel applies significant weight to Bylaw 19.9.3-(b).

Georgia Tech's prior cases occurred in 2019 (inducement and benefits violations in men's basketball); 2014 (impermissible telephone and text communications in predominantly football and men's and women's basketball, and institutional failure to monitor); 2011 (impermissible benefits in football, impermissible tryouts in men's basketball and institutional failure to cooperate); 2005 (improper certification in football, men's and women's cross country, men's and women's indoor and outdoor track, men's and women's swimming); and 1989 (benefits, recruiting and financial aid violations in men's tennis). Although the 1989 case is distant, this is Georgia Tech's fifth major, Level I or Level II infractions case in the past 15 years. More troubling it is the fourth in the past decade.

In the 2019 case, the COI assigned significant weight to the factor because it was the third case in eight years and the prior cases showed a pattern of noncompliance in men's basketball. In this case, Georgia Tech requested that the panel not give any weight to its 2019 case because the women's basketball allegations were bifurcated from that case. The panel disagrees and in the processing of the 2019 case, the COI expressly notified Georgia Tech that the 2019 case could be considered as a prior case in applying Bylaw 19.9.3-(b).<sup>7</sup> With that understanding, the parties proceeded with bifurcation.

The panel has discretion to assign Bylaw 19.9.3-(b) as much as or as little weight as it deems appropriate. In determining weight, the COI regularly evaluates the number of prior Level I, Level II or major cases, the years between cases and similarities of the violations in the prior cases to the case at issue. In some cases, the COI has given the factor little weight—particularly when an institution's last case is dated. *See DePaul University* (2019) (giving the factor little weight where the institution's prior cases were in 1994 and 1974) and *California Polytechnic State University* (2019) (giving the factor little weight where the institution's prior cases occurred in 1995 and 1987 and involved violations of a different nature). In other cases, the COI has given the factor significant weight where the institution had multiple recent cases and/or the institution's past cases involved similar violations. *See Florida A&M University* (2019) (applying significant weight to the factor in a case resolved via summary disposition because the institution had three cases involving similar issues over roughly a twenty-year period); *San Jose State* (applying significant weight to the factor in a case resolved via summary disposition because the COI concluded similar violations occurred in a case just two years prior); and *University of Mississippi* (2017) (applying significant weight to the factor where the institution's previous cases were dated—1994 and 1986—but involved violations of a similar nature in the same program). Given Georgia Tech's frequent appearances before the COI in the past ten years, and the significant NCAA violations contained within the 2019 case, the panel concludes Bylaw 19.9.3-(b) applies and gives this factor significant weight.

Georgia Tech agreed Bylaws 19.9.3-(g) and 19.9.3-(h), should apply, but again argued that the panel should give Bylaw 19.9.3-(g), *Multiple Level II violations*, little weight. Georgia Tech submitted that the factor generally carries minimal weight and that the violations implicate the head coach and not the institution. Georgia Tech did not identify any past cases where the COI expressly applied minimal weight to this factor. In addition, despite arguing that Bylaw 19.9.3-(g) should have less weight because the head coach's conduct caused the violations, Georgia Tech acknowledges that Bylaw 19.9.3-(h), *Persons of authority condoned, participated in or negligently disregarding the violation or wrongful conduct*, applies because it was responsible for the head coach's conduct. The panel concludes that Bylaws 19.9.3-(g) and 19.9.3-(h) apply in this case and gives these factors normal weight.

Georgia Tech also argued that Bylaw 19.9.3-(m) should not apply because the head coach acted as a rogue employee in committing her violations. Georgia Tech further argued that the head

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<sup>7</sup> The panel notes that the NCAA bylaws disfavor bifurcation in order to prevent potential abuse by an institution. Specifically, an institution cannot bifurcate multiple violations and then argue that the bifurcated case should not be considered when applying Bylaw 19.9.3-(b).

coach directed coaches and staff to thwart institutional monitoring with respect to the alleged CARA and coaching activity violations and was directly responsible for the violations. Georgia Tech contended that it educated the head coach and actively monitored the program. Further, it argued that case precedent establishes that the factor should only be attributed to the involved individual and not the institution in the absence of a lack of institutional control or failure to monitor violation.

Finally, Georgia Tech submitted that it could not intentionally or willfully violate NCAA legislation while simultaneously cooperating with the enforcement staff in an exemplary manner. Georgia Tech confuses when and how Bylaws 19.9.3-(m) and 19.9.4-(f) apply. Bylaw 19.9.3-(m) relates to pre-hearing conduct. On the other hand, Bylaw 19.9.4-(f) relates to a party's exemplary cooperation. It begins after potential violations are discovered and continues throughout the investigation and hearing. The panel recognizes that Georgia Tech demonstrated exemplary cooperation during the enforcement staff's investigation and applies Bylaw 19.9.4-(f) below. However, the presence of Bylaw 19.9.4-(f) does not eliminate the application of aggravating factors, including Bylaw 19.9.3-(m).

Recognizing that individuals act on behalf of their institution, the COI applies Bylaw 19.9.3-(m) to institutions on a case-by-case basis—particularly when the conduct is directly tied to individuals performing institutional responsibilities. The COI has applied Bylaw 19.9.3-(m) to *both* the institution and an involved individual in nine cases, several of which were decided in recent years.

However, the most recent guidance on Bylaw 19.9.3-(m) comes from the NCAA Division I Infractions Appeals Committee (IAC) in Georgia Tech's 2019 case. In that case, the IAC reversed and vacated the COI's determination that Bylaw 19.9.3-(m) applied to Georgia Tech. *See Georgia Institute of Technology*, IAC Decision No. 524 (2021). In its decision, the IAC stated that for Bylaw 19.9.3-(m) to apply to an institution, there "must be a nexus or connection of action or inaction by the institution relevant to the violation." The IAC went on to say that "the institution's action or inaction will present itself in the context of an institution demonstrating a lack of control, or a failure to monitor, its intercollegiate athletics program, or where *the head coach fails to create an atmosphere of compliance or fails to monitor his/her staff.*" (emphasis added.)

In the present matter, Georgia Tech agrees that a head coach responsibility violation occurred. Thus, under its own recent appeals decision, Bylaw 19.9.3-(m) applies to the facts of this case. Georgia Tech cannot have it both ways. They cannot agree to a violation but then distance itself from that violation when it provides clear support for an aggravating factor. The panel determines that the factor applies and gives this factor normal weight.

### **Mitigating Factors for Georgia Tech**

19.9.4-(b): Prompt acknowledgement of the violation, acceptance of responsibility and imposition of meaningful corrective measures and/or penalties;

19.9.4-(c): Affirmative steps to expedite final resolution of the matter;

19.9.4-(d): An established history of self-reporting Level III or secondary violations; and

19.9.4-(f): Exemplary cooperation.

Georgia Tech agreed with each of the mitigating factors identified above. The panel applies each of these mitigating factors and gives them each normal weight.

### **Aggravating Factors for the Head Coach<sup>8</sup>**

19.9.3-(g): Multiple Level II violations;

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

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

The head coach disputed all of the above aggravating factors, because she denied that the violations occurred. However, the panel determines that each is supported by the underlying facts, violations and past cases. Thus, the panel determines all three factors apply and are afforded normal weight.

The panel's analysis for Bylaw 19.9.3-(g) is uncomplicated. It applies when more than one Level II violation is present. In this case the panel concludes that the CARA and coaching violations are Level II and the head coach responsibility violation is Level II. There is more than one Level II violation. Therefore, the factor applies. The COI consistently applies Bylaw 19.9.3-(g) when involved individuals are involved in multiple Level II violations. *See Siena and UCSB.*

Similarly, the panel's analysis for Bylaw 19.9.3-(h) is also simple. It is undisputed that head coaches are persons of authority. When they personally commit violations or negligently disregard wrongful conduct, the factor applies. Here, the head coach required student-athletes to practice over their legislated limits and did not provide them with a required day off. Further, she either knew the CARA logs were inaccurate or neglected to verify them. Additionally, she permitted non-coaching staff members to participate in coaching activity. As a head coach she was both personally involved in violations and negligent in others. The COI has regularly applied Bylaw 19.9.3-(h) to head coaches when they are personally involved in or should have known about violations. *See Siena, UCSB and Oregon.* Based on the facts and violations of this case and consistent with recent past cases, the factor applies.

The panel also applies Bylaw 19.9.3-(m). The violations at issue are fundamental well-known limitations on CARA and permissible coaching activities. As a veteran head coach, compliance with these limitations should have been second nature. Instead, the head coach intentionally and willfully disregarded these bylaws. The COI routinely applies this factor to involved individuals when they knowingly engage in violations. *See DePaul, Oregon and Georgia Tech.* Similar circumstances are present here. The panel determines that Bylaw 19.9.3-(m) applies to the head coach's conduct.

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<sup>8</sup> The enforcement staff identified Bylaws 19.9.3-(a), *Multiple Level I violations*, and 19.9.3-(e), *Unethical conduct*, and the head coach disputed both of these factors. The enforcement staff did not allege, and the COI did not conclude, that there were multiple Level I violations in this case. Additionally, the panel did not conclude that any unethical conduct violations occurred. Accordingly, the panel does not apply Bylaws 19.9.3-(a) and 19.9.3-(e).

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

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

The head coach agreed with the one mitigating factor identified above. The panel applies Bylaw 19.9.4-(h).

The head coach argued that the panel should also apply Bylaw 19.9.4-(a), *Prompt self-detection and self-disclosure of the violation(s)*. Specifically, the head coach asserted that upon learning of any potential violations, she promptly commenced an investigation and disclosed the potential violation to administration. The facts do not support this factor because the head coach did not self-detect or self-disclose any violation and the violations continued for at least two or more years. The panel declines to apply Bylaw 19.9.4-(a).

The head coach also argued that the panel should apply Bylaw 19.9.4-(g), *The violations were unintentional, limited in scope and represent a deviation from otherwise compliant practices by the involved individual*. The head coach asserted that if the violations occurred, they were unintentional and represented a significant deviation from an otherwise compliant 16 years as a head coach. The panel disagrees because the head coach committed violations over multiple years and the violations involved breaches of fundamental NCAA legislation. For Bylaw 19.9.4-(g) to apply, the head coach must show all three prongs of the factor. In previous cases, the COI has declined to apply this factor when the violations occurred over multiple months or years. *See Siena* (determining that the factor did not apply when the violations spanned three years); *UCSB* (determining that the factor did not apply when violations spanned two years); and *Monmouth* (determining that the factor did not apply when the violations occurred during an entire semester). The panel declines to apply Bylaw 19.9.4-(g).

This case involved three aggravating and one mitigating factor associated with the head coach's violations. Although the ratio of these factors may suggest the case supports a Level II-Aggravated classification for the head coach, which the panel strongly considered, based on the totality of circumstances, including the fact that the most severe allegations were not demonstrated, the panel classifies the head coach's violations as Level II-Standard. The panel's analysis is case and fact specific. The presence of similar numerical or substantive aggravating and mitigating factors based on different facts and circumstances may not result in a similar classification. Consistent with Bylaw 19.9.2, the COI will continue to assess aggravating and mitigating factors and case classification on case-specific facts and circumstances.

### **Aggravating Factors for the Assistant Coach**

19.9.3-(d): Obstructing an investigation or attempting to conceal the violation;

19.9.3-(e): Unethical conduct; and

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

The assistant coach did not participate in the hearing process and did not dispute the aggravating factors identified above. The panel applies each of these aggravating factors.

### **Mitigating Factors for the Assistant Coach**

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

The assistant coach did not participate in the hearing process and did not dispute the mitigating factor identified above. The panel applies the mitigating factor.

### **Core Penalties for Level II-Standard Violations (Bylaw 19.9.5)<sup>9</sup>**

1. Probation: Three years of probation to run consecutive to the probation in Case No. 00830. This will extend the probation period through September 25, 2026.
2. Financial Penalty: Georgia Tech shall pay a fine of \$5,000 plus one percent of the budget for the women's basketball program.<sup>10</sup>
3. Show-Cause Order: The head coach was personally involved in the CARA and coaching violations for more than a two-year period and failed to promote an atmosphere of compliance in her program and monitor her staff during that time. Therefore, the head coach shall be subject to a one-year show-cause order from September 21, 2021, through September 20, 2022. Pursuant to COI IOP 5-15-3-1, if the head coach seeks employment or affiliation with an athletically related position at an NCAA member institution during the one-year show cause period, any employing institution shall be required to contact the Office of the Committee on Infractions (OCOI) to make arrangements to show cause why restrictions on all athletically related activity should not apply.

**Head Coach Restriction:** The head coach violated Bylaw 11 head coach responsibility legislation when she failed to promote an atmosphere of compliance in the women's basketball program. Bylaw 19.9.5.5 and the Figure 19-1 penalty guidelines contemplate head coach suspensions to address head coach responsibility violations. Therefore, should the head coach become employed in an athletically related position at an NCAA member institution following the one-year show-cause period, the head coach shall be suspended from 15 percent of contests in the first season following the show-cause order. The provisions of this suspension require that the head coach not be present in the facility where the contests are played and have no contact or communication with women's basketball coaching staff members or student-athletes during the two contest-suspension period. The prohibition includes all coaching activities for the period of time that begins at 12:01 a.m.

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<sup>9</sup> 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.

<sup>10</sup> The fine from the program budget must be calculated in accordance with COI IOPs 5-15-5-4 and 5-15-4-1.

on the day of the contest and ends at 11:59 p.m. that day. 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.

Although each case is unique, the show-cause order and head coach restriction are consistent with those prescribed in previously cases involving Level II-Standard violations. *See UCSB* (prescribing a one-year show-cause order and a 30 percent suspension of season's contests for a head track coach's personal involvement in CARA violations over a two-and-a-half year period), *Monmouth University* (prescribing a one-year show-cause order and a 30 percent suspension for the Level II-Standard violations of the head tennis coach who arranged for impermissible recruiting inducements in the form of housing, impermissibly permitted a prospect to practice prior to enrollment and violated head coach responsibility legislation) and *Rutgers, the State University of New Jersey, New Brunswick* (2017) (prescribing a one-year show-cause order and a three-game self-imposed suspension for Level II-Standard violations of the head football coach who failed to monitor the football ambassador program, failed to comply with institutional policy when he contacted the instructor to arrange an impermissible academic benefit for a student-athlete and violated head coach responsibility legislation).

Although some head coach restrictions have run concurrently with the prescribed show-cause order, the panel specifically prescribes that the penalties run consecutive in this case. The panel is concerned with the student-athletes' statements related to the tense and toxic culture between the women's basketball program and the Georgia Tech compliance office that was exacerbated by the head coach's insistence that her student-athletes should not trust or speak to compliance. Additionally, the panel notes that the violations went unreported, in part, due to student-athletes' fear of retaliation from the head coach. In light of the overarching unhealthy culture established by the head coach, a consecutive suspension is appropriate.

#### **Core Penalties for Level I-Aggravated Violation (Bylaw 19.9.7)**

4. Show Cause Order: The assistant coach violated the NCAA principles of ethical conduct and failed to cooperate when he refused interview requests from the enforcement staff and refused the enforcement staff's request to provide bank records. Therefore, the assistant coach shall be subject to a five-year show-cause order from September 21, 2021, through September 20, 2026. Pursuant to COI IOP 5-15-3-1, if the assistant coach seeks employment or affiliation with an athletically related position at an NCAA member institution during the five-year show cause period, any employing institution shall be required to contact the OCOI to make arrangements to show cause why restrictions on all athletically related activity should not apply.

Although each case is unique, the penalty is consistent with the five-year show-cause order prescribed for the department chair in *University of North Carolina* (2017) who refused to cooperate with the institution and the enforcement staff's investigation resulting in a Level I-Aggravated classification. Similarly, the panel also prescribed a five-year show-cause order associated with Level I-Standard unethical conduct and failure to cooperate violations when an assistant operations director refused to interview with the enforcement staff. See *Baylor University* (2021). Based on the unethical conduct and failure to cooperate violations, a five-year show-cause order is appropriate.

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

5. Public reprimand and censure through the release of the public infractions decision.
6. Georgia Tech shall conduct a review of its athletics compliance program. This review must include, but is not limited to, an external audit of the athletics compliance program. Specifically, Georgia Tech shall conduct an external audit of its athletics compliance program immediately following the release of this decision to identify any and all issues related to the effectiveness of the institution's compliance program under bylaw requirements and current standards. The results of that audit must be included in the next annual compliance report filed following the completion of the audit. Georgia Tech shall also be required to conduct a second external audit of its athletics compliance program during the second year of its consecutive probationary period (i.e. the 2024-25 academic year). The second audit must include a review of the recommendations and changes implemented in response to those recommendations from the first audit.
7. During the period of probation, Georgia Tech shall:
  - a. Continue to develop and implement a comprehensive educational program on NCAA legislation to instruct coaches, the faculty athletics representative, all athletics department personnel and all institutional staff members with responsibility for recruiting and certification legislation.
  - b. Submit a preliminary report to the OCOI by November 15, 2021, 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 August 15 during each year of probation. Particular emphasis shall be placed on the institution's overall compliance program including education and monitoring efforts with specific attention to the basketball programs.
  - d. Inform prospects in the women's basketball program in writing that Georgia Tech is on probation for three additional 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 program and a direct, conspicuous link to the public infractions decision located on the athletic department's main webpage "landing page" and in the media guides for the women's basketball 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.
  8. Following the receipt of the final compliance report and prior to the conclusion of probation, Georgia Tech's president shall provide a letter to the COI affirming that Georgia Tech's current athletics policies and practices conform to all requirements of NCAA regulations.
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The COI advises Georgia Tech, the head coach, the assistant coach to take every precaution to ensure that they observe the terms of the penalties. The COI will monitor Georgia Tech while it is on probation to ensure compliance with the penalties and terms of probation and may extend the probationary period, among other action, if Georgia Tech does not comply or commits additional violations. Likewise, any action by Georgia Tech or the involved coaches contrary to the terms of any of the penalties or any additional violations shall be considered grounds for prescribing more severe penalties and/or may result in additional allegations and violations.

#### NCAA COMMITTEE OF INFRACTIONS PANEL

Greg Christopher  
Steve Madva  
Joel Maturi, Chief Hearing Officer  
Kay Norton  
David M. Roberts  
Tom Sullivan

**APPENDIX ONE**  
**Bylaw Citations**

**Division I 2016-17 Manual**

**11.1.1.1 Responsibility of Head Coach.** An institution's head coach is presumed to be responsible for the actions of all institutional staff members who report, directly or indirectly, to the head coach. An institution's head coach shall promote an atmosphere of compliance within his or her program and shall monitor the activities of all institutional staff members involved with the program who report, directly or indirectly, to the coach.

**17.1.7.1 Daily and Weekly Hour Limitations—Playing Season.** A student-athlete's participation in countable athletically related activities (see Bylaw 17.02.1) shall be limited to a maximum of four hours per day and 20 hours per week.

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

**17.1.7.4 Required Day Off—Playing Season.** During the playing season, all countable athletically related activities (per Bylaw 17.02.1) shall be prohibited during one calendar day per week, except during participation in one conference and postseason championship and any postseason bowl games or National Invitation Tournaments, and during participation in NCAA championships.

**Division I 2017-18 Manual**

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

- (a) Refusal to furnish information relevant to an investigation of a possible violation of an NCAA regulation when requested to do so by the NCAA or the individual's institution.

**11.1.1.1 Responsibility of Head Coach.** An institution's head coach is presumed to be responsible for the actions of all institutional staff members who report, directly or indirectly, to the head coach. An institution's head coach shall promote an atmosphere of compliance within his or her program and shall monitor the activities of all institutional staff members involved with the program who report, directly or indirectly, to the coach.

**11.7.1.1 Countable Coach.** An institutional staff member or any other individual outside the institution (e.g., consultant, professional instructor) with whom the institution has made arrangements must count against coaching limits in the applicable sport as soon as the individual participates (in any manner) in any of the following:

- (a) Provides technical or tactical instruction related to the sport to a student-athlete at any time;
- (b) Makes or assists in making tactical decisions related to the sport during on-court or on-field practice or competition; or
- (c) Engages in any off-campus recruiting activities.

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

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

Sport	Limit
Basketball, Women's.....	4

**17.1.7.1 Daily and Weekly Hour Limitations—Playing Season.** A student-athlete's participation in countable athletically related activities (see Bylaw 17.02.1) shall be limited to a maximum of four hours per day and 20 hours per week.

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

**17.1.7.6 Required Day Off—Playing Season.** [A] During the playing season, all required athletically related activities (per Bylaw 17.02.14) shall be prohibited during one calendar day per week, except during participation in one conference and postseason championship and any postseason bowl games or National Invitation Tournaments, and during participation in NCAA championships. Health and medical activities (e.g., medical evaluations or treatment for prevention and/or rehabilitation of injuries) or activities that are academically related (e.g., meetings with academic advisor, tutoring sessions) are permitted on the day off.

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

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

## **Division I 2018-19 Manual**

### **10.1 Unethical Conduct.**

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

- (a) Refusal to furnish information relevant to an investigation of a possible violation of an NCAA regulation when requested to do so by the NCAA or the individual's institution.

**11.1.1 Responsibility of Head Coach.** An institution's head coach is presumed to be responsible for the actions of all institutional staff members who report, directly or indirectly, to the head coach. An institution's head coach shall promote an atmosphere of compliance within his or her program and shall monitor the activities of all institutional staff members involved with the program who report, directly or indirectly, to the coach.

**11.7.1.1 Countable Coach.** An institutional staff member or any other individual outside the institution (e.g., consultant, professional instructor) with whom the institution has made arrangements must count against coaching limits in the applicable sport as soon as the individual participates (in any manner) in any of the following:

- (a) Provides technical or tactical instruction related to the sport to a student-athlete at any time;
- (b) Makes or assists in making tactical decisions related to the sport during on-court or on-field practice or competition; or
- (c) Engages in any off-campus recruiting activities.

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

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

Sport	Limit
Basketball, Women's.....	4

**17.1.7.1 Daily and Weekly Hour Limitations—Playing Season.** A student-athlete's participation in countable athletically related activities (see Bylaw 17.02.1) shall be limited to a maximum of four hours per day and 20 hours per week.

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

**17.1.7.6 Required Day Off—Playing Season.** [A] During the playing season, all required athletically related activities (per Bylaw 17.02.14) shall be prohibited during one calendar day per week, except during participation in one conference and postseason championship and any postseason bowl games or National Invitation Tournaments, and during participation in NCAA championships. Health and medical activities (e.g., medical evaluations or treatment for prevention and/or rehabilitation of injuries) or activities that are academically related (e.g., meetings with academic advisor, tutoring sessions) are permitted on the day off.

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

in a timely manner and assist in developing full information to determine whether a possible violation has occurred and the details thereof.

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

### **Division I 2019-20 Manual**

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

- (a) Refusal to furnish information relevant to an investigation of a possible violation of an NCAA regulation when requested to do so by the NCAA or the individual's institution.

**19.2.3 Responsibility to Cooperate.** Institutions, current and former institutional staff members, and prospective and enrolled student-athletes of member institutions have an affirmative obligation to cooperate fully with and assist the NCAA enforcement staff, the Complex Case Unit, the Committee on Infractions, the Independent Resolution Panel and the Infractions Appeals Committee to further the objectives of the Association and its infractions program, including the independent accountability resolution process. Full cooperation includes, but is not limited to:

- (a) Affirmatively reporting instances of noncompliance to the Association in a timely manner and assisting in developing full information to determine whether a possible violation has occurred and the details thereof;
- (b) Timely participation in interviews and providing complete and truthful responses;
- (c) Making a full and complete disclosure of relevant information, including timely production of materials or information requested, and in the format requested;
- (d) Disclosing and providing access to all electronic devices used in any way for business purposes;
- (e) Providing access to all social media, messaging and other applications that are or may be relevant to the investigation;
- (f) Preserving the integrity of an investigation and abiding by all applicable confidentiality rules and instructions; and
- (g) Instructing legal counsel and/or other representatives to also cooperate fully.

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