



## **News Release**

EMBARGOED UNTIL 3 p.m. Eastern Time  
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### DIVISION I COMMITTEE ON INFRACTIONS ISSUES DECISION ON UNIVERSITY OF CALIFORNIA, BERKELEY

INDIANAPOLIS---The NCAA Division I Committee on Infractions has penalized the University of California, Berkeley for violations in its men's basketball program.

This case was narrow in scope and centered on 365 impermissible recruiting phone calls, which were detected and reported by the university. Penalties include two years probation and recruiting restrictions for phone calls, official visits and off-campus contacts.

The violations in this case began shortly after the new men's basketball staff was hired. The committee noted that the university's compliance office acted quickly in educating the newly-hired head men's basketball coach on NCAA rules and had processes in place to monitor recruiting telephone calls. It was during this monitoring activity that the violations were detected.

Specifically, one assistant coach made more than 200 impermissible calls to prospects, while another assistant coach made more than 100 such calls. A third assistant coach and the head coach also made impermissible phone calls, but they were minimal in number.

In determining the penalties, the committee considered the university's self-imposed penalties, corrective actions, and cooperation. The penalties, some of which were self-imposed by the university and adopted by the committee, include:

- Public reprimand and censure.
- Two years of probation from February 25, 2011, through February 24, 2013.

- The assistant coach who made 212 impermissible calls was not allowed to participate in off-campus recruiting (contacts and evaluations) from November 7, 2008, through January 6, 2009. Further, he was not allowed to make any off-campus recruiting contacts, but was allowed to participate in evaluations from January 7, 2009, through September 1, 2009. This assistant coach was also not allowed to place or receive any recruiting phone calls for one year from November 7, 2008, to November 6, 2009 (self-imposed by the university).
- The assistant coach who made 107 impermissible calls was not allowed to make telephone contact with prospects for two weeks, from November 1 to November 15, 2009 (self-imposed by the university). In addition, this assistant coach is not allowed to make telephone contact with prospect for 90 days, from March 12 to June 11, 2011.
- An assistant coach was not allowed to make telephone contact with prospects for two weeks from November 15 to November 29, 2009 (self-imposed by the university).
- The head coach was not allowed to make telephone contact with prospects for one week from October 11 to October 19, 2009 (self-imposed by the university).
- Limit of five men's basketball official paid visits for the 2011-12 and 2012-13 academic years.
- The head coach and two assistant coaches must attend the NCAA Regional Rules Seminar.

The members of the Division I Committee on Infractions who reviewed this case include Dennis Thomas, the commissioner of the Mid-Eastern Athletic Conference and chair of the Committee on Infractions. Other members are Roscoe C. Howard, Jr., attorney; John Black, attorney; Greg Sankey, associate commissioner of compliance for the Southeastern Conference; Josephine (Jo) R. Potuto, the Richard H. Larson Professor of Constitutional Law at the University of Nebraska College of Law; and Eleanor Myers, faculty athletics representative and law professor at Temple University.



**UNIVERSITY OF CALIFORNIA, BERKELEY**  
**PUBLIC INFRACTIONS REPORT**  
February 25, 2011

**A. INTRODUCTION.**

On Friday, December 10, 2010, officials from the University of California, Berkeley and the Pacific 10 Conference (Pac-10) appeared before the NCAA Division I Committee on Infractions to address allegations of NCAA legislation. Also in attendance were two men's basketball assistant coaches ("assistant coaches A and B," respectively) as well as the current head men's basketball coach ("head coach").

This case was narrow in scope and centered on violations of NCAA rules governing recruiting telephone calls committed by members of the institution's men's basketball coaching staff. The impermissible calls, which occurred during a period spanning from early April to late October 2008 were self-detected and self-reported by the institution. The violations began shortly after the hiring of newly hired men's basketball staff in the spring of 2008.

A member of the Pac-10 Conference, the institution has an enrollment of approximately 38,843 students. The institution sponsors 12 men's and 15 women's intercollegiate sports. This was the institution's seventh major infractions case. The institution last appeared before the committee in 2002 for a case involving the football program. The institution had previous infractions cases in 1997 (men's basketball); 1988 (football); 1972 (football); 1971 (men's track); and 1957 (football).

**B. FINDINGS OF VIOLATIONS OF NCAA LEGISLATION.**

**1. RECRUITING VIOLATIONS – IMPERMISSIBLE TELEPHONE CALLS.**  
[NCAA Bylaws 13.1.1.3, 13.1.3.1.2, 13.1.3.1.6 and 13.1.3.4.1]

From April 8 through October 24, 2008, members of the men's basketball coaching staff made approximately 365 impermissible telephone recruiting calls to prospective student-athletes, their relatives or a legal guardian. The men's basketball coaching staff made approximately 184 calls in violation of the NCAA one-call-per-month rule, 129 calls in violation of the NCAA two-calls-per-week rule and 46 calls in violation of the NCAA one-call-per-week rule. The men's basketball coaching staff also made three impermissible calls prior to June 15 of a prospective student-athlete's sophomore year in high school and two telephone

calls to a four-year college prospective student-athlete prior to obtaining written permission from the director of athletics of the prospective student-athlete's institution. In addition, a member of the men's basketball staff made one impermissible telephone call to a junior college prospective student-athlete. Specifically:

- a. From May 19 through October 24, 2008, assistant coach A made 111 telephone calls in violation of the NCAA one-call-per-month rule, 57 telephone calls in violation of the NCAA two-calls-per-week rule and 42 telephone calls in violation of the NCAA one-call-per-week rule. Furthermore, assistant coach A made two telephone calls to a four-year college prospective student-athlete prior to obtaining written permission from his institution.
- b. From April 8 through September 28, 2008, assistant coach B made 56 telephone calls in violation of the NCAA one-call-per-month rule, 50 calls in violation of the NCAA two-calls-per-week rule and one impermissible call prior to June 15 of the prospective student-athlete's sophomore year in high school.
- c. From May 22 through October 20, 2008, another assistant men's basketball coach made 14 telephone calls in violation of the NCAA one-call-per-month rule, six calls in violation of the NCAA two-calls-per-week rule and two impermissible calls prior to June 15 of the prospective student-athlete's sophomore year in high school.
- d. From June 9 through October 10, 2008, the head coach made three telephone calls in violation of the NCAA one-call-per-month rule, 16 telephone calls in violation of the NCAA two-calls-per-week rule and four telephone calls in violation of the NCAA one-call-per-week rule.

#### **Committee Rationale**

The institution, assistant coaches A and B as well as the enforcement staff were in substantial agreement as to the facts of this finding and that violations of NCAA legislation occurred when members of the men's basketball staff made approximately 365 impermissible telephone recruiting calls to prospective student-athletes, their relatives or a legal guardian. The assistant coach involved in Finding B-1-c and the head coach who was involved in Finding B-1-d were not "at risk" in this case as the number of impermissible calls they placed were relatively few, and the majority of the impermissible calls attributed to them were "documentation" violations for calls that were

continuations of dropped calls or were messages left, but for which no written record was made. The committee finds the violations occurred.

As established in the introduction of this report, the telephone call violations began shortly after the hiring of new men's basketball staff in April 2008. The newly hired head men's basketball coach was highly experienced and had been a head coach at the collegiate level for 26-years. The collegiate basketball programs he led had never been charged with a major NCAA rules violations. One of the head coach's first hires was assistant coach A, who joined the staff in mid-April 2008. Assistant coach A had also previously served as a collegiate head coach and had extensive experience as a Division I assistant coach.

The committee noted that the institution's compliance office acted quickly in educating the newly-hired head men's basketball coach, conducting a one-hour rules session with him on April 9, 2008. Following the session, the head coach passed the 2007-08 NCAA Coaches Certification Exam. Soon thereafter, on May 6, once the assistant coaches were in place, the compliance staff conducted one of its monthly assistant coaches meetings, which included a rules-education component. The compliance staff then followed up on May 27 with a meeting of the entire men's basketball staff at which athletics compliance procedures, including the procedures for logging recruiting telephone calls and recruiting telephone call limitations were reviewed.

The committee also noted that the institution's compliance office had measures in place for monitoring recruiting telephone calls. During compliance reviews of phone calls in both May and June 2008, it was noticed that the men's basketball staff was not logging their calls into the student-athlete database as called for by the athletics compliance office. The compliance director communicated with some members of the basketball staff, including the staff member assigned responsibility for inputting the coaches' recruiting telephone logs into the database, about having calls logged and inputted. The men's basketball staff began the process of logging calls (both past and current) on July 11. On September 11, 2008, once the calls were logged, the compliance director identified potential recruiting telephone call violations while performing a systematic monitoring review of telephone call logs submitted by the basketball staff.<sup>1</sup> This triggered the institution to undertake a more thorough review of the telephone records. To assist

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<sup>1</sup> For each intercollegiate sport at the institution, the sport program staff (e.g., coaches, operations) is responsible for entering recruiting telephone calls into the department's student-athlete database. Information that is entered into the database includes: identity of the person called, date, time, length of call, number called, coach who called, source of call (cellular, office, etc.) and notes about the call if appropriate (i.e., left message). On a pre-determined monthly schedule, the department's compliance director reviews the data online for each particular sport to ensure that NCAA telephone call legislation has been followed. If a discrepancy is apparent, the compliance director will ask the coach for clarification and/or cross-check the online log with telephone records as appropriate.

with this effort, the institution engaged the services of an outside law firm with expertise in NCAA infractions matters.

Over the next several months, the institution reviewed 27,000 recruiting phone calls which ultimately revealed over 300 impermissible calls made by members of the men's basketball staff. This information was reported to the NCAA enforcement staff in April 2009. The NCAA enforcement staff and the Pac-10 conducted joint interviews on June 8-9, 2009. Consistent with conference procedures, on August 24, 2009, the institution appeared before the Pac-10 Conference's Compliance and Enforcement Committee to address the violations reported by the institution. Notably, although the Pac-10 committee found that the telephone violations occurred, it did not conclude that the institution failed to monitor or lacked institutional control relative to these violations. The Pac-10 Council approved the Compliance and Enforcement Committee's findings on October 8, 2009, and the Pac-10 CEOs (presidents and chancellors) approved it on October 21, 2009. As a result of the infractions found, the conference imposed recruiting restrictions, including telephone call limitations, on members of the men's basketball staff.

With specific reference to Finding B-1-a, assistant coach A reported that he did not place many recruiting telephone calls directly to prospects in his previous coaching position and that the last time he routinely placed and tracked recruiting calls to prospects was prior to 2002 when he was an assistant coach at another institution. At that time, the rules governing recruiting phone calls were different. He went on to explain that when he last served as an assistant coach prior to 2002, he engaged in what then was a common practice among coaches which involved placing a call to the prospect's number and hanging up immediately upon the first ring as a "signal" to the prospect that he was "thinking" of him and that if the prospect chose, he could call the coach back to talk. Once a countable phone call is made (sometimes described as "the trigger call"), then any subsequent phone call within the countable time period, including the practice of engaging in "signal calls," as described above, is a violation. Assistant coach A also misunderstood the rule about contacting prospects in their junior year believing they could be called once per week rather than the permissible once per month. Both of these factors contributed to misapplications and erroneous assumptions relative to current NCAA recruiting legislation in the area of telephone contact with prospective student-athletes.

Assistant coach A's violations are categorized in the following areas of impermissible telephone contacts:

1. 48 calls in violation of the one-call-per-month rule due to his erroneous belief that he could call pre-senior year prospective student-athletes once per week and that an additional placed call signaling his availability would not count as a recruiting

call if no connection was made. These 48 calls were made to 10 prospective student-athletes. There were an additional 63 telephone calls in this category that were determined to be "documentation" violations whereby assistant coach A did not contemporaneously document the fact that he had either left a message for the prospect, placed a call to the father of a prospective student-athlete who is also the coach of other prospective student-athletes and/or continued a dropped call by redialing the number after being disconnected.

2. 57 telephone calls in violation of the NCAA two-calls-per-week rule (for senior year prospects) that appeared to be "documentation" violations whereby assistant coach A did not contemporaneously document the fact that he had either left a message for the prospect, placed a call to the father of a prospective student-athlete who is also the coach of other prospective student-athletes and/or continued a dropped call by redialing the number after being disconnected.
3. Placed one telephone call clearly in violation of the NCAA one-call-per-week rule (for two-year and four-year prospects) when he placed a two-minute telephone call to two-year college prospect on October 18, 2008. At the time of the call, the prospect previously had made a verbal commitment to attend the institution. Assistant coach A already had placed the permissible one-call-per-week to the prospect on October 17, 2008. Assistant coach A explained he thought that, because the prospect would be enrolling in the fall of 2009, he was permitted two calls per week, similar to high school seniors. The second call to the prospect on October 18, 2008, was a violation of NCAA Bylaw 13.1.3.1.2. The remaining 41 telephone calls attributed to assistant coach A in this category of violations are calls that appear to be "documentation" violations whereby assistant coach A did not contemporaneously document the fact that he had either left a message for the prospect, placed a call to the father of a prospective student-athlete who is also the coach of other prospective student-athletes and/or continued a dropped call by redialing the number after being disconnected.
4. Placed two calls during the first week of September 2009, to a then first year men's basketball student-athlete at another four-year institution located in California. This student-athlete had just enrolled at the other institution the week before and wanted to talk to assistant coach A about his decision. Assistant coach A had met the student-athlete while serving in his previous coaching position in another state. The calls were made in response to the student-athlete's attempt to reach assistant coach A. He first returned the student-athlete's call on September 3, 2008, and left a message. He called the student-athlete again on September 4, 2008, and spoke with him for four minutes, advising him "to be patient and give (the student-athlete's current institution) a chance." Assistant coach A explained that he did not consider the placing of either of the calls to be a recruiting contact

with a four-year prospect as he was simply responding to the student-athlete's attempt to reach him and he had no intention of attempting to discuss a potential transfer with the young man. Regardless, contacting an enrolled four-year college student-athlete without permission from his institution constitutes a violation of NCAA Bylaw 13.1.1.3.

With specific reference to Finding B-1-b, assistant coach B's violations are categorized in the following areas of impermissible telephone contacts:

1. Placed two calls in violation of the one-call-per-month rule. First, assistant coach B placed a telephone call to the sister of a prospective student-athlete on June 25, 2008, after previously making a call to the same prospect on June 10, 2008. The second call was in violation of Bylaw 13.1.3.1.2. Assistant coach B did not remember placing this specific call but did recall talking to the prospect's sister on more than one occasion about the recruiting process. Second, assistant coach B placed a telephone call to another prospective student-athlete on April 9, 2008. He failed to connect with the prospect and left a message. Earlier that same day, assistant coach B had made a call to the prospect's guardian. The second call was in violation of Bylaw 13.1.3.1.2. There were an additional 54 telephone calls attributed to assistant coach B relating to violating the one-call-per-month rule are calls that appear to be "documentation" violations. In these instances, assistant coach B failed to contemporaneously document the fact that he had either left a message for the prospect, placed a call to the father of a prospective student-athlete who is also the coach of other prospective student-athletes and/or continued a dropped call by redialing the number after being disconnected.
2. Placed 50 telephone calls in violation of the NCAA two-calls-per-week rule that appear to be "documentation" violations. In these instances, assistant coach B did not contemporaneously document the fact that he had either left a message for the prospect, placed a call to the father of a prospective student-athlete who is also the coach of other prospective student-athletes and/or continued a dropped call by redialing the number after being disconnected.
3. Placed one telephone call in violation of the NCAA limitation on placing a recruiting telephone call to a prospective student-athlete prior to June 15 of the prospect's sophomore year of high school. On June 13, 2008, assistant coach B's phone records show a one-minute call to a then sophomore prospective student-athlete. Assistant coach B reported that he did not recall placing the call and is certain that he did not speak with the prospect on that date. However, the placing of the call prior to June 15 was a violation of Bylaw 13.1.3.1.2.

With specific reference to Finding B-1-c, the other assistant coach's violations are categorized in the following areas of impermissible telephone contacts:

1. Placed three calls in violation of the one-call-per-month rule. First, the assistant coach placed an impermissible telephone call to the mother of a prospective student-athlete on June 27, 2008. The assistant coach and the mother of this particular prospect had known each other for several years through the assistant coach's stepmother and, in the context of that relationship; the assistant coach reported that he was helping the prospect's mother with the recruiting process. The assistant coach did not consider the call to the mother to be for the purposes of recruitment of her son. The assistant coach previously had made a recruiting call to the prospect on June 19, 2008, so the second call was in violation of Bylaw 13.1.3.1.2. Second, the assistant coach placed a telephone call to another prospective student-athlete on May 22, 2008. After speaking to this prospect for 11 minutes, the call was dropped. The assistant coach explained that he was driving at the time of the call and frequently experiences dropped calls while driving. The assistant coach wanted to continue the conversation but waited until he arrived home to do so. The assistant coach placed a second call to the prospect from his home 68 minutes after the first call was dropped. The second call was in violation of Bylaw 13.1.3.1.2. Third, the assistant coach placed a telephone call to the mother of another prospective student-athlete on October 20, 2008. The assistant coach reported that he did not remember this specific call, but believes it may have been in conjunction with a visit to campus that the prospect's mother was making and for which she needed directions. The assistant coach previously had made a recruiting call to the prospect's mother on October 9, 2008, so the second call was in violation of Bylaw 13.1.3.1.2.

The remaining 11 telephone calls attributed to the assistant coach relating to violating the one-call-per-month rule are calls that appear to be "documentation" violations in which the assistant coach did not contemporaneously document the fact that he had either left a message for the prospect, placed a call to the father of a prospective student-athlete who is also the coach of other prospective student-athletes, and/or continued a dropped call by redialing the number after being disconnected.

2. Placed six telephone calls in violation of the NCAA two-calls-per-week rule that appear to be "documentation" violations in which the assistant coach did not contemporaneously document the fact that he had either left a message for the prospect, made a call to the father of a prospective student-athlete who is also the coach of other prospective student-athletes, and/or continued a dropped call by redialing the number after being disconnected.

3. Placed two telephone calls in violation of the NCAA limitation on placing a recruiting telephone call to a prospective student-athlete prior to June 15 of the prospect's sophomore year of high school. First, on May 29, 2008, the assistant coach received a telephone call from the father of a high school sophomore prospective student-athlete. After 21 minutes of conversation, the connection was lost. The assistant coach reported that he pressed the call-back button on his telephone, without recognizing the June 15 telephone call start date, to reconnect with the prospect's father and continued their conversation for an additional 11 minutes. This call was in violation of Bylaw 13.1.3.1.2. Second, on June 6, 2008, the assistant coach placed an eight-minute telephone call to a friend of his, who happened to be the mother of a high school sophomore prospective student-athlete. At the time of their conversation, the assistant coach had not seen this prospect play basketball and maintained that he did not consider the prospect to be a recruit for the institution. However, because the call had a recruiting component and was not solely personal in nature, the placing of the call prior to June 15 is considered a violation of Bylaw 13.1.3.1.2.

With specific reference to Finding B-1-d, the head coach's violations are categorized in the following areas of impermissible telephone contacts:

1. Placed three telephone calls in violation of the NCAA one-call-per-month rule that appear to be "documentation" violations in which the head coach did not contemporaneously document the fact that he had either left a message for the prospect, placed a call to the father of a prospective student-athlete who is also the coach of other prospective student-athletes, and/or continued a dropped call by redialing the number after being disconnected.
2. Placed 16 telephone calls in violation of the NCAA two-calls-per-week rule that appear to be "documentation" violations in which the head coach did not contemporaneously document the fact that he had either left a message for the prospect, placed a call to the father of a prospective student-athlete who is also the coach of other prospective student-athletes, and/or continued a dropped call by redialing the number after being disconnected.
3. Placed four telephone calls in violation of the NCAA one-call-per-week rule that are calls that appears to be "documentation" violations in which the head coach did not contemporaneously document the fact that he had either left a message for the prospect, placed a call to the father of a prospective student-athlete who is also the coach of other prospective student-athletes, and/or continued a dropped call by redialing the number after being disconnected.

### C. PENALTIES.

The Committee on Infractions found that this case involved numerous violations of NCAA recruiting legislation relating to impermissible telephone calls which, in the aggregate, were major in nature. In determining the appropriate penalties to impose, the committee considered the institution's self-imposed penalties and corrective actions. [Note: The institution's corrective actions are contained in Appendix Two.]

The committee also considered the institution's cooperation in the processing of this case. Cooperation during the infractions process is addressed in Bylaw 19.01.3 - **Responsibility to Cooperate**, which states in relevant part that, "All representatives of member institutions shall cooperate fully with the NCAA enforcement staff, Committee on Infractions, Infractions Appeals Committee and Board of Directors. The enforcement policies and procedures require full and complete disclosure by all institutional representatives of any relevant information requested by the NCAA enforcement staff, Committee on Infractions or Infractions Appeals Committee during the course of an inquiry." The committee determined that the cooperation exhibited by the institution met its obligation under Bylaw 19.01.3.

The committee imposes the following penalties. The institution's self-imposed penalties are noted.

1. Public reprimand and censure.
2. Two years of probation from February 25, 2011, through February 24, 2013. [Note 1: The minimum presumptive period of probation is two years. Note 2: the institution suggested a one year period of probation.]
3. Assistant coach A was precluded from engaging in any form of off-campus recruiting (contacts and evaluations) from November 7, 2008, through January 6, 2009. Further, from January 7, 2009, through September 1, 2009, he continued to be prohibited from making any off-campus recruiting contacts, but he was allowed to participate in evaluations. Finally, assistant coach A was prohibited from placing or receiving recruiting phone calls for one year from November 7, 2008, to November 6, 2009. (Institution imposed)
4. Assistant coach B was precluded from making telephone contact with prospective student-athletes for two weeks. His two-week telephone ban was from November 1 to November 15, 2009. (Institution imposed)

5. In addition to the above penalty, assistant coach B shall be precluded from making telephone contact with prospective student-athletes for a 90-day period commencing 15 days following the release of this report, March 12, 2011, and concluding on June 11, 2011. [Note 1: The 15-day delay of this penalty's start date corresponds to the period of time during which the institution must notify the NCAA of its intention to appeal this penalty. Note 2: If the institution decides not to appeal this penalty, it should notify the office of the Committees on Infractions at its earliest convenience and the start date of the penalty will be the day of this notification.]
6. An assistant coach was precluded from making telephone contact with prospective student-athletes for two weeks from November 15 to November 29, 2009. (Institution imposed)
7. The head coach was precluded from making telephone contact with prospective student-athletes for one week from October 11 to October 19, 2009. (Institution imposed)
8. Official paid visits in men's basketball will be limited to five for the 2011-12 and 2012-13 academic years. [Note: The institution averaged 5.75 official paid visits annually for the four-year period 2006-07 through 2009-10.]
9. In reference to reporting and publicizing its infractions, the institution shall:
  - a. Inform prospective student-athletes in men's basketball that the institution is on probation for two years and the violations committed. If a prospective student-athlete takes an official paid visit, then information regarding violations, penalties, and terms of probation must be included with information provided in advance of the visit (five-visit rule, 48-hour rule, etc.). Otherwise, the information must be provided before a prospective student-athlete signs a national letter of intent.
  - b. During the probationary period, publicize the above information annually in the men's basketball media guides (or Web posting), as well as in a general institution alumni publication to be chosen by the institution with the assent of the office of the Committees on Infractions. A copy of the media guides, alumni publication, and information included in recruiting material shall be included in the compliance reports to be submitted annually to the office of the Committee on Infractions.
10. The head coach, along with assistant coaches A and B shall attend an NCAA regional rules seminar in 2011. Include in the first annual compliance report a list

of those sessions attended by each coach, together with their certifications of attendance.

11. During this period of probation, the institution shall:
  - a. Continue to develop and implement a comprehensive educational program on NCAA legislation, including seminars and testing, to instruct the coaches, the faculty athletics representative, all athletics department personnel and all institution staff members with responsibility for the certification of student-athletes for admission, retention, financial aid or competition;
  - b. Submit a preliminary report to the office of the Committees on Infractions by April 15, 2011, setting forth a schedule for establishing this compliance and educational program; and
  - c. File with the office of the Committees on Infractions annual compliance reports indicating the progress made with this program by December 15 of each year during the probationary period. Particular emphasis should be placed on rules education and monitoring pertaining to electronic communications between coaches and prospective student-athletes. The reports must also include documentation of the institution's compliance with the penalties adopted and imposed by the committee.
12. The above-listed penalties are independent of and supplemental to any action that has been or may be taken by the Committee on Academic Performance through its assessment of contemporaneous, historical, or other penalties.
13. At the conclusion of the probationary period, the institution's president shall provide a letter to the committee affirming that the institution's current athletics policies and practices conform to all requirements of NCAA regulations.

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As required by NCAA legislation for any institution involved in a major infractions case, the University of California, Berkeley, shall be subject to the provisions of NCAA Bylaw 19.5.2.3, concerning repeat violators, for a five-year period beginning on the effective date of the penalties in this case, February 25, 2011.

Should the University of California, Berkeley or any involved individual appeal either the findings of violations or penalties in this case to the NCAA Infractions Appeals

Committee, the Committee on Infractions will submit a response to the appeals committee.

The Committee on Infractions advises the institution that it should take every precaution to ensure that the terms of the penalties are observed. The committee will monitor the penalties during their effective periods. Any action by the institution contrary to the terms of any of the penalties or any additional violations shall be considered grounds for extending the institution's probationary period or imposing more severe sanctions or may result in additional allegations and findings of violations.

Should any portion of any of the penalties in this case be set aside for any reason other than by appropriate action of the Association, the penalties shall be reconsidered by the Committee on Infractions. Should any actions by NCAA legislative bodies directly or indirectly modify any provision of these penalties or the effect of the penalties, the committee reserves the right to review and reconsider the penalties.

#### NCAA COMMITTEE ON INFRACTIONS

Britton Banowsky  
John S. Black  
Roscoe C. Howard Jr.  
Eleanor W. Myers  
Josephine Potuto  
Gregory Sankey  
Dennis E. Thomas, chair

## APPENDIX ONE

### CASE CHRONOLOGY.

#### 2008

September 11 – The director of compliance, discovered telephone violations within the men's basketball program during a review of the coaches' calls logged into the institution's student-athlete database.

November 7 – The institution contacted the associate commissioner of the Pac-10 Conference, about its investigation of the men's basketball program.

#### 2009

January 5 and 6 – The institution and the Pac-10 conducted interviews of the men's basketball staff.

January – The Pac-10 contacted an NCAA director of enforcement, about telephone violations within the men's basketball program.

March – The institution completed its investigation of the men's basketball program and presented the results to the enforcement staff during an April 2009 conference call, as well as a written report.

June 8 and 9 – The enforcement staff, the institution and the Pac-10 conducted interviews of the men's basketball staff.

June 30 – The Pac-10 submitted its notice of charges to the institution.

July 24 – The institution submitted its response to the Pac-10 notice of charges.

August 24 – The Pac-10 compliance and enforcement committee conducted a hearing with the institution; a member of the enforcement staff was present.

October 2 – The institution provided the enforcement staff with a summary of NCAA rules education for the men's basketball staff from April 9 through September 16, 2008.

November 6 – The institution submitted a request for reinstatement for a men's basketball student-athlete to the NCAA student-athlete reinstatement staff.

November 9 – The NCAA student-athlete reinstatement staff processed the student-athlete's request for reinstatement.

December 15 – The enforcement staff, the institution and the Pac-10 conducted interviews of the men's basketball staff and compliance administrators.

#### 2010

May 7, 2009, through March 8, 2010 – The enforcement staff requested and was provided all of the men's basketball staff's telephone records and charts compiled by the institution.

February 23 – The institution submitted a memorandum to the enforcement staff regarding why a failure to monitor allegation was not warranted in this case.

March 9 – The enforcement staff issued a notice of inquiry to the institution.

April 15 – The enforcement staff issued a notice of allegations to the institution and assistant coaches A and B.

July 1 – The institution submitted a request for reinstatement for a men's basketball student-athlete to student-athlete reinstatement.

July 15 – The institution, assistant coaches A and B submitted their responses to the notice of allegations.

August 19 – The enforcement staff conducted a prehearing conference with the institution and assistant coach A.

September 15 – The student-athlete reinstatement staff processed the student-athlete's request for reinstatement.

November 18 – The enforcement staff conducted a prehearing conference with assistant coach B.

December 10 – The institution, assistant coaches A and B and the current head coach appeared before the NCAA Division I Committee on Infractions.

#### 2011

February 25 – Infractions Report No. 338 is released.

## APPENDIX TWO

### CORRECTIVE ACTIONS AS IDENTIFIED IN THE INSTITUTION'S JUNE 1, 2010, RESPONSE TO THE NOTICE OF ALLEGATIONS.

1. The head men's basketball coach along with assistant coaches A and B received letters of admonishment or reprimand dated July 7, 2010, for inclusion in their permanent personnel files.
2. The institution required the men's basketball coaching staff to submit recruiting telephone logs for review by the athletics compliance office on a twice-per-month basis (vs. once per month under the standard compliance office protocol).
3. The institution subjects the men's basketball coaching staff to more frequent phone records "spot-checks" than typically conducted under institution compliance protocols.
4. The institution has conducted additional mandatory rules-education sessions for the men's basketball coaching staff for the 2009-10 and 2010-11 academic years.
5. The institution has enhanced recruiting call monitoring procedures. In March 2009, the institution gained the ability to view departmental cellular telephone records in "real time," rather than requesting monthly bills. This ability, along with increased administrative attention, has facilitated increased spot checks and reconciliations of recruiting calls. Telephone call logging procedures are discussed at each all-coach compliance meeting and have been made a point of emphasis by the director of athletics.