



COASTAL CAROLINA UNIVERSITY
PUBLIC INFRACTIONS DECISION
SEPTEMBER 1, 2015

I. INTRODUCTION

The NCAA Division I Committee on Infractions is an independent administrative body of the NCAA comprised of individuals from the NCAA Division I membership and the public. The committee is charged with deciding infractions cases involving member institutions and their staffs.¹ This case involved the Coastal Carolina University.² It also involved the institution's former head men's golf coach. The committee, through a six-member panel, reviewed this case through the cooperative summary disposition process in which all parties agreed to the primary facts, violations and violation levels, as fully set forth in the summary disposition report (SDR). Further, the institution agreed to the additional penalties proposed by the panel; therefore, there is no opportunity to appeal for the institution. The former head men's golf coach did not agree to an additional proposed penalty and challenged it at an expedited hearing. He therefore retains the opportunity to appeal that penalty.

The agreed-upon violations centered on the former head men's golf coach's recruitment of and provision of impermissible benefits to one prospective student-athlete from August 2010 to August 2011. Specifically, the former head men's golf coach provided individual golf lessons and arranged and paid for others. The lessons he provided also violated tryout legislation and exceeded the number of permissible contacts. The parties agreed that a Level II violation occurred. Because of these violations, the former head men's golf coach also agreed that he failed to deport himself with the generally recognized high standards of honesty and sportsmanship associated with the conduct and administration of intercollegiate athletics. This conduct violated NCAA Bylaw 10. The parties agreed that a Level II violation occurred.

The panel accepted the parties' factual agreements and that violations occurred in this case. After considering the aggravating and mitigating factors, the panel classifies this

¹ Infractions cases are decided by hearing panels comprised of NCAA Division I Committee on Infractions members. Decisions issued by hearing panels are made on behalf of the Committee on Infractions.

² A member of the Big South Conference, the institution's total enrollment is approximately 10,000. The institution sponsors eight men's sports and nine women's sports. This is the institution's third major, significant or severe beach of conduct case. Previously, the institution had major infractions cases in 1994 (men's basketball) and 2008 (women's golf).

case as Level II-Mitigated for the institution and Level II-Standard for the former head men's golf coach. The panel originally proposed a two-year show-cause order under the penalty structure that preceded implementation of the penalty guidelines. The former head men's golf coach contested the show-cause penalty at an expedited hearing. After the expedited hearing, the panel reduces the show-cause order by one year. The panel adopts and prescribes the following penalties: a one-year probationary period; recruiting restrictions; vacation of certain records; a fine; a one-year show-cause order for the former head men's golf coach and other administrative reporting requirements.

II. CASE HISTORY

The former head men's golf coach, ("head coach") began recruiting the prospective student-athlete ("prospect") during the 2009-10 academic year. In the summer of 2010, the prospect moved from Pennsylvania to South Carolina to live with relatives.³ On May 4, 2011, the prospect signed a National Letter of Intent (NLI) and enrolled in the institution for the 2011-12 academic year.

In August 2013, a former assistant men's golf coach raised concerns regarding potential NCAA violations in the men's golf program to the former director of athletics. Over the next several weeks, the institution conducted an internal investigation. On August 29, 2013, the head coach resigned. On September 17, 2013, the institution submitted a detailed self-report of potential NCAA violations. On February 20, 2014, the NCAA enforcement staff provided the institution with a verbal notice of inquiry (NOI), and over the next several months engaged in a cooperative investigation. On October 27, 2014, the enforcement staff submitted alleged violations to the institution and head coach. The parties agreed to process the case through summary disposition, and on March 4, 2015, submitted the SDR to the committee.

A panel reviewed the SDR on April 17, 2015. In an April 20, 2015, letter to the enforcement staff (copying all parties) the panel requested that the enforcement staff work with the parties to answer additional information regarding other potential NCAA violations identified in an exhibit. On April 23, 2015, the NCAA enforcement staff responded on behalf of the parties indicating that there were no unresolved issues related to the case. That same day, the head coach's counsel re-submitted the head coach's personal statement previously submitted in the SDR. Due to the multiple submissions, on April 27, 2015, the panel requested that all parties confirm that they agreed with the enforcement staff's April 23, 2015, submission. On April 29, 2015, both the institution and the head coach's counsel responded. The institution confirmed that it agreed. Counsel for the head coach indicated that the head coach accepted responsibility for his conduct but did not act unethically. Because this case involved a previously agreed-upon unethical conduct violation, the panel again requested that the parties confirm that they

³ Due to high school transfer regulations, the prospect could not play golf with his high school team during his senior year (2011-12 academic year).

agreed with the unethical conduct violation. On May 1, 2015, all parties confirmed that the conduct at issue in the case violated NCAA Bylaws 10.01.1, 10.1 and 10.1-(c).

In determining penalties, the panel reviewed the institution's self-imposed penalties and corrective actions. After full consideration, the panel determined that the case warranted additional penalties. On May 11, 2015, the panel proposed additional penalties, as well as administrative reporting requirements to the institution and head coach. On May 15, 2015, the institution accepted the additional penalties proposed by the panel and the head coach contested the panel's proposed two-year show-cause order. The panel scheduled the expedited hearing for August 12, 2015.

III. PARTIES' AGREEMENTS

A. PARTIES' AGREED-UPON FACTUAL BASIS, VIOLATIONS OF NCAA LEGISLATION AND VIOLATION LEVELS

The parties jointly submitted a SDR that identifies an agreed-upon factual basis and violations of NCAA legislation. The SDR identifies:

1. [NCAA Division I Manual Bylaws 13.1.5.1, 13.2.1, 13.2.1.1-(g) and 13.11.1 (2010-11)]

The institution, NCAA enforcement staff and the head coach agreed that the head coach engaged in impermissible recruiting activity with the prospect during the prospect's senior year in high school. The benefits were valued at \$1,278.50. Specifically:

- a. From August to December 2010, the head coach provided at least five private golf lessons to the prospect at no cost. The golf lessons occurred at the Tournament Players Club (TPC), the institution's home golf course in Myrtle Beach, South Carolina. The golf lessons were valued at \$50 each, resulting in an impermissible benefit with a total value of \$250. In addition, the golf lessons provided by the head coach would be considered a physical activity where the prospect demonstrated his athletics ability and would thus be considered impermissible tryout activities. [NCAA Bylaws 13.2.1, 13.2.1.1-(g) and 13.11.1 (2010-11)]
- b. From August to December 2010, the head coach exceeded the number of permissible recruiting contacts when he provided five private golf lessons to the prospect at TPC, as outlined in subparagraph 1-a. [NCAA Bylaw 13.1.5.1 (2010-11)]

- c. In December 2010, the head coach arranged for a private golf instructor ("private golf instructor") at a private golf course in Myrtle Beach to provide 10 private lessons to the prospect from January to August 2011. In February 2011, the head coach paid \$1,000 to the private golf instructor. As a result, the private golf instructor provided the lessons at no cost to the prospect. [NCAA Bylaws 13.2.1 and 13.2.1.1-(g) (2010-11)]
- d. Between August and December 2010, the head coach allowed the prospect to use the golf performance center at TPC to engage in strength and conditioning exercises on at least two occasions at no cost. The use of the golf performance center was valued at \$14.25 per occasion, resulting in an impermissible benefit with a total value of \$28.50. [NCAA Bylaws 13.2.1 and 13.2.1.1-(g) (2010-11)]

2. [NCAA Division I Manual Bylaws 10.01.1, 10.1 and 10.1-(c) (2010-11 and 2011-12)]

The institution, NCAA enforcement staff and the head coach, agreed that the head coach failed to deport himself in accordance with the generally recognized high standards of honesty and sportsmanship associated with the conduct and administration of intercollegiate athletics for his involvement in NCAA violations as detailed in Violation No. 1.

B. PARTIES' AGREED-UPON AGGRAVATING AND MITIGATING FACTORS

Pursuant to NCAA Bylaw 19.6.2-(g), the parties agreed to the following aggravating and mitigating factors:

1. Agreed-upon aggravating and mitigating factors. [NCAA Bylaws 19.9.3 and 19.9.4]
 - a. Aggravating factors.
 - (1) Institution.
 - (a) A history of Level I, II or major violations. [NCAA Bylaw 19.9.3-(b)]

(2) The head men's golf coach.

- (a) Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct. [NCAA Bylaw 19.9.3-(h)]
- (b) One or more violations caused significant ineligibility or other substantial harm to a student-athlete or prospective student-athlete. [NCAA Bylaw 19.9.3-(i)]
- (c) Intentional, willful or blatant disregard for the NCAA constitution and bylaws. [NCAA Bylaw 19.9.3-(m)]

b. Mitigating factors

(1) Institution.

- (a) Prompt acknowledgment of the violation, acceptance of responsibility and imposition of meaningful corrective measures and penalties. [NCAA Bylaw 19.9.4-(b)]
- (b) An established history of self-reporting Level III or secondary violations. [NCAA Bylaw 19.9.4-(d)]
- (c) Implementation of a system of compliance methods designed to ensure rules compliance and satisfaction or institutional/coaches' control standards. [NCAA Bylaw 19.9.4-(e)]

(2) The head men's golf coach.

Prompt acknowledgment of the violation and acceptance of responsibility. [NCAA Bylaw 19.9.4-(b)]

The enforcement staff proposed that NCAA Bylaw 19.9.3-(h) (persons of authority participated in or negligently disregarded the violation or wrongful conduct), NCAA Bylaw 19.9.3-(i) (one of more violations caused significant ineligibly or substantial harm to a student-athlete or prospective student-athlete), and NCAA Bylaw 19.9.3-(m) (intentional, willful or blatant disregard for the NCAA constitution or bylaws) should apply as aggravating factors for the institution. The institution disagreed because aggravating and mitigating factors are party specific and attributed those factors to the head coach. The panel

partially agrees with the institution, but determines that NCAA Bylaw 19.9.3-(i) is an aggravating factor for the institution because the conduct resulted in a student-athlete being ineligible for competition and subsequently competing for the institution.

Similarly, the institution proposed, but the panel does not agree, that the institution's 31 self-reported secondary or Level III violations over the course of 10 years establishes a mitigating factor under NCAA Bylaw 19.9.4-(d).

IV. REVIEW OF CASE

The submitted SDR fully details the parties' positions in the infractions case and includes the agreed-upon primary facts, violations, violation levels and aggravating and mitigating factors. After reviewing the parties' principal factual agreements and the respective explanations surrounding those agreements, the supplemental information and the head coach's presentation at his expedited hearing, the panel accepted the parties' SDR and concluded that the facts constituted Level II violations. Level II violations include, among others, violations that provide or are intended to provide more than a minimal but less than a substantial or extensive recruiting advantage. The impermissible benefits provided by the head coach were Level II violations because they resulted in a recruiting advantage. Similarly, the head coach knew, or should have known, that his provision of, arrangement and payment for lessons, as well as access to the golf performance center violated NCAA legislation.

A. Agreed-Upon Violations

After the prospect moved from Pennsylvania to South Carolina, the head coach engaged in impermissible recruiting activity by providing or arranging impermissible benefits, some of which also constituted impermissible tryouts and exceeded the number of permissible recruiting contacts. This conduct violated NCAA Bylaw 13. Generally, NCAA Bylaw 13.2.1 prohibits arranging for or providing prospective student-athletes with benefits not generally available to prospective students. NCAA Bylaw 13.2.1.1-(g) specifically prohibits free services. Further, NCAA Bylaws 13.11.1 and 13.1.5.1 prohibit tryouts and limits the number of contacts coaches can have with prospective student-athletes, respectively. When the head coach provided the prospect with five individual lessons, as well as when he arranged and paid for the prospect to receive ten lessons from a professional instructor, the head coach provided the prospect with impermissible benefits and violated NCAA Bylaw 13.2.1. During the five individual lessons the head coach witnessed the prospect demonstrate his athletics ability.⁴ Each lesson was an impermissible tryout and violated NCAA Bylaw 13.11.1. Similarly, when the head coach provided the prospect with five individual lessons, the head coach violated NCAA Bylaw

⁴ During the lessons, the prospect worked on skills related to golf course management, chipping, swinging and putting.

13.1.5.1 because he exceeded the permissible number of in-person contacts in during the prospect's senior year.

In the SDR, the head coach also agreed that he failed to deport himself in accordance with the generally recognized high standards of honesty and sportsmanship associated with the conduct and administration of intercollegiate athletics when he provided and arranged for the lessons. The head coach's conduct violated NCAA Bylaw 10. NCAA Bylaw 10.01.1 requires employees of member institutions to act with honesty and sportsmanship at all times. Further, NCAA Bylaw 10.1 defines ethical conduct and subsection (c) specifically identifies the knowing involvement in providing a prospective student-athlete with impermissible benefits as unethical conduct. The head coach agreed that he knew he could not provide free lessons to the prospect. Further, he knew, or at the very least should have known, that arranging and paying for lessons from a private instructor also violated NCAA legislation. By providing the prospect with individual lessons and arranging and paying for others, the head coach failed to act with the honesty and sportsmanship required under NCAA Bylaw 10.01.1. Further, the head coach agreed that his conduct also violated NCAA Bylaw 10.1.

B. Contested Penalty

After accepting the facts and violations in the SDR, the panel proposed a two-year show-cause order from all recruiting activities for the head coach's agreed-upon violations. The head coach challenged the proposed show-cause order. At the expedited hearing, he provided context around his recruitment of the prospect. After considering the head coach's statements at the hearing and the violations he agreed to in the SDR, the panel reduces the show-cause order by one year. The panel determines that a show-cause order remains appropriate because the head coach's conduct involved violations of fundamental, well-known recruiting and ethical conduct NCAA legislation. The show-cause order limits the head coach from participating in all recruiting activities during the one-year period.

The panel prescribes a one-year show-cause order because the head coach admittedly committed NCAA Bylaws 10 and 13 violations. The committee has historically prescribed show-cause orders in situations where head coaches provided prospective or enrolled student-athletes with impermissible inducements or benefits. See *Northeastern University*, Infractions Decision No. 411 (2014) (prescribing a three-year show-cause order for the head track coach's arrangement for impermissible benefits, unethical conduct and head coach responsibility violations); *University of Nevada, Reno*, Infractions Decision No. 318 (2010) (prescribing a two-year show-cause order for a head golf coach's extra benefit, unethical conduct and head coach responsibility violations); and *University of South Alabama*, Infractions Decision No. 300 (2009) (prescribing a four-year show-cause order for the head tennis coach's impermissible financial aid, extra benefit and unethical conduct violations). The panel notes that unlike those previous cases, this case did not involve the head coach's noncooperation, provision of false or

misleading information or both. Like those cases, however, this case involved a head coach knowingly providing impermissible benefits – conduct that violated both benefit and ethical conduct bylaws. Therefore, consistent with those cases, the panel prescribes a show-cause order.

Based on the information reviewed by the panel and developed at the expedited hearing, the panel determines that a one-year show-cause order is appropriate, instead of the initially proposed two-year show-cause order. In reaching this result, the panel considered significant that the family proposed and ultimately decided on their own that the prospect would move to South Carolina. However, this consideration neither absolves the head coach from his responsibility for the admitted violations nor eliminates the appropriateness of the show-cause order. While the prospect's family decision resulted in his high school ineligibility, the head coach's actions resulted in his collegiate ineligibility and required reinstatement. The membership and the committee expect head coaches, as leaders of student-athletes on campuses of NCAA member institutions, to act at all times in an ethical manner that does not negatively affect student-athletes. The head coach failed to meet that expectation when he violated NCAA bylaws. Consequently, the panel prescribes a one-year show-cause order.

V. PENALTIES

For the reasons set forth in Sections III and IV of this decision, the panel accepted the parties' agreed-upon factual basis and violations and concludes that this case involved Level II violations of NCAA legislation. Because the violations in this case occurred before the effective date of the current penalty structure, the panel reviewed whether the new penalty guidelines were more lenient and concluded that they were not in this case. When reviewing a case under the new penalty guidelines, the panel assesses aggravating and mitigating factors by weight as well as number. After determining the appropriate aggravating and mitigating factors, the panel classifies this case as Level II – Mitigated for the institution and Level II-Standard for the head coach. After full consideration, the panel determines that former NCAA Bylaw 19.5.2 provides the institution and involved individual with more lenient penalties. The panel specifically notes the ranges of required core penalties available to the panel under Figure 19-1.

The institution agreed to the facts, violations, as well as, the panel's proposed penalties and corrective measures; therefore, there is no opportunity to appeal. The head coach did not agree with the panel's proposed show-cause order; therefore, he has the opportunity to appeal the prescribed show-cause order. *See also* Appendix for the institution's corrective actions.

All penalties prescribed in this case are independent and supplemental to any action that has been or may be taken by the Committee on Academics through its assessment of

postseason ineligibility, historical penalties or other penalties. After considering all information relevant to the case, the panel prescribes the following:

NCAA Bylaw 19.5.2 Penalties

1. Public reprimand and censure.
2. One year of probation from September 1, 2015, through August 31, 2016.
3. The former head men's golf coach agreed that he violated NCAA Bylaws 10 and 13 when he provided and arranged and paid for the prospect to receive impermissible benefits. Similarly, the lessons provided by the former head men's golf coach also violated tryout and contact recruiting legislation. The former head men's golf coach acknowledged that he knew providing the prospective student-athlete with golf lessons was against NCAA legislation and he knew, or should have known, that arranging and paying for other lessons violated well-established NCAA recruiting legislation. Therefore, the committee prescribes a one-year show-cause order on the former head men's golf coach. During this period, which begins on September 1, 2015, and ends on August 31, 2016, the committee prohibits the former head men's golf coach from conducting any and all recruiting activities as defined by Bylaw 13.02.13 (2015-16 Division I Manual).

Within 30 days of the release of this decision or 30 days after the hiring of the former head men's golf coach, whichever is later, any employing institution shall file a report with the Office of the Committees on Infractions setting forth its agreement with these restrictions or requesting a date to appear before a hearing panel to show cause why the restrictions should not apply.

4. Men's golf coaching staff members were prohibited from on-and off-campus recruiting for a six week period during the fall of 2013 (from September 8 through October 20 and October 20 through 26). (Institution imposed)
5. The men's golf team was required to reduce the total number of practice days by six, from 144 to 138 for the 2013-14 academic year. (Institution imposed)
6. The men's golf team was required to shorten its playing season by six days during the 2013-14 academic year. (Institution imposed)
7. Pursuant to former NCAA Bylaws 19.5.2-(h) and 31.2.2.3, the institution will vacate the individual and team records from events in which the prospect participated during the 2011-12 and 2012-13 academic years. This order of vacation includes all regular season competition, conference tournaments and NCAA postseason competition. (Institution imposed). The individual records of the ineligible student-athlete will also be vacated. However, the individual

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

Finally, to ensure that all institutional and student-athlete vacations, statistics and records are accurately reflected in official NCAA publications and archives, the sports information director (or other designee as assigned by the director of athletics) must contact the NCAA Media Coordination and Statistics office and appropriate conference officials to identify the specific student-athletes and contests impacted by the penalties. In addition, the institution must provide the NCAA Media Coordination and Statistics office with a written report, detailing those discussions. This document will be maintained in the permanent files of the NCAA Media Coordination and Statistics office. This written report must be delivered to the office no later than 45 days following the release of this decision. The sports information director (or designee) must also inform the Office of the Committees on Infractions of this submission to the NCAA Media Coordination and Statistics office.

8. The institution shall pay a \$5,000 fine to the NCAA.
9. During this period of probation, the institution shall:
 - a. Continue to develop and implement a comprehensive educational program on NCAA legislation to instruct coaches, the faculty athletics representative, all athletics department personnel and all institution staff members with responsibility for the certification of student-athletes' eligibility for admission, financial aid, practice or competition;
 - b. Submit a preliminary report to the Office of the Committees on Infractions by October 15, 2015. Setting forth a schedule for establishing this compliance and educational program;

- c. File with the Office of the Committees on Infractions an annual compliance report indicating the progress made with this program by July 1, 2016. Particular emphasis should be placed on the monitoring of all recruiting activities. The reports must also include documentation of the institution's compliance with the penalties adopted and prescribed by the committee;
 - d. Inform prospective student-athletes in men's golf in writing that the institution is on probation for one year and detail the violations committed. If a prospective student-athlete 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 prospective student-athlete signs a National Letter of Intent; and
 - e. Publicize specific and understandable information concerning the nature of the infractions by providing, at a minimum, a statement to include the types of violations and the affected sport programs and a direct, conspicuous link to the public infractions decision located on the athletic department's main webpage and maintained throughout the probationary period. The information shall also be included in institutional media guides and in an alumni publication. The institution's statement must: (1) clearly describe the infractions; (2) include the length of the probationary period associated with the major infractions case; and (3) give members of the general public a clear indication of what happened in the major infractions case to allow the public (particularly prospective student-athletes and their families) to make informed, knowledgeable decisions. A statement that refers only to the probationary period with nothing more is not sufficient. The institution may meet its responsibility in a variety of ways.
10. 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.

The committee 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, prescribing more severe penalties or may result in additional allegations and violations.

NCAA COMMITTEE ON INFRACTIONS PANEL

Bobby Cremins

Thomas Hill

Eleanor Myers

Larry Parkinson

Jill Pilgrim

Greg Sankey (Chief Hearing Officer)

APPENDIX

**CORRECTIVE ACTIONS AS IDENTIFIED IN THE INSTITUTION'S MARCH 4, 2015,
SUMMARY DISPOSITION REPORT**

1. Soon after the institution learned of the possible violations at issue in this case in early August 2013, [the former head men's golf coach] was given notice that the university would pursue the termination of his employment during a hearing on August 30, 2013. [The former head men's golf coach] resigned from his position on August 29, 2013.
2. A rules education session specific to the violations discovered in this matter was presented to the men's golf program (individually) and all university coaching staff members (collectively) during the fall semester of 2013.
3. The men's golf team has been suspended from practicing at TPC Myrtle Beach since August 23, 2013, as a result of the violations involving impermissible private instruction and prospective student evaluations at the facility.
4. The department of athletics implemented a policy wherein members of its men's and women's golf programs are prohibited from participating in golf instruction with [the former head men's golf coach]. If a golf student-athlete were to engage [the head men's golf coach] for such services, the student-athlete could be subject to a reduction of his/her athletically related aid or dismissal from the team.
5. A student-athlete at the time of the violation in Violation No. 2, was discovered and withheld from two practice sessions during October 2013.