UNIVERSITY OF TENNESSEE, KNOXVILLE
PUBLIC INFRACTIONS REPORT
NOVEMBER 16, 2012

A. INTRODUCTION.

The Committee on Infractions heard this case at an expedited hearing on October 13, 2012, following the University of Tennessee, Knoxville's (Tennessee) objection to additional penalties proposed by the committee at the written summary disposition stage.[1] The violations involved in this case overlap in time and are imbedded in the context of football violations found in a previous case, Case No. M339, that went to a full hearing before the committee on June 11, 2011. The previous case culminated in Infractions Report No. 342, which involved major violations and penalties.[2]

The enforcement staff uncovered the current violations six days after the release of Infractions Report No. 342. As with the previous case, Tennessee does not dispute that major violations occurred. The current violations involve the actions of a former assistant football coach ("former assistant coach") in June and July 2009. The former assistant coach agreed to reimburse a representative of the institution's athletics interests ("representative") for roundtrip airline tickets purchased by the representative for a prospective football student-athlete ("prospect") and his mother ("prospect's mother") to travel to Tennessee for an unofficial visit. The representative ran a high school scouting service and was an acquaintance of the prospect. While the prospect and his mother were on the unofficial visit, the former assistant coach provided them impermissible local transportation and paid approximately $100 for their hotel room. In July, the former assistant coach sent $1,500 to the representative to reimburse him for the cost of the airline tickets. The former assistant coach's intentional violations of NCAA rules constituted unethical conduct. He committed further instances of unethical conduct when he provided false or misleading information about the inducements in interviews conducted in August 2010 and August 2011.

The representative's actions assisted in the recruitment of the prospect and furthered Tennessee's athletics interests. These violations occurred during the same time frame as those addressed in Infractions Report No. 342.

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[1] Summary disposition is a cooperative endeavor by which the Committee on Infractions reviews cases submitted in written form when the NCAA enforcement staff, the institution and involved individuals substantially agree to the facts and that the facts constitute major violations. An expedited hearing per NCAA Bylaw 32.7.1.4.3, limited to the consideration of institutional penalties, was held on October 13, 2012.

[2] In addition to the 2011 major infractions case, this institution had previous major infractions cases in 1986 and 1991. Both of those cases involved the football program.

The violations and penalties addressed in Infractions Report No. 342 involved the men's basketball program but included three secondary violations in the football program. The football violations all related to recruiting and involved impermissible telephone calls and two separate instances of interns having impermissible contacts. The penalties imposed by the institution and conference consisted of reductions in recruiting calls and recruiting correspondence as well as a prohibition from the recruitment of prospects from a particular high school for approximately nine months. These penalties were adopted by the committee. Other football violations were processed as secondary infractions by the enforcement staff prior to the inception of the men's basketball case. The present, most significant violations committed by the former coaching staff are before the committee as the subject of the present case.

The committee proposed additional penalties of public reprimand and censure, two additional years of probation and restrictions on activities during unofficial visits. The institution argued that no additional penalties were warranted because, had the current violations been addressed at the previous hearing, the penalties imposed in Infractions Report No. 342 would have been the same. However, because these additional, major violations had not yet been discovered and, therefore, were not presented to the committee in the earlier case, the committee did not have a complete picture regarding the violations that were occurring in the football program. Even before the discovery of the additional major violations, the pattern of recruiting violations committed by the former football staff during its short tenure at the institution was, as stated in Infractions Report No. 342, troubling to the committee. Had these violations been known and addressed in the preceding case, the penalties might well have been greater. However, that is not the issue here. These further violations warrant additional penalties and, as stated in Infractions Report No. 342, further findings may result in an extension of an institution's probationary period. A summary of the football recruiting violations and a context for the overall compliance environment surrounding the football program during the 13-month tenure of the former staff is set forth in Section B.

After consideration of the institution's presentation at the expedited hearing, the committee concludes that the appropriate penalties for the violations set forth in this report are public reprimand and censure (which is accomplished through the release of this report), two additional years of probation, further reductions in the number of official paid visits, publication requirements and elimination of complimentary admissions provide to prospective student-athletes for the first two home conference games of the 2013 football season. The former assistant coach is being sanctioned with a three-year show-cause order.

B. SUMMARY OF FOOTBALL RECRUITING VIOLATIONS (January 2009 - January 2010).

In resolving this case, it is instructive to understand the complete context of all violations occurring from January 2009 into January 2010. A chronological description of all violations follows.

2009

- January 1-20: The coordinator of football operations made seven telephone calls to five prospects. [NCAA Bylaw 13.1.3.4];

- January 9: A football prospect on an official paid visit walked onto the field through a fog machine. [NCAA Bylaw 13.7.6.9];

- January 16: Nine football prospects on official visits participated in a mock press conference in which questions were posed by the football coaches. [NCAA Bylaw 13.7.6.9];

- February 13: An assistant football coach allowed a student assistant coach to have contact with a prospect. [NCAA Bylaws 11.5.1, 13.1.2.1, 13.1.2.1.1];

- February 13: The head football coach ("head coach") mentioned a prospect by name during a radio interview. [NCAA Bylaw 13.10.2];

- April 18: The head coach greeted a prospect in his office while a media outlet filmed the encounter;

- May 9: A message was posted to the head coach's Twitter account that a named prospect had verbally committed to attend the institution. [NCAA Bylaw 13.10.2];

- June 19-20: The violations detailed in the present case occurred. The prospect and his mother traveled to campus for an unofficial visit, using airline tickets paid for by the representative. By his actions, the representative became a representative of the institution's athletics interests as defined by Bylaw 13.02.14-(c). While on the visit, the former assistant coach provided impermissible transportation and paid for their hotel room. The former assistant coach later reimbursed the representative for the cost of the airline tickets. [NCAA Bylaws

13.01.4, 13.1.2.1, 13.1.2.4-(a), 13.1.3.5.1, 13.2.1, 13.2.1.1-(e), 13.2.1.1-(h), 13.5.1];

- September 25: An assistant football coach gave $40 to an intern for her and another intern, both of whom were members of the Orange Pride student organization, to use for gas on a 356 mile round-trip to watch a prospect who was being recruited by the institution play in a high school game. The interns had contact with the prospect after attending his game. The assistant football coach was aware of the purpose of the trip. [NCAA Bylaws 13.0.1.4, 13.02.14-(e), 13.1.2.1.1, 13.14.1];

- October 12: A football intern, who accompanied the head coach on a recruiting trip to the high school from which the intern had graduated, entered the high school and had in-person contact with school personnel. Two days prior to the visit, the head coach and intern had been told the intern was not allowed to enter the school. [NCAA Bylaws 11.5.1, 11.7.1.1.1, 13.1.2.1, 13.1.2.1.1];

2010

- January 3-9: Members of the football staff made 16 impermissible calls to five prospects after the prospects had reported to practice for the Army All-American game. The football staff had earlier received specific training regarding the impermissibility of the calls. [NCAA Bylaw 13.1.7.2].

The violations that occurred from January 2009 through May of that year were reported to the NCAA and processed as secondary infractions before the men's basketball violations, that were the subject of the June 2011 infractions hearing and Infractions Report No. 342, were uncovered. The secondary violations that occurred in September and October 2009 and January 2010 were processed as part of the June 2011 major infractions case. As mentioned previously, the June and July 2009 violations, which are major in nature and were discovered on August 30, 2011, just six days after the release of Infractions Report No. 342, are the subject of this case.

C. FINDINGS OF VIOLATIONS OF NCAA LEGISLATION.

1. IMPERMISSIBLE RECRUITING INDUCEMENTS. [NCAA Bylaws 13.01.4, 13.1.2.1, 13.1.2.4-(a), 13.1.3.5.1, 13.2.1, 13.2.1.1-(e), 13.2.1.1-(h) and 13.5.1]

In June 2009, the former assistant coach arranged with the representative for the prospect and his mother to make an unofficial visit to the institution's campus at

no cost to them. Additionally, the former assistant coach provided impermissible transportation and lodging to the prospect and his mother while they were on the visit.

Explanation of Violation

The institution, the enforcement staff and the former assistant coach were in agreement with the facts of this finding and that those facts constituted violations of NCAA legislation. The committee finds that the violations occurred.

In the spring of 2009, the former assistant coach was responsible for recruiting prospective student-athletes in the prospect's home state. The former assistant coach and the representative, who resides in the prospect's home state, became acquainted during this time frame because the institution's football program subscribed to information provided by the representative's scouting service. From May 2009 into the summer, the two of them communicated by phone frequently, and at some point the former assistant coach became aware that the representative had a relationship with the prospect and his mother. The prospect was a highly rated high school football player.

Because of the representative's relationship with the prospect, the former assistant coach began discussing the prospect's possible interest in visiting and, ultimately, attending the institution. With the understanding that the former assistant coach would reimburse him, the representative on June 19, 2009, purchased round-trip airline tickets for the prospect and his mother to travel from their home to the institution's campus for an unofficial visit. The total cost of the tickets was $1,446.80, and they were purchased with the former assistant coach's knowledge and consent. On July 5, 2009, following the prospect's visit, the former assistant coach provided the representative a Money Gram in the amount of $1,500 to reimburse the representative for the tickets.

Additionally, following the time the former assistant coach and the representative made the arrangements for the prospect and his mother to visit, the representative continued to have telephone conversations and off-campus contacts with the prospect and his mother. Because he was by then classified as a representative of the institution's athletics interests due to the recruiting assistance he was providing, the contacts and conversations were impermissible and constituted violations of NCAA recruiting legislation.

On June 20, 2009, the prospect and his mother arrived in Knoxville for their unofficial visit. The former assistant coach met them at the airport and drove them approximately 12 miles to the institution's campus, where they met with various members of the football coaching staff. Later that day, the former assistant coach transported them to a restaurant and a hotel near the institution's campus. He paid approximately $100 for their one-night stay at the hotel. The following day, the former assistant coach drove the prospect and

his mother from the hotel back to the airport. The provision of transportation and lodging on the unofficial visit constituted violations of NCAA recruiting legislation.

2. UNETHICAL CONDUCT. [NCAA Bylaws 10.1, 10.1-(c) and 10.1-(d)]

During June and July 2009 and on August 25, 2010, the former assistant coach acted contrary to the NCAA Principles of Ethical Conduct when he knowingly engaged in violations of NCAA recruiting legislation and provided false or misleading information to the institution and the enforcement staff regarding his knowledge of, and involvement in, violations of NCAA legislation.

Explanation of Violation

The institution, the enforcement staff and the former assistant coach were in agreement with the facts of this finding and that those facts constituted violations of NCAA legislation. The committee finds that the violations occurred.

As set forth in Finding B-1, the former assistant coach knowingly provided, and/or arranged for the provision of impermissible travel, transportation and lodging expenses for the prospect and his mother, in conjunction with their June 2009 unofficial visit to the institution's campus. The former assistant coach was aware that his activities were contrary to NCAA rules. His knowing provision of impermissible inducements, and his involvement in arranging for the provision of other impermissible inducements, constituted unethical conduct.

On August 25, 2010, the former assistant coach was interviewed by the institution and enforcement staff regarding his knowledge of or involvement in any possible violations of NCAA legislation at the institution. At that time, he failed to disclose his involvement in the violations concerning the June 2009 visit by the prospect and his mother. On August 31, 2011, he was interviewed a second time and questioned specifically by the enforcement staff about the events related to Finding B-1. He once again denied his knowledge of, or involvement in, the violations. However, when the former assistant coach was confronted later in the interview with documentation of the $1,500 Money Gram he sent to the representative, he finally acknowledged his involvement in the matter. His failure to be forthcoming in the August 25 interview and during the initial questioning on August 31 constituted unethical conduct.

D. PENALTIES.

This case involved the former assistant coach committing knowing major violations of NCAA recruiting legislation and knowingly furnishing false or misleading information about the violations when questioned during interviews. The committee recognizes that the former assistant coach was part of a coaching staff that is no longer at the institution but, at the time the recruiting inducements were provided, the former assistant coach was an employee of the University of Tennessee. Therefore, the institution is responsible for the violations he committed. In determining the appropriate penalties to impose, the committee considered the institution's self-imposed penalties and corrective actions. Although this case came before the committee as a summary disposition, because the institution did not agree to penalties D-1, D-2, D-3, D-5 and D-7, it has the option to appeal those sanctions. [Note: The institution's corrective actions are contained in Appendix Two.]

1. Public reprimand and censure.

2. The probation imposed by the committee in Case No. M339 shall be extended from August 24, 2013, through August 23, 2015.

3. The current football staff is restricted to hosting 47 official visits for the 2012-13 academic year. (The institution proposed a reduction to 49 official paid visits, which would have constituted a two visit reduction from the program's four-year average of 51 and a seven visit reduction from the number (56) permitted under NCAA legislation.)

4. The institution reduced by four, from 168 to 164, the number of evaluation days permitted by the current football staff during the 2012 spring evaluation period. The reduction represents a two-for-one penalty for each former coach who met with the former football PSA and his mother during his unofficial visit.

5. For unofficial visits in the sport of football, which take place during the fall of 2013, no complimentary tickets may be provided to visiting prospective student-athletes (to include parents, guardians, and others associated with the prospects) for the first two conference games of the 2013 season.

6. The former assistant coach was knowingly involved in the provision of impermissible inducements to a prospect, and he provided false or misleading information regarding the matter during two interviews. Therefore, the committee imposes a three-year show-cause upon the former assistant coach. During this period, which begins on November 16, 2012, and ends on November 15, 2015, the former assistant coach is prohibited from conducting any and all

recruiting activities as defined by Bylaw 13.02.13; from contacting prospects or their parents, relatives or legal guardians through any social medium or third party individuals; and from conducting any on- or off-campus activity designed to assess a prospect's academic qualifications, athletics ability or interest in attending an institution employing the former assistant coach.

Within 30 days of the release of this report or 30 days after the hiring of the former assistant coach, whichever is later, any institution employing the former assistant coach shall file a report with the office of the Committees on Infractions setting forth its agreement with these restrictions or asking for a date to appear before the committee to contest the restrictions. Every six months thereafter through the end of the show-cause order, the employing institution shall file further reports detailing its adherence to these restrictions.

7. During the period of probation, the institution shall:

   a. Inform football prospective student-athletes of the violations committed and that the institution is on probation for two years. 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.

   b. Publicize the information annually in the football media guide and via 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 Committees on Infractions.

8. During this period of probation, the institution shall:

   a. Continue to develop and implement a comprehensive educational program on NCAA legislation 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. Include the information regarding the education program, and information regarding compliance with all other sanctions adopted and imposed by the

committee in this case, in the annual compliance reports required by the order of probation in Case No. M339.

9. 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.

As required by NCAA legislation for any institution involved in a major infractions case, the University of Tennessee, Knoxville, 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, November 16, 2012.

Should the University of Tennessee, Knoxville or the involved individual appeal the additional 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.

NCAA COMMITTEE ON INFRACTIONS

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APPENDIX ONE

CASE CHRONOLOGY.

2009

April or May – The former assistant coach met with the representative during the NCAA Division I spring evaluation period.

June 20 – The prospect and his mother traveled to Tennessee for an unofficial visit.

2010

August 25 – The institution and enforcement staff interviewed the former assistant coach regarding his recruiting activities at Tennessee. During the interview, the former assistant coach did not discuss the recruitment of the prospect.

2011

August 24 – The NCAA Division I Committee on Infractions issued Infractions Report No. 342 resulting from an inquiry by the institution and NCAA enforcement staff into the institution's men's basketball program.

August 30 – The NCAA enforcement staff interviewed the representative regarding his involvement in the recruitment of the prospect.

August 30 – The NCAA enforcement staff received air travel records of the prospect and his mother documenting roundtrip flights from their home state to Knoxville, Tennessee, paid by the representative in June 2009. In addition, the representative provided the receipt of a July 2009, Money Gram in the amount of $1,500 from the former assistant coach.

August 31 – The NCAA enforcement staff interviewed the former assistant coach.

September 9 – The NCAA enforcement staff provided a verbal notice of inquiry to the institution.

2012

January 18 – The institution, the former assistant coach and the NCAA enforcement staff agreed to proceed pursuant to the summary disposition process.

June 4 – The summary disposition report was submitted to the NCAA Division I Committee on Infractions.

June 15 – The summary disposition report was reviewed by the NCAA Division I Committee on Infractions.

July 17 – In a letter to the institution, the NCAA Division I Committee on Infractions proposed additional penalties.

July 27 – The institution informed the Committee on Infractions that it did not agree to the imposition of additional penalties.

October 13 – An expedited hearing regarding the proposed additional penalties was held. Present were institutional representatives and members of the enforcement staff. The former assistant coach was not in attendance.

November 16 – Infractions Report No. 375 was released.

APPENDIX TWO

CORRECTIVE ACTIONS AS IDENTIFIED IN THE INSTITUTION'S JUNE 4, 2012, SUMMARY DISPOSITION REPORT.

The institution has taken the following corrective actions to address the violations that occurred:

a. Restructured its compliance staff to enhance recruiting monitoring, including the addition of a staff member; and,

b. Enhanced unofficial visit reporting procedures for all sports.

In addition, prior to the start of the 2012-13 academic year, the compliance staff will:

a. Conduct mandatory education for all sports using recruiting services; and,

b. Conduct a recruiting specific education program with the current football staff, focusing on unofficial visits and individuals associated with prospective student-athletes.