



## **News Release**

FOR RELEASE:  
May 9, 2007  
3 p.m. Eastern time

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**REPORT OF THE NCAA DIVISION I COMMITTEE ON INFRACTIONS**  
**REMAND OF PENALTY FROM THE**  
**DIVISION I INFRACTIONS APPEALS COMMITTEE**  
**OHIO STATE UNIVERSITY'S FORMER HEAD MEN'S BASKETBALL COACH**

### **I. INTRODUCTION.**

On December 9, 2005, and February 3-4, 2006, the NCAA Division I Committee on Infractions heard a major infractions case involving violations committed by Ohio State University and its former head men's basketball coach. On March 10, 2006, the Committee on Infractions issued Infractions Report 256. The former head coach appealed. On October 20, 2006, the NCAA Division I Infractions Appeals Committee heard his appeal; on April 13, 2007, the Infractions Appeals Committee issued its decision.

### **II. BACKGROUND.**

The former head coach appealed specific findings of violations and penalties as determined by the Committee on Infractions in Infractions Report 256, including Finding II-A (recruiting inducement of approximately \$6,000 provided to the family of a prospect). The Infractions Appeals Committee affirmed the findings of violations. With particular regard to Finding II-A, the Infractions Appeals Committee stated:

The former head men's basketball coach challenged the findings of violations because he claims that at the time the loan was made to prospect A's family, prospect A was not a prospective student-athlete since he was no longer eligible to compete in intercollegiate athletics due to his having professionalized himself. We reject this argument.

As the Committee on Infractions stated:

[T]hese claims [are] based, in best light, upon a

fundamental misapprehension of NCAA bylaws and confuse eligibility issues with prospect status. . . . The fact that prospect A was ultimately deemed ineligible does not negate the fact that he was being actively recruited, and at the time the former head coach provided the money to the young man, he was a prospect whose ultimate eligibility status was unknown. (Quoting from the Committee on Infractions report at Page Nos. 6 and 8.)

### **III. STATUTE OF LIMITATIONS.**

The Infractions Appeals Committee addressed the former head coach's claim that the violation in Finding II-A was time-barred. NCAA Bylaw 32.6.3 sets forth a four-year statute of limitations. Exceptions to the four-year limitations period are triggered by an effort to conceal a violation (in which case the enforcement staff has an additional year within which to bring a charge) and when the otherwise time-barred violations form a pattern with non-time barred violations. The Infractions Appeals Committee found that the violations committed by the former head coach in Findings II-A and II-D (provision of two season tickets for four years to the friend of Prospect B) did not constitute a pattern. The Infractions Appeals Committee further found that the former head coach's failure "to disclose an impermissible recruiting inducement that would have materially affected the eligibility of a prospective student athlete whose eligibility was under review by the NCAA" extended the statutory period by one year but that the violation nonetheless was time-barred because the former head coach received notice of the charge two days after the additional year (defining submission of notice as requiring receipt).

### **IV. DECISION BY INFRACTIONS APPEALS COMMITTEE.**

The Committee on Infractions had imposed a five-year show cause penalty on the former head coach for the violations found in Findings II-A, II-D, II-E (unethical conduct related to II-A and II-D) and his failure to monitor his program relating to violations II-B-2 and II-B-3 (Finding II-G). The Infractions Appeals Committee reversed Finding II-A, a portion of Finding II-E (that portion of the unethical conduct finding relating to Finding II-A) and remanded the penalty to the Committee on Infractions for reimposition of the penalty independent of the time-barred violation of Finding II-A.

**V. COMMITTEE ON INFRACTIONS PENALTY IMPOSED AFTER REMAND.**

The Committee on Infractions reconsidered the penalty to be imposed on the former head coach as it pertains to Findings II-D, II-E (related only to the conduct in Finding II-D), and Finding II-G (pertaining to II-B-2 and II-B-3). The action of the Infractions Appeals Committee to reverse Finding II-A as time-barred does not alter the finding by the Committee on Infractions regarding the willful nature of the commission of the violations described in Finding II-D nor the committee's conclusion regarding his unethical conduct (Finding II-G) as it pertains to Finding II-D and as described in Infractions Report 256:

The Committee also finds that the former head coach violated ethical conduct legislation through his provision of premium season tickets to representative 1 during the four years prospect A competed on the men's basketball team (the period in which representative 1 provided extra benefits to prospect B and, for the first two years, engaged in academic fraud. Although the former head coach disagreed that representative 1 committed violations, he admitted that he gave her tickets in appreciation for her assistance to prospect B. . . . The compliance director said she questioned the former head coach about his knowledge of representative 1 . . . . The compliance director's notes of the conversation include the following: "Spoke to . . . [the former head coach]. . . . They do not know them, never met them." At the time the compliance director wrote these notes, the former head coach had been providing season tickets to representative 1 for two years. The former head coach denied that this conversation occurred. The committee did not find credible the former head coach's denials. In the discussion of the subject at the hearing the former head coach attempted to explain how he might have answered a query about whether he knew representative 1:

**Former Head Coach:** If the question was do I know her, the answer is no. If the question was do I know of her, the answer would have been yes. There is no way that I would have deliberately gave a false impression to her about what knowledge I had of this woman.

**Committee Chair:** All right. If the question was do you know her, you would have answered no. If it was do you know of her, you would have answered yes.

**Former Head Coach:** Correct....

**Committee Chair:** How is that not giving a false impression to the institution? You are being asked by the compliance director do you know this woman? Your answer is no. Then the answer doesn't go on to say but I have heard of her. How is that not a false impression?

The reversal of Finding II-A as time-barred also does not alter the conclusion of the Committee on Infractions regarding the seriousness of the former head coach's failure to monitor the men's basketball program. With regard to Finding II-G, failure to monitor, and as was stated in Infractions Report 256:

The scope and nature of the violations in Findings II-B-2 and II-B-3 demonstrate a failure to monitor the conduct and administration of the institution's men's basketball program by the institution and by the former head coach from July 1998 to May 2002. Specifically, during the summer of 1998, the former head coach was aware of the employment relationship between representative 1 and representatives 2 and 3. The former head coach was also aware of representative 1's relationship with prospect B. Despite the former head coach's knowledge of representative 1's relationship with representatives 2 and 3, the former head coach failed to monitor prospect B's move into representative 1's home from the home of representatives 2 and 3. The former head coach then failed to monitor prospect B's continuing relationship with representative 1 throughout his collegiate career. . . . The former head coach failed to properly inform the compliance office of representative 1's relationship with representatives 2 and 3.

For the reasons set forth above, and as more fully described in Infractions Report 256 with regard to those violations not time-barred, the committee imposes the following penalty:

The former head coach will be informed in writing by the NCAA that, due to his involvement in these violations of NCAA legislation, if he seeks employment or affiliation in an athletically related position at an NCAA member institution during a two-year period (May 9, 2007 to May 8, 2009), he and any involved institution shall be requested to appear before the Committee on Infractions to consider whether the member institution(s) should be subject to the show cause procedures of Bylaw 19.5.2.2-(1), which could limit his athletically related duties at any such institution for a designated period. [Note: This constitutes a reduction in the penalty from a five-year to a two-year show cause penalty.]

In accordance with, and pursuant to, the rules and procedures governing appeals from decisions of the Division I Committee on Infractions, the former head coach may appeal the two-year show cause penalty to the NCAA Division I Infractions Appeals Committee. Should the former head coach appeal the two-year show cause penalty, then, in accordance with, and pursuant to, the rules and procedures governing appeals, the Division I Committee on Infractions will submit a response.

#### NCAA COMMITTEE ON INFRACTIONS

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