



UNIVERSITY OF TENNESSEE, KNOXVILLE
PUBLIC INFRACTIONS REPORT
August 24, 2011

A. INTRODUCTION.

On June 11, 2011, officials from the University of Tennessee, Knoxville along with the former head men's basketball coach ("former head men's basketball coach") and his legal counsel; three former assistant men's basketball coaches ("former assistant coaches 1, 2 and 3," respectively) and their legal counsel; the former head football coach ("former head football coach") and his legal counsel; and a former assistant football coach ("former assistant football coach") and his legal counsel appeared before the NCAA Division I Committee on Infractions to address allegations of NCAA violations in the institution's men's basketball and football programs.

The most serious allegations in this case involved the former men's basketball coaching staff and their conduct in the commission of violations, the provision of false and misleading information about them, and the inducement of others to do the same. The violations originally stemmed from a September 20, 2008, incident in which the former head men's basketball coach and former assistant coaches 1, 2 and 3, had impermissible, off-campus, in-person contact with three prospective student-athletes ("prospects 1, 2 and 3," respectively). The contacts took place in the evening following an institutional football game when the prospects and their families attended a dinner at the home of the former head men's basketball coach. The prospects were high school juniors making unofficial visits to the institution.

After they had arrived and spent some time at the dinner, the three prospects and their family members were ushered to an outdoor veranda by the former head men's basketball coach. There he informed them that their attendance was a violation of NCAA rules and encouraged them to not disclose to others their attendance at the gathering.

The former head men's basketball coach did not report the violations to the institution. When later questioned about the matter, he denied knowledge of it. Further, he encouraged others to provide false information regarding the matter.

On April 6, 2010, the enforcement staff received an anonymous letter containing a photograph of the former head men's basketball coach and prospect 1 standing together. Hand-written on the page on which the photograph was printed was the following question: "Is having [prospect 1] a 2010 high school recruit in your home an NCAA

violation?" When the former head men's basketball coach and former assistant coaches 1, 2 and 3 were interviewed regarding this and other possible violations on June 14, 2010, all of them denied knowing where the picture was taken. Further, they did not disclose that prospects 1, 2 and 3 and their family members had attended the dinner. Follow-up interviews with prospects 1, 2 and 3 and/or their families confirmed their attendance and that the picture had been taken in the kitchen at the former head men's basketball coach's home. The former head men's basketball coach and former assistant coaches 1, 2 and 3 later admitted that the picture was taken at the home of the former head men's basketball coach.

The provision of incomplete information by former assistant coaches 1, 2 and 3 during their interviews constituted a failure to cooperate and abide by the NCAA's principles of honesty and sportsmanship. Further, former assistant coaches 2 and 3 compromised the integrity of the investigation when they shared information among themselves regarding their interviews after being directed not to do so. The former head men's basketball coach violated the NCAA's principle of ethical conduct when he knowingly engaged in the violations and provided false information about them to investigators. The violations were compounded when he asked the prospects and their families to conceal them. Moreover, on the same day as his interview with investigators, he phoned the father of prospect 1 ("prospect 1's father") and attempted to influence the statements prospect 1's father would make to investigators. These actions by the former head men's basketball coach failed to promote an atmosphere for rules compliance in his program.

The investigation also revealed that the men's basketball coaching staff placed 94 impermissible phone calls to 12 prospects in the two-year period from August 1, 2007, to July 29, 2009. That the violations were not discovered in a timely fashion constituted a failure to monitor by the institution. The former head men's basketball coach also failed to monitor this aspect of his program.

In the sport of football, it was alleged that major violations occurred in the conduct of the program, including recruiting activities undertaken by student interns. The committee concluded that the evidence was insufficient to support findings of major violations. However, the committee was troubled by the number and nature of the secondary infractions by the football coaching staff during its one-year tenure at the institution. From January 2009 through October 2009 the staff committed 12 violations, all connected to recruiting. Some of the violations received nationwide publicity and brought the football program into public controversy. This is not a record of which to be proud. Nevertheless, because the violations individually were secondary and most were isolated, the committee, in the end, determined not to make a finding of a major violation.

A member of the Southeastern Conference, the institution has an enrollment of approximately 20,000 students. The institution sponsors nine men's and 11 women's

intercollegiate sports. This was the institution's third major infractions case. It appeared before the committee in 1986 and 1991 for cases involving the football program.

B. FINDINGS OF VIOLATIONS OF NCAA LEGISLATION.

1. IMPERMISSIBLE PHONE CALLS. [NCAA Bylaws 13.1.3.1, 13.1.3.1.2 and 13.1.3.1.7]

Between August 1, 2007, and July 29, 2009, members of the men's basketball coaching staff placed 94 impermissible telephone calls to 12 men's basketball prospective student-athletes or their family members. The calls were made by the former head men's basketball coach and former assistant coaches 1 and 2.

Committee Rationale

The enforcement staff, the institution, the former head men's basketball coach and former assistant coaches 1 and 2 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.

The institution began a review of men's basketball telephone records in May 2009 after being informed by the NCAA that it had received reports of potential rules violations in the program. Initially the review was limited to a single prospect, but as violations were uncovered the investigation expanded to include a full review of records. Ninety-four impermissible calls were discovered, with all but 10 of them made by the former head men's basketball coach or former assistant coach 1. Thirty-three of the impermissible calls were made to five of the prospects in violation of the "one call per week" rule, while the 61 calls to the other seven prospects violated Bylaw 13.1.3.1.2, the rule that allows coaches to make a monthly call to high school juniors. Forty-four of the 61 impermissible monthly calls to high school juniors were made to the same prospective student-athlete ("prospect 4").

2. IMPERMISSIBLE CONTACT. [NCAA Bylaws 13.1.1.1, 13.2.1, 13.5.3 and 13.7.2.1.1]

On September 20, 2008, the former head men's basketball coach and former assistant coaches 1, 2 and 3 had impermissible, in-person, off-campus contact with prospects 1, 2 and 3 and their families at the former head men's basketball coach's home and provided the young men and their families an impermissible meal. At the time of the impermissible contact, the young men were juniors in

high school and were making unofficial visits to the institution. Additionally, prospects 1 and 3 were provided impermissible automobile transportation by a student-athlete between the institution's campus and the former head men's basketball coach's home.

Committee Rationale

The enforcement staff, the institution, the former head men's basketball coach and former assistant coaches 1, 2 and 3 were in agreement with the facts of this finding and that those facts constituted violations of NCAA legislation. The committee finds that the violation occurred.

Prospects 1, 2 and 3 and members of their families made unofficial visits to the institution on the weekend of September 20, 2008. Prospects 1, 2 and 3 were all high school juniors at the time. Two other men's basketball prospects were on official paid visits to the campus at the same time. The three junior prospects, along with the men's basketball coaching staff, the official visitors and others, attended a "tailgate" gathering prior to the institution's football game during the afternoon of Saturday, September 20. According to the former head men's basketball coach, he told the parents of prospect 1 at the tailgate that he was hosting a dinner that evening but it would be an NCAA rules violation for the junior prospects to attend. He claimed that his conversation left the impression that it would be the decision of the prospects whether or not to attend.

However, the former head men's basketball coach was the only person who offered this version of how the junior prospects came to attend the dinner. The parents of prospect 1 recalled being invited to the dinner by former assistant coach 1. The only time they were told it was impermissible for them to attend was after they arrived at the house, when the former head men's basketball coach told them that their presence was a violation and asked them not to tell anyone about being in attendance. The mother of prospect 2 reported that, at the tailgate gathering, she heard a coach and some student-athletes talking about the dinner. The mother of prospect 3 recalled being given an address where everyone was to meet. She did not realize it was the former head men's basketball coach's home until she arrived. None of the junior prospects or their families realized their presence at the dinner was a violation until informed by the former head men's basketball coach after they arrived at the home.

In interviews subsequent to the dinner, the former head men's basketball coach and former assistant coaches 1, 2 and 3 were not truthful regarding the presence of the prospects. These matters are dealt with in detail in Findings B-3, B-4 and B-5 below.

3. UNETHICAL CONDUCT BY THE FORMER HEAD MEN'S BASKETBALL COACH. [NCAA Bylaws 10.1-(c), 10.1-(d), 19.01.2 and 32.1.4]

From the 2008-09 academic year through June 14, 2010, the former head men's basketball coach acted contrary to the principle of ethical conduct when he knowingly engaged in violations of NCAA recruiting legislation and failed to deport himself in accordance with the generally recognized high standards of honesty and sportsmanship normally associated with the conduct and administration of intercollegiate athletics by providing false and misleading information to the institution and the enforcement staff and by attempting to influence others to furnish the institution and enforcement staff false and misleading information concerning their involvement in or knowledge of matters relevant to a violation of an NCAA regulation.

Committee Rationale

The enforcement staff and the institution were in agreement with the facts of this finding and that those facts constituted violations of NCAA legislation. The former head men's basketball coach is in agreement with the facts regarding the September 20, 2008, dinner and his provision of false or misleading information in his June 14, 2010, interview, but he denied that he attempted to influence the father of prospect 1 when the former head men's basketball coach called him on June 14. The committee finds that the violations occurred.

As set forth in the Introduction and Finding B-2 above, the former head men's basketball coach knowingly violated NCAA legislation on September 20, 2008, when he hosted prospects 1, 2 and 3 and their family members at his home for a dinner and provided the prospective student-athletes and their family members with an impermissible meal. During the dinner, the former head men's basketball coach told the prospective student-athletes and their families that it was a violation of NCAA legislation for them to be in attendance. The former head men's basketball coach informed the prospects and their families that he was not going to tell anyone about their attendance at the dinner and that they should not discuss the matter if they were questioned about it. His knowing provision of impermissible inducements to the prospects violated Bylaw 10.1-(c). When he requested that they not discuss the matter with anyone, he violated Bylaw 19.01.2.

The committee noted that the former head men's basketball coach did not contemporaneously report his involvement in the violations to the athletics administration. Further, in 2008 and 2009 he signed the annual Certification of Compliance forms (See Bylaw 18.4.2 and former Bylaw 30.3.5) attesting that he had no knowledge of or involvement in any rules violations.

In April 2010 the enforcement staff received a photo from an anonymous source of the former head men's basketball coach and prospect 1 taken in the former head men's basketball coach's home during the September 2008 dinner. It touched off an investigation and led to an interview of the former head men's basketball coach and the three former assistant coaches on June 14, 2010. During his interview, the former head men's basketball coach provided false and misleading information to the institution and the NCAA enforcement staff when he denied knowledge of the location where the photograph was taken, even though the photo had been taken in the kitchen of his home. He also provided false and misleading information when he denied knowing the identity of another individual depicted in the photograph. That individual was the wife of former assistant coach 3. His false statements constituted violations of Bylaw 10.1-(d).

Also on June 14, 2010, the former head men's basketball coach failed to protect the integrity of the investigation when he placed a series of phone calls to the father of prospect 1 regarding the September 20, 2008, dinner. The former head men's basketball coach placed the first telephone call prior to the start of the former head basketball coach's interview with the enforcement staff and the institution, leaving a voice message when he was unsuccessful in making personal contact. Following the interview in which he denied knowing where the photo had been taken, and in spite of being instructed by the NCAA investigator not to discuss the matter with anyone else, the former head men's basketball coach made another call to the father of prospect 1, a violation of Bylaw 32.1.4. They spoke personally, with the former head men's basketball coach initially informing prospect 1's father that the photo had been sent to the NCAA. The former head men's basketball coach then asked what prospect 1 and his parents would say if asked about the picture. Prospect 1's father responded that, as the incident had occurred quite some time previously, he would have to consult with his wife and son regarding the matter and speak to the former head men's basketball coach later in the day.

They spoke again later that evening. As later related by the father of prospect 1, the following conversation occurred:

So later that evening when he called me, I told him that they [prospect 1 and his mother] remembered the football game and goin' to the house, goin' to his house and [prospect 1], uh, rem – said he had nothing to do with the picture. He has no idea where the picture would come from. And, uh, [the former head men's basketball coach] asked, he asked, uh, well, if you're questioned what will you guys say? And I said, well, coach, you know, if we're asked we will tell what is the best of our ability, you know, the recollection of what happened that afternoon, that day, that visit. And, uh, he right away said, "Well, [prospect 1's father], we," his tone kinda changed and it was like, uh, "Well, we – I've had a discussion

with my staff and," uh, "we remember the visit and we remember telling you that we were going out for an informal cookout at my house and that it was illegal for you to be there." And I said, "coach, if that's your story then," you know, "we're gonna have two," you know there's, "it's gonna be your word versus mine. I don't remember you telling us that." And said, "Well, that's – my staff remembers telling you and you chose to, you chose to be out – you chose to come after we told you it was illegal for you to be there." And that really turned me off, and it was like I was, uh, I was not ready to listen to anything more he had to say.

The committee concluded that the former head men's basketball coach was trying to influence prospect 1's father to make false and misleading statements to the NCAA enforcement staff, a violation of Bylaw 10.1-(d). There was no reasonable alternative purpose for the former head men's basketball coach to call prospect 1's father that day and, in fact, he made the call after he was explicitly told not to discuss the matter with anyone else. He asked what the family would say and, when it didn't match the version the former head men's basketball coach had shared with the investigators, he informed prospect 1's father that the whole coaching staff was going to say that it was the prospects and their families who made the decision to attend the dinner after they had been warned it was a violation to do so. Prospect 1's father terminated the conversation shortly thereafter.

On August 5, 2010, when the former head men's basketball coach and his staff were re-interviewed, the former head men's basketball coach provided truthful information to investigators.

4. FAILURE TO COOPERATE AND ACT WITH HONESTY AND SPORTSMANSHIP. [NCAA Bylaws 10.01.1, 11.1.1 and 19.01.3]

During the 2008-09 through 2009-10 academic years, former assistant coach 1 violated the NCAA's principles of honesty when he failed to provide full and complete information to the institution and enforcement staff regarding his involvement in and knowledge of violations of NCAA legislation.

Committee Rationale

The enforcement staff, the institution and former assistant coach 1 were in agreement with the facts of this finding and that those facts constituted violations of NCAA legislation. The committee finds that the violation occurred.

As with former assistant coaches 2 and 3, former assistant coach 1 attended the dinner at the former head men's basketball coach's home on September 20, 2008. He saw prospects 1, 2 and 3 there, interacted with them and knew their presence constituted a rules violation. He did not report the violation to anyone within the athletics administration.

When interviewed by the institution and enforcement staff regarding the matter on June 14, 2010, former assistant coach 1 failed to furnish full and complete information relevant to the investigation when he did not disclose that he and the other men's basketball coaching staff members were present at the former head basketball coach's home on September 20, 2008, with the prospects. Further, when shown the photo of the former head men's basketball coach standing beside prospect 1, he stated that he did not know where the picture was taken, nor did he identify former assistant coach 3's wife in the picture. Former assistant coach 1 provided truthful information in a follow-up interview on August 5, 2010.

5. FAILURE TO COOPERATE AND ACT WITH HONESTY AND SPORTSMANSHIP. [NCAA Bylaws 10.01.1, 11.1.1, 19.01.3 and 32.1.4]

From the 2008-09 academic year through June 14, 2010, former assistant coach 2 violated the NCAA's principles of honesty when he failed to provide full and complete information to the institution and the enforcement staff and failed to protect the integrity of the investigation.

Committee Rationale

The enforcement staff, the institution and former assistant coach 2 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.

All members of the men's basketball coaching staff were interviewed on June 14, 2010, by institutional representatives and the enforcement staff regarding possible NCAA rules violations. During his interview, former assistant coach 2 failed to furnish full and complete information relevant to the investigation by not disclosing that he and the other men's basketball coaching staff members were present at the former head men's basketball coach's home on September 20, 2008, when prospects 1, 2 and 3 attended the dinner. Further, former assistant coach 2 stated he did not recognize the location where the picture was taken and he did not identify former assistant coach 3's wife, who was also in the picture. He also denied that prospect 1 had been to the home of the former head men's basketball coach. When re-interviewed on August 5, 2010, former assistant

coach 2 provided truthful information regarding the dinner and the prospects' presence there.

Also on June 14, 2010, former assistant coach 2 failed to protect the integrity of the investigation following his interview. Despite being specifically instructed not to discuss the interview with anyone, shortly after the interview occurred he met with the former head men's basketball coach and talked about who was in the picture and where it was taken. They also reviewed the other topics that had been covered during the interview.

6. FAILURE TO COOPERATE AND ACT WITH HONESTY AND SPORTSMANSHIP. [NCAA Bylaws 10.01.1, 11.1.1, 19.01.3 and 32.1.4]

From the 2008-09 academic year through June 14, 2010, former assistant coach 3 violated the NCAA's principles of honesty when he failed to provide full and complete information to the institution and the enforcement staff and failed to protect the integrity of the investigation.

Committee Rationale

The enforcement staff, the institution and former assistant coach 3 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.

Former assistant coach 3 also failed to furnish full and complete information relevant to the investigation during his June 14, 2010, interview. Specifically, he failed to disclose that he and the other men's basketball coaching staff members were present at the former head men's basketball coach's home on September 20, 2008. The committee also noted that former assistant coach 3 stated he did not recognize the location where the photo of the former head men's basketball coach and prospect 1 had been taken, nor did he identify his wife as one of the individuals appearing in the photo.

Former assistant coach 3 also failed to protect the integrity of the investigation on June 14, 2010. Following his interview, during which he was specifically instructed not to discuss the interview itself or the subject matter with anyone, he met and spoke with the former head men's basketball coach about the topics that had been discussed.

Former assistant coach 3 provided truthful information during a follow-up interview on August 5, 2010.

7. FAILURE TO MONITOR AND FAILURE TO PROMOTE AN ATMOSPHERE FOR COMPLIANCE. [NCAA Bylaw 11.1.2.1]

From August 1, 2007, to July 29, 2009, the former head basketball coach failed to promote an atmosphere for compliance and failed to monitor the compliance activities of his assistant men's basketball coaches that led to the violations set forth in Finding B-1 and B-2.

Committee Rationale

The enforcement staff and the institution were in agreement with the facts of this finding and that those facts constituted violations of NCAA legislation. The former head men's basketball coach was in agreement regarding the facts of Finding B-2, but he disagreed that the facts of Finding B-1 established this violation. The committee finds that the violation occurred.

As set forth in Finding B-2 above, on September 20, 2008, the former head men's basketball coach knowingly committed and allowed rules violations to occur. Further, he asked three prospects and their families not to mention the violations, and he failed to report the violations to the athletics administration. As the violations were being uncovered, he contacted the father of prospect 1 and provided a version of the events he believed could mitigate the violations.

By his failure to require that his staff keep complete, timely and contemporaneous phone logs, the former head men's basketball coach also failed to monitor his staff regarding the activities leading to the violations detailed in Finding B-1. During the relevant timeframe the institution had a system in place for monitoring phone calls, but the former head men's basketball coach failed to follow it personally or ensure that his assistant coaches did the same. All the coaches admitted that they did not keep complete or accurate logs of their calls and did not turn them into the compliance office on a timely and regular basis; the responsibility for ensuring compliance with this and other rules rests squarely with the head coach of a program. The former head men's basketball coach did not designate a time that records should be turned in, nor did he conduct even a cursory review of the logs so as to assist in the compliance effort.

Head coaches bear primary responsibility for monitoring all aspects of their programs and promoting an atmosphere for compliance. It is also presumed that head coaches know or should know of violations in their programs, particularly when the violations occur over an extended period of time. Due to his direct involvement in the violations and his unethical conduct during the investigation, the committee concluded that the former head men's basketball coach failed to rebut the presumption that he was aware of the violations

and those responsible for committing them. His conduct demonstrated a failure to monitor and promote an atmosphere for rules compliance.

8. FAILURE TO MONITOR BY THE INSTITUTION. [NCAA Constitution 2.8.1]

The scope and nature of the violations set forth in Finding B-1 demonstrate that between August 1, 2007, and July 29, 2009, the institution failed to monitor the men's basketball coaching staff's telephone contacts with prospective student-athletes and their relatives.

Committee Rationale

The enforcement staff and the institution 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-7 above, between August 1, 2007, and July 29, 2009, the men's basketball coaching staff did not sufficiently record information concerning telephone calls made to prospective student-athletes and their relatives or report it to the appropriate athletics department officials. Additionally, the institution did not have adequate systems in place to monitor whether telephone calls made by the men's basketball coaching staff members to prospective student-athletes or their relatives complied with NCAA legislation.

The institution has acknowledged that it failed to monitor the men's basketball phone records during the period in question. The system in place at the time the violations began generally consisted of the compliance staff auditing the written logs submitted by the coaching staffs. This method was only effective if all calls made by all coaches were recorded properly and in a timely fashion, which, as set forth in the rationales for Findings B-1 and B-7, the coaching staff failed to do. The system did not include cross-checking phone bills with the submitted logs, a common compliance practice in Division I, which likely would have revealed that the phone logs were not complete or accurate. Thus, the violations detailed in Finding B-1 occurred undetected until the Basketball Focus Group, an arm of the enforcement staff, began a review of men's basketball phone records at the institution.

C. SECONDARY VIOLATIONS: [NCAA Bylaws 11.5.1, 11.7.1.1.1.1, 13.01.4, 13.02.7, 13.02.14-(c), 13.02.14-(e), 13.1.2.1, 13.1.2.1.1, 13.1.3.4.1, 13.1.3.5.1, 13.1.6.2, 13.2.1.1-(h), 13.11.1, 13.11.1.1, 13.6.4.1, 13.6.7.1.1 and 13.14.1]

- a. On October 9, 2009, prospect 1 and his parents arrived in Knoxville, Tennessee, for an official paid visit and checked into a hotel at 12:15 a.m., triggering the start of the visit. The visit was scheduled to begin at 10:30 a.m. on October 9. The visit concluded at 11:30 a.m. on October 11. As a result, prospect 1's official paid visit lasted 58 hours and 15 minutes. [NCAA Bylaw 13.6.4]
- b. On October 30, 2009, a prospective men's basketball student-athlete and his mother arrived in Knoxville for an official paid visit. The visit was scheduled to begin at 10 a.m. that day. However, they checked into the hotel at 3 a.m., triggering the start of the prospect's official paid visit to the institution. The visit ended at 10 a.m. on November 1. As a result, the prospect's official paid visit lasted 55 hours. [NCAA Bylaw 13.6.4]
- c. On October 29, 2009, a prospective men's basketball student-athlete flew into Knoxville and checked into a hotel for an official paid visit that was scheduled to begin at 10 a.m. on October 30, 2009, and conclude at the same time on November 1. On October 30, 2009, the prospect's parents drove from their home to Knoxville and checked into the hotel at 7:30 a.m., triggering the start of the prospect's official paid visit to the institution. As a result, the visit lasted 50.5 hours. [NCAA Bylaw 13.6.4]
- d. Between January 3 and 9, 2010, members of the football coaching staff made 16 impermissible recruiting telephone calls to five prospective student-athletes after the young men had reported to the U.S. Army All-American Bowl football contest in San Antonio, Texas. The calls were placed subsequent to the football staff's receipt of information in December 2009 from the institution's compliance staff that such telephone calls were impermissible. [NCAA Bylaw 13.1.7.2]
- e. On October 12, 2009, the former head football coach permitted a football recruiting intern to make in-person, off-campus contacts with high school administrators during a recruiting trip to the high school from which the intern had graduated. This trip and these contacts occurred after the institution's director of football operations informed both the former head football coach and the intern on or about October 10, 2009, that the intern was not permitted to enter a high school's property while accompanying a football coach on a recruiting trip. [NCAA Bylaws 11.5.1, 11.7.1.1.1.1, 13.1.2.1 and 13.1.2.1.1]
- f. On or about September 25, 2009, the former assistant football coach gave approximately \$40 to a student intern in the football office who was also a member of the institution's Orange Pride program. The money was given to assist with costs associated with an automobile trip that the intern and another student

- a. On October 9, 2009, prospect 1 and his parents arrived in Knoxville, Tennessee, for an official paid visit and checked into a hotel at 12:15 a.m., triggering the start of the visit. The visit was scheduled to begin at 10:30 a.m. on October 9. The visit concluded at 11:30 a.m. on October 11. As a result, prospect 1's official paid visit lasted 58 hours and 15 minutes. [NCAA Bylaw 13.6.4]
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- d. Between January 3 and 9, 2010, members of the football coaching staff made 16 impermissible recruiting telephone calls to five prospective student-athletes after the young men had reported to the U.S. Army All-American Bowl football contest in San Antonio, Texas. The calls were placed subsequent to the football staff's receipt of information in December 2009 from the institution's compliance staff that such telephone calls were impermissible. [NCAA Bylaw 13.1.7.2]
- e. On October 12, 2009, the former head football coach permitted a football recruiting intern to make in-person, off-campus contacts with high school administrators during a recruiting trip to the high school from which the intern had graduated. This trip and these contacts occurred after the institution's director of football operations informed both the former head football coach and the intern on or about October 10, 2009, that the intern was not permitted to enter a high school's property while accompanying a football coach on a recruiting trip. [NCAA Bylaws 11.5.1, 11.7.1.1.1.1, 13.1.2.1 and 13.1.2.1.1]
- f. On or about September 25, 2009, the former assistant football coach gave approximately \$40 to a student intern in the football office who was also a member of the institution's Orange Pride program. The money was given to assist with costs associated with an automobile trip that the intern and another student

intern were making between Knoxville, Tennessee, and Duncan, South Carolina, a round trip of approximately 356 miles. The former assistant football coach provided the funds to the student interns with full knowledge that they were traveling to Duncan to attend a high school football game. While at the game, both interns and a third member of the Orange Pride program made impermissible, in-person, off-campus contact with three prospective student-athletes. [NCAA Bylaws 13.01.4, 13.02.14-(e), 13.1.2.1.1 and 13.14.1]

D. PENALTIES.

For the reasons set forth in Parts A and B of this report, the Committee on Infractions finds that this case involved major violations of NCAA legislation. 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." Further, NCAA Bylaw 32.1.4 - **Cooperative Principle**, also addresses institutional responsibility to fully cooperate during infractions investigations, stating, in relevant part, "The cooperative principle imposes an affirmative obligation on each institution to assist the enforcement staff in developing full information, to determine whether a possible violation of NCAA legislation has occurred and the details thereof." The committee determined that the cooperation exhibited by the institution met its obligation under Bylaws 19.01.3.3 and 32.1.4. The cooperation the institution demonstrated in this case is in stark contrast to the conduct and failures of the former men's basketball coaching staff.

Penalties imposed by the Committee on Infractions

1. Public reprimand and censure.
2. Two years of probation from August 24, 2011, through August 23, 2013. (The institution proposed a two-year term of probation commencing with the date the institution submitted its response to the NCAA's notice of allegations, with annual

compliance reports to the NCAA and Southeastern Conference during the probationary period).

3. The former head men's basketball coach allowed prospective student-athletes and members of their family to attend a dinner at his home when he knew doing so violated NCAA rules. He told the prospects and their family members not to tell anyone about their attendance at the gathering, and he failed to report the knowing violation to the athletics administration. He provided false and misleading information to investigators when questioned about the incident, and he attempted to influence the father of one of the prospects to give investigators a certain version of the events. Therefore, the committee imposes a three-year show-cause period upon the former head men's basketball coach. During this period, which begins on August 24, 2011, and ends August 23, 2014, the committee prohibits the former head men's basketball coach from conducting any and all recruiting activities as defined by Bylaw 13.02.13.

Within 30 days of the release of this report or 30 days after the hiring of the former head men's basketball 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 asking for a date to appear before the committee to contest the restrictions. Every six months thereafter through the end of the period of the show-cause order, the employing institution shall file further reports detailing its adherence to these restrictions.

4. Former assistant coaches 1, 2 and 3 violated the principles of cooperation and honesty when they failed to furnish full and complete information relevant to the investigation of the September 20, 2008, dinner at the home of the former head men's basketball coach. Therefore, the committee imposes a one-year show-cause order upon them. During this period, which begins on August 24, 2011, and ends August 23, 2012, the committee prohibits former assistant coaches 1, 2 and 3 from conducting any and all recruiting activities as defined by Bylaw 13.02.13.

Within 30 days of the release of this report or 30 days after a member institution hires former assistant coaches 1, 2 or 3, any employing institution 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 period, the employing institution shall file further reports detailing its adherence to these restrictions.

5. 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' eligibility for admission, financial aid, practice or competition;
 - b. Submit a preliminary report to the office of the Committees on Infractions by October 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 June 15 of each year during the probationary period. Particular emphasis should be placed on recording and tracking all recruiting activities, particularly telephone calls. The reports must also include documentation of the institution's compliance with the penalties adopted and imposed by the committee.

6. During the period of probation, the institution shall:
 - a. Inform prospective student-athletes in men's basketball that the institution is on probation for two years and explain 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.
 - b. Publicize the information annually in 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 Committees on Infractions.

7. 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.

Penalties imposed by the institution and conference

8. Prohibited the current men's basketball coaches and staff from providing off-campus occasional meals, per Bylaw 16.11.1.5, to the men's basketball team during the 2011-12 academic year. (Institution imposed)
9. Reduced by 50 percent (from 10 to five) the number of football coaching staff members permitted to make recruiting telephone calls to prospective student-athletes during the first day of the November 2011 contact period. (Institution imposed)
10. Reduced by six (from 168 to 162) the number of men's basketball permissible recruiting person days for the spring 2011 evaluation period. (Institution imposed)
11. On September 9, 2010, reduced the former head men's basketball coach's total compensation by \$1.5 million through June 30, 2015, and delayed (by a period of two years and seven months) a \$500,000 retention bonus that he was scheduled to receive on November 30, 2012. (Institution imposed)
12. On September 9, 2010, reduced the respective salaries of former assistant coaches 1, 2 and 3 by approximately 25 percent. (Institution imposed)
13. On September 9, 2010, prohibited the former head men's basketball coach and former assistant coach 2 from all off-campus recruiting activities for a period of one year; former assistant coach 1 for a period of nine months, and former assistant coach 3 for a period of three months. (Institution imposed)
14. Terminated the employment of the former head men's basketball coach and former assistant coaches 1, 2 and 3 on March 21, 2011. (Institution imposed)
15. In the sport of men's basketball, during the fall 2010 contact period when recruiting calls were generally unlimited, restricted calls to senior prospective student-athletes to two calls per week (except for days of permissible contacts). (Institution imposed)
16. Reduced by 50 percent (from two calls per week to one call per week) the number of calls permitted to high school senior prospective student-athletes by the former head men's basketball coach and his staff from September 24, 2010, to August 1, 2011. (Institution imposed)

17. On November 18, 2010, suspended the former head men's basketball coach from all coaching-related duties during the first eight SEC men's basketball contests. (Conference imposed)
18. Prohibited recruiting phone calls for a two-week period for the former head men's basketball coach (February 24 to March 4, 2010), and for a five and one-half month period (January 1 to June 15, 2010) for former assistant coach 1. (Institution imposed)
19. In the sport of men's basketball, prohibited all recruiting telephone calls during the week of August 7 through August 14, 2010. (Institution imposed)
20. Prohibited the men's basketball staff from making any off-campus recruiting contacts during one week of the September/October 2010 contact period. (Institution imposed)
21. In the sport of men's basketball, reduced by 20 percent (from 130 to 104) the number of permissible recruiting-person days for the 2010-11 academic year. (Institution imposed)
22. Prohibited former assistant coach 1 from off-campus recruiting activities for a 10-day period during the summer 2010 evaluation period. (Institution imposed);
23. In the sport of men's basketball, reduced by 33 percent (from 12 to eight) the number of permissible official visits during the 2010-11 academic year, and prohibited official visits during two home football game weekends in September 2010. (Institution imposed)
24. Required the entire men's basketball staff to attend a 2010 NCAA Regional Rules Seminar. (Institution imposed)
25. Permanently restricted all non-coaching football staff members from recruiting-related travel. (Institution imposed)
26. Prohibited the recruitment of football prospective student-athletes from the high school attended by the intern from December 18, 2009, through September 1, 2010. (Institution imposed)
27. Prohibited the football staff from sending any recruiting correspondence, including National Letters of Intent or Southeastern Conference financial aid agreements, to prospective student-athletes at the high school attended by the

intern from December 22, 2009, through January 31, 2010, and limited the staff's calls to once per week during that period. (Conference imposed)

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 August 24, 2011.

Should the University of Tennessee, Knoxville 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. An institution that employs an individual while a show-cause order is in effect against that individual, and fails to adhere to the penalties imposed, subjects itself to allegations and possible 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
Melissa (Missy) Conboy
Brian P. Halloran
Eleanor W. Myers
James O'Fallon
Dennis E. Thomas, chair

APPENDIX ONE

CASE CHRONOLOGY.

2009

April 6 - Information related to impermissible telephone calls and an impermissible contact involving the University of Tennessee, Knoxville, men's basketball coaching staff and a prospect was reported to the enforcement staff. A subsequent review of phone records revealed a series of impermissible calls to prospects.

November 10, 2009, to February 11, 2010 - The enforcement staff conducted off-campus interviews regarding the institution's football program.

2010

March 16 to 24 - The enforcement staff and institution conducted on-campus interviews with members of the football coaching staff and support staff members within the football program.

April 14 to May 7 - The enforcement staff and the institution conducted additional off-campus interviews regarding the football program.

June 14 - The enforcement staff and institution conducted on-campus interviews of the former head men's basketball coach and former assistant coaches 1, 2 and 3.

June 28 - The enforcement staff received information from a confidential source that the former head men's basketball coach contacted prospect 1's father regarding matters relating to the investigation.

August 5 - The enforcement staff and the institution conducted a second on-campus interview with the former head men's basketball coach and former assistant coaches 1, 2 and 3.

August 25 and 26 - The enforcement staff and institution conducted off-campus interviews with the former head football coach and other former members of the institution's football coaching staff.

September 10 - The enforcement staff sent a notice of inquiry to the institution.

September 24 and 28 - The enforcement staff and institution conducted further off-campus interviews involving both the men's basketball and football programs.

2011

February 22 - The enforcement staff issued a notice of allegations to the institution and the involved parties in this case.

May 20 - The enforcement staff received the institution's response to the notice of allegations and the former assistant football coach's response to the notice of allegations.

May 21 - The enforcement staff received responses to the notice of allegations from former assistant coaches 1, 2 and 3.

May 23 - The enforcement staff received responses to the notice of allegations from the former head men's basketball coach.

May 23 - The enforcement staff received responses to the notice of allegations from the former head football coach.

May 24 - A prehearing conference was conducted with the attorney for the institution

May 25 - A prehearing conference was conducted with the attorney for the former assistant football coach.

May 25 - A prehearing conference was conducted with the attorney for former assistant coaches 1, 2 and 3.

May 26 - A prehearing conference was conducted with the attorneys for the former head football coach.

May 26 - A prehearing conference was conducted with the attorney for the former head men's basketball coach.

June 11 - The institution appeared before the NCAA Division I Committee on Infractions.

August 24 - Infractions Report No. 354 is released.

APPENDIX TWO

CORRECTIVE ACTIONS AS IDENTIFIED IN THE INSTITUTION'S MAY 20, 2011, RESPONSE TO THE NOTICE OF ALLEGATIONS.

The institution has purchased and implemented a new compliance software system (ACS). This system will greatly increase the abilities of the institution's athletics compliance staff and all institutional sports programs to organize, track and record telephone recruiting calls, contacts and evaluations;

Extensive and increased rules education has been and will continue to be conducted with all coaches pertaining to off-campus contacts, permissible recruiters, official and unofficial visits, occasional meals, telephone calls, reporting of violations, and ethical conduct expectations;

The compliance staff will continue to meet with the men's basketball student-athletes at least twice per semester to deliver NCAA and SEC rules-education content;

A new, strict policy on telephone call violations has been developed and delivered to the institution's chancellor for review. The policy contains a range of progressive punitive actions against individuals and sports programs for violations involving impermissible recruiting telephone calls. A copy of the final policy will be provided to the Committee on Infractions in the institution's first annual compliance report;

It was determined that no member of the institution's new student host organization may be employed in the athletics department; and

The chancellor has established a requirement that all institution coaches sign and submit quarterly compliance statements.

Letters of admonishment were issued to the former head football coach and the recruiting intern.