UNIVERSITY OF OREGON
PUBLIC INFRACTIONS REPORT
JUNE 26, 2013

I. INTRODUCTION

On April 20, 2013, officials from the University of Oregon,[1] (Oregon) including the former head football coach ("former head coach") and a former assistant director of football operations ("former assistant director of operations"), appeared before the NCAA Division I Committee on Infractions ("committee") to address allegations of major infractions in the institution's football program. At issue were allegations of violations of NCAA bylaws concerning the football program's use of multiple recruiting/scouting services over a three-year period and other recruiting violations, including impermissible benefits provided to a prospective student-athlete and impermissible telephone calls placed to prospective student-athletes, their family members and high school coaches over a four-year period. Additionally, for nearly two years the football program allowed a staff member to engage in recruiting activities and therefore exceeded the permissible limit on countable coaches. Included in this case were attendant allegations of a failure to monitor on the part of both the former head coach and the institution.

This case was originally submitted to the committee on October 30, 2012, in the form of a summary disposition report. However, in a letter dated November 29, the committee informed the enforcement staff and the institution that the case should be considered at a full hearing.

The institution, the former head coach and the former assistant director of operations substantially agree to the facts, and all parties agree that violations occurred. Although the institution and the former head coach agreed that the manner in which a recruiting service was used in 2010 was contrary to NCAA legislation, they disputed that the football program's use of recruiting services in 2008 and 2009 was contrary to NCAA legislation. Consequently, the former head coach claimed that his program's use of recruiting services in 2008 and 2009 should not be included as a component of his failure to monitor, consistent with the institution's position that these are not violations of NCAA legislation.

[1] A member of the Pacific-12 (Pac-12) Conference and the Mountain Pacific Sports Federation, the University of Oregon has an enrollment of approximately 24,000 students. The institution sponsors seven men's and eight women's intercollegiate sports. This is the institution's third major infractions case, with earlier cases in 1981 (football, men's basketball, men's swimming) and in 2004 (football). As a result of the 2004 case, the institution is considered a repeat violator under NCAA legislation.

At the center of this case is a recruiting service ("recruiting service 1") and its owner/operator ("recruiting service provider"), who became a representative of the institution's athletics interest when he engaged in activities assisting the institution in the recruitment of several football prospective student-athletes. The institution's violations associated with the recruiting service provider occurred because his assistance went beyond that of the typical service provider and he recruited on behalf of the institution for a period of almost three years. Also, while recruiting on behalf of the institution, he provided impermissible recruiting inducements to prospective student-athletes. As a result of his recruiting activity, the recruiting service provider became a representative of the institution's athletics interests. Consequently, the institution accepts responsibility for the violations associated with the recruiting service provider. The recruiting violations that occurred when noncoaching staff members placed impermissible calls to prospective student-athletes are also attributable to the institution.

The former assistant director of operations' violations were directly tied to the recruiting service provider's impermissible recruiting because he was either aware of the activity or he requested that the recruiting service provider participate in impermissible recruiting activities.

The former head coach's violations were the result of his failure to monitor: (1) the activities of his football staff related to the recruiting service provider, a representative of the institution's athletics interests, and the recruiting service provider's impermissible involvement with prospective student-athletes; (2) the football program's use of recruiting or scouting services that were not always compliant with NCAA legislation; and (3) the duties and activities of the former assistant director of operations.

Finally, the institution failed to monitor: (1) the football program's use of recruiting or scouting services; (2) the provision of institutional athletics apparel; and (3) telephone calls between prospective student-athletes, their parents or high school coaches and noncoaching staff members with sport-specific responsibilities.

This case involved major infractions of NCAA legislation committed by the recruiting service provider, who became an athletics representative, in addition to violations committed by institutional staff members, most notably, the former head coach. As detailed in Section VI-Penalties, the committee concludes that the following principal penalties are appropriate: three years of probation, a reduction in the maximum number of football grants-in-aid and official recruiting visits, an 18-month show-cause restriction for the former head coach, a one-year show-cause restriction for the former assistant director of operations, a prohibition on the use of recruiting services (to run concurrently with the period of probation) and the disassociation from the institution of the recruiting service provider who was at the center of this case.

II. CASE HISTORY

The NCAA enforcement staff first learned of possible NCAA violations involving the University of Oregon from a confidential source on February 28, 2011. According to the source, the institution's football program had committed violations in its use of scouting services in the recruitment of prospective student-athletes. Shortly thereafter, on March 3, the website *Yahoo! Sports* published an article that provided additional allegations concerning information the enforcement staff had originally received. On March 4, the enforcement staff requested detailed recruiting records for the football program from the institution. On March 7, the enforcement staff commenced off-campus interviews independent of the institution. The enforcement staff began conducting campus interviews on March 28.

The enforcement staff's inquiry into this matter led it to believe that the recruiting service provider may have been improperly involved with other member institutions. According to the enforcement staff, additional scrutiny and inquiry was required and slowed the pace of the Oregon investigation. The investigation encompassed more than eight months, concluding with the final round of interviews on January 20, 2012.

The enforcement staff described the institution as "fully cooperat(ive) throughout the entirety of the investigative stage." At the investigation's conclusion, the enforcement staff, the institution and the involved parties were in substantial agreement on the facts of the case and on the violations that had occurred. Accordingly on March 12, 2012, the parties decided to pursue a resolution of this case through the summary disposition process. The parties finally reached agreement on the contents of a summary disposition report, which was submitted to this committee on October 30, 2012, eight months after the investigation was completed and six months after the initial draft of the summary disposition report was provided to the institution.[2]

The committee completed its review of the summary disposition document in late November and, following the review, rejected the summary disposition in favor of a full hearing. In a November 29, 2012, letter, the committee notified all parties of the decision to hold a full hearing. In that letter, the committee also encouraged the parties to take all steps necessary to ensure that the case could be heard as quickly as possible, during the committee's February 2013 meeting. Thereafter, the enforcement staff issued a notice of allegations on December 5. In a letter dated January 15, the institution requested the full

[2] According to the enforcement staff and the institution, this delay was due to a number of factors, including: (1) "challenges" encountered by the enforcement staff with its own internal review process; (2) resistance on the part of the enforcement staff to the institution's request for information the staff had gathered from other institutions regarding their relationships with the recruiting service provider; (3) the unavailability of high-level institution administrators at key times during the institution's review of the summary disposition report; and (4) during the final review stage, "issues" the enforcement staff had with some of the language the institution used in its sections of the summary disposition report.

90 days allowed by NCAA legislation to respond to the notice of allegations. As a result, the hearing was postponed to the April 2013 meeting of the committee, with the hearing occurring on April 20.

III. FINDINGS OF FACT

Recruiting service provider's involvement with Oregon football recruiting

On or about December 20, 2007, while the former head coach was Oregon's offensive coordinator, the recruiting service provider called the former head coach, identified himself as an employee of a recruiting/scouting service ("recruiting service 2"), and asked the former head coach what types of prospective student-athletes Oregon was interested in recruiting.[3] The former head coach informed the recruiting service provider that Oregon was primarily interested in "skill position" players (quarterbacks, running backs, defensive backs and receivers) "with speed." The recruiting service provider then sent the former head coach video of a few prospective student-athletes in hopes of landing Oregon as a client for recruiting service 2. This was the genesis of the relationship between the recruiting service provider and the Oregon football program. In May 2008, the football program subscribed to recruiting service 2, which was able to provide information on prospective student-athletes in Florida and Texas. The recruiting service provider identified Texas as his primary geographical area of responsibility and expertise.[4]

As conceded by the institution, in May 2008, the recruiting service provider began assisting Oregon's football program in the recruitment of prospective student-athletes when he recommended certain football prospective student-athletes whom the program should evaluate, recommended which high schools the program should visit and, in May 2009, accompanied the former head coach (then an assistant coach) to, and during, visits to those high schools for evaluation purposes. As a result of these activities, and the fact that the recruiting service provider had both in-person and telephone contact on behalf of the institution with prospective student-athletes, he became a representative of the institution's athletics interests under NCAA legislation.

Through the relationships he cultivated, the recruiting service provider gave the football staff valuable information that would not typically be included in the recruiting/scouting

[3] In late 2009 or early 2010, the recruiting service provider ended his employment with recruiting service 2 in order to establish his own recruiting service, previously identified as "recruiting service 1."
[4] The recruiting service provider's collective ventures and activities in the state of Texas provided him with significant exposure to prospective student-athletes and high school and college coaches in the state.

service's written reports. Specifically, because the recruiting service provider developed relationships and familiarity with prospective student-athletes early in their recruitment, he was able to inform Oregon coaches of information such as the identity of key individuals who were integral to the prospective student-athletes' recruitment (e.g., an uncle, a grandmother, a nonscholastic seven-on-seven coach, etc.), and those prospective student-athletes who were unlikely to be interested in in being recruited by Oregon.

During the period from 2008 through 2010, in the course of developing relationships with prospective student-athletes, the recruiting service provider had telephone and off-campus contacts with a football prospective student-athlete ("prospect A"). Beginning in 2009, the former assistant director of operations was aware of the recruiting service provider's involvement in prospect A's recruitment and participated in that involvement, principally via a triangle of telephone communications among the recruiting service provider, prospect A and the former assistant director of operations. It was common for the former assistant director of operations to ask the recruiting service provider to have a prospective student-athlete with whom the recruiting service provider had a relationship, contact a coach on the football staff. From 2009 through 2010, the recruiting service provider also had telephone and off-campus contacts with five other football prospective student-athletes ("prospects B, C, D, E and F" respectively).

In May 2009, the recruiting service provider had an off-campus contact with a then football prospective student-athlete ("prospect G") at the prospect's high school. An assistant football coach was aware of the recruiting service provider's contact with prospect G because the recruiting service provider accompanied the assistant football coach during the visit to the high school.

On December 3, 2009, the institution's athletics department provided the recruiting service provider with a pre-game sideline pass and access to an area of the stadium where prospective student-athletes were seated during official visits. The recruiting service provider had contact with two prospective student-athletes. One prospective student-athlete ("prospect H") recalled the recruiting service provider introducing himself in the stands but did not recall the substance of their interaction. The other prospective student-athlete ("prospect I") recalled meeting the recruiting service provider for the first time on the sideline area on the field prior to the game. Prospect I further reported that the recruiting service provider introduced himself and indicated that "Oregon would be a good fit for me" because of "my speed."

From May through June 2010, prospect H and the recruiting service provider talked by phone and had in-person contact. Prospect H signed a National Letter of Intent (NLI) with Oregon in February 2010 with the intention of joining the football team in the fall of 2010. The institution discovered a deficiency in prospect H's Scholastic Aptitude Test (SAT) while performing a review of his academic credentials. Due to the deficiency, prospect H was required to return to Houston immediately to take the earliest available

SAT.[5] An assistant football coach and the former assistant director of operations sought the assistance of the recruiting service provider in facilitating the prospect's taking of the SAT. The recruiting service provider contacted prospect H via telephone and ultimately delivered to him the required SAT registration packet at a Houston area gas station the evening before the test.

Further, there was evidence that the recruiting service provider was involved in the arrangements for prospective student-athletes to travel to the institution for their official visits. Following the official visits of prospects E and F, the former assistant director of operations sent the recruiting service provider a hand-written note he composed under the former head coach's signature, stating:

> I really appreciate your help in getting [the names of the visiting prospects] and the whole crew here this past weekend. We'll work on getting [prospect A] here soon too! Thanks for orchestrating everything and all your help with these guys. I hope you enjoyed the game . . .Go Ducks!

The enforcement staff questioned the recruiting service provider regarding the note:

Enforcement Staff: What does that mean, 'thanks for orchestrating everything?'

Recruiting Service Provider: Well, with that trip, I organized the trip. I made sure the dates were good with the kids, with discussing flights, with (prospect F's) mentor, and with (prospect E's) guardian, and just basically putting together a trip to make sure that everybody had the dates down, and everything was good, and making sure that everybody got out there okay, as far as me as far as just organizing it and putting it all together.

Likewise, during the hearing, the former head coach was questioned about the recruiting service provider in the following exchange:

Committee Member: Okay. Then in February, you have (prospect A) sign a Letter of Intent with the university, and then you have shortly thereafter a $25,000 invoice to the university that is paid (to the recruiting service provider) as part of the contractual relationship for services that ultimately were never provided. Is that a fair assessment? I am just trying to get to the essence of this.

Former head coach: Yes, I understand. The services weren't totally provided in terms of what we should have got.

[5] Prospect H was on the institution's campus for summer school at that time.

Receipt of benefits by prospective student-athlete A

The recruiting service provider and prospect A became acquainted in the spring of 2008. During the course of this relationship, the recruiting service provider accompanied prospect A on unofficial visits to several member institutions. A few months later, prior to prospect A's junior year in high school, the recruiting service provider traveled to prospect A's home in Texas, and resided with the prospect and his mother for brief periods of time. The recruiting service provider coordinated prospect A's speed and agility training, which took place at a local high school. Subsequently, prospect A traveled to the recruiting service provider's home where, in 2008, prospect A was provided lodging and training by the recruiting service provider in anticipation of the US Army All-American Combine (December 2008). Likewise, in 2009, prospect A was given lodging and training by the recruiting service provider prior to the US Army All-American Game (December 2009). The approximate total value of this lodging and training was $300. Further, during the course of this relationship, from 2008 through 2010, the recruiting service provider provided prospect A a series of cash gifts totaling approximately $100. Finally, in or around December 2009, prospect received athletics apparel issued only to student-athletes and not available to the general public.[6] At some point in the months following December 2009, the former assistant director of operations viewed a YouTube video that featured prospect A, still a prospective student-athlete at the time, wearing a T-shirt that was issued only by the football program. The former assistant director of operations recognized that the T-shirt was not one available to the public for purchase, but did not report that information to compliance or athletics administrators.

Football program's use of a recruiting/scouting service

In 2010, the football program paid $25,000 for a subscription to recruiting service 1 and received oral reports from the recruiting service provider. On January 16, 2010, Bylaw 13.14.3 changed to require four reports annually from recruiting/scouting services. Recruiting service 1 did not disseminate to the football program recruiting or scouting information at least four times per calendar year as the legislation requires. It was not until January 2011 that the institution realized that the legislatively mandated reports had not been received from the recruiting coordinator. Finally, on February 22, 2011, over a year after the legislative change and at the request of the institution, the recruiting service provider sent outdated scouting materials to the institution in an attempt to assist the institution in complying with the new legislation. Although a football staff member

[6] The enforcement staff originally alleged that the apparel referenced here was provided to prospect A from a box of Oregon athletics clothing sent to the recruiting service provider by the assistant director of operations. The enforcement staff later conceded that it could "not definitively conclude that the T-shirt [prospect A] impermissibly received came from the specific box of institutional apparel originally provided to [the recruiting service provider]."

claimed to have some recollection that earlier reports may have been submitted by the recruiting service provider, there was no tangible evidence that any such written reports were submitted.

After the legislative change, the compliance office prepared a form that was submitted to its scouting services, citing the quarterly report requirements and directing the service to confirm its intention to comply. The form was supposed to be filed with the institution's business office along with the subscription paperwork. The form was not returned by the recruiting service provider and the institution did not follow up with the recruiting service to ensure that it was filed.

During the hearing, the former head coach was questioned about the recruiting service in the following exchange:

Committee member: So, let me go back. (The staff member coordinating recruiting services) is the one that should have been receiving the reports, and I think his testimony in the response . . . (the staff member coordinating recruiting services) was contacted about renewing (the recruiter service provider's) subscription . . .Then there is a request to send us what we think you have been sending us, and then later on what shows up is not even close to what is expected by the rule or apparently by what the university thought it was paying for at the time.

Former head coach: Correct.

Committee member: So, just to be clear, there may be memories (of reports submitted by the recruiting service provider), but what we have is there wasn't documentation sent that met the expectation of the rule that was in place for 2010.

Former head coach: Correct.

The compliance office provided the football staff with rules education pertaining to the January 2010 legislative change, but it did not follow up or monitor the staff to ensure the receipt or contemporaneous logging of these reports. Recruiting service 1 was a single-employee business focused primarily in Texas. Recruiting service 1 lacked national-level experience, yet the owner/operator ("the recruiting service provider") charged the institution $25,000 for a one-year subscription. This fee is more consistent with recruiting services that provide coverage on a national level.

Further, the committee noted that the $25,000 paid to recruiting service 1 was more than double the amount the institution paid to the second most costly of the other recruiting services it employed.

Recruiting telephone calls involving noncoaching staff members

From 2007 through early 2011, three noncoaching staff members placed or received approximately 730 recruiting-related telephone calls. Specifically:

During a period from 2009-10 through early 2011-12 academic years, the former assistant director of operations placed 486 telephone calls to, and received 183 impermissible telephone calls from, 74 different prospective student-athletes, their parents or high school coaches. The former assistant director of operations claimed all of the calls were administrative in nature, either to arrange logistics for an incoming official visit or for a coaching staff member to make a home or high school visit to a prospect's locale. The former assistant director of operations claimed that he was not aware that these communications would be considered of a "recruiting" nature.

During the 2009-10 through 2011-12 academic years, an associate director of football operations placed 46 telephone calls to, and received 13 telephone calls from nine different prospective student-athletes, their parents or high school coaches.[7] The associate director of operations claimed that all of these calls were administrative in nature, either to arrange logistics for an incoming official visit or for a coaching staff member to make a home or high school visit to a prospect's locale. The associate director of operations did not know that such communications would be considered "recruiting" telephone calls.

During the 2007-08 academic year, a second assistant director of football operations placed six telephone calls to, and received eight impermissible telephone calls from, four different prospective student-athletes, their parents or high school coaches. Once again, these calls were claimed to be administrative in nature, either to arrange logistics for an incoming official visit or for a coaching staff member to make a home or high school visit to a prospect's locale. The second assistant director of operations claimed that he did not know that such communications would be considered "recruiting" telephone calls.

The athletics department did not have a rules education session tailored directly for the football operations staff nor a monitoring system for the football operation staff's telephone calls.[8]

[7] Although the notice of allegations identified the individual as a "second assistant director of operations," the institution identifies the individual as the committee does here.

[8] The compliance officer reported that the institution's compliance department monitored the phone calls of its coaching staffs by hand until 2010. They did not have the manpower to check every coach every month, so they reviewed the records of 10 coaches per month and attempted to ensure that every coach's telephone records were reviewed at least once per year. The compliance officer reported that the telephone records of operations staff members would "occasionally be thrown in the rotation" to be reviewed.

Coaching staff limits

From 2009 through 2011, the former assistant director of operations knew and occasionally communicated with the recruiting service provider. These communications were a by-product of the football program's subscriptions to recruiting services with which the recruiting service provider was associated, first as an employee and later as an owner/operator. The former assistant director of operations also knew that the recruiting service provider had personal relationships with certain prospects through his recruiting service work. On occasion, the former assistant director of operations asked the recruiting service provider to deliver a message to a prospect. For example, there were occasions when the former assistant director of operations asked the recruiting service provider to have a prospect contact a member of the Oregon coaching staff. Further, the former assistant director of operations placed numerous recruiting-related telephone calls.

IV. ANALYSIS

Given the findings of fact, the committee must resolve certain issues concerning the football program and the actions by, or omissions of, the former assistant director of operations and the former head coach. Specifically, the findings in this case fall into six areas: (A) recruiting violations committed by the owner of a recruiting/scouting service who became a representative of the institution's athletics interests, (B) use of a recruiting/scouting service that did not comply with NCAA legislation, (C) impermissible telephone calls placed by noncoaching staff members, (D) exceeding the permissible limit of football coaches, (E) the former head coach's failure to monitor, (F) a failure to monitor by the institution.

A. THE RECRUITING SERVICE PROVIDER ENGAGED IN IMPERMISSIBLE RECRUITING ACTIVITY. [NCAA Bylaws 13.01.4, 13.02.1.4, 13.1.2.1, 13.1.2.4-(a), 13.1.3.5.1, 13.2.1, 13.2.1.1-(b), 13.2.1.1-(e) and 13.2.1.1-(h)]

The recruiting violations in this case involve impermissible recruiting assistance rendered by a recruiting service provider. This assistance took the form of recommending certain football prospective student-athletes that the program should evaluate, advising which prospects the institution would be unlikely to recruit successfully because the prospects' interests were elsewhere, advising which high schools the program should visit and, in May 2008, accompanying an assistant football coach during visits to high schools for evaluation purposes. Further, the recruiting service provider made impermissible telephone calls on behalf of the institution and engaged in off-campus contacts with nine prospects,

and provided recruiting inducements to one of the nine prospects. This impermissible activity arose from the retention of the recruiting service provider's business by the Oregon football program. The enforcement staff and the institution substantially agree to the facts of this finding and that that those facts constitute violations of NCAA legislation.

1. NCAA legislation regarding recruiting restrictions pertaining to athletics representatives.

The applicable portions of the bylaws state:

13.01.4 Recruiting by Representatives of Athletics. Representatives of an institution's athletics interests (as defined in Bylaw 13.02.14) are prohibited from making in-person, on- or off-campus recruiting contacts, or written or telephonic communications with a prospective student-athlete or the prospective student-athlete's relatives or legal guardians.

Bylaw 13.02.14 Representative of Athletics Interests. A "representative of the institution's athletics interests" is an individual, independent agency, corporate entity (e.g., apparel or equipment manufacturer) or other organization who is known (or who should have been known) by a member of the institution's executive or athletics administration to: *(Revised: 2/16/00)*

(c) Be assisting or to have been requested (by the athletics department staff) to assist in the recruitment of prospective student-athletes;

13.1.2.1 General Rule. All in-person, on- and off-campus recruiting contacts with a prospective student-athlete or the prospective student-athlete's relatives or legal guardians shall be made only by authorized institutional staff members. Such contact, as well as correspondence and telephone calls, by representatives of an institution's athletics interests is prohibited except as otherwise permitted in this section. Violations of this bylaw involving individuals other than a representative of an institution's athletics interests shall be considered institutional violations per Constitution 2.8.1; however, such violations shall not affect the prospective student-athlete's eligibility. *(Revised: 8/5/04)*

13.1.2.4 Other Restrictions, Athletic Representatives. The following are additional restrictions that apply to athletics representatives:

(a) **Telephone Conversation.** An athletics representative of a member institution may speak to a prospective student-athlete via

the telephone only if the prospective student-athlete initiates the telephone conversation and the call is not for recruiting purposes. Under such circumstances, the representative must refer questions about the institution's athletics program to the athletics department staff;

13.1.3.5.1 Representatives of Athletic Interests. Representatives of an institution's athletics interests (as defined in Bylaw 13.02.14) are prohibited from making telephonic communications with a prospective student-athlete or the prospective student-athlete's relatives or legal guardians.

13.2.1 General Regulation. An institution's staff member or any representative of its athletics interests shall not be involved, directly or indirectly, in making arrangements for or giving or offering to give any financial aid or other benefits to a prospective student-athlete or his or her relatives or friends, other than expressly permitted by NCAA regulations. Receipt of a benefit by a prospective student-athlete or his or her relatives or friends is not a violation of NCAA legislation if it is determined that the same benefit is generally available to the institution's prospective students or their relatives or friends or to a particular segment of the student body (e.g., international students, minority students) determined on a basis unrelated to athletics ability.

13.2.1.1 Specific Prohibitions. Specifically prohibited financial aid, benefits and arrangements include, but are not limited to, the following:

(b) Gift of clothing or equipment;

(e) Cash or like items;

(h) Free or reduced-cost housing;

2. The recruiting service provider engaged in impermissible recruiting activity.

The institution and the enforcement staff agree that a violation occurred. The committee concludes that these facts constitute a violation of NCAA bylaws.

The facts demonstrate that the recruiting service provider was directly involved in assisting the Oregon football program in the recruitment of prospective student-athletes and, in that process, became a representative

of the institution's athletics interests per NCAA Bylaw 13.02.14-(c). This activity was a violation of NCAA recruiting legislation that prohibits athletics representatives from involvement in the recruitment of prospective student-athletes.

Because the recruiting service provider was able to develop relationships with prospects and to glean information on the front end of the recruitment process as to which individuals would be controlling access to and influencing the prospect (e.g., an uncle, a grandmother, a nonscholastic seven-on-seven coach, etc.), the recruiting service provider delivered valuable information to the institution that afforded a recruiting advantage. Many coaching staff members reported that the recruiting service provider's greatest value was his identification of which prospects *not* to recruit. The institution described the net result of the recruiting service provider's actions not as recruiting violations, but rather as "impermissible recruiting efficiencies." The institution also described his actions as a matter of "convenience." Nonetheless, at a minimum, the recruiting service provider's actions resulted in a recruiting advantage by freeing up time and resources early in the recruiting cycle that could be devoted to targeting prospects likely to be a good fit at Oregon. In an effort to assist Oregon in the recruitment of prospective student-athletes and in the context of the relationships he developed as described above, the recruiting service provider had telephonic and in-person contact with nine football prospective student-athletes. Such activity by an athletics representative is prohibited under NCAA bylaws. In some instances, specifically relating to prospects A, B, C, D, E and F, the former assistant director of operations not only was aware of the recruiting service provider's activity relative to these prospects, but also solicited the recruiting service provider's involvement when using him as a conduit for communications. The former assistant director of operations reported that he did not know it was a violation of NCAA legislation to use the recruiting service provider in this fashion. The committee concludes that the facts as found constitute violations of NCAA Bylaws 13.01.4, 13.1.2.1 and 13.1.2.4-(a).

Another way in which the institution used the recruiting service provider was to have him encourage prospects to take official visits to the institution's campus. As previously set forth, the recruiting service provider made several trips to the institution's campus at his own expense. On one of those occasions, at a December 3, 2009, home football contest, the recruiting service provider had impermissible contact with two prospects who were attending the game as part of their official visits to the

institution's campus. The committee concludes that the facts as found constitute violations of NCAA Bylaws 13.01.4 and 13.1.2.1.

The recruiting service provider had both in-person and telephonic contact with prospect H and, at the request of football staff members, provided assistance to prospect H in registering for the SAT. The committee concludes that the facts as found constitute violations of NCAA Bylaws 13.01.4 and 13.1.2.1.

3. The recruiting service provider gave prospect A cash.

Finally, as set forth earlier in this report, the recruiting service provider gave prospect A cash, cost-free lodging and meals during the period from 2008 through 2010, that violated NCAA Bylaws barring athletics representatives from providing cash and other benefits to prospective student-athletes. The committee concludes that the facts as found constitute violations of NCAA Bylaws 13.2.1, 13.2.1.1-(b), 13.2.1.1-(e) and 13.2.1.1-(h).

B. THE INSTITUTION FAILED TO COMPLY WITH RECRUITING SERVICE LEGISLATION. [13.14.3-(c) (2010-11 NCAA Division I Manual)]

The impermissible scouting/recruiting service at issue in this violation was the business of recruiting service provider 1. The institution subscribed to this service, and the service failed to comply with the legislative requirement that recruiting services disseminate information (e.g., reports, profiles) about prospective student-athletes at least four times per calendar year.[9]

[9] As of January 16, 2010, NCAA Bylaw 13.14.3-(c) was changed to require quarterly written reports from recruiting/scouting services. The rationale for that change was, as follows: "Currently, recruiting or scouting services are only required to meet minimal requirements in order for institutions to subscribe to them. For example, a published recruiting or scouting service only needs to be regularly published and available at the same fee rate for all subscribers. There has been a proliferation of recruiting services . . . that do not provide information consistent with the original intent of the legislation. Many of the operators of the recruiting or scouting services are tied directly to teams or events involving highly skilled prospective student-athletes and concerns have been expressed that the service is being used as leverage in the recruiting process. In some instances, the service merely provides demographic information that is available from other sources or in other instances, no information that would assist in the evaluation of talent. The perception is that unless an institution subscribes to particular services, it will be disadvantaged in attempts to recruit prospective student-athletes linked with the recruiting-service operators. This proposal acknowledges the overall value of recruiting services and protects the integrity of the recruiting process by reinforcing the intent of the original legislation."

The institution and the enforcement staff agree that a violation occurred. The committee concludes that these facts constitute a violation of NCAA bylaws.

1. NCAA legislation regarding scouting services.

The applicable portions of the bylaws state:

Bylaw 13.14.3-(c) (2010-11 Division I Manual). An institution may subscribe to a recruiting or scouting service involving prospective student-athletes, provided the institution does not purchase more than one annual subscription to a particular service and the service:

(c) Disseminates information (e.g., reports, profiles) about prospective student-athletes at least four times per calendar year;

2. The institution used a recruiting service that failed to comply with the quarterly reporting requirement.

The institution and the enforcement staff agree that a violation occurred. The committee concludes that these facts constitute a violation of NCAA bylaws.

The facts in this case demonstrate that on January 16, 2010, the applicable NCAA legislation changed to require quarterly reports from recruiting/scouting services. Because recruiting service 1 did not provide quarterly reports until February 22, 2011, over a year after the legislative change, a violation of NCAA legislation occurred. The committee concludes that the facts as found constitute a violation of NCAA Bylaw 13.14.3-(c).

C. THREE NONCOACHING STAFF MEMBERS PLACED OR RECEIVED IMPERMISSIBLE RECRUITING TELEPHONE CALLS. [NCAA Bylaws 11.7.1.2 and 13.1.3.4.1]

During the period from 2007 through early 2011, three noncoaching staff members, who were not permitted to make telephone calls of a recruiting nature, placed or received numerous impermissible recruiting-related telephone calls in violation of NCAA legislation.

1. NCAA legislation regarding recruiting functions and the staff members permitted to engage in this activity.

The applicable portions of the bylaws state:

11.7.1.2 Recruiting Coordination Functions The following recruiting coordination functions (except related routine clerical tasks) must be performed by the head coach or one or more of the assistant coaches who count toward the numerical limitations in Bylaw 11.7.4: *(Revised: 4/27/06 effective 8/1/06, 4/24/08 effective 8/1/08)*

(a) Activities involving athletics evaluations and/or selection of prospective student-athletes; and *(Revised: 4/24/08 effective 8/1/08)*

(b) Making telephone calls to prospective student-athletes (or prospective student-athletes' parents, legal guardians or coaches). *(Revised: 1/12/06, 4/24/08 effective 8/1/08, 4/26/12)*

13.1.3.4 Permissible Callers.

13.1.3.4.1 Institutional Coaching Staff Members -- General Rule. All telephone calls made to a prospective student-athlete (or the prospective student-athlete's parents, legal guardians or coaches) must be made by the former head coach or one or more of the assistant coaches who count toward the numerical limitations in Bylaw 11.7.4 (see Bylaw 11.7.1.2). In bowl subdivision football and women's rowing, such telephone calls also may be made by a graduate assistant coach, provided the coach has successfully completed the coaches' certification examination per Bylaw 11.5.1.1. *(Revised: 1/10/95, 1/9/96 effective 8/1/96, 1/12/04 effective 8/1/04, 4/27/06 effective 8/1/06, 5/26/06, 12/12/06, 12/15/06, 4/26/12)*

2. Three noncoaching staff members placed or received impermissible recruiting related telephone calls.

The institution and the enforcement staff agree that a violation occurred. The committee concludes that these facts constitute a violation of NCAA bylaws.

The facts demonstrate that, during a four-year period, from 2007 through early 2011, three noncoaching staff members placed or received approximately 730 impermissible recruiting telephone calls. The institution admitted the violation and that the bylaw requires that all telephone calls are to be made by coaches who count towards the numerical limitations and who have been properly certified. The noncoaching staff members stated that they did not realize that these calls

would be considered recruiting related and described the calls as "logistical." Because NCAA legislation requires that all telephone calls made to a prospective student-athlete (or to the prospective student-athlete's parents, legal guardians or coaches) must have been made by the former head coach or one or more of the assistant coaches, the institution violated NCAA recruiting rules. The committee concludes that the facts as found constitute violations of NCAA Bylaws 11.7.1.2 and 13.1.3.4.1.

D. THE INSTITUTION EXCEEDED COACHING STAFF LIMITATIONS. [NCAA Bylaw 11.7.2]

During the period from 2009 through 2011, the institution's football program exceeded the permissible limit on the number of coaches by one when the former assistant director of football operations (a noncoaching sport-specific former staff member who was not considered a countable coach by the institution) engaged in recruiting activities as set forth in Section IV-C of this report.

The institution and the NCAA enforcement staff agree on the facts in this allegation and that violations of NCAA legislation occurred. The committee concludes that these facts constitute violations of NCAA legislation.

1. NCAA legislation regarding football coaching staff limitations.

The applicable bylaw states:

11.7.2 Bowl Subdivision Football. [FBS] There shall be a limit of one head coach, nine assistant coaches and four graduate assistant coaches who may be employed by an institution in bowl subdivision football. (Revised: 4/28/11 effective 8/1/12)

2. The former assistant director of operations became a countable football coach.

The institution and the enforcement staff agree that that the former assistant director of operations engaged in activity that could only be undertaken by a countable coach. The committee concludes that these facts constitute a violation of NCAA bylaws.

The facts demonstrate that the former assistant director of operations involved the recruiting service provider in the recruitment of several football prospective student-athletes. Further, he engaged in recruiting-related telephone calls. Because the former assistant director of

operations facilitated the recruiting service provider's involvement in recruiting and made recruiting-related telephone calls, he is considered to have been a countable coach. As a result, the institution exceeded the football coaching staff limit by one. The committee concludes that the facts as found constitute a violation of NCAA Bylaw 11.7.2.

E. THE FORMER HEAD COACH FAILED TO MONITOR THE FOOTBALL PROGRAM. [NCAA Bylaw 11.1.2.1]

From 2009 through 2011, the scope and nature of the violations in this case demonstrate that the head football coach failed to monitor: (1) his football staff related to the recruiting activities of the recruiting service provider, a representative of the institution's athletics interests; (2) the football program's use of a recruiting or scouting service that did not always comply with NCAA legislation; and (3) the duties and activities of the assistant director of operations.

The institution, the former head coach and the NCAA enforcement staff agree on the facts in this allegation and that violations of NCAA legislation occurred. The committee concludes that these facts constitute violations of NCAA legislation.

1. NCAA legislation regarding responsibility of a head coach.

The applicable bylaw states:

11.1.2.1 Responsibility of a Head Coach. It shall be the responsibility of an institution's head coach to promote an atmosphere for compliance within the program supervised by the coach and to monitor the activities regarding compliance of all assistant coaches and other administrators involved with the program who report directly or indirectly to the coach. (*Adopted: 4/28/05*)

2. The former head coach failed to monitor the football program.

The institution, the former head coach and the NCAA enforcement staff agree on the facts and that violations of NCAA legislation occurred. The committee concludes that these facts constitute violations of NCAA legislation.

The facts demonstrate that, while the former head coach stated he was unaware that certain activities (including those of his staff involving the recruiting service provider in the recruiting process) were violations, the committee concluded, and the institution and the former head coach

agreed, that it is the head coach's responsibility to know NCAA rules and regulations and to see that every coach and staff member complies with those regulations. The violations of NCAA legislation that occurred in connection with the recruiting service provider's impermissible contact with prospective student-athletes, the football program's use of the recruiting service provider's business which did not comply with NCAA legislation, and the impermissible telephone calls placed by the former assistant director of operations reflect that the former head coach failed to meet his obligation to monitor. The committee concludes that the facts as found constitute violations of NCAA Bylaw 11.1.2.1.

F. THE INSTITUTION FAILED TO MONITOR THE FOOTBALL PROGRAM. [NCAA CONSTITUTION 2.8.1]

From 2008 through 2011, the institution failed to monitor: (1) the football program's use of a recruiting or scouting service; (2) the provision of institutional athletics apparel; and (3) telephone calls between prospective student-athletes, their parents or high school coaches and noncoaching staff members with sport-specific responsibilities.

The institution, and the NCAA enforcement staff agree on the facts in this allegation and that violations of NCAA legislation occurred. The committee concludes that these facts constitute violations of NCAA legislation.

1. NCAA legislation regarding monitoring.

The applicable bylaw states:

NCAA Bylaw 2.8.1 Responsibility of Institution. Each institution shall comply with all applicable rules and regulations of the Association in the conduct of its intercollegiate athletics programs. It shall monitor its programs to assure compliance and to identify and report to the Association instances in which compliance has not been achieved. In any such instance, the institution shall cooperate fully with the Association and shall take appropriate corrective actions. Members of an institution's staff, student-athletes, and other individuals and groups representing the institution's athletics interests shall comply with the applicable Association rules, and the member institution shall be responsible for such compliance.

2. The institution failed to monitor the use of a recruiting service.

The institution and the NCAA enforcement staff agree on the facts and that violations of NCAA legislation occurred. The committee concludes that these facts as found constitute violations of NCAA legislation.

The facts demonstrate that simply alerting coaches that rules must be followed is not enough; effective compliance demands ongoing and specific rules education. Further, effective monitoring requires checking to see whether compliance with the rules has occurred. The institution should have followed up with the recruiting service provider to see that the form it had sent to him was properly completed and filed. Moreover, the institution should have checked with the football staff to see that the recruiting service provider was submitting quarterly reports. No such follow-up was done until almost a year after the legislation was modified. The committee concludes that these facts constitute violations of NCAA Constitution 2.8.1.

3. The former assistant director of operation failed to report a possible rules violation.

The institution and the NCAA enforcement staff are in agreement on the facts and that violations of NCAA legislation occurred. The committee concludes that these facts as found constitute violations of NCAA legislation.

The facts demonstrate that the former assistant director of operations sent a box of Oregon athletic apparel to the recruiting service provider. Later, when he saw prospect A on YouTube wearing an Oregon T-shirt not available for purchase, he had "concerns" about where prospect A obtained the T-shirt. The former assistant director of operations was obligated under NCAA rules to report his concerns about the T-shirt to a compliance or athletics administrator. The committee concludes that these facts constitute violations of NCAA Constitution 2.8.1 and are attributable to the institution.

4. The institution failed to educate the football operations staff regarding telephone legislation and failed to monitor the football operations staff's telephone activity.

The institution and the NCAA enforcement staff agree on the facts and that violations of NCAA legislation occurred. The committee concludes that these facts as found constitute violations of NCAA legislation.

The facts demonstrate that the athletics department should have had a rules-education session tailored directly for the football operations staff and a monitoring system for the football operation staff's telephone calls. There was a failure by the institution to designate someone responsible for educating and monitoring the football operations staff, including their phone calls. These circumstances contributed to the violations set forth in Sections C (impermissible phone calls) and D (exceeding football coaching staff limitations). The committee concludes that these facts constitute violations of NCAA Constitution 2.8.1.

G. VIOLATIONS NOT DEMONSTRATED

The allegations involving the use of impermissible recruiting services included three recruiting services, two (previously identified as recruiting service 2 and recruiting service 3) of which were utilized by the institution during the 2008 and 2009 academic years. Recruiting service 1 was used in 2010. The institution and the enforcement staff agreed on the facts associated with the use of all three services, but the institution disagreed that the use of recruiting service 2 and recruiting service 3 in 2008 and 2009 violated NCAA legislation. With regard to the use of recruiting service 1, the enforcement staff and the institution agreed on the facts and that a violation occurred. The committee concludes that there is no violation relative to the use of the recruiting services in 2008 and 2009.

1. NCAA legislation regarding scouting services.

The applicable portions of the bylaws, in effect during the relevant time period, stated:

Bylaw 13.14.3 (2009-10 and 2010-11 Manuals). An institution may subscribe to a recruiting or scouting service involving prospective student-athletes, provided the institution does not purchase more than one annual subscription to a particular service and the service.

(a) Is made available to all institutions desiring to subscribe and at the same fee rate for all subscribers;

(b) Publicly identifies all applicable rates;

(c) Disseminates information (e.g., reports, profiles) about prospective student-athletes at least four times per calendar year;

(d) Publicly identifies the geographical scope of the service (e.g., local, regional, national) and reflects broad-based coverage of the geographical area in the information it disseminates;

(e) Provides individual analysis beyond demographic information or rankings for each prospective student-athlete in the information it disseminates; *(Revised: 4/13/10)*

(f) Provides access to samples or previews of the information it disseminates before purchase of a subscription; and

(g) Provides video that is restricted to regularly scheduled (regular-season) high school, preparatory school or two-year college contests and for which the institution made no prior arrangements for recording. (Note: This provision is applicable only if the subscription includes video services.)

2. The recruiting services made oral reports to the institution in conjunction with written reports.

During 2008 and 2009, the institution's football program paid for subscriptions to two recruiting or scouting services that the enforcement staff contended did not conform to NCAA legislation. The facts demonstrate that in 2008 and 2009, the football program paid $6,500 and $10,000, respectively, for a subscription to recruiting service 2 and received oral reports from the recruiting service. Additionally, in 2009, the football program paid $3,745 for a subscription to a third recruiting service and received oral reports from an employee of the recruiting service. Both services provided the same standardized written/published player profiles, game film and highlight clips to the football program that were made available to all subscribers in accordance with Bylaw 13.14.3 as written in the 2007-08, 2008-09 and 2009-10 NCAA Manuals.

On January 16, 2010, the applicable NCAA legislation changed to require quarterly reports from recruiting/scouting services. The institution conceded that it violated this legislation when it used recruiting service 1 and did not receive written quarterly reports during 2010, as set forth previously in Section B of the Analysis section.

However, with regard to the institution's subscription to the recruiting services in 2008 and 2009, the committee concludes that the institution complied with Bylaw 13.14.3 as it was written at the time. In large part, the enforcement staff based its conclusion that the two services were impermissible on a December 16, 1987, official interpretation, which reads as follows:

> Considered the application of Case No. 201 a situation in which a member institution wishes to subscribe to a scouting service that provides oral reports (as opposed to a published report or videotape) by telephone to member institutions regarding prospective student-athletes, with this service then to be supplemented by handwritten reports and letters; concluded that the provisions of Case No. 201 which require that the service be made available to any institution desiring to subscribe and at the same fee rate for all subscribers, would not permit an institution's athletics department to subscribe to this scouting service, inasmuch as the material that is to be provided to each member institution is not standardized in a manner that ensures consistent distribution of information regarding each prospective student-athlete.

The enforcement staff maintained that this interpretation banned all oral communications with recruiting/scouting services providers. The 1987 interpretation does not contemplate the circumstances comprising this particular situation. Namely, a subscribing institution receives oral communication or has telephone conversations with the recruiting/scouting service providers in conjunction with standardized, published reports. The committee determines that language of the interpretation reasonably could be read that the interpretation permitted oral communications with recruiting/scouting service providers in conjunction with standardized written/published reports. Therefore, the committee concludes that the manner in which the institution utilized its subscriptions to the two recruiting services in 2008 and 2009 did not violate Bylaw 13.14.3 as it existed during those years. [10]

[10] Bylaw 13.14.3 did not exist in 1987. The December 16, 1987, interpretation was in reference to Case No. 201 of the NCAA's 1987 Constitution and Bylaws Case Book. That case was incorporated into the revised NCAA Manual in 1989 as Bylaw 13.14.3 and retained the same language until a January 16, 2010, amendment.

V. PENALTIES

The committee is the independent administrative body of the NCAA charged with adjudicating alleged rules infractions by member institutions and their employees. For the reasons set forth in Sections III and IV of this report, the Committee on Infractions finds that this case involved major violations of NCAA legislation. In keeping with its mandate and with due consideration of the institution's self-imposed penalties and corrective actions, the committee issues the following penalties. [Note: The institution's corrective actions are contained in Appendix One.]

The committee also considered the institution's cooperation in the processing of this case. Cooperation during the infractions process is addressed in NCAA Bylaw 19.01.3 - Responsibility to Cooperate and NCAA Bylaw 32.1.4 – Cooperative Principle. The committee finds that the cooperation exhibited by the institution was consistent with its obligation under Bylaws 19.01.3.3 and 32.1.4. The committee notes that the institution did not initially self-detect the violations. The committee further notes that the institution is considered a "repeat violator" under NCAA legislation. As a result, the committee imposes a three-year probationary period and the following additional sanctions. Those self-imposed by the institution are so noted:

General Administrative Penalties Imposed on the Institution

1. Public reprimand and censure.

2. Three years of probation from June 26, 2013, through June 25, 2016. (The institution had proposed a two-year probationary period.)

Penalties Imposed on the Football Program

3. The number of initial athletically related financial aid awards in football that are countable under Bylaw 15.02.3 shall be reduced by one from the maximum allowed (25) during both the 2012-13 and 2013-14 academic years. This limits the institution to 24 initial grants those two years under current rules. (Institution imposed)

4. The number of total athletically related financial aid awards in football shall be reduced by one from the maximum allowed (85) during the 2012-13, 2013-14 and 2014-15 academic years. This limits the institution to 84 total scholarships those three years under current rules. (Institution imposed)

5. Official paid visits in the sport of football shall be limited to 37 for each of the 2013-14, 2014-15 and 2015-6 academic years. The institution will not be allowed

to retain unused visits for the following year as allowed under Bylaw 13.6.2.6.2. [Note 1: The maximum number of official paid visits in football is 56. Note 2: The institution had averaged approximately 41 visits over the previous four academic years. Note 3: The institution had proposed a limit of 37 official paid visits during the 2013-14 and 2014-15 academic years.]

6. The permissible number of football evaluation days shall be limited to 36 (of 42) in the fall of 2013, 2014 and 2015. The permissible number of football evaluation days shall be limited to 144 (of 168) in the spring of 2014, 2015 and 2016. [Note: The institution self-imposed a limit to 36 the permissible number of football evaluation days in the fall of 2012 and 144 in the spring of 2013.]

7. A ban on the subscription to recruiting services during the period of probation.

8. The recruiting service provider will be disassociated by the institution's athletics program upon release of this report. (Institution imposed) Included in the disassociation are the following provisions:

    a. The recruiting service provider shall not be allowed to participate in any organization recognized by the institution as a supporter of the institution's athletics program;
    b. The recruiting service provider shall not be allowed to provide benefits (including employment) to any enrolled student-athletes;
    c. The recruiting service provider shall not be allowed to make any financial or gift-in-kind contribution for support of the institution's athletics program; and
    d. The recruiting service provider shall not receive any privilege associated with the institution's athletics program that is not available to the general public.

Penalty Imposed on the Former Head Coach

9. The committee concluded that the former head coach failed in his duty to monitor his program as it related to the recruiting service provider's impermissible contact with prospective student-athletes, the football program's use of the recruiting service provider's business which did not comply with NCAA legislation, and the impermissible telephone calls placed by the former assistant director of operations. The former head coach agreed with these determinations. Therefore, pursuant to NCAA Bylaw 19.5, the committee imposes an 18-month show-cause order upon the former head coach. During this period, which begins on June 26, 2013, and runs through December 25, 2014, if any member institution seeks to hire the former head coach in an athletically related capacity, it and the former head coach shall appear before the Committee on Infractions to consider which, if

any, of the show-cause procedures of Bylaw 19.5.2.2 (l) should be imposed upon him.

Penalty Imposed on the Former Assistant Director of Operations

10. The committee concluded that the former assistant director of operations violated NCAA recruiting legislation. The former assistant director of operations agreed. Therefore, pursuant to NCAA Bylaw 19.5, the committee imposes a one-year show-cause order upon the former assistant director of operations. During this period, which begins on June 26, 2013, and runs through June 25, 2014, if any member institution seeks to hire the former assistant director of operations in an athletically related capacity, it and the former assistant director of operations shall appear before the Committee on Infractions to consider which, if any, of the show-cause procedures of Bylaw 19.5.2.2 (l) should be imposed upon him

Other Administrative Penalties and Measures

11. 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 August 15 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 March 1 of each year during the probationary period. Particular emphasis should be placed on compliance with recruiting legislation, particularly the use of recruiting and scouting services. The reports must also include documentation of the institution's compliance with the penalties adopted and imposed by the committee.

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

    a. Inform prospective student-athletes in football that the institution is on probation for three years and 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 NLI.

b. Publicize specific and understandable information concerning the nature of the infractions by providing, at a minimum, a statement to include the types of violations in the football program and a direct, conspicuous link to the public infractions report located on the athletic department's main webpage. The institution's statement must: (i) clearly describe the infractions; (ii) include the length of the probationary period associated with the major infractions case; and (iii) 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 and the Office of the Committees on Infraction's approval of the statement will not be unreasonably withheld.

13. The above-listed penalties are independent of and supplemental to any action that has been or may be taken by the Committee on Academic Performance through its assessment of contemporaneous, historical, or other penalties.

14. 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 Oregon 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, June 26, 2013

Should the institution 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. As set forth in applicable NCAA Bylaws and procedures of the Infractions Appeals Committee, penalties which are appealed may be automatically stayed until the appeal is concluded, with all other penalties remaining in effect.

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, chair
John S. Black
Greg Christopher
Melissa Conboy
Christopher Griffin, coordinator of appeals
Brian P. Halloran
Roscoe Howard
Eleanor W. Myers
Gregory Sankey
Rodney Uphoff, coordinator of appeals

APPENDIX ONE

CORRECTIVE ACTIONS AS IDENTIFIED IN THE INSTITUTION'S MARCH 28, 2013, LETTER TO THE COMMITTEE.

1. Issued letters of reprimand to the former head coach; two assistant football coaches; and two assistant directors of football operations.

2. Issued letters of admonishment to a senior associate athletic director and an executive assistant athletic director.

3. At the time of the submission of the summary disposition report, the institution had notified the former head coach and the former assistant director of operations that they would be required to attend one of the summer 2013 NCAA Regional Rules Seminars. Further, the former head coach had been advised that a fine of $20,000 would be imposed upon him for his failure to adequately monitor the football program's use of recruiting or scouting services and the program's relationship with the recruiting service provider. The institution was not able to enact those penalties due to the subsequent resignations of both staff members.

4. Commissioned an external review of the institution's NCAA rules compliance program which includes the findings of the review and recommendations for enhancements to the existing program. The institution has accepted the recommendations and their implementation is underway.

5. Discontinued subscription to recruiting service operated by/affiliated with the recruiting service provider. The recruiting service provider will be notified of his permanent disassociation upon completion of this case.

6. Expanded compliance staff to include a position that is focused on rules education and monitoring.

7. Inclusion of sport-specific personnel in monitoring of phone calls.

8. Required that a compliance staff member monitor the player-guest entrance for football and men's basketball home contests.

9. Required compliance review and sign-off on all sports travel and recruiting expenditures, including airline ticket purchases.

10. Implemented new awards monitoring process that requires compliance review and signoff on each award in all sports.

11. Improved compliance office rules-education efforts by:

    (a) The drafting and distribution of a monthly compliance newsletter.
    (b) Compliance staff making a presentation at each monthly head coaches meeting.
    (c) Holding monthly rules-education meetings with each sport throughout the academic year.
    (d) Requiring that a compliance staff member be on the agenda and make a presentation on the importance of rules compliance at each new employee orientation meeting.
    (e) Implementing monthly department-wide compliance rules-education quizzes.
    (f) Updating departmental coaches email list-serve to include sport-specific administrators so that rules-education updates reach all sport-specific personnel.
    (g) Updating the compliance portion of the institution's website, goducks.com.

12. Updating the compliance manual (with annual updated) to sport-specific personnel.