

NEGOTIATED RESOLUTION

The University of North Carolina at Greensboro – Case No. 00951

July 25, 2019

I. CASE SYNOPSIS

The institution, the then assistant women's basketball coach (assistant coach) and NCAA enforcement staff agree that from August 2017 through May 22, 2018, the assistant coach participated in impermissible sports wagering activities. Also, the institution, the then assistant director (assistant director) of the institution's non-profit athletics fundraising organization and enforcement staff agree that from December 2017 through April 2018, the assistant director participated in impermissible sports wagering activities. The institution and enforcement staff further agree that members of the institution's athletics staff failed to report the assistant coach's participation in sports wagering activities, resulting in the institution's failure to monitor and ensure compliance with NCAA legislation.

The assistant coach's sports wagering violations came to light on or about May 22, 2018, when the then director of women's basketball operations disclosed to the head women's basketball coach that she knew the assistant coach placed sports wagers. As a result, the institution commenced an internal investigation. Later, the institution and the enforcement staff conducted a collaborative investigation. The assistant coach acknowledged that he placed wagers online on professional and intercollegiate sporting events, including games involving the institution's men's basketball team. The assistant director also acknowledged that he participated in limited online sports wagering activities, including making at least one wager involving the institution's men's basketball team.

Several athletics department staff members acknowledged they knew the assistant coach placed sports wagers and two indicated he placed wagers on games involving the institution's men's basketball team. Those staff members failed to report the violations immediately. Additionally, after becoming aware of the assistant coach's sports wagering activities, the assistant director of compliance failed to take any legitimate investigative steps or report the matter to other institutional officials or the enforcement staff. As a result, the institution violated the NCAA principle of rules compliance when it failed to monitor and report the assistant coach's participation in sports wagering activities and to ensure compliance with NCAA legislation.

Throughout the investigation, the assistant coach refused on multiple occasions to provide the enforcement staff his online sports wagering histories and credit card statements.¹ The enforcement staff advised the assistant coach that by not producing the requested information he could be at risk for an additional violation regarding his failure to cooperate. Because the assistant coach continued his refusal, this case also includes his post-separation failure to cooperate violation.²

¹ The assistant coach made his online sports wagers on two websites using his credit card.

² Pursuant to NCAA Bylaw 19.2.3.2.1, the hearing panel of the NCAA Division I Committee on Infractions may infer that the requested materials would support that the violations occurred.

Nearing the end of the investigation, the enforcement staff attempted on several occasions to discuss with the assistant coach the processing of the case. After receiving no response from him, the enforcement staff sent him a draft notice of allegations for his review. Shortly thereafter, the assistant coach communicated with the enforcement staff and expressed his desire to move forward with the negotiated resolution process. The enforcement staff sent several emails to him requesting a dialogue about potential penalties, including a 15-year show cause order. The enforcement staff advised him that a failure to respond would constitute a statement that he no longer wished to participate in processing the case.³ To date, he has not responded to the 15-year show cause.

The enforcement staff and institution considered the unique subject matter of this case (sports wagering) during discussions about case processing options. The parties agreed that sports wagering activities detailed in this case are a severe breach of well-known and established NCAA core principles and that the number of sports wagers placed by two institutional athletics staff members on intercollegiate sports, including wagers on games involving the institution's men's basketball team, seriously undermined and threatened the integrity of the collegiate model. However, the parties believe negotiated resolution is appropriate due to the agreement on the facts, violations, classification and penalties. Given the parties' complete agreement on all these elements, it does not appear that the nature of the acknowledged behavior should preclude a negotiated resolution or require an in-person hearing.

Regarding the case classification, the enforcement staff and institution agree that this case should be properly resolved as Level I-Mitigated for the institution.⁴ In reaching a "mitigated" classification, the enforcement staff and institution assessed the aggravating and mitigating factors by weight and number. The parties also considered the institution's remedial measures and agreed that significant weight should be given to the: (1) Immediate and decisive actions by the Chancellor and director of athletics upon discovering the violations, (2) corrective actions enacted throughout the processing of the case; and (3) actions taken to ensure a prompt and quick resolution of the matter.

Pursuant to NCAA Bylaw 19.5.12.1.1, the institution, the assistant director and enforcement staff request that the hearing panel approve this negotiated resolution. Additionally, the enforcement staff has included the violations and proposed penalties involving the non-participating assistant coach. Consistent with Bylaw 19.5.12.1.1, the enforcement staff asks the hearing panel to process the assistant coach's uncontested violations as part of this negotiated resolution.

³ The emails to the assistant coach can be made available to the NCAA Division I Committee on Infractions upon request.

⁴ There are no prior infractions cases that include the unique facts or violations in this case.

II. PARTIES' AGREED-UPON NCAA VIOLATIONS AND LEVELS

A. Finding of Fact No. 1 - [NCAA Division I Manual Bylaws 10.01.1, 10.3, 10.3.1 and 10.4 (2017-18)] (Level I)

The institution, the assistant coach and enforcement staff agree that from August 2017 through May 22, 2018, the assistant coach violated the NCAA principles of honesty and sportsmanship when he knowingly participated in sports wagering activities. Specifically, the assistant coach placed an extensive number of online sports wagers on professional and intercollegiate sports competitions, including at least four single game wagers and approximately 10 parlays on games involving the institution's men's basketball team.⁵

B. Finding of Fact No. 2 - [NCAA Division I Manual Bylaws 10.01.1, 10.3, 10.3.1 and 10.4 (2017-18)] (Level I)

The institution, the assistant director and enforcement staff agree that from December 2017 through April 2018, the assistant director violated the NCAA principles of honesty and sportsmanship when he knowingly participated in sports wagering activities. Specifically, on various occasions, the assistant director wagered small amounts online on professional and intercollegiate sports competitions, including at least one wager on a game involving the institution's men's basketball team.⁶

C. Finding of Fact No. 3 - [NCAA Division I Manual Constitution 2.8.1 (2017-18)] (Level I)

The institution and enforcement staff agree that from August 2017 through May 22, 2018, the scope and nature of the violations detailed in Agreed-Upon Finding of Fact No. 1 demonstrate that the institution violated the NCAA principle of rules compliance when it failed to monitor and report the assistant coach's participation in sports wagering activities and to ensure compliance with NCAA legislation. Specifically, even though six athletics department staff members knew that the assistant coach participated in sports wagering activities, they each failed to report the violations. Additionally, a seventh athletics department staff member became aware of the assistant coach's impermissible sports wagering activities in August 2017 but failed to report the violations to anyone for at least four months. The seventh athletics department staff member eventually reported the violations to the assistant director of athletics for compliance as early as December 2017 or January 2018. After receiving notice of possible violations, the assistant director failed to take any legitimate investigative

⁵ The assistant coach reported that his sports wagering activities resulted in losses between \$20,000 and \$30,000. Because the assistant coach refused to provide his online sports wagering histories, the enforcement staff was unable to determine the full extent of his sports wagering activities.

⁶ The assistant director reported that, on average, he made five or less wagers a week on a website and that the total amount wagered each week was \$20 or less. The assistant director's deposit and withdrawal history from the website listed a \$200 deposit into the account with no withdrawals.

steps or report the matter to other institutional officials or the enforcement staff. As a result, the violations detailed in Agreed-Upon Finding of Fact No. 1 continued through approximately May 22, 2018.

III. POST-SEPARATION NCAA VIOLATIONS AND LEVELS

A. Finding of Fact No. 1 - [NCAA Division I Manual Bylaws 10.01.1, 10.1, 10.1-(a), 19.2.3 and 19.2.3.2 (2017-18 and 2018-19);19.2.3-(c) and 19.2.3.2.1 (2018-19)] (Level I)

It is uncontested that beginning July 11, 2018, which was after his employment with the institution, and continuing to the present, the assistant coach violated the principles of ethical conduct and failed to cooperate in an NCAA investigation when he refused to provide requested documentation regarding his involvement in violations of NCAA sports wagering legislation.⁷

See additional discussion of the assistant coach's failure to cooperate in Section I – Case Synopsis above.

The enforcement staff notes that the assistant coach initially cooperated and provided the following information in his interview with the institution during its internal investigation and/or in his interview with the enforcement staff and institution July 11, 2018:

1. Admitted that he wagered extensively on intercollegiate and professional sports;
2. Described the details of his sports wagering, including the sports wagered on and the types of wagers made;
3. Identified four single-game wagers he made on games involving the institution's men's basketball team;
4. Disclosed that he included games involving the institution's men's basketball team in approximately 10 parlay wagers;
5. Stated that his sports wagering resulted in losses between \$20,000 to 30,0000;
6. Reported that the assistant director was sports wagering; and
7. Acknowledged that the institution provided sports wagering education and that he knew his sports wagering activities were in violation of NCAA bylaws.

⁷ The enforcement staff requested that the assistant coach provide his sports wagering histories from the two websites as well as his credit card statements, covering the time he was employed at the institution (July 2016 to May 2018).

IV. OTHER NCAA VIOLATIONS SUBSTANTIATED, NOT ALLEGED

None.

V. REVIEW OF OTHER ISSUES

None.

VI. AGREED-UPON AGGRAVATING AND MITIGATING FACTORS

Pursuant to Bylaw 19.5.12.1.3-(e), the parties agree that the aggravating and mitigating factors identified below are applicable. The parties assessed the factors by weight and number and agree that this case should be properly resolved as Level I-Mitigated for the institution and a Level I-Aggravated for the assistant coach and the assistant director.

A. Institution.

1. Aggravating factors [Bylaw 19.9.3].
 - a. Multiple Level I violations.
 - b. A history of Level I, Level II or major violations.
2. Mitigating factors [Bylaw 19.9.4].
 - a. Prompt acknowledgement of the violation(s), acceptance of responsibility and imposition of meaningful corrective measures and/or penalties.
 - b. Affirmative steps to expedite final resolution of the matter.
 - c. An established history of self-reporting Level III or secondary violations.

B. Involved individual [The assistant coach].

1. Aggravating factors [Bylaw 19.9.3].
 - a. Multiple Level I violations.
 - b. Violations were deliberate.
 - c. Conduct intended to generate pecuniary gain for the involved individual.

- d. Intentional, willful or blatant disregard for the NCAA constitution and bylaws.
2. Mitigating factor [Bylaw 19.9.4].

The absence of prior conclusions of Level I, Level II or major violations.

C. Involved individual [The assistant director].

1. Aggravating factors [Bylaw 19.9.3].
 - a. Violations were deliberate.
 - b. Conduct intended to generate pecuniary gain for the involved individual.
 - c. Intentional, willful or blatant disregard for the NCAA constitution and bylaws.
2. Mitigating factor [Bylaw 19.9.4].

The absence of prior conclusions of Level I, Level II or major violations.

VII. AGREED-UPON PENALTIES

All penalties agreed upon in this case are independent and supplemental to any action that has been or may be taken by the NCAA Division I Committee on Academics through its assessment of postseason ineligibility, historical penalties or other penalties.

Pursuant to Bylaw 19.5.12.1.3-(e), the parties agree to the following penalties:

A. Institution's Core Penalties for Level I-Mitigated Violations. [Bylaw 19.9.5]

1. Probation: Three years of probation from July 25, 2019, through July 24, 2022.⁸
2. Financial penalty: The institution shall pay a fine of \$15,000 to the NCAA.

B. Institution's Additional Penalties for Level I-Mitigated Violations. [Bylaw 19.9.7]

1. Public reprimand and censure.
2. During the time of probation, the institution shall:

⁸ Periods of probation always commence with the release of the infractions decision.

- a. Continue to develop and implement a comprehensive educational program on NCAA legislation that includes instructing coaches, the faculty athletics representative, all athletics department personnel and all institutional staff members about their responsibility for NCAA sports wagering legislation;
 - b. Submit a preliminary report to the Office of the Committees on Infractions (OCOI) by September 15, 2019, setting forth a schedule for establishing this compliance and educational program;
 - c. File with the OCOI annual compliance reports indicating the progress made with this program by June 15 during each year of probation. Particular emphasis shall be placed on sports wagering educational and monitoring efforts;
 - d. Inform prospects in all affected sports programs in writing that the institution is on probation for three years and detail the violations committed. If a prospective student-athlete takes an official paid visit, the information regarding violations, penalties and terms of probation must be provided in advance of the visit. Otherwise, the information must be provided before a prospect signs a National Letter of Intent; and
 - e. Publicize specific and understandable information concerning the nature of the infractions by providing, at a minimum, a statement to include the types of violations and the affected sport programs and a direct, conspicuous link to the public infractions report located on the athletics department's main or "landing" webpage. The information shall also be included in media guides and in an alumni publication. The institution's statement must: (i) clearly describe the infractions; (ii) include the length of the probationary period associated with the infractions case; and (iii) provide a clear indication of what happened in the infractions case. A statement that refers only to the probationary period with nothing more is not sufficient.
3. Prior to the conclusion of probation, the institution's chancellor shall provide a letter to the hearing panel affirming that the institution's current athletics policies and practices conform to all requirements of NCAA regulations.

C. The Assistant Coach's Core Penalties for Level I-Aggravated Violations. [Bylaw 19.9.5]

Show cause order: The assistant coach is subject to a three-year to lifetime show cause order restricting him from all athletically related duties. Based on the nature of the sports wagering violations coupled with the post-separation failure to cooperate violation, the enforcement staff believes a 15-year show cause order is warranted for the assistant coach. The show cause shall run from July 25, 2019, through July 24, 2034.⁹

D. Additional Action by the Assistant Coach.

The assistant coach has not secured employment at an NCAA member institution since his separation of employment with the institution May 31, 2018.

E. The Assistant Director's Core Penalties for Level I-Aggravated Violations. [Bylaw 19.9.5]

Show cause order: The assistant director is subject to a three-year to lifetime show cause order restricting him from all athletically related duties. The assistant director has agreed to a four-year show cause order. The show cause shall run from July 25, 2019, through July 24, 2023.¹⁰

F. Additional Action by the Assistant Director.

The assistant director has not secured employment at an NCAA member institution since his separation of employment with the institution June 11, 2018.

VIII. PARTIES TO THE CASE

A. In agreement with the negotiated resolution (the parties).

The institution, the assistant director and enforcement staff.

B. Not in agreement with the negotiated resolution.

Not applicable.

⁹ Periods of show cause orders always commence with the release of the infractions decision.

¹⁰ Periods of show cause orders always commence with the release of the infractions decision.

C. Not participating in the case.

The assistant coach.

As previously discussed, the assistant coach admitted during the institution's internal investigation and during the collaborative investigation that he participated in sports wagering activities, despite the fact that the institution provided him with adequate rules education concerning such activities. The assistant coach currently is a non-participating involved individual. As a result, his post-separation failure to cooperate violation is uncontested.

IX. OTHER AGREEMENTS

The participating parties agree that this case will be processed through the NCAA negotiated resolution process as outlined in Bylaw 19.5, and a hearing panel will review the negotiated resolution. The parties acknowledge that the negotiated resolution contains agreed-upon findings of fact of NCAA violations and agreed-upon aggravating and mitigating factors based on information available at this time. The parties agree that, pursuant to Bylaw 19.1.1, the violations identified in this agreement should be classified as Level I-Mitigated for the institution and Level I-Aggravated for both involved individuals.

If a hearing panel approves the negotiated resolution, the institution and the assistant director agree that they will take every precaution to ensure that the terms of the penalties are observed. The institution and the assistant director acknowledge that they have or will impose and follow the penalties contained within the negotiated resolution, and these penalties are in accordance with those prescribed in Bylaws 19.9.5, 19.9.6, 19.9.7 and 19.9.8. The OCOI will monitor the penalties during their effective periods. Any action by the institution or the assistant director contrary to the terms of any of the penalties or any additional violations may be considered grounds for prescribing more severe penalties or may result in additional allegations and violations.

The parties acknowledge that this negotiated resolution may be voidable by the committee if any of the parties were aware or become aware of information that materially alters the factual information on which this negotiated resolution is based. Additionally, the parties acknowledge that this negotiated resolution will not be binding if the case is referred to the independent accountability resolution process (Bylaw 19.11).

The parties further acknowledge that the hearing panel, subsequent to its review of the negotiated resolution, may reject the negotiated resolution. Should the hearing panel reject the negotiated resolution, the parties understand that the case may be submitted through a summary disposition report (Bylaw 19.6) or notice of allegations (Bylaw 19.7), and prior agreed upon terms of the rejected negotiated resolution will not be binding.

X. DIVISION I COMMITTEE ON INFRACTIONS APPROVAL

Pursuant to NCAA Bylaw 19.5.12, the panel approves the parties' negotiated resolution agreement. The panel's review of this agreement is limited. Panels may only reject a negotiated resolution agreement if the agreement is not in the best interest of the Association or if the agreed-upon penalties are manifestly unreasonable. *See* Bylaw 19.5.12.2. In this case, the panel determines the agreed-upon facts, violations, aggravating and mitigating factors, and classification are appropriate for this process. Further, the participating parties classified this case as Level I-Mitigated for UNCG and Level I-Aggravated for the assistant coach and the assistant director. The agreed-upon penalties align with the ranges identified for core penalties for Level I-Mitigated and Level I-Aggravated violations, in Figure 19-1 and Bylaw 19.9.5 and the additional penalties available under Bylaw 19.9.7. Pursuant to Bylaw 19.5.12.4, this negotiated resolution has no precedential value.

The COI advises UNCG that it should take every precaution to ensure the terms of the penalties are observed. The COI will monitor the penalties during their effective periods. Any action by UNCG contrary to the terms of any of the penalties or any additional violations may be considered grounds for prescribing more severe penalties or may result in additional allegations and violations.

NCAA COMMITTEE ON INFRACTIONS PANEL
Greg Christopher, Chief Hearing Officer
Kay Norton
Sankar Suryanarayan

APPENDIX ONE

**UNIVERSITY OF NORTH CAROLINA AT GREENSBORO'S
CORRECTIVE ACTIONS**

1. Converted a temporary, non-benefited athletics compliance position to a permanent, benefitted position for a compliance staff member to assist in NCAA rules education and monitoring. The cost of changing the temporary position into a permanent position resulted in a budgetary increase of \$20,572 per year in additional salary and benefits.
2. Separated the assistant coach from employment effective May 31, 2018, for engaging in sports wagering activities.
3. Separated the assistant director from employment effective June 11, 2018, for engaging in sports wagering activities and failing to report his knowledge of the assistant coach's sports wagering activities.
4. Separated the assistant director of athletics for compliance from employment effective October 25, 2018, for failing to investigate the assistant coach's sports wagering activities when reported to compliance and failing to report said reports to other institutional officials.
5. Separated the director of women's basketball operations and an assistant women's basketball coach from employment effective June 22, 2018, for failing to report their respective knowledge of the assistant coach's sports wagering activities.
6. Institution plans to take action (additional education; letters of caution, admonishment and/or reprimand; and/or additional disciplinary action) against currently employed individuals who knew of the assistant coach's sports wagering but failed to report it. Institution will remind these individuals of their obligation to report NCAA rules violations.
7. Director of athletics and general counsel provided updated NCAA rules training to the institution's board of trustees and chancellor's council with additional plans for selected and targeted professional development sessions for members of the athletics department and other administrators who provide athletics department support.
8. Enhanced current athletics department-wide NCAA rules education and training concerning staff members' obligations to report NCAA violations or suspected NCAA violations, including direct messaging provided annually by the chancellor.
9. Enhanced NCAA rules education sessions to include additional training for head coaches pertaining to head coach responsibility and the importance of monitoring the activities of staff members in their respective programs.