

NOTICE OF ALLEGATIONS

to the

Chancellor of University of Kansas

A. Processing Level of Case.

Based on the information contained within the following allegations, the NCAA enforcement staff believes this case should be reviewed by a hearing panel of the NCAA Division I Committee on Infractions pursuant to procedures applicable to a severe breach of conduct (Level I violation).¹

B. Allegations.

1. [NCAA Division I Manual Bylaws 12.3.1.3, 13.01.2, 13.1, 13.1.2.1, 13.1.2.5, 13.2.1 and 13.2.1.1-(e) () and 16.11.2.1 ()]

It is alleged that between September [] and September [], Adidas, a representative of the institution's athletics interest; TJ Gassnola (Gassnola), a then Adidas outside consultant, representative of the institution's athletics interests² and agent³; and Jim Gatto (Gatto), a then Adidas director of global sports marketing for basketball, representative of the institution's athletics interest and agent, offered and provided impermissible benefits to and had impermissible recruiting contacts with []

[] Specifically:

- a. In September and November [] and January [] Gassnola had at least three impermissible recruiting contacts with [] to discuss and later provide recruiting inducements to [] to secure [] commitment to the institution. During the September [] contact, which occurred the same night as the institution's Late

¹ Pursuant to NCAA Bylaw 19.7.7.1 of the 2019-20 NCAA Division I Manual, if violations from multiple levels are identified in the notice of allegations, the case shall be processed pursuant to procedures applicable to the most serious violation(s) alleged.

² Adidas is a corporate entity (e.g., apparel or equipment manufacturer) that, as early as October [] was known by members of the institution's men's basketball staff and athletics department to have participated in promoting the institution's intercollegiate athletics program. [NCAA Constitution 6.4.1 and 6.4.2] Gassnola, as an Adidas outside consultant, was known as early as October [] by members of the institution's men's basketball staff and athletics department staff to be a member of a corporate entity promoting the institution's intercollegiate athletics program, and was known by members of the institution's men's basketball staff to be assisting in the recruitment of prospective student-athletes. [NCAA Constitution 6.4.2] Gatto, as an Adidas director of global sports marketing for basketball, was known as early as October [] by members of the institution's men's basketball staff and athletics department to be a member of a corporate entity promoting the institution's athletics program. [NCAA Constitution 6.4.2]

³ Adidas is a corporate entity that is publicly known to enter into marketing contracts with professional basketball players based upon their athletics abilities and skills. Gassnola, as an Adidas outside consultant, and Gatto, as an Adidas director of global marketing for basketball, supported Adidas' efforts in the pursuit of these marketing contracts. [NCAA Bylaw 12.3.1.3 []]

NOTICE OF ALLEGATIONS

Case No. 00874

September 23, 2019

Page No. 2

Night in the Phog event, Gassnola offered monetary recruiting inducements to [REDACTED] to secure [REDACTED] enrollment. [NCAA Bylaws 13.01.2, 13.1, 13.1.2.1, 13.1.2.5, 13.2.1 and 13.2.1.1-(e) ([REDACTED])]

- b. Between November [REDACTED] and February [REDACTED] Gassnola, with Gatto's approval, used approximately \$70,000 in Adidas funds to provide the following impermissible recruiting inducements and impermissible agent benefits to [REDACTED]:

- (1) On or about November 1, [REDACTED] Gassnola provided \$30,000 to [REDACTED] during a meeting in New York City;
- (2) Between January 19 and 23, [REDACTED], Gassnola provided \$20,000 to [REDACTED] during a meeting in Las Vegas; and
- (3) On or about February 24, [REDACTED], Gassnola provided \$20,000 via wire transfer to [REDACTED].

[NCAA Bylaws 12.3.1.3, 13.2.1 and 13.2.1.1-(e) ([REDACTED])]

- c. On or about June 14, [REDACTED], Gassnola, with Gatto's approval, used Adidas funds to provide approximately \$15,000 in impermissible benefits and impermissible agent benefits to [REDACTED] via wire transfer after [REDACTED] enrolled at the institution. [NCAA Bylaws 12.3.1.3 and 16.11.2.1 [REDACTED]]⁴
- d. On or about September 23, [REDACTED] Gassnola, with Gatto's approval, provided \$4,000 in impermissible benefits and impermissible agent benefits to [REDACTED] [NCAA Bylaws 12.3.1.3 and 16.11.2.1 [REDACTED]]

This allegation serves a basis for head coach responsibility and lack of institutional control in Allegation Nos. 4 and 5.

Level of Allegation No. 1:

The NCAA enforcement staff believes a hearing panel of the NCAA Division I Committee on Infractions could conclude that Allegation No. 1 is a severe breach of conduct (Level I) because the violations (a) were not isolated or limited; (b) provided or were intended to provide a substantial or extensive recruiting, competitive or other advantage; (c) provided or were intended to provide a substantial or extensive impermissible benefit; (d) involved third parties in recruiting violations that institutional officials knew or should have known

⁴ After receiving approximately \$85,000 from Gassnola, [REDACTED] purchased a [REDACTED] for [REDACTED] in August [REDACTED] which is referenced in Allegation No. 5-d.

NOTICE OF ALLEGATIONS

Case No. 00874

September 23, 2019

Page No. 3

about; (e) involved cash payments/benefits intended to secure, and which resulted in, the enrollment of a prospect; (f) were intentional or showed reckless indifference to the NCAA constitution and bylaws; and (g) seriously undermined or threatened the integrity of the NCAA Collegiate Model. [NCAA Bylaw 19.1.1 (2019-20)]

Involved Individual(s):

None.

2. [NCAA Division I Manual Constitution 2.8.1 and Bylaws 12.1.2, 12.3.1.3, 12.11.1, 13.01.2, 13.1, 13.1.2.1, 13.1.3.5.1, 13.2.1, 13.2.1.1-(b), 13.2.1.1-(e) and 16.8.1 ()]

It is alleged that between August [] and April [], Bill Self (Self), head men's basketball coach; Kurtis Townsend (Townsend), assistant men's basketball coach; and four representatives of the institution's athletics interests, three of whom also acted as agents, engaged in recruiting violations related to then men's basketball prospective student-athlete []

This included impermissible recruiting inducements and contacts. As a result of the impermissible inducements, [] and received actual and necessary expenses while ineligible. Specifically:

- a. In August [] Townsend contacted Larry Brown (Brown), a representative of the institution's athletics interests, about Townsend's interest in recruiting [] At that time, Brown informed Townsend that he would contact [] and speak positively about the institution. After Brown impermissibly contacted [] Brown informed Townsend that [] wanted sponsorship to outfit a nonscholastic basketball team with which he was affiliated. Townsend failed to report this violation to the institution's compliance staff. [NCAA Constitution 2.8.1 and Bylaws 13.01.2, 13.1, 13.1.2.1 and 13.1.3.5.1 ()]
- b. In August and September 2017, Self and Townsend encouraged and had knowledge that TJ Gassnola (Gassnola), a then Adidas⁵ outside consultant, representative of the institution's athletics interests and agent; had impermissible recruiting telephone calls with []. In the calls, Gassnola encouraged [] to have [] enroll at the institution as a student-athlete. Townsend failed to report this violation to the institution's compliance staff.⁶ [NCAA Constitution 2.8.1 and Bylaws 13.01.2, 13.1, 13.1.2.1 and 13.1.3.5.1 ()]

⁵ Adidas is a representative of the institution's athletics interest.

⁶ Self's failure to report this violation is included in Allegation No. 4.

NOTICE OF ALLEGATIONS

Case No. 00874

September 23, 2019

Page No. 4

- c. On August 9, [REDACTED] Adidas, a representative of the institution's athletics interests; Gassnola; Self; and Townsend offered a recruiting inducement to [REDACTED]. Specifically, Adidas, Gassnola, Self and Townsend worked together to offer [REDACTED] shoes and apparel to outfit the nonscholastic basketball team with which he was affiliated. [NCAA Bylaws 12.1.2, 12.3.1.3, 13.2.1 and 13.2.1.1-(b) [REDACTED]]
- d. Sometime between September 8 and 15, [REDACTED] Adidas; Gassnola; and James Gatto (Gatto), a then Adidas director of global marketing for basketball, representative of the institution's athletics interests and agent, provided a \$2,500 cash recruiting inducement and impermissible agent benefit to [REDACTED] in an effort to secure [REDACTED] enrollment at the institution as a student-athlete. [NCAA Bylaws 12.1.2, 12.3.1.3, 13.2.1 and 13.2.1.1-(e) [REDACTED]]
- e. On or about September 11, [REDACTED] Adidas, Gassnola and Gatto offered a \$20,000 recruiting inducement and impermissible agent benefit to [REDACTED] in order to persuade [REDACTED] to have [REDACTED] enroll at the institution. [NCAA Bylaws 12.1.2, 12.3.1.3, 13.2.1 and 13.2.1.1-(e) [REDACTED]]

This allegation serves a basis for head coach responsibility and lack of institutional control in Allegation Nos. 4 and 5.

Level of Allegation No. 2:

The NCAA enforcement staff believes a hearing panel of the NCAA Division I Committee on Infractions could conclude that Allegation No. 2 is a severe breach of conduct (Level I) because the violations (a) were not isolated or limited; (b) provided or were intended to provide a substantial or extensive recruiting or other advantage; (c) provided or were intended to provide a substantial or extensive impermissible benefit; (d) involved third parties in recruiting violations that institutional officials knew or should have known about; (e) involved cash payments/benefits intended to secure, and which resulted in, the enrollment of a prospect; (f) were intentional or showed reckless indifference to the NCAA constitution and bylaws; and (g) seriously undermined or threatened the integrity of the NCAA Collegiate Model. [NCAA Bylaw 19.1.1 (2019-20)]

Involved Individuals:

The enforcement staff believes a hearing panel could enter a show-cause order pursuant to NCAA Bylaw 19.9.5.4 regarding Self's and Townsend's involvement in Allegation No. 2.

NOTICE OF ALLEGATIONS

Case No. 00874

September 23, 2019

Page No. 5

3. [NCAA Division I Manual Constitution 2.8.1 and Bylaws 12.1.2, 12.3.1.2, 13.01.2, 13.1, 13.1.2.1, 13.1.2.5, 13.2.1 and 13.2.1.1-(e) (); 12.1.2, 12.3.1.2 and 16.11.2.1 () 13.01.2, 13.1, 13.1.2.1, 13.1.2.5, 13.2.1 and 13.2.1.1-(g) () 13.01.2, 13.1, 13.1.2.1 and 13.1.3.5.1 ()]

It is alleged that between December 2014 and September 2017, three consultants of Adidas, who were also representatives of the institution's athletics interests and agents, engaged in impermissible recruiting activities with three prospective student-athletes. Bill Self (Self), head men's basketball coach, and Kurtis Townsend (Townsend), assistant men's basketball coach, had knowledge of some impermissible recruiting contacts. Also, one of the representatives of the institution's athletics interest, who was also an agent, provided an impermissible benefit and an impermissible agent benefit to the guardian of a then student-athlete. Specifically:

- a. During the academic year, TJ Gassnola (Gassnola), a then Adidas⁷ outside consultant, representative of the institution's athletics interests and agent, engaged in violations in an effort to recruit then men's basketball prospective student-athlete to the institution, and later communicated some of his efforts to Self. Specifically, on or about December 11, Gassnola had an impermissible recruiting contact with in San Diego. Then in the winter of Gassnola provided \$15,000 to a family friend of who was to provide the money to mother. Finally, on August 19, and after enrolled at another institution, Gassnola communicated in a text message to Self that he had let Self down in the recruitment of [NCAA Bylaws 12.1.2, 12.3.1.2, 13.01.2, 13.1, 13.1.2.1, 13.1.2.5, 13.2.1 and 13.2.1.1-(e) ()]
- b. On or about March 22, Gassnola provided an impermissible benefit and impermissible agent benefit in the form of an indeterminate amount of cash through a wire transfer to [NCAA Bylaws 12.1.2, 12.3.1.2 and 16.11.2.1 ()]
- c. On or about June 27 through July 1, Dan Cutler (Cutler), a then Adidas outside consultant, representative of the institution's athletics interests and agent, had an impermissible recruiting contact with and offered an impermissible recruiting inducement to men's basketball prospective student-athlete. Specifically, Cutler had contact with at an Adidas basketball event in Los Angeles and inquired if would be open to recruitment by the institution. When answered affirmatively, Cutler informed that if he enrolled at the institution, then Cutler and Adidas would ensure parents could attend his games by providing financial assistance for their travel expenses. Within three weeks

⁷ Adidas is a representative of the institution's athletics interest.

NOTICE OF ALLEGATIONS

Case No. 00874

September 23, 2019

Page No. 6

of Cutler's impermissible contact and offer, Self learned that Cutler had been in contact with [REDACTED] and of [REDACTED] interest in the institution. Self then telephoned [REDACTED] and spoke with him and his mother about [REDACTED] attending the institution. [NCAA Bylaws 13.01.2, 13.1, 13.1.2.1, 13.1.2.5, 13.2.1 and 13.2.1.1-(g) [REDACTED]]

- d. On or about September 14, [REDACTED] Merl Code (Code), a then Adidas outside consultant, representative of the institution's athletics interests and agent, had an impermissible recruiting contact with the family of then men's basketball prospective student-athlete [REDACTED] and learned recruiting information and what it would take for [REDACTED] to commit to the institution and participate as a men's basketball student-athlete. In a telephone call, Code communicated some of what he learned to Self and Townsend just prior to their scheduled home visit with the [REDACTED] family. Code provided additional information to Townsend after the home visit. Townsend failed to report this violation to the institution's compliance staff.⁸ [NCAA Constitution 2.8.1 and Bylaws 13.01.2, 13.1, 13.1.2.1 and 13.1.3.5.1 [REDACTED]]

Allegation Nos. 3-a, 3-c and 3-d serve as a basis for head coach responsibility as noted in Allegation No. 4. Allegation Nos. 3-a through 3-d serve as a basis for lack of institutional control, as noted in Allegation No. 5.

Level of Allegation No. 3:

The NCAA enforcement staff believes a hearing panel of the NCAA Division I Committee on Infractions could conclude that Allegation No. 3 is a severe breach of conduct (Level I) because the violations (a) were not isolated or limited; (b) provided or were intended to provide a substantial or extensive recruiting, competitive or other advantage; (c) provided or were intended to provide a substantial or extensive impermissible benefit; (d) involved third parties in recruiting violations that institutional officials knew or should have known about; (e) involved cash payments/benefits intended to secure, and which resulted in, the enrollment of a prospect; (f) were intentional or showed reckless indifference to the NCAA constitution and bylaws; and (g) seriously undermined or threatened the integrity of the NCAA Collegiate Model. [NCAA Bylaw 19.1.1 (2019-20)]

Involved Individuals:

The enforcement staff believes a hearing panel could enter a show-cause order pursuant to NCAA Bylaw 19.9.5.4 regarding Self's and Townsend's involvement in Allegation No. 3.

⁸ Self's failure to report this violation is included in Allegation No. 4.

NOTICE OF ALLEGATIONS

Case No. 00874

September 23, 2019

Page No. 7

4. [NCAA Division I Manual Bylaw 11.1.1.1 ([REDACTED])]

It is alleged that from the 2014-15 to the 2017-18 academic years, Bill Self (Self), head men's basketball coach, is presumed responsible for the violations detailed in Allegation Nos. 1 through 3 and did not rebut the presumption of responsibility. Specifically:

a. Self did not demonstrate that he promoted an atmosphere for compliance based on his personal involvement in violations, and despite having knowledge of potential or actual violations, he did not report any of these matters to athletics compliance staff to allow for an independent inquiry including:

(1) Related to Allegation No. 1-a, Self knew that TJ Gassnola (Gassnola), a then Adidas⁹ outside consultant, representative of the institution's athletics interests and agent, interacted with prospective student-athletes and their families during the Late Night in the Phog, a recruiting event at the institution. Self should have known Gassnola was present during and had impermissible recruiting contact with then men's basketball prospective student-athlete [REDACTED] or his mother during his [REDACTED] official visit to the institution.

(2) As described in Allegation No. 2-b, Self knew of Gassnola's impermissible telephone recruiting calls with [REDACTED] of then men's basketball prospective student-athlete [REDACTED]

(3) As described in Allegation No. 2-c, Self was involved with Adidas; Gassnola; and Kurtis Townsend (Townsend), assistant men's basketball coach, in the impermissible offer to provide shoes and apparel to [REDACTED]

(4) As described in Allegation No. 3-a, Self knew that Gassnola had impermissible recruiting contact with then men's basketball prospective student-athlete [REDACTED]

(5) As described in Allegation No. 3-c, Self knew Dan Cutler, a then Adidas outside consultant, representative of the institution's athletics interests and agent, had an impermissible recruiting contact with then men's basketball prospective student-athlete [REDACTED]

⁹ Adidas is a representative of the institution's athletics interest.

NOTICE OF ALLEGATIONS

Case No. 00874

September 23, 2019

Page No. 8

(6) As described in Allegation No. 3-d, Self knew Merl Code, a then Adidas outside consultant, representative of the institution's athletics interests and agent, had impermissible recruiting contact with the family of then men's basketball prospective student-athlete [REDACTED]

[NCAA Bylaw 11.1.1.1 [REDACTED]]

- b. Self did not demonstrate that he monitored his staff because, as noted in Allegation Nos. 2-a, 2-b, 2-c and 3-d, Self knew or should have known that Townsend was involved in or aware of NCAA violations involving [REDACTED]. However, Self failed to identify the red flags, ask pointed questions or report the matters to the athletics compliance staff and allow for an independent inquiry into the matters. [NCAA Bylaw 11.1.1.1 [REDACTED]]

Level of Allegation No. 4:

The NCAA enforcement staff believes a hearing panel of the NCAA Division I Committee on Infractions could conclude that Allegation No. 4 is a severe breach of conduct (Level I) because it is a head coach responsibility violation resulting from underlying Level I violations and seriously undermined or threatened the integrity of the NCAA Collegiate Model. [NCAA Bylaw 19.1.1 and 19.1.1-(e) (2019-20)]

Involved Individual:

The enforcement staff believes a hearing panel could enter a show-cause order pursuant to NCAA Bylaw 19.9.5.4 regarding Self's involvement in Allegation No. 4.

5. [NCAA Constitution 2.1.1, 2.1.2, 2.8.1, 6.01.1, 6.4.1 and 6.4.2 ([REDACTED])

It is alleged that the scope and nature of the violations set forth in Allegation Nos. 1 through 3 demonstrate that during the [REDACTED] academic years, the institution failed to exercise institutional control and monitor the conduct and administration of its athletics programs. Specifically:

- a. Starting as early as October [REDACTED] Adidas and its consultants became representatives of the institutions athletics interests when they engaged in activities that promoted the institution's athletics programs and assisted in the institution's recruitment of prospective student-athletes. However, the institution (1) failed to develop policies to deter and prevent Adidas and its consultants from engaging in NCAA violations, (2) failed to provide NCAA rules education to Adidas and all of its consultants with a connection to the institution and (3) failed to monitor its athletics programs and

NOTICE OF ALLEGATIONS

Case No. 00874

September 23, 2019

Page No. 9

interactions with Adidas and its consultants to ensure compliance with NCAA legislation. [NCAA Constitution 2.1.1, 2.1.2, 2.8.1, 6.01.1, 6.4.1 and 6.4.2 ([REDACTED] through [REDACTED]

- b. In the [REDACTED] academic year and in the summer of [REDACTED] three senior athletics department administrators identified red flags or concerns about the role and involvement of TJ Gassnola (Gassnola), a then Adidas outside consultant, representative of the institution's athletics interests and agent, with the institution's athletics program and its men's basketball program in particular. However, the institution took no action to provide rules education to Gassnola or to monitor his involvement with the athletics program to ensure compliance with NCAA legislation. [NCAA Constitution 2.1, 2.1.2, 2.8.1, 6.01.1, 6.4.1 and 6.4.2 [REDACTED]
- c. In September [REDACTED] athletics administrators failed to monitor and ensure compliance related to the attendance of Gassnola and Jim Gatto (Gatto), a then Adidas director of global sports marketing for basketball, representative of the institution's athletics interests and agent, at Late Night in the Phog (Late Night), an important recruiting event. Specifically, then men's basketball prospective student-athlete [REDACTED] and his family attended Late Night during an official visit to the institution. The institution also knew Gassnola and Gatto were present at Late Night and that Gassnola, Gatto and [REDACTED] were staying at the same hotel. However, the institution took no steps to monitor and/or limit Gassnola's and Gatto's interactions with [REDACTED] and his family at Late Night or at the hotel. As outlined in Allegation No. 1-a, Gassnola had an impermissible contact with [REDACTED] mother and [REDACTED] at the hotel and offered them monetary recruiting inducements with Gatto's approval. [NCAA Constitution 2.1.1, 2.1.2, 6.01.1, 6.4.1 and 6.4.2 [REDACTED]]
- d. In the fall of 2017, the institution did not adhere to its policy of monitoring student-athlete vehicles when it failed to ensure [REDACTED] had registered his vehicle with the athletics compliance staff. Specifically, at least four members of the institution's athletics staff, including an assistant men's basketball coach, an assistant director of athletics and a men's basketball director of student-athlete development, were aware that [REDACTED] was in possession of a vehicle on campus, yet no one required [REDACTED] to register the vehicle with athletics compliance staff to ensure there were no NCAA compliance issues. [NCAA Constitution 2.1.1, 2.8.1 and 6.01.1 [REDACTED]]
- e. During the 2017-18 academic year, the institution did not promote an atmosphere of compliance, exercise oversight and monitor for NCAA compliance the eligibility of then men's basketball student-athlete [REDACTED] As a result, the institution [REDACTED] Specifically, the

NOTICE OF ALLEGATIONS

Case No. 00874

September 23, 2019

Page No. 10

institution's athletics department staff had knowledge of several issues and red flags related to Gassnola, his involvement in actual or potential NCAA violations involving another student-athlete's family and one other prospective student-athlete, and Gassnola's involvement in [REDACTED] recruitment:

- (1) In August [REDACTED], the head men's basketball coach and an assistant men's basketball coach knew of some of Gassnola's impermissible recruiting violations involving [REDACTED] as noted in Allegation No. 2.
- (2) In August [REDACTED] the head men's basketball coach knew of Gassnola's statements about trying to assist the institution's recruitment of then men's basketball prospective student-athlete [REDACTED], as noted in Allegation No. 3-a.
- (3) In September [REDACTED] the institution became aware of the federal government's arrests and indictments involving Adidas consultants, including Gassnola's superior, Gatto.
- (4) In October [REDACTED] the NCAA Division I Board of Directors instructed the institution and all Division I institutions to scrutinize the eligibility of its men's basketball student-athletes prior to first competitions.
- (5) In November [REDACTED] the institution became aware of Gassnola's role in providing at least \$15,000 to [REDACTED] which is described in Allegation No. 1.

Despite all of this information and instruction, the institution certified [REDACTED] as eligible and [REDACTED] when in fact [REDACTED] was ineligible. Finally, just before [REDACTED] contests in [REDACTED] in which the institution's men's basketball team was scheduled to compete, the institution became aware of more information raising concerns related to [REDACTED] Even with this information, the institution still allowed [REDACTED] while ineligible. [NCAA Constitution 2.1.1, 2.1.2, 2.8.1, 6.01.1, 6.4.1 and 6.4.2 [REDACTED]

Level of Allegation No. 5:

The NCAA enforcement staff believes a hearing panel of the NCAA Division I Committee on Infractions could conclude that Allegation No. 5 is a severe breach of conduct (Level I) because the lack of institutional control seriously undermined or threatened the integrity of the NCAA Collegiate Model. [NCAA Bylaws 19.1.1 and 19.1.1-(a) (2019-20)]

NOTICE OF ALLEGATIONS

Case No. 00874

September 23, 2019

Page No. 11

Involved Individual(s):

None.

6. [NCAA Division I Manual Bylaws 11.7.1.1, 11.7.3 and 11.7.6 (2017-18 and 2018-19)]

It is alleged that between December 2017 to mid-October 2018, the institution's football team exceeded the limit on the number of coaches who may be employed by one. This occurred when Jeff Love (Love), football video coordinator (a noncoaching staff member), participated in technical and tactical instruction with football student-athletes and made or assisted in making tactical decisions with football student-athletes during on-field practices. Specifically:

- a. Between December 2017 through April 2018 and between August 2018 through mid-October 2018, Love met with the quarterback student-athletes six to 10 times in the quarterback meeting room of the football office and provided instruction while watching videos of practices and games. Love's instructions included, but were not limited to, identifying quarterback reads, coverage reads and adjustments and defensive fronts and alignments. [NCAA Bylaws 11.7.1.1, 11.7.3 and 11.7.6 (2017-18)]
- b. During March 2018, Love provided on-field instruction to the quarterbacks on two or three occasions, including tips and adjustments to reading coverages. [NCAA Bylaws 11.7.1.1, 11.7.3 and 11.7.6 (2017-18)]
- c. In August and September 2018, Love occasionally provided the quarterbacks instructional video through text messages via cellphone. [NCAA Bylaws 11.7.1.1, 11.7.3 and 11.7.6 (2018-19)]

This allegation serves a basis for head coach responsibility Allegation No. 7.

Level of Allegation No. 6:

The NCAA enforcement staff believes a hearing panel of the NCAA Division I Committee on Infractions could conclude that Allegation No. 6 is a significant breach of conduct (Level II) because the violations (a) were not isolated or limited, (b) provided or were intended to provide more than a minimal competitive or other advantage, (c) were more serious than Level III violations and (d) compromised the integrity of the NCAA Collegiate Model. [NCAA Bylaw 19.1.2 (2019-20)]

NOTICE OF ALLEGATIONS

Case No. 00874

September 23, 2019

Page No. 12

Involved Individual:

The enforcement staff believes a hearing panel could enter a show-cause order pursuant to NCAA Bylaw 19.9.5.4 regarding Love's involvement in Allegation No. 6.

7. [NCAA Division I Manual Bylaw 11.1.1.1 (2017-18 and 2018-19)]

It is alleged that from December 2017 through mid-October 2018, David Beaty (Beaty), then head football coach, is presumed responsible for the violations detailed in Allegation No. 6 and did not rebut the presumption of responsibility. Specifically, Beaty did not demonstrate that he monitored his staff within the football program because Beaty knew that Jeff Love (Love), football video coordinator, was a former college quarterbacks coach, spent time with the quarterbacks on the team and, on at least one occasion, Beaty observed Love alone in a meeting with the quarterbacks watching film. Beaty failed to identify the red flags involving Love and further failed to ask pointed questions to confirm compliance with NCAA legislation.

Level of Allegation No. 7:

The NCAA enforcement staff believes a hearing panel of the NCAA Division I Committee on Infractions could conclude that Allegation No. 7 is a significant breach of conduct (Level II) because it is a head coach responsibility violation resulting from an underlying Level II violation and seriously undermined or threatened the integrity of the NCAA Collegiate Model. [NCAA Bylaws 19.1.2 and 19.1.2-(e) (2019-20)]

Involved Individual:

The enforcement staff believes a hearing panel could enter a show-cause order pursuant to NCAA Bylaw 19.9.5.4 regarding Beaty's involvement in Allegation No. 7.

C. Potential Aggravating and Mitigating Factors.

Pursuant to NCAA Bylaw 19.7.1, the NCAA enforcement staff has identified the following potential aggravating and mitigating factors that a hearing panel of the NCAA Division I Committee on Infractions may consider.

NOTICE OF ALLEGATIONS

Case No. 00874

September 23, 2019

Page No. 13

1. **Institution:**

a. Aggravating factors. [NCAA Bylaw 19.9.3]

- (1) Multiple Level I and II violations by the institution or involved individual. [NCAA Bylaws 19.9.3-(a) and (g)]

Allegation Nos. 1 through 7 are alleged as Level I or II violations.

- (2) A history of Level I, Level II or major violations by the institution. [NCAA Bylaw 19.9.3-(b)]¹⁰

January 11, 1957 - Improper recruiting inducement and transportation.

October 26, 1960 - Extra benefits; improper recruiting contacts and entertainment.

August 17, 1972 - Improper financial aid and transportation; extra benefits; improper recruiting entertainment, inducements and transportation; academic fraud; eligibility; unethical conduct.

November 30, 1983 - Improper financial aid and transportation; extra benefits; improper recruiting contacts, employment, entertainment, inducements, lodging and transportation; excessive number of official visits; eligibility; unethical conduct; coaching staff limitations; certification of compliance.

November 1, 1988 - Improper recruiting inducements, contacts, transportation and entertainment; lack of institutional control.

October 12, 2006 - Violations in the men's basketball regarding impermissible inducements and benefits involving representatives of the university's athletics interests. Violations also occurred in the football program regarding academic fraud involving two former graduate assistant football coaches and impermissible inducements to prospective two-year college transfers.

- (3) Lack of institutional control. [NCAA Bylaw 19.9.3-(c)]

As noted in Allegation No. 5, the enforcement staff alleged a lack of institutional control.

¹⁰ The dates of previous Level I, II or major infractions violations and the accompanying descriptions are provided directly from the Legislative Services Database for the Internet (LSDBi).

NOTICE OF ALLEGATIONS

Case No. 00874

September 23, 2019

Page No. 14

- (4) Violations were premediated, deliberate or committed after substantial planning. [NCAA Bylaw 19.9.3-(f)]

As noted in Allegation Nos. 1 through 3, Adidas, a representative of the institution's athletics interest, through its consultants, engaged in premediated and deliberate violations. The violations were committed after substantial planning, including multiple communications and steps to offer and provide impermissible benefits to prospective student-athletes and their family members. Members of the men's basketball staff were aware of some of these activities.

- (5) Persons of authority condoned, participated in or negligently disregarded the violations or related wrongful conduct. [NCAA Bylaw 19.9.3-(h)]

As noted in Allegation Nos. 1 through 5, members of the institution's men's basketball program and its athletics administration became aware of potential or actual NCAA violations, and either condoned, participated in or negligently disregarded the violations or related wrongful conduct.

- (6) One or more violations caused significant ineligibility or other substantial harm to a student-athlete or prospective student-athlete. [NCAA Bylaw 19.9.3-(i)]

The institution ruled then men's basketball student-athlete [REDACTED] ineligible following discovery of the violations in Allegation No. 1. Then men's basketball student-athlete [REDACTED] was declared ineligible following the institution's discovery of the violations in Allegation No. 2 and missed an entire season of competition.

- (7) A pattern of noncompliance within the sport program. [NCAA Bylaw 19.9.3-(k)]

As noted in Allegation Nos. 1 through 5, the institution has a pattern of noncompliance within men's basketball.

- (8) Intentional, willful or blatant disregard for the NCAA constitution and bylaws. [NCAA Bylaw 19.9.3-(m)]

As noted in Allegation Nos. 1 through 3, representatives of the institution's athletics interests and two members of the men's basketball staff intentionally and willfully engaged in NCAA violations and blatantly disregard the NCAA constitution and bylaws.

NOTICE OF ALLEGATIONS

Case No. 00874

September 23, 2019

Page No. 15

(9) Other facts warranting a higher penalty range. [NCAA Bylaw 19.9.3-(o)]

The institution unnecessarily delayed the investigation when it did not timely produce certain requested documents [redacted] investigative file and all head men's basketball coaches' telephone records).

b. Mitigating factor. [NCAA Bylaw 19.9.4]

An established history of self-reporting Level III or secondary violations. [NCAA Bylaw 19.9.4-(d)]

The institution reported 71 Level III violations from 2015 to 2019, approximately 18 violations each year.

2. **Involved Individual [Bill Self (Self), head men's basketball coach]:**

a. Aggravating factors. [NCAA Bylaw 19.9.3]

(1) Multiple Level I violations by the individual. [NCAA Bylaw 19.9.3-(a)]

As noted in Allegation Nos. 2 through 4, Self was involved in three Level I violations.

(2) Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct. [NCAA Bylaw 19.9.3-(h)]

As the head coach, Self condoned, participated in or negligently disregarded violations as noted in Allegation Nos. 1 through 4.

(3) A pattern of noncompliance within the sport program. [NCAA Bylaw 19.9.3-(k)]

As noted in the prior infractions history involving Self's men's basketball program and in Allegation Nos. 1 through 5, Self has a pattern of noncompliance within his men's basketball program.

b. Mitigating factor. [NCAA Bylaw 19.9.4]

The absence of prior conclusions of Level I, Level II or major violations committed by the involved individual. [NCAA Bylaw 19.9.4-(h)]

In his 34-year NCAA coaching career, Self has no prior Level I, II or major violations.

NOTICE OF ALLEGATIONS

Case No. 00874

September 23, 2019

Page No. 16

3. Involved Individual [Kurtis Townsend (Townsend), assistant men's basketball coach]:

a. Aggravating factors. [NCAA Bylaw 19.9.3]

(1) Multiple Level I violations by the individual. [NCAA Bylaw 19.9.3-(a)]

As noted in Allegation Nos. 2 and 3, Townsend is alleged to have engaged in Level I violations.

(2) Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct. [NCAA Bylaw 19.9.3-(h)]

As an assistant coach, Townsend condoned, participated in or negligently disregarded violations as noted in Allegation Nos. 2 and 3.

b. Mitigating factor. [NCAA Bylaw 19.9.4]

The absence of prior conclusions of Level I, Level II or major violations committed by the involved individual. [NCAA Bylaw 19.9.4-(h)]

In his 26-year NCAA coaching career, Townsend has no prior Level I, II or major violations.

4. Involved Individual [Jeff Love (Love), football video coordinator]:

a. Aggravating factor. [NCAA Bylaw 19.9.3]

Intentional, willful or blatant disregard for the NCAA constitution and bylaws. [NCAA Bylaw 19.9.3-(m)]

Love engaged in the coaching violations even though he was educated on the rules and knew he was violating NCAA legislation.

b. Mitigating factor. [NCAA Bylaw 19.9.4]

The absence of prior conclusions of Level I, Level II or major violations committed by the involved individual. [NCAA Bylaw 19.9.4-(h)]

In his six-year NCAA coaching career, Love has no prior Level I, II or major violations.

NOTICE OF ALLEGATIONS

Case No. 00874

September 23, 2019

Page No. 17

5. Involved Individual [David Beaty (Beaty), head football coach]:

- a. Aggravating factor(s). [NCAA Bylaw 19.9.3]

None.

- b. Mitigating factor. [NCAA Bylaw 19.9.4]

The absence of prior conclusions of Level I, Level II or major violations committed by the involved individual. [NCAA Bylaw 19.9.4-(h)]

In his 13-year NCAA coaching career, Beaty has no prior Level I, II or major violations.

D. Hearing Attendance.

In addition to the involved individuals and institutional representatives as outlined in NCAA Division I Bylaw 19.7.7.5.2, the hearing panel of the NCAA Division I Committee on Infractions may benefit from asking the following individual(s) to attend the hearing pursuant to Bylaw 19.7.7.5: Sean Lester, deputy director of athletics for administration, and Sheahon Zenger, former director of athletics.

E. Factual Information.

The attached exhibit details the factual information on which the enforcement staff relies for Allegation Nos. 1 through 7. The enforcement staff incorporates the factual information referenced throughout this document, its exhibits and all other documents in the secure filing system.

F. Response to Allegations.

1. Please indicate whether the information contained within these allegations is substantially correct and whether the institution and involved individuals identified in these allegations believe violations of NCAA legislation occurred. Submit materials to support your response.
2. If the institution and involved individuals believe NCAA violations occurred, please indicate whether there is substantial agreement on the level of the violation. Submit materials to support your response.
3. Please indicate whether the factual information is substantially correct and whether the institution and involved individuals have additional pertinent information and/or facts. Submit facts in support of your response.

NOTICE OF ALLEGATIONS

Case No. 00874

September 23, 2019

Page No. 18

G. Request for Supplemental Information.

1. Provide mailing and email addresses for all necessary parties to receive communications from the hearing panel of the NCAA Division I Committee on Infractions related to this matter.
2. Indicate how the violations were discovered.
3. Provide a detailed description of any corrective or punitive actions implemented by the institution as a result of the violations acknowledged in this inquiry. In that regard, explain the reasons the institution believes these actions to be appropriate and identify the violations on which the actions were based. Additionally, indicate the date that any corrective or punitive actions were implemented.
4. Provide a detailed description of all disciplinary actions taken against any current or former athletics department staff members as a result of violations acknowledged in this inquiry. In that regard, explain the reasons the institution believes these actions to be appropriate and identify the violations on which the actions were based. Additionally, indicate the date that any disciplinary actions were taken and submit copies of all correspondence from the institution to each individual describing these disciplinary actions.
5. Provide a short summary of every past Level I, Level II or major infractions case involving the institution or individuals named in this notice. In this summary, provide the date of the infractions report(s), a description of the violations found by the Committee on Infractions/hearing panel, the individuals involved, and the penalties and corrective actions. Additionally, provide a copy of any major infractions reports involving the institution or individuals named in this notice that were issued by the Committee on Infractions/hearing panel within the last 10 years.
6. Provide a chart depicting the institution's reporting history of Level III and secondary violations for the past five years. In this chart, please indicate for each academic year the number of total Level III and secondary violations reported involving the institution or individuals named in this notice. Also include the applicable bylaws for each violation, and then indicate the number of Level III and secondary violations involving just the sports team(s) named in this notice for the same five-year time period.
7. Provide the institution's overall conference affiliation, as well as the total enrollment on campus and the number of men's and women's sports sponsored.

NOTICE OF ALLEGATIONS

Case No. 00874

September 23, 2019

Page No. 19

8. Provide a statement describing the general organization and structure of the institution's intercollegiate athletics department, including the identities of those individuals in the athletics department who were responsible for the supervision of all sport programs during the previous four years.
9. State when the institution has conducted systematic reviews of NCAA and institutional regulations for its athletics department employees. Also, identify the agencies, individuals or committees responsible for these reviews and describe their responsibilities and functions.
10. Provide the following information concerning the sports program(s) identified in this inquiry:
 - The average number of initial and total grants-in-aid awarded during the past four academic years.
 - The number of initial and total grants-in-aid in effect for the current academic year (or upcoming academic year if the regular academic year is not in session) and the number anticipated for the following academic year.
 - The average number of official paid visits provided by the institution to prospective student-athletes during the past four years.
 - Copies of the institution's squad lists for the past four academic years.
 - Copies of the institution's media guides, either in hard copy or through electronic links, for the past four academic years.
 - A statement indicating whether the provisions of NCAA Bylaws 31.2.2.3 and 31.2.2.4 apply to the institution as a result of the involvement of student-athletes in violations noted in this inquiry.
 - A statement indicating whether the provisions of Bylaw 19.9.7-(g) apply to the institution as a result of the involvement of student-athletes in violations noted in this inquiry.
11. Consistent with the Committee on Infractions IOP 4-16-2-1 (Total Budget for Sport Program) and 4-16-2-2 (Submission of Total Budget for Sport Program), please submit the three previous fiscal years' total budgets for all involved sport programs. At a minimum, a sport program's total budget shall include: (a) all contractual compensation including salaries, benefits and bonuses paid by the institution or related entities for coaching, operations, administrative and support staff tied to the sport program; (b) all recruiting

NOTICE OF ALLEGATIONS

Case No. 00874

September 23, 2019

Page No. 20

expenses; (c) all team travel, entertainment and meals; (d) all expenses associated with equipment, uniforms and supplies; (e) game expenses and (f) any guarantees paid associated with the sport program.

Any additional information or comments regarding this case are welcome.

National Collegiate Athletic Association
September 23, 2019 **TCH:RBR:trd**