

## NEGOTIATED RESOLUTION<sup>1</sup>

University of Pittsburgh – Case No. 00878

February 20, 2020

### **I. CASE SYNOPSIS**

The University of Pittsburgh (Pittsburgh); its head football coach; and NCAA enforcement staff agree with the violations detailed below. The parties agree that this case should be resolved as Level II – Mitigated for the institution and Level II – Standard for the head football coach. The former head men's basketball coach (head basketball coach) and former director of men's basketball operations (director of operations) (who at one point was also an assistant coach) are not currently involved in intercollegiate athletics and informed the enforcement staff they would not participate in the resolution of this case. The enforcement staff believes the case should be resolved as Level II – Aggravated for the former head basketball coach and Level I – Aggravated for the former director of operations.

Although the institution's men's basketball program previously received education concerning coaching limitation rules and the related permissible role of noncoaching staff, in fall of 2017, the institution's observations of the men's basketball program raised concerns that a noncoaching staff member possibly engaged in impermissible coaching activities. In response, the institution took several steps. First, the institution provided additional education to the head men's basketball coach and relevant noncoaching staff, and the director of athletics emphasized those staff members must comply with noncoaching staff legislation. Additionally, the institution increased its monitoring of the men's basketball program. In February 2018, the institution reviewed men's basketball practice film to determine whether violations had occurred. Film from only one practice remained on the men's basketball computer server, for a practice held after the director of athletics emphasized compliance with applicable rules for noncoaching staff. The film of that practice confirmed that a noncoaching staff member provided impermissible coaching instruction to men's basketball student-athletes.

The institution then utilized computer forensics experts to recover practice film that had been removed from the men's basketball staff's computer systems. This search resulted in the recovery of several other practice videos confirming multiple noncoaching staff members performing impermissible duties during men's basketball practices over an extended period. Additionally, it revealed 12 impermissible personalized recruiting videos, which were shown to prospective men's basketball student-athletes visiting campus.

The institution interviewed 11 individuals in March and April 2018 and, based on those interviews, concluded that the head basketball coach instructed and permitted noncoaching staff to essentially serve as additional assistant coaches during team practices and at halftime of some competitions. One example of such conduct was the head basketball coach tasking his special assistant to the head men's basketball coach, with installing a new defensive scheme for the team's

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<sup>1</sup> In reviewing this agreement, the hearing panel made editorial revisions pursuant to NCAA Division I Committee on Infractions (COI) Internal Operating Procedure (IOP) 4-9-1-2. These modifications did not affect the substance of the agreement.

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2017-18 season and working directly with student-athletes in performing this responsibility. Further, the interviews confirmed that, after the head basketball coach believed athletics administrators became suspicious of his impermissible use of noncoaching staff members, he implemented an alert system to ensure noncoaching staff would not be caught on the practice floor coaching student-athletes. Whenever an administrator arrived at practice, a team manager positioned outside the doors to the practice gymnasium would send a text message to another manager at the scorer's table inside. The inside manager then sounded the buzzer, which the noncoaching staff members understood as a sign they should exit the court. Finally, the interviews substantiated that the head basketball coach ordered the deletion of men's basketball practice video from the team server in an apparent attempt to prevent the administration from using the video to confirm that violations had occurred.

The institution submitted a self-report in September 2018 and the enforcement staff conducted additional investigation, including an interview of the head basketball coach. He confirmed that he instructed or permitted noncoaching staff to perform responsibilities he understood were impermissible and ordered the deletion of video documenting these violations. He attributed his decision to take these actions to the fractured relationship he believed he had with the director of athletics. The enforcement staff also sought to interview the director of operations about his performance of impermissible duties as a noncoaching staff member. He interviewed with the institution while he was on staff but refused to participate in an interview following his separation from the institution. The director of operations was charged in a post-separation notice of allegations for his refusal to cooperate.

The football program became involved in the inquiry when the special assistant to the head men's basketball coach accused the program of similar impermissible use of noncoaching staff. As a result, the director of athletics questioned the head football coach about his use of noncoaching staff. He admitted that he authorized a football quality control staff member to engage in coaching activities over a five-week period during the end of the 2017 season and the institution self-reported this violation to the enforcement staff.

The institution and enforcement staff then interviewed all football quality control staff members employed during the head football coach's tenure at the institution. The institution also reviewed video of several football practices. Interviewee statements and images from the video review confirmed noncoaching staff had, at times, performed impermissible responsibilities. The most consistent of these activities was a quality control staff member holding play cards for scout team student-athletes during portions of regular season team practices. On more limited occasions, quality control staff assisted countable coaches by throwing footballs to student-athletes during drills or performing other similar impermissible actions.

The institution conducted adequate spot checks of the football program's practices but did not notice the violations as they occurred. A factor that contributed to the violations going undetected was the football program's practice of playing music indicating when outside parties, including

athletics department administrators, were present at the football practice facility. Football quality control staff members reported that when hearing such music they would ensure they were distant from football student-athletes.

The institution, head football coach and enforcement staff believe negotiated resolution is appropriate due to the agreement on the facts, violations, level classification and penalties. Additionally, consistent with NCAA Bylaw 19.5.12.1.1, the enforcement staff has included the violations and proposed penalties involving the nonparticipating director of operations and head basketball coach. Both of them have indicated that they will not participate in the processing of this case, and the enforcement staff asks the hearing panel of the NCAA Division I Committee on Infractions to process the uncontested violations concerning the head basketball coach and post-separation violations concerning the director of operations as part of this negotiated resolution.

## **II. PARTIES' AGREEMENTS**

### **A. Agreed-upon findings of fact, violations of NCAA legislation and violation levels.**

1. [NCAA Division I Manual 11.7.1, 11.7.1.1, 11.7.1.1-(a), 11.7.1.1-(b), 11.7.3 and 11.7.6 (2015-16 through 2017-18)] – Level II

From June 2016 through March 2018, the head basketball coach instructed and permitted three noncoaching staff members to engage in impermissible activities.<sup>2</sup> As a result, the men's basketball program exceeded the permissible number of countable coaches. Specifically:

- a. Between June 2016 and June 2017, the head basketball coach instructed and permitted the director of men's basketball operations, and the men's basketball video coordinator/director of analytics, to provide technical or tactical instruction to men's basketball student-athletes during summer skill-related instruction sessions, preseason practices, regular season practices, film sessions, scouting report briefings and at halftime of competitions.<sup>3</sup> They and regularly coached student-athletes during this period. [NCAA Bylaws 11.7.1, 11.7.1.1, 11.7.1.1-(a), 11.7.1.1-(b), 11.7.3 and 11.7.6 (2015-16 and 2016-17)]
- b. Between May 2017 and March 2018, the head basketball coach instructed and permitted the men's basketball video coordinator/director of analytics and

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<sup>2</sup> Pursuant to Bylaw 19.5.2.1.1, the enforcement staff shall include the violations and penalties related to any party not participating in the case.

<sup>3</sup> The men's basketball video coordinator/director of analytics served in that position until mid-June 2017 when he became the director of men's basketball operations. Both of these roles were noncoaching positions.

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special assistant to the head men's basketball coach to provide technical or tactical instruction during summer skill-related instruction sessions, preseason practices, regular season practices, film sessions, scouting report briefings and at halftime of competitions.<sup>4</sup> They regularly coached student-athletes during this period. [NCAA Bylaws 11.7.1, 11.7.1.1, 11.7.1.1-(a), 11.7.1.1-(b), 11.7.3 and 11.7.6 (2016-17 and 2017-18)]

2. [NCAA Division I Manual 13.4.1.8 and 13.4.1.8.2 (2016-17), 13.6.7.9 and 13.7.3 (2016-17 and 2017-18), 13.4.1.9 and 13.4.1.9.2 (2017-18)] – Level II

Between May and September 2017, the men's basketball program produced personalized recruiting videos for 12 men's basketball prospective student-athletes and showed the videos to the prospects during their official or unofficial visits to the institution's campus.

3. [NCAA Division I Manual Bylaws 11.1.1.1 and 19.2.3 (2015-16 through 2017-18)] – Level II

Between June 2016 and March 2018, the head basketball coach violated the responsibility to cooperate and head coach responsibility legislation, as he is presumed responsible for the violations detailed in Agreed-Upon Findings of Fact Nos. 1 and 2 and did not rebut the presumption of responsibility. Specifically, the head basketball coach did not demonstrate that he promoted an atmosphere for compliance because of his involvement in directing noncoaching staff members to perform coaching duties, his failure to cease these violations after being warned by athletics department administrators, his use of a system to avoid the detection of violations and his noncooperative directive to delete video confirming violations had occurred.<sup>5</sup> Additionally, he did not demonstrate that he monitored his staff within the men's basketball program because of his failure to determine whether the creation and display of personalized recruiting videos was permissible.

4. [NCAA Division I Manual Bylaws 11.7.1, 11.7.1.1, 11.7.1.1-(a), 11.7.1.1-(b), 11.7.3 and 11.7.6 (2015-16 through 2017-18)] – Level II

Between August 2015 and November 2017, the head football coach instructed or was present at the football practice facility when three then quality control staff members engaged in impermissible activities. As a result, the football program exceeded the permissible number of countable coaches. Specifically:

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<sup>4</sup> The special assistant to the head men's basketball coach was hired as the special assistant to the head men's basketball coach in May 2017 and retained that title for the duration of his employment at the institution.

<sup>5</sup> The enforcement staff asserts that the head basketball coach's directive to delete practice video also did not fulfill the responsibility to cooperate outlined in Bylaw 19.2.3.

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- a. From August 2015 through November 2016, the head football coach was present at the football practice facility when a quality control staff member assisted in drills for football student-athletes during spring football practices, preseason camps and regular season practices.<sup>6</sup> The quality control staff member was involved in drills for about five to 12 minutes per practice almost daily during the August 2016 preseason camp and occasionally during spring and regular season practices and the August 2015 preseason camp. [NCAA Bylaws 11.7.1, 11.7.1.1, 11.7.1.1-(a), 11.7.3 and 11.7.6 (2015-16 and 2016-17)]
  - b. In August 2017, the head football coach was present at the football practice facility when a quality control staff member assisted in drills for football student-athletes during preseason camp. The quality control staff member was involved in drills almost daily for about five to 12 minutes per practice. [NCAA Bylaws 11.7.1, 11.7.1.1, 11.7.1.1-(a), 11.7.3 and 11.7.6 (2017-18)]
  - c. From September 2015 through November 2017, the head football coach was present at the football practice facility when a quality control staff member held play cards for football student-athletes on the scout team. This activity occurred three days per week for approximately 40 minutes per day during the team's regular season practices. [NCAA Bylaws 11.7.1, 11.7.1.1, 11.7.1.1-(a), 11.7.1.1-(b), 11.7.3 and 11.7.6 (2015-16 through 2017-18)]
  - d. Between October 22 and November 23, 2017, the head football coach asked a quality control staff member to assist the offensive line coach in coaching offensive lineman football student-athletes. The quality control staff member engaged in impermissible coaching activity with student-athletes two times per week for approximately 20 minutes per day over the course of the season's final five weeks. [NCAA Bylaws 11.7.1, 11.7.1.1, 11.7.1.1-(a), 11.7.3 and 11.7.6 (2017-18)]
5. [NCAA Division I Manual Bylaw 11.1.1.1 (2015-16 through 2017-18)] – Level II

Between August 2015 and November 2017, the head football coach is presumed responsible for the violations detailed in Agreed-Upon Findings of Fact No. 4 and did not rebut the presumption of responsibility. Specifically, the head football coach did not demonstrate that he promoted an atmosphere for compliance when he instructed a noncoaching staff member to assist in coaching student-athletes. Additionally, he did not demonstrate that he monitored his staff

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<sup>6</sup> One of the quality control staff members served from February 2015 to December 2016, while two were on staff from February 2017 to January 2019. One worked with the offense, two worked with the defense.

within the football program when he did not prevent noncoaching staff from performing impermissible duties.

**B. Post-separation findings of fact, violations of NCAA legislation and violation levels.<sup>7</sup>**

1. [NCAA Division I Manual 10.1, 10.1-(a) and 19.2.3 (2018-19 and 2019-20)] – Level I

On March 7, 2019, and continuing to the present, the director of operations violated the NCAA principles of ethical conduct and failed to cooperate with the enforcement staff when he refused to participate in an interview requested by the enforcement staff.<sup>8</sup>

**C. 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 II – Mitigated for the institution, Level II – Standard for the head football coach, Level II – Aggravated for the head basketball coach and Level I – Aggravated for the director of operations.

**Institution:**

1. Aggravating factors (Bylaw 19.9.3).
  - a. A history of Level I, Level II or major violations [Bylaw 19.9.3-(b)].
  - b. Multiple Level II violations by the institution or involved individual [Bylaw 19.9.3-(g)].
  - c. Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct [Bylaw 19.9.3-(h)].
  - d. Intentional, willful or blatant disregard for the NCAA constitution and bylaws [Bylaw 19.9.3-(m)].

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<sup>7</sup> The post-separation violations occurred while the director of operations, who is not participating in the case, was not employed at the institution and do not attach to the institution.

<sup>8</sup> Pursuant to Bylaw 19.5.2.1.1, the enforcement staff shall include the violations and penalties related to any party not participating in the case.

2. Mitigating factors (Bylaw 19.9.4).

- a. Prompt acknowledgement of the violation, acceptance of responsibility and imposition of meaningful corrective measures and/or penalties [Bylaw 19.9.4-(b)].
- b. Affirmative steps to expedite final resolution of the matter, including the timely submission of a summary disposition report pursuant to Bylaw 19.6.2 [19.9.4-(c)].
- c. An established history of self-reporting Level III or secondary violations [Bylaw 19.9.4-(d)].
- d. Implementation of a system of compliance methods designed to ensure rules compliance and satisfaction of institutional/coaches' control standards [Bylaw 19.9.4-(e)].
- e. Other factors warranting a lower penalty range [Bylaw 19.9.4-(i)].

**Involved Individual (head basketball coach):**

1. Aggravating factors (Bylaw 19.9.3).

- a. Obstructing an investigation or attempting to conceal the violation [Bylaw 19.9.3-(d)].
- b. Violations were premeditated, deliberate or committed after substantial planning [Bylaw 19.9.3-(f)].
- c. Multiple Level II violations by the institution or involved individual [Bylaw 19.9.3-(g)].
- d. Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct [Bylaw 19.9.3-(h)].
- e. Intentional, willful or blatant disregard for the NCAA constitution and bylaws [Bylaw 19.9.3-(m)].

2. Mitigating factor (Bylaw 19.9.4).

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

**Involved Individual (head football coach):**

1. Aggravating factors (Bylaw 19.9.3).
  - a. Multiple Level II violations by the institution or involved individual [Bylaw 19.9.3-(g)].
  - b. Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct [Bylaw 19.9.3-(h)].
2. Mitigating factors (Bylaw 19.9.4).
  - a. Prompt acknowledgement of the violation and acceptance of responsibility [Bylaw 19.9.4-(b)].
  - b. The absence of prior conclusions of Level I, Level II or major violations committed by the involved individual [Bylaw 19.9.4-(h)].

**Involved Individual (director of operations):**

1. Aggravating factors (Bylaw 19.9.3).
  - a. Unethical conduct and failing to cooperate [Bylaw 19.9.3-(e)].
  - b. Intentional, willful or blatant disregard for the NCAA constitution and bylaws [Bylaw 19.9.3-(m)].
2. Mitigating factor (Bylaw 19.9.4).

The absence of prior conclusions of Level I, Level II or major violations [Bylaw 19.9.4-(h)].

**III. OTHER VIOLATIONS OF NCAA LEGISLATION SUBSTANTIATED; NOT ALLEGED**

None.

**IV. REVIEW OF OTHER ISSUES**

None.



## V. PARTIES' AGREED-UPON PENALTIES

In reaching a Level II – Mitigated classification for the institution, the enforcement staff and institution assessed case precedent for similar violations and the aggravating and mitigating factors by weight and number.<sup>9</sup> In particular, the parties agreed that little weight should be given to the institution's history of major violations and significant weight should be given to: (a) the institution's prompt imposition of penalties and corrective actions throughout the processing of the case; (b) the diligence of athletics compliance staff and the athletics director to uncover the violations detailed in Findings of Fact No. 1; and (c) "other factors," including the athletics compliance staff's extensive forensic data/video review of computer hard drives and recorded football and men's basketball practices to ensure a complete and thorough investigation.<sup>10</sup>

The head football coach and the enforcement staff agreed to classify the violations for which he was deemed responsible as Level II – Standard based upon the nature of the violations in Findings of Fact No. 4, the weight and number of the aggravating and mitigating factors and his prompt acknowledgement and acceptance of responsibility for the violations.

In categorizing the violations involving the head basketball coach as Level II – Aggravated, the enforcement staff considered the aggravating and mitigating factors by weight and number and placed significant weight on those aggravating factors tied to the actions detailed in Findings of Fact No. 3 (i.e., his failure to cease the violations after being warned by athletics department administrators, his use of a system to avoid the detection of violations and his directive to delete video confirming violations had occurred.)

In categorizing the violation involving the director of operations as Level I – Aggravated, the enforcement staff considered the aggravating and mitigating factors by weight and number and placed significant weight on his failure to cooperate, as the responsibility to cooperate is paramount to a full and complete investigation, which the membership has identified as critical to the common interests of the Association and the preservation of its enduring values.

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:

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<sup>9</sup> See *University of Oregon (2018) and University of Utah (2018)*.

<sup>10</sup> The institution's only prior major infractions case was in 1993.

**Core Penalties for Level II – Mitigated Violations (Bylaw 19.9.5)**

1. Probation: Three years of probation from February 20, 2020, through February 19, 2023.<sup>11</sup>
2. Financial penalty: The institution shall pay a fine of \$5,000 plus one-half of one percent of each of the men's basketball and football budgets.<sup>12</sup>
3. A reduction in men's basketball recruiting person days by 17 in the 2017-18 year.<sup>13</sup>

**Core Penalties for Level II – Standard Violations (Bylaw 19.9.5)**

4. Recruiting restrictions: The head football coach did not participate in off-campus recruiting during one recruiting week of the December 1, 2019, through February 1, 2020, contact period.
5. Show-cause order – Team practice restrictions for the head football coach: The head football coach shall be withheld from two days of team practices during August 2020. The provisions of this withholding require that he not be present in the football complex or facility where practice takes place and have no contact or communication with football staff or student-athletes during the withholding period. The prohibition includes all coaching activities for the period of time that begins at 12:01 a.m. on the days of the practices and ends at 11:59 p.m. on those days. During that period, the head football coach may not participate in any coaching activities, including, but not limited to, team travel, video study, recruiting and team meetings. The institution or any other employing member institution shall adhere to this penalty and the reporting requirements during the 2020-21 academic year.

**Core Penalties for Level II – Aggravated Violations (Bylaw 19.9.5)**

6. Show-cause order: The head basketball coach shall be subject to a three-year show-cause order from February 20, 2020, through February 19, 2023. Pursuant to the NCAA Division I Committee on Infractions Internal Operating Procedure (IOP) 5-

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<sup>11</sup> The probationary penalty included in this agreement exceeds the penalty guidelines for Level II – Mitigated violations. The parties agree to the enhanced penalty.

<sup>12</sup> The financial penalty included in this agreement exceeds the penalty guidelines for Level II – Mitigated violations. The parties agree to the enhanced penalty.

<sup>13</sup> The negotiated resolution agreement submitted by the parties identified this as an additional penalty falling under Bylaw 19.9.7; however, limitations on off-campus recruiting are a core penalty pursuant to Bylaw 19.9.5.6. The hearing panel has therefore re-designated this penalty as a core penalty.

15-3-1, if he seeks employment or affiliation with any athletically related position at an NCAA member institution during the three-year show-cause period, he shall be subject to the head coach restriction detailed in Penalty No. 6 and any employing institution shall be required to contact the office of the Committees on Infractions to make arrangements to show cause why restrictions on all athletically related activity should not apply.

7. Head coach restriction: The head basketball coach violated head coach responsibility when he failed to monitor his staff and promote an atmosphere for compliance. Therefore, should he become employed in an athletically related position at an NCAA member institution during the three-year show-cause period, he shall be suspended from 30 percent of the first season of his employment. The suspension shall run concurrently with the first year of the show-cause order. Because the show-cause order restricts him from all athletically related activity, this suspension is subsumed within the show-cause order.

#### **Core Penalties for Level I – Aggravated Violations (Bylaw 19.9.5)**

8. Show-cause order: The director of operations shall be subject to a three-year show-cause order from February 20, 2020, through February 19, 2023. Pursuant to Committee on Infractions IOP 5-15-3-1, if he seeks employment or affiliation with any athletically related position at an NCAA member institution during the three-year show-cause period, any employing institution shall be required to contact the office of the Committees on Infractions to make arrangements to show cause why restrictions on all athletically related activity should not apply.

#### **Additional Penalties for Level II – Mitigated Violations (Bylaw 19.9.7)**

9. Public reprimand and censure.
10. Other penalties as appropriate, in men's basketball:
  - a. A reduction in the number of countable coaches by one at regular practice for 16 hours during the 2019-20 academic year. The reduction will remove a countable coach who otherwise would have been present at practice.

In the spring of 2020, a reduction in countable athletically related activities (CARA) hours from 20 to 18 (in-season) and eight to seven (out-of-season).

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11. Other penalties as appropriate, in football:

- a. A reduction of CARA activities by eight hours and the number of countable coaches by one for two days of practice (eight total hours) during the 2018 football season.
- b. A reduction in the number of countable coaches by one for four days of practice (16 total hours) in the 2019-20 academic year. The reduction will remove a countable coach who otherwise would have been present at practice.
- c. Two football quality control staff members shall be removed from practice for three days (12 total hours) during the 2019-20 academic year.

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

- a. Continue to develop and implement a comprehensive compliance and educational program on NCAA legislation to instruct coaches, the faculty athletics representative, all athletics department personnel and all institutional staff members with responsibility for NCAA personnel and recruiting legislation;
- b. Submit a preliminary report to the office of the Committees on Infractions by April 15, 2020, setting forth a schedule for establishing this compliance and educational program;
- c. File with the office of the Committees on Infractions annual compliance reports indicating the progress made with this program by January 15 during each year of probation. Particular emphasis shall be placed on the institution's compliance measures taken to ensure adherence with NCAA personnel and recruiting legislation and related rules education and;
- 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 prospect 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 violations by providing, at a minimum, a statement to include the types of violations and the involved sports program(s) and a direct, conspicuous link to the public infractions decision located on the athletics department's main

webpage "landing page" and in the media guides of the involved sports program(s) for the entire term of probation. The institution's statement must: (i) clearly describe the violations; (ii) include the length of the probationary period associated with the case; and (iii) give members of the general public a clear indication of what happened in the case to allow the public (particularly prospects and their families) to make informed, knowledgeable decisions. A statement that refers only to the probationary period with nothing more is not sufficient.

13. Following the receipt of the compliance report and prior to the conclusion of probation, the institution's president shall provide a letter to the Committee on Infractions affirming that the institution's current athletics policies and practices conform to all requirements of NCAA regulations.

## **VI. PARTIES TO THE CASE**

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

The institution, head football coach and enforcement staff.

### **B. Not in agreement with the negotiated resolution.**

None.

### **C. Not participating in the case.**

The head basketball coach and director of operations.

## **VII. OTHER AGREEMENTS**

The 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. Nothing in this resolution precludes the enforcement staff from investigating additional information about potential rules violations. The parties agree that, pursuant to Bylaw 19.1.2, the violations identified in this agreement should be classified as Level II – Mitigated for the institution and Level II – Standard for the head football coach.

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If a hearing panel approves the negotiated resolution, the institution and head football coach agree that they will take every precaution to ensure that the terms of the penalties are observed. The institution and head football coach 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 office of the Committees on Infractions will monitor the penalties during their effective periods. Any action by the institution or the head football coach 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 on Infractions 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.

Should a hearing panel approve the negotiated resolution, the parties agree to waive NCAA appellate opportunities.

### **VIII. 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 interests 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 classifications are appropriate for this process. Further, the parties classified this case as Level II-Mitigated for the University of Pittsburgh, and Level II-Standard for the head football coach's violations, Level II-Aggravated for the head basketball coach's violations and Level I-Aggravated for the director of operation's violations. The agreed-upon penalties align with the ranges identified for core penalties for Level I and II cases 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.

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The COI advises the University of Pittsburgh, the head football coach, the head basketball coach and the director of operations that they should take every precaution to ensure that they observe the terms of the penalties. The COI will monitor the institution while it is on probation to ensure compliance with the penalties and terms of probation and may extend the probationary period, among other action, if the institution does not comply or commits additional violations. Likewise, any action by the institution, the head football coach, the head basketball coach and the director of operations contrary to the terms of any of the penalties or any additional violations shall be considered grounds for prescribing more severe penalties and/or may result in additional allegations and violations.

NCAA COMMITTEE ON INFRACTIONS PANEL

William Bock, III

Greg Christopher

Sankar Suryanarayan, Chief Hearing Officer

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**APPENDIX**

**UNIVERSITY OF PITTSBURGH'S CORRECTIVE ACTIONS**

1. The institution terminated the head basketball coach's employment and did not retain the assistant coaches and the special assistant to the head coach following the 2017-18 academic year.
2. The institution issued letters of reprimand to (a) the remaining men's basketball staff members who were involved in the violations detailed in the case and institutional staff members who witnessed the activity and did not report the violations and (b) the head football coach for violations he was involved in and those committed by staff he was responsible for overseeing.
3. A senior staff member, men's basketball sports administrator and/or compliance staff member will travel with men's basketball to all future away competitions to ensure compliance with coaching limitations.
4. The institution amended the institutional coaching declaration form to include designation of all staff, including whether a staff member is designated as noncoaching staff.
5. The institution amended its Head Coach Responsibility Checklist to specifically mention coaching duties under Bylaw 11 Coaching Declarations.
6. The institution enhanced rules education for all sports concerning Bylaw 11.