



INDEPENDENT ACCOUNTABILITY RESOLUTION PROCESS

FOR RELEASE: September 27, 2022

University of Memphis failed to monitor the education and activities of an athletics booster in its men's basketball program, provided impermissible extra benefits, conducted impermissible recruiting activities, and failed to cooperate with investigative process

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INDIANAPOLIS – The University of Memphis failed to monitor the education and activities of an athletics booster, provided impermissible extra benefits and conducted impermissible recruiting activities with prospective student-athletes, according to a decision released by the Independent Resolution Panel of the NCAA's Independent Accountability Resolution Process. The hearing panel also found the university failed to cooperate with the investigative process by delaying the production of requested documents.

According to the infractions case decision, the case primarily involved the alleged provision of benefits to prospective student-athletes by a booster, who later became the institution's head men's basketball coach.

The hearing panel concluded that the head coach's philanthropic involvement in the Memphis community began prior to becoming an athletics booster in 2008 and before he was hired by Memphis as its head coach in 2018. The case decision references numerous gifts and financial assistance provided by the head coach to many members of the Memphis community from the time he entered the NBA until he became Memphis' head coach, including assistance provided either directly or to the families of three former prospective student-athletes who enrolled at Memphis and participated in men's basketball.

Based on the case record and information developed at the hearing, the hearing panel found that the benefits provided by the head coach to the three prospective student-athletes were not recruiting inducements. According to the hearing panel, it was established that the head coach had a long-standing philanthropic commitment, particularly to youth in the economically disadvantaged Memphis community, even prior to becoming an athletics booster. The hearing panel determined that the benefits provided by the head coach were generally available to all prospective students of Memphis, not only

student-athletes, and, therefore, were permissible.

However, the hearing panel concluded that Memphis failed to monitor the education and activities of the head coach by not providing sufficient education to him regarding permissible activities for boosters and failing to ask the head coach about any financial contributions he had made to prospective student-athletes and their families in the Memphis community or any other relationships he may have developed with the high school or AAU players he had coached.

The hearing panel also concluded that the institution's leadership allowed student-athlete No. 1 to participate in a November 5, 2019, basketball contest without informing the head coach until after the contest that student-athlete No. 1 had been determined to be ineligible to play. The case decision references an October 31, 2019, determination from NCAA academic and membership affairs that informed Memphis that the three prospective student-athletes, who were then student-athletes, were ineligible to compete because they had received financial assistance from the head coach after he became a booster, but before he was hired by Memphis. Memphis disagreed with this determination and was informed of the steps to appeal the academic and membership affairs decision, but Memphis stated, and the hearing panel found, that it did not appeal.

Based on the case record and the hearing, the hearing panel also found that Memphis failed to cooperate with the Complex Case Unit's investigation by failing to produce documents within the scheduling deadlines established in the agreed-upon case management plans. Additionally, the hearing panel found that Memphis failed to conduct an adequate investigation into who had reformatted the former assistant coach No. 1's computer and why its hard drive was not preserved.

Additionally, the hearing panel found that Memphis men's basketball coaches and staff provided impermissible extra benefits through the provision of impermissible meals to student-athletes; publicity to student-athletes and prospective student-athletes, including publicly posted photographs and video of prospective student-athletes wearing Memphis jerseys; an impermissible free meal for six student-athletes; and an impermissible written offer of aid via text to a prospective student-athlete's father.

For more procedural details, please visit <https://iarpc.org/referred-cases/university-of-memphis/> to view the procedural case timeline and case decision.

Violations

The Independent Resolution Panel determined that this case involves Level II and III violations of NCAA

legislation. The Independent Resolution Panel concluded that the following **Level II violations occurred:**

1. Despite knowledge that student-athlete No. 1 was ineligible, Memphis officials allowed the student-athlete to compete, disregarding the NCAA rules and processes regarding the binding nature of interpretations by academic and membership affairs.
2. Memphis failed to monitor the education and activities of a men's basketball booster, the head coach, in the men's basketball program.
3. Memphis failed to cooperate by not disclosing and providing access to all electronic devices used by or accessed by former assistant coach No. 1 during former assistant coach No.1's employment by Memphis. A forensic examination revealed the hard drive of the former assistant coach No. 1's computer had been reformatted June 5, 2020, the day after the Complex Case Unit requested preservation of such devices. As a result, the data on the computer was deleted and unrecoverable, and Memphis did not conduct an adequate investigation into who had reformatted the computer's hard drive.
4. Memphis failed to cooperate by not producing requested and relevant documents within the scheduling deadlines established in the agreed-upon case management plans. The university produced most of the requested documents at the end of the investigation, which impeded the investigation.

The Independent Resolution Panel concluded that the following **Level III violations occurred:**

1. Memphis provided impermissible recruiting inducements and publicity when a member of the Memphis men's basketball staff took photographs of a prospective student-athlete in a Memphis jersey in public view during an official visit. The photographs were given to the prospective student-athlete who posted them to his social media account. Memphis self-reported this violation.
2. A member of the Memphis men's basketball staff conducted an impermissible activity during an unofficial visit when he photographed a prospective student-athlete in a Memphis jersey while the prospective student-athlete was involved in a game-day simulation.
3. Video of an open gym session involving both incoming men's basketball student-athletes and uncommitted, prospective student-athletes was posted to a Memphis men's basketball social media account by a member of the Memphis men's basketball staff. Memphis self-reported this violation.

4. While recruiting a prospective student-athlete, the Memphis head coach made an impermissible written offer of aid via text to the prospective student-athlete's father. Memphis self-reported this violation.
5. Six men's basketball student-athletes were provided an impermissible free meal at a restaurant owned by the former assistant coach No. 1.

Penalties

The Independent Resolution Panel concluded that this case involves Level II and III violations of NCAA legislation. Based on its assessment, the Independent Resolution Panel classifies this case as Level II-Standard for Memphis. The Independent Resolution Panel used the Division I membership-approved penalty guidelines to prescribe the following penalties for Memphis:

1. Core Penalties:
 - a. A \$5,000 fine, plus 0.25% of its average men's basketball budget based on the average of the men's basketball program's previous three total budgets.
 - b. Three years of probation, from September 27, 2022, to September 26, 2025. During this period probation, Memphis will:
 - Require at least one counsel from the university's Office of Legal Counsel to attend two NCAA Regional Rules Seminars.
 - Inform all men's basketball prospective student-athletes in writing that the university is on probation for three years.
 - Publicize information concerning the nature of the infractions and a direct link to the public infractions report.
 - File a final compliance report with the NCAA Office of Committees on Infractions by September 30, 2025, confirming Regional Rules Seminars attendance and how the information was distributed to other members of the Office of Legal Counsel who engage with athletics.

- Prior to the conclusion of probation, Memphis' president will provide a letter to the NCAA Division I Committee on Infractions affirming the university's current athletics policies and practices conform to all NCAA requirements.

2. Additional Penalties:

- a. Public reprimand and censure.
- b. Vacation of all wins, records and participation based on student-athlete No. 1's participation in the November 5, 2019, contest or in any NCAA postseason competition at any time he was ineligible.
 - Vacated records will be reflected in Memphis' men's basketball program and its head coach, and in all publications in which records are reported.
 - Public reference to the vacated records will be removed from athletics materials and displays.
 - A Memphis representative must contact NCAA media coordination and statistics and appropriate conference officials to identify the specific student-athletes and contests impacted by the penalties and provide a written report detailing those discussions.
 - The individual records of ineligible student-athlete No. 1 will be vacated.
 - Any institution that may subsequently hire the affected head coach will reflect the vacated wins in the head coach's career records.

More information about the case, including the case decision and case timeline, can be found at <https://iarpcc.org/referred-cases/university-of-memphis/>.

About the Independent Accountability Resolution Process

The Independent Accountability Resolution Process is responsible for reviewing select complex Division I infractions cases with the goal of increasing accountability in intercollegiate athletics by creating an alternative to the NCAA's peer-review process. For more information, visit: iarpcc.org.

About the Independent Resolution Panel

The Independent Resolution Panel is comprised of 14 Independent Accountability Resolution Process members with legal, higher education and/or sports backgrounds. Once a Division I infractions case is accepted into the Independent Accountability Resolution Process, a software program randomly generates a five-member panel, plus one alternate, to serve as the hearing panel for that infractions case. The Independent Resolution Panel five-member panel, plus one alternate, is then appointed by the Independent Accountability Resolution Process' Independent Accountability Oversight Committee. The Independent Resolution Panel members who reviewed this case are: Hugh Fraser, a mediator and arbitrator, who served as chief panel member for this Independent Resolution Panel; Christina Guerola Sarchio, an attorney and litigator; Corey Jackson, a chief human resources officer, senior vice president and associate chancellor (non-NCAA institution); Michelle Pujals, a general counsel; and Dana Welch, a private practice arbitrator.

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