



INDEPENDENT ACCOUNTABILITY RESOLUTION PROCESS

FOR RELEASE: November 3, 2022

University of Louisville former assistant head coach involved in arrangement of recruiting inducement and unethical behavior; former associate head coach furnished false and misleading information; men's basketball program participated in other impermissible activities involving recruitment, transportation and practice activities

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INDIANAPOLIS – A former University of Louisville assistant head coach was knowingly involved in the arrangement for a cash payment to influence a men's basketball prospective student-athlete to enroll at Louisville and failed to report information related to the potential violations to the institution, and a former associate head coach furnished false and misleading information to the NCAA enforcement staff regarding an off-campus recruiting contact with a prospective student-athlete, according to a decision released by the Independent Resolution Panel of the NCAA's Independent Accountability Resolution Process. The hearing panel also found that the Louisville men's basketball program provided other impermissible recruiting and transportation benefits to prospective student-athletes and that managers and noncoaching staff members participated in impermissible on-court activities during practices.

This case involved separate sets of allegations arising during the tenures of two different head men's basketball coaches and their respective staffs. The violations occurring in 2016 and 2017 were during former head coach No. 1's tenure and were related to the recruitment of prospective student-athlete No. 1 and prospective student-athlete No. 2 and involved former assistant coach No. 1 and the former associate head coach.

Following the case's referral to the Independent Accountability Resolution Process and during the Complex Case Unit investigation, additional allegations were identified based on conduct from 2018 through 2021, during former head coach No. 2's tenure. Those allegations related to recruiting materials, and the participation of graduate student managers and other noncoaching staff members in on-court activities with student-athletes during practice.

According to the infractions case decision, this case initially arose from the 2018 criminal indictment of four apparel company-related individuals in the United States District Court for the Southern District of

New York. The apparel company was a significant sponsor of Louisville's athletics programs with the exclusive right to publicly represent, market, and promote that it was the exclusive supplier of designated products to Louisville.

As outlined in the SDNY complaint contained in the case record, July 27, 2017, Louisville former assistant coach No. 1 was involved in a meeting, that was also part of an FBI surveillance operation, with the business manager, the trainer for prospective student-athlete No. 2, undercover FBI agent No. 1 and financial advisor No. 1. The hearing panel determined that the group met in a Las Vegas hotel room where there was a discussion of funneling money to the family of prospective student-athlete No. 2 with the intent to influence prospective student-athlete No. 2's enrollment at Louisville. During the meeting, there was an envelope on the table believed to contain between \$11,000 and \$12,700 in cash.

Additionally, the case record demonstrates that during the meeting the trainer for prospective student-athlete No. 2 said he expected the apparel company would fund at least a portion of any future payments, in part through the involvement of apparel company employee No. 2, to prospective student-athlete No. 2 and/or his family. Former assistant coach No. 1 did not report the meeting to anyone at Louisville.

The hearing panel found that former assistant coach No. 1 violated NCAA principles of ethical conduct by knowingly being involved in the arrangement of an impermissible cash inducement to the prospective student-athlete No. 2 and his family via the trainer for prospective student-athlete No. 2 and for failing to report information related to potential violations to the institution.

Between July 19-25, 2016, the hearing panel determined that the former associate head coach at Louisville participated in an impermissible in-person, off-campus recruiting contact with prospective student-athlete No. 1. Further, the hearing panel also determined the former associate head coach furnished false and misleading information regarding the impermissible in-person, off-campus recruiting contact during his March 19, 2019, interview with the enforcement staff, violating NCAA principles of ethical conduct.

The hearing panel also determined that the former associate head coach and/or former assistant coach No. 1 provided impermissible transportation benefits to the business manager for prospective student-athlete No. 1 in May 2017, and to the trainer for prospective student-athlete No. 2 in September 2017 during their unofficial visits to the institution, according to the case decision.

However, based on the facts presented in the case, the hearing panel concluded that the case record did not provide sufficient or credible information to conclude that the apparel company was a representative

of athletics interests. As a result, the hearing panel did not find any additional violations for Louisville related to actions by the apparel company or its employees in this case. Additionally, the hearing panel determined no violation by former head coach No. 1 occurred given that he demonstrated he promoted an atmosphere of compliance.

During former head coach No. 2's tenure, the hearing panel found that graduate student managers and noncoaching members of Louisville's men's basketball program actively and consistently participated in impermissible on-court activities with current men's basketball student-athletes throughout three seasons. According to the case decision, men's basketball graduate assistants and managers participated in these impermissible on-court activities from 2018-19 through the 2020-21 season, and the Louisville men's basketball former director of player development, a noncoaching staff member with sport-specific responsibilities, participated in impermissible on-court activities during the 2020-21 season.

During this same time period, the hearing panel found that members of the Louisville men's basketball staff participated in impermissible recruitment activities when they produced and showed personalized recruiting videos to men's basketball prospective student-athletes containing the prospective student-athletes' names, pictures and/or likenesses.

However, each of these violations was determined by the hearing panel to be isolated and inadvertent and provided no more than a minimal recruiting or competitive advantage and, thus, did not provide sufficient basis to support that former head coach No. 2 violated head coach responsibility or failed to promote an atmosphere of compliance. As a result, the hearing panel found no violations for former head coach No. 2.

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

Violations

The Independent Resolution Panel determined that this case involves Level I and Level III violations of NCAA legislation. The Independent Resolution Panel concluded that the following **Level I violations occurred:**

1. Former assistant coach No. 1 was knowingly involved in the arrangement to provide an impermissible cash inducement to prospective student-athlete No. 2 and his family via the trainer for prospective student-athlete No. 2 with the intent to influence prospective student-athlete No.

2's enrollment at Louisville.

2. The Louisville former associate head coach furnished false and misleading information to the enforcement staff regarding his in-person off-campus recruiting contact with prospective student-athlete No. 1 during an evaluation period at an NCAA certified event in Las Vegas.

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

1. The Louisville former associate head coach had impermissible in-person, off-campus recruiting contact with prospective student-athlete No. 1 at an NCAA certified event.
2. The Louisville former associate head coach and/or the former assistant coach No. 1 provided impermissible transportation to the business manager accompanying men's basketball prospective student-athlete No. 1 on his unofficial visit, and to the trainer for prospective student-athlete No. 2 accompanying men's basketball prospective student-athlete No. 2 on his unofficial visit.
3. Graduate assistants and/or managers of Louisville's men's basketball staff actively and consistently participated in impermissible on-court activities with current men's basketball student-athletes during the 2018-19 through 2020-21 seasons.
4. The former director of player development participated in impermissible on-court activities with current men's basketball student-athletes during the 2020-21 season.
5. Members of Louisville's men's basketball staff provided impermissible recruiting materials when they produced and showed personalized recruiting videos to men's basketball prospective student-athletes.

Penalties

The Independent Resolution Panel concluded that this case involves Level I and Level III violations of NCAA legislation. Based on its assessment, the Independent Resolution Panel classifies this case as Level I-Mitigated for Louisville, Level I-Standard for former assistant coach No. 1, and Level I-Standard for the former associate head coach. The Independent Resolution Panel used the Division I membership-approved penalty guidelines to prescribe the following penalties for Louisville:

1. Core Penalties:

a. University of Louisville

- A \$5,000 fine.
- Two-week ban on unofficial visits during the 2022-23 academic year.
- Additional two-week ban on recruiting communication (telephone and written correspondence) during the 2022-23 academic year.
- Seven-day reduction in the number of recruiting person days for the 2022-23 academic year.
- Two years of probation, from November 3, 2022, to November 2, 2024. During this probation period, Louisville will:
 - Continue to develop and implement a comprehensive educational program on NCAA legislation designed to instruct coaches, faculty athletics representatives, all athletics department personnel, and all institutional members with recruiting responsibility.
 - Submit a preliminary compliance report to the Office of the Committees on Infractions by January 31, 2023, setting forth a schedule for establishing this compliance and educational program.
 - File with the Office of the Committees on Infractions a final compliance report on progress made in establishing this compliance and educational program by October 31, 2023.
 - Inform all men's basketball prospective student-athletes in writing that the university is on probation for two years.
 - Publicize information concerning the nature of the infractions and a direct link to the public infractions report.
 - Following delivery of the final compliance report to the Office of the Committees on Infractions and prior to the conclusion of probation, Louisville's president shall provide a letter to the NCAA Division I Committee on Infractions affirming Louisville's current athletics policies and practices conform to all requirements of NCAA regulations.

- b. Former Assistant Coach No. 1
 - A two-year show-cause order.
 - c. Former Associate Head Coach
 - A two-year show-cause order precluding his attendance and evaluation at any of the permissible live activity events in the spring and summer evaluation periods during the show-cause order period.
2. Additional Penalties:
- a. Public reprimand and censure.
 - b. Probation will be publicized by the NCAA on its website, in appropriate publications, and in NCAA championship game programs of the involved sports.
 - c. Graduate assistant managers and other noncoaching staff members are restricted from participation in any on-court practice activities for 10 Louisville men's basketball practices during the 2022-23 playing and practice season.
 - d. Louisville's men's basketball program is restricted from showing personalized recruiting videos to prospective student-athletes during the remainder of the 2022-23 recruiting calendar.

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

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: David Benck, senior vice president, general counsel

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and assistant secretary of a retail company, international and domestic arbitrator, and chief panel member for this Independent Resolution Panel; Jodi Balsam, an associate professor of law at a non-NCAA institution; Jeffrey Benz, an international and domestic arbitrator and mediator; Nona Lee, founder and CEO of a consulting firm and former chief legal counsel for a professional sports team; and Tracy Porter, CEO of a business consulting firm.

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