



INDEPENDENT ACCOUNTABILITY RESOLUTION PROCESS

FOR RELEASE: October 11, 2023

University of Kansas held responsible for inducements and extra benefits provided by representatives of athletics interests; head men's basketball coach and assistant men's basketball coach failed to report impermissible recruiting inducements and contacts; football program violated limits on the number of coaches

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INDIANAPOLIS – According to a decision released by the Independent Resolution Panel of the NCAA's Independent Accountability Resolution Process, the University of Kansas was held responsible for the inducements and extra benefit provided by two representatives of athletics interests in its men's basketball program. Additionally, the head men's basketball coach and assistant men's basketball coach failed to report impermissible recruiting inducements and contacts. The hearing panel also found that the Kansas football program violated the NCAA legislated limit on the number of coaches and the duties of noncoaching staff members. Of the allegations asserted, review Appendices Three and Four in the case decision for additional detail, the hearing panel did not find violations for every allegation presented.

The case decision states that this infractions case consisted of allegations occurring from 2014 through 2021 in the men's basketball and football programs. Central to the hearing panel's analysis of the allegations related to the basketball program was whether certain individuals or an apparel company were representatives of Kansas' athletics interests, which attaches responsibility for their alleged conduct to Kansas. The hearing panel found credible and persuasive information supports the conclusion that apparel company outside consultant became a representative of Kansas' athletics

interests August 9, 2017, when he was asked to participate in recruiting activities on behalf of Kansas. However, the hearing panel found credible and persuasive information does not demonstrate that apparel company, apparel company employee No. 1 or apparel company employee No. 2 were representatives of Kansas' athletics interests. Details can be found in the case decision (<https://iarpcc.org/referred-cases/university-of-kansas/>) in Section IV: Analysis, beginning on Page No. 32.

The infractions case also involved the resolution of several procedural issues, including a request for mediation, requests to access information and clarification and confirmation of roles and responsibilities in the independent process in defining the case record. Details regarding the case procedural history can be found in the case decision (<https://iarpcc.org/referred-cases/university-of-kansas/>) in Section II: Procedural History, beginning on Page No. 5.

Men's Basketball Program

The case decision states that the men's basketball portion of this infractions case initially arose from the U.S. Attorney's Office for the Southern District of New York case involving a bribery scheme within men's college basketball. In October 2018, an apparel company outside consultant pleaded guilty in federal court to participating in the scheme by, among other things, providing payments to the family of Kansas men's basketball prospective student-athlete No. 2 and the guardian for men's basketball student-athlete No. 1. The indictments and convictions in the SDNY case led to the men's basketball allegations in this infractions case.

According to the case decision, the allegations in the men's basketball portion of this infractions case concerned impermissible recruiting contacts, recruiting inducements, recruiting activities and extra benefits alleged to be offered or provided by apparel company, two apparel company employees and an apparel company outside consultant to men's basketball prospective student-athletes and men's basketball student-athletes. The Complex Case Unit alleged that apparel company, two apparel company employees and an apparel company outside consultant had promoted Kansas' athletics

program and recruited on behalf of Kansas. Further, it was alleged that Kansas knew or should have known of the alleged promotion and recruiting activities. The Complex Case Unit also alleged that the head men's basketball coach failed to cooperate, failed to promote an atmosphere of compliance and failed to monitor his staff, including the assistant men's basketball coach. Details can be found in the case decision (<https://iarpcc.org/referred-cases/university-of-kansas/>) in Section III: Statement of Facts, beginning on Page No. 12.

Violations and Levels for the Institution

The hearing panel concluded that apparel company outside consultant was a representative of Kansas' athletics interests beginning August 9, 2017. His actions after he became a representative of athletics interests resulted in two violations in the men's basketball program for the institution. Additionally, the hearing panel also found a violation for the institution related to representative of athletics interests No. 1. The hearing panel found no credible and persuasive information in the case record to support the allegations that the institution failed to cooperate, lacked institutional control and failed to monitor its men's basketball program.

The hearing panel found two Level II violations and two Level III violations of NCAA legislation for the institution:

1. The institution was responsible for actions of apparel company outside consultant, a representative of athletics interests, when he arranged to provide \$4,000 in extra benefits to the mother of men's basketball prospective student-athlete No. 2 on or about September 23, 2017. The hearing panel found this to be a Level II violation.
2. The institution was responsible for actions of apparel company outside consultant, a representative of athletics interests, when he provided a \$2,500 cash recruiting inducement during the first half of September 2017 to the guardian for men's basketball student-athlete No. 1 in an effort to secure the student-athlete's enrollment at Kansas. The hearing panel

found this to be a Level II violation.

3. The institution was responsible for the actions of representative of athletics interests No. 1 when in 2016, representative of athletics interests No. 1 provided approximately \$200 in cash to men's basketball student-athlete No. 4 during a barbeque at the head men's basketball coach's house. The hearing panel found this to be a Level III violation.
4. Apparel company outside consultant had impermissible recruiting contact with the guardian for men's basketball student-athlete No. 1 when he discussed with the guardian for men's basketball student-athlete No. 1 the provision of used athletics gear for a nonscholastic basketball team. The hearing panel found this to be a Level III violation.

Violations and Levels for Assistant Men's Basketball Coach and Head Men's Basketball Coach

The hearing panel found one Level II violation and one Level III violation of NCAA legislation for the assistant men's basketball coach and one Level III violation for the head men's basketball coach.

1. According to the case record, the assistant men's basketball coach shared contact information between apparel company outside consultant and guardian for men's basketball student-athlete No. 1 for the purpose of connecting the two parties to discuss the provision of used athletics gear for a nonscholastic basketball team. The case record contains a series of text messages and telephone calls from August 9, 2017, through August 26, 2017, between apparel company outside consultant, guardian for men's basketball student-athlete No. 1, head men's basketball coach and assistant men's basketball coach. Based on these and other facts in the case record, the hearing panel concluded that the head men's basketball coach and assistant men's basketball coach encouraged, approved and had knowledge of impermissible recruiting telephone calls apparel company outside consultant had with guardian for men's basketball student-athlete No. 1. The head men's basketball coach and assistant men's basketball coach failed to report the sharing of apparel company outside consultant's contact information, and the calls between apparel company outside consultant and guardian for men's basketball

student-athlete No. 1 to the institution's compliance staff. Therefore, the hearing panel found a Level III violation for the head men's basketball coach and assistant men's basketball coach for provision of a recruiting inducement of apparel company outside consultant's contact information and the failure to report an impermissible recruiting contact.

2. During a September 13, 2017, wiretapped telephone call between the assistant men's basketball coach and apparel company employee No. 2, apparel company employee No. 2 suggested the family of men's basketball prospective student-athlete No. 3 requested impermissible recruiting inducements. The assistant men's basketball coach failed to report the conversation to the institution's compliance staff. The hearing panel found this to be a Level II violation for the assistant men's basketball coach. The hearing panel did not find credible or persuasive evidence that supports the conclusion that apparel company employee No. 2 assisted or had been requested to assist in the recruitment of men's basketball prospective student-athlete No. 3.

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

Football Program

The football portion of the infractions case involved allegations regarding the football program exceeding the limit on the number and duties of coaches between December 2017 and mid-October 2018 and again during the 2018-19 and 2019-20 academic years, according to the case decision.

Violations and Levels

Based on its review of the case record, the hearing panel found two Level III violations of NCAA legislation for the football program.

1. Between December 2017 and April 2018, the former director of football technology met with quarterback student-athletes six to 10 times and provided instruction while watching videos of practices and games. Additionally, the former director of football technology provided on-field instruction to the quarterback student-athletes on one to three occasions between August 2018 and early-October 2018 and also provided an instructional video to a quarterback student-athlete via text message August 30, 2018. The hearing panel found a Level III violation for the football program for exceeding the limit on the number of coaches, per NCAA Bylaws 11.7.1.1, 11.7.3 and 11.7.6.
2. During the spring practices of the 2018-19 academic year and fall practices of the 2019-20 academic year, the football senior special teams analyst and the senior special teams consultant, both noncoaching staff members with football-specific duties, occasionally participated in on-field activities and assisted with football drills. The two staff members also participated in limited on-field practices by providing technical or tactical instruction to football student-athletes. The hearing panel found a Level III violation for the football program for exceeding the limit on the number of coaches, per Bylaws 11.7.1.1, 11.7.3 and 11.7.6.

Penalties

Based on its assessment, the hearing panel classifies this case as **Level II-Standard for Kansas, Level III for the head men's basketball coach and Level II-Mitigated for the assistant men's basketball coach.**

The hearing panel was intentional in not prescribing penalties that would have a negative impact on current student-athletes. The hearing panel also applied significant weight to Kansas' self-imposed penalties, especially the men's basketball recruiting restrictions for the 2022-23 academic year.

The hearing panel accepted the institution's self-imposed penalties and used the Division I

membership-approved penalty guidelines to prescribe additional penalties:

1. Core Penalties:

a. Men's Basketball Program Self-Imposed Penalties

- A financial penalty fine in the amount of \$5,000, plus 1% of its average men's basketball budget based on the average of the men's basketball programs' previous three total budgets.
- Reduction in men's basketball scholarships by a total of three over the course of the 2023-24, 2024-25 and 2025-26 academic years.
- Reduction in the total official visits permitted in men's basketball by a total of four over the 2022-23 and 2023-24 academic years, with the option of reducing visits by any combination (e.g., four in one year, or three in one year and one in one year).
- A six-week ban on recruiting communications with all men's basketball prospective student-athletes during the 2022-23 academic year.
- A six-week ban on unofficial visits by men's basketball prospective student-athletes during the 2022-23 academic year.
- A 14-day reduction in the number of recruiting person days during the 2022-23 academic year.
- The men's basketball staff was prohibited from hosting any official visits by men's basketball prospective student-athletes (including families, guardians and/or representatives) during the 2022 Late Night event.

b. Football Program Self-Imposed Penalties

- Two-week suspensions of individuals who committed violations.
- Letters of reprimand.
- Education of the entire football program.
- Compliance continuing to be present at all football practices.
- All noncoaching staff continuing to wear identifiable clothing.

2. Additional Penalties for the Institution:

a. Public reprimand and censure.

b. Vacation of team and individual records.

- Kansas shall vacate all regular season and conference tournament wins, records and participation in which men's basketball student-athlete No. 1 competed while ineligible in the 2017-18 academic year.
- If men's basketball student-athlete No. 1 participated in any NCAA postseason competition at any time while the student-athlete was ineligible, Kansas' participation in the postseason contests in which the ineligible competition occurred shall be vacated.
- The individual records related to men's basketball student-athlete No. 1's participation while ineligible shall be vacated. However, the individual finishes and any awards for all eligible student-athletes shall be retained.
- Kansas' records regarding its men's basketball program, as well as the records of its head men's basketball coach, shall reflect the vacated records and be recorded in all publications in which such records are reported.
- Any institution that may subsequently hire the affected head men's basketball coach shall similarly reflect the vacated wins in his career records.

- Head coaches with vacated wins on their records may not count the vacated wins toward specific honors or career victory “milestones.”
 - Any public references to the vacated records shall be removed from the athletics department stationery and banners displayed in public areas.
 - Any trophies awarded by the NCAA in the affected sport program shall be returned to the Association.
 - The institution’s media relations director must contact the NCAA and appropriate conference officials to identify student-athletes and contests impacted by the penalties and then provide the NCAA with a written report detailing those discussions no later than 14 days following the infractions decision release. A copy of the report shall also be delivered to the NCAA hearing operations staff at the same time.
- c. Three years of probation to run from October 11, 2023, to October 10, 2026. During the period of probation, Kansas shall:
- Require all compliance staff and men’s basketball staff to attend NCAA Regional Rules Seminars in each year of the probation period.
 - The compliance staff shall share and disseminate information it learned with other members of the athletics department, including coaching staff.
 - Information regarding Regional Rules Seminars attendance and the dissemination of information learned shall be included in the institution’s compliance report.
 - By April 1, 2024, 2025 and 2026, Kansas shall file with the NCAA Office of the Committees on Infractions a plan outlining who will attend the Regional Rules Seminars and how information learned will be distributed to other members of the athletics compliance office.

- Inform all men's basketball prospective student-athletes in writing that the institution is on probation for three years, detailing violations committed. If a prospective student-athlete takes an official paid visit, information regarding violations, penalties and terms of probation must be provided in advance of the visit; otherwise, the information must be provided before a prospective student-athlete signs a National Letter of Intent.
 - Publicize specific and understandable information concerning the nature of the infractions by providing, at a minimum, a statement to include the types of violations and the affected sport programs and a direct, conspicuous link to the public infractions report located on the athletics department's main webpage. The information shall also be included in media guides and in an alumni publication.
 - File with the Office of the Committees on Infractions annual compliance reports regarding the implementation of the prescribed penalties and educational efforts for the athletics department staff, including men's basketball coaches, by October 1 during each year of probation.
- d. No additional institutional penalties were applied for the football program.
3. Head Men's Basketball Coach: The hearing panel accepted Kansas' self-imposed penalties for the head men's basketball coach and chose not to apply any additional penalties.
4. Assistant Men's Basketball Coach: The hearing panel accepted Kansas' self-imposed penalties for the assistant men's basketball coach and chose not to apply any additional penalties.

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

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 13 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 hearing panel, plus one alternate, is then appointed by the Independent Accountability Resolution Process' Independent Accountability Oversight Committee. A quorum for a hearing panel to conduct a hearing and deliberate is four panel members. The Independent Resolution Panel members who reviewed this case are: Christina Guerola Sarchio, a litigator, arbitrator and former prosecutor, and the chief panel member for this Independent Resolution Panel; Jodi Balsam, an associate professor of law at a non-NCAA institution; Javier Flores, a managing partner and litigator; Nona Lee, founder and CEO of a consulting firm and a former chief legal counsel for a professional sports team; and Tracy Porter, CEO of a business consulting firm.

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