

Head Coach Control

NCAA Bylaw 11.1.2.1

NCAA Division I Bylaw 11.1.2.1 places the responsibility on the head coach to **promote** an atmosphere of NCAA rules compliance within his program and to **monitor** the activities of his staff to ensure compliance with the rules. This bylaw was enacted in 2005 at the request of the National Association of Basketball Coaches.

Pursuant to Bylaw 11.1.2.1, a head coach is presumed to have knowledge of what is occurring in his program and therefore, can be responsible for the actions of his staff and individuals associated with the program. In other words, if an allegation of Bylaw 11.1.2.1 is made against a head coach, then the coach must rebut the presumption that he had knowledge of what was occurring in his program and show that he did in fact set a proper tone of compliance and reasonably monitored the activities of his program.

The action plans described below may assist a head coach in setting a proper tone of compliance and monitoring his program in order to meet the obligations imposed by Bylaw 11.1.2.1.

Action Plan-Communication

A head coach should demonstrate a commitment to compliance through ongoing communication with his athletics director, compliance staff and coaching staff. The outline below was created to assist a head coach with managing this dialogue.

- Meet with your chancellor or president to discuss his/her expectations for NCAA rules compliance.
- Meet with your athletics director to discuss his/her expectations for NCAA rules compliance. Suggested talking points:
 - Athletics director's philosophy and expectations on rules compliance.
 - Compliance resources for your program.
 - Program's shared responsibility with compliance staff.
 - Establish a plan for continued dialogue with athletics director to discuss the institution and program's compliance environment and expectations (e.g. regularly scheduled meetings, etc.).
- Meet with your compliance director to discuss his/her expectations for NCAA rules compliance. Suggested talking points:
 - Compliance director's philosophy and expectations on rules compliance.
 - Compliance resources for your program.

- Discuss compliance staff and program's expectations for submitting rules interpretations and waiver requests and determine how to best resolve any disagreements over the submission of such requests.
- Program's shared responsibility with compliance staff.
- Expectations for reporting actual and suspected NCAA rules issues (e.g., immediate action; reporting lines).
- Establish a plan for continued dialogue with compliance director to discuss the institution and program's compliance environment and expectations (e.g. regularly scheduled meetings, etc.).
- Establish a plan for ongoing dialogue between coaching staff and compliance staff to discuss key issues facing the sport and program (e.g., agents; initial eligibility; pre-enrollment amateurism, etc.).
- Meet jointly with your president, athletics director and compliance director to discuss the institution and program's compliance environment and expectations.
- Meet with your staff to discuss your expectations for NCAA rules compliance. Suggested talking points:
 - Program's ethical standards.
 - Expectations for reporting actual and suspected NCAA rules issues (e.g., immediate action; reporting lines).
 - Review president, athletics director and compliance director's philosophy and expectations for rules compliance.
 - Expectations for regular communication between coaching staff and the compliance staff.
 - Establish a plan for continued dialogue with staff to discuss the institution and program's compliance environment and expectations (e.g. regularly scheduled meetings, etc.).
 - Establish ongoing dialogue with staff to review any issues involving prospective student-athletes and current student-athletes (e.g., agents; initial eligibility; pre-enrollment amateurism, etc.).

Action Plan-Monitoring

A head coach should also demonstrate a commitment to compliance through monitoring his staff's activities in consultation with the compliance staff. The outline below was created to assist a head coach with managing his monitoring responsibilities.

- In consultation with the compliance director, create procedures to ensure your staff is monitoring your program's rules compliance. Suggested procedures:
 - Assign a staff liaison(s) to the compliance staff.
 - Assign staff members to monitor specific areas of compliance (e.g., recruiting contacts; initial eligibility; amateurism; telephone contacts).
 - Regularly evaluate staff members to ensure their areas of compliance are monitored and that all responsibilities are executed in a timely manner.
 - Ensure that the entire program has adequate and on-going compliance training and that there is a plan in place for discussion of important information.
 - Determine reporting lines for resolving actual and suspected NCAA rules issues.
 - Determine reporting lines to alert compliance staff of issues involving prospective student-athletes and current student-athletes (e.g., agents; initial eligibility; pre-enrollment amateurism, etc.).
- Regularly solicit feedback from your staff members concerning their areas of compliance and the program's overall compliance environment in order to ensure that the monitoring systems are functioning properly.
- Ensure that the program immediately notifies the compliance staff when concerns or red flags occur related to suspected NCAA rules violations. A lack of immediate action by the head coach will be a significant factor in determining whether the head coach met the obligations imposed by Bylaw 11.1.2.1.

Additional Considerations-Documentation

A head coach should document the ways in which he has communicated and/or demonstrated a commitment to compliance and be able to produce documentation relating to the procedures in place for monitoring the program's rules compliance. Potential areas for documentation:

- Meetings with athletics director, compliance staff and coaching staff.
- Program's procedures for monitoring specific areas of compliance.
- Reports to compliance of actual and suspected NCAA rules issues.
- Monitoring efforts undertaken by the program to ensure that the staff and student-athletes are complying with NCAA rules and compliance obligations.

Please note that the ultimate determination of whether a head coach has exercised proper control over his program rests with the NCAA Committee on Infractions and a lack of control determination will consider the unique facts and circumstances of each case. There is no way to set forth a checklist of items that will in all circumstances prevent a finding. Further, it is important that you consult with your athletics administration and compliance staff for additional guidance on how to tailor the best action plan for your institution.

Case Precedent
NCAA Bylaw 11.1.2.1

Key Takeaways

1. The head coach and staff have an obligation to report suspected rules violations and actual rules violations to the administration.
 - Ask your staff about any red flags in a prospect's recruitment or a student-athlete's enrollment and immediately alert compliance.
2. The head coach has an obligation to ensure that his program's monitoring systems are operating properly.
 - Ask your staff about any issues with the program's monitoring systems and alert compliance (e.g., timeliness; accuracy).
3. The head coach and staff have an obligation to consult with compliance staff to determine if their actions are consistent with NCAA rules.
 - Ask compliance staff before acting, especially in areas of grey.
4. The head coach and staff have an obligation to identify situations where circumstances could result in NCAA violations, alert compliance and monitor the situation closely.

Fact Scenarios- Bylaw 11.1.2.1 Violations

The following information summarizes some of the factors that were noted by the Committee on Infractions in public infractions reports when finding that the head men's basketball coach failed to meet his responsibilities under Bylaw 11.1.2.1.

1. The head coach and staff knew that an agent/booster had a relationship with an elite prospect.
 - The head coach failed to alert the compliance staff and administration of possible improprieties between the agent/booster and prospect.
 - The head coach and staff knew of the prospect's limited financial resources and did not take any steps to determine whether the relationship between the prospect and agent/booster involved violations of NCAA legislation.
 - The NCAA Committee on Infractions noted that Bylaw 11.1.2.1 does not require a head coach to investigate wrongdoing, but it does require the head coach to recognize potential problems, address them and report them to the athletics administration.

2. The head coach and staff knew that several incoming 2-year institution student-athletes were deficient academically and were taking numerous classes in a short period of time to meet eligibility requirements.
 - The head coach only asked his staff general questions about the prospects' progress and did not ask how the prospects were supporting themselves, how the prospects were traveling around town, how their classes were being paid for and how involved his staff was with the prospects.
 - The head coach failed to involve the compliance staff in monitoring the prospects' situations.
3. The head coach and staff encouraged a booster/high school coach to assist the program in recruiting and believed that the booster's employment as a high school coach superseded his status as a booster.
 - The head coach failed to consult with compliance to determine whether the booster's actions were permissible.
4. The head coach and staff were told that they could not have any involvement with an on-campus nonscholastic event but the head coach provided the event operator with access to the programs' boosters in order to solicit funding for the event.
 - The head coach failed to consult with compliance staff to determine if his interactions with the event operator posed any potential NCAA rules issues.
 - The head coach permitted his incoming assistant coaches to attend the event (during a quiet period) and failed to consult with compliance staff to determine if their attendance was permissible.
5. The institution's men's basketball program's telephone contacts were subject to heightened scrutiny due to past violations.
 - The men's basketball program's system for monitoring telephone contacts was not functioning properly because the coaches were submitting inaccurate information and were not submitting the logs in a timely manner.
 - The head coach had no knowledge that the system was not functioning and when he was made aware that coaches were not submitting their logs in a timely manner, he failed to resolve the issue with his staff.
 - The Committee on Infractions noted that promoting an atmosphere of compliance requires more than general comments about compliance responsibilities.

Fact Scenarios- Monitoring Expectations

The following information summarizes some of the monitoring considerations that were noted by the Committee on Infractions in public infractions reports that predate the adoption of Bylaw 11.1.2.1.

1. Institution failed to monitor a prospective student-athlete, who was living in the university's locale, the summer prior to initial enrollment.
 - The head coach failed to provide the institution with information about the prospect that would have facilitated the institution's monitoring efforts.
 - Effective rules compliance demands more than providing rules education and requires actually checking to see whether the staff complies with the rules.
2. A prospective student-athlete received impermissible housing from a current student-athlete the summer prior to initial enrollment.
 - The institution should have monitored the prospect's circumstances, particularly as it relates to lodging, because of the heightened possibility for rules violations.
 - The head coach should have inquired about the prospect's lodging and determined whether it was permissible.
3. A booster engaged in numerous impermissible contacts with a prospect and provided the prospect with \$4,000 of cash payments while the prospect was residing in the locale of the institution during the summer prior to initial enrollment.
 - The monitoring effort should have included rules education for the prospect and the institution should have formally monitored the prospect's presence in the locale of the institution.
 - The prospect's status as an elite prospect should have created a heightened sense of awareness and prompted the institution to increase vigilance and closer monitoring.
4. An international student-athlete, who was a nonqualifer, received cash from the director of basketball operations in order to satisfy financial burdens.
 - The Committee on Infractions noted that when an international student-athlete is also a nonqualifer, who is ineligible to receive athletically related financial aid,

the institution has a greater responsibility to monitor the student-athlete in order to avoid potential rules violations.

- Although the director of basketball operations concealed the payments and left no “paper trail,” the institution does not avoid responsibility to monitor the situation since the institution had other information available to prompt an inquiry (e.g., nonqualifer, international student-athlete).