



**FLORIDA INTERNATIONAL UNIVERSITY  
PUBLIC INFRACTIONS DECISION  
December 6, 2023**

## **I. INTRODUCTION**

The NCAA Division I Committee on Infractions (COI) is an independent administrative body comprised of individuals from the NCAA Division I membership and the public charged with deciding infractions cases involving member institutions and their staffs.<sup>1</sup> This case involved violations in two sport programs—women’s soccer and softball—at Florida International University (FIU). This decision involves the violations in the softball program. Those violations included impermissible inducements and contacts during the NCAA COVID-19 recruiting dead period, as well as unethical conduct and head coach responsibility violations for the head softball coach.

The panel processed violations for FIU and the head women’s soccer coach through the negotiated resolution (NR) process in which the parties agreed to the facts, violations, and penalties. The approved NR may be found at Appendix Two of this decision. The head softball coach challenged the allegations in which she was named. This decision solely relates to the head softball coach’s conduct.

The conduct at issue in this case centered on the head coach’s impermissible contacts with three prospects during the COVID-19 recruiting dead period. The contacts with one prospect were unplanned, yet still impermissible, while the head coach arranged for the impermissible contacts with two other prospects. With respect to the unplanned contacts, the head coach engaged in two unplanned meetings with a softball prospect, while they were both vacationing in Panama City Beach, Florida. At both meetings they engaged in dialogue in excess of an exchange of a greeting and, during the second encounter, the head coach took a photo with the prospect.

The head coach also arranged for two prospects to visit campus during the COVID-19 recruiting dead period. The head coach arranged for one softball prospect to visit campus and receive a tour provided by a softball student-athlete. Additionally, the head coach had an in-person conversation with the prospect. The next month, the head coach arranged for a second softball prospect to visit campus and receive a tour from the same softball student-athlete. The head coach instructed the student-athlete to state that she was related to the prospect, despite there being no such relation, if anyone questioned the prospect’s presence on campus. Later, the head coach dined with the prospect at an off-campus restaurant. The campus tours also constituted impermissible

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<sup>1</sup> Infractions cases are decided by hearing panels comprised of COI members. Panels issue decisions on behalf of the COI.

inducements because tours were not generally available during the COVID-19 recruiting dead period. The impermissible contact and inducements are Level II violations.

In addition to the impermissible contacts, the head coach violated NCAA ethical conduct standards when she instructed the student-athlete to provide false and misleading information regarding her relation to the prospect. The head coach's unethical conduct is Level I.

As a result of her personal involvement in the impermissible contact violations and by using her position of authority to influence a student-athlete to provide false and misleading information, the head coach cannot rebut her presumption of responsibility. The head coach knowingly disregarded NCAA legislation put in place to promote health, safety and competitive equity. Her intentional involvement in violations demonstrates a head coach responsibility violation. The violation is Level I.

Finally, during the investigation process, the head coach participated in two interviews. The head coach acknowledged that she had two unplanned meetings with the first prospect while on vacation but claimed to have no knowledge or information about the other two prospects' campus visits. Moreover, the head coach denied instructing the student-athlete to lie about her familial relationship with the prospect if questioned. During the investigation, however, the individuals involved in the on-campus visits refuted the head coach's claims. In denying her involvement in violations, the head coach failed to meet ethical conduct standards and her responsibility to cooperate. These additional violations are also Level I.

Although the panel ultimately classified the underlying impermissible recruiting violations as Level II, the case involves intentional disregard for NCAA legislation and an attempt to exert influence over a student-athlete. This conduct resulted in Level I violations and a Level I case. As such, the panel classifies the head coach's case as Level I-Aggravated and prescribes a three-year show-cause order.

## **II. CASE HISTORY**

This case involves bifurcated case paths.<sup>2</sup> FIU and the head women's soccer coach entered into a negotiated resolution (NR), which the panel approved on June 30, 2023. The NR for FIU and the head women's soccer coach is final. The head softball coach (head coach) contested the allegations related to her conduct in the June 1, 2023, notice of allegations (NOA). Through counsel, the head coach responded in writing to those allegations on August 1, 2023. On September 14, 2023, the enforcement staff submitted its written reply. The panel decided this case on the written record and deliberated via videoconference on October 26, 2023.

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<sup>2</sup> Utilizing more than one processing option for a single case is expressly contemplated by Bylaw 19. On May 18, 2023, the chair approved the parties request to process the head coach's case on the written record.

### **III.FINDINGS OF FACT**

In August 2020, during the COVID-19 recruiting dead period, the head coach had two unplanned encounters with a prospect in Panama City, Florida. During both encounters, they engaged in dialogue in excess of an exchange of a greeting. The first encounter occurred when the head coach and prospect introduced each other to their families and discussed their vacations. The second encounter took place later that same day when the head coach and prospect unexpectedly ran into each other at a restaurant, spoke about their beach activities, and took a photo together. These interactions lasted between five and ten minutes. The head coach later characterized these encounters as “random interactions.”

Later that fall, the head coach arranged for two other softball prospects to visit campus. First, in October 2020, the head coach arranged for a softball prospect to visit campus and receive a tour provided by a softball student-athlete. In her interview with the enforcement staff, the prospect stated that her club coach provided the head coach with the prospect’s phone number. On October 11, 2020, the head coach contacted the prospect and expressed interest in recruiting the prospect. The prospect informed the head coach that she was planning to visit FIU’s campus. Prior to the prospect’s visit, the head coach gave the prospect’s phone number to the student-athlete and instructed her to give the prospect a tour of campus. Two days before the visit, the prospect and the student-athlete communicated and made arrangements for the prospect’s visit via text message. On October 14, 2020, the prospect traveled to FIU’s campus. On the visit, the student-athlete took the prospect and her family on a driving tour of campus and a tour of the student-athlete’s dorm. During her interview, the prospect stated that she had an in-person conversation with the head coach, and the head coach provided a restaurant recommendation.

In November 2020, the head coach arranged for another softball prospect to visit campus and receive a tour. In her interview with the enforcement staff, the prospect stated that her club coach provided the head coach with the prospect’s phone number. The head coach contacted the prospect on multiple occasions via text message and phone calls in the Fall of 2020. The prospect had a tournament in Atlanta in November 2020 and informed the head coach that she would be traveling to Florida after the tournament to see FIU’s campus. The head coach and the prospect stayed in contact during the weeks leading up to the visit.

On the day of the visit, the prospect informed the head coach via text message that she was on campus, and the prospect met with the head coach at the softball field shortly after. They continued their conversation in the head coach’s office. The head coach then summoned the same softball student-athlete to her office and told the student-athlete to give the prospect a campus tour. The head coach also instructed the student-athlete to state that she was related to the prospect, despite there being no such relation, if anyone questioned the prospect’s presence on campus. The student-athlete took the prospect on a walking tour of campus. The tour included stops at the football stadium and its weight room. Later that same day, the prospect dined with the head coach at an off-campus restaurant.

During the investigation, the enforcement staff interviewed the head coach on October 7, 2021, and July 20, 2022. In both interviews, the head coach denied knowledge and involvement in arranging visits and having contact with the visiting prospects. The head coach also denied telling the student-athlete to lie about a familial relationship with the prospect. Later, in her NOA response, the head coach claimed that the comment was made “in jest” and “not with an ounce of serious intent.” However, the student-athlete stated during her interview that she was confused by the comment but took the head coach’s instruction seriously.

#### **IV. ANALYSIS**

The violations in the contested portion of this case involved the head coach’s impermissible recruiting contact and inducement violations, two different instances of unethical conduct, and a related head coach responsibility violation. The impermissible recruiting contact violations are Level II. The unethical conduct violations and head coach responsibility violation are Level I.

##### **A. IMPERMISSIBLE RECRUITING CONTACTS AND INDUCEMENTS [NCAA Division I Manual Bylaws 13.02.5.5, 13.2.1, 13.5.1 and 13.7.5 (2020-21)]**

From August through November 2020, during the COVID-19 recruiting dead period, the head coach had impermissible contacts with three softball prospects. Further, the head coach provided impermissible inducements to two of these softball prospects by arranging on-campus tours when the institution offered no guided tours to any prospective students and prohibited visitors from entering its athletics facilities. The head coach’s recruiting violations are Level II.

##### **1. NCAA legislation relating to recruiting contacts and inducements.**

The applicable portions of the bylaws may be found at Appendix One.

##### **2. The head coach engaged in impermissible contacts with three prospects during the COVID-19 recruiting dead period.**

In August 2020, the Head coach had two unplanned meetings with a prospect in Panama City Beach, Florida, during which they engaged in dialogue in excess of an exchange of a greeting. In October and November 2020, the Head coach arranged for two other prospects to visit campus and receive a tour from a student-athlete. The Head coach also dined with the prospect at an off-campus restaurant during her November visit. The Head coach admitted the off-campus contact with the first prospect in August 2020 occurred but asserted that this conduct should not be considered a Level II violation. The head coach denied that she arranged for the other prospects to visit campus. The panel does not find the head coach’s denials credible and concludes that violations of Bylaw 13 occurred.

With regard to permissible recruiting periods, Bylaw 13.02.5.5 defines a “recruiting dead period” as a period of time when it is not permissible to make in-person recruiting contacts or evaluations

or to permit official or unofficial visits by prospects. As a result of the COVID-19 pandemic, the NCAA established a temporary recruiting dead period that was effective March 13, 2020, through May 31, 2021.

Similarly, Bylaw 13.2.1 generally prohibits institutional staff members from any involvement in providing, arranging, or offering benefits to a prospect that are not expressly permitted by NCAA legislation. Specific prohibitions are set forth in 13.2.1.1. Finally, Bylaw 13.7.5 states that off-campus contact between staff member and a prospect may occur during an unofficial visit within one mile of campus.<sup>3</sup>

The head coach acknowledged that she had two “random interactions” with a prospect while on vacation in Panama City, Florida. Random interactions during impermissible times are not necessarily impermissible so long as the coach immediately disengages. That, however, did not happen here. Instead, the head coach engaged in two separate interactions lasting between five and ten minutes. They spoke about their families and discussed their vacations and beach activities. After the second interaction, the head coach took a picture with the prospect. This conduct exceeded a greeting. As such, the head coach violated Bylaw 13.02.5.5.

The head coach committed additional recruiting violations when she arranged for two other prospects to visit campus and receive tours from a student-athlete, in October and November 2020, respectively. The head coach knowingly engaged with the prospects during the COVID-19 recruiting dead period. When the head coach arranged for the prospects to visit campus, receive guided tours and dined with one prospect off campus, the head coach engaged in impermissible contacts and inducements in violation of Bylaw 13.

The COI has previously concluded that recruiting contact violations constituted Level II violations. *See University of Utah* (2019) (concluding via summary disposition that Level II violations occurred when the head men’s basketball coach and three coaching staff members made an impermissible recruiting contact with a prospect at his high school during a designated quiet period); *Southern Illinois University at Carbondale* (2018) (concluding via summary disposition that a Level II violation occurred when a diving coach conducted one diving lesson with two prospects during a dead period); and *University of South Carolina, Columbia* (2017) (concluding via summary disposition that a Level II violation occurred when an assistant football coach spoke with a prospect about his speed and encouraged him to attend the institution’s football camp, and the contact occurred outside the permissible contact period).

More recently, the COI released *Louisiana State University (LSU)* (2022) and *California State University, Northridge (CSUN)* (2022), which involved impermissible recruiting contacts during

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<sup>3</sup> Bylaw 13.7.5 addresses permissible activities with a prospect while on an unofficial visit. In this case, because the dead period prohibited unofficial visits altogether, it is unclear whether this bylaw and the specific unofficial visit restrictions are applicable. Rather, violations appear to have occurred regardless of whether the head coach complied with the traditional parameters of an unofficial visit. Ultimately, the panel determined that the application of this bylaw does not materially affect the outcome of the violation.

the COVID-19 recruiting dead period. The COI concluded both cases involved Level II violations and the conduct in those cases aligns with the conduct in this case. *See LSU* (concluding that Level II violations occurred in the football program when a former assistant coach and former assistant director of recruiting met separately with a prospect during the COVID-19 recruiting dead period and provided the prospect with impermissible recruiting inducements) and *CSUN* (concluding that Level II violations occurred in the men’s basketball program when the former head coach and two former assistant coaches had impermissible on-and off-campus contacts with prospects during the COVID-19 recruiting dead period and provided those prospects with impermissible recruiting inducements).<sup>4</sup>

Pursuant to Bylaw 19.1.3, the COI concludes the impermissible inducements and contact violations are Level II. The COI recognizes that the head coach’s unplanned contacts with the prospect in August 2020 would not typically amount to a Level II violation. However, the COI considered the totality of the head coach’s impermissible recruiting conduct and specifically the intentional violations of the COVID-19 recruiting dead period when reaching its conclusions in this case. Most significantly, the COI considered the head coach’s apparent disregard for NCAA legislation on three separate occasions and intent to violate the bylaws, as evidenced by the head coach instructing the student-athlete to provide false information about her familial relationship to one of the prospects. Considering these facts as a whole, the COI concludes that Level II violations occurred.

**B. UNETHICAL CONDUCT: INSTRUCTING A STUDENT-ATHLETE TO PROVIDE FALSE OR MISLEADING INFORMATION [NCAA Division I Manual Bylaws 10.01.1 and 10.1 (2020-21)]**

In November 2020, the head coach violated the NCAA principles of ethical conduct when she instructed the student-athlete to provide false or misleading information concerning her familial relation to the prospect. The head coach’s unethical conduct violation is Level I.

**1. NCAA legislation relating to unethical conduct.**

The applicable portions of the bylaws may be found at Appendix One.

**2. The head coach engaged in unethical conduct when she instructed a student-athlete to falsely state that she was related to a prospect who was visiting campus during an impermissible time period.**

In connection with the November 2020 impermissible contact, the head coach instructed a student-athlete to state that she was related to the prospect, despite there being no such relation, if anyone

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<sup>4</sup> In *LSU*, the COI also determined that a Level III impermissible contact or “bump” violation involving the head football coach did not occur. Notably, the facts around that conduct appear to differ from the facts here. In *LSU*, the head coach had encounters with two prospects during a time period when such contacts were not permissible. However, the panel concluded that the contacts did not exceed a greeting because they did not involve more than a simple handshake and the head coach’s instruction to each that he could not talk to them. In this case, it does not appear that the head coach provided the same instruction to the prospect on either occasion during their encounters. The head coach also took the additional step of taking a photo with one of the prospects.

questioned the prospect's presence on campus. In two separate interviews, the head coach initially denied that the alleged conduct occurred. In her written response to the NOA, however, the head coach stated the comment was "made in jest and not with an ounce of serious intent". By admitting she instructed the student-athlete to provide false information, even if it was "in jest," the head coach acknowledged that the conduct occurred.

In accordance with Bylaw 10.01.1, staff members must act with honesty and sportsmanship at all times. Bylaw 10.1-(c) describes unethical conduct as knowingly furnishing the enforcement staff or institution false or misleading information regarding involvement in or knowledge of matters relevant to a possible violation.

The head coach used her position of authority and attempted to influence a student-athlete to cover up the head coach's involvement in recruiting violations. Specifically, and knowing that she arranged an impermissible visit, the head coach instructed one of her student-athletes to lie if she was asked why a prospect was on campus. Although the head coach now contends that her comment was made in "jest," it was not interpreted that way by the student-athlete. The head coach's attempt to cover up her impermissible recruiting activity was an abuse of her authoritative position as a head coach and failed to align with ethical standards under Bylaw 10.1.

Pursuant to Bylaw 19.1.2-(d), attempting to influence others to provide false or misleading information is a presumptive Level I violation. The COI has routinely concluded that institutional staff members who direct others to provide false or misleading information violate ethical conduct legislation engage in Level I unethical conduct. *See U.S. Air Force Academy (Air Force)* (2023) (concluding that Level I violations occurred when an assistant coach encouraged a prospect to not post on social media about his visit, which occurred during the COVID-19 recruiting dead period); *Georgia Institute of Technology (Georgia Tech)* (2019) (concluding that Level I violations occurred when an assistant coach encouraged a student-athlete host to provide false or misleading information); and *University of Mississippi* (2016) (concluding that Level I violations occurred when institutional staff members personally deleted or instructed a student-athlete to delete relevant information and told the student-athlete to tell a false story). Like in these cases, the panel concludes the unethical conduct violation is Level I.

### **C. HEAD COACH RESPONSIBILITY [NCAA Division I Manual Bylaw 11.1.1.1 (2020-21)]**

From August through November 2020, the head coach is presumed responsible for the violations detailed above. The head coach cannot rebut her presumed responsibility because she did not demonstrate that she promoted an atmosphere of compliance within the softball program due to her personal involvement in arranging visits during the COVID-19 recruiting dead period, engaging in impermissible contacts, and instructing a student-athlete to provide false or misleading information. Accordingly, a Level I head coach responsibility violation occurred.

**1. NCAA legislation relating to head coach responsibility.**

The applicable portions of the bylaws may be found at Appendix One.

**2. When the head coach personally engaged in recruiting violations and unethical conduct, she failed to promote an atmosphere of compliance in the softball program.**

The head coach had impermissible contacts with three prospects and provided impermissible inducements when she arranged campus tours for two of the prospects. The head coach also instructed a student athlete to provide false and misleading information. Despite this conduct, the head coach contested that a head coach violation occurred. However, due to the head coach's personal involvement in these violations, she cannot rebut her presumed responsibility under Bylaw 11.

Pursuant to Bylaw 11.1.1.1, a head coach shall promote an atmosphere of compliance within his or her program and is presumed to be responsible for the actions of those who directly or indirectly report to the head coach. Head coaches can rebut the presumption only by demonstrating that the head coach promoted an atmosphere of compliance and monitored their staff.

The head coach personally and knowingly committed the violations in this case. Her intentional disregard for NCAA bylaws, including the COVID-19 recruiting dead period, demonstrate that compliance was not a top priority for the head coach. Her conduct falls well short of the membership's expectations of head coaches under Bylaw 11.1.1.1.

The COI has previously concluded that head coaches cannot rebut their presumption of responsibility when they are personally involved in violations. *See University of California, Santa Barbara* (2019) (concluding that the head water polo coach and the head track coach could not rebut the presumption of responsibility when they were personally involved in recruiting violations); *University of Oregon* (2018) (concluding the head women's basketball coach failed to promote an atmosphere of compliance because of his involvement in underlying impermissible coaching violations); and *Monmouth University* (2017) (concluding that the head men's tennis coach violated head coach responsibility legislation due to his personal involvement in recruiting inducements).

Pursuant to Bylaws 19.1.2-(e) and 19.1.3-(e), the level of a head coach responsibility violation is determined by the level of the underlying violations. Where the underlying violations are both Levels I and II, the highest level sets the level for the head coach responsibility violation. *See Missouri State University* (2021) (concluding that a Level I head coach responsibility violation occurred as a result of underlying Level I and II violations). Consistent with Bylaw 19.1.2, the panel concludes that a Level I head coach responsibility violation occurred.



**D. UNETHICAL CONDUCT: FAILURE TO COOPERATE AND PROVISION OF FALSE OR MISLEADING INFORMATION [NCAA Division I Manual Bylaws 10.1 and 19.2.3 (2021-22)]**

During interviews on October 7, 2021, and July 20, 2022, the head coach violated the NCAA principles of ethical conduct and failed to cooperate when she knowingly provided false or misleading information to the enforcement staff regarding her knowledge of or involvement in possible violations of NCAA legislation. These are Level I violations.

**1. NCAA legislation relating to unethical conduct.**

The applicable portions of the bylaws may be found at Appendix One.

**2. The head coach engaged in unethical conduct when she did not provide truthful information in her interviews.**

In two separate interviews, the head coach denied knowledge of and involvement in the impermissible inducement and contact violations with the prospects who visited campus in October and November 2020, respectively. Her statements are completely contradicted by the interviews of the prospects and the student-athlete who provided the tours. Moreover, her denials are contradicted by her own response where she now asserts that any comments she made related to the student-athlete's and prospect's familial relationship were made in jest. The panel does not find the head coach's denials credible and viewed her subsequent rationalization in her written response as an admission the conduct occurred. The panel concludes that the head coach's conduct violated Bylaws 10 and 19.

Bylaw 10.1 prohibits unethical conduct, including knowingly furnishing the NCAA or the individual's institution false or misleading information concerning an individual's involvement in or knowledge of matters relevant to a possible violation of an NCAA regulation. Bylaw 19.2.3 obligates all current and former institutional employees to timely participate in interviews and providing complete and truthful responses.

Parties have the opportunity to defend themselves and deny allegations based on the factual record. Here however, two prospects and a student-athlete independently provided credible and consistent testimony during their interviews that confirmed that the head coach arranged for impermissible contacts with and inducements for the prospects and attempted to influence the student-athlete to lie. Given the information developed in the record, the head coach's denials are not credible. Therefore, the head coach committed an unethical conduct violation and failed to meet her legislated obligation to cooperate.

The COI has consistently concluded that staff members engage in unethical conduct when they knowingly provided false or misleading information about their involvement in violations. Further, it is well established that unethical conduct violations are presumed Level I. *See Georgia Tech* (concluding that an assistant men's basketball coach engaged in unethical conduct when he

knowingly provided false and misleading information on two occasions about his involvement in recruiting violations); *Connecticut* (concluding that the head men's basketball coach engaged in unethical conduct when he knowingly provided false or misleading information about his involvement in recruiting and benefits violations); and *Mississippi* (concluding the coaches engaged in Level I unethical conduct when they denied their involvement in other violations). As in these cases, the panel concludes the unethical conduct violation is Level I.

## V. PENALTIES

For the reasons set forth in Sections III and IV of this decision, the panel concludes this case involved Level I violations of NCAA legislation. Bylaw 19.1.1 defines a Level I violation as a severe breach of conduct that seriously undermines or threatens the integrity of the Collegiate Model.

The panel determined the below-listed factors applied and assessed the factors by weight and number. Based on its assessment, the panel classifies the head coach's case as Level I-Aggravated.

### Aggravating Factors

Bylaw 19.12.3.2-(a): Multiple Level I violations;

Bylaw 19.12.3.2-(b): Failing or refusing to take all appropriate steps to advance resolution of the matter;

Bylaw 19.12.3.2-(d): Persons of authority condoned, participated in or negligently disregarded the violation or wrongful conduct;

Bylaw 19.12.3.2-(f): Conduct or circumstances demonstrating an abuse of a position of trust;

Bylaw 19.12.3.2-(i): Intentional, willful, or blatant disregard for NCAA bylaws; and

Bylaw 19.12.3.2-(l): Other facts warranting a higher penalty range.

The head coach disputed all of the aggravating factors listed above because she contends that no Level I or Level II violations occurred.

With regard to Bylaw 19.12.3.2-(a), Multiple Level I violations, the COI has consistently determined that the aggravating factor applies where an individual is responsible for more than one Level I violation.<sup>5</sup> See *Oklahoma State University* (2020) (applying Bylaw 19.9.3-(a) where the associate head coach committed multiple Level I violations) and *Air Force* (applying Bylaw 19.9.3-(a) where the former assistant football coach committed multiple Level I violations). The head coach is responsible for three Level I violations—specifically, two unethical conduct violations and a head coach responsibility violation. Thus, the panel applies the factor and gives it normal weight.

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<sup>5</sup> Although new aggravating and mitigating factors went into effect on January 1, 2023, and apply to this case, some of the factors, like Bylaw 19.9.3-(a) (2022-23 Division I Manual) and 19.12.3.2-(a) (2023-24 Division I Manual) are identical. For precedential purposes and guidance, the panel references past iterations of aggravating and mitigating factors where appropriate.

Bylaw 19.12.3.2-(b), *Failing or refusing to take all appropriate steps to advance resolution of the matter*, is a new factor as of January 1, 2023, and the COI has not yet applied it in case. The head coach denied her involvement in the underlying conduct despite credible information in the record demonstrating otherwise. In doing so, she committed unethical conduct and failed to meet her responsibility to cooperate, which did not promote the expeditious resolution of the case. The panel concludes Bylaw 19.12.3.2-(b) applies with normal weight.

For Bylaw 19.12.3.2-(d), *Persons of authority condoned, participated in or negligently disregarded the violation or wrongful conduct*, the COI has regularly applied the factor's predecessor, Bylaw 19.9.3-(h), to involved individuals who are in a position of authority and are personally involved in violations. *See Oklahoma State, University of Alabama* (2020) and *Georgia Tech*. It is unquestionable that a head coach is a person of authority. The panel concludes that Bylaw 19.12.3.2-(d) applies with normal weight.

The panel concludes that Bylaw 19.12.3.2-(f), *Conduct or circumstances demonstrating an abuse of a position of trust*, applies because the head coach arranged for impermissible in-person contacts during the COVID-19 recruiting dead period. In doing so, the head coach put two prospects and a student-athlete at risk during a time when health and well-being precautions were of primary emphasis. Further, the head coach used her position of trust in an attempt to persuade a student-athlete to lie on her behalf. The COI has previously applied the factor's predecessor when an involved individual instructed a student-athlete to provide false and misleading information. *See Georgia Tech*. Bylaw 19.12.3.2-(f) applies with normal weight.

With respect to Bylaw 19.12.3.2-(i), *Intentional, willful, or blatant disregard for the NCAA constitution and bylaws*, the COI has regularly applied this aggravating factor's predecessor Bylaw 19.9.3-(m), to involved individuals when they knowingly violate NCAA rules—particularly, when that conduct results in an unethical conduct violation. *See Georgia Tech* (applying the factor to an assistant basketball coach who took a prospect and a student-athlete to a booster's home, a strip club, and an after-hours club and then told the student-athlete and prospect not to tell anyone about the events); *Grambling State University* (2017) (determining via SDR that the factor applied to the head track coach who failed to promote an atmosphere of compliance and did not stop and report impermissible inducements once he became aware that they were occurring); and *DePaul University* (2019) (same). Here, the head coach knowingly committed recruiting violations, ignoring the COVID-19 recruiting dead period. Worse, she attempted to cover up her conduct by instructing one of her student-athletes to lie if questioned about the prospect's presence on campus. The panel concludes Bylaw 19.12.3.2-(i) applies with normal weight.

Finally, this case involved violations of the COVID-19 recruiting dead period. The COI has recently and consistently applied Bylaw 19.12.3.2-(l), *Other facts warranting a higher penalty range*, and its predecessor Bylaw 19.9.3-(o), to individuals who violated the COVID-19 restrictions. *See LSU* (applying 19.9.3-(o), in part, because the individual violated the COVID-19 recruiting dead period restrictions); *CSUN* (applying 19.9.3-(o) to all three involved individuals because they disregarded the COVID-19 restrictions and put others at risk); and *Air Force* (applying 19.9.3-(o) and citing the same reasoning). The COVID-19 recruiting dead period was

critical to the NCAA membership to promote the health and safety of coaches, staff, student-athletes and prospects and their families, while also addressing competitive equity concerns across college athletics. The head coach disregarded the COVID-19 restrictions and put prospects, visitors, coaches and student-athletes at risk while also gaining recruiting advantages over those schools and programs that adhered to the dead period. The panel concludes Bylaw 19.12.3.2-(l) applies with normal weight.

### **Mitigating Factors**

Bylaw 19.12.4.2-(e): The absence of prior conclusions of Level I, Level II, or major violations by the involved individual.

The head coach agreed with the mitigating factor identified above. The panel applies the factor with normal weight.

In light of the aggravating and mitigating factors, the panel classifies the head coach's case as Level I-Aggravated. The panel also notes that not all Level I-Aggravated cases are the same and the membership recognizes those differences with the ranges of potential penalties available to the COI. Although the underlying recruiting violations are significant, the head coach's subsequent actions—specifically, instructing a student-athlete to provide false or misleading information and then lying in her interviews with the enforcement staff—further and unnecessarily elevated the case level and classification. Stated directly, the head coach's additional actions—predominantly during the investigation—drove her case into a Level I-Aggravated classification and corresponding penalty.

### **Penalties for Level I-Aggravated Violations**

Show-Cause Order: The head coach was directly involved in arranging and engaging in impermissible contacts during the COVID-19 recruiting dead period. Further, the head coach committed multiple instances of unethical conduct and failed to cooperate. Her individual actions demonstrated that she failed to meet her responsibilities as a head coach because she did not demonstrate that she promoted an atmosphere of compliance. Therefore, the head coach shall be subject to a three-year show-cause order from **December 6, 2023, through December 5, 2026**. In accordance with Bylaw 19.12.6.4 and COI Internal Operating Procedure (IOP) 5-16-1, any institution employing the head coach during the three-year show-cause period shall restrict the head coach from all athletically related activities. Any NCAA member institution employing the head coach during the three-year show-cause period shall abide by the terms of the show-cause order unless it contacts the Office of the Committees on Infractions (OCOI) to make arrangements to show-cause why the terms of the order should not apply. Although each case is unique, this show-cause order is consistent with the three-year show-cause orders prescribed to the coaches in *Georgia Tech* and *Air Force* who both committed Level I-Aggravated conduct.

Head coach Restriction: The head coach violated Bylaw 11 head coach responsibility legislation when she failed to promote an atmosphere for compliance. Bylaw 19.12.6.5 and

the Figure 19-1 penalty guidelines contemplate head coach suspensions to address head coach responsibility violations. Therefore, should the head coach become employed in an athletically related position at an NCAA member institution during the three-year show-cause period, she shall be suspended from 50 percent of the first season of her employment. Because the show-cause order restricts the head coach from all athletically related activity, the suspension is subsumed within the show-cause order.

The provisions of this suspension require that the head coach not be present in the facility where the contests are played and have no contact or communication with women's softball coaching staff members or student-athletes during the suspension period. The prohibition includes all coaching activities for the period of time that begins at 12:01 a.m. on the day of the contest and ends at 11:59 p.m. that day. During that period, the head coach may not participate in any coaching activities including, but not limited to, team travel, practice, video study, recruiting and team meetings. The results of those contests from which the head coach is suspended shall not count toward the head coach's career coaching record.

The COI advises the head coach to take every precaution to ensure that she or any employing institution observes the terms of the suspension. The COI will monitor the head coach during the effective period. Any action by the head coach contrary to the terms of the penalty or any additional violations will cause the COI to consider prescribing more severe penalties or may result in additional allegations and violations.

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NCAA DIVISION I COMMITTEE ON INFRACTIONS

Stephen Madva, Chief Hearing Officer

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Jill Redmond

Dave Roberts

## **APPENDIX ONE**

### **Bylaw Citations**

#### **Division I 2020-21 Manual**

**10.01.1 Honesty and Sportsmanship.** Individuals employed by (or associated with) a member institution to administer, conduct or coach intercollegiate athletics and all participating student-athletes shall act with honesty and sportsmanship at all times so that intercollegiate athletics as a whole, their institutions and they, as individuals, shall represent the honor and dignity of fair play and the generally recognized high standards associated with wholesome competitive sports.

**10.1 Unethical Conduct.** Unethical conduct by a prospective or enrolled student-athlete or a current or former institutional staff member, which includes any individual who performs work for the institution or the athletics department even if he or she does not receive compensation for such work, may include, but is not limited to, the following:

- (a) Refusal to furnish information relevant to an investigation of a possible violation of an NCAA regulation when requested to do so by the NCAA or the individual's institution;
- (b) Knowing involvement in offering or providing a prospective or an enrolled student-athlete an improper inducement or extra benefit or improper financial aid;
- (c) Knowingly furnishing or knowingly influencing others to furnish the NCAA or the individual's institution false or misleading information concerning an individual's involvement in or knowledge of matters relevant to a possible violation of an NCAA regulation;
- (d) Receipt of benefits by an institutional staff member for facilitating or arranging a meeting between a student-athlete and an agent, financial advisor or a representative of an agent or advisor (e.g., "runner");
- (e) Knowing involvement in providing a banned substance or impermissible supplement to student-athletes, or knowingly providing medications to student-athletes contrary to medical licensure, commonly accepted standards of care in sports medicine practice, or state and federal law. This provision shall not apply to banned substances for which the student-athlete has received a medical exception per Bylaw 31.2.3.2; however, the substance must be provided in accordance with medical licensure, commonly accepted standards of care and state or federal law;
- (f) Engaging in any athletics competition under an assumed name or with intent to otherwise deceive; or
- (g) Failure to provide complete and accurate information to the NCAA, the NCAA Eligibility Center or the institution's athletics department regarding an individual's amateur status.

**11.1.1.1 Responsibility of Head Coach.** An institution's head coach is presumed to be responsible for the actions of all institutional staff members who report, directly or indirectly, to the head coach. An institution's head coach shall promote an atmosphere of compliance within his or her

program and shall monitor the activities of all institutional staff members involved with the program who report, directly or indirectly, to the coach.

**13.02.5.5 Dead Period.** A dead period is a period of time when it is not permissible to make in-person recruiting contacts or evaluations on or off the institution's campus or to permit official or unofficial visits by prospective student-athletes to the institution's campus. It remains permissible, however, for an institutional staff member to write or telephone a prospective student-athlete during a dead period.

**13.2.1 General Regulation.** An institution's staff member or any representative of its athletics interests shall not be involved, directly or indirectly, in making arrangements for or giving or offering to give any financial aid or other benefits to a prospective student-athlete or his or her family members or friends, other than expressly permitted by NCAA regulations. Receipt of a benefit by a prospective student-athlete or his or her family members or friends is not a violation of NCAA legislation if it is determined that the same benefit is generally available to the institution's prospective students or their family members or friends or to a particular segment of the student body (e.g., international students, minority students) determined on a basis unrelated to athletics ability.

**13.5.1 General Restrictions.** An institution may not provide transportation to a prospective student-athlete other than on an official paid visit or, on an unofficial visit, to view a practice or competition site in the prospective student-athlete's sport and other institutional facilities and to attend a home athletics contest at any local facility when accompanied by an institutional staff member. During the official paid visit, transportation may be provided to view a practice or competition site and other institutional facilities located outside a 30-mile radius of the institution's campus.

**13.7.5 Off-Campus Contact Within One Mile of Campus Boundaries.** Off-campus contact between an institutional staff member and a prospective student-athlete (and those accompanying the prospective student-athlete) and off-campus contact between an enrolled student-athlete and a prospective student-athlete (and those accompanying the prospective student-athlete) may occur during an unofficial visit within one mile of campus boundaries.

**19.2.3 Responsibility to Cooperate.** Current and former institutional staff members, and prospective and enrolled student-athletes of member institutions have an affirmative obligation to cooperate fully with and assist the NCAA enforcement staff, the Complex Case Unit, the Committee on Infractions, the Independent Resolution Panel and the Infractions Appeals Committee to further the objectives of the Association and its infractions program, including the independent accountability resolution process. Full cooperation includes, but is not limited to:

- (a) Affirmatively reporting instances of noncompliance to the Association in a timely manner and assisting in developing full information to determine whether a possible violation has occurred and the details thereof;
- (b) Timely participation in interviews and providing complete and truthful responses;

- (c) Making a full and complete disclosure of relevant information, including timely production of materials or information requested, and in the format requested;
- (d) Disclosing and providing access to all electronic devices used in any way for business purposes;
- (e) Providing access to all social media, messaging and other applications that are or may be relevant to the investigation;
- (f) Preserving the integrity of an investigation and abiding by all applicable confidentiality rules and instructions; and
- (g) Instructing legal counsel and/or other representatives to also cooperate fully.



NEGOTIATED RESOLUTION<sup>1</sup>

Florida International University – Case No. 020022

June 30, 2023

**I. CASE SYNOPSIS**

Florida International University (FIU); head women's soccer coach (head women's soccer coach); and the NCAA enforcement staff agree with the violations and penalties detailed below. The then head softball coach (then head softball coach), is not participating in the negotiated resolution.<sup>2</sup> The institution, head women's soccer coach and enforcement staff agree that this case should be resolved as Level I – Mitigated for the institution and Level II – Standard for the head women's soccer coach.

Recruiting violations in the softball program.

Between August and November 2020, during the NCAA COVID-19 recruiting dead period, the then head softball coach had impermissible in-person recruiting contacts with three then softball prospective student-athletes.<sup>3</sup>

In August 2020, the then head softball coach encountered a softball prospective student-athlete (PSA 1) while both the then head softball coach and PSA 1 were on vacation in Panama City Beach, Florida. The meeting was unplanned and brief. Later the same day, the then head softball coach and PSA 1 again unexpectedly met each other at a restaurant. There, they discussed their vacations and took a photo together.

In October 2020, the then head softball coach requested that a current softball student-athlete (SA 1) host a softball prospective student-athlete (PSA 2) on an unofficial visit and provide PSA 2 with a campus tour. SA 1 provided a driving tour of the campus to PSA 2, who also met with the then head softball coach while on campus.

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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) 4-7-1-2. These modifications did not affect the substance of the agreement.

<sup>2</sup> The then head softball coach and enforcement staff do not agree on the pertinent facts, violations, classification or penalties and received NCAA Division I Committee on Infractions approval to process the allegations related to the then head softball coach via limited resolution.

<sup>3</sup> As a result of the COVID-19 pandemic, the NCAA Council adopted R-2020-1, which established a temporary recruiting dead period (as defined in Bylaw 13.02.5.5) effective March 13, 2020, and subsequently extended the COVID-19 recruiting dead period through May 31, 2021. The COVID-19 recruiting dead period was implemented to protect the health and safety of coaches, student-athletes and prospective student-athletes.

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In November 2020, the then head softball coach requested that SA 1 host another softball prospective student athlete (PSA 3) on an unofficial visit and provide PSA 3 with a campus tour. Additionally, the then head softball coach instructed SA 1 to state that she was related to PSA 3, despite there being no such relation, if anyone questioned PSA 3's presence on campus. SA 1 provided a walking tour of the campus to PSA 3, who also met in person with the then head softball coach while on campus. Later that same day, PSA 3 dined with the then head softball coach at an off-campus restaurant.

#### Recruiting violations in the women's soccer program.

In February 2021, during the COVID-19 recruiting dead period, the head women's soccer coach had impermissible in-person recruiting contacts with four women's soccer four-year college prospective student-athletes. At the time, the four women's soccer prospective student-athletes were enrolled at the same Division II institution, in the transfer portal and verbally committed to transfer to the institution. The four women's soccer prospective student-athletes traveled to the institution's campus for an unofficial visit during their spring break. During the unofficial visit, the four women's soccer prospective student-athletes met with the head women's soccer coach and a volunteer women's soccer coach at the head women's soccer coach's residential communal space. Additionally, the head women's soccer coach made a dinner reservation at an off-campus restaurant for the four women's soccer prospective student-athletes, paid for their meals, picked them up at the restaurant and provided a driving tour of the locale and campus.

## **II. PARTIES' AGREEMENTS**

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

1. [NCAA Division I Manual Bylaws 13.02.5.5, 13.2.1, 13.5.1 and 13.7.5 (2020-21)]  
(Level II)

The institution and enforcement staff agree that from August through November 2020, during the COVID-19 recruiting dead period, the then head softball coach had impermissible contacts with three softball prospective student-athletes. Further, the then head softball coach provided impermissible inducements to two of these softball prospective student-athletes by arranging on-campus tours when the institution offered no guided tours to any prospective students and prohibited visitors from entering its athletics facilities. Specifically:

- a. In August 2020, the then head softball coach had two unplanned meetings with PSA 1 while each were in Panama City Beach, during which they engaged in dialogue in excess of an exchange of a greeting. [NCAA Bylaw 13.02.5.5 (2020-21)]

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Florida International University – Public Decision

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- b. In October 2020, the then head softball coach arranged for PSA 2 to visit campus and receive a tour provided by SA 1. On the visit, PSA 2 received a driving tour of the campus and a tour of SA 1's dorm. Additionally, PSA 2 had an in-person conversation with then head softball coach. [NCAA Bylaws 13.02.5.5, 13.2.1 and 13.5.1 (2020-21)]
- c. In November 2020, the then head softball coach arranged for PSA 3 to visit campus and receive a tour provided by SA 1. On the visit, PSA 3 received a walking tour of the campus, including the football stadium and its weight room. Additionally, PSA 3 dined with the then head softball coach at an off-campus restaurant more than one mile from campus and had a separate in-person meeting with the then head softball coach in her office. [NCAA Bylaws 13.02.5.5, 13.2.1 and 13.7.5 (2020-21)]

#### 2. [NCAA Division I Manual Bylaws 10.01.1, 10.1 and 10.1-(c) (2020-21)] (Level I)

The institution and enforcement staff agree that in November 2020, the then head softball coach violated the NCAA principles of ethical conduct when she instructed SA 1 to provide false or misleading information concerning her familial relation to PSA 3, in connection with the violations detailed in Agreed-Upon Findings of Fact No. 1-(c). Specifically, the then head softball coach instructed SA 1 to state that she was related to PSA 3, despite there being no such relation, if anyone questioned PSA 3's presence on campus.

#### 3. [NCAA Division I Manual Bylaw 11.1.1.1 (2020-21)] (Level I)

The institution and enforcement staff agree that from August through November 2020, the then head softball coach 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 then head softball coach did not demonstrate that she promoted an atmosphere of compliance within the softball program because of her personal involvement in arranging impermissible visits and engaging in impermissible contact with prospective student-athletes, as detailed in Agreed-Upon Findings of Fact No. 1 and requesting that a softball student-athlete provide false or misleading information, as detailed in Agreed-Upon Findings of Fact No. 2.

#### 4. [NCAA Division I Manual Bylaws 13.02.5.5, 13.2.1, 13.2.1.1-(e), 13.5.1, 13.5.3, 13.7.3.1, 13.7.3.1.2 and 13.7.5 (2020-21)] (Level II)

The institution, head women's soccer coach and enforcement staff agree that on or about February 26, 2021, during the COVID-19 recruiting dead period, the head women's soccer coach had impermissible recruiting contacts with four four-year college women's soccer prospective student-athletes when they visited campus and provided them with approximately \$160 of impermissible recruiting inducements. Specifically:

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- a. On or about February 26, 2021, the head women's soccer coach and the women's soccer volunteer coach had an approximately one-hour impermissible off-campus recruiting contact with four women's soccer prospective student-athletes at the head women's soccer coach's residential communal space. [NCAA Bylaws 11.01.6, 13.02.5.5 and 13.1.2.1 (2020-21)]
  - b. On or about February 26, 2021, the head women's soccer coach had an impermissible in-person, off-campus recruiting contact with, and arranged and provided approximately \$160 in impermissible recruiting inducements in the form of a meal at an off-campus restaurant for the four women's soccer prospective student-athletes. The head women's soccer coach created the restaurant reservation under his name and then arrived at the restaurant after the women's soccer prospective student-athletes completed their meal and paid the bill. [NCAA Bylaws 13.02.5.5, 13.2.1, 13.2.1.1-(e), 13.7.3.1, 13.7.3.1.2 and 13.7.5 (2020-21)]
  - c. On or about February 26, 2021, the head women's soccer coach had an approximately two-hour impermissible in-person, off-campus recruiting contact with the four women's soccer prospective student-athletes during which he provided an impermissible recruiting inducement in the form of free transportation while providing a tour of the institution's campus and locale. [NCAA Bylaws 13.02.5.5, 13.5.1, 13.5.3 and 13.7.5 (2020-21)]
5. [NCAA Division I Manual Bylaw 11.1.1.1 (2020-21)] (Level II)

The institution, head women's soccer coach and enforcement staff agree that on or about February 26, 2021, the head women's soccer 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 women's soccer coach did not demonstrate that he promoted an atmosphere of compliance due to his personal involvement in arranging and participating in impermissible recruiting contacts and providing impermissible recruiting inducements.

#### **C. Agreed-upon aggravating and mitigating factors.**

Pursuant to NCAA Bylaw 19.10.3-(e), the parties participating in the negotiated resolution 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 I – Mitigated for the institution and Level II – Standard for the head women's soccer coach.

When analyzing aggravating and mitigating factors applicable to the institution, the enforcement staff assigned similar weight to the individual aggravating and mitigating factors, of which there were more applicable mitigating factors.

When analyzing aggravating and mitigating factors applicable to the head women's soccer coach, the enforcement staff applied significant weight to the head women's soccer coach's acknowledgement and acceptance of responsibility for the violations and affirmative steps to expedite the resolution of this matter.

**Institution:**

1. Aggravating factors (Bylaw 19.12.3.1).
  - a. Multiple Level I and/or Level II violations for which the institution is responsible [NCAA Bylaw 19.12.3.1-(a)].
  - b. Persons of authority condoned, participated in or negligently disregarded the violation or related wrongful conduct [NCAA Bylaw 19.12.3.1-(e)].
  - c. Intentional, willful or blatant disregard for NCAA bylaws by a person with institutionally derived authority [NCAA Bylaw 19.12.3.1-(i)].
2. Mitigating factors (Bylaw 19.12.4.1).
  - a. Prompt self-disclosure of the violations [NCAA Bylaw 19.12.4.1-(a)].
  - b. Prompt acknowledgement and acceptance of responsibility for the violations [NCAA Bylaw 19.12.4.1-(b)].
  - c. Affirmative steps to expedite final resolution of the matter [NCAA Bylaw 19.12.4.1-(d)].
  - d. Established history of self-reporting Level III violations [NCAA Bylaw 19.12.4.1-(e)].<sup>4</sup>

**Involved Individual (head women's soccer coach):**

1. Aggravating factors (Bylaw 19.12.3.2).
  - a. Multiple Level II violations [NCAA Bylaw 19.12.3.2-(a)].
  - b. Persons of authority condoned, participated in or negligently disregarded the violation or wrongful conduct [NCAA Bylaw 19.12.3.2-(d)].

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<sup>4</sup> The institution reported 65 Level III or secondary violations from 2018 to 2022, approximately 13 violations each year.

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- c. Intentional, willful or blatant disregard for the NCAA bylaws [NCAA Bylaw 19.12.3.2-(i)].
  - d. Other facts warranting a higher penalty range [NCAA Bylaw 19.12.3.2-(l)].
- 2. Mitigating factors (Bylaw 19.12.4.2).
  - a. Prompt acknowledgement and acceptance of responsibility for the violations [NCAA Bylaw 19.12.4.2-(b)].
  - b. Affirmative steps to expedite final resolution of the matter, including timely submission of a summary disposition report pursuant to Bylaw 19.9.3, timely submission of a negotiated resolution pursuant to Bylaw 19.10 or a good faith request for an accelerated hearing docket pursuant to Bylaw 19.8.4.6 [NCAA Bylaw 19.12.4.2-(c)].
  - c. The absence of prior conclusions of Level I, Level II or major violations committed by the involved individual [NCAA Bylaw 19.12.4.2-(e)].

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

None.

### **IV. REVIEW OF OTHER ISSUES**

As part of its analysis, the enforcement staff considered whether the institution failed to monitor its softball and women's soccer programs. The enforcement staff's investigation revealed that the institution discovered and self-reported instances of noncompliance and took swift and appropriate corrective action when noncompliance occurred. Accordingly, the institution did not fail to monitor its softball and women's soccer programs.

## **V. PARTIES' AGREED-UPON PENALTIES<sup>5</sup>**

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 19.10.3-(e), the parties agree to the following penalties:

### **Core Penalties for Level I – Mitigated Violations (Bylaw 19.12.6)**

1. Two years of probation from June 30, 2023, through June 29, 2025.
2. Financial penalty: The institution shall pay a fine of \$5,000 to the NCAA.
3. Recruiting restrictions:<sup>6</sup>
  - a. The institution shall reduce official paid visits in the softball and women's soccer programs during the 2023-24 academic year by 10% of the average number of official paid visits in those respective programs during the previous four years.
  - b. The institution shall prohibit unofficial visits in the softball and women's soccer programs for a total of four weeks, two during 2021-22 and two during the 2023-24 academic year.
  - c. The institution shall prohibit recruiting communications in the softball and women's soccer programs for a total of three weeks, one during 2021-22 and two during the 2023-24 academic year.
  - d. The institution shall prohibit off-campus recruiting contacts and evaluations in the softball and women's soccer programs for a total of three weeks, one during 2021-22 and two during the 2023-24 academic year.

### **Core Penalties for Level II – Standard Violations (Bylaw 19.12.6)**

4. Show-cause order: The head women's soccer coach violated recruiting and head coach responsibility legislation. Therefore, the head women's soccer coach shall be

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<sup>5</sup> All penalties must be completed during the time periods identified in this decision. If completion of a penalty is impossible during the prescribed period, the institution shall make the Committee on Infractions aware of the impossibility and must complete the penalty at the next available opportunity.

<sup>6</sup> The institution self-imposed penalties during the 2021-22 academic year as detailed below and in Appendix A.

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subject to a one-year show-cause order from June 30, 2023, through June 29, 2024. In accordance with Bylaw 19.12.6.4 and Committee on Infractions' Internal Operating Procedure 5-15-5, any employing member institution shall ensure the head women's soccer coach attend an NCAA Regional Rules Seminar one time at his own expense. Any member institution that employs the head women's soccer coach in an athletically related position during the one-year show-cause period shall abide by the terms of the show-cause order unless it contacts the Office of the Committees on Infractions (OCOI) to make arrangements to show cause why the terms of the order should not apply.

5. Head coach restriction: The head women's soccer coach violated head coach responsibility legislation when he did not demonstrate he promoted an atmosphere of compliance due to his personal involvement in arranging and participating in impermissible recruiting contacts and providing impermissible recruiting inducements. Bylaw 19.12.6.5 and the Figure 19-1 penalty guidelines contemplate head coach suspensions to address head coach responsibility violations. Therefore, any member institution that employs the head coach in an athletically related position shall suspend the head coach from the first 10% of women's soccer regular season contests during the first season of the show-cause period. This percentage corresponds with the first two regular season contests. The suspension shall run concurrently with the show-cause order. The provisions of this suspension require that the head coach not be present in the facility where the contests are played and have no contact or communication with women's soccer coaching staff members or student-athletes during the two contest-suspension period. The prohibition includes all coaching activities for the period of time that begins at 12:01 a.m. on the day of the contest and ends at 11:59 p.m. that day. During that period, the head coach may not participate in any coaching activities, including, but not limited to, team travel, practice, video study, recruiting and team meetings. The results of those contests from which the head coach is suspended shall not count toward the head coach's career coaching record.

#### **Additional Penalties for Level I – Mitigated Violations (Bylaw 19.12.8)**

6. Public reprimand and censure through the release of the negotiated resolution agreement.
7. During this period of probation, the institution shall:
  - a. Continue to develop and implement a comprehensive educational program on NCAA legislation to instruct coaches, the faculty athletics representative, all athletics department personnel and all institutional staff members with responsibility for recruiting and certification legislation.



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- b. Submit a preliminary report to the OCOI by August 15, 2023, setting forth a schedule for establishing this compliance and educational program.
  - c. File with the OCOI annual compliance reports indicating the progress made with this program by May 1st during each year of probation. Particular emphasis shall be placed on rules education and monitoring related to recruiting.
  - d. Inform prospects in the softball and women's soccer programs in writing that the institution is on probation for two 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.
  - e. 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 decision located on the athletics department's main webpage "landing page" and in the media guides for the softball and women's soccer programs. The institution's statement must: (i) clearly describe the infractions; (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.
8. Following the receipt of the final 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 women's soccer coach and enforcement staff.

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

Former head softball coach.

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

None.

**VII. OTHER AGREEMENTS**

The parties in agreement with the negotiated resolution agree that this case will be processed through the NCAA negotiated resolution process as outlined in Bylaw 19.10, and a hearing panel comprised of members of the NCAA Division I Committee on Infractions 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 Bylaws 19.1.2 and 19.1.3, the violations identified in this agreement occurred and should be classified as Level I – Mitigated for the institution and Level II – Standard for the head women's soccer coach.

If a hearing panel approves the negotiated resolution, the institution and head women's soccer coach agree that they will take every precaution to ensure that the terms of the penalties are observed. The institution and head women's soccer 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 19.12.6, 19.12.7, 19.12.8 and 19.12.9. The OCOI will monitor the penalties during their effective periods. Any action by the institution or head women's soccer 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.

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 hearing panel will issue instructions for processing of the case pursuant to hearing resolution (Bylaw 19.8) or limited resolution (Bylaw 19.9) and prior agreed-upon terms of the rejected negotiated resolution will not be binding.

## NEGOTIATED RESOLUTION

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#### **VIII. DIVISION I COMMITTEE ON INFRACTIONS APPROVAL**

Pursuant to NCAA Bylaw 19.10.1, 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 19.10.4. 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 I-Mitigated for FIU, Level II-Standard for the head women's soccer coach. The agreed-upon penalties align with the ranges identified for core penalties for Level I-Mitigated and Level II-Standard cases, respectively, in Figure 19-1 and Bylaw 19.12.6 and the additional penalties available under Bylaw 19.12.8. Pursuant to Bylaw 19.10.6, this negotiated resolution has no precedential value.

The COI advises FIU and the head women's soccer coach 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 or the head women's soccer coach 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

Gary L. Miller, Chief Hearing Officer

Joe Novak

Jill Redmond

**APPENDIX A**

**FLORIDA INTERNATIONAL UNIVERSITY'S CORRECTIVE ACTIONS**

1. The institution provided rules education to the women's soccer coaching staff regarding dead period restrictions (self-imposed).
2. The institution issued a letter of reprimand to the head women's soccer coach (self-imposed).
3. The institution prohibited unofficial visits in the women's soccer program for two weeks during the 2021-22 academic year (self-imposed).
4. The institution prohibited recruiting communications in the women's soccer program for one week during the 2021-22 academic year (self-imposed).
5. The institution prohibited off-campus recruiting contacts and evaluations in the women's soccer program for one week during the 2021-22 academic year (self-imposed).