

Appeals Committee Overturns Georgia Tech Men's Basketball Scholarship, Recruiting Penalties; Tech AD Pleased

The NCAA Division I Infractions Appeals Committee has overturned scholarship reductions and recruiting penalties for the Georgia Tech men's basketball program. In its decision, the appeals committee determined the NCAA Division I Committee on Infractions must reconsider the scholarship reductions penalty it had prescribed.

In the [Committee on Infractions decision](#), the panel found that two boosters had provided impermissible benefits to the Georgia Tech men's basketball program. One set of violations occurred when a former assistant men's basketball coach arranged for a former Georgia Tech player to meet with a recruit during an official visit. The booster arranged for the prospect and a host student-athlete to visit a strip club and provided each with \$300 to spend at the club. The second set of violations included more than \$2,400 in impermissible benefits to two members of the team and one potential transfer by a second booster, who had special access to the team as a result of his friendship with the head coach. The committee also found that the former assistant coach violated ethical conduct rules and did not cooperate with the investigation.

In addition to other penalties, the Committee on Infractions panel prescribed a reduction of one scholarship per year in men's basketball for four years and a prohibition from scheduling official visits in conjunction with home men's basketball games during the first two years of the school's probation.

The hearing panel assigned significant weight to the former assistant coach's unethical actions of intentionally involving a booster in recruiting activities and providing false and misleading information. The panel noted that member schools remain responsible for employees' actions, particularly when those individuals are acting within the scope of their employment.

In its appeal, the university argued that

an aggravating factor, regarding the intentional, willful or blatant disregard for the NCAA rules, should not have been applied to the university. To support this argument, the university argued that the panel failed to consider that the former assistant coach acted alone and concealed his impermissible activities and that this case did not involve charges implicating the university or its head basketball coach such as institutional control, failure to monitor or head coach responsibility. The university also argued that the panel had arbitrarily prescribed the period of the scholarship reductions and improperly applied NCAA rules regarding core and additional penalties.

After its review, the appeals committee determined that the aggravating factor used to determine the classification of the case, which impacts the penalties prescribed, was based on the conduct of the former assistant coach and that there were no demonstrable ties to action or a lack thereof by the university. The committee noted that the employment status of the former assistant coach alone was not enough to conclude that the school had blatantly disregarded NCAA rules. As a result, the appeals committee overturned the application of the aggravating factor to the case and asked the hearing panel to reassess the scholarship reductions penalty.

In its appeal, the university also argued that the panel did not identify existing and extenuating circumstances when prescribing limitations on official visits beyond those outlined in the penalty guidelines for core penalties.

Upon review, the appeals committee found that prohibition of official visits during home games is a limitation on official visits and would be considered a core penalty. This limitation is a departure from the penalty guidelines for core penalties related to official visits and requires the panel to identify and explain the extenuating circumstances that support this deviation. The appeals com-

mittee found the panel failed to explain the extenuating circumstances for the prescription of this limitation. As a result, the appeals committee vacated the penalty prohibiting official visits during home games.

Those impacted by the reversal at the university were predictably happy with the decision.

"We are very pleased by the decision to overturn these penalties and are appreciative to the Infractions Appeals Committee for their work and consideration," Georgia Tech director of athletics Todd Stansbury said. "I'd like to thank our team that worked so diligently to prepare our appeal, including Georgia Tech general counsel and vice president Ling-Ling Nie, associate VP for athletics governance Shoshanna Engel Lewis and the outstanding team at Jackson Lewis PC, led by Paul Kelly and John Long. We are all ready and grateful to move forward."

"I'm very happy and thankful that the Infractions Appeals Committee chose to overturn these penalties, as it is beneficial for the future of our program and student-athletes," Georgia Tech head coach Josh Pastner said. "While this news doesn't affect our current team or goals, I'm glad to have this part of the process behind us and to be able to continue to put our full focus on this outstanding team and building on the momentum that we have for the rest of the regular season and into the postseason."

The members of the Infractions Appeals Committee who heard this case were Jonathan Alger, president at James Madison; Ellen M. Ferris, associate commissioner for governance and compliance at the American Athletic Conference; W. Anthony Jenkins, acting committee chair of the Division I Infractions Appeals Committee and attorney in private practice; Patricia Ohlendorf, retired vice president for legal affairs at Texas; and Allison Rich, senior associate athletics director and senior woman administrator at Princeton. ■