

**Response of Mr. Bill Self to the NCAA Division I**  
**Committee on Infractions**  
**Referral Petition**

**Case No. 00874**

**June 8, 2020**

**Submitted By:**

**Scott Tompsett**

**Tompsett Collegiate Sports Law**

**AND**

**William M. Sullivan, Jr.**

**Pillsbury Winthrop Shaw Pittman LLP**

This Response submitted on behalf of Mr. Bill Self addresses the NCAA Division I Committee on Infractions (COI) Referral Petition (Petition) requesting referral of this matter to the newly-established Independent Accountability Resolution Process (IARP). While Mr. Self hereby adopts and incorporates by reference herein the Response of the University of Kansas (KU or the University) to the Petition, he also submits that it is essential to recognize that NCAA governing principles emphasize the importance of fairness, equity and impartiality in both intercollegiate athletic competition, as well as in the application of the infractions process. The Petition fails these principles by including a preliminary ruling on an open and contested substantive issue, improperly criticizing a legitimate procedural challenge, wrongfully mischaracterizing Mr. Self's competing view of the evidentiary record as "adversarial posturing," and directing both him and KU into an adjudicative process that deprives them both of substantive appellate rights.

The Petition also does not fairly and accurately recount the case history and background, as noted in KU's Response. The COI repetitively but erroneously claims an "illicit recruiting scheme" existed while ignoring a jury verdict which established beyond a reasonable doubt that KU was defrauded, that neither Mr. Self nor any of his coaching staff had knowledge of any illicit benefits or payments, and that Adidas representatives hid such activities from KU and its coaching staff. Moreover, the Court itself also found that the Adidas representatives employed sophisticated conduct to conceal their illicit activities from KU, and that they were motivated by personal benefit in pursuing prospective student-athletes who might sign future endorsement contracts as professional athletes. Indeed, despite the fact that the jury verdict was premised upon the lack of knowledge of the actions of the Adidas representatives by anyone at KU, the enforcement staff nevertheless issued a baseless notice of allegations which itself does not, and cannot, include any claim of knowledge by anyone at KU of the illicit activities which the Adidas personnel successfully concealed.

As an initial dispositive point, because the Office of the Committee of Infractions (OCOI) assisted in the preparation of the Petition and would continue to participate in the processing of this case if it were to remain in the COI adjudicative process, the COI is unable to objectively and impartially adjudicate this case.

In addition to the procedural irregularities referenced above, the COI has also wrongfully attempted to intimidate Mr. Self for his decision to defend himself against unfounded allegations of wrongdoing. The Petition goes to great lengths to decry Mr. Self's response to the allegations. *See* Petition at 4-7 (Suggesting Mr. Self has not cooperated with the NCAA's investigation and admonishing Mr. Self for defending himself against the enforcement staff's allegations, for not accepting responsibility and for "adversarial posturing").

Such a characterization is absurd on its face, and suggests that the COI does not promote a search for truth through a contested but fair fact-finding process, but rather demands full and complete acquiescence to any and all of the enforcement staff's allegations, however unfounded, as the only legitimate and sanctioned resolution process. Mr. Self cooperated fully and unconditionally with the enforcement staff's investigation by participating in multiple interviews totaling nearly ten hours. He and KU produced thousands of pages of documents to the enforcement staff. Mr. Self, with experienced counsel, spent well over one thousand (1000) hours carefully reviewing the enforcement staff's allegations, examining the investigative record, researching NCAA legislative and case precedent, and preparing a meritorious response to the allegations, which is detailed and supported by citations to both the factual record and precedential authority.

Mr. Self has responded and will continue to respond honorably, responsibly, and vigorously to the false allegations which groundlessly confront him. Contrary to the assertions by the COI in the Petition, there is no requirement, nor does the NCAA membership expect, that coaches accused of NCAA violations accept baseless allegations unconditionally when legitimate and substantial challenges to such allegations exist.

For the COI, prior to a hearing, to attempt to force parties into "accepting responsibility" for violations they robustly contest indicates a lack of neutrality that is alarming and should disqualify that body from adjudicating the case. Accordingly, Mr. Self believes the only option going forward is for the case to be referred to the Independent Accountability Resolution Process (IARP).

To preserve and protect the integrity of the process going forward, Mr. Self requests that the Petition not be shared in any way, shape or form with anyone in the IARP outside of the Infractions Referral Committee (IRC), and that Dr. Cartwright and any other members of the COI, OCOI staff or anyone else who assisted in any way with the preparation of the Petition be strictly prohibited from communicating with anyone in the IARP about this case. If such communications have already occurred, we respectfully ask that all details of the communications, i.e., who, when and what, be shared with us so Mr. Self may make an informed decision about how to proceed.

Finally, while Mr. Self understands that the IARP does not have an appeal process (contrary to the recommendation of the Commission on College Basketball), he has been compelled into the IARP as a result of the numerous infirmities in the COI process, as outlined above. Accordingly, Mr. Self does not waive his right to seek review of any decision by the Independent Resolution Panel (IRP) either within the NCAA framework, or by a court of law, should either a procedural error occur, or an unjust decision or penalty result which is unsupported by the evidentiary record.

Respectfully submitted by,

/s Scott Tompsett

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