

STATEMENT OF THE CASE

University of Kansas – Case No. 00874

May 4, 2020

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**I. BRIEF HISTORY (CASE CHRONOLOGY)**

August 22, 2018 – The NCAA enforcement staff issued a verbal notice of inquiry to the institution.

September 23, 2019 – The enforcement staff sent the notice of allegations to the chancellor of the institution; David Beaty (Beaty), then head football coach; Jeff Love (Love), then football video coordinator; Bill Self (Self), head men's basketball coach; and Kurtis Townsend (Townsend), assistant men's basketball coach.

January 27, 2020 – The enforcement staff sent the amended notice of allegations to the institution, Beaty, Love, Self and Townsend.

March 5, 2020 – The institution submitted its response to the notice of allegations.

March 5, 2020 – Self submitted his response to the notice of allegations.

March 5, 2020 – Townsend submitted his response to the notice of allegations.

March 5, 2020 – Love submitted his response to the notice of allegations. (Love did not agree to conduct a prehearing conference.)

March 5, 2020 – Beaty submitted his response to the notice of allegations.

March 16, 2020 – The enforcement staff conducted a prehearing conference with Townsend.

March 18, 2020 – The enforcement staff conducted a prehearing conference with Beaty.

March 24, 2020 – The enforcement staff conducted a prehearing conference with the institution.

March 25, 2020 – The enforcement staff conducted a prehearing conference with Self.

May 4, 2020 – The enforcement staff submitted its reply and statement of the case to a hearing panel of the NCAA Division I Committee on Infractions, the institution and involved individuals.

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II. PARTIES' POSITIONS

A. ALLEGATIONS

No.	Allegation	Party Agreement				
		Institution	Self	Townsend	Love	Beaty
1-a	TJ Gassnola (Gassnola), then Adidas outside consultant, had impermissible recruiting contacts with [REDACTED]	Does not agree	Does not agree	N/A	N/A	N/A
	Level I	Does not agree	Does not agree	N/A	N/A	N/A
1-b	Gassnola provided impermissible recruiting inducements and agent benefits (\$70,000) to [REDACTED]	Does not agree	N/A	N/A	N/A	N/A
	Level I	Does not agree	N/A	N/A	N/A	N/A
1-c	Gassnola provided impermissible benefits and agent benefits (\$15,000) to [REDACTED]	Does not agree	N/A	N/A	N/A	N/A
	Level I	Does not agree	N/A	N/A	N/A	N/A
1-d	Gassnola provided impermissible benefits and agent benefits (\$4,000) to [REDACTED]	Does not agree	N/A	N/A	N/A	N/A
	Level I	Does not agree	N/A	N/A	N/A	N/A
2-a	Larry Brown, former head men's basketball coach, had impermissible recruiting contacts with [REDACTED]	Does not agree	Does not agree	Does not agree	N/A	N/A
	Level I	Does not agree	Does not agree	Does not agree	N/A	N/A

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No.	Allegation	Party Agreement				
		Institution	Self	Townsend	Love	Beaty
2-b	Gassnola had impermissible recruiting contacts with [REDACTED]	Does not agree	Does not agree	Does not agree	N/A	N/A
	Level I	Does not agree	Does not agree	Does not agree	N/A	N/A
2-c	Adidas, Gassnola, Self and Townsend offered a recruiting inducement to [REDACTED]	Does not agree	Does not agree	Does not agree	N/A	N/A
	Level I	Does not agree	Does not agree	Does not agree	N/A	N/A
2-d	Adidas; Gassnola; and Jim Gatto (Gatto), Adidas director of global sports marketing for basketball, provided a recruiting inducement and agent benefit (\$2,500) to [REDACTED]	Does not agree	N/A	N/A	N/A	N/A
	Level I	Does not agree	N/A	N/A	N/A	N/A
2-e	Adidas, Gassnola and Gatto offered a recruiting inducement and agent benefit (\$20,000) to [REDACTED]	Does not agree	N/A	N/A	N/A	N/A
	Level I	Does not agree	N/A	N/A	N/A	N/A
3-a	Gassnola had impermissible recruiting contact and provided an impermissible recruiting inducement and agent benefit (\$15,000) to family of former men's basketball prospective student-athlete [REDACTED]	Does not agree	Does not agree	N/A	N/A	N/A
	Level I	Does not agree	Does not agree	N/A	N/A	N/A

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No.	Allegation	Party Agreement				
		Institution	Self	Townsend	Love	Beaty
3-b	Gassnola provided impermissible benefit and agent benefit to [REDACTED]	Does not agree	N/A	N/A	N/A	N/A
	Level I	Does not agree	N/A	N/A	N/A	N/A
3-c	Dan Cutler, Adidas outside consultant, had impermissible recruiting contact and offered a recruiting inducement to men's basketball prospective student-athlete [REDACTED]	Does not agree	Does not agree	N/A	N/A	N/A
	Level I	Does not agree	Does not agree	N/A	N/A	N/A
3-d	Merl Code, Adidas outside consultant, had impermissible recruiting contact with [REDACTED]	Does not agree	Does not agree	Does not agree	N/A	N/A
	Level I	Does not agree	Does not agree	Does not agree	N/A	N/A
4-a	Self did not demonstrate that he promoted an atmosphere of compliance.	Does not agree	Does not agree	N/A	N/A	N/A
	Level I	Does not agree	Does not agree	N/A	N/A	N/A
4-b	Self did not demonstrate that he monitored his staff.	Does not agree	Does not agree	N/A	N/A	N/A
	Level I	Does not agree	Does not agree	N/A	N/A	N/A

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No.	Allegation	Party Agreement				
		Institution	Self	Townsend	Love	Beaty
5-a	Institution did not develop compliance policies related to Adidas, failed to provide rules education to Adidas and staff and failed to monitor Adidas and its staff's interactions with the athletics department.	Does not agree	N/A	N/A	N/A	N/A
	Level I	Does not agree	N/A	N/A	N/A	N/A
5-b	Institution did not provide rules education to or monitor Gassnola.	Does not agree	N/A	N/A	N/A	N/A
	Level I	Does not agree	N/A	N/A	N/A	N/A
5-c	Athletics administrators failed to monitor and ensure compliance related to the attendance of Gassnola and Gatto at Late Night in the Phog.	Does not agree	N/A	N/A	N/A	N/A
	Level I	Does not agree	N/A	N/A	N/A	N/A
5-d	The institution did not adhere to its policy of monitoring [REDACTED]	Does not agree	N/A	N/A	N/A	N/A
	Level I	Does not agree	N/A	N/A	N/A	N/A
5-e	The institution did not promote an atmosphere of compliance, exercise oversight or monitor for NCAA compliance [REDACTED]	Does not agree	N/A	N/A	N/A	N/A
	Level I	Does not agree	N/A	N/A	N/A	N/A
6-a	Love met with the quarterback student-athletes six to 10 times and provided instruction.	Agrees	N/A	N/A	Agrees in part	Agrees in part
	Level II	Agrees	N/A	N/A	Does not agree	Does not agree

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No.	Allegation	Party Agreement				
		Institution	Self	Townsend	Love	Beaty
6-b	Love provided on-field instruction to the quarterbacks on two or three occasions.	Agrees	N/A	N/A	Does not agree	Does not agree
	Level II	Agrees	N/A	N/A	Does not agree	Does not agree
6-c	Love occasionally provided the quarterbacks instructional video through text messages via cellphone.	Agrees	N/A	N/A	Agrees in part	Agrees in part
	Level II	Agrees	N/A	N/A	Does not agree	Does not agree
7	Beaty did not demonstrate that he monitored his staff.	Agrees	N/A	N/A	Does not agree	Does not agree
	Level II	Agrees	N/A	N/A	Does not agree	Does not agree
8	The football program violated limits on the number and duties of coaches and noncoaching staff members.	Agrees	N/A	N/A	N/A	N/A
	Level III	Agrees	N/A	N/A	N/A	N/A

**B. POTENTIAL AGGRAVATING AND MITIGATING FACTORS**

**1. Institution.**

Aggravating Factors	Identified By	Party Agreement	
		Enforcement Staff	Institution
Multiple Level I violations	Enforcement Staff	Agrees	Does not agree
A history of Level I, Level II or major violations	Enforcement Staff	Agrees	Does not agree

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Aggravating Factors	Identified By	Party Agreement	
		Enforcement Staff	Institution
Lack of institutional control	Enforcement Staff	Agrees	Does not agree
Violations were premeditated, deliberate or committed after substantial planning	Enforcement Staff	Agrees	Does not agree
Persons of authority condoned, participated in or negligently disregarded the violation(s) or related wrongful conduct	Enforcement Staff	Agrees	Does not agree
One or more violations caused significant ineligibility or other substantial harm to a student-athlete or prospective student-athlete	Enforcement Staff	Agrees	Does not agree
A pattern of noncompliance within the sport program(s) involved	Enforcement Staff	Agrees	Does not agree
Intentional, willful or blatant disregard for the NCAA constitution and bylaws	Enforcement Staff	Agrees	Does not agree
Other facts warranting a higher penalty range	Enforcement Staff	Agrees	Does not agree
<b>Mitigating Factors</b>			
An established history of self-reporting Level III or secondary violations	Enforcement Staff	Agrees	Agrees
Prompt self-detection and self-disclosure of the violation(s)	Institution	Does not agree	Agrees
Prompt acknowledgement of the violation, acceptance of responsibility and imposition of meaningful corrective measures and/or penalties	Institution	Does not agree	Agrees
Other facts warranting a lower penalty range	Institution	Does not agree	Agrees



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**2. Involved individual [Self].**

Aggravating Factors	Identified By	Party Agreement	
		Enforcement Staff	Self
Multiple Level I violations	Enforcement Staff	Agrees	Does not agree
Persons of authority condoned, participated in or negligently disregarded the violation(s) or related wrongful conduct	Enforcement Staff	Agrees	Does not agree
A pattern of noncompliance within the sport program(s) involved	Enforcement Staff	Agrees	Does not agree
<b>Mitigating Factors</b>			
The absence of prior conclusions of Level I, Level II or major violations	Enforcement Staff	Agrees	Agrees

**3. Involved individual [Townsend].**

Aggravating Factors	Identified By	Party Agreement	
		Enforcement Staff	Townsend
Multiple Level I violations	Enforcement Staff	Agrees	Does not agree
Persons of authority condoned, participated in or negligently disregarded the violation(s) or related wrongful conduct	Enforcement Staff	Agrees	Does not agree
<b>Mitigating Factors</b>			
The absence of prior conclusions of Level I, Level II or major violations	Enforcement Staff	Agrees	Agrees

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**4. Involved individual [Love].**

Aggravating Factors	Identified By	Party Agreement	
		Enforcement Staff	Love
Intentional, willful or blatant disregard for the NCAA constitution and bylaws	Enforcement Staff	Agrees	No position
Mitigating Factors			
The absence of prior conclusions of Level I, Level II or major violations	Enforcement Staff	Agrees	No position

**5. Involved individual [Beaty].**

Aggravating Factors	Identified By	Party Agreement	
		Enforcement Staff	Beaty
None	Enforcement Staff	Agrees	Agrees
Mitigating Factors			
The absence of prior conclusions of Level I, Level II or major violations	Enforcement Staff	Agrees	Agrees
Exemplary cooperation	Involved Individual	Does not agree	Agrees
The violations were unintentional, limited in scope and represent a deviation from otherwise compliant practices	Involved Individual	Does not agree	Agrees
Other facts warranting a lower penalty range	Involved Individual	Does not agree	Agrees

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**C. REMAINING ISSUES**

The enforcement written reply and the parties' responses to the notice of allegations may be referenced for further detail, and all remaining issues and items of disagreement.

National Collegiate Athletic Association  
May 4, 2020

RBR:trd