



LIGHTFOOT FRANKLIN WHITE LLC  
TRIAL & APPELLATE COUNSEL

## Brigham Young University - Extra Benefits

by Brian P. Kappel

November 12, 2018

On November 9, 2018, the Division I Committee on Infractions (COI) found that four Brigham Young University (BYU) boosters had provided a single student-athlete more than \$12,000 in extra benefits over a two-year period. The case was considered through the summary disposition process. The COI classified the institution's case as Level II-Standard and imposed the following penalties: two years of probation, a \$5,000 fine, scholarship reductions, recruiting restrictions, official and unofficial visit reductions, disassociation of one of the four boosters, and vacation of regulation season and post-season tournament records.

### BACKGROUND

Between August 2015 and August 2017, four BYU boosters provided extra benefits to a men's basketball student-athlete. Two boosters invited the student-athlete to play 13 rounds of golf at a country club, paid the student-athlete's green's fees, and bought him meals. One of those boosters also left \$200 cash in the student-athlete's locker while the student-athlete was at practice. A third booster arranged for the student-athlete and his then-wife to stay at a local lodge for two nights. The fourth booster paid travel expenses for the student-athlete and his then-wife and also provided the student-athlete with the use of a new car for four months. The extra benefits were brought to BYU's attention in late-July 2017 and reported to the NCAA in early-August. A joint investigation followed.

### KEY TAKEAWAYS

1. Because of the value of extra benefits in question, the COI considered classifying this case as Level I consistent with recent precedent (University of Mississippi (2017)) but determined that the specific facts and circumstances of this case justified a lower, Level II classification;
2. The COI nonetheless expressed concern about the four boosters having unmonitored access to the student-athlete on multiple occasions, including access to the student-athlete's locker during practice, and the fact that BYU's monitoring systems had not self-discovered the violations. The COI determined that BYU had not failed to monitor its program, though, due to its timely reporting of the issue to the NCAA enforcement staff; and
3. This case continues the COI's practice of imposing additional penalties upon institutions that process their cases through the summary disposition process. Here, over BYU's strenuous objection, the COI required vacation of 47 wins in which the student-athlete had participated while ineligible.

For more information on Lightfoot's NCAA practice, contact Henry Gimenez at 205-581-0749 or [hgimenez@lightfootlaw.com](mailto:hgimenez@lightfootlaw.com).