

**Report on the Independent  
Review of Issues Related  
To the 2013 PAC-12 Conference  
Men's Basketball Tournament**

**May 28, 2013**

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## **Summary of Events Leading to the Independent Review and Submission of this Report**

The 2013 Pac-12 Conference men's basketball tournament ("Tournament") took place March 13-16, 2013. Arizona won its first Tournament game, defeating Colorado in the quarterfinal round on Thursday, March 14<sup>th</sup>.

On Friday the 15<sup>th</sup>, Arizona played UCLA in a semifinal game. With 4:37 left in the game, Arizona led by four points. As an Arizona player made an aggressive dribble move toward the basket between defenders, two officials blew their whistles to signal a violation. As those two officials conferred about whether the apparent violation was a travel or double dribble, Arizona's head coach ("Head Coach") stepped onto the court in front of Arizona's bench to try to communicate to the game officials that no violation occurred because a UCLA player touched the ball – an observation which subsequent video analysis confirmed. When the Head Coach stepped onto the court, an official standing near Arizona's bench assessed a technical foul against the Head Coach. UCLA made both resulting free throws, received possession of the ball, and scored to tie the game. The game remained close throughout the final minutes, and UCLA won 66-64 when Arizona missed a shot to tie the game with four seconds remaining in the game.

During the game's final play, the official who called the technical foul on the Head Coach was again directly in front of Arizona's bench. When the final horn sounded, the Head Coach immediately confronted and cussed at the official prior to going through the post-game handshake line. After going through the handshake line, the Head Coach left the court. While walking through the hallway toward Arizona's locker room, the Head Coach loudly vented anger about the technical foul which he believed was both unwarranted and a decisive turning point in the game.

The Pac-12 Network had established an on-camera interview location in an alcove of the locker room hallway almost directly across from Arizona's locker room. As the Head Coach approached Arizona's locker room venting his displeasure, a junior staff member with the Pac-12

Network ("Junior Staff Member") was standing in the alcove. The Head Coach's conduct unsettled and concerned the Junior Staff Member. As soon as the Head Coach entered the locker room, the Junior Staff Member went to the Pac-12 Network's on-site headquarters to warn against allowing cameras near the Arizona locker room due to the Head Coach's emotional state. In the course of providing this warning, the Junior Staff Member described her perception of the Head Coach's conduct to her supervisors.

At the conclusion of the Arizona-UCLA game, the Pac-12's Commissioner, Deputy Commissioner, Senior Associate Commissioner (collectively "Pac-12's Executive Leadership"), and the Pac-12's Coordinator of Men's Basketball Officiating ("Coordinator of Officiating" or "Coordinator") reviewed video of the events that occurred with 4:37 remaining in the game and the Head Coach's post-game confrontation with the official. Either late that evening or early Saturday the 16<sup>th</sup>, the Pac-12's Executive Leadership became aware of the incident described by the Junior Staff Member. On Saturday afternoon, the Associate Commissioner interviewed the Junior Staff Member and reported back to the Pac-12's Executive Leadership. Throughout Saturday and Sunday, the 17<sup>th</sup>, the Pac-12's Executive Leadership and the Pac-12's General Counsel discussed possible disciplinary sanctions on the Head Coach, and the Commissioner and Arizona's Vice-President for Athletics ("Athletics Director") communicated several times about the Head Coach's conduct. Sunday evening the Commissioner determined that a public reprimand and a \$25,000 fine were appropriate disciplinary sanctions; however, the Commissioner set forth conditions which the Head Coach could meet in order to avoid the fine. The Commissioner communicated the intended disciplinary sanctions to the Athletics Director, who immediately conferred with the Head Coach and then informed the Commissioner of the Head Coach's decision to pay the fine. On Sunday night, the Pac-12 announced the disciplinary sanctions.

Also Sunday evening, a CBS Sports reporter told the Head Coach that Tournament officials were talking about a so-called "bounty" that the Coordinator offered during Tournament officiating meetings to officials who assessed a technical foul against the Head Coach or ejected the Head Coach from a game. In a Sunday evening conversation with the Commissioner prior to the Head Coach's decision to pay the fine, the Athletics Director relayed the reporter's story to

the Commissioner, who promptly consulted with the Deputy Commissioner. On Monday the 18<sup>th</sup>, the Athletics Director told the Commissioner that a second source had informed the Head Coach about the so-called "bounty." The Commissioner informed the Athletics Director that a Pac-12 investigation (the "Pac-12 Investigation") was underway and initiated personal communication with the Coordinator to inquire into the issue. On Tuesday the 19<sup>th</sup> and Wednesday the 20<sup>th</sup>, the Associate Commissioner interviewed fifteen individuals about the so-called "bounty," including officials, the Coordinator, and the Athletics Director.<sup>1</sup>

On Friday the 22<sup>nd</sup>, the Commissioner provided the Athletics Director with a summary of the findings of the Pac-12 Investigation:

"We have concluded that [the Coordinator] did make reference to rewards like money and travel (different people remembered different phrases) for being stricter with Pac-12 coaches and making them remain in the coaching box. However, based on the interviews, we have determined that these comments were made in jest and that the officials in the room recognized that they were not serious offers. [...] We also believe [the Coordinator] used inappropriate language and humor during these meetings. We have addressed the matter with him, and have initiated steps to ensure this does not happen again."

On April 1<sup>st</sup>, CBS Sports published an article citing anonymous officiating sources who described the Coordinator seriously offering travel or cash rewards during Tournament officiating meetings to officials who assessed a technical foul against the Head Coach or ejected the Head Coach from a game. The CBS Sports article and follow-up media coverage publicly raised questions about the Coordinator's conduct, its impact, the integrity of the Tournament's officiating, and the propriety of the disciplinary sanctions on the Head Coach.

On April 4<sup>th</sup>, the Coordinator resigned.

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<sup>1</sup> See Appendix I for a note regarding the Pac-12 Investigation.

On April 9<sup>th</sup>, the Pac-12 announced its intent to pursue an external review of issues related to the Tournament.

On May 1<sup>st</sup>, the Pac-12's CEO Group Executive Committee engaged Ice Miller LLP ("Ice Miller") to conduct an independent review and submit a report ("Report").

## **Ice Miller's Charge from Pac-12's CEO Group Executive Committee and Independent Review Methodology**

The Pac-12's CEO Group Executive Committee charged Ice Miller to broadly review three issues:

- (i) the occurrence, nature, and impact of certain statements publicly attributed to the Coordinator;
- (ii) the integrity of the officiating in the March 15<sup>th</sup> Arizona-UCLA semifinal game; and
- (iii) the conduct of Arizona's Head Coach after the Arizona-UCLA game and the resulting disciplinary sanctions imposed by the Commissioner.

During the independent review, Ice Miller formally interviewed forty-two individuals associated with the Pac-12 or Arizona (including every official who refereed at the Tournament), reviewed multiple media reports and interviews, spoke with media members who cited officiating sources in their reporting on the so-called "bounty" story, consulted with the NCAA National Coordinator of Officiating for men's basketball regarding specific officiating procedures, analyzed hundreds of pages of documents, and evaluated video of the Arizona-UCLA game and its immediate aftermath.<sup>2</sup>

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<sup>2</sup> See Appendix II for a list of individuals interviewed by Ice Miller.

## **Core Conclusions of the Independent Review**

Based upon the information developed and analyzed during the independent review of issues related to the Tournament, Ice Miller draws the following core conclusions:

### **I. The Coordinator's So-called "Bounty" Statements Were Neither Offered Nor Taken Literally**

During the Tournament, the Coordinator of Officiating made statements in a post-game officiating meeting immediately after the March 14<sup>th</sup> Arizona-Colorado game and in a pre-game officiating meeting prior to the March 15<sup>th</sup> Arizona-UCLA game that referenced awarding vacations or cash to officials who more assertively enforced bench decorum guidelines. The Coordinator did not intend these statements to literally offer a vacation or cash to an official who assessed a technical foul against the Head Coach or ejected the Head Coach from a game. The Coordinator's offers never created any impression among people present at either meeting that an official who assessed a technical foul against the Head Coach or ejected the Head Coach would actually receive a vacation or cash. However, the officials present at the meetings understood the Coordinator's statements as serious expressions of his desire for the officials to focus on head coaches' bench decorum. Although the Coordinator did not intend to target Arizona's Head Coach, the context in which the Coordinator's statements occurred led eight of the fifteen officials present at either meeting to report that the Coordinator was particularly focused on strictly enforcing bench decorum guidelines regarding the Head Coach.

### **II. The Coordinator's Pre-game Statements Affected The Officiating of Bench Decorum In The Arizona-UCLA Game**

The Coordinator of Officiating's statements regarding bench decorum in the pre-game officiating meeting prior to the Arizona-UCLA game prompted greater strictness in the manner with which the officials enforced bench decorum guidelines in the Arizona-UCLA game. But for the Coordinator's statements regarding bench decorum in the March 15<sup>th</sup> pre-game meeting,



the technical foul assessed against Arizona's Head Coach during the Arizona-UCLA game would likely not have been called.

### **III. The Arizona-UCLA Game Was Officiated With Integrity**

The integrity of competition in the Arizona-UCLA game was preserved. The officials did not demonstrate favoritism toward either team or either head coach. In regard to the enforcement of bench decorum guidelines, the officials treated both Arizona and UCLA in an even-handed manner.

### **IV. The Disciplinary Sanctions Imposed Upon The Head Coach Were Within The Commissioner's Authority And Reasonable**

Arizona's Head Coach's on-court confrontation with an official at the conclusion of the Arizona-UCLA game violated the sportsmanship and conduct standards of the NCAA and the Pac-12. Although the Head Coach's conduct in the arena hallway near Arizona's locker room shortly after the conclusion of the Arizona-UCLA game was neither directed at nor intended to intimidate any person, this conduct also failed to meet the relevant standards of sportsmanship and propriety. The severity of the fine imposed upon the Head Coach by the Commissioner was unprecedented compared to previous disciplinary sanctions imposed upon Pac-12 coaches by the Commissioner. Also, the Pac-12 should have further investigated the Head Coach's post-game conduct prior to the imposition of the fine. However, given the nature and effect of the Head Coach's post-game conduct and the fact that the Commissioner had previously clearly warned the Head Coach about the possible consequences of inappropriate post-game conduct, the disciplinary sanctions, including the fine, imposed upon the Head Coach were within the Commissioner's authority and were reasonable.

# **The Coordinator of Officiating's Statements in Tournament**

## **Officiating Meetings**

### **NARRATIVE**

Throughout the Tournament the Pac-12's officiating leadership team and the officials working Tournament games held two types of officiating meetings.

Formal pre-game meetings occurred in the Coordinator of Officiating's hotel suite a few hours prior to each Tournament session. Members of the officiating leadership team and the officials assigned to work the upcoming games attended these meetings. The Coordinator attended most of these meetings. These meetings lasted approximately forty minutes, during which time the attendees discussed the relevant teams' playing styles, the personalities and habits of the players and coaches, and officiating guidelines about topics like physical post play or plays at the rim. The officiating leadership team showed video highlights of each team in order to prepare the officials for what they might encounter and to illustrate points of emphasis

Short post-game meetings of officials who just worked a game occurred in the officials' locker room. These debrief sessions usually lasted five to ten minutes, during which time the officials informally discussed their impressions of how they called and managed the just-completed game. These sessions involved only the officials who just worked the game and the Coordinator, who typically visited the officials' locker room after each game.

During the independent review process, all the officials who worked the Tournament, all the members of the officiating leadership team, and the Coordinator were interviewed about their participation in pre-game and post-game officiating meetings during the Tournament. The interviewees reported that, with two exceptions, the Tournament's pre-game and post-game officiating meetings were routine. Generally, nothing unusual or inappropriate occurred in the meetings in regard to the topics discussed, the tone of the meetings, the demeanor or conduct of the participants, or the guidance provided by the Coordinator and the officiating leadership team.

The two exceptions were a post-game meeting after the Arizona-Colorado quarterfinal game (“Arizona-Colorado Post-game”) and a pre-game meeting before the semifinal game between Arizona and UCLA (“Arizona-UCLA Pre-game”). These meetings involved statements by the Coordinator about bench decorum and coaching conduct that were later reported in the media as offering a so-called “bounty” to officials who would assess a technical foul against Arizona’s Head Coach or eject the Head Coach from a game for violating bench decorum guidelines.

### **Arizona-Colorado Post-game**

Arizona defeated Colorado in a Thursday quarterfinal game. As in all Tournament games, four officials worked the Arizona-Colorado game: three officials calling the game on-court, and one official observing from the scorer's table in a stand-by role.

When the Arizona-Colorado game ended, the officials returned to their locker room. Three other officials preparing to work the California-Utah game were already in the locker room. Because the stand-by official in the Arizona-Colorado game was assigned as an on-court official in the California-Utah game, a total of seven officials were present. All seven officials agree that there was nothing "unusual" or "different" about the locker room atmosphere immediately after the game. The Arizona-Colorado officials talked about several plays from the game and some foul calls they wanted to review. According to one official, they thought the game had gone well and "felt really good about (a) how the crew refereed the game, (b) how we managed the game, and (c) you know, how we interacted with the coaches."

All seven officials recall that the Coordinator entered the locker room about five minutes after the game. The officials’ recollections of what happened after the Coordinator entered the locker room divide into three groups.

According to two officials, the Coordinator immediately told the Arizona-Colorado officials that they had worked a "great game" and done "really well." The Coordinator's only critique was about the management of bench decorum. One official reports that the Coordinator said that Colorado's head coach should have received a "bench warning" but never mentioned

anything about the Head Coach.<sup>3</sup> The second official reports that the Coordinator said both head coaches should have received bench warnings. Both officials report that the Coordinator's demeanor was "professional and business-like" and "supportive, like a leader." Nothing "derogatory or demeaning" was said. Both officials report a statement about a trip to Cancun or \$5,000 being provided to officials for generally enforcing bench decorum guidelines. One official reports that the Coordinator made the offer "in complete joke, in complete jest" as a way to reinforce the notion that he would support an official who called an appropriate technical foul but that the Head Coach was never referenced. The official reports that the offer was so clearly in jest that he "didn't even think twice about it." The second official reports that someone, possibly "another official in the room," originally made a Cancun/cash statement. Both officials report that the Cancun/cash statement "became a laughing matter [...] and everybody joined into the conversation" and that the Coordinator "kind of chuckled like, 'Ha, ha' and [...] everybody else was kind of joking, like laughing about it." The Cancun/cash banter was a reminder of how seriously the Coordinator took bench decorum issues, but neither official reports believing he would literally receive a trip or cash for any enforcement of bench decorum guidelines.

According to three other officials, the Coordinator was "animated... worked up... pretty aggressive," "ranting and raving," and "out of control" because of his displeasure with how the Arizona-Colorado officials failed to enforce bench decorum guidelines. The Coordinator's comments focused on the Head Coach and did not mention Colorado's head coach, except to remark that the Head Coach's misconduct encouraged Colorado's head coach to act more aggressively than normal. During his "tirade," the Coordinator yelled about rewarding any official who ejected the Head Coach from a game, although one official reports thinking that the Coordinator's statement also covered a technical foul against the Head Coach. The following description from one official reflects the essence of what all three officials report:

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<sup>3</sup> A "bench warning" is formal notice about inappropriate behavior by a team's bench personnel, including the head coach, given by an official to a head coach during a dead-ball situation. A notation of the warning is entered in the game's scoreboard. There is no penalty associated with a bench warning. Bench warnings are generally given after officials have informally warned a head coach about bench decorum issues. Even after a bench warning is given, officials can give a head coach and other bench personnel informal warnings without assessing a technical foul. However, a bench warning is intended to provide a head coach with clear notice that future inappropriate bench behavior might result in a technical foul.

"[The Coordinator of Officiating] started screaming, 'The first guy that runs him, I'm going to give him \$5,000.' He says, 'If I can't give him \$5,000, I'm somehow or someway, I'm going to find a way to get him something. I'll give him a round-trip airfare and lodging.'"

One official reports that the Coordinator offered an extra reward if the ejection occurred the following season during a game in Tucson. None of these three officials report hearing Cancun specifically mentioned, which might have occurred in a comment by an official after the Coordinator left the locker room. The officials report that the Coordinator's statement did not seem like it was intended as humor. The officials report "no laughing, no giggling," just "us sitting there and listening," and "dead silence in the room" after the statement. None of these three officials report taking the offer literally; however, they report taking it as a serious expression of the Coordinator's desire to make the Head Coach "pay for" poor bench decorum. One of the officials reports a perception that by ejecting the Head Coach, "You would become one of [the Coordinator's] boys, and if your one of his boys, then you know, you're going to get an extra four or five games [to officiate each season]."

The two remaining officials' accounts fall between the above-reported extremes. The Coordinator's demeanor was "somewhere between calm and worked-up," and he "wasn't patting everybody on the butt and telling them, 'Great job.'" The Coordinator focused on the officials' failure to notice or address the Head Coach's roaming outside the coaching box or his interaction with the stand-by official. In order to reinforce the importance of enforcing bench decorum guidelines, the Coordinator said, "Who's going to take care of business? What do I have to do? Do I have to give you \$5,000? Do I have to give you a trip to Cancun, so you can take your wife?" One official reports thinking that the Coordinator's offer was made in a context related to ejecting the Head Coach from a game, but the other official reports thinking the offer applied to an ejection or a technical foul against the Head Coach. One of the officials reports that the Coordinator may have thought his statement was humorous, because he followed-up with a comment to the effect that anyone who knew his wife knew she would never allow him to provide the cash or pay for the trip. Neither official reports personally taking the offer as a "joke," but neither official reports taking it literally. Both officials report understanding the

statement as a serious reminder about a topic that the Coordinator emphasized throughout the season. As one official reports, "I didn't take it literally, but, you know, I did get them message loud and clear that [the Coordinator] was pissed." Neither official reports any laughter or banter in the locker room immediately after the statement. However, one official reports that a couple of officials tried to lighten the locker room mood after the Coordinator departed with a few comments about where their wives would like to travel.

According to the Coordinator of Officiating, after he entered the locker room, he told the Arizona-Colorado officials they had done a good job in a tough game and, with one exception, had "nailed the game." The exception was that the game had "cried out for" bench warnings on both coaches. The Coordinator reports that he was not angry, but he was "disappointed" because bench decorum had been a year-long point of emphasis. Because the officials did not understand why the Coordinator was disappointed, he provided them with examples about the head coaches being on the court or protesting calls. The Coordinator reports that in giving his critique he "went at them a little bit." The Coordinator stated that he used examples of both the Head Coach and Colorado's head coach, but probably more of the Head Coach because he is one of the "most animated" head coaches in the Pac-12. When the Coordinator finished his explanation, he sensed tension in the room due to the officials' regret about not handling bench decorum and being reprimanded in front of the California-Utah officiating crew. Consequently, according to the Coordinator, he thought he needed to "lighten the mood" of the locker room, so he said in jest, "What's it going to take? \$5,000? A trip to Cancun?" The statement was so "absolutely absurd" that it was funny, and there were some light-hearted comments about who wanted the trip and who wanted the cash. Then, as he left the locker room, the Coordinator added a follow-up quip about the trip and cash not being available because his wife would never allow him to spend the cash.

### **Arizona-UCLA Pre-game**

Arizona played UCLA in the Friday evening semifinals session of the Tournament. Friday afternoon, the Coordinator, four members of the officiating leadership team, and the eight officials assigned to work the semifinal games held a pre-game meeting. The meeting occurred

in the Coordinator's hotel suite. In regard to what happened once the meeting began, the attendees' recollections divide into three groups, much like the groups of recollections related to the Arizona-Colorado Post-Game.

Three officials and two members of the officiating leadership team essentially report the following story. The meeting was "businesslike," or as one attendee reports, "No different than any basketball meeting I've been in." The Coordinator was in a "jovial" mood about the overall officiating in the Tournament, although he was "serious" about preparing for the remaining high-profile games. The meeting started with a discussion about the Arizona-UCLA game, which was the first game in the upcoming session. The teams' offenses, defenses and personnel were discussed. Because bench decorum was a point of emphasis, the Coordinator raised the topic of both head coaches' conduct. In conjunction with video clips of both teams' offenses, the Coordinator discussed the tendency of UCLA's head coach to "wander" onto the court while coaching and the tendency of the Head Coach to be "animated" and to leave the coaching box. During an Arizona video clip, the Coordinator paused the video to show how far onto the court the Head Coach stood during the Arizona-Colorado game. To further illustrate his point about keeping both head coaches off the court, the Coordinator stood up and moved his chair in front of him "like moving a chair to sit down at a dinner table." After moving the chair, the Coordinator made a statement to the effect of, "We need to do a better job with these coaches. What's it going to take to deal with these guys? Do I have to give somebody \$5,000 or send you on an expense-paid trip to Cancun?" Not all five attendees report the same exact offer. Some report \$3,000 instead of \$5,000 or a cruise instead of a trip to Cancun. None of them report the mention of a specific officiating action like a technical foul or ejection. The five attendees variously report that the offer was spoken and received as a "joke," "an exaggeration," or "an attempt to take the edge off" prior to the high-profile games. Four of the five attendees report the room's reaction to the statement as "chuckles," "a quiet laughter," "quite a bit of laughter," and "everybody laughing, and then it was done." None of the five attendees report taking the offer literally, although all five of them report understanding the Coordinator's message about the importance of enforcing bench decorum guidelines.

Two other officials report a distinctly different account of the meeting than the account set forth above. These officials report that at the start of the meeting the Coordinator froze a video display of the Head Coach standing outside the coaching box next to an official during the Arizona-Colorado game. At that point, the Coordinator was "hot" and "went off" about the Head Coach's bench decorum. The Coordinator's bench decorum comments were "98% [the Head Coach]" and "2% [UCLA's head coach]." During the Coordinator's comments about the Head Coach, he picked up a chair and "slammed" it onto the floor for emphasis. Both officials report that at that point the Coordinator yelled about providing a "three days, two nights" vacation to any official who would call a technical foul on the Head Coach or eject the Head Coach from a game. The UCLA head coach was not mentioned. Neither official reports any reaction beyond looks of surprise or disbelief among the other attendees. Neither official reports taking the offer literally. However, one official reports thinking that, "If we don't take care of [the Head Coach], we're not going to get any more games [to officiate in the Pac-12]." The other official reports understanding a message that the Head Coach was "not to have any rope at all."

The five remaining attendees, including three officials, report recollections that generally fall between the extremes of the above-noted reports in regard to the Coordinator's demeanor and conduct. These attendees report that a discussion of bench decorum started after a discussion about player match-ups. According to one attendee, when the discussion turned from match-ups to bench decorum, the Coordinator "all of the sudden" became more emotional. Another attendee reports that, "The elevation of emotion in [the Coordinator's] voice was apparent relative to the coaching box." The three other attendees report that the Coordinator was not angry but was "disappointed" that bench decorum guidelines had not been better enforced in the Arizona-Colorado game, "passionate," and "very adamant" about enforcing the guidelines. Two of these attendees report slightly more focus on the Head Coach than on UCLA's head coach, but three of them report the Head Coach was "the main focus" of the discussion. Two of these attendees report not even hearing any statement about receiving a trip or cash in exchange for bench decorum enforcement. Another two of these attendees report hearing the Coordinator mention a trip but not cash; and the fifth of these attendees reports that the Coordinator made a statement offering a trip or cash for bench decorum enforcement. All three attendees who report hearing a statement about a trip or cash report not associating it with a reference to the Head



Coach's name or a specific officiating action (e.g., technical foul or ejection). However, two of the attendees who report hearing a trip or cash offer state that it clearly occurred in the context of the Head Coach's sideline conduct and conveyed the message that addressing the Head Coach's conduct was particularly important. None of the attendees who report hearing a statement about a trip or cash report taking the statement literally. One reports no recollection of how the other attendees reacted to the offer, but two report there was no laughter. Of these five attendees, two report that the Coordinator "slammed" a chair when discussing the location of the Head Coach on the court in the Arizona-Colorado game, and the others report the chair was merely moved to emphasize the Coordinator's point but was not slammed.

According to the Coordinator of Officiating, the meeting began with a discussion and video review of the quarterfinal games involving Arizona and UCLA. He and the officiating leadership team discussed how the officials should prepare for issues involving point guard play, hard ball screens, rebounding, and match-ups. Then, the Coordinator raised the issue that the Head Coach and UCLA's head coach "should be coaching on the sideline, not on the court." To illustrate his point, the Coordinator paused a video clip from the Arizona-Colorado game showing the Head Coach standing several feet inside the court while coaching his team. The Coordinator reports the following sequence of events:

"I said, 'Guys, what do we see here?' I had a bar stool. I picked up the bar stool, and I walked up. I said, 'Now here is where the Arizona coach is, and here's us. How about if we just go switch places, and we can work and he can coach, and if we have to walk out on the floor to see a play, fine. This is very simple. I mean, you know the guidelines. Now does everybody in the room understand what we're saying? This is part of what we have to do to manage this game.'"

The Coordinator reports that his tone of voice and movement of the bar stool were "emphatic." According to the Coordinator, he does not remember mentioning a trip or cash award for enforcement of bench decorum guidelines. However, in a phone conversation with an official he trusts which occurred after the initial media reports about the so-called "bounty," the official told the Coordinator that he had made such a statement during the Arizona-UCLA Pre-game, so the

Coordinator does not dispute it occurred. The Coordinator reports that at the end of the meeting he spoke with the officiating crew chief for the Arizona-UCLA game and said, “In the spirit of transparency, I have no problem with you meeting with the coaches beforehand and saying, ‘Look, we looked at video, and we just want to remind you of the guidelines on bench decorum.’”

### **ANALYSIS AND CONCLUSIONS**

Due to the diversity of reported recollections about the Arizona-Colorado Post-Game and the Arizona-UCLA Pre-game, a singularly reliable understanding of the events of either meeting cannot be reconstructed.

Almost universally, the officials and officiating leadership team members interviewed consider the Coordinator of Officiating to be one of the best teachers, if not the premiere teacher, of basketball officiating concepts in the country. As one veteran official noted, “[The Coordinator] practically invented the vocabulary of modern [basketball] officiating.” Long-time Pac-12 officiating veterans and relatively new members of the Pac-12’s officiating roster credit the Coordinator with helping improve the quality of their officiating during his tenure as the Pac-12’s men’s basketball officiating trainer and the Pac-12’s officiating coordinator. However, during the independent review process, a clear split emerged regarding how the Pac-12’s officials view the Coordinator and his management approach. The Coordinator acknowledges this split. Essentially, the “[Coordinator’s] boys” or “D-leaguers” (identifying Pac-12 officials who also officiate in the National Basketball Development League) are officials thought by their colleagues, the officiating leadership team and the Coordinator to have the greatest affinity and respect for the Coordinator; and the “old guard” or “mafia” are officials thought to consider the Coordinator to be an arrogant authoritarian who “manages by intimidation.”

A detailed analysis of this split among the Pac-12’s officials regarding the Coordinator is beyond the scope of this Report, but it would be naïve to believe that personal relationships have not colored how the Coordinator’s conduct during the meetings in question was perceived and reported. Still, in analyzing the interviewees’ reports about the meetings, it is important to note

that the content of the individual interviewees' reports does not always separate along the consistently reported lines of division among the Pac-12's officials about the Coordinator, and it would be inaccurate to conclude that one group uniformly attacked the Coordinator and the other group uniformly defended him.<sup>4</sup>

Although it is not possible to develop a singularly reliable understanding of exactly what happened in either the Arizona-Colorado Post-game or the Arizona-UCLA Pre-game, several conclusions about the Coordinator's conduct can be reached.

The Coordinator of Officiating offered awards of vacations or cash to officials who more assertively enforced bench decorum guidelines. In regard to the Arizona-Colorado Post-game, (i) the Coordinator recalls offering "\$5,000" and a "trip to Cancun" when encouraging the officials to enforce bench decorum guidelines; and (ii) six of the seven officials present strongly corroborate the Coordinator. In regard to the Arizona-UCLA Pre-game, (i) ten of the twelve officials or officiating leadership team members present report that the Coordinator offered a vacation or cash for more assertive bench decorum enforcement; (ii) the five witnesses who describe the most benign version of events all report hearing the Coordinator make the offer; (iii) everybody who reports a vacation or cash offer also reports that the Coordinator made his statement while using a chair to emphasize his point about the coaching box; and (iv) the Coordinator does not dispute making such a statement.

The following factors lead to the conclusion that the Coordinator of Officiating did not intend his statements about awarding vacations or cash to officials who more forcefully enforced bench decorum guidelines to be taken literally: (i) As one official stated, "[The Coordinator] has dedicated his life to improving basketball officiating." The Coordinator's biography includes decades as an NBA official, a five-year period as the NBA's Director of Officials, continuing

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<sup>4</sup> Specifically, not all of the reports describing the Coordinator's conduct as business-like, even-handed, and humorous are from the Coordinator's "boys" or the "D-leaguers," and not all of the interviewees regularly identified as one of the Coordinator's "boys" or a "D-leaguer" report essentially benign conduct by the Coordinator. Similarly, not all of the reports describing the Coordinator's conduct as angry, focused on the Head Coach, and without humor are from the interviewees regularly identified as being antagonistic to Coordinator, and not all of the interviewees regularly identified as being antagonistic to the Coordinator report essentially extreme conduct by the Coordinator.

service as officiating trainer for the NBDL, prominence as an officiating lecturer and clinician, ownership of a nation-wide basketball officiating training business, and a five-year period as a men's basketball officiating trainer and consultant with the Pac-12 prior to becoming officiating coordinator. In the absence of significant contrary evidence, it is implausible that a person with the Coordinator's demonstrated interest, extensive experience, and on-going personal stake in promoting quality officiating would literally propose a significant personal financial inducement to a group of officials in exchange for a specific officiating action in connection with such a high-profile event as the Tournament. (ii) The Coordinator's explanation for his statement during the Arizona-Colorado Post-game is plausible. Several officials and officiating leadership team members who know the Coordinator well report that he possesses an unusual and dry sense of humor. Given the Coordinator's sense of locker room tension after his post-game critique of the officials, it is plausible that he thought his "absolutely absurd" offer of a vacation or cash was funny and would "lighten the mood" of the locker room. The Coordinator's recollection that before leaving the Arizona-Colorado Post-game he made a follow-up quip about his wife not allowing him to fulfill the offer (a recollection corroborated by a highly credible official) supports his explanation that he intended the statement humorously. (iii) Multiple attendees at each meeting describe the Coordinator's statements about awarding a trip or cash as "in complete jest," or an obvious "joke," or "an attempt to take the edge off," and they report reactions of fellow attendees ranging from "chuckles" to "quite a bit of laughter." Although some attendees at each meeting report different perceptions and reactions, the reports indicating a humorous delivery and reaction regarding the statements cannot be dismissed as biased information from only the Coordinator's "boys." (iv) None of the officials – not even those who report the Coordinator delivering a statement while "ranting and raving" and focusing on the Head Coach – report believing that the Coordinator was literally offering a trip or cash reward in exchange for assertive enforcement of bench decorum guidelines.

The following factors lead to the conclusion that the officials present at the Arizona-Colorado Post-game and Arizona-UCLA Pre-game understood the Coordinator of Officiating's statements about awarding vacations or cash to as rhetorical point of emphasis about the Coordinator's seriousness about enforcing bench decorum guidelines: (i) Even the officials who report the Coordinator offers as "an exaggeration" or a humorous statement also report their

perception of the underlying serious message behind the statements. (ii) Both offers were made in the contexts of serious professional post-game and pre-game meetings. (iii) The statements continued the Coordinator's consistent, season-long emphasis on bench decorum. (iv) The Coordinator describes that he "went at [the Arizona-Colorado officials] a little bit" about their bench decorum oversights and was "emphatic" during his Arizona-UCLA Pre-game discussion.

The Coordinator of Officiating's statements never created an impression among the officials present that an official who assessed a technical foul against a head coach (including the Head Coach) or ejected a head coach would actually receive a vacation or cash. (i) In the absence of significant contrary evidence, an official's testimony constitutes the best evidence of whether he interpreted the Coordinator's statements literally. As noted above, none of the officials – not even those who report the Coordinator delivering a statement while "ranting and raving" and focusing on the Head Coach – report believing that the Coordinator was literally offering a trip or cash reward in exchange for assertive enforcement of bench decorum guidelines. (ii) No one from the officiating leadership team who was present at the Arizona-UCLA Pre-game reports taking the Coordinator's statements literally. (iii) One member of the officiating leadership team and two officials report that they would have promptly approached the Pac-12's Executive Leadership had they thought the Coordinator literally offered to award a trip or cash to officials in exchange for specific officiating actions. Although these individuals (one at the Arizona-Colorado Post-game and two at the Arizona-UCLA Pre-game) found the Coordinator's statements to be "inappropriate" and "embarrassing," none of them felt the need to Contact the Pac-12's Executive Leadership.

The nature and context of the Coordinator of Officiating's statements made it plausible for the attendees at the two meetings to perceive that the Coordinator's offers of a trip or cash for enforcing bench decorum guidelines were focused on the Head Coach. In regard to the Arizona-Colorado Post-game, (i) five officials report that the Coordinator made his offer of a trip or cash in the context of discussing the Head Coach's position outside the coaching box and his interaction with the stand-by official; (ii) the Head Coach's team was scheduled to play the next day; (iii) the Coordinator acknowledges likely using more examples of the Head Coach; and (iv) the Coordinator's statements to the officials when he "went at them a little bit" included

conveying derogatory language about the Pac-12's officials attributed to the Head Coach. In regard to the Arizona-UCLA Pre-game, (i) three officials and one member of the officiating leadership team report that the Coordinator's bench decorum presentation was significantly more focused on the Head Coach than on UCLA's head coach; (ii) the Coordinator made his statement about awarding a trip or cash in the context of discussing the Head Coach's position outside the coaching box; (iii) the Coordinator made his statement while a video clip of the Head Coach was paused; (iv) the Coordinator acknowledges his "emphatic" use of the bar stool to emphasize his point about the Head Coach's conduct.

Although the Coordinator of Officiating's offer of vacations or cash to officials who more assertively enforced bench decorum guidelines were neither intended to be literal nor taken as such, the statements were inappropriate. The Coordinator has forthrightly and publicly accepted responsibility for his ill-considered statements offering vacations or cash to officials who more assertively enforced bench decorum guidelines: "I know now that was a mistake. It was a poor choice of words, the wrong audience, and the wrong time." Although the Coordinator's offers were neither intended to be literal nor taken as such, the statements were inappropriate. The competitive integrity, reputation, and financial viability of the NCAA men's college basketball enterprise depend in large part upon on-court competition being, both in fact and in perception, fairly officiated. Conduct that suggests that officials could be influenced by financial awards for specific officiating actions can create doubt about the fairness of the numerous judgment calls that officials must make in every game, and can, therefore, seriously impair the perceived integrity of the enterprise. Particularly in an era of great public interest and intense media scrutiny regarding college athletics, every official and every person in a position of influence regarding officiating must be on guard at all times to avoid making casual or spontaneous comments (even when made in a non-public setting) that could call into question the fairness and impartiality of officiating.

## **The Arizona-UCLA Semifinal Game**

### **NARRATIVE**

The Arizona-UCLA Tournament semifinal game was a high-stakes contest between two elite programs. The winner would play for the Pac-12 championship and improve its seeding in the NCAA Tournament. Because UCLA had defeated Arizona twice during the regular season, Arizona's coaches, players, and fans were particularly excited about the opportunity to meet UCLA in the Tournament.

The semifinal game was also a high-profile event for the officials. As previously noted, the enforcement of bench decorum guidelines was a topic of heightened emphasis during the Arizona-UCLA Pre-game. The Coordinator of Officiating had been "emphatic" in his statements. When the pre-game meeting ended, the Coordinator had also suggested to the officiating crew chief for the Arizona-UCLA game that it would be appropriate for the officials to alert the head coaches that the officials had discussed the importance of bench decorum.

According to the officials, during the regular pre-tip-off meeting between the four officials and the two head coaches, the officials specifically explained that bench decorum enforcement was a point of emphasis for the Commissioner and the Coordinator, that the officials had been watching film of bench decorum situations, and that bench decorum guidelines would be conscientiously enforced according to the following protocol: an informal verbal warning for a team's first breach of the guidelines; a formal bench warning for a second breach; and a technical foul for a third breach. Arizona's Head Coach found the detailed discussion about bench decorum unusual, because it had not occurred all season. However, the Head Coach "got the message," and returned to Arizona's bench to relay it to Arizona's assistant coaches, who also thought it unusual.

Arizona's Head Coach describes the game as a "very good, physical game." Arizona's Head Coach, Arizona's assistant coaches, and the Athletics Director all consider the game solidly officiated. According to the Head Coach, the officiating wasn't "really poor officiating

or great officiating,” and the officials were not “one-sided or cheating Arizona.” Even in regard to the controversial (incorrect upon video review) double-dribble violation called against Arizona with 4:37 remaining in the game, the Head Coach agrees that there was no “conspiracy to make Arizona lose.” Similarly, Arizona’s assistant coaches describe the officiating as “fine,” “typical,” “unbiased,” and “involving good calls and bad calls on both sides.” The Athletics Director notes that the disparity in free-throws, which favored UCLA, is something that “just happens sometimes.” For the game, Arizona was called for sixteen fouls and UCLA for ten fouls. In real-time, the Coordinator and the officiating leadership team member seated next to him both thought the game was generally well officiated up to 4:37 in the second half.

In terms of the officials' heightened attention to bench decorum, the game seemed “different” to Arizona’s coaching staff. Consistent with the discussion in the pre-tip coach-official meeting, the officials seemed very focused on minor bench decorum issues. From early in the first half, the officials gave verbal warnings to sit down to assistant coaches who stood up to shout defensive match-ups to Arizona’s players. The officials admonished Arizona’s players not to stand in celebration after made baskets or defensive stops and not to run too far onto the court to greet teammates during time-outs. The Head Coach recalls three to five verbal warnings to Arizona’s bench about minor bench decorum issues prior to 4:37 in the second half. Once, while the Head Coach knelt with just his front foot on the sideline, an official positioned at the far baseline (who later called a technical foul on the Head Coach) signaled the Head Coach to “scoot back” completely behind the sideline.

UCLA also faced increased bench decorum scrutiny. By the end of the first half, UCLA’s bench and head coach received several verbal warnings and an official bench warning.

The bench warning on UCLA was given by the official who later called the technical foul on the Head Coach. Approximately three minutes into the second half, the same official issued a formal bench warning to Arizona. According to the official, the formal bench warning was issued because the Head Coach and an assistant coach were both on the court questioning another official’s call. When the bench warnings were issued, one of the other officials thought,



“Now we’re in a box,” because protocol dictated issuing a technical foul as the next bench decorum enforcement step.

As the Coordinator watched the game, he was pleased with the head coaches bench decorum and their apparent receipt of the officials’ pre-tip message. In fact, the Coordinator thought that neither bench warning was warranted because neither head coach engaged in obviously inappropriate action. Similarly, the three officials who did not issue either bench warning recall “no big issues” or “overt actions” regarding bench decorum. One of the officials reports that the Head Coach “was as good as he gets [regarding bench decorum] in that game.”

With 4:37 left in the game, Arizona led by four points. As an Arizona player made an aggressive dribble move toward the basket between defenders, two officials blew their whistles to signal a violation by the Arizona player. As those two officials conferred about whether the apparent violation was a travel or double dribble, the Head Coach quickly stepped three feet onto the court in front of Arizona's bench to try to communicate to the conferring officials that a UCLA player touched the ball (a correct observation upon video review) so no violation occurred. The Head Coach was on the court only a few seconds and then backed up two steps closer to the sideline. The Head Coach moved his arms as if to demonstrate a tipped ball, but did not flail or incite the crowd. The Head Coach did not use profane language.

The official approximately eight feet from Arizona’s bench saw the Head Coach on the court and promptly called a technical foul as the Head Coach stepped back toward the sideline. As the Coordinator and an officiating leadership team colleague watched the violation call, they both saw that a UCLA player touched the ball and that Arizona should retain possession. While waiting on the first two officials to confer and make the correct call, the Coordinator saw the third official call the technical foul. According to the Coordinator’s colleague, the Coordinator’s immediate reaction was, “Oh, shit. That’s not good,” because the technical foul did not appear warranted.

The Coordinator was hopeful that the conferring officials would determine that the ball had been touched by UCLA, award the ball to Arizona, and rescind the technical foul pursuant to

the “elastic power of the official.” Instead, both the incorrect double-dribble violation and the technical foul stood. UCLA made two technical foul free-throws, received possession of the ball, and scored to tie the game. The game remained close throughout the final minutes, and UCLA won 66-64 when Arizona missed a shot to tie the game with four seconds remaining in the game.

### **ANALYSIS AND CONCLUSIONS**

The officials in the Arizona-UCLA game did not demonstrate favoritism toward either team or either head coach. The Head Coach, Arizona’s assistant coaches, and the Athletics Director refute any notion that the officials were biased, corrupt, or in any manner consciously favoring UCLA. The Arizona staff’s statements are corroborated by the results of the Pac-12’s regular post-game officiating review. The review identified over forty separate fouls, violations, or no-calls and evaluated each one for correctness and for resulting advantage. Excluding the 4:37 technical foul, the review concluded thirteen incorrect calls or no-calls occurred (including marginal no-calls) – with six favoring Arizona and seven favoring UCLA, essentially an even split. Additionally, Ice Miller’s video review of the game corroborates an evenly officiated contest in which neither team was significantly advantaged by the officiating. Certainly, the incorrect 4:37 double-dribble violation was an important event late in the close game, but it was not a decisive call. The incorrect call basically deprived Arizona of a single possession on which it might not have scored, and Arizona led when UCLA received possession of the ball after making the technical foul free throws.

In regard to the enforcement of bench decorum guidelines, the officials treated both Arizona and UCLA in an even-handed manner. The officials gave both teams several informal warnings about bench decorum, and UCLA actually received a formal bench warning before Arizona.

Appendix III (Officiating Guidelines) to the NCAA’s men’s basketball rules states the following:

“The rules committee wants the coaching box rule enforced and technical fouls called for infractions. Coaches are expected to remain in the coaching box. [...] The rule is clear and concise. [...] Institution and conference administrators must demand that their coaches adhere to the rules and must support officials who properly enforce the rules.”

The guidelines also outline the protocol given to the head coaches in the pre-tip coach-official meeting and further note that, “After a warning, a technical foul shall be assessed when a coach is clearly and completely outside his/her box.” Any “egregious” or “blatant” conduct violation can be penalized with a technical foul without a prior warning.

Arizona’s Head Coach acknowledges that breaches of bench decorum get judged on a “microscopic standard” after receipt of a bench warning. Arizona’s bench was responsible for making sure the Head Coach knew that that Arizona was operating under a bench warning. Unfortunately, when the Head Coach stepped onto the court at the 4:37 mark, he was unaware of the bench warning. Even though the Head Coach was only three feet in front of Arizona’s bench, only on the court for a few seconds, and not swearing or inciting the crowd, the application of the bench decorum protocol set forth in the NCAA rules and reiterated by the officials in the pre-tip meeting dictated that the coach receive a technical foul. Consequently, under a strict application of the rules, the technical foul on the Head Coach is a defensible, correct call.

As a practical matter, the technical foul call is, in the Coordinator of Officiating’s language, “hard to defend.” Although the Coordinator encourages officials to assertively enforce bench decorum guidelines, he emphasizes that an appropriate technical foul must meet a three-part test of “fit, effective, and defensible,” and almost every official interviewed during the independent review cited this mantra. In the Coordinator’s opinion, the technical foul did not “fit” because the Head Coach had a spontaneous reaction to an incorrect call and was not being overtly or continuously demonstrative; the technical foul was not “effective” because there was not a significant prior bench decorum problem to fix – the Head Coach had been well-behaved;

and the technical foul was not "defensible" because the first two criteria were not met and it occurred at an important time in a close game.

Despite the strict so-called "letter of the law," of the officiating guidelines, officials generally exercise discretion about when to assess technical fouls; and according to almost every official and officiating leadership team member interviewed during the independent review process, officials regularly give informal bench decorum warnings instead of technical fouls even after a bench warning is given.

The official who called the technical foul states that the Head Coach "earned" the technical foul due to his "physical gesturing, the yelling, the tone of voice, and the positioning on the floor," and that, "The technical foul would have been issued to any Pac-12 coach that would have acted in a similar fashion at any point during the season." The official is adamant: "I want to make sure it is clearly understood that what [the Coordinator] said, appropriate – inappropriate, humor – not humor, regretful – not regretful, had absolutely no impact on my decision making on the court."

The official who called the technical foul genuinely feels that the Coordinator's emphasis on bench decorum enforcement during the Arizona-UCLA Pre-game did not affect the manner in which he officiated the game. Ice Miller concludes that the official who called the technical foul officiated the Arizona-UCLA game with fairness and integrity, did not take literally the Coordinator's offer of a trip or cash for assessing a technical foul on the Head Coach, and did not enforce bench decorum guidelines during the Arizona-UCLA game with any intent to earn a reward.<sup>5</sup>

However, despite the sincerity of the official who called the technical foul, several factors persuasively suggest that the Coordinator's emphasis on bench decorum enforcement during the

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<sup>5</sup> Given the circumstances underlying this Report, the official who called the technical foul has the least anonymity and most scrutiny of any official who worked a Tournament game. Throughout the independent review process, the official was promptly responsive, courteous, generous with his time, and direct and helpful in sharing his recollection and analysis of events.

Arizona-UCLA Pre-game influenced the manner in which the official enforced bench decorum guidelines during the game.

(i) The individuals who attended the Arizona-UCLA Pre-game report a strong pre-game emphasis on bench decorum enforcement by the Coordinator, including video analysis, the use of a chair as a prop, and the offer of a trip or cash.

(ii) The official who called the technical foul acknowledges, "I didn't ignore [the Coordinator's] comments" in the pre-game meeting. The official compares himself to a patrolman whose supervisor says to be aware of a particular speeding car. The patrolman cannot force the driver to speed, but if the driver chooses to speed past the patrolman, the patrolman will act on his supervisor's directive and ticket the driver.

(iii) The other three Arizona-UCLA officials agree that the relevant official was, in one of the other official's phrase, "significantly more engaged regarding bench decorum." Two officials report that after the game the relevant official explained that pursuant to the bench decorum guidelines (as discussed by the Coordinator and covered in the pre-tip meeting), he called the technical foul because the Head Coach had already received a bench warning.

(iv) The relevant official also gave both benches informal warnings and their formal bench warnings. These facts indicate the official's unusually heightened sensitivity to bench decorum issues.

(v) The Coordinator believes that it is "very possible" that the technical foul would not have been called if the Coordinator had not been so "emphatic" during the Arizona-UCLA Pre-game. The Coordinator believes that because the official who called the technical foul is a conscientious official he took the Coordinator's emphasis on assertive bench decorum enforcement too literally. In that regard,

the Coordinator reports, "That's the thing I kick myself for...of all this stuff, my greatest regret is not knowing the different wiring of my players."

The information supports that Coordinator's pre-game statements raised awareness of assertively enforcing bench decorum guidelines in the official who called the technical foul. This led to informal and then formal bench decorum warnings to both teams by the early minutes of the second half. At that point, the bench decorum enforcement protocols mandated a technical foul for either head coach's next noticeable breach of bench decorum. When the Head Coach stepped onto the court, he received a basically automatic technical foul flowing from the events set in place during the pre-game meeting. Thus, but for the down-stream effects of the Coordinator's "emphatic" conduct and statements regarding bench decorum during the Arizona-UCLA Pre-game, the technical foul assessed against Arizona's Head Coach would likely not have been called.

No indication of bias or unfairness exists regarding the official who called the technical foul. The official addressed bench decorum issues with Arizona and UCLA consistent with the Coordinator's emphasis and the protocol set forth by the officiating crew chief. It is reasonable to conclude that the official would have called a technical foul on UCLA's head coach had circumstances been different and UCLA's coach stepped onto the court near the official to question a violation call.

The technical foul was a significant moment in the game, but it was not a decisive event. Because of the preceding incorrect double-dribble call, UCLA already gained possession of the ball. Therefore, the technical foul resulted in two free-throw opportunities, which were not guaranteed points. Arizona still led after UCLA made both technical foul free-throws.

In sum, the Arizona-UCLA game was fairly, although imperfectly, officiated. In regard to bench decorum and other officiating matters, the officials acted with proper impartiality and even-handedness. The integrity of the competition was preserved.

## **The Head Coach's Post-Game Conduct and the Resulting Disciplinary Sanctions**

### **NARRATIVE**

#### **The Head Coach's Confrontation with an Official**

During Arizona's final possession in the last seconds of the Arizona-UCLA game, the Head Coach stood inside the coaching box in front of Arizona's bench. The official who called the technical foul on the Head Coach with 4:37 remaining in the game was positioned in front of Arizona's bench, approximately five feet from the Head Coach, with his back to the bench.

According to the Head Coach, as the game clock expired, he had already developed the belief that (i) the technical foul called against him was unwarranted; (ii) the technical foul "took the game out of the players' hands," thereby "cheating" the players of the opportunity to decide the game through their play; and (iii) the technical foul resulted from pressure the Pac-12 put on the officials to overzealously apply bench decorum guidelines, as demonstrated by the unusual pre-game instructions from the officials regarding bench decorum.

Video replay shows that as the final horn sounded, the Head Coach took two steps toward the official, which brought the Head Coach within what two Arizona assistant coaches described as "twelve inches or less" and "within a foot or two" of the official. The official did not notice the Head Coach. The Head Coach, with his hands near his hips, leaned even closer to the official and cursed at him. The official was startled and dropped the whistle from his mouth. As the official started to walk off the court, he looked toward the Head Coach, who had taken two steps toward the post-game handshake line. The Head Coach saw the official looking in his direction, stopped, leaned toward the official, and cursed at the official again from four feet away. The official paused, turned away, and continued walking off the court. Simultaneously, the Head Coach resumed his walk toward handshake line, but after three steps, the Head Coach turned toward the departing official and cursed at him a third time from ten feet away. By this time, an

Arizona assistant coach had stepped into the line of sight between the Head Coach and the official. The Head Coach did not address any statements toward either of the other game officials who were further from Arizona's bench, and the entire interaction between the Head Coach and the involved official lasted six seconds.

The official described the incident as follows:

“I’m standing in front of the Arizona bench when the that horn sounds, and [the Head Coach] takes several steps towards me and says, 'Fuck you, fuck you, fuck you' in a very animated, angry manner, with saliva blowing out of his mouth. [...] I was facing the players on the court, and right after the final buzzer, the next thing I knew was he was on top of me. [...] I was startled and really shocked, but I didn't respond verbally. I didn't say a word to him. I didn't touch him. I just kind of took a step back and tried to distance his face from myself, and then I walked off the court or ran off the court. [...] I've never had a coach rush toward me after a game and yell profanities at me.”

As the Commissioner watched the incident from his seat, he was struck by the impressions that the Head Coach was "in [the official's] grill" and that after the Head Coach started to move toward the handshake line he turned back and readdressed the official. The Commissioner also recalled that the Head Coach glared across the court at him, and several people seated near the Commissioner commented to the Commissioner about the Head Coach's glare.

The Athletics Director was standing in a tunnel through the spectator seating which led from the court to the arena's locker room area as the game ended, so he did not witness the Head Coach's confrontation with the official as it happened.

Neither the Head Coach nor Arizona's assistant coaches have extensive recollections of the incident. The Head Coach does recall placing his hands behind his back, leaning toward the official and yelling, “Fuck you” five or six times.



## **The Head Coach's Conduct in the Locker Room Hallway**

After going through the handshake line, the Head Coach walked briskly off the court through the tunnel. The Athletics Director met the Head Coach in the tunnel to provide quick, on-the-move words of encouragement as the Head Coach continued into the hallway leading to Arizona's locker room.

The Pac-12 Network had established a location for on-camera interviews with coaches and players in an alcove of the hallway almost directly across from Arizona's locker room. As the Head Coach approached Arizona's locker room, a Pac-12 Network Junior Staff Member was standing near the interview alcove waiting for a camera crew. According to the Junior Staff Member, the Head Coach entered the hallway in a “level 10, chaotic, angry” manner, swinging his arms and “screaming at the top of his lungs,” “That fucking technical with four minutes left, are you fucking kidding me?”

As the Head Coach approached, the Junior Staff Member "retreated" against the alcove's back wall and texted the Pac-12 Network producers, “Don’t bring cameras back here.” The Junior Staff Member recalls that when the Head Coach was twelve to fifteen feet away he seemed to pause and make eye contact with the Junior Staff Member and yell, "Fuck the Pac-12" and, “You’re a fucking cheap-ass conference.” The Junior Staff Member did not feel physically endangered, but the Junior Staff Member was “very concerned” that the Head Coach might tear down the Pac-12 banner that was positioned in the alcove as a backdrop for interviews.

The Junior Staff Member is not certain that the Head Coach actually saw the Junior Staff Member, but the Head Coach's conduct unsettled the Junior Staff Member:

"I don’t know if he saw me or not. I can’t speak for him. He was as angry as anyone could be that I’ve seen, so who knows what he saw, you know? I don’t know if he just saw red in front of his eyes. Who knows? But it does make me

frustrated, because I know that whether he yelled directly at me or not, I did have a physical reaction to it.”

The Head Coach entered Arizona’s locker room followed by people the Junior Staff Member identified as Arizona’s assistant coaches. The incident lasted only a few seconds longer than the time it took the Junior Staff Member to retreat against the alcove wall and text the Pac-12 Network producers.

After the Arizona coaches entered the locker room, the Junior Staff Member was “kind of shaken up” and having “a fight or flight response.” The Junior Staff Member went to the Pac-12 Network production truck and told the producers not to let a camera crew walk by Arizona's locker room because, “I’m afraid something will happen and the equipment will get damaged.” When the producers noticed how unsettled the Junior Staff Member appeared, they instructed the Junior Staff Member to explain what happen.

According to the Head Coach, he "couldn't possibly have been in a deeper, more intense state of mind" as he walked toward the locker room. Once the Head Coach exited the publicly viewable area of the arena into the hallway, he started to vent his frustration with exclamations like, "Fuck the Pac-12" and, "Cheating fucking conference." As the Head Coach neared Arizona's locker room, he noticed the Pac-12 banner in the interview alcove and yelled profanities in its direction; however, he never stopped walking toward the locker room and never noticed the Junior Staff Member. The Head Coach insists that, "Under no circumstance did I, or would I, attack an innocent person."

The Athletics Director and Arizona's assistant coaches recall trailing the Head Coach through the locker room hallway at distances of five to twenty feet. As described by the Athletics Director, the Head Coach was "blowing-off steam" by expressing profane comments "in what is normally a sterile environment." The Athletics Director and Arizona's assistant coaches recall that the Head Coach's body language was "angry" or "intense" as he briskly walked toward the locker room. Although the Head Coach never stopped in the hallway, he did yell words to the effect of, "Fucking Pac-12," "Bullshit conference," "Cheating conference," and,

"Cheating-ass conference" toward the prominently displayed Pac-12 banner in the interview alcove near the locker room entrance. Neither the Athletics Director nor Arizona's assistant coaches perceived the Head Coach's statements to be directed at any individual, and none of them noticed the Junior Staff Member in the interview alcove. According to the Athletics Director and Arizona's assistant coaches, the Head Coach began to calm down once he entered Arizona's locker room, and he was fully in control of his emotion by the time he proceeded to the media room for his post-game interview.

Although the recollections of the Head Coach, Arizona's assistant coaches, and the Athletics Director differ to some degree from the Junior Staff Member's recollection, the basic elements of all of their recollections correspond. The differences in their perceptions reflect their perspectives and reactions regarding the incident.

### **The Disciplinary Sanctions on the Head Coach**

Within fifteen minutes of the end of the Arizona-UCLA game, the Deputy Commissioner, Senior Associate Commissioner, and Coordinator of Officiating gathered in the Pac-12's control center to review video of the violation call and technical foul at 4:37 in the second half as well as the Head Coach's post-game confrontation with the official.

Prior to coming to the control center, the Coordinator visited the officials' locker room. According to the involved official and the Coordinator, the official was still mentally processing the Head Coach's post-game conduct. The official was initially inclined to not raise the incident with the Pac-12's Executive Leadership because, after realizing that the immediately preceding violation call was incorrect, the official felt bad about assessing the technical foul against the Head Coach. However, after a brief discussion among the officials and the Coordinator, the official agreed that the Head Coach's behavior should be reported because it crossed the line of acceptable behavior by a coach toward an official.

After the Coordinator left the Pac-12's control center, the Commissioner entered to review the relevant video with the other members of the Pac-12's Executive Leadership. The

group agreed to confer the next day, Saturday the 16<sup>th</sup>, about possible disciplinary sanctions on the Head Coach.

Either Friday night or Saturday morning, a Pac-12 Network producer informed the Pac-12's Executive Leadership about the incident involving the Junior Staff Member. On Saturday, the Associate Commissioner interviewed the Junior Staff Member and reported the Junior Staff Member's account of the hallway incident to the Pac-12's Executive Leadership.

Beginning Saturday, the Pac-12's Executive Leadership and General Counsel conferred about possible disciplinary sanctions on the Head Coach. Their unanimous opinion was that disciplinary sanctions were necessary but that suspension of the Head Coach from future competition would be too severe. The conferees considered factors including (i) the nature and severity of the Head Coach's conduct, (ii) the extent to which the conduct occurred in front of student-athletes and the public, (iii) the Commissioner's recent admonishment to the Head Coach regarding post-game conduct after a January incident at an Arizona-Oregon game, (iv) Pac-12 disciplinary precedent, (v) the impact disciplinary sanctions would have upon the Head Coach, (vi) the deterrent effect disciplinary sanctions would have on other Pac-12 coaches, and (vii) the message disciplinary sanctions would convey to the public.

The conferees also considered whether disciplinary sanctions should be mitigated because the 4:37 violation was an incorrect call and the subsequent technical foul was, at best, a marginal call. While recognizing the legitimacy of the Head Coach's frustration about the calls, the conferees concluded that, as a principle, incorrect officiating calls cannot excuse or justify subsequent bad behavior and that the Head Coach's post-game conduct needed to be considered essentially separate from the officiating calls in question.

The major topic of consideration among the conferees was whether the Head Coach should be fined, and if so, the amount of the fine. As part of the Commissioner's consideration of this issue, the Commissioner spoke with the Coordinator, who noted that in the NBA a post-game confrontation with an official like the one initiated by the Head Coach would result in a \$25,000 fine. Although the conferees agreed that a fine was necessary, they differed regarding

the appropriate amount of the fine, with amounts ranging from \$10,000 to \$50,000 suggested and discussed.

Communication between the Pac-12 and Arizona about possible disciplinary sanctions on the Head Coach also began Saturday. While attending a Tournament function, the Commissioner and Arizona's President briefly discussed the Arizona-UCLA game and the Head Coach's post-game conduct. Arizona's President recalls the Commissioner stating that the 4:37 violation and technical foul were likely bad call of the type that "happen all the time" in sports and that the Commissioner was going to have to "do something" about the Head Coach. The Commissioner recalls that Arizona's President did not excuse or justify the Head Coach's conduct but did suggest that the apparent officiating mistakes could be given some consideration as a mitigating factor. At a separate Tournament function, the Deputy Commissioner and the Athletics Director briefly discussed the likelihood of disciplinary sanctions. Although the Deputy Commissioner recalls acknowledging to the Athletics Director the Pac-12's recognition that the 4:37 violation and technical foul were "bad calls," the Athletics Director does not remember any acknowledgement from the Pac-12 that either call was incorrect prior to the Athletics Director's receipt of a March 26<sup>th</sup> memo from the Commissioner. On Saturday night, the Athletics Director and Commissioner also discussed the Head Coach's post-game conduct. According to the Athletics Director, the Commissioner was concerned that this was the Head Coach's second post-game incident of the season and that it involved not just an official but also the Junior Staff Member. The Athletics Director recalls telling the Commissioner that the Head Coach did not direct his hallway remarks at any individual.

The Pac-12's Executive Leadership and General Counsel conferred again Sunday and discussed whether the Commissioner should offer conditions whereby the Head Coach could reduce or eliminate whatever fine the Commissioner initially imposed. The Commissioner concluded that such conditions, if offered, needed to be based on improving how the Head Coach addressed officiating concerns going forward, not on past officiating mistakes.

Sunday morning the Athletics Director sent the Commissioner a follow-up e-mail outlining several factors weighing against a public reprimand or fine on the Head Coach

including the Head Coach's efforts to promote the Pac-12, the Head Coach's concerns about the quality of Pac-12 officiating, and the officiating mistakes in the Arizona-UCLA game. The Athletics Director also emphasized his personal observation that the Head Coach did not direct his hallway comments at the Junior Staff Member. The Commissioner replied that he appreciated the Athletics Director's input and would inform the Athletics Director about disciplinary sanctions on the Head Coach later in the day.

Sunday evening, before the Commissioner re-contacted the Athletics Director, a CBS Sports reporter told the Head Coach about the so-called "bounty." The Head Coach conveyed the reporter's story to the Athletics Director, who phoned the Commissioner to relay the information. Because neither Arizona nor the Pac-12 received the initial information about the so-called "bounty" until Sunday evening and because both the Athletics Director and the Commissioner initially doubted the plausibility of the anonymous report, the issue was not a significant topic of discussion within the Pac-12's Executive Leadership or between the Athletics Director and the Commissioner in regard to the Commissioner's pending decision about disciplinary sanctions on the Head Coach.

Shortly after their Sunday evening conversation, the Commissioner e-mailed to the Athletics Director the Commissioner's decision to publicly reprimand the Head Coach and fine him \$25,000. However, the Commissioner offered to eliminate the fine if (i) the Head Coach apologized to the Junior Staff Member, (ii) the Head Coach met with the Commissioner and Coordinator of Officiating, and (iii) Arizona developed "a plan to work with [the Head Coach] on his conduct and reaction to situations like this."

The Athletics Director immediately spoke with the Head Coach. The Head Coach thought the Commissioner's conditions for eliminating the fine were individually and collectively unacceptable: (i) the apology was equivalent to a false admission that he directed his hallway statements at the Junior Staff Member, (ii) the Coordinator of Officiating was biased against him (as indicated by the just-received so-called "bounty" report), and (iii) the requirement of an apparent "anger management plan" was demeaning. Consequently, the Head Coach decided to pay the fine.

Late Sunday evening, the Pac-12 publicly announced the reprimand and fine on the Head Coach. The media release stated that, “[The Head Coach] confronted a game official on the floor, and then acted inappropriately toward a staff member in the hallway of the arena.”

During the period between the Arizona-UCLA game and the public announcement of the disciplinary sanctions, nobody from the Pac-12 spoke with the Head Coach or any of Arizona’s assistant coaches about the events in question.

On Monday the 18<sup>th</sup>, the Head Coach received a letter from the Commissioner providing official notice of the reprimand and fine. The letter stated that the disciplinary action resulted from the Head Coach’s on-court verbal attack on an official and “profanity-laced outburst toward a staff member” in the hallway.

On Sunday the 24<sup>th</sup>, by which time the Athletics Director had received a summary of the Pac-12 Investigation about the so-called "bounty," the Athletics Director phoned the Commissioner to request a reduction in the fine on the Head Coach and to "attempt to bring closure" to the matter. The Athletics Director expressed that a reduction in the fine was warranted due mainly to the Head Coach's admission to confronting the official and cussing in the locker room hallway (although not at the Junior Staff Member), the inappropriate statements by the Coordinator regarding the Head Coach's bench decorum during Tournament officiating meetings (even if not a serious offer of a so-called "bounty"), and the failure of the Pac-12 to acknowledge officiating mistakes in the Arizona-UCLA game.

On Tuesday the 26<sup>th</sup>, the Commissioner declined to reduce the fine, citing the Head Coach's prior receipt of a warning about his conduct after the Arizona-Oregon game, the Head Coach's rejection of the Commissioner's previously offered conditions for eliminating the fine, and the Head Coach's minimal contrition. In the Commissioner's explanatory memorandum to the Athletics Director, the Commissioner did acknowledge the “incorrect double-dribble call that lead [sic] to [the Head Coach's] reaction, which in turn drew the technical foul.”

On Friday the 29<sup>th</sup>, the Head Coach paid the fine and also sent a letter to the Junior Staff Member apologizing for any ill effects caused by the Head Coach's hallway behavior, even though not directed at the Junior Staff Member.

### **ANALYSIS AND CONCLUSIONS**

Because Arizona is a member of the NCAA and the Pac-12, the conduct of its athletics department personnel, including the Head Coach, is governed, in part, by NCAA and Pac-12 guidelines.

NCAA Constitution Article 2.4 establishes the following:

"For intercollegiate athletics to promote the character development of participants, to enhance the integrity of higher education and to promote civility in society, student-athletes, coaches, and all others associated with these athletics programs and events should adhere to such fundamental values as respect, fairness, civility, honesty and responsibility. These values should be manifest not only in athletics participation, but also in the broad spectrum of activities affecting the athletics program."

Pac-12 regulations regarding the conduct of coaches and institutional personnel also emphasize the importance of sportsmanship, particularly by coaches:

"Each coach and institutional employee ("personnel") must remember at all times, even in the midst of the emotion of a contest, that he or she is a representative of a nationally prominent institution of higher education, its administration, its student body, and its faculty. Accordingly, he or she will be expected to conduct himself or herself in a manner which will reflect credit on the institution and the Conference and create a collegiate atmosphere in which to conduct competition. [...] Each coach must be aware that he or she is an example to the student-athletes and other students, and, consistent with his or her influence and visibility,



must meet a particularly high standard. The coach's conduct will be judged by that standard."

In regard to comments about officiating, Pac-12 regulations state the following:

"Because comments pertaining to officiating create doubt about the credibility of the Conference's officiating program, but also may influence how future contests are officiated, thereby affecting the equity of competition within the Conference, Conference institutional personnel are prohibited from oral or written comments on officiating matters of any nature other than to the Conference office. [...] Institutional personnel may not make derogatory comments on officiating... under any conditions when their comments may become public."

These guidelines establish the basis upon which the Head Coach's post-game conduct must be evaluated.

### **The Head Coach's Confrontation with an Official**

In regard to the Head Coach's post-game confrontation with an official, the Head Coach thoughtfully and genuinely acknowledges that he "cannot argue that what I did was right" under NCAA and Pac-12 guidelines about sportsmanship and coaches' conduct. However, the Head Coach also believes that in the real-world environment of high-major collegiate men's basketball several factors "justify," or at least significantly mitigate the impropriety of, his post-game confrontation with the official.

Primarily, as the Arizona-UCLA game ended, the Head Coach felt that confronting the official was the only way to "stand up for" Arizona's players and fans in response to what the Head Coach considered the unwarranted, game-changing, post-season-altering technical foul called against him by the official. The Head Coach thought that his "fuck you" statements would speak for themselves and that the official would understand that, in the Head Coach's opinion, the technical foul call deprived Arizona's players of a full and fair opportunity to win

the game through their on-court performance. Consequently, it was unnecessary for the Head Coach to use more detailed language. The Head Coach also felt that attempting to discuss the technical foul with the Coordinator of Officiating would be pointless because the technical foul was the result of pressure on officials from the Pac-12 to overzealously apply bench decorum guidelines. (In fact, the Coordinator of Officiating might have been a receptive audience given his opinion that the technical foul was “difficult to defend.”)

The Head Coach believes that additional mitigating factors include a relatively brief and non-demonstrative interaction with the official (e.g., the Head Coach kept his hands behind his back, did not touch or point at the official, did not wave his arms or incite the crowd, and did not follow the official off the court) as well as the Head Coach's past observations of other Pac-12 coaches directing heated post-game comments toward officials.

One Arizona assistant coach explained the Head Coach's conduct by opining that the Head Coach “was going to earn his technical foul” post-game because he “certainly didn't deserve the technical he received during the game.”

The Athletics Director also acknowledges that the Head Coach's post-game confrontation with the official was “wrong,” but believes the impropriety of the Head Coach’s conduct is mitigated because the post-game confrontation would not have occurred but for an incorrect violation call and resulting unwarranted technical foul at the 4:37 mark.

The Head Coach's emotions at the end of the Arizona-UCLA game are understandable. Furthermore, the position espoused by the Head Coach and Athletics Director that the Head Coach's confrontation with the official would not have occurred but for the marginal technical foul call is very likely correct. As described earlier in this Report, neither the Head Coach nor Arizona's assistant coaches thought the overall game officiating was “really poor or really great” or “one-sided.” Although the Head Coach rightly believed the 4:37 violation call was incorrect, he did not think it was “part of some conspiracy to make Arizona lose,” so he did not feel compelled to make any post-game comments to the officials who called the violation. Consequently, absent the technical foul, there was no specific officiating issue to make the Head

Coach feel the need to confront the official at end of game; and if Head Coach had addressed the position official, it almost certainly would have been in a less hostile manner than what occurred.

The other mitigating factors asserted by the Head Coach also have some merit. The Head Coach is correct about keeping his hands at his sides, not specifically eliciting a crowd reaction, and not pursuing the official. After the six-second incident, the Head Coach professionally proceeded through the handshake line and then walked briskly (but did not "storm") off the court without a further overt display of temper. Also, several officials corroborate the Head Coach's information about officials occasionally receiving harsh post-game comments from other Pac-12 head coaches while exiting the court.

Even giving full consideration to the Head Coach's understandable frustration and the validity of the asserted mitigating factors, the Head Coach's confrontation with the official was objectively and subjectively severe. Objectively, the Head Coach approached the official from behind within a split-second of the game's final horn, clearly invaded the official's personal space, loudly cursed at the official, and similarly addressed the official twice more – all while on the court in front of student-athletes, students, event sponsors, and general fans. The Head Coach's initial interaction with the official was also visible on a television feed of the game. Furthermore, the Head Coach's decision to confront the official cannot be attributed to a spontaneous emotional response to the technical foul. Immediately after the official called the technical foul, the Head Coach remained admirably composed. The Head Coach, some Arizona assistant coaches, and the standby official who was seated at the scorer's table recall that when play resumed after the technical foul the Head Coach directed a few expressions of frustration toward the standby official but quickly settled down and returned his focus to coaching Arizona's team during the game's final minutes. Subjectively, the official was "startled and really shocked" on the court and still unsettled by the confrontation after returning to the officials' locker room.

The technical foul and the 4:37 violation call that immediately preceded it were, as the Deputy Commissioner reasonably described, "bad calls" at an important moment in a close, high-stakes game. However, the potential for bad calls at crucial moments is part of every sport that is officiated or judged in some manner, particularly a sport like Pac-12 men's basketball

which involves multi-player teams of big, athletic, skilled competitors playing a fast-moving, physical, game in a limited space. Players and especially coaches know the potential for bad calls and must be prepared to appropriately respond when they occur.

Although the Head Coach's post-game frustration is understandable and the mitigating factors asserted by the Head Coach and Athletics Director have some merit, the Head Coach's decision to confront an official about a bad call in the aggressive, public manner he chose provided a poor example of how to handle a difficult, frustrating situation. The Head Coach's confrontation with the official was a clear breach of the standards of appropriate coaching conduct and cannot be justified.

### **The Head Coach's Conduct in the Locker Room Hallway**

The closeness of Arizona's third loss of the year to UCLA coupled with the incorrect violation call and marginal technical foul with 4:37 remaining in the game made the Head Coach's frustration during his walk from the court to Arizona's locker room understandable. It would be reasonable for any coach to "blow-off steam," in the Athletics Director's words, after a close loss to a heated rival in a high-stakes game in which one or more adverse questionable officiating decisions occurred during the game's closing minutes.

There are two main areas of concern regarding the Head Coach's locker room hallway conduct: (i) the content of the Head Coach's statements, and (ii) the impact of the Head Coach's conduct upon the Junior Staff Member.

The content of Head Coach's statements fits into two categories, expressions of general frustration (e.g., "Fuck the Pac-12" and, "Bullshit conference") and expressions about cheating (e.g., "Cheat-ass conference" and, "Cheating fucking conference").

To people familiar with high-major college men's basketball, the Head Coach's choice of words and tone to express his general frustration, although not commendable, is not shocking, particularly after a close loss in circumstances like those surrounding the Arizona-UCLA game.

Without more, a head coach's intense and profane expression of frustration in an area which he might perceive as "private" or "sterile" would not likely provide a basis for public disciplinary sanctions on the coach by a conference. However, the Head Coach's exclamations about cheating are more problematic.

Cheating, whether arising from personal animosity, point shaving, or other corrupt influences, strikes at the fundamental integrity of sport. The reputational and financial stakes dependent upon college basketball being, both in fact and in perception, a so-called "clean game" in which competition is organized and officiated with fairness are high. Consequently, no college basketball stakeholder as widely recognized and well respected as the Head Coach can express or imply the occurrence of cheating without serious consideration and credible evidence of intentional wrongdoing – not even during a period of understandably high post-game emotion.

In this case, the Head Coach's exclamations about cheating were not made after serious consideration of credible evidence of intentional wrongdoing. The exclamations were also not intended to indicate that officials in the Arizona-UCLA game were biased, corrupt, or in any manner consciously favoring UCLA. The Head Coach did not consider the overall game officiating "really poor or really great," and he knew that the incorrect 4:37 violation call was not "part of some conspiracy to make Arizona lose." The Pac-12's regular post-game officiating review and Ice Miller's subsequent analysis of game video corroborate the Head Coach's perception. Additionally, the Head Coach was unaware of the Coordinator of Officiating's so-called "bounty" comments (which, as addressed in detail previously in this Report, did not affect the fundamental fairness with which the Arizona-UCLA game was officiated). The impetus for the Head Coach's exclamations was his impression, built upon the officials' unusual pre-game bench decorum comments, that Pac-12 pressure on officials regarding bench decorum guidelines resulted in an unwarranted technical foul which "took the game out of the players' hands," thereby "cheating" the players of the opportunity to decide the game through their play. Essentially, the Head Coach's was angry about what he perceived as a very significant bad call, but not a dishonest call. As discussed below, the Head Coach reasonably should have recognized that the locker room hallway was not a "private" or "sterile" area. Based upon the emphatic, repeated manner in which the Head Coach referenced cheating, a reasonable observer

in the locker room hallway after the Arizona-UCLA game could have understood the Head Coach to be questioning the fairness of the game's officials and the underlying integrity of the competition. Consequently, the Head Coach's hallway exclamations, although not intended to question the officials' integrity or for public consumption, violated Pac-12 conduct guidelines.

In regard to the impact of the Head Coach's conduct upon the Junior Staff Member, the Head Coach emphatically denies that he directed his conduct toward any individual. The totality of information supports the Head Coach's position that the Head Coach was unaware of the Junior Staff Member's presence and did not aim anti-Pac-12 epithets at the Junior Staff Member. The factors that lead to this conclusion include (i) the Head Coach formulated his anti-Pac-12 mindset at the 4:37 mark when he received the technical foul due to what he believed to be the Pac-12's pressure on officials to overzealously enforce bench decorum guidelines; (ii) the Head Coach was yelling anti-Pac-12 obscenities and rhetorical questions like, "Are you fucking kidding me" before he neared the interview alcove where the Junior Staff Member was originally standing; (iii) the Head Coach was so "intense" or "angry" that it is plausible that he was never fully cognizant of who was in the hallway; (iv) as the Head Coach approached, the Junior Staff Member "retreated" against the back wall of the alcove, out of the Head Coach's direct path and sight line; (v) the Junior Staff Member is not certain whether the Head Coach established eye contact or actually saw the Junior Staff Member; (vi) the prominence of the Pac-12 banner in the alcove, which is what the Head Coach recalls noticing and cursing; (vii) the Head Coach's assertion that he did not notice the Junior Staff Member; (viii) the statements of the Athletics Director and Arizona's assistant coaches that they did not perceive the Head Coach addressing any individual; and (ix) the statements of the Athletics Director and Arizona's assistant coaches that they did not notice the Junior Staff Member. However, the conclusion that the Head Coach did not target the Junior Staff Member does not validate the Head Coach's hallway conduct or absolve the Head Coach of responsibility for the unintended consequences of his conduct.

The Head Coach, Arizona's assistant coaches, and the Athletics Director explained the importance of every head coach having a "private" or "sterile" location in which to "decompress," "express frustration or anger," or "blow-off steam" after a game. Their analysis

is correct, and the importance they place on establishing such a location that is readily accessible to a head coach after a game is well-founded.

In the aftermath of the Arizona-UCLA game, the Head Coach had access to such a “private” or “sterile” location – inside the coaches’ section of Arizona's locker room, but not in the locker room hallway. After the Head Coach’s six-second on-court confrontation with the official, the Head Coach proceeded through the handshake line, walked off the court, and exited the spectator area of the arena in a professional manner, without flamboyant conduct or inappropriate exclamations. As noted by the Athletics Director, a back-arena locker room hallway is “normally a sterile environment,” where only a small number of appropriately “credentialed” people can be present. Consequently, when the Head Coach entered the locker room hallway in his “intense state of mind,” it is plausible that he felt he was in a “private” or “sterile” location where he could freely vent his frustration without offending or unsettling anyone or otherwise creating a public issue.

As an experienced head coach with a long history of high-major NCAA men’s basketball post-season participation as a player, assistant coach, and head coach, the Head Coach reasonably should have understood that the locker room hallway at the semifinal session of the Pac-12’s initial Tournament in Las Vegas was not a typical “private” or “sterile” back-arena hallway, particularly given that the locker rooms of all four teams participating in the semifinal games were located next to each other and that a television interview position, where the Head Coach was interviewed the previous day, was located across the hallway from Arizona’s locker room. It is questionable whether establishing an interview area so close to the locker room area was prudent. However, even if the interview area has been positioned elsewhere, the Head Coach reasonably should have appreciated the likely presence of a larger and more eclectic group of people in the back-arena area than in most post-game situations (e.g., Pac-12 staff members and Tournament workers, personnel associated with the other semifinalist schools, local arena staff, media, and sponsors and other VIPs). Consequently, despite the Head Coach's understandable frustration at the end of the Arizona-UCLA game, while walking through the hallway to Arizona's locker room and its established "private," "sterile" environment, the Head Coach should have maintained the on-court emotional restraint and professionalism that he

regained and displayed after confronting the official. If the Head Coach had maintained his emotional restraint until he reached Arizona's locker room (i.e., just fifteen more seconds), the Head Coach's conduct would not have unsettled and worried the Junior Staff Member. Unfortunately that is not what happened.

As a result of the Head Coach's hallway conduct, the Junior Staff Member was upset and concerned about the Pac-12 Network's equipment and production process. It is likely that if the Junior Staff Member had been an experienced college athletics administrator familiar with coaches' post-game emotions, the Junior Staff Member's reaction to the Head Coach's conduct would have been far less pronounced.<sup>6</sup> Still, by failing to take into account that the back-arena setting at the Tournament would likely not afford the same sanctuary for "blowing-off steam" as is normally the case, the Head Coach did not meet NCAA and Pac-12 standards of sportsmanship and propriety; and the Head Coach is responsible for the unintended impact of his undeniably intense and profane hallway conduct on the Junior Staff Member.

### **The Disciplinary Sanctions on the Head Coach**

Pac-12 regulations affirmatively charge the Commissioner with "ensuring sportsmanlike conduct in compliance with Conference regulations and imposing disciplinary actions in response to misconduct." The Commissioner possesses broad discretion in carrying out his charge, including the discretion to determine whether "immediate action" or "timely action" is appropriate.

According to Pac-12 regulations, immediate action is appropriate to protect the "orderly administration or operation of the Conference," including, without limitation, (i) protecting the "equity and integrity of Conference competition," (ii) protecting "the Conference's officiating program, particularly in an instance where public comments by an institutional representative

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<sup>6</sup> Although by all accounts and impressions the Junior Staff Member is a competent, young professional who displays sound judgment, it is questionable whether it was prudent for a staffer with extremely limited experience in similar settings to be assigned independent post-game duties in the Tournament's locker room area. Regardless, the likelihood that the Junior Staff Member was more impressionable than some other people might have been in the same situation is equivalent to the "eggshell plaintiff" doctrine in tort law, under which a tortfeasor must take a tort victim as found. If the tort victim is more susceptible to harm than an average individual, the tortfeasor is still liable for all the harm that occurs, even if a different victim would have suffered less harm.



may affect Conference competition," and (iii) "any instance or circumstance which might affect the safety of officials, participants in, or spectators attending Conference competition." There is no appeal process for disciplinary sanctions imposed through the Commissioner's immediate action authority.

Among the Pac-12's Executive Leadership, there is unanimity that conduct which "broadly disrespects officiating," particularly in public, or directly questions the integrity of officials requires the application of the Commissioner's immediate action authority so that the conduct in question does not "sit in the public domain" without resolution. The Head Coach's aggressive, public confrontation with the official and the physical reaction and professional concern of the Junior Staff Member in response to the Head Coach's locker room hallway conduct met the criteria for the Commissioner's adjudication of this matter under his immediate action authority.

When the Pac-12's Executive Leadership becomes aware of coaching conduct which might require disciplinary sanctions by the Commissioner, an informal but regular process of investigation and deliberation ensues. If a game situation or game official is involved, the Pac-12's appropriate coordinator of officiating reviews the incident with the relevant officials. The Pac-12's appropriate sport supervisor or a member of the Pac-12's Executive Leadership contacts the relevant head coach. The Commissioner or Deputy Commissioner discusses the matter with the relevant athletics director (and sometimes the relevant institutional CEO). A Pac-12 staff official, sometimes the Associate Commissioner, seeks information from other relevant individuals. Video of incident, if available, is reviewed. The Pac-12's Executive Leadership and General Counsel confer about the matter. Finally, the Commissioner determines what, if any, disciplinary sanctions to impose.

In this case the investigative and deliberative process began almost contemporaneously with the Head Coach's confrontation with the official. The Commissioner witnessed the confrontation, video of the incident was immediately available, and the Pac-12's Executive Leadership and Coordinator of Officiating were on-site. Given the indisputable facts of the incident (e.g., on-court, Head Coach's proximity to the official, profane language, repeated exclamations) and the Commissioner's knowledge of the Head Coach's previous admonishment

about post-game interaction with officials, it is reasonable that the Commissioner quickly decided to "do something" in response to the Head Coach's confrontation with the official, even if the Commissioner was unsure exactly what that "something" was. It was also prudent for the Pac-12's Executive Leadership not to extensively discuss potential disciplinary sanctions on the Head Coach in the Friday night heat of the moment but to agree to confer about the matter Saturday.

With one exception, the regular process of investigation and deliberation continued on proper course Saturday. The Junior Staff Member was promptly interviewed. The Pac-12's Executive Leadership and General Counsel engaged in substantive consideration of the Head Coach's conduct and the extent to which various aggravating and mitigating factors should influence the type and extent of appropriate disciplinary sanctions. By the end of the day, the Commissioner and Deputy Commissioner advised Arizona's President and Athletics Director that some sort of significant disciplinary sanctions on the Head Coach were likely and opened the door to input on the matter from Arizona. Based upon the nature, context, and consequences of the Head Coach's post-game conduct, the Saturday decision by the Pac-12's Executive Leadership and General Counsel that a reprimand and some fine constituted appropriate disciplinary sanctions was reasonable, as was the decision to confer again Sunday.

The Saturday shortcoming in the investigation of the Head Coach's post-game conduct (which was never remedied) was the failure of any Pac-12 official to talk with the Head Coach or Arizona's assistant coaches, particularly in regard to what happened in the locker room hallway. As a practical matter, given the Pac-12's Executive Leadership's real-time and video observations of the Head Coach's confrontation with the official as well as the information provided by the official, input from the Head Coach and Arizona's assistant coaches was unnecessary for consideration of disciplinary sanctions arising from the Head Coach's on-court incident (although best practices and investigative consistency would still have favored talking to the Head Coach). On the other hand, the Pac-12's oversight in not talking to the Head Coach about the hallway incident was more significant because this was in many ways a "one-on-one" situation and the Head Coach was deprived of the opportunity to personally tell his side of the story, even though the Commissioner knew from the Athletics Director that the Head Coach denied directing any

statements at the Junior Staff Member. Obtaining the Head Coach's (and assistant coaches') account of the incident would have enhanced the perceived fairness of the process, even if it did not alter the disciplinary sanctions placed on the Head Coach due to the effect his conduct had on the Junior Staff Member. Additionally, talking with the Head Coach and assistant coaches might have resulted in a different conclusion about whether the Head Coach directed his conduct at the Junior Staff Member and different descriptions of the basis for the disciplinary sanctions in the Pac-12's public announcement and the Commissioner's official notice of reprimand and fine -- perhaps the omission or modification of the phrase, "Toward a staff member."<sup>7</sup> Talking to the Head Coach, and possibly the assistant coaches, would also have undercut subsequent criticism about the Head Coach being disciplined without being asked his "side of the story."

Overall, the investigative and deliberative process continued appropriately Sunday. The Pac-12's Executive Leadership and General Counsel thoughtfully discussed whether, and if so, on what conditions, eliminating a fine could be offered. The Commissioner received and considered (although did not materially agree with) additional input from the Athletics Director. After considering the matter since Friday evening, the Commissioner decided to impose a public reprimand and a \$25,000 fine on the Head Coach, but also offer conditions that could eliminate the entire fine.

The amount of the fine was significantly larger than any fine previously imposed upon a head coach by the Commissioner. Previously, the largest fines were automatic \$10,000 fines on two head coaches for missing conference meetings and a \$10,000 fine on a third head coach for publicly questioning the integrity of officials after a game. However, amount of the fine was significantly less than some amounts suggested and discussed by the Pac-12's Executive Leadership and General Counsel. Furthermore, the following factors discussed by the conferees

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<sup>7</sup> On several occasions during the independent review process, the Athletics Director and particularly the Head Coach expressed frustration that the Pac-12 media release about the disciplinary sanctions and some of the Commissioner's correspondence and public comments about the matter included language indicating that the Head Coach directed his hallway conduct "toward a staff member" and that the Head Coach "laced into, ripped into" a staff member. The totality of information indicates that the Head Coach did not direct his exclamations at the Junior Staff Member. However, the Junior Staff Member undoubtedly and reasonably felt like the Head Coach's conduct was directed toward the Junior Staff Member, and in that regard, the language in question accurately reflects the Junior Staff Member's perspective. With the benefit of hindsight, the language in question could have been more precise or nuanced, but it did generally convey one of the underlying reasons for the disciplinary sanctions on the Head Coach.

indicate that the fine amount was reasonable: (i) the Head Coach's on-court conduct was aggressive and profane; (ii) the Head Coach's directed several verbal volleys at the official; (iii) the confrontation with the official occurred in public; (iv) the official was "shocked;" (v) a separate incident of intense and profane conduct occurred in the locker room hallway; (vi) the Junior Staff Member was personally unsettled and professionally concerned; (vii) the Commissioner had previously warned the Head Coach that, "further incidents... will result in enhanced penalties that may include a fine or suspension from coaching;" (viii) the amount of the fine was large enough to express the Pac-12's seriousness about sportsmanship to other Pac-12 coaches and the public; but (ix) the fine was not a substantial hardship on Arizona (no suspension of the Head Coach) or the Head Coach (whose publicly reported annual coaching compensation exceeds \$2,000,000).

The Commissioner's offer of conditions for eliminating the fine further supports the legitimacy of the fine amount. Consistent with the Commissioner's position that incorrect officiating calls do not significantly mitigate subsequent unsportsmanlike conduct, the conditions offered by the Commissioner were forward-focused and designed to redress the Junior Staff Member's discomfort, promote communication between the Head Coach and the Coordinator of Officiating, and deter future post-game incidents involving the Head Coach. Given Arizona's emotional elimination from the Tournament, the absence of personal contact from the Pac-12 during the investigation of post-game events, and the immediacy of the initial report of the so-called "bounty," the Head Coach's rejection of the Commissioner's conditions for eliminating the fine is understandable. However, other communications that occurred in regard to this matter demonstrate that the conditions offered by the Commissioner were generally reasonable: (i) on March 29<sup>th</sup>, the Head Coach apologized to the Junior Staff Member for unintentionally causing the Junior Staff Member to be shaken by his hallway conduct; (ii) on March 24<sup>th</sup> the Athletics Director indicated his and the Head Coach's willingness to meet with the Commissioner and the Coordinator of Officiating; and (iii) the basics of a plan to "work with [the Head Coach]" to prevent future similar incidents was outlined in the Athletics Director's March 17<sup>th</sup> e-mail to the Commissioner.

A second aspect of the disciplinary sanctions process should have been handled differently by the Commissioner. Sunday evening when the Commissioner notified the Athletics Director and the Head Coach about the intended disciplinary sanctions and the conditions for eliminating the fine, the Commissioner requested the Head Coach's response within approximately one hour. Although the Commissioner understandably wanted to quickly resolve this matter once the investigative and deliberative process concluded, this compressed timetable felt rushed and pressured to the Athletics Director and Head Coach. No critical reason not to provide the Head Coach until Monday morning to respond existed. The additional time would have enabled the Head Coach to more fully consider the intended disciplinary sanctions, the Commissioner's rationale, and the fine elimination conditions set forth in the Commissioner's detailed e-mail to the Athletics Director. Although the Head Coach might have reached the same conclusion to reject the conditions offered by the Commissioner and pay the fine, the process would have been better served by providing the Head Coach through Monday morning to make a decision about the professionally significant and personally emotional issue.

Although the Pac-12 regulations do not provide for an appeal of disciplinary sanctions imposed pursuant to the Commissioner's immediate action authority, the Athletics Director's subsequent request for a reduction of the Head Coach's fine was reasonable. The Commissioner's timely and detailed response, although not in agreement with the Athletics Director's position, demonstrates the Commissioner's willingness to reconsider what he could have deemed an entirely closed matter. The fact that the Athletics Director's request for reconsideration did not cite the so-called "bounty" issue as a mitigating factor underscores that the Head Coach's post-game conduct is essentially a separate issue from the Coordinator of Officiating's pre-game conduct and should be evaluated as such.

In sum, the process resulting in the imposition of the disciplinary sanctions on the Head Coach should have included interviews with the Head Coach and Arizona's assistant coaches and should have provided an overnight opportunity for the Head Coach to consider the intended disciplinary sanctions. Nevertheless, during the Pac-12's evaluation of the Head Coach's conduct after the Arizona-UCLA Tournament game and the degree to which any disciplinary sanctions on the Head Coach should result from that conduct, the Pac-12 and the Commissioner demonstrably engaged in a good-faith investigative and deliberative process which involved

significant and timely fact gathering and conscientious, robust, consideration of the nature and circumstances of Head Coach's post-game conduct. The Commissioner was clearly within his discretion to adjudicate the matter pursuant to his immediate action authority. The disciplinary sanctions, including the fine, imposed upon the Head Coach by the Commissioner were within the Commissioner's authority and were reasonable.

## Appendix I

### Note Regarding the Pac-12 Investigation

In order to assure the independence of Ice Miller’s review and of this Report, Ice Miller did not rely upon any information contained in the report of the Pac-12 Investigation as a basis for the narrative or conclusions set forth in this Report. During the course of the independent review, Ice Miller did utilize the report of the Pac-12 Investigation to help identify possible discrepancies in testimony to probe and other topics about which to inquire.

When the Pac-12 Investigation began, time was of the essence. The extent to which the initial back-channel reports about a so-called “bounty” on Arizona’s Head Coach were credible was unknown. Tournament officials were scheduled to officiate post-season games in the NCAA Tournament and the NIT. There was uncertainty about if and when the media would report the so-called “bounty” story and the effect that such reporting could have upon any inquiry into the matter. Given these circumstances, the Associate Commissioner conducted an efficient inquiry and drafted a cogent report.

Although the formats of the report of the Pac-12 Investigation and this Report are different, Ice Miller’s conclusions largely correspond with conclusions reached in the Pac-12 Investigation that, essentially, (i) the Coordinator of Officiating made inappropriate statements during Tournament officiating meetings, (ii) those statements were neither intended to be taken literally nor were they taken literally; and (iii) the Arizona-UCLA semifinal game was officiated fairly.

To the extent that this Report differs from the report of the Pac-12 Investigation, the differences may be attributable to Ice Miller’s ability to more extensively interview more people, material changes in circumstance during the period between the Pac-12 Investigation and the independent review (e.g., extensive media coverage; resignation of the Coordinator of Officiating), and the clouding of witness recollections about details of specific events due to the passage of time.

## Appendix II

### List of People Interviewed\*

\* Position descriptions are those in effect at the time of the 2013 Pac-12 Conference men's basketball tournament. The individuals noted under the "Other Individuals" heading were consulted by phone but not formally interviewed.

#### Pac-12 Conference Staff

Anonymous*	Pac-12 Enterprises Junior Staff Member
Ron Barker	Associate Commissioner
Lydia Murphy-Stephans	General Manager and Executive Vice-President, Pac-12 Networks
Gloria Nevarez	Senior Associate Commissioner
Michel Ortiz	Director, Video Operations
Larry Scott	Commissioner
Kevin Weiberg	Deputy Commissioner

\* Ice Miller interviewed the Pac-12 Enterprises junior staff member in-person and knows the person's identity.

#### Pac-12 Men's Basketball Officiating Leadership and Technical Staff\*\*

Terry Durham	Men's Basketball Officiating Director of Training
Donnie Nunez	Associate Coordinator of Men's Basketball Officiating
Blane Reichelt	Game Grader
Mark Reischling	Men's Basketball Officiating Leadership Team Member
Rob Rorke	Men's Basketball Officiating Technology Director
Ed Rush	Coordinator of Men's Basketball Officiating
Brian Shelley	Game Grader



\*\* Durham, Nunez, Reichelt, Reischling, Rorke, and Shelley are all referenced in the Report as members of the officiating leadership team.

Pac-12 Men's Basketball Game Officials

Kevin Brill  
Deldre Carr  
Mike Eggers  
Daryl Gelinas  
Mike Greenstein  
David Hall  
Verne Harris  
Michael Irving  
Randy McCall  
Brett Nansel  
Greg Nixon  
Tommy Nunez  
Tony Padilla  
Chris Rastatter  
Mike Reed  
Mike Scyphers  
Justin Van Duyne  
Kurt Walker  
Deron White  
Jeff Wooten

University of Arizona Personnel \*\*\*

Greg Byrne	Vice-President for Athletics
Sean Miller	Head Men's Basketball Coach

Joe Pasternak	Assistant Men's Basketball Coach
Ryan Reynolds	Director, Men's Basketball Operations
Emanuel Richardson	Assistant Men's Basketball Coach
Jim Rosborough	Volunteer Coach, Women's Tennis
Ann Weaver-Hart	President
James Whitford	Associate Head Men's Basketball Coach

\*\*\* Pasternak, Reynolds, Richardson, and Whitford are all referenced in the Report as assistant coaches

#### Other Individuals

John Adams	NCAA National Coordinator of Officiating, Men's Basketball
Jeff Goodman	CBS Sports
Andy Katz	ESPN