

## Addendum: Texas Tech AD Hocutt Latest Developments

By Martin J. Greenberg and Jose Oviedo

Yet, another incident of alleged coaching abuse by a Texas Tech University (“Texas Tech”) coach. This latest incident by Mark Adams (“Adams”), the Men’s Basketball coach, makes it the fourth such incident reported in the last three years and the fifth overall incident reported during Kirby Hocutt’s (“Hocutt”) term as the Athletic Director at Texas Tech.

### **I. Who is Mark Adams?**

Prior to joining Texas Tech as their Men’s Basketball coach, Adams had been an assistant at Texas Tech since 2016 and even graduated from the University in 1979.<sup>1</sup> For most of his coaching career Adams has called Texas his home.<sup>2</sup> In the late 1970s, Adams began his coaching career as a student assistant for Texas Tech coach Gerald Myers.<sup>3</sup> Then in 1981 he began his professional coaching career.<sup>4</sup>

However, for most of his professional career he didn’t view becoming a full-time division 1 coach as a possibility.<sup>5</sup> Adams has said becoming a division 1 head coach “felt like a dream ... [he] was never going to fulfill.”<sup>6</sup> Despite that, his dream became true in 2015 when Chris Beard hired Adams as an assistant at Arkansas-Little Rock.<sup>7</sup> The Beard and Adams duo boasted great

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<sup>1</sup> *Texas Tech men's basketball coach resigns after making racially insensitive comments*, NPR (Mar. 9, 2023), <https://www.npr.org/2023/03/09/1162199279/texas-tech-basketball-coach-resigns-racial-comments-mark-adams>.

<sup>2</sup> Shapiro, Michael, *Mark Adams's Career Comes Full Circle at Texas Tech*, SI.COM (Feb. 1, 2022) <https://www.si.com/college/2022/02/01/mark-adams-texas-tech-chris-beard-successor>.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

success at Arkansas-Little Rock as their team reached the second round of the NCAA tournament in 2016.<sup>8</sup> Eventually, Beard made the move to Texas Tech and brought Adams along with him.<sup>9</sup>

Although Adams was only an assistant, he was gaining national notoriety as the man who designed an impenetrable defensive scheme.<sup>10</sup> The scheme Adams implemented is now known as the no middle defense, which emphasizes on shifting opposing offenses towards the sidelines.<sup>11</sup>

Ultimately, with the departure of Chris Beard, Adams seemed like man for the job.<sup>12</sup> The success of his strategies and his commitment to Texas Tech made him a great candidate for the job.<sup>13</sup> Adams was hired as Texas Tech’s Head Men’s Basketball Coach in 2021 and gained immediate success.<sup>14</sup> He quickly led Texas Tech to a Big 12 Championship game and a Sweet 16 appearance.<sup>15</sup> Immediately after this success he was given a \$15.5 million dollar extension.<sup>16</sup> However, the 2022-2023 season was a different story. Not only was Adams having a losing season, but he was also allegedly discriminating against his players.<sup>17</sup>

## II. What did Mark Adams do?

Adams ultimately resigned from Texas Tech for allegations of racial insensitivity.<sup>18</sup> Adams justified his comments by stating that he was “encouraging the student-athlete to be more receptive to coaching” by using Bible verses about “workers, teachers, parents, and slaves serving their

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<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> NPR *supra* note 1.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> Clark, James, *Read the Reprimand before Mark Adams lost his job at Texas Tech*, LUBBOCK (Mar. 11, 2023), <https://www.everythinglubbock.com/news/lubbock/read-the-reprimand-before-mark-adams-lost-his-job-at-texas-tech/>.

masters.”<sup>19</sup> At first, Hocutt simply issued Adams a written reprimand.<sup>20</sup> However, two days later, on March 5, 2023, Hocutt suspended Adams to investigate the matter further.<sup>21</sup> Additionally, beyond this racial incident, there is another instance of player abuse that has not been thoroughly investigated. Adams has been accused of spitting on a player.<sup>22</sup> Adams claims he had a bad cough and mistakenly slobbered on the player during a game.<sup>23</sup> However, others alleged he told the player “I can spit on you whenever I want to.”<sup>24</sup> Together these allegations are incredibly troublesome.

Ultimately, Adams resigned on or around March 8, 2023, and Texas Tech and Adams reached a settlement agreement to mutually part ways.<sup>25</sup>

### **III. The Settlement Agreement**

Instead of paying Adams his contractual buyout, Texas Tech and Adams mutually agreed for Adams to be paid \$3.9 million plus \$200,000 and any other performance bonuses that were in his employment contract.<sup>26</sup> Additionally, any statement released by Texas Tech would have to be mutually agreeable to Adams.<sup>27</sup> Hence, the statement released by Texas Tech stated that the “racially insensitive comment was unintentional and an isolated incident.”<sup>28</sup>

Ultimately, Adams has accepted a settlement and resigned stating that his

lifelong goal was to help and be a positive influence on [his] players, and to be a part of the Texas Tech men’s basketball team [. . .]. However, both the University and I [Adams] believe this incident has become a distraction for the Texas Tech men’s basketball team and the University, which I care about so deeply.<sup>29</sup>

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<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> Ley, Tom, *Mark Adams Has Some Top-Notch Excuses For Saying Racist Stuff And Spitting On One Of His Players*, DEFECTOR (Mar. 6, 2023), <https://defector.com/mark-adams-has-some-top-notch-excuses-for-saying-racist-stuff-and-spitting-on-one-of-his-players>.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> James *supra* note 18.

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

#### **IV. Now what?**

Texas Tech University should be congratulated with respect to a contract provision in Hocutt's contract, i.e. Article IV, Performance. Texas Tech recognizes that:

1. "Hocutt shall engage in (and attempt to ensure every coach under his supervision is engaging in) fair, safe, and responsible treatment of student-athletes and avoid behavior, actions or activities that could, in any way, jeopardize a student-athlete's health, safety, welfare, or that could otherwise cause harm or risk causing harm to a student-athlete."

2. Hocutt "is presumed to be responsible for the actions of all coaches and other administrators who report, directly or indirectly to him."

3. "Hocutt shall promote an atmosphere of compliance within the athletics department and shall monitor the activities of all coaches and other administrators involved with the athletics department who report, directly or indirectly to him."

4. "Hocutt agrees to adhere to the requirements of the "Responsibilities and Expectations of Coaches" memorandum, including, but not limited to all compliance and mandatory reporting requirements, as well as reporting any issues regarding student well-being, including those involving serious physical or mental health concerns or allegations of bullying, hazing, harassment, or racist behavior within the athletic program."

5. Finally, "Hocutt shall adhere to the University's policies and state and federal law regarding sexual misconduct and shall immediately report to the University's Title IX Coordinator any potential violation of such policies or laws, including but not limited to, sexual harassment, sexual assault, sexual exploitation, intimate partner violence, or stalking, involving student-athletes, staff, coaches or that is in connection with a University sponsored event."<sup>30</sup>

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<sup>30</sup> *Hocutt Employment Contract* (Aug. 22, 2022).

Article IV, Performance, is one of the best statements of an athletic director's responsibilities not only to his job, but to the student-athletes that are under his program.<sup>31</sup>

In representing student-athletes in coaching abuse cases over the last nine years, I have found that in many instances that athletic directors are not responsive to the needs of student-athletes. Often times, they protect the coaches who have been abusive even though the athletic director is aware of complaints against the coaches through either complaints by student-athletes or their parents. The universities' need for financial contributions, the athletic directors' need for job security, are placed above the best interests of the student-athletes. This is not solely an athletic director problem, but also one that encompasses university presidents and boards of trustees.

In the article entitled Gregg Marshall: How Universities Should Response to Allegations of Coaching Abuse (Jan. 23, 2021, Greenberg's Coaching Corner), I outlined how universities should handle alleged coaching abuse, and the responsibilities of not only the athletic director, but also the university. As I have stated before, universities are trustees of the well-being of its students, and certainly its athletes, and must protect them on a first priority basis from any form of abuse, harassment, misconduct, racial insensitivity, and the like. This must be and should be of the highest priority. Unresponsiveness, excuses to protect job security, friendships, potential firings, should not be of the utmost importance, but only the well-being of student-athletes.

According to a press release on April 3, 2023, Grant McCasland was hired as the new Texas Tech Basketball Coach.<sup>32</sup> Yet, Hocutt remains the Athletic Director. Although Hocutt continues to

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<sup>31</sup> *Id.*

<sup>32</sup> Press Release, McCasland formally introduced as Tech head coach, TEXASTECH.COM (Apr. 3, 2023), <https://texastech.com/news/2023/4/3/mens-basketball-mccasland-formally-introduced-as-tech-head-coach.aspx>.

be criticized and scrutinized for the actions of the coaches he hires, it is unlikely that this incident leads to his termination. Five overall incidents and four in three years should lead Texas Tech to question the decision of their athletic director. However, in this instance his actions to rectify the problem were swift and decisive. Perhaps, in the future he will prevent these problems altogether.

Under the provisions, Texas Tech could seek to terminate Hocutt for cause. Texas Tech should take a much closer look into the inner workings of their Athletic Department. If an investigation by Texas Tech determines that Hocutt has failed to carry out his responsibilities, they can and should terminate his contract.