

[NOTE: FINDING AND PENALTY UPHOLD AFTER APPEAL BY COACH BY DIVISION I STEERING COMMITTEE OF NCAA COUNCIL.]

FOR RELEASE: May 19, 1989, Immediately

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UNIVERSITY OF KENTUCKY INFRACTIONS REPORT

by the NCAA Committee on Infractions

MISSION, KANSAS__ This report is organized as follows:

I. Introduction.

II. Violations of NCAA legislation, as determined by committee.

III. Committee on Infractions penalties.

I. Introduction.

Approximately one year ago, on March 3, 1988, the NCAA Committee on Infractions issued an infractions report concerning the men's basketball program at the University of Kentucky. That report was the culmination of a process that began when a Lexington, Kentucky, newspaper published an article in October 1985 containing allegations of violations of NCAA rules in the university's men's basketball program. At the request of the Committee on Infractions, the university submitted a written report regarding its investigation of the alleged violations that were raised in the newspaper articles. The NCAA enforcement staff conducted independent inquiries concerning possible violations within the NCAA's four_year statute of limitations.

During a June 1987 appearance before the committee, the university reported that it had substantiated that some violations had occurred, but no violations could be confirmed within the NCAA's four_year statute of limitations. The university also reported that it had taken corrective actions to prevent future violations and urged the committee to accept the university's actions as sufficient. The committee was concerned, however, that complete information had not been developed in the case, and determined that the university again should be requested to appear before the committee to discuss both the specific allegations and the university's investigative techniques and policies. In response to this request, the university conducted additional inquiries and reported its conclusions to the committee at an appearance on February 6, 1988. The university reported that it was unable to develop sufficient information [Page 2] to conclude that violations had occurred within the NCAA's four_year statute of limitations and the NCAA enforcement staff reported that sufficient information was unavailable to determine that violations had occurred within this period.

After the February 1988 hearing, the committee concluded that the university had conducted an inadequate investigation on the matters that were within the NCAA's four_year statute of

limitations. On March 3, 1988, the committee issued an infractions report that publicly reprimanded the university and stated that the university had failed to satisfy its obligations of membership to cooperate with the Committee on Infractions in the conduct of relevant inquiries into allegations of violations of NCAA legislation in the university's men's basketball program. The committee's penalties required the university to make periodic reports to the NCAA concerning the results of a comprehensive institutional monitoring program in men's basketball.

By the spring of 1988, as a result of the committee's actions described above, the university had taken steps to monitor its men's basketball program to make sure that it operated in full compliance with NCAA legislation. The new president of the university, David P. Roselle, had taken office earlier in the year and had expressed his commitment to the Committee on Infractions that the university would operate its athletics program in an appropriate manner.

In April 1988, the matter that is addressed in Part II_A of this report first came to the attention of university officials when news media representatives contacted the university to inquire about a possible violation in the men's basketball program. The president of the university responded promptly and, at his direction, the university quickly determined that the circumstances warranted investigation. The president then put in place a procedure that ensured an extensive investigation that began immediately and that pursued vigorously all avenues of information available to the university. The president immediately informed the NCAA enforcement staff of the primary allegation that had come to the university's attention, and a process was implemented by which NCAA enforcement representatives and the university's investigators worked cooperatively through the investigation to develop complete and accurate information about the matter. In addition, the NCAA and the university conducted independent inquiries concerning other matters that were raised during the course of the investigation.

On July 22, 1988, the NCAA sent the university an official inquiry that included one alleged violation of NCAA rules involving the men's basketball program. On October 3, 1988, additional allegations were sent to the university, and individuals who were alleged to have been involved in violations received notice of the allegations. The university and several of the individuals named in allegations submitted written responses to the official inquiry. In its response, the university acknowledged some violations of NCAA rules.

In accordance with NCAA procedures, after receipt of the responses, the NCAA enforcement staff conducted prehearing conferences with university [Page 3] representatives and with legal representatives of several individuals named in the allegations. During these conferences, the parties discussed the allegations in the official inquiry and reviewed the available information upon which the NCAA enforcement staff intended to rely in supporting that violations had occurred. Following the prehearing conferences, supplemental responses were submitted by the university and some of the involved individuals.

Subsequently, a hearing was held on April 22 and 23, 1989, before the Committee on Infractions at which university representatives, members of the enforcement staff, and various individuals named in the allegations and their legal representatives were present. During this hearing, the information relating to the allegations was presented to the committee, and the enforcement staff, university representatives and individual parties responded to questions and participated in a

review of the evidence. All parties were heard on the allegations of violations that might affect them. Following the hearing, the committee deliberated in private and made determinations as to findings of violations and penalties, which are set forth in Parts II and III, respectively, of this report.

It should be noted that prior to the university's hearing before the committee, the president of the university took significant actions that demonstrated the university's commitment to operate its athletics program under the control of the institution and consistent with the university's expectations for academic and rules compliance. In addition, the university appointed a new director of athletics, and the university secured the resignations of its men's basketball coaching staff. The university's athletics dormitory was brought directly under the control of the university housing office, and a new compliance position, within the athletics department, was approved.

The current case that comes before the Committee on Infractions, therefore, appears to present a picture of genuine university concern at the highest level for NCAA principles concerning intercollegiate athletics competition. The university's president has acted forcefully and unambiguously, moving both promptly and with consideration for the interests of individual student_athletes and staff members who might be affected by his actions, to make clear his determination, first, to discover to the best of his ability whether the university's basketball program committed the alleged violations and, secondly, to dispel any doubts within either the university or larger community as to his intention that the basketball program is expected to operate in compliance with NCAA rules.

The committee has carefully considered the issues presented in this infractions case. Under the rules of the Association governing the enforcement program, a standard of proof in making findings is followed that requires the committee to base its findings on information that it determines to be credible, persuasive and of a kind on which reasonably prudent persons rely in the conduct of serious affairs. The committee has applied this standard to the evidence and has found that violations occurred. These findings are set forth in Part II of this infractions report.
[Page 4]

The policies of the Association also direct the committee to follow certain principles in determining penalties. The penalties should be "broad and severe" if the violations reflect a general disregard for the governing rules [NCAA Bylaw 19.01.4]. Under the general principles of the Association, institutional staff members found in violation of NCAA regulations also shall be subject to disciplinary or corrective actions through the show_cause procedures of the enforcement program [Bylaw 19.01.3]. Under these principles, such an athletics staff member is subject to disciplinary or corrective action whether the violations occurred at the certifying institution or during the individual's previous employment at another member institution [Bylaw 19.01.3]. The Association's enforcement policies require the committee to determine if a violation is secondary or major. A secondary violation is one that provides only a limited recruiting or competitive advantage and that is isolated or inadvertent in nature [Bylaw 19.02.1]. All violations other than secondary violations are major violations [Bylaw 19.02.2]. The Committee on Infractions, in previous cases, has taken the position that violations involving fraudulent academic practices are, by their nature, major. Further, once the committee determines a violation to be major, the committee must apply severe minimum prescribed penalties unless

the committee finds the case to be unique based upon specifically stated reasons [Bylaw 19.4.2.2].

The committee has determined that this is a major case that is subject to NCAA major penalty guidelines. It is the opinion of the committee that the findings set forth in Parts II_A, II_B, II-C and II_D of this report are particularly serious. They strike at the heart of the policies the NCAA membership has established to govern intercollegiate athletics competition. One involved the sending of a large amount of cash from the university's own athletics department to a relative of a recruit, and a second finding concerned unethical conduct of an assistant coach as a result of involvement in this violation. Another violation involved fraudulent practices in satisfying academic requirements needed to establish eligibility for intercollegiate athletics competition at the university (i.e., a national precollege entrance examination). A separate finding involved the institution's failure to maintain adequate eligibility certification procedures to detect the submission of false academic information in order to establish eligibility for competition. The institution's certification procedures were insensitive to information that indicated a possible problem with the validity of the data offered to establish eligibility. Each violation, by itself, would make this a major case under the Association's enforcement procedures.

There are additional reasons for concern. Part II_E of this report describes a violation of the requirements to maintain institutional control within the athletics department and the men's basketball program. Some of the activities addressed in this case occurred soon after the university's appearance before the Committee on Infractions in February 1988 during which athletics officials indicated that heightened attention would be given to the task of operating the men's basketball program in full compliance with NCAA standards. Some violations found in this case occurred contemporaneously with the consideration of the earlier case. [Page 5]

Because of the nature of the violations found in this case, the committee seriously considered whether the regular_season schedule for the men's basketball program should be curtailed in whole or in part for one or two seasons of competition. In the judgment of the committee, the nature of the violations found would justify such a penalty. However, this case also was evaluated in the light of the university's actions to bring itself into compliance. While breakdowns occurred in the institutional control exercised over the men's basketball program within the athletics department and in the men's basketball program itself, the university's president acted forcefully to uncover all relevant information bearing on these matters and to set a proper direction for the future of the university's athletics program.

The committee has credited these actions, and so the penalties, although severe, do not include any limitation on regular_season competition. The penalties imposed by the committee are set forth in Part III of this infractions report.

II. Findings of violations, as determined by committee.

A. [NCAA Bylaw 13.2.2]

On March 30, 1988, while recruiting a prospective student_athlete, a then men's assistant basketball coach sent a package (via an overnight mail service) that contained a videotape and 20 \$50 bills to the young man's father at the prospect's home.

B. [NCAA Bylaws 10.1, 10.1_(d) and 14.01.4.3]

A student_athlete committed academic fraud by cheating on a June 1987 precollege entrance examination that was taken at a high school in Lexington, Kentucky; further, the student_athlete acted contrary to the provisions of ethical conduct in that he provided false and misleading information to the university and the NCAA enforcement staff concerning this test.

C. [NCAA Constitution 2.1.1, and Bylaws 14.1.2, 31.2.2.4 and 31.2.2.5]

In the summer and fall of 1987, the university failed to satisfy its conditions and obligations of membership in that institutional personnel had not implemented appropriate procedures that would have questioned the validity of the June 1987 test scores of a student-athlete; further, as a result, the institution certified the young man eligible for competition when, in fact, he should have been considered a partial qualifier, and finally, the young man participated in regular_season competition and in the 1988 National Collegiate Division I Men's Basketball Championship, even though the young man knew and the university should have known that he was ineligible for intercollegiate competition due to his improper test score. [Page 6]

D. [NCAA Bylaws 10.1_(c) and 10.1_(d)]

A then men's assistant basketball coach acted contrary to the principles of ethical conduct inasmuch as he did not, on all occasions, deport himself in accordance with the generally recognized high standards normally associated with the conduct and administration of intercollegiate athletics. Specifically:

1. The coach demonstrated a knowing and willful effort on his part to operate the university's intercollegiate men's basketball program contrary to the requirements and provisions of NCAA legislation by his involvement in Part II_A of this report.
2. The coach provided false and misleading information to institutional officials, the NCAA staff and the Committee on Infractions concerning his involvement in and knowledge of the violation of NCAA rules set forth in Part II_A of this report.

E. [NCAA Constitution 2.1.1]

The scope and nature of the violations examined and found in this case demonstrate that, for at least several years, the university failed to exercise appropriate institutional control over its intercollegiate men's basketball program. This failure of institutional control manifested itself in at least seven areas.

1. During the period of time when the violations in this case occurred, the university failed to take meaningful steps to ensure that the basketball coaching staff and related administrative staff

members understood and followed the requirements of NCAA legislation. This failure to educate staff members regarding NCAA legislation and the failure to monitor their activities resulted in the provision of improper benefits to student_athletes by men's basketball staff members, including the provision of local automobile transportation to student_athletes on several occasions (e.g., transportation to places of summer employment) and the provision of loans of small amounts of cash to student-athletes by a team manager.

2. The athletics department administrative staff and men's basketball coaching staff did not take adequate steps to: (a) identify representatives of the university's athletics interests who became involved with prospective student_athletes; (b) monitor the involvement of representatives of the university athletics interests with prospective student_athletes, or (c) educate representatives of the university's athletics interests regarding NCAA limits on recruiting activities. This failure resulted in a prospective student_athlete receiving improper automobile transportation, lodging and meals; further, prospects were brought into contact with representatives of the university's athletics interests in ways that violated NCAA legislation. [Page 7]

3. The athletics department administrative staff failed to monitor the operation of the men's basketball summer camp, a failure that resulted in making very difficult the determination of whether payments for speaking fees and expenses to high school coaches who worked at the summer camp were in conformance with NCAA legislation.

4. The athletics department administrative staff and the men's basketball coaching staff did not monitor the operations of the athletics dormitory (Wildcat Lodge), a failure that resulted in: (a) the provision of housing to prospective and enrolled student-athletes on more favorable financial terms than available to other students, and (b) the provision of summer lodging to student_athletes who were not enrolled, which was contrary to university policy.

5. The athletics department staff failed to monitor the summer employment of prospective and enrolled student_athletes that had been arranged by the basketball coaching staff. This failure to monitor summer employment continued throughout the summer of 1988, months after the university's president had instructed the athletics department staff to implement such a monitoring system in order to meet commitments he made to the Committee on Infractions in February 1988.

6. The university did not include clearly in the terms of employment for assistant basketball coaches certain contractual provisions required by NCAA legislation, such as a requirement that the assistant coaches report all athletically related income to the university. Although the president took steps to force assistant basketball coaches to report their athletically related income after being informed of their failure to do so, the university previously had failed to include that specific requirement in the terms of each coach's appointment.

7. Prior to the 1988_89 academic year, the university failed to establish an adequate system for certifying the eligibility of incoming student_athletes. The certification system at the university was such that no athletics department or university staff member questioned the eligibility of a student_athlete after both staffs had received documents that should have raised questions about that student_athlete's eligibility.

It should be noted that the athletics department staff and other university staff members, pursuant to the instructions of the university's president, have taken significant steps during the past academic year toward establishing institutional control over the university's men's basketball program and in correcting the specific problem areas referred to in this finding.

F. [NCAA Bylaws 13.2.2 and 16.12.2.2]

During the spring and summer of 1987, several prospective and enrolled student-athletes received lodging and credit arrangements at [Page 8] Wildcat Lodge (a residence hall for men's basketball team members) that were contrary to normal university housing policies and that were not available to all students at the university. Specifically:

1. During the summer of 1987, six prospective student_athletes and three student-athletes resided in Wildcat Lodge, but were not billed for this lodging until August 1987, and six prospects and five student_athletes were billed only for days in which they actually were lodged, although they had use of the rooms for longer periods of time.

2. During the summer of 1987, six prospective student_athletes and two student_athletes received lodging in Wildcat Lodge, even though they were not enrolled in the university, which is contrary to university policies.

G. [NCAA Bylaws 13.1.2.1, 13.2.2, 13.4.1 and 13.14.2]

During the week of June 21_26, 1987, a representative of the university's athletics interests arranged for and provided round_trip automobile transportation (as well as lodging) for a prospective student_athlete and a friend of the young man between the prospect's home town and Lexington, Kentucky; further, on this occasion, through the efforts of this representative and without the knowledge of the university's men's basketball staff, the prospect was able to attend a portion of the university's summer basketball camp at no cost to him, and the young man's friend received a T_shirt at no cost to him. Also, the representative arranged for the prospect and two other young men to receive automobile transportation between Lexington and Louisville to attend the Indiana _ Kentucky High School All_Star basketball game and to receive tickets for this game.

H. [NCAA Bylaws 13.1.2.1, 13.2.2, 13.4.1 and 13.14.2]

On October 14 and 15, 1987, a representative of the university's athletics interests provided round_trip automobile transportation, a meal and a gift of clothing to a prospective student_athlete and a friend of the young man when they attended "Midnight Madness," the university's initial men's basketball practice in 1987. Specifically, the representative transported the young men between the prospect's home town and Lexington, Kentucky, in order to attend this practice session; further, prior to the practice, the representative and the young men met the then men's head basketball coach and two then men's assistant basketball coaches at the university's basketball offices; further, following their meeting, the representative purchased a meal at a restaurant for the young men; further, the young men and the representative returned to

the basketball office where they watched a major league baseball playoff game on television, and finally, after practice, the representative purchased a T_shirt for each young man. [Page 9]

I. [NCAA Bylaws 13.1.2.1, 13.2.2, 13.14 and 13.14.2]

On December 12, 1987, a representative of the university's athletics interests provided round_trip automobile transportation, lodging, meals and a gift of clothing for a prospective student_athlete and a friend of the young man. Specifically, the representative transported the young men between the prospect's home town and Lexington, Kentucky, in order for the young men and the representative to attend the University of Kentucky vs. the University of Louisville men's basketball game in Rupp Arena; further, the representative paid all lodging and meal expenses on this trip and purchased T_shirts for the young men, and finally, the young men went into the university's locker room after the game where they talked with a then men's assistant basketball coach and were introduced to several team members.

J. [NCAA Bylaws 13.1.2.1 and 13.5.1]

On at least two additional occasions during the 1987_88 academic year not addressed in other findings, a representative of the university's athletics interests provided round_trip automobile transportation to a prospective student_athlete between the young man's home town and Lexington, Kentucky, and, on another occasion, provided round_trip automobile transportation for the prospect between the young man's home town and Cincinnati, Ohio. Specifically:

1. The representative provided round_trip automobile transportation for the prospect and a friend of the young man between the prospect's home town and Lexington in order for the representative to purchase yearbooks from the publisher of a publication that emphasizes the university's athletics program.
2. In the spring of 1988, the representative provided round_trip automobile transportation for the prospect between the young man's home town and Lexington in order for the young man to attend an AAU basketball game between the Soviet National Junior Basketball Team and an AAU All_Star team.
3. During the weekend of March 18_20, 1988, the representative provided round_trip automobile transportation for the young man between the prospect's home town and Cincinnati in order for the young man to watch the university's basketball team participate in the National Collegiate Division I Men's Basketball Championship at Riverfront Coliseum.

K. [NCAA Bylaw 13.1.2.1]

During the summer of 1987, while a prospective student_athlete was making his official paid visit to the university's campus, a then men's assistant basketball coach transported the young man to the home of a representative of the university's athletics interests (a round_trip distance of approximately 30 miles) where he introduced [Page 10] the young man to the representative, even though such an in_person, off_campus recruiting contact between a prospect and a representative of the university's athletics interests was not permissible.

III. Committee on Infractions penalties.

The Committee on Infractions has determined that this case involved several major violations of NCAA legislation that occurred after September 1, 1985. Accordingly, NCAA Bylaw 19.4.2.2, as adopted by the Association's membership, requires prescribed minimum penalties "subject to exceptions authorized by the Committee on Infractions in unique cases on the basis of specifically stated reasons" that include: (a) a two_year probationary period (including a periodic in_person monitoring system and written institutional reports); (b) the elimination of all expense_paid recruiting visits to the institution in the involved sport for one recruiting year; (c) a requirement that all coaching staff members in the sport be prohibited from engaging in any off_campus recruiting activities for one recruiting year; (d) a requirement that all institutional staff members determined by the Committee on Infractions knowingly to have engaged in or condoned a major violation be subject either to termination of employment, suspension without pay for at least one year or reassignment of duties within the institution to a position that does not include contact with prospective or enrolled student-athletes or representatives of the institution's athletics interests for at least one year; (e) one year of sanctions precluding postseason competition in the sport; (f) one year of sanctions precluding television appearances in the sport, and (g) institutional recertification that the current athletics policies and practices conform to all requirements of NCAA regulations.

The serious nature of several of the violations in this case normally would require penalties significantly greater than the minimum prescribed penalties set forth above, especially in light of the Committee on Infractions' reprimand of the university in March 1988. As noted earlier, absent mitigating circumstances in this case, the committee would have eliminated some or all of the men's basketball schedule, in addition to imposing the prescribed minimum penalties for a major case. However, the Committee on Infractions also is empowered to impose lesser penalties if it determines that the case is "unique." In this regard, the committee has determined that certain mitigating factors support that this case is unique and, therefore, that the institution should not receive the prescribed minimum penalties. These mitigating factors include the following:

a. At the direction of the university's president, the institution undertook an extensive internal investigation of the men's basketball program, in addition to fully cooperating with the NCAA's investigation. The university's actions in this regard were in sharp contrast to the approach it took in the investigation of the men's basketball program in the March 1988 infractions case. The university's investigation, its responses to allegations and its admission of rules violations demonstrated an exemplary commitment to rules compliance. [Page 11]

b. The university's president asked for the resignation of the director of athletics and appointed a new director who, together with the president, has begun to design and implement a meaningful program for establishing institutional control in men's basketball.

c. The resignation of the former men's basketball coaching staff made certain elements of the prescribed minimum penalties inappropriate in this case, including the removal of a new coaching staff from off-campus recruiting activities and show_cause actions regarding staff members who had been found to have engaged in violations of ethical conduct.

d. The university disassociated from its athletics program the representative of its athletics interests who was involved in the violations found in Parts II_G, II_H, II_I and II_J of this report.

e. The university has placed Wildcat Lodge (a residence hall for basketball team members), which formerly was under the control of the University of Kentucky Athletics Association, directly under the control of the university's housing office.

Accordingly, the final penalties imposed in this case by the Committee on Infractions are as follows:

A. The university shall be publicly reprimanded and censured, and placed on probation for a period of three years from the date these penalties are imposed, which shall be the date the 15_day appeal period expires or the date the institution notifies the executive director that it will not appeal, whichever is earlier, or the date established by NCAA Council subcommittee action as a result of an appeal by the university to the Council, it being understood that should any portion of any of the penalties in this case be set aside for any reason other than by appropriate action of the Association, the penalties shall be reconsidered by the Committee on Infractions. Further, the University of Kentucky shall be subject to the provisions of NCAA Bylaw 19.4.2.3 [Repeat Violators] for a five_year period beginning on the effective date of the penalties in this case.

B. During the period of probation, the university shall report annually (prior to July 1 each year) to the NCAA enforcement staff and Committee on Infractions the actions that it has taken to: (1) place the athletics program in general and the men's basketball program in particular under institutional control; (2) keep the men's basketball program in compliance with NCAA legislation, and (3) continue the monitoring of actions emanating from the committee's March 1988 infractions report.

C. The university's men's basketball team shall end its 1989_90 and 1990_91 seasons with the playing of its last regularly scheduled, in-season contest and shall not be eligible to participate in any [Page 12] postseason competition, including a foreign tour, following those seasons. Moreover, the men's basketball team may not take advantage of the exceptions provided in Bylaw 17.3.3.1_(c) regarding preseason contests during the 1989_90 and 1990_91 academic years.

D. The university shall be prohibited from providing any expense_paid visit to the institution for a prospective student_athlete in men's basketball during the 1989_90 academic year. [NOTE: This penalty is immediately and completely suspended on the basis of the mitigating factors set forth above.]

E. The men's basketball team shall not appear on any "live" telecast (as defined by Bylaw 19.4.2.5.2) during the 1989_90 and 1990_91 academic years. [NOTE: This sanction for the 1990_91 academic year is immediately and completely suspended on the basis of the mitigating factors set forth above.]

F. The committee initially determined that during the 1989_90 academic year, the university shall award no initial institutional financial aid that is countable under Bylaw 15.02.3 in the sport of men's basketball other than the one initial grant_in_aid already committed to a prospective student_athlete. However, due to the cooperation of the university in this investigation and the actions already taken by the university, two additional grants_in_aid (total of three) may be awarded for the 1989_90 academic year. In addition, no additional financial aid will be permitted on the basis that some members of the men's basketball team may choose not to return to the university as a result of the postseason sanctions imposed in this case. Further, during the 1990_91 academic year, no more than three initial grants-in_aid may be awarded on the same basis as those permitted in the 1989_90 academic year.

G. The committee has found that, at least in part due to the institution's failure to have appropriate procedures for verifying student-athletes' eligibility, an academically ineligible student_athlete represented the university in the 1988 National Collegiate Division I Men's Basketball Championship [reference Part II_C of this report]. Therefore, under the terms of Bylaw 31.2.2.5, the NCAA Executive Committee shall consider whether the institution should be required to return up to 90 percent of the net receipts earned by the university in that event. Due to the mitigating factors set forth above, the Committee on Infractions hereby recommends that the Executive Committee require the institution to return only the university's share of receipts after distributions to the Southeastern Conference office and other conference institutions.

H. Because a former men's assistant basketball coach has been found in violation of the principles of ethical conduct [reference: Part II_D [Page 13] of this report], the university shall be required to reduce the number of coaches who may engage in off_campus recruiting activities in the 1989_90 academic year. In this regard, only two men's basketball coaches may recruit off campus during the 1989_90 academic year. [NOTE: This penalty is immediately and completely suspended on the basis of the mitigating factors set forth above.]

Further, if this assistant coach had not resigned, the university would have been required to show cause in accordance with Bylaw 19.4.2.1_(1) why it should not be subject to additional penalties if it had failed to take appropriate disciplinary action against him. [NOTE: This penalty also is suspended due to the resignation of this assistant coach.]

Due to his involvement in certain violations of NCAA legislation found in this case [reference Parts II_A and II_D of this report], the former assistant coach will be informed in writing by the NCAA that in the event he seeks employment as an athletics department staff member at an NCAA member institution during a five_year period (May 19, 1989, to May 19, 1994), he and the involved institution shall be requested to appear before the Committee on Infractions in order for the committee to consider whether that member institution should be subject to the show_cause procedures of Bylaw 19.4.2.1_(1), which could limit the former coach's athletically related duties at the new institution for a designated period.

I. The committee accepts and adopts the institution's disciplinary action to disassociate a representative of the university's athletics interests from the university's intercollegiate athletics program in a manner consistent with Bylaw 19.4.2.6, due to this individual's involvement in violations of NCAA legislation found in this case.

[NOTE: Should the University of Kentucky appeal either the findings of violations or proposed penalties in this case to the NCAA Council subcommittee of Division I members, the Committee on Infractions will submit an expanded infractions report to the members of the Council who will consider the appeal. This expanded report will include additional information in accordance with Bylaw 32.8.5. A copy of the committee's report would be provided to the institution prior to the university's appearance before the Council subcommittee and, as required by Bylaw 32.8.6, would be released to the public.

Also, the Committee on Infractions wishes to advise the university that when the penalties in this case become effective, the institution should take every precaution to ensure that their terms are observed; further, the committee intends to monitor the penalties during their effective periods, and any action contrary to the terms of any of the penalties shall be considered grounds for extending the university's probationary period, as well as to consider imposing more severe sanctions in this case.] [Page 14]

NOTIFICATION AS REQUIRED BY NCAA ENFORCEMENT PROCEDURES

[NOTE: The following is notification of applicable NCAA legislation as required by Bylaw 32.7.1_(b) and IS NOT a penalty proposed by the Committee on Infractions upon the university.]

1. In accordance with the provisions of Bylaw 19.5.3, the institution shall inform a former assistant basketball coach who was found in violation of NCAA ethical conduct legislation in this case of the university's decision to appeal or not to appeal the findings of violations involving him, as well as of his opportunities (along with personal legal counsel) to appear before the NCAA Council subcommittee of Division I members in the event the university submits such an appeal. In addition, the NCAA will advise this former assistant coach in writing of his opportunity to appeal directly to the Council subcommittee and to appear (along with personal legal counsel) at a hearing before that group.
2. Certain findings of violations set forth in this report affect the eligibility of the involved student-athletes for participation in regular and postseason competition under the provisions of NCAA Bylaws 14.01.4.2 and 14.13.2. Please note that if the institution appeals a cited finding, the eligibility of the involved student_athlete would not be affected until action on the appeal by the Council subcommittee of Division I members. The following sections of this report affect the eligibility of the student_athletes named in the violations: Part II_A; Part II_F, and Parts II-C and II_F.

[NOTE: It is the Committee on Infractions' understanding that these are the only remaining eligibility matters in this case.]

Please note that under the conditions and obligations of membership [reference: Bylaws 14.13.1 and 19.5.4.1], once a finding becomes applicable to a student_athlete, either because the institution accepts the cited finding or because the appropriate NCAA Council subcommittee finds the violation as a result of an appeal, whichever is earlier, the institution is obligated to apply immediately the applicable rule to the eligibility of the student_athlete. In the alternative and in accordance with Bylaw 19.5.4.1, the institution would be cited to show cause to the

Committee on Infractions why the institution should not be disciplined additionally for failure to apply the applicable NCAA legislation.

In accordance with the appeal opportunity of this legislation, once these findings become applicable as described above, the institution may appeal to the NCAA Eligibility Committee for restoration of eligibility for regular and postseason competition. Correspondence regarding appeals to the Eligibility Committee should be submitted to the NCAA national office in care of Janet M. Justus, director of eligibility.

The institution is requested to inform each student_athlete of the finding of violation affecting him, its effect upon his eligibility for regular and postseason competition and the opportunity for an appeal through the institution to the Eligibility Committee. [Page 15]

3. Due to the violation set forth in Part II_C of this report, the provisions of NCAA Bylaw 31.9.2.2.4_(b) are applicable to the institution's record of participation in the 1988 National Collegiate Division I Men's Basketball Championship. Accordingly, the participation of the ineligible student_athlete in the 1988 championship will result in deletion of the institution's and the student_athlete's record of performance in this championship and in the team's place finish being vacated.

Further, also due to the violations set forth in Part II-C of this report, the provisions of Bylaw 31.2.2.5 are applicable in that the Committee on Infractions found that the involved student_athlete knew and the institution had reason to know that the student_athlete was not eligible for the 1988 National Collegiate Division I Men's Basketball Championship. Accordingly, the NCAA Executive Committee will consider whether an appropriate share of the institution's net receipts from this event should be returned to the Association [reference: Part III_G of this report].

4. The university shall be subject to the provisions of Bylaw 19.4.2.3 [Repeat Violators] if any major violation is found within a five_year period subsequent to the effective date of the penalties in this case.

NCAA COMMITTEE ON INFRACTIONS

Thomas J. Niland Jr.

John E. Nowak

Patricia O'Hara

Milton R. Schroeder

D. Alan Williams (chair)

DAW:cg

