



THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

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MISSISSIPPI STATE UNIVERSITY PUBLIC INFRACTIONS REPORT

OVERLAND PARK, KANSAS---This report is organized as follows:

- I. Introduction.
- II. Findings of violations of NCAA legislation.
- III. Committee on Infractions penalties.

I. INTRODUCTION.

This case involved the football program at Mississippi State University and concerned violations of NCAA bylaws governing recruiting, extra benefits, institutional control and ethical conduct.

Mississippi State University is a Division I-A institution and a member of the Southeastern Conference. The university has an enrollment of approximately 9,100 undergraduate students and sponsors seven men's and seven women's intercollegiate sports.

A fundamental principle of NCAA enforcement procedures is that investigations into alleged violations of NCAA allegations are cooperative, not adversarial, proceedings. No institution wants to find NCAA violations occurring on its campus; but once allegations come to the attention of university officials, the NCAA Committee on Infractions expects cooperation to the fullest extent with the NCAA enforcement staff throughout the investigation. The enforcement staff often reports to the committee that an institution has greatly assisted with an investigation. During the processing of this case, as a result of misunderstandings and a lack of communication between the enforcement staff and university officials, the institution did not cooperate fully with the enforcement staff investigation into potential

NCAA rules violations. University officials with responsibility for the investigation did not at all times encourage student-athletes and athletics employees to provide complete information and at key points took steps to limit information provided to the enforcement staff. Although it appears that ultimately no information was withheld, the investigation was complicated unduly by misunderstandings and lack of communication concerning NCAA enforcement procedures.

A. CASE CHRONOLOGY.

In April and September 1992, the NCAA enforcement staff received telephone reports of several allegations of NCAA violations concerning the institution. In January 1993, an NCAA enforcement representative began to monitor the information. In May 1993, a former employee of a representative of the institution's athletic interests contacted the NCAA enforcement staff to report that the representative had provided extra benefits to student-athletes. The staff followed up on this information throughout 1993 and the spring of 1994 in an attempt to corroborate the reported allegation as well as other information received as the inquiry continued. The enforcement staff conducted on-campus interviews in July and November 1994. All issues regarding the eligibility of any student-athletes with eligibility remaining were resolved.

On August 5, 1994, the enforcement staff sent a letter of preliminary inquiry to the institution. On July 18, 1995, the enforcement staff issued a letter of official inquiry. The institution submitted its response on November 30. On December 18 the enforcement staff conducted a prehearing conference with the institution. A former recruiting assistant, who was notified in writing of the allegations in which he was named, did not submit a written response.

On February 1, 1996, representatives of the NCAA enforcement staff, the institution and the Southeastern Conference appeared at a hearing before the NCAA Committee on Infractions.

B. SUMMARY OF THE FINDINGS OF VIOLATIONS.

The violations found by the committee may be summarized as follows:

- During the 1993-94 academic year, a recruiting assistant made impermissible recruiting inducements to two football prospective student-athletes by offering them money and other benefits.
- During the 1991-92 and 1992-93 academic years, a representative of the institution's athletics interests provided extra benefits to five football student-athletes by providing them with impermissible bonuses, money, meals and loans.
- There was a lack of institutional control in the monitoring of football recruiting and in not promptly and thoroughly responding to reports of alleged violations by a representative of its athletics interests.
- The football recruiting assistant involved in this case violated NCAA standards of ethical conduct.

C. SUMMARY OF THE PENALTIES.

In imposing the following penalties, the Committee on Infractions considered the corrective actions taken by the university, as detailed in Part III-A of this report.

1. The committee adopted as its own the following penalties self-imposed by the institution:
 - Reduction by one in the number of coaches who may recruit off campus for two months.
 - Disassociation of two representatives of the institution's athletics interests.
2. The committee imposed the following additional penalties:
 - Public reprimand and censure.
 - One year of probation.
 - Reduction by five in the number of permissible total financial aid awards in football during the 1997-98 academic year.
 - Reduction by 13 in the number of permissible initial financial aid awards in football during the 1997-98 academic year.
 - Reduction by 14 in the number of permissible official visits in football during the 1996-97 academic year.
 - Requirement that the institution continue to develop a comprehensive athletics compliance education program, with reports to the committee during the period of probation.
 - Recertification of current athletics policies and practices.
 - Show-cause requirement regarding the football recruiting assistant involved in this case for one year from the date of this report.

II. FINDINGS OF VIOLATIONS OF NCAA LEGISLATION.

A. IMPERMISSIBLE OFFERS OF CASH AND OTHER BENEFITS TO PROSPECTIVE STUDENT-ATHLETES BY AN ATHLETICS DEPARTMENT EMPLOYEE. [NCAA BYLAWS 13.2.1, 13.2.2-(b), 13.2.2-(e) AND 13.2.2-(f)]

During the 1993-94 academic year, a recruiting assistant employed in the institution's football recruiting office offered impermissible recruiting inducements to two prospective student-athletes from the Miami, Florida, area during telephone conversations in an effort to induce them to attend the institution. Specifically:

1. In middle to late September 1993, the football recruiting assistant telephoned a prospective student-athlete at his home in an effort to persuade him to make an official visit and attend the institution. During this conversation, the recruiting assistant told the prospective student-athlete that if he visited the institution's campus and then enrolled he could receive money and other benefits from the institution. The recruiting assistant repeated these offers during subsequent telephone calls with the prospective student-athlete.
2. In November 1993, the recruiting assistant telephoned a second prospective student-athlete at the home of his girlfriend. During this conversation, the employee inquired about the prospective student-athlete's part-time job at a restaurant and told the prospective student-athlete that he should not have to work while playing football in high school. The recruiting assistant then said he would get a quarterback of a professional football team to provide money to the prospective student-athlete. There is no evidence that the professional athlete had any involvement in or knowledge of this matter.

B. IMPERMISSIBLE BONUSES, CASH, LOANS AND MEALS PROVIDED TO STUDENT-ATHLETES BY AN ATHLETICS REPRESENTATIVE. [NCAA BYLAW 16.12.2]

During the 1991-92 and 1992-93 academic years, a representative of the institution's athletics interests, who was the owner of a publishing company, provided extra benefits to five football student-athletes on several occasions.

The athletics representative provided impermissible bonuses to two football student-athletes who were part-time employees of the publishing company and money to two other football student-athletes as wages for work, even though they were not employed by the representative individually. The athletics representative also provided loans to two student-athletes and, on at least two occasions, purchased meals for two football student-athletes. Specifically:

1. On November 21, 1991, when two football student-athletes visited his office, the representative of the institution's athletics interests invited one of the student-athletes into his office while the other student-athlete waited outside. A few minutes later, the representative told his office manager to go to the bank where she cashed a company check for \$200. She took the cash to the athletics representative, who then handed the first student-athlete an undetermined portion of the \$200. Another employee at

the publishing company observed the athletics representative give the student-athlete the cash.

On this same date, the athletics representative gave a \$150 company check to the same student-athlete, who later cashed the check. The student-athlete who received the cash and check was never employed by the athletics representative and did not perform any work for this money.

2. On at least one occasion during the spring of 1992, the representative of the institution's athletics interests provided \$50 to a student-athlete. This money was supposedly for washing and waxing the athletics representative's car. However, the student-athlete was not employed by the representative and did not perform this labor.
3. On July 30, 1992, the representative of the institution's athletics interests paid two football student-athletes \$500 each through two company checks. These checks were provided to the student-athletes as bonuses for work they had performed at the publishing company. However, these bonuses were excessive in light of bonuses awarded to other employees performing similar work. The bonuses were improper because: (a) both student-athletes were part-time employees and \$500 bonuses were awarded only to full-time, management-level staff; (b) the average bonus paid to all employees at the publishing company between August 1991 and April 1994 was slightly over \$45; and (c) one of the student-athletes was not eligible under company policy to receive a bonus.
4. On December 4, 1992, the representative of the institution's athletics interests lent \$400 to a student-athlete, whose wife was employed at the publishing company, after they requested a personal loan to pay a household bill. The athletics representative instructed his office manager to write a company check made payable to the student-athlete. In an attempt to avoid the appearance of an NCAA violation, the athletics representative later added the name of the student-athlete's wife to the payee line on the canceled check to make it appear that the money was loaned to both individuals. The student-athlete's wife later repaid this loan over a five-month period. This loan was impermissible under NCAA rules because similar loans were not provided to other students employed at the publishing company.
5. On one occasion in the summer of 1992, the representative of the institution's athletics interests provided a meal at no cost to two football student-athletes at a local restaurant. Also, during the 1991-92 academic year, the athletics representative purchased lunch for one of the student-athletes at a local cafe.
6. On one occasion during the 1993 spring semester, the representative of the institution's athletics interests invited several football student-athletes to his home. Each of the student-athletes had just completed eligibility, but remained enrolled at the institution and received athletically related financial aid. After dinner, one of the student-athletes asked the athletics representative for a \$40 loan. The representative provided the cash to the student-athlete, who never repaid the loan.

C. LACK OF INSTITUTIONAL CONTROL. [NCAA CONSTITUTION 2.1.1, 2.1.2, 2.4, 2.7, 6.01.1 AND 6.4.2]

The institution demonstrated a lack of appropriate control over its football program by failing to take sufficient actions to investigate possible violations of NCAA legislation regarding a representative of the institution's athletics interests and a football recruiting assistant, even though it received information on different occasions from several sources concerning possible violations involving these individuals. The institution admitted to the committee that institutional officials, although they took some action, could have done more to investigate the allegations. If the institution had taken appropriate action and reviewed the information, it might have discovered the violations discussed in Findings II-A and B of this report. Specifically:

1. The institution received information on at least four occasions from three sources regarding possible violations by the representative of its athletics interests involved in this case. However, the institution failed to conduct the appropriate interviews or obtain the necessary records in a timely or thorough manner.
 - a. After the university received information regarding a loan to a football student and his wife provided by a representative of the institution's athletics interests, institutional officials interviewed the student-athlete and reviewed a copy of the promissory note, but did not interview the student-athlete's wife or the representative. More active investigation at that juncture might have resolved conflicting information regarding the nature of the loan and the reason the student-athlete's wife's name was added to the payee line of the check, as detailed in Finding II-B-4. The institution also should have reviewed NCAA bylaws to determine whether the individual who provided the check was a representative of its athletics interests and under what circumstances a representative of an institution's athletics interests may lend money to the wife of an enrolled student-athlete. A proper analysis of that legislation should have caused the university to investigate whether the representative made similar loans to other university students who were employed at the publishing company.
 - b. The university learned in May 1993 from a university professor and the conference office, that the athletics representative allegedly was paying football student-athletes for work not performed. After some student-athletes were identified, the university interviewed only two student-athletes with eligibility remaining. However, additional efforts should have been made to interview additional student-athletes with eligibility remaining, as well as the student-athletes without eligibility remaining. Also, the institutional officials who spoke with the athletics representative should have accepted his offer to permit a thorough review of his business records. Had the university reviewed his records, it would have discovered the

checks discussed in Finding II-B, which were payable to student-athletes.

2. In November 1993, an athletics department employee requested a new long-distance access code from the athletics department's business manager and the director of athletics because the football recruiting assistant involved in Finding II-A, among others, had been using his access code. The athletics department then changed the athletics department employee's code, but took no action to determine why the recruiting assistant used the code and whom he was calling. A review of the athletics department employee's telephone records would have indicated that the recruiting assistant placed numerous calls during the fall of 1993 to at least five prospective student-athletes in Florida.

D. UNETHICAL CONDUCT. [NCAA BYLAWS 10.01.1 AND 10.1-(c)]

A football recruiting assistant failed to deport himself with the generally recognized high standards normally associated with the conduct and administration of intercollegiate athletics. He violated the principles of ethical conduct through his knowing involvement in Finding II-A of this report.

III. COMMITTEE ON INFRACTIONS PENALTIES.

For the reasons set forth in Parts I and II of this report, the Committee on Infractions found that this case involved several major violations of NCAA legislation.

A. CORRECTIVE ACTIONS TAKEN BY THE UNIVERSITY.

In determining the appropriate penalties to impose, the committee considered the institution's self-imposed corrective actions. Specifically, the university:

1. Created a full-time compliance position and reassigned compliance duties throughout the university.
2. Assigned a specific internal auditor to monitor the athletics department and to investigate potential violations.
3. Reemphasized the review of telephone records, including implementing spot-check audits and interviewing incoming freshman to check information against telephone-contact records.
4. Implemented a new monitoring system for telephone calls, including spot checks of the log against a monthly review sheet.
5. Developed a written policy outlining procedures for documentation, follow up and notification of appropriate individuals when information is received about a potential violation.
6. Designated a full-time position in the financial aid office for monitoring student-athlete financial aid.

7. Strengthened its student-athlete job program by creating new monitoring procedures and educating student-athletes and athletics representatives.

B. PENALTIES SELF-IMPOSED BY THE UNIVERSITY.

The Committee on Infractions adopted as its own the following penalties self-imposed by the institution:

1. During October and November 1994, the number of football coaches permitted to recruit off campus at any one time was reduced by one from the number allowed under NCAA Bylaw 11.7.2.
2. The institution disassociated two representatives of the institution's athletics interests from the institution's athletics program based upon their involvement in violations of NCAA rules. The committee adopts this penalty with the understanding that the disassociation will last for at least three years from March 7, 1996, and that the university will:
 - a. refrain from accepting any assistance from the individuals that would aid in the recruitment of prospective student-athletes or the support of enrolled student-athletes;
 - b. refuse financial assistance or contributions to the institution's athletics program from the individuals;
 - c. ensure that no athletics benefit or privilege is provided to the individuals, either directly or indirectly, that is not available to the public at large; and
 - d. implement other actions that the institution determines to be within its authority to eliminate the involvement of the individuals in the institution's athletics program.

C. ADDITIONAL PENALTIES IMPOSED BY THE COMMITTEE ON INFRACTIONS.

Although the Committee on Infractions agreed with and approved of the actions taken by the institution, the committee decided to impose the following additional penalties:

1. Public reprimand and censure.
2. One year of probation from February 1, 1996, the date of the hearing.
3. The number of initial athletically related financial aid awards in football that are countable under Bylaw 15.02.3 shall be reduced by 13 during the 1997-98 academic year, which limits the institution to 12 initial scholarships under current rules.
4. The number of total athletically related financial aid awards in football shall be reduced by five during the

1997-98 academic year, which limits the institution to 80 total scholarships under current rules.

5. The number of expense-paid visits to the institution's campus in football shall be reduced by 14 during the 1996-97 academic year, which limits the institution to 42 official visits under current rules.
6. During this period of probation, the institution shall:
 - a. Continue to develop and implement a comprehensive educational program on NCAA legislation, including seminars and testing, to instruct the coaches, the faculty athletics representative, all athletics department personnel and all university staff members with responsibility for the certification of student-athletes for admission, retention, financial aid or competition;
 - b. Submit a preliminary report to the administrator for the Committee on Infractions by May 1, 1996, setting forth a schedule for establishing this compliance and educational program; and
 - c. File with the committee's administrator a final compliance report indicating the progress made with this program by December 15, 1996. Particular emphasis should be placed on monitoring the staff members involved in recruiting and the procedures for investigating and reporting potential NCAA violations. The report must also include documentation of the university's compliance with the penalties adopted and imposed by the committee.
7. The institution's president shall recertify that all of the university's current athletics policies and practices conform to all requirements of NCAA regulations.
8. If the athletics department employee involved in Findings II-A and D had still been employed at the institution, the university would have been required to show cause in accordance with Bylaw 19.6.2.2-(1) why it should not be subject to additional penalties if it had failed to take appropriate disciplinary action against him.
9. The athletics department employee involved in Findings II-A and D will be informed in writing by the NCAA that, due to his involvement in the violations of NCAA legislation found in this case, if he seeks employment or affiliation in an athletically related position at an NCAA member institution prior to March 7, 1997, he and the involved institution shall be requested to appear before the Committee on Infractions to consider whether the member institution should be subject to the show-cause procedures of Bylaw 19.6.2.2-(1), which could limit his athletically related duties at the new institution for a designated period.

As required by NCAA legislation for any institution involved in a major infractions case, Mississippi State University shall be subject to the provisions of NCAA Bylaw 19.6.2.3, concerning repeat violators, for a

five-year period beginning on the effective date of the penalties in this case, February 2, 1996.

Should Mississippi State University appeal either the findings of violations or penalties in this case to the NCAA Infractions Appeals Committee, the Committee on Infractions will submit a response to the members of the appeals committee. This response may include additional information in accordance with Bylaw 32.10.5. A copy of the report would be provided to the institution prior to the institution's appearance before the appeals committee.

The Committee on Infractions wishes to advise the institution that it should take every precaution to ensure that the terms of the penalties

are observed. The committee will monitor the penalties during their effective periods, and any action contrary to the terms of any of the penalties or any additional violations shall be considered grounds for extending the institution's probationary period, as well as imposing more severe sanctions in this case.

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. Should any actions by NCAA Conventions directly or indirectly modify any provision of these penalties or the effect of the penalties, the committee reserves the right to review and reconsider the penalties.

NCAA COMMITTEE ON INFRACTIONS

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