



THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

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UNIVERSITY OF MIAMI 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, baseball, women's golf and men's tennis programs at the University of Miami (Florida) and concerned violations of NCAA bylaws governing extra benefits, financial aid, amateurism, institutional drug policy, ethical conduct and institutional control.

The University of Miami is a Division I-A institution and a member of the Big East Conference. The university has an enrollment of approximately 8,300 undergraduate students and sponsors seven men's and six women's intercollegiate sports.

The case revealed significant failures in oversight in a variety of areas within the institution's athletics department. Lack of monitoring and inadequate procedures to ensure compliance with NCAA legislation contributed to many of the violations, which predominantly involved excessive financial aid or extra benefits that were provided to numerous student-athletes in several sports, particularly football. In some cases the violations occurred over several years without institutional athletics personnel either detecting the violations or taking action that would have prevented them from continuing.

As a result of the violations, more than \$223,000 in impermissible financial aid was distributed among 141 football student-athletes from the academic years 1990-91 through 1993-94 and approximately \$188,000 in excess of permissible limits was awarded in three other sports because an improper method was used in calculating off-campus room and

board stipends. Additionally, extra benefits totaling more than \$212,000 were received by football student-athletes in the 1989-90 and 1990-91 academic years. Had these and other violations involving impermissible employment, cash awards and institutional drug policy been recognized and addressed in a timely manner, NCAA legislation governing student-athlete eligibility could have been appropriately applied.

The majority of the violations were discovered by the institution and reported to the NCAA enforcement staff. Remaining violations were reported initially by the news media. The institution's cooperation and active role during the investigation resulted in its agreement with the enforcement staff as to material facts, and the institution admitted a majority of the violations. Most of the matters in dispute at the hearing before the committee were confined to interpretation and application of NCAA legislation.

A. CASE CHRONOLOGY.

On June 13, 1991, university representatives informed the NCAA enforcement staff that the university had discovered that an athletics department staff member had assisted student-athletes to obtain Pell Grant funds fraudulently, possibly in violation of NCAA legislation. At approximately the same time, the university was in contact with appropriate Federal agencies, who immediately began an investigation and requested that the university cease its investigation until informed otherwise. The Federal investigation lasted for three years and involved interviews with more than 100 university student-athletes, coaches and administrators. During the fall of 1992, approximately 60 student-athletes entered the government's pretrial-diversion program to avoid criminal prosecution as a result of improperly obtaining Pell Grant funds. In the fall of 1993, the athletics department staff member pled guilty to obtaining approximately \$220,000 in Pell Grant funds through fraud, false statement and forgery from June 1989 through June 1991. After receiving permission from the Federal prosecutors to proceed, the university continued its investigation of the Pell Grant fraud. On June 16, 1994, the university submitted a preliminary report to the NCAA concerning the fraud.

Before submitting its preliminary report on Pell Grant fraud, the university had contacted the enforcement staff on May 20, 1994, regarding several allegations of NCAA rules violations primarily involving "pay-for-play" issues, which were reported in a Miami newspaper. The university indicated that it planned to investigate and would submit a complete report to the staff following its investigation. On April 12, 1995, the university submitted a report on the "pay-for-play" issues, involving performance awards from pools of cash contributed by football student-athletes and, in at least one instance, a former student-athlete. The university filed an additional report on April 21 concerning violations of scholarship limitations, which had been reported in October 1993 and March 1994.

Also during April 1995, media reports alleged that a potential NFL draftee and university football student-athlete had failed several drug tests at the university. The university immediately conducted a thorough examination of its drug-testing program and submitted a report to the enforcement staff on July 28.

In May 1995, the NCAA enforcement staff began to conduct independent and joint interviews with the institution, primarily with individuals knowledgeable about student-athletes allegedly receiving "pay for play," the university's drug-testing program and student-athletes receiving Pell Grant funds to which they were not entitled. On July 20, the enforcement staff sent a letter of preliminary inquiry to the university outlining the scope of the staff's investigation, acknowledging the reports of possible violations provided by the university and indicating its belief that the alleged violations were "major in nature." On August 18, the university submitted a final report on the Pell Grant matter. The staff continued to conduct interviews through October 1995.

On October 23, 1995, university representatives met with the enforcement staff at the NCAA national office to review memorandums of interviews conducted by the staff. At that time the staff shared with university representatives the contents of the letter of official inquiry, which was to be forwarded to the university's president on October 25. Also on that day, the enforcement staff sent a letter to the staff member in care of his attorney, notifying him of the allegations in which he was named.

On October 27, 1995, the university submitted its response to the official inquiry. In a November 1 letter to the NCAA assistant executive director for enforcement and eligibility appeals, the attorney for the staff member indicated that the staff member had nothing further to add to the information previously provided in his two interviews with NCAA staff and university representatives, although he "takes issue with the allegations" in the inquiry and believes the information to be inconsistent with his recollection of the events described in his interviews.

On November 2, 1995, the enforcement staff held a prehearing conference at the NCAA national office with university representatives. On November 10, 1995, representatives of the NCAA enforcement staff, the institution and the Big East 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 1990-91 through 1993-94 academic years, the institution awarded more than \$412,000 in excessive financial aid as a result of improperly calculating off-campus room and board stipends for 141 football student-athletes and an undetermined number of baseball, women's golf and men's tennis student-athletes.
- From the 1989 fall semester through the 1993 fall semester, the institution awarded excessive financial aid to student-athletes by permitting them to receive an average of \$110 in impermissible books each semester.
- During the 1989-90 and 1990-91 academic years, an athletics department staff member provided extra benefits to approximately 60 to 77 student-athletes by assisting them in fraudulently obtaining a total of \$212,969 in Pell Grant funds.
- During the 1985-89 through 1991-92 academic years, numerous football student-athletes received financial aid in excess of a full athletics scholarship when they were compensated during the academic year for employment arranged by two former student-athletes.
- During the 1986 through 1992 football seasons, numerous football student-athletes received cash awards for their performances in regular-season and postseason football games.
- During the 1993-94 and 1994-95 academic years, the institution's athletics department failed to follow the institution's drug-testing policy and permitted three football student-athletes to compete without being subject to the required disciplinary measures specified in the policy.
- The assistant director for academics in athletics support services involved in this case violated NCAA standards of ethical conduct.
- There was a lack of appropriate institutional control and monitoring of the athletics program.

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 seven in the number of permissible initial financial aid awards in football during the 1995-96 academic year.

- Reduction by five in the number of total financial aid awards in football for the 1995-96 academic year.
2. The committee imposed the following additional penalties:
- Public reprimand and censure.
 - Three years of probation.
 - Prohibition from participating in postseason competition in football following the 1995 season.
 - Reduction in the number of permissible initial financial aid awards in football as follows:
 - reduction of 13 initial scholarships during the 1996-97 academic year.
 - reduction of 11 initial scholarships during the 1997-98 academic year.
 - Reduction by five in the number of permissible total financial aid awards in football during each of the 1996-97 and 1997-98 academic years.
 - Reduction by 6.12 equivalency financial aid awards in baseball over a three-year period.
 - Reduction by 1.98 equivalency financial aid awards in men's tennis over a three-year period.
 - Reduction by 1.06 equivalency financial aid awards in women's golf over a three-year period.
 - Requirement that the institution develop a comprehensive athletics compliance education program, with annual reports to the committee during the period of probation.
 - Recertification of current athletics policies and practices.
 - Show-cause requirement regarding the former athletics department staff member for seven years.

II. FINDINGS OF VIOLATIONS OF NCAA LEGISLATION.

A. EXCESSIVE FINANCIAL AID AWARDED THROUGH MISCALCULATION OF OFF-CAMPUS ROOM AND BOARD STIPENDS. [NCAA BYLAWS 15.01.7, 15.02.4.1, 15.1, 15.2.2.1, 15.5.3.1.1, 15.5.3.1.2 AND 15.5.3.3]

During the 1990-91 through 1993-94 academic years, the institution improperly calculated off-campus room and board stipends for 141 football student-athletes and an undetermined number of baseball, women's golf and men's tennis student-athletes. As a result, the institution awarded a total during those years of \$412,348.43 in excess financial aid. (Following the hearing, on November 21, 1995, the institution submitted information indicating that these overpayments may have started as early as 1986.)

1. From the 1990-91 academic year through the 1993 fall semester, a total of 141 football student-athletes who lived off-campus received \$223,705.04 in excessive institutional financial aid as a result of the institution's miscalculation of the off-campus room and board stipend. The institution included the cost of the training-table meal plan in the off-campus room and board stipend even though the training-table meal plan was not listed as an official allowance for board in the institution's catalog and was not open and available to all students. The cost of the university's 20-meal plan (ranging from \$2,140 to \$2,585 annually over the four-year period) should have been used in determining the value of the proper off-campus room and board stipend instead of the higher cost of the training-table meal plan (ranging from \$5,313 to \$5,806 annually over the four-year period).

As a result of the miscalculation of the off-campus room and board stipend, the institution exceeded individual scholarship amounts as follows:

| ACADEMIC YEAR | FOOTBALL STUDENT-ATHLETES | TOTAL EXCESS AID | AVERAGE EXCESS FINANCIAL AID AWARD |
|---------------|---------------------------|------------------|------------------------------------|
| 1990-91 | 31 | \$60,060.68 | \$1,937.44 |
| 1991-92 | 45 | \$86,523.64 | \$1,922.75 |
| 1992-93 | 51 | \$75,512.93 | \$1,480.64 |
| 1993-94 | 14 | \$ 1,607.79 | \$ 114.84 |

The individual amounts varied as a result of the different number of meals received on the training table.

2. From the 1990-91 academic year through the 1993-94 academic year, the institution exceeded the NCAA equivalency scholarship limits in baseball, women's golf and men's tennis as a result of using an improper off-campus room and board figure when calculating the number of equivalency scholarships awarded. As a result of the miscalculations, the institution awarded excessive financial aid totaling \$123,783.79 in baseball, \$39,320.26 in men's tennis and \$25,539.34 in women's golf. The institution used the cost of the training-table meal plan (ranging from \$5,133 to \$5,806 annually over the four-year period) in the off-campus room and board figure for its athletics scholarship

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calculations in these three programs, even though that plan was not listed as an official allowance for board in the institution's official catalog. Other equivalency sports at the university correctly used the 20-meal rate plan (ranging from \$2,140 to \$2,585 annually over the four-year period) in calculating equivalency scholarships.

The evidence did not demonstrate that the university exceeded the permissible financial aid limits for any individual student-athletes, but as a result of these miscalculations, the institution exceeded the permissible number of equivalency scholarships as follows:

| Baseball | | | | |
|---------------|------------|----------------|----------------------------------|----------------------|
| Academic Year | NCAA Limit | Amount Awarded | Amount that Exceeded Equivalency | Overaward Percentage |
| 1990-91 | 13 | 14.94 | 1.94 | 15% |
| 1991-92 | 13 | 14.86 | 1.86 | 14% |
| 1992-93 | 13 | 14.81 | 1.81 | 14% |
| 1993-94 | 11.70 | 12.21 | .51 | 4% |
| Total | | | 6.12 | 12% |

| Men's Tennis | | | | |
|---------------|------------|----------------|----------------------------------|----------------------|
| Academic Year | NCAA Limit | Amount Awarded | Amount that Exceeded Equivalency | Overaward Percentage |
| 1990-91 | 5 | 5.71 | .71 | 14% |
| 1991-92 | 5 | 5.81 | .81 | 16% |
| 1992-93 | 5 | 5.46 | .46 | 9% |
| Total | | | 1.98 | 13% |

| Women's Golf | | | | |
|---------------|------------|----------------|----------------------------------|----------------------|
| Academic Year | NCAA Limit | Amount Awarded | Amount that Exceeded Equivalency | Overaward Percentage |
| 1990-91 | 6 | 6.25 | .25 | 4% |
| 1991-92 | 6 | 6.60 | .60 | 10% |
| 1992-93 | 6 | 6.21 | .21 | 4% |
| Total | | | 1.06 | 6% |

B. EXCESSIVE FINANCIAL AID IN IMPERMISSIBLE BOOKS PROVIDED TO STUDENT-ATHLETES. [NCAA BYLAWS 15.2.3 and 15.2.3.1]

Each semester from the 1989 fall semester through the 1993 fall semester, approximately 40 to 60 student-athletes received without cost an average of \$110 in impermissible books as a result of the actions of the assistant director for academics in athletics support services and the lack of proper oversight by the academic support services office. These books were impermissible because they were not required, were not course related or were not included in a student-athlete's scholarship.

During the 1989-90 and 1990-91 academic years, the assistant director for academics signed book vouchers that allowed student-athletes in several sports to receive books that were not required for the courses in which the student-athletes were enrolled. On at least one occasion during the 1990-91 academic year, he also arranged for a track and field student-athlete to receive books at no cost even though the student-athlete's scholarship did not include books. Further, during the 1991-92 and 1992-93 academic years through the 1993 fall semester, when the assistant director for academics was no longer employed at the university, several student-athletes continued to receive books that were not course related due to a lack of proper oversight by the academic support services staff concerning book-requisition procedures.

C. EXTRA BENEFITS PROVIDED TO STUDENT-ATHLETES BY FRAUDULENT ARRANGEMENTS FOR PELL GRANT FUNDS. [NCAA BYLAWS 16.02.3 AND 16.12.2.1]

During the 1989-90 and 1990-91 academic years, the assistant director for academics in athletics support services arranged for approximately 60 to 77 student-athletes who participated in several athletics programs to receive Pell Grant funds that they otherwise would not have received, totaling a maximum of \$212,969 over a three-year period. Of 77 student-athletes who received money from the Pell Grant program through fraudulent means with the help of the assistant director for academics, 55 were members of the football team. The other student-athletes participated in basketball, swimming, golf, baseball, track, tennis and crew. The average of Pell Grant funds fraudulently received by the 77 student-athletes was approximately \$1,970. Because the majority of the involved student-athletes received full athletics scholarships, they were able to spend the money on items unrelated to their educational expenses. No student-athlete received an amount that exceeded NCAA financial aid limits for student-athletes entitled to receive Pell Grant funds. The

assistance of a staff member, however, in fraudulently obtaining the Pell Grant funds, which most of the student-athletes were not entitled to receive, violates NCAA extra-benefits legislation.

The assistant director for academics organized the submission of Pell Grant documents containing deliberate misrepresentations, omissions, forgeries and false statements. His assistance was not limited to the student-athletes who were in financial need but was offered to any student-athlete, chiefly as a result of his belief that student-athletes should receive some type of financial assistance for participating in athletics. Although the assistant director for academics provided this assistance to six students who were not student-athletes, the assistance he provided to the student-athletes was not generally available to others on the same scale and thus violated NCAA extra-benefits legislation. All six of the nonathletes had connections to the athletics department.

The institution disputed its responsibility for the extra benefits because they resulted from the criminal actions of an employee. Although NCAA bylaws do not address criminal behavior, that does not preclude the finding of an NCAA violation resulting from or related to criminal activity. In this case, the Pell Grant funds with few exceptions were obtained for student-athletes, which thus constituted a violation of NCAA extra-benefits legislation as well as Federal criminal law. The institutional violation of NCAA legislation is the extra benefit provided to the student-athlete rather than the criminal conduct of the employee, who also was a representative of the institution's athletics interests.

It was widely known among the student-athletes that funds could be obtained through the help of the assistant director for academics in athletics support services. Some student-athletes were not aware that fraudulent documents were submitted for them or may not have fully understood the extent of the system but the great majority understood that the information being submitted for them was fraudulent.

Although the job description for the assistant director for academics in athletics support services did not include any responsibilities related to assisting student-athletes with financial aid matters, his immediate supervisor became aware that he was assuming those responsibilities but did not inform her supervisor or the director of athletics. As a result, there was no system in place to monitor the staff member's assistance with financial aid, even though he had been reprimanded twice during the summer and fall of 1990 for involvement in improprieties associated with responsibilities within his job description. In accordance with Federal guidelines, the university's financial aid department was responsible for reviewing and verifying information submitted by students to qualify for Federal aid. The university's financial aid staff reviewed falsified tax return forms and other documents that contained false information completed by the assistant director for academics but failed to notice any false or fictitious names, addresses and social security numbers, irregular signatures, misreported information or false claims of dependency that would have caused them to suspect that the forms were completed fraudulently.

During the 1985-86 through 1991-92 academic years, numerous football student-athletes received financial aid that exceeded the value of a full grant-in-aid when they received compensation for employment during the academic year. Two former University of Miami football student-athletes arranged the employment.

In February during each of those academic years, approximately 15 to 30 football student-athletes who were receiving full athletics grant-in-aid awards worked as security guards at an arts festival that was a three-day event on President's Day weekend. The student-athletes received approximately \$100 for each day that they worked, which could have totaled as much as \$9,000 in any one year, depending on the number of student-athletes who were employed and how many days they worked. They also received transportation from the institution's campus to the festival and food vouchers for the three-day event.

E. CASH AWARDS FOR ATHLETICS PARTICIPATION. [NCAA BYLAWS 12.1.1, 12.1.2 AND 16.1.3.1]

During each of the football seasons from 1986 through 1992, football student-athletes contributed approximately \$5 to \$20 to a pool of money that was collected by a defensive player for the purpose of providing cash to a selected student-athlete who made the best defensive tackle during the course of a game. As a result of this cash being collected and distributed for this purpose, numerous football student-athletes received between \$20 and \$200 for their performance in regular-season and postseason football games.

At least one former football student-athlete contributed cash to this pool of money. During the 1991 football season, a professional football player and former student-athlete contributed \$50 when he visited the locker room as the pool was being collected before a football game.

The head football coach and the associate director of athletics for compliance and internal operations were aware of the existence of the pool. Although the head coach requested the student-athletes to discontinue the pool, neither individual took any significant steps to stop the pool or to ensure that the activity ceased.

F. FAILURE TO FOLLOW INSTITUTIONAL POLICIES AND PROCEDURES ON DRUG ABUSE. [NCAA BYLAWS 10.2 AND 14.01.3]

During the 1993-94 and 1994-95 academic years, the university's athletics department failed to follow institutional policies and procedures concerning student-athlete drug use. As a result, three football student-athletes were permitted to participate in competition without being subjected to the required disciplinary measures set forth in the policy.

During the academic years 1989-90 through 1992-93, the university's athletics department engaged in drug-testing its student-athletes in accordance with the university's drug-testing policy.

During the 1993-94 academic year, the drug policy was published in the student-athlete handbook, reviewed with the student-

athletes and believed to be in effect by assistant football coaches, football student-athletes, the director of athletics, an assistant director of athletics who was responsible for supervising the drug-testing staff and the assistant athletics trainer responsible for coordinating the drug tests. However, the head football coach and the head athletics trainer, who was in his first year of employment at the university, did not believe that the drug-testing policy with disciplinary measures was in effect. As a result, if a student-athlete tested positive, the head athletics trainer notified the head football coach, who did not forward the information to any other athletics department staff member.

During the 1994-95 academic year, the policy was not published in the student-athlete handbook because the policy was being revised, but drug-testing continued. The director of athletics and the assistant director of athletics responsible for supervision over the athletics training staff who coordinated drug-testing believed that the policy and disciplinary measures were still in effect. The head football coach and the head athletics trainer continued to believe that there was no policy in effect and did not notify other administrators of the student-athletes who tested positive.

As a result of continuing lack of communication and misunderstandings concerning the policy, disciplinary measures were not implemented in accordance with the policy in the following cases during the 1993-94 and 1994-95 academic years:

1. Football student-athlete A tested positive the second time during the spring of the 1992-93 academic year but was not suspended from participating in one competition during the fall of 1993 as required under the drug policy.
2. Football student-athlete B tested positive on four occasions during the 1991-92 through 1994-95 academic years. Upon his second positive test, the student-athlete was withheld from a regular-season contest. During the 1993-94 academic year, the student-athlete tested positive for a third time prior to the university's participation in the 1994 Fiesta Bowl. No disciplinary measures other than mandatory counseling were imposed at that time, and the student-athlete participated in the 1994 Fiesta Bowl even though the policy indicated the student-athlete may have been subject to the disciplinary measure of a one-year suspension. Further, the student-athlete was not withheld from any regular-season contest in the 1994-95 academic year. The student-athlete tested positive for a fourth time prior to the university's participation in the 1995 Orange Bowl but was permitted to participate in the game.
3. Football student-athlete C tested positive on two occasions during the 1993-94 academic year but was not suspended from one competition in the fall of 1994 as required under the drug policy.

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

During the 1989-90 through 1991-92 academic years, the assistant director for academics in athletics support services acted contrary to the principles of ethical conduct and did not on all occasions deport himself in accordance with the generally

recognized standards normally associated with the conduct and administration of intercollegiate athletics. His involvement in the activities set forth in Finding II-C of this report demonstrated a knowing effort to provide student-athletes with extra benefits by creating and organizing a fraudulent system over a two-year period that allowed the student-athletes to receive Federally funded financial aid for which they did not qualify.

H. LACK OF INSTITUTIONAL CONTROL. [NCAA CONSTITUTION 2.1.1, 2.1.2, 2.7.1 AND 6.01.1]

The scope and nature of the violations described in this report, and the length of time that some went undiscovered, demonstrate a lack of appropriate institutional control and monitoring in the conduct and administration of the institution's athletics programs.

1. The use of an improper method of calculating off-campus room and board stipends over a four-year period in football, baseball, men's tennis and women's golf, as set forth in Finding II-A, while similar stipends were being calculated properly in other sports, is evidence of inadequate oversight as well as the inadequate knowledge of individual personnel about NCAA legislation regarding such stipends.
2. Lack of an adequate system precluding the receipt by student-athletes of impermissible books contributed to the excess financial aid described in Finding II-B.
3. Failure either to stop or to monitor activities of an athletics department staff member in an area outside his job responsibilities, after the staff member had been reprimanded for improper performance of responsibilities to which he was officially assigned, contributed to the extent and duration of the extra-benefits violations described in Finding II-C.
4. Failure to question the nature of student-athlete participation as security guards at the annual arts festival described in Finding II-D resulted in repeated impermissible employment of student-athletes over a period of seven years.
5. Failure to stop the contribution to cash pools after they became known to athletics department administrators permitted the cash-award violation described in Finding II-E.
6. Lack of communication regarding institutional policy on drug abuse and inadequate supervision regarding its implementation resulted in the violations described in Finding II-F.

I. SECONDARY VIOLATION [NCAA BYLAW 16.3.3-(b)]

Following the hearing, the institution reported to the committee on November 21, 1995, that a women's booster group at the beginning of each semester since 1986 had been providing \$200 worth of paper, pencils, pens and notepads to the Academic Support Center where they could be taken by student-athletes for

their own use throughout the semester. The institution has put an end to this activity and has informed all parties that it is contrary to NCAA Bylaw 16.3.3-(b), which precludes providing course supplies as an academic support service.

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. Issued a letter of reprimand to the arts festival committee and the two individuals involved in securing employment for the student-athletes and recommended that one of the individuals not be hired as a commentator by a radio station that will broadcast the institution's football games.
2. Indicated it will refine its procedures concerning student-athlete employment, volunteering and public appearances during the academic year.
3. Established procedures regarding the presence of former student-athletes in the team locker room and on the sidelines during institutional football games.
4. Indicated it will require each head coach to provide the director of athletics with a mailing list of persons who have assisted their respective programs to assure that the institution can provide them with NCAA legislation.
5. Placed all responsibility with the compliance office for purchasing books for student-athletes and tutors and instituted an issuance and retrieval policy for all student-athletes.
6. Indicated it will issue a letter of reprimand to the assistant athletics director for academic support and student services regarding providing student-athletes with only course related books.
7. Revamped its Pell Grant application assistance in the athletics department and in the office of financial assistance services, including instituting new checks and balances and monitoring systems beyond Federal regulations.
8. Developed and adopted a new drug-testing policy drafted by nationally recognized experts.
9. Assigned a high-level task force to review the administrative structure within the athletics department with particular attention focused on the drug-testing policy.

B. PENALTIES SELF-IMPOSED BY THE UNIVERSITY.

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

1. The number of initial athletically related financial aid awards in football that are countable under Bylaw 15.02.3 shall be reduced by seven during the 1995-96 academic year, which limits the institution to 18 initial scholarships.
2. The number of total athletically related financial aid awards in football shall be reduced by five during the 1995-96 academic year, which limits the institution to 80 scholarships.

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 imposed the following additional penalties:

1. Public reprimand and censure.
2. Three years of probation from November 10, 1995, the date of the hearing.
3. The institution's football team shall end its 1995 season with the playing of its last regularly scheduled, in-season contest and shall not be eligible to participate in any postseason competition or take advantage of any of the exemptions provided in Bylaw 17.7.5.2.
4. The number of initial athletically related financial aid awards in football that are countable under Bylaw 15.02.3 shall be reduced as follows:
 - a. 1996-97 -- reduction of 13 initial scholarships, which limits the institution to 12 under current rules.
 - b. 1997-98 -- reduction of 11 initial scholarships, which limits the institution to 14 under current rules.
5. The number of total athletically related financial aid awards in football shall be reduced by five during each of the 1996-97 and 1997-98 academic years, which limits the institution to 80 scholarships each year under current rules.
6. The number of athletically related financial aid awards in baseball shall be reduced by 6.12 over the next three academic years.
7. The number of athletically related financial aid awards in men's tennis shall be reduced by 1.98 over the next three academic years.
8. The number of athletically related financial aid awards in women's golf shall be reduced by 1.06 over a three-year period.

9. 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 January 5, 1996, setting forth a schedule for establishing this compliance and educational program; and
 - c. File with the committee's administrator annual compliance reports indicating the progress made with this program by October 15 of each year during the probationary period. Particular emphasis should be placed on monitoring of all types of financial aid to student-athletes, supervision of athletics department staff members, and implementation of policies governing drug abuse and student-athlete employment. The reports must also include documentation of the university's compliance with the penalties adopted and imposed by the committee.
10. The institution's president shall recertify that all of the university's current athletics policies and practices conform to all requirements of NCAA regulations.
11. The athletics department staff member involved in Findings II-B, C, and G will be informed in writing by the NCAA that, due to his involvement in certain violations of NCAA legislation found in this case, if he seeks employment or affiliation in an athletically related position at an NCAA member institution during a seven-year period (December 1, 1995, to December 1, 2002), 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 the staff member's 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, the University of Miami 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, November 10, 1995.

Should the University of Miami 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 will 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

Richard J. Dunn
Jack H. Friedenthal
Roy F. Kramer
Frederick B. Lacey
James L. Richmond
Yvonne (Bonnie) L. Slatton
David Swank (chair)