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WAKE FOREST UNIVERSITY 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.

A. INVOLVED INSTITUTION.

This case involves Wake Forest University, a Division I-A member institution located in Winston-Salem, North Carolina, and a member of the Atlantic Coast Conference.

B.SUMMARY OF THE INVESTIGATION OF THE CASE.

On November 10, 1992, the head men's basketball coach was advised by one of the assistant men's basketball coaches that a representative of the institution's athletics interests was requesting money from the university for his assistance in the recruitment of a prospective student-athlete. The head coach met with the representative and his wife on November 11, 1992. Later that day, the head coach reported this incident to the institution's compliance officer. On November 12, 1992, the compliance officer and the assistant commissioner of the Atlantic Coast Conference met with the representative. Additional interviews with the representative took place during the next several days.

In November 1992, the assistant conference commissioner, acting for the university and the conference, informed the NCAA assistant executive director for enforcement and eligibility appeals that allegations of several possible violations of NCAA rules had been made. [Page 2]

In January 1993, the president of the university appointed a formal investigating committee to examine the allegations made by the representative of the university's athletics interest. This committee had several interviews with the representative from January 1993 through April 1993. The committee also interviewed 17 other individuals about the recruitment of the student-athlete involved in these violations.

In April 1993, when the university was completing its investigation, several articles appeared in the newspapers concerning the representative's involvement in the prospective student-athlete's recruitment.

On June 15, 1993, several university officials met with NCAA enforcement and eligibility appeals staff members at the national office to provide them with an update on its inquiry. The representatives of the university indicated that its self_report was substantially completed and would be submitted within four to six weeks.

Ten weeks later, on August 27, 1993, an NCAA eligibility representative sent a letter to the assistant commissioner explaining that the eligibility staff could not review an appeal for restoration of the young man's eligibility until the university's self_report had been submitted. The eligibility representative advised the institution that the report would be reviewed by both the eligibility appeals and enforcement staffs, and that it was probable that after this initial review, the eligibility decision would not be made until the enforcement staff had completed its investigation of the matter and determined whether additional information was available.

The enforcement and eligibility appeals staffs received the university's self-report on September 21, 1993, and began to review its contents. The report, in addition to reporting various violations of NCAA bylaws, contained a request for restoration of the involved student_athlete's eligibility and a request for a prompt decision on that issue.

In reviewing the university's report, the enforcement and eligibility appeals staffs had difficulty determining which of the specific violations the university was acknowledging, the specific date when the university believed the individual who had provided assistance became a representative, and if and when he ceased being a representative.

For the next three months, the enforcement staff conducted numerous interviews on and off the university's campus. During this period, the enforcement and eligibility appeals staffs also were corresponding with the university in order to clarify the various issues in this matter.

After the interview with the involved student_athlete by the enforcement staff on December 21, 1993, the university submitted a supplemental report to the enforcement and eligibility appeals staffs in which various violations of NCAA rules were finally acknowledged. On December 30, 1993, after reviewing the information submitted by the university and the involved student_athlete's legal counsel, the NCAA assistant executive director for enforcement and eligibility appeals [Page 3] sent a letter to the president of the university indicating that the eligibility of the involved student_athlete would not be restored at the university. This decision was based on the conclusion that the university gained a significant recruiting advantage as a result of numerous and serious recruiting violations, and that the representative's improper acts for a period of time facilitated the young man's enrollment at Wake Forest University. Since the involved student_athlete was innocently involved in the violations, he would be allowed to transfer to any other NCAA member institution and compete immediately. The student-athlete did transfer to another NCAA member institution and competed during the spring semester of 1993-94.

On February 25, 1994, the enforcement staff sent a letter of official inquiry to the university and to a former assistant men's basketball coach. The university and the former assistant coach responded on March 22, 1994. An in_person prehearing conference was held with university representatives on March 28, 1994, and a telephone prehearing conference was held with the former assistant coach and his legal counsel on April 8, 1994.

The Committee on Infractions heard the case on April 15, 1994, in Baltimore, Maryland.

C. SUMMARY OF THE FINDINGS OF VIOLATIONS.

From the evidence submitted at the hearing, the Committee on Infractions found the following violations:

1. Improper recruiting activities by a representative of the university's athletics interests. His activities involved:
 - a. Making numerous recruiting contacts with a prospective student-athlete and his family.
 - b. Providing improper inducements to a prospective student-athlete in the form of meals, lodging, transportation, clothing and financial arrangements.
2. Conducting a tryouts for prospective student-athletes.
3. Providing two expense-paid visits to a prospective student-athlete.

D. SUMMARY OF THE PENALTIES.

After the violations and various mitigating factors were considered, the penalties imposed by the committee included:

1. Reprimanding and censuring Wake Forest University.
2. Placing the university's athletics program on probation for one year. [Page 4]
3. Reducing scholarships in men's basketball by one for one year.
4. Reducing the number of expense-paid visits in men's basketball by two for one year.
5. Restricting the recruitment of international student-athletes by the head men's basketball coach.
6. Requiring the university to continue to expand and improve its compliance and educational program.
7. Requiring recertification of compliance with NCAA rules.

8. Accepting the university's action to reprimand and discipline the head men's basketball coach and to disassociate a representative of the university's athletics interests.

II. FINDINGS OF VIOLATIONS OF NCAA LEGISLATION.

A. IMPERMISSIBLE RECRUITING CONTACTS BY A REPRESENTATIVE [NCAA BYLAWS 13.01.5.1, 13.1.2.1 AND 13.1.2.5_(a)].

During the period of June 9, 1992, through November 27, 1992, a representative of the university's athletics interests contacted a prospective student-athlete, his father, his uncle and other members of his family by telephone on approximately 35 occasions in order to assist in the recruitment of the young man for Wake Forest University and to facilitate the young man's enrollment in a preparatory school. In the fall of 1992, the representative provided a toll-free telephone number to the prospect. The representative had obtained this telephone number for the prospect to call the representative's home in Greensboro. The prospect used this number on approximately 16 occasions to telephone the representative.

Members of the men's basketball coaching staff initially asked the representative to assist in translating their conversations with the young man's father. At that time, the individual was not a representative of the university's athletics interests. Subsequent to several telephone conversations with the prospect's father in the presence of the coaching staff at the basketball office, the representative began to telephone the prospect and the young man's father from his home. For the next five months, the representative continued to telephone the prospect and the young man's father concerning the prospect's arrival in the United States and his enrollment at a preparatory school. He periodically communicated this information to the university's coaching staff.

It was during this period that the individual became a representative of the university's athletics interest and assisted in recruiting the prospective student-athlete. The representative contacted the young man or members of his family by telephone at the homes of the prospect's father in two foreign countries and at the home of the [Page 5] young man's uncle in a foreign country. Subsequent to the young man's arrival in the United States and enrollment at the preparatory school, the representative made numerous telephone contacts with the young man and had several additional telephone contacts with his father.

B. IMPROPER RECRUITING CONTACT AND ASSISTANCE BY A REPRESENTATIVE [NCAA BYLAWS 13.01.5.1, 13.1.2.1 AND 13.2.1].

During June 1992, a representative of the university's athletics interest assisted in completing an application form for a prospective student_athlete for a preparatory school. An assistant men's basketball coach requested an application form on June 10, 1992, from preparatory school officials. After receiving this form, he provided it to the representative in order for the representative to complete sections of the application. After the representative completed a significant portion of the young man's application, he returned the application to the assistant coach. The assistant coach then forwarded the application to the young man's father to complete any remaining portions and to sign it. The representative contacted the father by telephone and

assisted the father in filling out the remaining sections of the application. In doing this, he translated a brief essay, which the father then typed onto the application.

C. IMPROPER RECRUITING CONTACTS AND ASSISTANCE BY A REPRESENTATIVE [NCAA BYLAWS 13.01.5.1 AND 13.2.1].

On September 30, 1992, a representative of the university's athletics interests and his wife met a prospective student_athlete at New York's LaGuardia Airport upon the young man's arrival from overseas. Immediately after meeting the prospective student_athlete at the airport, the representative telephoned an assistant men's basketball coach and indicated to the assistant coach that the prospect had arrived. After this conversation, the representative arranged for and provided one night's lodging, taxi transportation and meals for the young man, at an approximate cost of \$105.

On the next day, the representative provided a companion airline ticket, which cost \$27, to the prospective student_athlete. This was a 90 percent reduction in the cost of the ticket for the young man to travel from New York City to North Carolina with the representative and his wife. The reduction in price was due to the representative's employment with an airline company.

D. IMPROPER RECRUITING CONTACTS AND PROVISION OF AUTOMOBILE TRANSPORTATION, LODGING, MEALS AND CLOTHING BY A REPRESENTATIVE TO A PROSPECT [NCAA BYLAWS 13.01.5.1, 13.2.1 AND 13.2.2_(h)].

On October 1, 1992, a representative of the university's athletics interests provided automobile transportation for a prospective student_athlete from an airport to the representative's home. The representative then transported the prospective student_athlete from his home to the university's campus in Winston_Salem, North Carolina, [Page 6] in order for the young man to meet the university's men's basketball coaching staff. During this visit to the men's basketball offices, an assistant basketball coach invited the representative, his wife and the prospect to the university's football game on October 3, 1992. After leaving the men's basketball offices, the representative then transported the prospective student_athlete to a local store where the representative purchased several pairs of socks for the prospective student_athlete and then returned to the representative's home.

From October 1 through October 4, the representative provided lodging and meals at his home for the prospective student_athlete, and on October 4, the representative transported the young man from his home to the site of a preparatory school, an approximate one_way distance of 120 miles, in order for the young man to enroll at the school.

E. IMPROPER RECRUITING CONTACT, PROVISION OF AUTOMOBILE TRANSPORTATION AND TRYOUTS [NCAA BYLAWS 13.01.5.1, 13.2.1 AND 13.12.1].

On Friday, October 2, 1992, the head men's basketball coach and an assistant men's basketball coach observed a prospective student_athlete and other prospective student_athletes from the Winston_Salem area participate in pickup basketball activities at a high school in

Winston_Salem. Another assistant men's basketball coach arranged this workout by asking a high school coach to have an open gym at the high school where the coach was employed, and by contacting several other individuals in order to inform them that this pickup basketball game was to occur. A representative of the university's athletics interests, who was present in the gymnasium near the end of these activities, provided one_way automobile transportation for the prospective student_athlete from the high school to his home.

F. IMPROPER RECRUITING CONTACTS BY A REPRESENTATIVE WITH A PROSPECT AND EXCESSIVE OFFICIAL VISITS [NCAA BYLAWS 13.01.5.1, 13.02.11.2, 13.2.1, 13.7.1.1 AND 13.8.2.1].

On Saturday, October 3, 1992, a representative of the university's athletics interests and his wife provided round_trip automobile transportation for a prospective student_athlete between his home and Winston_Salem for the young man to attend a Wake Forest home football game. Prior to the football game, the representative, his wife, the prospect, an assistant men's basketball coach and a preparatory school's head basketball coach met in the men's basketball office. During this meeting, the representative translated the prospective student_athlete's academic transcript for the preparatory school's head basketball coach. The representative and his wife and the young man were provided food and beverages at a pregame tailgate party near the university's stadium at which the men's basketball coaching staff was present. They then attended the football game. The provision of food and beverages during this tailgate party resulted in this unofficial visit becoming an official visit, and due to a subsequent official visit to the university's campus in August, the university provided the young man with two official visits. [Page 7]

G. IMPROPER RECRUITING CONTACT BY A REPRESENTATIVE WITH A PROSPECT'S FATHER [NCAA BYLAWS 13.01.5.1 AND 13.1.2.1].

On one occasion during the week of October 15_21, 1992, while on a trip abroad, a representative of the university's athletics interests had an in_person contact with the father of a prospective student_athlete at the father's place of work.

H. IMPROPER RECRUITING CONTACTS AND INDUCEMENTS BY A REPRESENTATIVES TO A PROSPECT [NCAA BYLAWS 13.01.5.1, 13.1.2.1, 13.2.1 AND 13.2.2_(h)].

On several occasions during the fall of 1992 and spring of 1993, a representative of the institution's athletics interests provided automobile transportation, lodging, meals, long_distance telephone privileges and incidental items for a prospective student_athlete at no cost to the young man when he stayed at the representative's home. Specifically:

1. During the preparatory school's Thanksgiving vacation in 1992 and the Easter vacation in 1993, the representative provided automobile transportation for the prospective student_athlete between the town where the preparatory school is located and his home, an approximate one-way distance of 120 miles, and with lodging and meals at his home.

2. During the preparatory school's Easter vacation in 1993, after the prospective student_athlete had participated in a basketball tournament, the representative provided automobile transportation for the prospective student_athlete from a city to his home, an approximate one_way distance of 90 miles.

3. On or about February 28, 1993, the representative provided one_way automobile transportation for the prospective student_athlete from the institution's campus in Winston-Salem, North Carolina, to the preparatory school, an approximate distance of 100 miles. The young man contacted the representative by telephone to request that he provide him with this transportation, which the prospect needed because the preparatory school basketball team had traveled to the Wake Forest University campus to watch a basketball game the previous evening, and the young man had decided to stay the evening in Winston_Salem rather than return with the team to the preparatory school.

4. During October 1_4, 1992, and November 19_29, 1992, the prospective student_athlete stayed at the representative's home and was permitted to make several long_distance telephone calls abroad.

I. IMPROPER FINANCIAL ARRANGEMENTS BETWEEN A REPRESENTATIVE AND A PROSPECT'S FAMILY [NCAA BYLAW 13.2.1].

During the period from November 1992 to January 1993, a representative of the university's athletics interests participated in a financial arrangement contrary to NCAA legislation with a prospective student_athlete in that the young man's father transferred funds into [Page 8] the representative's bank account, who then provided some of these funds to the prospect but retained a portion of the young man's money, which he periodically disbursed to the prospect upon the young man's father's request. On or about November 25, 1992, the representative allowed the prospect's father to wire approximately \$534.67 into his bank account so that the prospective student_athlete could receive money from his father for personal expenses. Approximately two days later, the representative provided a personal check to the prospect for this amount. The young man returned approximately \$300 of this money to the representative, which he provided periodically to the prospect upon the young man's request.

III. COMMITTEE ON INFRACTIONS PENALTIES.

The Committee on Infractions found that this case involved several major violations of NCAA legislation that occurred after September 1, 1985. In determining the appropriate penalties to be imposed, the Committee on Infractions considered that all of these violations involved only one representative of the institution's athletics interests and one student-athlete. There was a thorough investigation of the case by the university and proper reporting of the violations to the NCAA. The institution cooperated in the processing of the case and initiated appropriate disciplinary and corrective actions. These actions included the establishment of administrative procedures designed to ensure that Wake Forest University will comply with the principles of institutional control and rules compliance in the future. It also was noted by the committee that there was some misunderstanding by the coaching staff about the status of the representative of the university's athletics interests, which may have led to some of the violations.

The penalties imposed are as follows:

A. The university shall be publicly reprimanded and censured, and placed on probation for a period of one year from April 15, 1994, the date of the hearing in this case, unless an appeal is filed by the university and the NCAA Infractions Appeals Committee alters the effective date of the probationary period.

B. During this period of probation, the university shall continue to develop and implement a comprehensive compliance and educational program to instruct coaches and athletics department personnel on NCAA legislation. It shall submit a preliminary report by August 15, 1994, setting forth a schedule for establishing this compliance and educational program, and file a final report with the NCAA Committee on Infractions on July 1, 1995. Particular emphasis should be placed on problems that arose in recruiting and, specifically, the recruitment of international student-athletes.

C. During the period from July 5, 1994, until December 31, 1994, the head men's basketball coach may not recruit or participate in the recruitment of international student-athletes in any manner. [Page 9]

D. During the 1994-95 academic year, the institution shall award no more than 12 initial athletically related financial aid awards that are countable under Bylaw 15.02.3 in men's basketball. This action was suggested by the university as an appropriate penalty it would impose upon itself.

E. During the period from September 1, 1994 through August 31, 1995, the university shall be limited to 10 expense_paid visits to its campus in men's basketball.

F. The university shall recertify that all of its current athletics policies and practices conform to all requirements of NCAA regulations.

G. The committee adopted the action of the university to disassociate the involved representative of the university's athletics interests from the university's athletics program based upon his involvement in violations of NCAA rules in the case. In the committee's view, such disassociation should be at least for the university's probationary period and shall include the following actions: (1) refraining from accepting any assistance from the individual that would aid in the support of enrolled student_athletes; (2) refusing financial assistance for the university's athletics program from the individual; (3) ensuring that no athletics benefit or privilege is provided to the individual, either directly or indirectly, and (4) such other actions against the individual that the university determines to be within its authority to eliminate the involvement of the individual in the university's athletics program.

H. The committee also approved the university's freezing of the head men's basketball coach's salary for one year, and reprimanding him for his failure to control the situation involving the representative of the university's athletics interests and for his failure to effectively manage the recruiting efforts of his assistant coaches.

As required by NCAA legislation, for any institution involved in a major infractions case, Wake Forest 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 probationary period in this case.

The university shall have 15 days from the date it receives this report to notify the NCAA executive director in writing that it will file an appeal as set forth in Bylaw 32.9.

Should Wake Forest University appeal either the findings of violations or proposed penalties in this case to the NCAA Infractions Appeals Committee, the Committee on Infractions will submit a response to the appeal to the members of the appeals committee. This response may include additional [Page 10] information in accordance with Bylaw 32.9.5. A copy of the response would be provided to Wake Forest University prior to the university's appearance before the appeals committee.

The Committee on Infractions wishes to advise the university that when the penalties in this case become effective, the university should take every precaution to ensure that their terms are observed. The committee intends to 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 university's probationary period, as well as to consider 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.

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