

FOR RELEASE: January 17, 1991, 2 P.M. (Central Time)

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MIAMI UNIVERSITY (OHIO) INFRACTIONS REPORT

by the NCAA Committee on Infractions

OVERLAND PARK, 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.

This case began on May 10, 1989, when the NCAA enforcement staff received an anonymous letter indicating that a possible violation involving the then Miami University (Ohio) men's head basketball coach and a member of the men's basketball team may have occurred. The letter contained information indicating that the then men's head basketball coach had provided a grade to the student-athlete in a "basketball theory" class, even though the student-athlete neither attended the class nor completed any required assignments.

On December 19, 1989, the enforcement staff interviewed the men's head basketball coach in the presence of a university representative. In February 1990, the enforcement staff interviewed the former student-athlete and the university's registrar. An official inquiry was sent to the university on May 15, 1990. The institution responded in writing on July 2, 1990. Included in the university's response was a statement by the then men's head basketball coach. Separate prehearing conferences were conducted with representatives of the institution and the men's head basketball coach (who was no longer employed by the university) on October 29, 1990. A hearing before the NCAA Committee on Infractions with the involved parties was held on November 11, 1990.

This case involved a fundamental violation of university academic integrity and NCAA rules by a head coach in an attempt to retain the eligibility of a team member. The involved student-athlete would not have remained eligible to compete without a substantial improvement in his grade-point average during the fall of 1989. The then head coach viewed the young man as important to the basketball team's success, and, therefore, the student-athlete was enrolled in a class taught by the coach. The coach awarded him a [Page 2] grade of "A" (a grade sufficient for the young man to retain his eligibility) despite the fact that the young man did not participate in any way in the class.

At the time of the violation, the coach recognized, and later admitted that he knew, that his action was contrary to university academic rules, although he did not know that these actions also were

contrary to NCAA legislation. The coach and the student-athlete agreed to keep the grade arrangement confidential between themselves.

Upon being informed by the NCAA enforcement staff of a possible violation, the university provided its full cooperation in the investigation. The coach, when confronted with the allegation, immediately acknowledged his involvement and accepted full responsibility for his actions. Investigation by the university and the enforcement staff indicated that this was a single, aberrant act by a coach who had been involved in no other known violations of university academic or NCAA rules and regulations during his tenure of twenty plus years at the institution.

The university undertook an examination of its academic policies and practices, making several changes, and made it very clear what it had always maintained -- that the proper relationship of a coach and student-athlete in a teacher/student setting is an academic relationship and not one related to athletics. The committee appreciated the position of the university that academic fraud is exceptionally difficult to detect without violating basic professor/student relationships; yet the committee also agreed with the position of the university that any such fraud is a threat to the basic academic integrity of any institution.

Following institutional procedures in disciplinary matters for employees, the university terminated the employment of the men's head basketball coach in the summer of 1990. The university reported the violation to the Mid-American Conference, which, on November 1, 1990, with the concurrence of the university, imposed several penalties: all individual records and performances achieved by the ineligible student-athlete were eliminated; all team records and performances achieved during the participation of the ineligible student-athlete were vacated; all contests in which the former student-athlete competed while ineligible were forfeited; all monies received from the 1989 Mid-American Conference Men's Basketball Tournament were to be returned to the conference, and the university was placed on probation for two years with monitoring by the conference office.

The Committee on Infractions has determined that academic fraud is a major violation of NCAA regulations. Certainly, a case in which a men's head basketball coach was able to preserve a season of eligibility for one of his top student-athletes improperly is a major violation. The minimum required penalties for a major violation as set forth by the Association are: a two-year probationary period; elimination of expense-paid recruiting visits related to the sport for at least one year; elimination of off-campus recruiting for the sport for at least one year; loss of postseason competition and television appearances for at least one year, and possible termination of the employment of staff members involved in the violations. The committee is mandated by the prescribed legislation to impose the full penalties unless it determines that the case is "unique." The committee [Page 3] has found that a case may be "unique" when there is: prompt detection and reporting of the violations to the NCAA; thorough investigation of the athletics program by the institution that goes beyond merely cooperating in the processing of the case, and initiation of strong disciplinary and corrective actions (including the establishment of administrative procedures designed to ensure that the institution will comply with the principles of institutional control and rules compliance in the future).

The committee found that this is a "unique" case. The committee noted the university's full cooperation, its history of no infractions cases, its actions in terminating the head coach from his position, the isolated albeit serious nature of this single violation and the penalties already imposed by the Mid-American Conference. Therefore, the committee imposed the following penalties: a two-year probationary period with monitoring reports and acceptance of all the conference penalties as the NCAA's. Further, the committee determined that normally it would have required the former men's head basketball coach and any member institution that wishes to employ him in an athletically related position during the next five years to come before the committee. In view of the coach's full cooperation and candor in this matter, the committee determined that the period during which he will be subject to this show-cause procedure shall be limited to a period of three years.

## II. Violation of NCAA legislation as determined by committee.

[NCAA Bylaws 2.1, 2.3, 2.4, 10.1-(b), 14.0.1.4 and 14.5.1]

During the fall semester of the 1988-89 academic year, the then men's head basketball coach violated the principles of ethical conduct and fundamental institutional academic standards when he arranged for a then student-athlete to receive a grade of "A" in a course entitled "basketball theory" (PHS 331.A), which the head coach instructed, even though the young man neither attended the class nor performed any course work required of other members of the class; thereby, the young man was able to retain his academic eligibility to compete in the sport of men's intercollegiate basketball during the 1988-89 season.

## III. Committee on Infractions penalties.

For reasons set forth in Part I of this report, the Committee on Infractions found that this case involved a major violation of NCAA legislation that is set forth in Part II of this report. Because this case involves a major violation of NCAA legislation that occurred after September 1, 1985, NCAA Bylaw 19.4.2.2, as adopted by the Convention, requires, "subject to exceptions authorized by the Committee on Infractions in unique cases on the basis of specifically stated reasons," minimum penalties that shall include: (a) a two-year probationary period (including a periodic in-person monitoring system and written institutional reports); (b) the [Page 4] 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.

For the reasons set forth in Part I of this report, the committee determined that this is a unique case. Accordingly, the Committee on Infractions has reduced the prescribed penalties and shall impose the following penalties:

A. The university shall be publicly reprimanded and censured, and placed on probation for a period of two 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, Miami University (Ohio) shall be subject to the provisions of NCAA Bylaw 19.4.2.3 concerning repeat violators for a five-year period beginning on the effective date of the penalties in this case.

B. During this period of probation, the institution shall submit to the committee the same series of monitoring reports it submits to the Mid-American Conference, which shall be on or before July 1, 1991, July 1, 1992, and the expiration date of this probationary period.

C. The committee adopts the following penalties as its own that were imposed by the Mid-American Conference in its letter to the institution dated November 1, 1990:

1. The individual records and performances achieved during participation by the ineligible student-athlete shall be vacated or stricken.
2. The team records and performances achieved during participation by the ineligible student-athlete shall be vacated or stricken. [Page 5]

3. All contests in which the ineligible student-athlete competed shall be forfeited.

D. The institution shall recertify its full compliance with NCAA legislation in all sports at the conclusion of the probationary period.

E. If the university had not taken action against the coaching staff member who was found to have violated the principles of ethical conduct, the university would have been required to show cause why it should not have been subject to further penalties had it failed to take such disciplinary action.

F. Should the former men's head basketball coach, who was found to have violated the principles of ethical conduct, seek employment at a member institution in an athletically related position during a five-year period beginning with the effective date of these penalties, both he and the member 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-(I). [NOTE: Because of his cooperation and candor in this case, the former head coach shall be subject to the provisions of this show-cause procedure for a three-year period from the effective date of these penalties.]

[NOTE: Should Miami University (Ohio) 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 institution'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 institution 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 institution's probationary period, as well as to consider imposing more severe sanctions in this case.

**Finally, 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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DAW:cg