

FOR RELEASE: March 25, 1991, 12 p.m. (Central Time)

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## UNIVERSITY OF MICHIGAN INFRACTIONS REPORT

by the NCAA Committee on Infractions

OVERLAND PARK, KANSAS--This report is filed in accordance with NCAA Bylaw 32.7 and is organized as follows:

I. Introduction.

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

III. Committee on Infractions penalties.

I. Introduction.

On January 30, 1989, the Big Ten Conference office notified the University of Michigan that the conduct and administration of the university's baseball program was the subject of an inquiry. During the following months, the conference and the university conducted a joint investigation of the university's baseball program. The university appeared before the Big Ten Conference Compliance Committee on February 26, 1990, and the results of this investigation were revealed in a February 27, 1990, public announcement from the conference. On March 5, 1990, the conference and university investigative report was transmitted to the NCAA enforcement department.

Prior to its appearance before the Big Ten Conference Compliance Committee, the university requested and obtained the resignation of its former head baseball coach and self-imposed sanctions in the sport of baseball, including: (a) the elimination of one assistant coach position from the baseball staff; (b) a decision not to award any initial athletically related grants-in-aid in the sport of baseball during the 1990-91 academic year; (c) a prohibition against any off-campus recruiting activities by any member of the baseball coaching staff through August 31, 1990; (d) the elimination of all expense-paid recruiting visits for prospects during the 1989-90 academic year; (e) a limit on the number of total grants-in-aid in effect in the baseball program to 10 full grants during the 1991-92 academic year and 11 full grants during the 1992-93 academic [Page 2] year, and (f) a resolution to conduct a recertification program regarding the university's current athletics policies and practices to ensure compliance with conference and NCAA regulations.

The Big Ten Conference Compliance Committee imposed the following additional penalties against the university: (a) a three-year probationary period during which the university will be required to submit a report concerning the baseball program at the end of each academic year certifying that the policies and practices conform to all requirements of NCAA and conference legislation; (b) a prohibition on postseason competition in baseball for the 1989-90, 1990-91 and

1991-92 academic years, and (c) a prohibition regarding any live television coverage of the baseball team for the 1989-90, 1990-91 and 1991-92 academic years. As a result of the university's extensive cooperative efforts in this investigation, the conference committee suspended the probationary period and sanctions regarding postseason competition and television appearances during the 1991-92 academic year.

Upon receipt of the institution's report and the Big Ten Conference's actions in March 1990, the NCAA enforcement staff reviewed the information and, on August 31, 1990, sent a letter of official inquiry to the president. A copy of all allegations also was sent to the former head baseball coach through his legal counsel. A prehearing conference was held with institutional officials via telephone on January 16, 1991, and the university's hearing before the NCAA Committee on Infractions was held on February 3, 1991.

The NCAA hearing was a review of the findings made by the Big Ten Conference. There was agreement on the allegations, and the findings were not contested by the university. The cooperation of the university and the diligent efforts of the conference ensured that the purpose of the hearing was to determine the degree of individual responsibility for the violations, the reasons the violations occurred, the degree of institutional responsibility, and whether the penalties and sanctions imposed by the conference were sufficient to meet the requirements of NCAA legislation if adopted by the Committee on Infractions. The complexities of the financial dealings in this case could not have been unraveled without the full cooperation and the openness of the university. The university also acknowledged that it had failed to exercise appropriate institutional control over the baseball program.

This case involved a former head baseball coach who arranged for or provided approximately \$82,000 to numerous members of the baseball team over five academic years by using funds from the sale of football game programs (which was an unsupervised responsibility under his direction), wages from term-time employment, wages at his baseball camp and personal resources. The result of the violations included pay for work not done or only partially done and funds for student-athletes that were not included in [Page 3] grant-in-aid totals. As a result, the violations provided an extraordinary competitive and recruiting advantage by overawarding athletically related monies over a five-year period (1983 to 1988) that is equivalent to an excess of 19.28 grants. During these five years, the university's baseball team enjoyed considerable success in conference and national competition and competed in the NCAA Division I Baseball Championship during each year.

The consistent theme throughout the case was an athletics department that concentrated its attention on the "revenue sports" while not placing great emphasis upon rules education and monitoring of "nonrevenue sports." Moreover, the university itself noted that the institution's absence of a history of no major violations led to lax institutional control and lulled the university into such a false sense of complacency that it had established virtually no compliance and monitoring system. In such an environment, the former head baseball coach operated for a long period outside the bounds of university, conference, and NCAA rules and regulations without any departmental challenge and institutional checks.

Although the former head baseball coach maintained that many of the rules violations occurred because he did not know NCAA legislation or had not been informed about changes in the legislation, a primary responsibility for any head coach is to remain familiar with current rules. No claim to ignorance can excuse the intricate and blatant deception in the provision of tens of thousands of dollars in improper aid to student-athletes. Nor can there be any acceptable excuse for the head coach attempting to persuade present and former team members to recant testimony that they had given to university and conference investigators, attempting to cause others not to cooperate in the investigations and requesting others to provide deliberately false statements. It requires no rules education to understand that such behavior is professional and ethical misconduct.

Immediately upon confirming that serious violations had occurred, the university sought and received the resignation of the head baseball coach, imposed other disciplinary sanctions, and took significant steps to provide rules-education, compliance and monitoring programs throughout its intercollegiate program. It also accepted the sanctions imposed by the Big Ten Conference.

The Committee on Infractions determined that major violations occurred in a continuing pattern from 1983 to 1988. As such, the baseball program is subject to the minimum prescribed penalties set forth in Bylaw 19.4.2.2.

The committee determined that the penalties self-imposed by the university together with those sanctions imposed by the Big Ten Conference exceed the prescribed minimum penalties of Bylaw 19.4.2.2 and are consistent with those imposed by the Committee on Infractions in similar major cases. Accordingly, the committee adopted the actions of the institution and the conference and imposed its own probationary period of two years. Because numerous student-athletes participated in several NCAA Division I Baseball [Page 4] Championships while ineligible, the institution will be required to vacate individual and team records in NCAA championship competition from 1984 through 1989; all team awards shall be returned, and 90 percent of its

share of net receipts from such competition in excess of the regular expense reimbursement shall be returned -- approximately \$42,116.

The committee also has required that for a period of the next five years, the former head baseball coach, who was found to have violated the Association's principles of ethical conduct, and any NCAA member institution, including the University of Michigan, that might wish to employ him in any athletically related position shall be required to come before the Committee on Infractions to consider whether that member institution should be required to limit that individual's athletically related duties at the institution for a designated period.

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

A. [NCAA Bylaws 12.4.1-(a), 12.4.1-(b), 15.01.5, 15.01.7, 15.5.3.1, 15.5.3.3-(a), 15.5.3.3-(c) and 16.12.2.1]

During the 1983-84 through 1987-88 academic years, the head baseball coach provided cash and other financial assistance not administered by the institution's financial aid office to numerous members of the university's intercollegiate baseball team under the guise of: (1) compensation for supervising the university's football program sales at home football contests, and (2) wages for term-time employment on the university's campus, the head coach's personal property and in connection with the head coach's summer baseball camps, even though the young men performed little or no work to receive these wages or compensation or were not eligible to receive such wages under NCAA legislation.

Some of these excessive wages, compensation and other wages for actual work performed during term time were neither computed into each student-athlete's financial aid equivalency calculation nor into the sport of baseball's financial aid overall equivalency calculations. When coupled with other university-administered financial aid, this compensation resulted in one student-athlete exceeding his individual maximum financial aid limitation during the 1985-86 and 1986-87 academic years and the institution exceeding the maximum limit on the value of grants-in-aid in the sport of baseball during each of the five academic years cited above. Specifically:

1. Concerning the student-athletes' receipt of compensation for supervising the university's football program sales during the 1983-84 through 1987-88 academic years, the head coach provided a [Page 5] total of \$45,050 in financial aid to 22 former and two current student-athletes in the form of cashier's checks he purchased from a bank, allegedly as compensation for the young men's activities as "motivators" or "supervisors" of football program sales at the institution's home football contests when, in fact, the young men did no work for these funds. These payments were not reported to the department of intercollegiate athletics and were not included in either the young men's individual financial aid packages or the individuals' equivalency calculations for the sport of baseball. The amount of the compensation for each involved student-athlete and the applicable academic year are set forth below.

- a. During the 1987-88 academic year, a student-athlete received cashier's checks totaling \$2,450.
- b. During the 1985-86, 1986-87 and 1987-88 academic years, a student-athlete received cashier's checks totaling \$4,500.
- c. During the 1984-85 and 1985-86 academic years, a student-athlete received cashier's checks totaling \$3,300.
- d. During the 1985-86 and 1987-88 academic years, a student-athlete received cashier's checks totaling \$2,400.
- e. During the 1985-86 and 1986-87 academic years, a student-athlete received cashier's checks totaling \$1,050.
- f. During the 1987-88 academic year, a student-athlete received cashier's checks totaling \$1,400.
- g. During the 1985-86 academic year, a student-athlete received cashier's checks totaling \$400.

- h. During the 1983-84 and 1984-85 academic years, a student-athlete received cashier's checks totaling \$2,400.
- i. During the 1987-88 academic year, a student-athlete received cashier's checks totaling \$900.
- j. During the 1985-86 academic year, a student-athlete received cashier's checks totaling \$1,800.
- k. During the 1984-85 academic year, a student-athlete received cashier's checks totaling \$800.
- l. During the 1986-87 and 1987-88 academic years, a student-athlete received cashier's checks totaling \$2,000.
- m. During the 1987-88 academic year, a student-athlete received cashier's checks totaling \$400.  
[Page 6]
- n. During the 1983-84 and 1984-85 academic years, a student-athlete received cashier's checks totaling \$2,400.
- o. During the 1984-85 academic year, a student-athlete received cashier's checks totaling \$900.
- p. During the 1986-87 and 1987-88 academic years, a student-athlete received cashier's checks totaling \$3,300.
- q. During the 1987-88 academic year, a student-athlete received one cashier's check in the amount of \$500.
- r. During the 1985-86, 1986-87 and 1987-88 academic years, a student-athlete received cashier's checks totaling \$3,300.
- s. During the 1986-87 and 1987-88 academic years, a student-athlete received cashier's checks totaling \$1,950.
- t. During the 1985-86 academic year, a student-athlete received cashier's checks totaling \$1,500.
- u. During the 1986-87 and 1987-88 academic years, a student-athlete received cashier's checks totaling \$2,900.
- v. During the 1987-88 academic year, a student-athlete received cashier's checks totaling \$1,200.
- w. During the 1984-85 academic year, a student-athlete received cashier's checks totaling \$1,500.
- x. During the 1987-88 academic year, a student-athlete received cashier's checks totaling \$1,800.
2. Nine student-athletes who were employed during term time through arrangements made by the head baseball coach performed little or no work for their wages. One student-athlete received institutionally administered financial aid from term-time employment, even though the student-

athlete was academically ineligible for such aid. The amount of these wages for each student-athlete and the applicable year are set forth below.

a. During the summer of 1988, the head coach gave personal checks in the amount of \$2,400 and \$1,800 to two student-athletes for work the young men did not actually perform. This financial assistance was intended for the young men's educational expenses for the 1988-89 academic year at the institution.

b. During the summer of 1988, the head coach gave personal checks totaling \$2,100 and \$3,875 to two student-athletes for work [Page 7] both young men performed at the head coach's summer baseball camps, and for work one young man performed at the head coach's home. The young men did not actually work the number of hours for which they were paid, resulting in one of the young men being overcompensated in the amount of \$497.50 and the other young man being overcompensated in the amount of \$1,864.75.

c. During the summer of 1986, the head coach gave a personal check in the amount of \$800 to a student-athlete as prepayment for the young man's employment in the head coach's summer baseball camp.

d. During the 1983-84 academic year, a student-athlete received \$2,041 in compensation for work that was not performed.

e. During the 1984-85 academic year, two student-athletes received \$2,470 and \$762, respectively, in compensation for work that was not actually performed.

f. During the 1985-86 academic year, two student-athletes were provided \$2,988 and \$2,137, respectively, in compensation for work not actually performed.

g. During the 1986-87 academic year, two student-athletes were provided \$1,251 and \$855, respectively, in compensation for work not actually performed.

h. During the 1987-88 academic year, a student-athlete was provided \$2,164 in compensation for work not actually performed.

i. During the fall semester of the 1986-87 academic year, a student-athlete received institutionally administered financial aid in the amount of \$645.20 for term-time employment earnings from the department of intercollegiate athletics while not academically eligible for such assistance.

3. The institution exceeded the maximum value of grants-in-aid, by overawarding a student-athlete \$1,330 and \$225 during the 1985-86 and 1986-87 academic years, respectively. During the 1983-84, 1984-85, 1985-86, 1986-87 and 1987-88 academic years, 22 student-athletes were provided a total of \$82,760 in university-administered financial aid that was determined to be countable, athletically related financial aid as a result of the university's investigation into these matters. These actions resulted in a \$13,038 overaward (2.3 grants) in the 1983-84 academic year; \$17,860 (2.99 grants) in the 1984-85 academic year; \$23,210 (3.7 grants) in the 1985-86

academic year; \$30,962 (4.57 grants) in the 1986-87 academic year, and \$41,128 (5.72 grants) in the 1987-88 academic year, a total overaward of 19.28 grants in the five-year period. [Page 8]

B. [NCAA Bylaw 15.5.5.7.1]

During the 1983-84 and 1984-85 academic years, two baseball student-athletes were provided grants-in-aid in the sport of men's basketball, although the student-athletes neither practiced nor competed in the sport of men's basketball; further, although these two grants-in-aid were available in men's basketball, the two student-athletes' names were not placed on the men's basketball squad list form.

C. [NCAA Bylaw 13.8.2]

During the 1983-84 through 1987-88 football seasons, the then head baseball coach arranged for at least 13 area high school athletics departments or high school athletics booster organizations to sell football programs at the university's home football contests, and he allowed these groups to retain approximately \$7,547 in commissions earned on these sales.

D. [NCAA Bylaw 11.1.5]

During the 1986-87 academic year, the head baseball coach marketed the athletics ability of a student-athlete with a professional baseball team by assisting in contract negotiations on the young man's behalf with the professional baseball organization.

E. [NCAA Bylaws 13.2.1 and 13.2.2-(e)]

In May 1985, while recruiting a prospective student-athlete, the head baseball coach gave a \$100 personal check to the young man's sister to assist her in financing a trip to Central America.

F. [NCAA Bylaws 13.01.2, 13.2.1, 13.4.1, 13.6.6 and 13.8.1]

During the 1984-85 through 1987-88 academic years, the head baseball coach, utilizing personal funds for which he did not seek reimbursement from the university, provided lodging and meals prohibited by NCAA legislation to the high school coaches, friends and family members of several prospective student-athletes who accompanied the young men on their official paid visits to the institution's campus.

G. [NCAA Bylaw 13.6.5.4.1]

During the 1983-84 through 1985-86 academic years, the head baseball coach permitted numerous student-athletes to receive meals and entertainment in conjunction with the entertainment of baseball prospective [Page 9] student-athletes making official paid visits to the university's campus, even though many of the student-athletes did not host the prospects and, as a result, should not have received these meals and entertainment.

H. [NCAA Bylaws 13.01.2, 13.02.11.1, 13.4.1, 13.5.1, 13.5.3, 13.6.1.1, and 13.6.6]

On one occasion during the 1984-85 academic year and again during the 1987-88 academic year, the head baseball coach provided two official paid visits to the university's campus to a prospective student-athletes.

I. [NCAA Bylaw 13.6.1.2.1]

During the 1983-84 through 1987-88 academic years, prior to the official paid visits to the university's campus of numerous prospective student-athletes, the head baseball coach failed to provide written notification to the young men at least five calendar days in advance of these visits that they could accept only one expense-paid visit to no more than five individual member institutions.

J. [NCAA Bylaw 13.11.1]

During the spring of 1988, while recruiting two prospective student-athletes, an assistant baseball coach requested that the young men demonstrate their athletics abilities under conditions not involving regular practice or competition activities.

K. [NCAA Bylaw 13.1.4.7-(b)]

During the period between July 1986 and April 1987, while recruiting a prospective student-athlete, the head baseball coach and a representative of the university's athletics interests who became an assistant baseball coach contacted the young man and his parents in person, off campus at sites other than the young man's educational institution on a total of four occasions.

L. [NCAA Bylaw 15.3.3.1.1]

During the 1983-84 through 1987-88 academic years, the head baseball coach offered to guarantee the renewal of institutional financial aid awards to numerous prospective student-athletes during the young men's attendance at the institution. [Page 10]

M. [NCAA Bylaw 16.12.2.3]

During the 1985-86 academic year, the men's head baseball coach provided Puma warmup suits he received through his shoe contract to approximately 22 members of the university's intercollegiate baseball team.

N. [NCAA Bylaws 13.02.10, 13.1.2.1 and 13.2.1]

During the summer of 1985, through the arrangements of the head baseball coach, a representative of the university's athletics interests provided room and board for a prospective student-athlete at no cost to the young man or his family in the representative's home in conjunction with the prospect's participation on the representative's summer league baseball team. The representative also provided the use of his private automobile to the prospect for the young man's personal use at no cost to the prospect.



O. [NCAA Bylaw 16.12.2.1]

It was reported that during the 1983-84 through 1987-88 academic years, a representative of the university's athletics interests provided meals and entertainment for several student-athletes in the sport of baseball at tailgate parties in conjunction with the representative's attendance at the university's home football contests. During the 1983-84 academic year, the representative entertained two baseball student-athletes for a meal at a restaurant at no cost to the young men.

In December 1986, an unidentified representative of the university's athletics interests gave \$50 to a student-athlete in conjunction with a baseball clinic conducted on the university's campus by the head baseball coach.

P. [NCAA Bylaws 13.5.4 and 16.12.2.1]

On one occasion each during the 1985-86 and 1987-88 academic years, an academic counselor and a representative of the university's athletics interests provided impermissible automobile transportation to a prospective student-athlete and to the wife of a student-athlete.

Q. [NCAA Constitution 2.3, and Bylaws 10.01.1, 10.1-(c) and 10.1-(d)]

The former men's head baseball coach involved in this case failed to deport himself in accordance with the generally recognized high standards normally associated with the conduct and administration of [Page 11] intercollegiate athletics in that his involvement in numerous findings of violations, his provision of false and misleading information and, most seriously, his attempts to encourage other principals in this case to report false and misleading information to university and Big Ten Conference officials are contrary to the principles of ethical conduct.

R. [NCAA Constitution 2.1.1 and Bylaw 6.01.1]

The scope and nature of the violations in this report demonstrate a lack of appropriate institutional control and monitoring in the conduct and administration of the institution's intercollegiate baseball program.

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 numerous major violations of NCAA legislation that occurred in a pattern beginning in 1983 and continuing until after September 1, 1985. NCAA Bylaw 19.4.2.2, as adopted by the Association's membership, requires prescribed minimum penalties, "subject to exceptions authorized by the Committee on Infractions in unique cases on the basis of specifically stated reasons," that include: (a) a two-year probationary period (including a periodic, in-person monitoring system and written institutional reports); (b) the elimination of all expense-paid recruiting visits to the institution in the involved sport for one recruiting year; (c) a requirement that all coaching staff members in the sport be prohibited from engaging in any off-campus recruiting activities for one recruiting year; (d) a requirement that all institutional staff members determined by the Committee on Infractions knowingly to have engaged in or

condoned a major violation be subject either to termination of employment, suspension without pay for at least one year or reassignment of duties within the institution to a position that does not include contact with prospective or enrolled student-athletes or representatives of the institution's athletics interests for at least one year; (e) one year of sanctions precluding postseason competition in the sport; (f) one year of sanctions precluding television appearances in the sport, and (g) institutional recertification that the current athletics policies and practices conform to all requirements of NCAA regulations.

A. The committee adopts as its own those penalties self-imposed by the University of Michigan and those imposed by the Big Ten Conference and accepted by the University of Michigan. It is the position of the committee that those penalties exceed the minimum required penalties [Page 12] for a major violation as set forth in Bylaw 19.4.2.2 and are consistent with penalties imposed by the committee in other similar major cases.

The following actions were taken by the institution and were adopted by the committee.

1. The university eliminated all expense-paid recruiting visits in the sport of baseball during the 1989-90 academic year.
2. The university eliminated all off-campus recruiting by any member of the baseball coaching staff through August 31, 1990.
3. The university eliminated one assistant coaching position in the sport of baseball.
4. The university eliminated all initial athletically related grants-in-aid in the sport of baseball during the 1990-91 academic year; limited to 10 the total grants-in-aid during the 1991-92 academic year, and limited to 11 the total grants-in-aid during the 1992-93 academic year.

The following actions were taken by the conference and were adopted by the committee.

5. As a result of conference action, the university concluded its baseball schedule with the last, regularly scheduled game in the 1989-90 season and was not eligible to participate in postseason competition. As a result of conference action, the university shall conclude its baseball schedule with the last regularly scheduled game in the 1990-91 and 1991-92 seasons and shall not participate in any postseason contests in those seasons. [NOTE: The committee concurs in the decision of the Big Ten Conference to suspend this penalty for the 1991-92 season for reasons set forth in Part I of this report.]
6. As a result of conference action, the university was not eligible to participate in a "live" telecast of its baseball games during the 1989-90 season and shall not be eligible to participate in "live" telecasts during the 1990-91 and 1991-92 seasons. [NOTE: The committee concurs with the decision of the Big Ten Conference to suspend this penalty for the 1991-92 season for reasons set forth above in Part I of this report.]

B. The university also 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 [Page 13] 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 in the event of an appeal by the university to the Council, it being understood that should any portion of any of the penalties in this case be set aside for any reason other than by appropriate action of the Association, the penalties shall be reconsidered by the Committee on Infractions. Further, the University of Michigan 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. Further, the university shall submit in writing to the NCAA enforcement staff and the Committee on Infractions the compliance and monitoring reports that it submits to the Big Ten Conference.

C. If the university had not requested and secured the resignation of the head baseball coach, the committee would have issued a show-cause requirement to the university regarding possible additional penalties.

D. The university shall recertify that its athletics program is in compliance with NCAA legislation.

E. The Committee on Infractions further requires that as a result of the former head baseball coach's use of ineligible players in the 1984, 1985, 1986, 1987, 1988 and 1989 NCAA Division I Baseball Championships, the University of Michigan shall be required to return 90 percent of its share of net receipts received from such participation, a total of \$42,116. All team records and individual records of ineligible student-athletes compiled during those years in which the university baseball team participated in the NCAA Division I Baseball Championship shall be vacated and stricken, and all team awards earned in those tournaments shall be returned to the Association.

F. Due to his involvement in certain violations of NCAA legislation found in this case, the former head baseball coach will be informed in writing that should he seek employment as an athletically-related staff member at an NCAA member institution during a five-year period (March 22, 1991, to March 22, 1996), both he and the member institution shall be required to appear before the Committee on Infractions to consider whether that member institution should be subject to the show-cause procedures of Bylaw 19.4.2.1-(1), which could limit the former coach's athletically related duties at the member institution for a designated period. [Page 14]

[NOTE: Should the University of Michigan 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

Roy F. Kramer

Beverly E. Ledbetter

David Swank

D. Alan Williams (chair)