

FOR RELEASE: November 17, 1992, 10:30 a.m. (Central Time)

CONTACT: David Swank, Chair, NCAA Committee on Infractions

UNIVERSITY OF TULSA 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.

On February 21, 1991, a then NCAA enforcement representative provided to university officials a copy of an anonymous letter received at the NCAA national office from a member of the institution's track and field team alleging that the institution failed to field a team of 14 participants in at least six indoor and outdoor track and field contests during the 1989-90 academic year. The letter also mentioned that this situation existed at the institution for some time prior to the 1989-90 academic year. Because the information indicated that the university had failed to satisfy NCAA requirements for membership in Division I, the institution initiated inquiries into the validity of the information reported in the letter.

On April 29, 1991, the university's director of athletics traveled to the NCAA national office and met with a director of enforcement and the enforcement representative. The director of athletics reported that the institution probably had violated NCAA legislation as described in the anonymous letter in that the institution had not fielded a full squad of 14 men and 14 women student-athletes in the institution's indoor and outdoor track and field programs.

On July 8, 1991, the director of athletics submitted a written report of the results of the institution's investigation of the men's and women's track and field programs to the NCAA enforcement staff that indicated that fewer than 14 participants competed in several meets during the 1989-90 academic year and that further inquiries were being undertaken. The enforcement staff then conducted several independent interviews with the former head men's and women's track and field coaches at the institution, as well as with several former track and field student-athletes. [Page 2]

On February 21, 1992, a letter of official inquiry was sent to the president and two former head men's and women's track and field coaches. The university submitted its response on June 12, and one of the former coaches submitted a response on June 15. The other former coach did not submit a response prior to the prehearing conference but was interviewed on two occasions by the enforcement staff. Due to a conflict with the president's schedule in August, the hearing in

this case was scheduled for the September 25-27, 1992, NCAA Committee on Infractions meeting. Prehearing conferences were held with the institution and the two former coaches on September 8. The committee held a hearing with university representatives and one of the former head coaches on September 25, 1992.

This case involved a number of major violations in the men's and women's indoor and outdoor track programs, including: falsifying participation lists, failing to meet NCAA sports-sponsorship criteria, allowing an ineligible student-athlete to compete and encouraging student-athletes to represent the institution under assumed names. Additional violations might have been found had the institution not received a questionable interpretation from the NCAA legislative services staff.

This case clearly demonstrated a lack of institutional control at all levels of university administration. Although the committee was aware that the institution had experienced the deaths of two presidents during the time period in question and that the general administration of the university was in disarray, the committee determined that the university remained responsible for not having had procedures in place that would have prevented the violations. The lack of oversight and the lack of institutional resources for track and field provided a climate of disregard for rules-education and eligibility certification at the institution and, as a consequence, a climate for unethical conduct among the coaching staff. One of the involved former head coaches clearly violated the principles of ethical conduct by allowing a student-athlete to compete while ineligible and encouraging student-athletes to compete under assumed names. There was conflicting testimony concerning the issue of who, other than the head coach, knew of these violations. There were indications, however, that the administration at all levels of the university was aware of problems in the track program. The committee believed that persons in charge of administering the athletics programs should have known and thus bear significant responsibility for the ongoing occurrences over a period of three years.

In setting penalties in this case, the committee determined that there were major violations subject to the requirements of NCAA Bylaw 19.4.2.2. The committee acknowledged the cooperation of the university in this investigation and its actions in replacing the coaching staff member involved in the violations. Therefore, some penalties were not imposed through the show-cause procedures restricting actions by the coaches. The committee also noted the positive steps taken by the institution to improve its overall administrative procedures to make track and field a viable program and its success in increasing the number of bona fide student-athletes in their track program. Penalties that would restrict the institution's ability to expand its track program and thus meet the criteria for Division I membership were, therefore, not imposed. The committee chose, instead, to impose a three-year probationary period (including periodic written institutional reports) on the entire athletics program to ensure that the appropriate mechanisms are in place for full compliance. [Page 3]

In summary, the committee's penalties set forth in Part III are:

- \* Reprimand and censure of the university's athletics program.
- \* Three-year probationary period for the entire athletics program.

\* One-year restriction precluding postseason competition for all teams, which would have been a required action if it had been discovered during the period from 1987 through 1990 that the university had failed to satisfy NCAA sports-sponsorship criteria for Division I membership.

\* Vacating all team records in all sports for the 1987-88, 1988-89 and 1989-90 academic years.

\* Recertification that the current athletics policies and practices conform to all requirements of NCAA regulations.

\* One of the former head coaches involved in the violations will be subject to the show-cause provisions of NCAA Bylaw 19.4.2.1-(l) for a period of one year.

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

### A. [NCAA Bylaws 10.1-(d), 18.4.2.1-(e), 20.9.3.3 and 20.9.6.1]

During the 1987-88, 1988-89 and 1989-90 academic years, the head men's and women's indoor and outdoor track and field coaches violated the principles of ethical conduct by submitting inaccurate participant lists from indoor and outdoor track and field meets to athletics administrators at the university. They reported that at least 14 male student-athletes and 14 female student-athletes participated in at least six indoor and six outdoor track and field meets -- the minimum number of both participants and completed events required by NCAA legislation in order to use these sports as varsity intercollegiate sports in meeting the sports-sponsorship criteria and remain a member of Division I-A. Because of the inaccurate information reported by these coaches, the university competed during these three academic years on the Division I-A level when the institution did not sponsor at least seven countable varsity intercollegiate sports for men and women as required by NCAA legislation. As a result, the university's athletics administrators erroneously reported on a form filed with the NCAA national office the university's compliance with Division I-A membership requirements during the 1987-88, 1988-89 and 1989-90 academic years. Specifically:

1. During the 1987-88 and 1988-89 academic years, the head coach knowingly failed to utilize 14 men and 14 women for the required six contests and submitted false participation lists to the director of athletics, indicating that at least 14 student-athletes competed in each men's and women's meet. [Page 4]

2. During the 1989-90 academic year, the head coach knowingly failed to utilize 14 men and 14 women for the required six contests and submitted false participation lists to the director of athletics, indicating that at least 14 student-athletes competed in each men's and women's meet.

3. During the 1987-88, 1988-89 and 1989-90 academic years, the university reported on a form filed with the NCAA national office that it sponsored at least seven men's and seven women's varsity intercollegiate sports in accordance with the Division I-A membership criteria when, in fact, because of the failure to meet the required criteria for counting track and field as a varsity sport, the university sponsored only six men's sports during each of these academic years and only five women's sports during each academic year.

B. [NCAA Constitution 2.5.1 and 5.5.8.2, and Bylaws 14.01.2 and 15.5.8.1]

During the 1988-89 academic year, several student-athletes in men's and women's indoor and outdoor track and field participated in intercollegiate competition, even though the student-athletes had not been certified as eligible prior to this competition. The majority of these student-athletes were subsequently certified eligible. Numerous student-athletes competed in those sports, even though the student-athletes were not identified on the institution's squad list forms for these sports.

After being alerted by the registrar's office that some of the student-athletes may have participated while not certified, athletics department officials did not report this information to the Missouri Valley Conference or to the NCAA, and undertook no subsequent inquiry of this information.

C. [NCAA Bylaw 14.01.5.3]

During the 1988-89 indoor and outdoor women's track and field seasons, at least four student-athletes participated under assumed names.

D. [NCAA Bylaws 10.1 and 10.1-(d)]

During the 1988-89 academic year, the men's and women's head indoor and outdoor track and field coach violated the provisions of NCAA ethical---conduct legislation by his involvement in allowing a student-athlete to compete in intercollegiate competition while ineligible and encouraging student-athletes to represent the institution under assumed names. Specifically:

1. On more than one occasion during the spring semester of the 1988-89 academic year, the head coach encouraged a former student-athlete to represent the university in intercollegiate track and field competition at a time when the head coach knew that the young man was a transfer student-athlete fulfilling a year of residency at the institution and ineligible to compete. [Page 5]
2. On several occasions during the 1988-89 academic year, the head coach requested that four student-athletes represent the institution in intercollegiate track and field competition not only in certain events under their own names but in additional events under assumed names in order for the competition results to reflect a larger number of participants than those who actually competed for the university.

E. [NCAA Constitution 2.1 and 6.01.1]

The scope and nature of the violations in this report demonstrate a lack of institutional control during the 1987-88, 1988-89 and 1989-90 academic years in that university officials did not undertake appropriate supervision of the institution's intercollegiate men's and women's indoor and outdoor track and field teams to ensure conformance with minimum student-athlete participation standards in those sports and overall Division I-A sports-sponsorship requirements.

III. Committee on Infractions penalties.

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

The Committee on Infractions determined that this case was a major case in which the institution could receive the full set of applicable minimum penalties otherwise required by NCAA legislation. The committee considered both the nature of the violations, as set forth in Part II of this report, as well as actions already taken by the university. For reasons set forth in Part I of this report, the committee determined that this was not a unique case but also determined that it, nevertheless, was [Page 6] appropriate for the institution to receive penalties that differed from the complete set of minimum penalties otherwise required by NCAA legislation. Accordingly, the penalties imposed in this case by the Committee on Infractions are as follows:

A. The university shall be publicly reprimanded and censured, and its athletics program placed on probation for a period of three 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 in the event of an appeal by the university to the Council. The University of Tulsa 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: develop and implement a comprehensive educational program (e.g., seminars and testing) to instruct coaches and athletics department personnel in all sports on NCAA legislation; submit a preliminary report by February 1, 1993, setting forth a schedule for establishing this compliance and educational program, and file annual progress reports with the NCAA enforcement staff by July 1 of each year thereafter during the probationary period with a particular emphasis on eligibility certification and sports-sponsorship minimum requirements.

C. All intercollegiate teams at the university shall end the 1992-93 season with the playing of the last regularly scheduled, in-season contest in each sport and shall not be eligible to participate in

any postseason competition. This penalty will not apply to individual student-athletes who qualify for postseason competition that does not require team scoring.

D. Because the university replaced the head track coach, the committee has not imposed the following penalties that would otherwise be required under NCAA Bylaws 19.4.2.2-(b), (c) and (d):

1. Elimination of all expense-paid recruiting visits to the institution in track for one recruiting year.

2. Prohibiting all coaching staff members in track from engaging in any off-campus recruiting activities for one year.

3. Termination, suspension or reassignment for at least one year of members of the track coaching staff who engaged in or condoned a major violation.

E. The institution shall vacate team awards in all NCAA championship competition for all sports during the 1987-88, 1988-89 and 1989-90 academic years. This penalty is applied to all teams because the [Page 7] institution did not qualify for Division I membership during these years. This penalty does not necessitate vacating any individual awards.

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

G. If one of the former head men's and women's track coaches involved in this case had still been employed at the institution, the institution would have been required to show cause in accordance with Bylaw 19.4.2.1-(I) why it should not be subject to additional penalties if it had failed to take appropriate disciplinary action against him.

H. Due to his involvement in certain violations of NCAA legislation found in this case, one of the former men's and women's head track coaches involved in this case will be informed in writing by the NCAA that in the event he seeks employment or affiliation in an athletically related position at an NCAA member institution during a one-year period (November 17, 1992, to November 17, 1993), he and the involved 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), which could limit the former coach's athletically related duties at the new institution for a designated period.

[NOTE: Should the University of Tulsa 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. 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. [Page 8] 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

Richard J. Dunn

Roy F. Kramer

Beverly E. Ledbetter

Yvonne (Bonnie) L. Slatton

David Swank (chair)

DS:cg/aj

-30-