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BIG TEN CONFERENCE INFRACTIONS REPORT

OVERLAND PARK, KANSAS--This report is organized as follows:

I. Introduction.

II. Violations of NCAA legislation, as determined by the Committee on Infractions and as admitted by the Big Ten Conference and the seven involved members of that conference.

III. Actions taken and penalties proposed by the Big Ten Conference and the involved seven institutions.

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I. Introduction.

In 1978, the Big Ten Conference, an associate member of the NCAA, revised its financial aid equivalency rule for sports other than football and basketball, rendering the conference rule inconsistent with NCAA regulations in certain instances. The amended rule excluded the extra costs of out_of_state tuition from the computation of equivalencies.

In 1979, in a series of letters between a representative from the office of the commissioner of the Big Ten Conference and an NCAA assistant executive director, the NCAA clearly indicated to the Big Ten Conference office that the newly revised rule was contrary to NCAA regulations and would have to be amended. Despite those warnings, the rule was not changed. Several of the conference members applied the conference rule continuously from the 1979-80 through the 1990_91 academic years and, as a result, provided grants-in-aid in excess of those permitted by NCAA Bylaw 15.5.3.1.

Throughout the period when the conference rule was in use, questions of its validity were raised by a number of individuals from various member institutions. Indeed, in 1984, the conference sponsored an amendment to NCAA legislation that would have applied the rule nationally. That attempt, however, was defeated. There is no evidence that at any time did the NCAA or any of its staff members inform the conference that the rule [Page 2] was in compliance with NCAA legislation, although conference member institutions may have believed a supposition to that effect.

On October 22, 1990, on the recommendation of the commissioner of the Big Ten Conference, the conference rule was rescinded. On March 27, 1991, the NCAA assistant executive director for enforcement and eligibility appeals, subsequent to a review of the equivalencies granted by

two members of the conference, wrote to the commissioner asking for information regarding the method by which member institutions had been calculating equivalency grants-in-aid. The commissioner responded on July 29, 1991, with a letter giving the history of the conference rule and the practices of conference members.

On February 21, 1992, the NCAA assistant executive director for enforcement and eligibility appeals sent a letter to the commissioner requesting that each member institution audit its records in order to determine the actual impact of the application of the conference rule during the last two years it had been in effect.

In accordance with that request, the conference members undertook an audit for the 1989_90 and 1990_91 academic years. The report reflected that seven member institutions (the University of Illinois, Champaign; Indiana University; the University of Iowa; the University of Michigan; University of Minnesota, Twin Cities; Purdue University, and the University of Wisconsin, Madison) had overawarded grants_in_aid in men's and women's equivalency sports. Three universities (Michigan State University, Northwestern University, and Ohio State University) either did not utilize the conference rule or did not make any overawards. The conference requested that the violations be processed as secondary and that each institution that had made overawards be permitted, as a penalty, to reduce by the amount of the overawards the number of new awards over a two_year period.

On August 20, 1992, the NCAA assistant executive director for enforcement and eligibility appeals informed the conference that the violations could not be processed as secondary and that the NCAA enforcement staff would investigate the matter. Interviews were conducted with current and former conference officials, institutional faculty athletics representatives, and others.

On December 9, 1992, the NCAA enforcement staff informed the conference and each of the involved seven member schools that apparent violations of the NCAA equivalency regulations had occurred, and recommended that the conference and the involved institutions conduct further interviews and collect more information regarding the violations and any competitive advantages that may have resulted. An NCAA director of enforcement suggested, and the conference and involved institutions agreed, that the matter should be processed utilizing the summary_disposition process.

Throughout the investigation, the NCAA enforcement staff and the conference worked in harmony to ascertain the facts. The conference and its members were fully cooperative.

On January 20, 1993, the summary-disposition report of the conference and the seven involved member institutions was filed with the NCAA. The report detailed the overawards that occurred during the 1989_90 and 1990_91 academic years. The conference and its involved members submitted a [Page 3] supplemental report detailing the overawards in the 1987_88 and 1988_89 academic years, as well as in the 1989_90 and 1990_91 academic years, plus any information regarding overawards in any year for teams involved in NCAA championships. This supplemental report was completed on January 22, 1993. The conference determined that the method utilized by some of its members to complete this latter report was inaccurate and, accordingly, submitted a corrected statement on January 29, 1993.

Following a complete review of this summary-disposition report, the Committee on Infractions requested that the conference file a supplemental report with regard to the finding of facts and the proposed penalties. This report was received on June 14, 1993.

II. Violations of NCAA legislation, as determined by the Committee on Infractions and as admitted by the Big Ten Conference and the seven involved members of that conference [University of Illinois, Champaign; Indiana University; University of Iowa; University of Michigan; University of Minnesota, Twin Cities; Purdue University, and University of Wisconsin, Madison].

[NCAA Constitution 3.3.4.1 and Bylaw 15.5.3.1]

During the period from the 1979_80 through the 1990_91 academic years, the conference encouraged its conference institutions to utilize a formula for awarding institutionally administered athletics financial aid in equivalency sports that was contrary to NCAA legislation. The seven institutions utilized this formula, resulting in a number of overawards.

During the 1987_88 academic year, six institutions overawarded an aggregate of 16.05 grants in men's equivalency sports, and one institution overawarded an aggregate of .59 of one grant in women's equivalency sports.

During the 1988_89 academic year, these same six institutions overawarded an aggregate of 12.757 grants in men's equivalency sports, and two institutions overawarded an aggregate of 1.93 grants in women's equivalency sports.

During the 1987_88 and 1988_89 academic years, one of the involved seven institutions did not make any overawards. In the 1989_90 academic year, all seven institutions overawarded an aggregate of 18.309 grants in men's equivalency sports, and one institution overawarded an aggregate of 1.28 grants in women's equivalency sports.

Finally, during the 1990_91 academic year, all seven institutions overawarded an aggregate of 13.17 grants in men's equivalency sports, and four institutions overawarded an aggregate of 1.475 grants in women's equivalency sports. [Pag 4]

III. Actions taken and penalties proposed by the Big Ten Conference and the involved seven institutions.

A. The Big Ten Conference regulation that resulted in the overawarding of grants_in_aid has been rescinded, and all member schools currently recognize their obligation to comply with NCAA regulations regarding equivalency computations.

B. The following penalties were proposed by the Big Ten Conference and the seven involved institutions:

1. That the Big Ten Conference be publicly reprimanded and censured.

2. That certain sports teams of the involved member institutions that realized financial aid advantages during the 1987-88, 1988-89, 1989-90 and 1990-91 academic years would reduce future grants-in-aid by a similar amount over a four-year period. This four-year period would begin immediately or at the earliest time the institution would be able to reduce financial aid in that sport without reducing the financial aid of currently enrolled student-athletes with remaining eligibility. (An exception to this approach would apply if affected institutions had implemented such reductions during the 1992-93 academic year.) The exact reductions in financial grants-in-aids associated with the proposed penalties are as follows:

a. University of Illinois, Champaign

(1) Baseball -- 1.77

(2) Men's cross country and track -- .81

(3) Men's gymnastics -- .48

(4) Men's tennis -- .33

Total -- 3.39

b. Indiana University

(1) Baseball -- 5.36

(2) Men's cross country and track -- 2.57

(3) Men's golf -- 1.00

(4) Men's soccer -- 1.73

(5) Men's swimming and diving -- 2.80

(6) Men's tennis -- 1.32

(7) Wrestling -- 1.74

(8) Women's golf -- .45

(9) Softball -- .62

Total -- 17.59

c. University of Iowa

(1) Baseball -- 6.83

(2) Men's cross country and track -- .08

(3) Men's golf -- 1.46

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(4) Men's gymnastics -- .28

(5) Men's swimming and diving -- 2.26

(6) Men's tennis -- 1.22

(7) Wrestling -- 7.39

Total -- 19.52

d. University of Michigan

(1) Baseball -- 1.03

(2) Men's cross country and track -- .37

(3) Men's swimming and diving -- .57

(4) Wrestling -- .60

Total -- 2.57

e. University of Minnesota, Twin Cities

(1) Baseball -- 4.46

(2) Men's cross country and track -- 1.73

(3) Men's golf -- .78

(4) Men's gymnastics -- 2.09

(5) Men's swimming and diving -- .19

(6) Men's tennis -- .99

(7) Wrestling -- 1.73

(8) Softball -- .70

(9) Women's swimming and diving -- 2.65

Total -- 15.32

f. Purdue University

(1) Baseball -- .32

(2) Men's cross country and track -- 1.51

(3) Women's golf -- .44

Total -- 2.27

g. University of Wisconsin, Madison

(1) Baseball -- .210

(2) Men's cross country and track -- .417

(3) Men's golf -- .020

(4) Men's gymnastics -- .630

(5) Men's swimming and diving -- 2.344

(6) Wrestling -- .865

(7) Women's soccer -- .415

Total -- 4.901

IV. Committee on Infractions penalties.

The committee found that this case involved a major violation of NCAA legislation by the Big Ten Conference and resulted in a series of [Page 6] secondary violations by the seven involved members of the conference. NCAA Bylaw 19.5.2.2 as adopted by the Association's membership, requires prescribed minimum penalties in the finding of a major violation, subject to exceptions authorized by the Committee on Infractions in unique cases.

The Committee on Infractions determined that this was a "unique" case because of the involvement of the conference office. The committee also determined that because of a lack of intent on the part of the individual institutions to violate NCAA regulations or to gain a competitive advantage, the thoroughness of the investigation of the allegations, and the complete cooperation with the NCAA enforcement staff by the conference office and the member institutions in the processing of the case, less than the full set of minimum penalties should be

required in this case. In that regard, the actions taken by the Committee on Infractions are as follows:

A. Adoption of the penalties proposed by the Big Ten Conference and the individual involved institutions as set forth in Part III of this report.

B. Reduction of the NCAA grant to the conference for 1993-94 by \$75,000.

The Committee on Infractions wishes to advise the conference and the institutions that when the penalties in this case take effect, the conference and the institutions should take every precaution to ensure that their terms are observed. The committee intends to monitor the penalties during their effective periods, and any actions contrary to the terms of the penalties shall be considered grounds for considering the imposition of more severe sanctions.

Should any portion of any of the penalties be set aside for any reason other than by appropriate action by the Association, the penalties shall be reconsidered by the Committee on Infractions. Should any actions by NCAA Conventions directly or indirectly modify any provisions of these penalties, the committee reserves the right to review and reconsider the penalties.

NCAA COMMITTEE ON INFRACTIONS

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