

FOR RELEASE: 10:15 a.m. (Central Time), August 18, 1993

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AUBURN UNIVERSITY 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.

III. Committee on Infractions penalties.

I. Introduction.

This case is a very unfortunate one. The violations of NCAA rules that were committed at Auburn University are indicative of what can occur when, in the minds of members of a university's athletics department staff and representatives of its athletics interests, the athletics program becomes more important than the university of which it is a part. As a result of this case, Auburn University has become one of only three universities that have been placed on probation six or more times by the NCAA. Since 1956 and prior to this case, Auburn University's athletics program has been placed on probation for a total of 10 years.

The current president and the central administration of the university are committed to operating a sound athletics program. They have taken steps to ensure that the university acts in compliance with NCAA rules. Extensive compliance programs that were in place should have resulted in an athletics program that was free of rules violations. Unfortunately, within the athletics department, there was not the same commitment to compliance with NCAA legislation on the part of its staff members. Likewise, there was an attitude on the part of some representatives of the university's athletics interests that NCAA rules could be ignored and violated with impunity.

This may have occurred because of a lack of day-to-day control of the athletics department by a full-time director. The director of athletics at the time of the violations in this case was also the head football coach. In an athletics program of a Division I institution, it is difficult, if not impossible, for an individual to serve as the director of athletics [Page 2] and as the head coach of a sport, and be successful in both capacities. The demands of both positions are so substantial that duties of one position will predominate. Because of the pressures of producing a winning team, the coaching responsibilities almost always will receive the greatest attention.

That is what occurred at Auburn University. While there may have been a desire within the athletics department to comply with NCAA rules, there was not a commitment to compliance. As a result, some assistant coaches and staff members did not have a personal dedication to act within NCAA rules, which was evident in this case and the prior infractions case decided on

November 18, 1991. There was an attitude within the athletics department, from the director of athletics/head football coach down to the assistant coaches, that even though information was provided to a coach concerning a possible violation of NCAA rules, unless there was absolute and concrete evidence of a violation, there was no need to report such a violation. Consequently, in this case, no report or investigation of possible infractions was undertaken.

With major violations of NCAA rules occurring at Auburn University in football, basketball and tennis over approximately the same period of time, it is apparent that even though the procedures for institutional control were in place, they were not being followed by those responsible for their implementation. However, it should be noted that during part of the time that the incidents were occurring that led to the violations in this case, the director of athletics/head football coach was seriously ill.

Had there been a commitment on the part of the athletics department staff to investigate possible violations of NCAA rules when they came to light, this case might never have occurred or it possibly would have been only a secondary violation. Because that did not occur, very serious major violations were committed by members of the football coaching staff and representatives of its athletics interests. These violations have resulted in serious penalties being imposed against Auburn University.

It is important to outline the history and development of this case and the previous infractions case. On September 27, 1991, Auburn University appeared before the NCAA Committee on Infractions to respond to allegations concerning its men's basketball and tennis programs. The violations regarding the basketball program initially were developed by the enforcement staff while the institution self-reported the violations concerning the tennis program. As a result of the institution's appearance before the Committee on Infractions, the university received a two-year probationary period, a restriction on postseason competition in men's basketball for the 1991-92 season, several restrictions on off-campus recruiting in the men's basketball program, a prohibition on expense-paid visits for the 1992 calendar year in men's tennis, and the adoption of several institutional and conference penalties.

On the day of the institution's appearance before the Committee on Infractions, a newspaper printed an article alleging violations of NCAA legislation in the university's football program. When the committee issued its infractions report concerning the university's men's basketball and tennis programs on November 18, 1991, the committee noted that other allegations were reported by the news media in football and that these allege [Page 3] violations had not been considered by the Committee on Infractions. The committee stated in its report that if the alleged violations were presented to the committee as a result of the investigation by the enforcement staff and the institution, these matters would be brought back to the committee for further consideration of this case. Subsequent to both the university's hearing on September 27, 1991, and the issuance of the infractions report, the enforcement staff and the institution conducted several joint interviews. In December 1991, because the university and the enforcement staff had been communicating about these issues, and since the infractions report said that the committee could consider the new allegations as part of the prior case, the enforcement staff determined that a preliminary letter of inquiry was not necessary.

Shortly after publication of the newspaper articles, the enforcement staff began to communicate with a former student-athlete and his legal counsel. The enforcement staff's first interview with the young man occurred on January 10, 1992. In early March 1992, the enforcement staff interviewed several of the involved parties and also conducted a second interview with the former student-athlete. During this period, the enforcement staff and the institution were conducting some joint interviews, although each was conducting interviews independent of the other. In early August 1992, the enforcement staff again interviewed several of the involved parties. In the latter part of August, a third interview with the young man was conducted. The university and attorneys for several of the involved parties interviewed the former student-athlete on February 27, 1993.

Some of the initial newspaper articles suggesting possible violations of NCAA rules included information from transcripts of alleged conversations between the then student-athlete and members of the football coaching staff or a representative of the university's athletics interests. As a part of its investigation, the enforcement staff contacted the young man in an attempt to review these materials.

There were significant problems in obtaining the tape-recorded information and making it available to all parties. During the process of the investigation, a great deal of distrust arose between the former student-athlete (and his attorney) and the institution, the involved coaches, staff members and their attorneys. Eventually, all of the transcripts and the relevant tape recordings were made available to the institution and the involved parties, in accordance with NCAA procedures. Without attempting to detail all of the process that was involved in making this information available, on July 25, 1992, the former student-athlete played excerpts of some of the tape recordings for a court reporter employed by the NCAA in order to make a transcript of these conversations. Approximately 24 conversations were transcribed, but no audio copy of the original tape recordings was made. Transcripts of these tapes, which were later referred to as the "July transcripts," were made available to the institution and the involved parties in December 1992.

In September 1992, the enforcement staff retained the services of Frank M. McDermott, Ltd., from McLean, Virginia, for the purpose of analyzing the audio tapes. On September 15, 1992, Michael McDermott completed a technical investigation report detailing the results of his authentication analysis of four of the tape recordings. On January 27-28, 1993, the former student-athlete provided access to McDermott not only to the conversations from the July and September reviews, but also several other recordings [Page 4] that were in his possession. From this pool of approximately 36 conversations, McDermott made audio copies of a total of approximately 27 conversations. McDermott enhanced the quality of a copy of these recordings and hired another court reporter to prepare a preliminary transcript of the enhanced recordings. The court reporter was instructed to listen to the enhanced tape recordings and to prepare a transcript of each conversation. McDermott later listened to each recording using his laboratory equipment and finalized each transcript. On February 25, 1993, the enforcement staff received transcripts of 26 conversations from McDermott. On February 26, 1993, the transcripts of the enhanced recordings were first made available to the institution and the involved parties. They remained available to all parties at custodial sites in Montgomery and Birmingham, Alabama. On May 21 and 22, 1993, the institution and legal counsel for several involved parties reviewed

numerous tape recordings that were played by McDermott with the cooperation of the former student-athlete. Tom Owen from Owl Investigations, Inc., of New York, New York, the expert witness on tape recordings for Auburn University, reviewed all of the enhanced tape recordings and conducted an analysis of eight recordings.

The institution and the involved coaches and staff members were requested to submit any objections that they had to the admissibility of the transcripts and the tape recordings of the alleged conversations. The objections were to address the questions of authenticity of the tape recordings and transcripts, and their use during the hearing process before the Committee on Infractions. The institution and all involved parties filed appropriate objections by June 11, 1993. The enforcement staff filed its response to those objections on June 20, 1993.

The enforcement staff sent a letter of official inquiry to the institution on November 5, 1992. Letters also were sent to the former director of athletics/head football coach, a current assistant football coach, a former assistant football coach and a former football administrative assistant. Since one of the former assistant coaches currently is employed as the head football coach at another NCAA member institution, officials from that university also received a letter notifying them of the allegations in which the coach was named, and of its opportunity to submit information to the committee and to be an observer if a hearing was held in this case.

Responses from all involved parties were to be on file by February 5, 1993, but the institution requested an extension to March 5, 1993, and then to March 10, 1993. Responses from the institution and the four former staff members were properly received, as was information from the other member institution concerning its position on the former assistant coach hired as its head football coach. A prehearing conference was conducted by the enforcement staff with the institution on April 1, 1993. The prehearing conference with legal counsel for one of the former assistant coaches and the former head coach was held on April 19, 1993. The prehearing conference for the other assistant coach and former staff member was held on April 20, 1993. As a result of the enforcement staff's review of the responses by the involved parties and the prehearing conferences, the enforcement staff amended two allegations, and the involved parties supplemented their responses on June 10, 1993.

The following individuals met with the Committee on Infractions in Kansas City, Missouri, on June 30, and July 1 and 2, 1993: the university's [Page 5] president, other representatives of the university, the former director of athletics/head football coach, and two former assistant football coaches and their attorneys. The institution where one of the former assistant coaches is presently employed was represented by the president and other institutional representatives.

The first day of the hearing, the Committee on Infractions considered the admissibility of the tape recordings made by the former student-athlete and the transcripts of those tape recordings. Extensive testimony was presented by the institution, the involved parties and the NCAA enforcement staff.

After hearing all of the evidence and arguments of counsel, the following tape recordings and the transcripts of the enhanced recordings prepared by McDermott were, in the absence of any

objections, deemed to be admissible and, if offered into evidence during the hearing, would be admitted:

Representative of Athletics Interests 1 -- Tape A

Representative of Athletics Interests 1 -- Tape B

Representative of Athletics Interests 1 -- Tape H

Representative of Athletics Interests 1 -- Tape I

Representative of Athletics Interests 1 -- Tape L

Representative of Athletics Interests 1 -- Tape J

Representative of Athletics Interests 1 -- Tape K

Administrative Assistant -- Tape B

Administrative Assistant -- Tape C

Administrative Assistant -- Tape D

Administrative Assistant -- Tape H

Representative of Athletics Interests 2 -- Tape A

The other tape recordings were objected to by either the institution or one of the involved parties. The committee found that the following tape recordings and the transcripts of the enhanced recordings prepared by McDermott were sufficiently reliable and relevant, and could be admitted if offered into evidence by one of the parties. These tape recordings were as follows:

Assistant Football Coach 1 -- Tape A

Administrative Assistant -- Tape G

Director of Athletics/Head Football Coach -- Tape A

Director of Athletics/Head Football Coach -- Tape B

Director of Athletics/Head Football Coach -- Tape C

Assistant Football Coach 2 -- Tape A

The committee found that Assistant Football Coach 1 -- Tape B could not be admitted into evidence.

During the hearing, the following tape recordings or transcripts of those tape recordings were offered into evidence by the NCAA enforcement staff and were admitted:

Representative of Athletics Interests 1 -- Tape A

Representative of Athletics Interests 1 -- Tape B

Representative of Athletics Interests 1 -- Tape H

Representative of Athletics Interests 1 -- Tape I

Representative of Athletics Interests 1 -- Tape J

[Page 6] Representative of Athletics Interests 1 -- Tape K

Administrative Assistant -- Tape B

Administrative Assistant -- Tape C

Administrative Assistant -- Tape D

Administrative Assistant -- Tape G

Administrative Assistant -- Tape H

Assistant Football Coach 1 -- Tape A

The following tape recordings and transcripts were not offered into evidence by any party and were not considered by the committee:

Representative of Athletics Interests 1 -- Tape L

Director of Athletics/Head Football Coach -- Tape A

Director of Athletics/Head Football Coach -- Tape B

Director of Athletics/Head Football Coach -- Tape C

Assistant Football Coach 2 -- Tape A

Representative of Athletics Interests 2 -- Tape A

There were several objections to all of what were known as the "July 25 transcripts." Those transcripts were not offered into evidence and were not considered by the committee for any purpose.

The institution and the involved coaches admitted a number of violations as major violations, and the Committee on Infractions found the following major violations within the football program had occurred:

- * Provision of extra benefits in the form of cash payments, including bonuses for game performance, to a student-athlete by a representative of the institution's athletics interests.
- * Provision of extra benefits in the form of cash payments to a student-athlete by an assistant football coach.
- * Provision of extra benefits in the form of repeated and regular cash payments to a student-athlete by an athletics department administrative assistant.

Provision of preferential treatment to a student-athlete by a representative of the institution's athletics interests in order for the student-athlete to obtain a loan.

- * Failing to exercise appropriate institutional control and monitoring of the institution's intercollegiate football program.
- * Unethical conduct by an assistant football coach.
- * Unethical conduct by an athletics department administrative assistant.
- * Erroneous certification during the 1989-90 and 1990-91 academic years that the institution's athletics program was in compliance with NCAA rules.
- * Permitting student-athletes who had not met all eligibility requirements to compete in athletics contests. [Page 7] * Exceeding the number of permissible grants-in-aid in football during the 1988-89 and 1990-91 academic years.

In addressing the penalties as required by Bylaw 19.5.2 in cases involving major violations, the committee took into consideration that this case arose from acts that occurred prior to the decision in the previous infractions case, the number of violations, the nature and seriousness of the violations, and the lack of commitment to compliance by some members of the athletics department staff and representatives of the institution's athletics interests.

The committee also recognized the commitment of the president of the institution to compliance with NCAA rules. The president took very significant steps to ensure that the university will remain in compliance in the future. These steps include, among other actions, separating the responsibilities of the director of athletics and the head football coach, and significantly enhancing the compliance program. Possibly even more important is that the powers of the president have been strengthened as they relate to the athletics program. The president has been invested with the authority to hire the director of athletics and the coaches in the major sports. Previously, that responsibility was held by the Board of Trustees of the university. This action places the responsibility for the athletics program more directly in the hands of the president and should assist the university in carrying out its goal of having an athletics program that is

committed to compliance with NCAA rules. Had this president and the university not taken such steps, the penalties imposed would have been even more severe.

The repeat-violator rule found in Bylaw 19.5.2.3 is not applicable because the violations were not found to have occurred within a five-year period following the starting date of a major penalty.

The penalties the committee imposed include:

A. Reprimanding and censuring the university's athletics program.

B. Placing the university's athletics program on probation for a period of two years commencing at the end of the present probationary period.

C. Requiring the continuance of a comprehensive educational program for all athletics department staff and all university staff with responsibility for certification of athletes for admission, retention or competition.

D. Requiring the increased dissemination of educational materials concerning NCAA rules to all known representatives of the institution's athletics interest.

E. Prohibiting postseason football competition at the end of the 1993 and 1994 football seasons.
[Page 8]

F. Prohibiting the televising of football games for any purpose during the 1993 football season (if contracts have already been entered into for the 1993 football season, then this penalty shall be imposed during the 1994 football season).

G. Requiring institutional recertification.

H. Imposing a show-cause requirement on the institution requiring it to take action against a former assistant football coach.

I. Accepting the following penalties imposed by the institution:

1. Permanent disassociation of a former assistant football coach and a former administrative assistant.

2. Permanent disassociation of two representatives of the university's athletics interests.

3. Reduction in initial and annual limitations of grants-in-aid in football for the 1993-94, 1994-95 and 1995-96 academic years.

4. Separation of the duties of the director of athletics and the head football coach.

II. Violations of NCAA legislation, as determined by the Committee on Infractions.

A. [NCAA Bylaw 16.12.2.1]

During the period from December 1989 through the spring of 1991, a representative of the university's athletics interests provided cash or its equivalent (e.g., money orders) and merchandise totaling at least \$4,000 to a football student-athlete. Specifically:

1. During a December 1989 visit by the student-athlete to the representative's residence, the representative provided between \$400 and \$500 cash and four new tires (approximate value of \$350) for the young man's automobile.
2. During a February 1990 telephone conversation, the representative directed the student-athlete to mail his two delinquent car payment coupons to the representative. Subsequent to this telephone conversation, the young man mailed the coupons to the representative; and on February 20, 1990, the representative paid \$299 and \$278.88 to satisfy the debt utilizing money orders purchased near the representative's business.
3. In February 1990, the representative visited the young man's residence in Auburn where he provided between \$100 and \$200 cash to the student-athlete. In the spring of 1990, the representative [Page 9] provided \$1,200 cash to a relative, who drove to the student-athlete's residence where he provided \$1,200 cash to the young man.
4. During a December 1990 visit by the student-athlete to the representative's office, the representative provided \$540 cash to the young man, of which \$500 was a Christmas gift and \$40 was to purchase gasoline.
5. Following the 1990 Hall of Fame Bowl game, the representative provided \$100 cash to the student-athlete for the young man's performance in the game. Subsequent to the Hall of Fame Bowl game and prior to the 1990 football season, the representative and the student-athlete discussed a bonus payment system based upon the young man's performance in football games (e.g., big hits, touchdowns and interceptions). As a result of this agreement, the representative provided cash totaling at least \$700 to the student-athlete after 1990 home football contests.
6. In the spring of 1991, following the completion of the young man's eligibility, the representative visited the student-athlete's trailer home and placed at least \$250 in cash inside a trailer apartment sign. Thereafter, the representative telephoned the student-athlete and instructed the young man to look behind the trailer sign for the cash.

B. [NCAA Bylaw 16.12.2.1]

During the period from 1988 through 1989, an assistant football coach provided cash totaling \$500 to a student-athlete with funds the coach received from a representative of the university's athletics interests. Specifically, in early 1988 or 1989, the coach provided \$200 to the young man on one occasion and \$300 about two months later.

C. [NCAA Bylaw 16.12.2.1]

On numerous occasions during the enrollment of a student-athlete, an administrative assistant provided regular payments in cash totaling several thousand dollars to the young man. The payments were made at various locations, including the administrative assistant's office and his pickup truck, and they were made during several periods of time. The administrative assistant provided this cash in response to the young man's request for financial assistance in order to pay rent, and make car loan and car insurance payments. Specifically, during 1988, the administrative assistant provided \$200 each month to the student-athlete for a period of three to five months. Beginning in early 1989 and continuing until June 1991, the administrative assistant provided \$300 cash each month to the young man.

D. [NCAA Bylaws 12.1.2-(I), 16.12.1.2 and 16.12.2.4]

On April 24, 1990, a representative of the university's athletics interests, who was the branch manager of a bank in Auburn, Alabama, [Page 10] approved a \$9,209.99 unsecured loan for a football student-athlete who had eligibility remaining, which the young man received the same day. The loan appeared to have been within the lending authority of the representative, and within Federal and state banking legislation, but contrary to NCAA legislation since it had a one-year deferred repayment provision that was based primarily upon the young man's future earnings as a professional athlete.

Specifically, concerning the student-athlete's loan, twice in 1989 the representative declined to provide loans to the young man when he was contacted directly by the student-athlete. The representative indicated that the young man was not within one year of having a source of repayment for the loan, either graduation and a job or the professional football draft. During the spring of 1990, the director of athletics/head football coach and the student-athlete discussed a possible loan on two occasions. On April 23, 1990, the young man requested the head coach's assistance. The head coach later reported to the student-athlete that he had contacted the representative and had asked him to meet with the young man. On April 24, the student-athlete met with the representative and was provided a loan (a check for \$9,000 and an additional \$209.99 for credit life insurance) due payable on April 4, 1991, in the amount of \$10,499.39. The representative provided the loan based upon anticipated repayment as a middle-round draft choice (receiving a signing bonus of approximately \$15,000 to \$30,000) and, as a secondary source of repayment, the young man's graduation in the spring of 1991 as a criminal justice major.

During the period from 1986 to September 1992, approximately six additional student-athletes with eligibility remaining obtained loans at the bank that were obtained with the approval of the representative on a deferred-payment basis based upon potential future income as a professional athlete.

E. [NCAA Constitution 2.1, and Bylaws 12.1.2-(I), 16.12.1.2 and 16.12.2.4]

The institution violated the provisions of institutional control in that numerous improper loans were obtained by student-athletes. These loans were made to student-athletes with eligibility remaining on a deferred-payment basis based upon their potential future income as professional athletes. The director of athletics/head football coach and some of the assistant football coaching

staff members were aware that student-athletes were applying for loans, but no system was in place to: (1) monitor the propriety of those loans; (2) educate the representative of the institution's athletics interests who, at least one coaching staff member knew, was reviewing the student-athletes' potential loans, or (3) educate the student-athletes who were encouraged to apply for loans when they needed money without receiving any instruction on applicable NCAA legislation. The result was a process in which neither the student-athletes applying for the loans nor the representative reviewing the loans received any instructions about applicable NCAA legislation, and no monitoring existed of the results of the loan applications. [Page 11]

The director of athletics/head football coach met with football student-athletes to warn the young men not to sign contracts with sports agents prior to the completion of their NCAA eligibility, and instead, he recommended that they obtain loans if they needed money. The head coach referred at least three student-athletes to a representative of the institution's athletics interests at a local bank for the possibility of obtaining a loan. He knew it was a violation of NCAA legislation for student-athletes to obtain loans based upon their payback potential as professional athletes, but he did not inform the student-athletes of applicable NCAA legislation and he did not ask the student-athletes or the representative about the outcome of his referral to the bank.

Some additional loans were made for the purpose of purchasing disability insurance. Some of these loans were reported to the institution, but no adequate monitoring or reporting system was established for these loans and not all appropriate documents were filed with the institution as required by NCAA legislation.

F. [NCAA Constitution 2.1]

During the period from 1987 through 1991, the university demonstrated a lack of appropriate institutional control and monitoring in the administration of its intercollegiate football program in that staff members failed to monitor whether cash or other items were being provided to a student-athlete contrary to NCAA extra-benefit legislation, even though several institutional staff members had knowledge that: (1) he was in need since they had discussions with him about his financial condition; (2) he was asking for financial assistance contrary to NCAA legislation in that the young man asked the institutional staff members or representatives of the institution's athletics interests for improper benefits, and (3) he reported to a staff member that he received improper extra benefits. As a result, the young man received significant extra benefits that revealed a blatant disregard for fundamental NCAA legislation by at least two athletics department staff members and two representatives of the university's athletics interests. Appropriate institutional officials did not undertake an adequate review of this situation until information was reported publicly in an area newspaper.

Specifically, at least four staff members (the director of athletics/head football coach, two assistant football coaches and an administrative assistant) were aware of the student-athlete's poor financial condition as a result of conversations with him during which his financial condition was discussed.

At least these same four staff members and two representatives of the institution's athletics interests had knowledge that the student-athlete was requesting improper financial assistance

because the young man asked them for financial assistance the young man believed he should receive since he thought other student-athletes were receiving similar assistance.

The student-athlete reported possible violations of NCAA rules during a conversation in the spring of 1988 between the young man and one of [Page 12] the assistant coaches. They discussed the young man's spending habits, and the student-athlete told the assistant coach that the administrative assistant might have helped him. The assistant coach did not believe that the statements made by the student-athlete were credible, and he did not report the conversations or make further inquiry. During the summer of 1991, a staff member reported to the director of athletics/head football coach that the young man had information related to possible violations of NCAA legislation. The director of athletics/head coach failed to undertake an inquiry into this matter because he believed the information was general in nature and was based upon rumors. He also discounted the information because at the same time it was received, the former student-athlete was publicly alleging racism at the university and in the football program. Because the director of athletics/head coach did not believe there was any basis for the charge of racism, he ignored the other allegations.

As a result, even though information existed indicating that the young man's financial situation was poor, that the student-athlete was asking for extra benefits and that he had received extra benefits, no actions were taken by the institution to ensure that NCAA legislation was not being violated.

G. [NCAA Bylaw 10.1-(c)]

An assistant football coach acted contrary to the principles of ethical conduct in that he did not, on all occasions, deport himself in accordance with the generally recognized high standards of honesty and good sportsmanship normally associated with the conduct and administration of intercollegiate athletics. The assistant coach's involvement in Part II-B, as set forth in this report, demonstrates a knowing effort on his part to operate the university's intercollegiate football program contrary to NCAA legislation.

H. [NCAA Bylaw 10.1-(c)]

An administrative assistant in the athletics department acted contrary to the principles of ethical conduct in that as he did not, on all occasions, deport himself in accordance with the generally recognized high standards of honesty and good sportsmanship normally associated with the conduct and administration of intercollegiate athletics. The administrative assistant's involvement in Part II-C, as set forth in this report, demonstrates a knowing effort on his part to operate the university's intercollegiate football program contrary to NCAA legislation.

I. [NCAA Bylaws 30.3, 30.3.3 and 30.3.5]

Based upon the findings of violations in this report, the university's certification of compliance forms for the 1989-90 and 1990-91 academic years were erroneous because the university's football program was not in compliance with NCAA legislation. Further, two assistant football coaches and an administrative assistant erroneously [Page 13] signed the university's certification

of compliance forms indicating that they had reported to the chief executive officer their knowledge of or involvement in any violations of NCAA legislation involving the university when, in fact, they had not done so.

Further, based upon the information provided by these individuals, and without intent to do so, the former president erroneously certified on August 14, 1989, and August 23, 1990, the university's compliance with NCAA legislation.

J. [NCAA Bylaw 16.12.2.1]

In 1989, an administrative assistant provided cash on two or three occasions to a student-athlete. The total amount provided by the administrative assistant to the student-athlete did not exceed \$100.

K. [NCAA Bylaws 14.01.2, 15.3.2.3 and 16.12.2.1]

In the fall of 1992, seven former student-athletes and one current student-athlete in football had delinquent bills for room and board at Sewell Hall, the institution's dormitory for student-athletes, resulting from charges that were not paid during the 1987-88, 1988-89, 1989-90, 1990-91 and 1991-92 academic years. Contrary to university policy, the student-athletes were allowed to enroll for the next quarter.

In the fall of 1992, the cost of this room and board was considered financial aid by the institution, and these eight walk-on student-athletes were considered grant-in-aid recipients. As a result, including the cost of the room and board with the grant-in-aid totals for the five academic years, the institution exceeded the overall limits in football by one grant-in-aid during each year of the 1988-89 and 1990-91 academic years.

Of these eight student-athletes, three participated in one game (a bowl game) subsequent to discovery of the nonpayment of room-and-board expenses.

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 19.5.2.2, 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 [Page 14] 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 applied most of the minimum penalties but declined to apply two of the penalties because of a belief that they were inappropriate under the circumstances. Instead, the committee assessed more severe penalties on postseason competition and probation, and included penalties that were more relevant to the nature of the violations. The committee imposed the following penalties:

A. The university shall be publicly reprimanded and censured, and placed on probation for a period of two years. The two-year period shall begin on November 23, 1993, the date the probationary period imposed in the previous case ends. In the event of an appeal by the university to the Infractions Appeals Committee, if the decision of the Committee on Infractions is sustained, the Infractions Appeals Committee shall set the date for the commencement of the probationary period.

B. Auburn University shall be subject to the provisions of NCAA Bylaw 19.5.2.3 concerning repeat violators for a five-year period beginning on the effective date of the penalties in this case. The effective date for the purpose of this action 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, in the event of an appeal, the date established by the Infractions Appeals Committee.

C. During the period of probation, the institution shall expand its educational program (e.g., seminars and testing) to instruct coaches and athletics department personnel on NCAA legislation. It also shall develop an improved system of distributing educational materials concerning NCAA rules to all known representatives of its athletics interests. A preliminary report shall be submitted in writing to the NCAA enforcement staff by October 1, 1993, setting forth a schedule for establishing this compliance and educational program, and annual written progress reports shall be filed with the NCAA enforcement staff by July 1 of each year thereafter during the probationary period.

D. The institution's football team shall end its 1993 and 1994 seasons with the playing of its last regularly scheduled, in-season contest [Page 15] during each of those years and shall not be eligible to participate in any postseason competition or take advantage of any of the exemptions provided in Bylaw 17.7.5.2.

E. The institution's football team shall not be eligible to appear in any telecast during the 1993 season, except for the closed-circuit telecast exception provided for in Bylaw 19.5.2.5.1. This ineligibility to appear on television shall include live broadcasts, delayed broadcasts, cable broadcasts and game footage that exceeds a total of five minutes on coaches' shows at the institution. The institution may not enter into any contracts or agreements to permit any broadcasts of its football games. If the institution has previously entered into such contracts for the 1993 football season, then this penalty shall be imposed during the 1994 football season.

F. The Committee on Infractions adopts the penalties imposed by the institution upon itself and its coaches, staff and representatives of its athletics interests as follows:

1. Reduction of the initial grants-in-aid in the sport of football from 25 to 24 during the 1993-94, 1994-95 and 1995-96 academic years, and the annual limit on such grants from 88 to 86 for the 1993-94 academic year, and from 85 to 83 for the 1994-95 and 1995-96 academic years.

2. Permanent disassociation of a former assistant football coach and a former administrative assistant from any relations with the institution's athletics program, including the following:

a. The institution shall not accept any financial assistance or contributions from either person for its athletics program.

b. The institution, including all members of the athletics department staff, shall not provide any athletics benefit or privilege to either person that is not provided to the public at large.

c. The institution shall prohibit both individuals from any involvement with the institution's athletics program, including contact on campus with any members of the athletics department staff or contact at any time with student-athletes of the institution.

3. Permanent disassociation of two representatives of the institution's athletics interests from any relations with the institution's athletics program on a permanent basis, and prohibiting each of them from providing any financial assistance, accepting any benefit or privilege from the institution's athletics department that is not provided to the public at large and from having any contact or association with any prospective or current student-athlete at the institution.

In accepting the self-imposed penalties of disassociation, it is with the understanding that only those benefits or privileges [Page 16] available to the general public can be provided to the former staff members or the representatives of the institutions athletics interests. No benefits or privileges shall be provided to these individuals indirectly through some other person that could not be provided to them in a direct manner.

4. Separation of the duties of the director of athletics from that of the head football coach.

G. If the former assistant football coach still had been employed at the institution, the institution would have been required to show cause in accordance with Bylaw 19.5.2.1-(m) why it should not be subject to additional penalties if it had failed to take appropriate disciplinary action against him.

H. The committee accepted the permanent disassociation of the former assistant football coach by the institution. In addition, the Committee on Infractions accepts the additional restrictions placed upon the assistant football coach by the institution where he presently serves as the head football coach. These restrictions were effective March 8, 1993, and are as follows:

1. The coach's state-paid salary for 1993 is frozen.

2. The coach may not perform any off-campus evaluation of recruits from May 1, 1993, through April 30, 1994.
3. The coach's off-campus recruiting contacts with recruits shall be limited to 10 contacts for the period from December 1, 1993, through December 1, 1994.
4. The coach will not have the title of assistant director of athletics for at least one year.
5. The coach will be limited to five appearances at the institution's alumni events from June 1, 1993, until June 1, 1994.
6. The coach may not participate in on-the-field practices held for freshmen.
7. The coach will meet monthly with the university's athletics compliance officer.

However, under the provisions of Bylaw 19.5.2.1-(m), the institution where the former assistant coach is presently employed shall show cause why it should not be penalized if it fails to take additional disciplinary action against its head football coach who was found to have violated the principles of ethical conduct in this case.

The additional actions the committee would consider appropriate are as follows:

1. The coach's compensation from all institutional sources shall be frozen for a period of two academic years, 1993-94 and 1994-95. [Page 17]
 2. The coach shall be precluded from all off-campus recruiting activities during the period from August 18, 1993, through August 17, 1994.
 3. The coach shall be precluded from appearances at alumni or athletics booster events during the period from August 18, 1993, through August 17, 1995.
 4. The coach shall be precluded from having responsibilities or duties of director of athletics or assistant director of athletics for a period of three years from the effective date of this action.
 5. The coach shall be required to attend at least one NCAA compliance seminar each year for a period of three years.
- I. If the former administrative assistant still had been employed at the institution, the university would have been required to show cause in accordance with Bylaw 19.5.2.1(m) why it should not be subject to additional penalties if it had failed to take appropriate disciplinary action against him.
- J. Due to his involvement in certain violations of NCAA legislation found in this case, the former administrative assistant 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 five-year period from the effective date of the penalties imposed against the institution,

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 19.5.2.1-(m), which could limit the former coach's athletically related duties at the new institution for a designated period.

K. The institution shall "show cause" why it should not be penalized further if it fails to send its former assistant football coach a letter reprimanding and censuring him for his failure to properly report information about the violations of NCAA rules and his signing the certification of compliance form when he was aware of such violations.

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

Should Auburn 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 an expanded infractions report to the members of the Infractions Appeals Committee. This expanded report will include additional information in accordance with Bylaw 32.9.5. A copy of the committee's report would be provided to the institution prior [Page 18] to its appearance before the Infractions Appeals Committee and, as required by Bylaw 32.9.6, would be released to the public.

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. 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. Should any actions by NCAA Conventions directly or indirectly modify any provisions 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

Jack H. Friedenthal

Beverly E. Ledbetter

Yvonne (Bonnie) L. Slatton

David Swank (chair)

DS:cg/aj

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