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UNIVERSITY OF NEVADA, LAS VEGAS, INFRACTIONS REPORT

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

I. Background of case and violations.

II. Committee on Infractions penalties.

I. Background of case and violations.

This case is the oldest case presently pending before the NCAA Committee on Infractions. Although there have been substantial efforts on the part of the University of Nevada, Las Vegas, to resolve this case, there have been significant delays that were not the fault of the university or the NCAA enforcement staff.

During the last several years, the university became a symbol of the struggle for institutional control of a university's athletics program. Individuals outside the university had exercised control over the athletics program for many years. The university's president, Robert C. Maxson, determined that for the university to grow as an academic institution, the athletics program must become an integral part of the university and must be subject to appropriate institutional control by the president. His actions during this period of time have reaffirmed for the University of Nevada, Las Vegas, the importance of the intercollegiate athletics programs of a respected institution of higher education being under the control of the president rather than being under the control of the alumni and those outside the university. It is never an easy task for a university to change the direction of its athletics program, but that has been accomplished by the University of Nevada, Las Vegas.

Some of the alleged violations in this case became public in late March 1987 when a New York paper published a story charging several "apparent violations of NCAA recruiting rules" by the University of Nevada, Las Vegas, in its recruitment of a highly recruited student-athlete. The story quickly received national media attention.

The university's president considered the article to contain very serious allegations against the men's basketball program, allegations he believed [Page 2] to be detrimental to the university. On April 19, 1987, he announced the formation of a university committee to investigate the allegations. The president appointed the institution's chief academic officer, the vice-president for academic affairs and provost, to chair the committee, and he appointed the university's NCAA faculty athletics representative, the chair of the faculty senate and the commissioner of the Pacific Coast Athletic Association (now the Big West Conference), of which the university is a member, to serve as members of the committee.

The committee worked from mid-April through mid-October 1987 conducting personal interviews on and off campus and gathering other information concerning the allegations. On October 21, 1987, the committee published its "Report on Recruitment Investigation," specifically noting that it had reached no conclusions about the substance of the allegations. The committee stated in its report that:

"As of this date, the committee has concluded that the matter of the investigation should not be closed because of conflicting testimony and yet unanswered questions."

Accordingly, the committee's recommendation, which the president adopted and implemented, was that:

". . . appropriate conference and NCAA officials be notified of the present state of the internal investigation and that they continue the investigation."

Also, following the recommendation of the university committee, the president designated the committee's members as "resource persons," with express instructions to remain available for both the conference and the Association and to provide all assistance necessary to complete the investigation.

A letter of preliminary inquiry was sent to the president of the university on October 22, 1987, by the NCAA assistant executive director for enforcement and eligibility appeals, and the preliminary inquiry into the men's basketball program was begun by the NCAA enforcement staff in cooperation with the commissioner of the Pacific Coast Athletic Association. Because the university committee reached no conclusions concerning the alleged violations of NCAA legislation, the institution took no action at that time beyond its participation and cooperation in the preliminary inquiry conducted by the NCAA enforcement staff.

The enforcement staff's investigation involved numerous off-campus interviews with individuals throughout the country. From July 1989 until April 1990, the enforcement staff and representatives of the university also conducted on-campus interviews of institutional staff members and men's basketball student-athletes.

Based upon information developed during the preliminary inquiry, an official inquiry was directed to the institution on December 17, 1990. Because of the large number of persons to be interviewed, the institution sought and received two extensions of time in which to submit its written response. The institution's written response was submitted on June 21, 1991. [Page 3]

While the institution was preparing its written response, the enforcement staff received additional information concerning potential violations occurring during the 1989-90 and 1990-91 academic years. Those allegations were investigated and, based upon the information that was developed, a supplemental official inquiry was directed to the institution on June 17, 1991. From March 1991 through September 1991, the institution and enforcement staff jointly conducted additional on- and off-campus interviews. The institution submitted its written response to the supplemental official inquiry on September 4, 1991.

Later in September 1991, the institution and enforcement staff began to prepare for the prehearing conference as provided by NCAA legislation. At that time, the head men's basketball coach, the associate men's basketball coach and two other men's basketball staff members named in the official and supplemental official inquiries made a written demand upon the NCAA and the institution that the NCAA follow procedures mandated by Nevada's newly enacted statute proposing to regulate national athletics associations, which had been signed into law in April 1991 over the objection of Nevada's two NCAA member institutions. Because the Nevada statute required procedures inconsistent with NCAA legislation, the enforcement staff, after consultation with NCAA legal counsel, halted further processing of the infractions case.

In late November 1991, in the case of the National Collegiate Athletic Association v. Robert F. Miller et al, the NCAA brought suit in the United States District Court for the District of Nevada against the State of Nevada and the individuals who had demanded compliance with the Nevada statute. The suit was based on constitutional grounds seeking a declaration that the Nevada statute was unconstitutional. Discovery and pretrial motions in the case continued through February 1992, during which time the infractions case remained suspended.

The case was heard in March 1992, and in a decision handed down on June 5, 1992, the United States district judge found the Nevada statute unconstitutional and enjoined its enforcement. The defendants timely filed a notice of appeal.

Shortly thereafter, the enforcement staff and the institution again began preparation for the prehearing conference to be conducted prior to the hearing before the Committee on Infractions. As the review of evidence was beginning, the former head men's basketball coach filed a motion with the trial court asking for a stay of the court's judgment pending appeal. On October 30, 1992, the trial court granted the defendant's motion and stayed its order pending appeal.

After the court's order to stop the proceedings was issued, the counsel for the former head coach made a written demand upon the NCAA and the institution that the enforcement staff and institution stop the processing of the infractions case. After consultation with NCAA legal counsel, the enforcement staff again halted processing of the case.

In November 1992, the university filed a motion with the trial court asking that the court's stay order be modified to permit the university to process its infractions case, regardless of the positions taken by its former men's basketball staff. [Page 4]

The court granted the requested relief on January 4, 1993. The judge's order stated:

"The Court's October 30, 1992 Order staying the Court's June 5, 1992 Memorandum Decision and Order enjoining the defendants from enforcing or seeking protection under NRS 398.155-398.255 is modified so as not to preclude intervenor Board of Regents, on behalf of the University of Nevada, Las Vegas (UNLV), and the National Collegiate Athletic Association (NCAA) from processing to a conclusion, pursuant to the NCAA's enforcement procedures, all infractions matters against UNLV as to UNLV only."

Following that decision of the United States District Court, the University of Nevada, Las Vegas, prepared a Summary Disposition Report. In that report, the university admitted a number of major violations of NCAA rules, but in keeping with the order of modification of the court, it did not identify any of the staff members or former staff members who were allegedly involved in the violations. The purpose of the admissions by the university was to admit its responsibility for certain violations of NCAA rules without admitting any responsibility of the individuals who may or may not have been involved in those violations.

In early September 1993, the NCAA Committee on Infractions received the Summary Disposition Report submitted by the University of Nevada, Las Vegas. At a meeting of the Committee on Infractions held in Denver, Colorado, on September 19, 1993, the committee had before it that report. Shortly before that meeting, the committee received information from several individuals who were former staff members of the University of Nevada, Las Vegas, advising the committee that they wished to have an opportunity to appear and to be heard on any allegations related to their conduct. Because of such requests, the committee did not consider the Summary Disposition Report at its September meeting.

Following that meeting, the committee contacted each of the involved former staff members. It was the decision of the committee that if all of the involved individuals wished to participate in an infractions hearing, one would be scheduled during the committee's meeting of November 12-14, 1993. Only one of the involved individuals advised the committee that he wished to participate in such a hearing. One of the other involved individuals had earlier notified the committee that he would participate in such a hearing. One additional individual specifically refused to participate in such a hearing. The rest of the involved individuals did not contact the committee to request or refuse participation in such a hearing.

As a result, the committee decided that a hearing of the entire infractions case was not possible and that it should proceed with the consideration of the university's Summary Disposition Report. The only issues before the committee were those involving the institutional responsibility of the University of Nevada, Las Vegas. No issues involving individual responsibility were to be considered. The Summary Disposition Report did not identify by name any of the involved former staff members.

On October 21, 1993, the Committee on Infractions held a special meeting by conference telephone call to review the institution's September 3, [Page 5] 1993, Summary Disposition Report. Based upon the review of the report, the committee was satisfied that a complete and thorough investigation of the alleged violations was made by the university and by the NCAA enforcement staff. An NCAA director of enforcement reported that the institution had cooperated fully in the investigation and that it had assisted the enforcement staff in its efforts to determine the truth about the findings submitted in the Summary Disposition Report.

The committee considered the violations set out in the Summary Disposition Report and found that the university was in violation of NCAA rules as described in paragraphs 1 through 26 of Part III of that report. In addition, on November 3, 1993, the committee received further notification from the university that it was admitting that the acts described in Exhibit 8 of the

Summary Disposition Report were also violations of NCAA rules. The committee considered those additional admissions but did not impose any additional penalties.

The committee did not consider the ethical-conduct violations set out in Part IV of the Summary Disposition Report. In order to consider such violations, it would have been necessary to consider the acts of specific named individuals. Because the committee has taken the position that it will not consider the acts of specific named individuals, it was inappropriate to consider the matters at that time. The alleged violations contained in Part IV of the report will be deferred until the Committee on Infractions has the opportunity to consider the cases of the individuals who are allegedly involved in the various violations. However, future consideration of the alleged violations will not result in any additional penalties for the institution.

The committee did not consider the unresolved issues set forth in Part V of the report to be of such a substantial nature that they should affect the decisions made in this case.

After a review of the admissions of violations of NCAA rules made by the university, the committee determined that the nature of the violations included the provision of substantial inducements to a number of prospective student-athletes, extra benefits to enrolled student-athletes over an extended period, improper contact with several prospective student-athletes and a lack of institutional control by the University of Nevada, Las Vegas, over the men's basketball program during the period the violations were occurring.

In addition to making admissions of violations of NCAA rules, as a part of the summary-disposition process, a university is required to recommend penalties that should be imposed if the Committee on Infractions agrees with the admitted violations. The committee may accept the proposed penalties or reject them. If they are not accepted, the university may request an expedited hearing before the committee or a full hearing provided for under Bylaw 32.

In this case, the committee recognized the thoughtful effort of the university that went into making the recommendations of suggested penalties. It is never an easy task to recommend penalties to be imposed on one's own institution. The suggested penalties were very significant ones, which recognized the serious nature of the admitted violations. [Page 6]

In determining penalties to be imposed in infractions cases, the committee must consider, in addition to other factors, the seriousness of the violations, the number of violations and the length of time during which they occurred.

While recognizing the great strides that have been made by the university in bringing its athletics program into compliance with NCAA rules, the violations admitted by the university in this case were very serious, numerous and extended over a period of several years.

In a letter to the president of the university, Mr. Maxson, dated October 27, 1993, the committee advised the president that it would accept the findings of violations set out in the university's Summary Disposition Report, but that it could not accept the proposed penalties. The letter to the president suggested the penalties the committee would accept. The president was advised that, but for the actions he had taken at the university, the penalties that would have been imposed in a

case as serious as this one would have been much more severe. In that letter, the committee also outlined the university's options of requesting an expedited hearing, requesting a full hearing or accepting the proposed penalties.

On November 2, 1993, the president, through legal counsel, advised the committee that the University of Nevada, Las Vegas, would accept the penalties proposed by the committee. This was confirmed in a letter dated November 3, 1993. As a result of that action, this infractions report was prepared.

The Committee on Infractions wishes to point out that in this case, the violations of NCAA rules, which were admitted by the university, began over six years ago. Except for one very limited series of violations, all violations ended during the 1990-91 academic year. While penalties against a university must, by their very nature, affect the coaches and student-athletes who are presently at a university, the penalties in this case were developed to address the problems that had existed at the university. Because of the age of this case, the penalties were to have the least possible effect upon the present student-athletes while at the same time imposing meaningful sanctions.

It was for these reasons that there was no limitation placed on postseason competition for the men's basketball team and the televising of the men's basketball games was not totally prohibited. Individuals outside the university were instrumental in violating NCAA rules and the penalties in this case will affect such persons. Alumni and those who became representatives of the university's athletics interests must recognize that their actions can bring great financial loss and discredit upon a university and cause tremendous harm to the student-athletes who wish to participate in a university's athletics program.

## II. Committee on Infractions penalties.

For the reasons set forth in 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 [Page 7] 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." The required penalties 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 unique case in which the institution should receive less than the full set of minimum penalties otherwise required by NCAA legislation. The reasons for such action were set out in detail earlier in this report but included such facts that the university, when it learned of the infractions: promptly and thoroughly investigated and reported the violations to the NCAA; cooperated in the processing of the case; conducted much of the investigations, and initiated appropriate corrective actions, including the establishment of administrative procedures designed to ensure that the institution will be in compliance with the principles of institutional control and rules compliance in the future.

All of these actions represented a major commitment of university administrative and financial resources and, more importantly, a commitment by the university to recognize its responsibility to operate its athletics program in compliance with NCAA rules. The Committee on Infractions, following careful deliberations, imposed the following penalties.

A. The university shall be publicly reprimanded and censured, and placed on probation for a period of three years, effective November 9, 1993.

B. The University of Nevada, Las Vegas, 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.

C. During this period of probation, the institution shall continue its comprehensive education programs, including seminars and testing to instruct coaches and athletics department personnel on NCAA legislation. These programs shall be required for the coaches and athletics department personnel in all sports. In addition to athletics department personnel, all university staff members with responsibility for [Page 8] the certification of student-athletes for admission, retention or competition shall be included in this education program. A preliminary report outlining the implementation of the education programs shall be due on January 31, 1994. The institution shall file annual progress reports with the NCAA enforcement staff by July 1 of each year thereafter during the probationary period.

D. During the period of probation, the university shall develop an improved system of distributing educational materials concerning NCAA rules to all known representatives of its athletics interests and alumni. A report of these actions shall be submitted at the same time the university submits its compliance reports for university staff members.

E. The university shall reduce the number of men's basketball coaching staff members who may contact or evaluate prospects off campus at any one time to one coach during the academic year and two coaches during the summer. This shall be for the period from January 1, 1994, through December 31, 1994.

F. The men's basketball program shall be prohibited from utilizing any of the exceptions to the limitation on the number of basketball contests that are provided in Bylaw 17.3.5.3 during the three years in which the institution is on probation. This includes foreign tours; contests in

Hawaii, Alaska or Puerto Rico, or participation in the preseason National Invitational Tournament.

G. For a period of two years, the university shall be prohibited from televising regular-season men's nonconference basketball games played away from the campus of the institution. This ineligibility to have nonconference games on television includes live broadcasts, delayed broadcasts, cable broadcasts, and game footage that exceeds a total of five minutes on a coach's show at the institution. It does not include the closed-circuit television exception provided for in Bylaw 19.5.2.5.1. This penalty shall be imposed during the 1993-94 and 1994-95 basketball seasons. If the institution has entered into contracts for the 1993-94 men's basketball season, then this penalty shall be imposed during the 1994-95 and 1995-96 seasons.

H. During the 1994-95 men's basketball season, the only games the institution may schedule on its home campus are games with other members of its athletics conference. If the institution has already entered into contracts for its 1994-95 home men's basketball games that would be affected by this penalty, then the penalty shall be imposed during the 1995-96 season.

I. The institution shall recertify that all of its current athletics policies and practices conform to all requirements of NCAA regulations. [Page 9]

In addition to the above-listed penalties, the following actions proposed by the institution have been accepted by the committee as appropriate penalties to be imposed.

J. The university shall reduce by one the number of athletically related financial aid awards in men's basketball during each of the 1993-94 and 1994-95 academic years that are countable under Bylaw 15.02.3.

K. The university shall reduce the number of expense-paid visits to the institution's campus in men's basketball from 15 to 10 during each of the 1993-94 and 1994-95 academic years.

If the institution has not already implemented this limitation on financial aid and expense-paid visits as set out in Parts II-J and II-K during the 1993-94 academic year, then this penalty would be extended to the 1995-96 academic year.

Because the University of Nevada, Las Vegas, admitted the violations of NCAA rules, under the summary-disposition procedures and accepted the penalties imposed by the Committee on Infractions, there is no right of appeal of the decision made in this case.

The Committee on Infractions wishes to advise the university that it should take every precaution to ensure that the terms of the penalties 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.

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.

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