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UNIVERSITY OF WISCONSIN, MADISON, INFRACTIONS REPORT

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

I. Introduction.

II. Specific findings of violations.

III. Penalties and corrective and disciplinary actions.

I. Introduction.

This case was submitted to the NCAA Committee on Infractions jointly by the University of Wisconsin, Madison, and the NCAA enforcement staff with the consent of the involved individuals for summary disposition of the university's infractions case concerning its wrestling program.

The institution's investigation began immediately after the director of athletics received a letter on January 3, 1990, from the father of two wrestling student\_athletes. The director of athletics immediately referred the letter to one of the institution's faculty representatives, who was also the chair of the University of Wisconsin Athletic Board Compliance Committee. The faculty representative interviewed the father of the student-athletes on January 7, 1990. The NCAA enforcement staff was notified of the matter on or about January 17, 1990, following a telephone conversation of that date between a then NCAA eligibility representative and the university's associate director of athletics. This was confirmed in a letter to the associate director from the eligibility representative on January 26, 1990.

On or about January 31, 1990, the university legal counsel in the Office of Administrative Legal Services was appointed by the university compliance committee to investigate the allegations made by the student-athletes' father. The legal counsel's process was two\_pronged: (1) to investigate the allegations and gather evidence, and (2) to present this evidence to the compliance committee for their review and conclusions. His investigation was conducted during the period from March through November 1990.

In the course of his investigation, the legal counsel met with the father on May 23, 1990, to clarify ambiguities regarding the allegations and [Page 2] arranged to speak with all persons named in the allegations, as well as other individuals who possibly had relevant information. The legal counsel interviewed approximately 25 individuals during his investigation.

The legal counsel presented the results of his investigation to the institution's compliance committee in a report dated November 28, 1990. Following its consideration of the legal counsel's report, the compliance committee determined that several violations of NCAA rules had occurred. The university submitted the legal counsel's report to the Big Ten Conference on March 16, 1991. On May 11, 1992, the conference office forwarded the report to the NCAA enforcement staff without taking any action regarding the matter. On July 14, 1992, an NCAA director of enforcement, the university's vice-chancellor for legal and executive affairs, and the compliance coordinator met at the NCAA national office to discuss the specifics of the report. Subsequent to that meeting, the institution interviewed approximately 18 additional individuals. The final university report was submitted to the enforcement staff on December 1, 1992.

On January 25, 1993, the director of enforcement wrote a letter to the vice-chancellor for legal and executive affairs outlining possible violations acknowledged by the institution. Within this letter, the director of enforcement asked several questions for the purpose of clarification. On March 11, 1993, the vice-chancellor responded to the questions posed by the director of enforcement. On April 22, 1993, an NCAA enforcement representative visited the campus and conducted several interviews with institutional staff members. From May through August 1993, the institution and the enforcement staff collaborated on the development of a summary\_disposition report.

The committee first considered the summary-disposition report at its September 17-19, 1993, meeting in Denver, Colorado. At that time, the former head wrestling coach did not agree that all of the findings that had been agreed to by the university were violations. Although the coach signed a statement in which he admitted to all of the violations, he attached to that statement another document in which he stated he did not believe that two of the findings of NCAA rules were, in fact, violations.

Following the September meeting, the committee advised the institution that the committee could not proceed as a result of receiving the conflicting statements from the head wrestling coach. Discussions occurred among the institution, the NCAA enforcement staff and the legal counsel for the coach to narrow the issues, and additional information was obtained. The NCAA legislative services staff was requested to review the two alleged rules violations contested by the head coach along with the additional information. After that review, the legislative services staff advised the university that the acts committed were not believed to be violations of NCAA rules. Upon receiving that information, the institution and enforcement staff deleted the two possible rules violations from consideration in the report, and the coach agreed to proceed using the summary-disposition process.

The Committee on Infractions met in Kansas City, Missouri, on November 12-14, 1993, and considered the university's summary-disposition report. The actions described in the summary\_disposition report resulted in findings of violations of NCAA rules as follows: [Page 3]

- a. Impermissible extra benefits to enrolled student-athletes.
- b. Impermissible tryouts of prospective student-athletes.

- c. Supplemental pay to coaching staff members.
- d. Excessive evaluation of prospects.
- e. Travel expenses provided by an organization that did not qualify as a local sports club.
- f. Impermissible outside competition.
- g. A lack of institutional control.

The specific findings of violations included:

1. The wrestling club, at the direction of the head coach, who also was the head coach of the club, provided travel expenses to approximately 19 different student\_athletes on at least 18 occasions.
2. The institution paid the transportation expenses for student\_athletes to travel to Colorado Springs, Colorado, to serve as workout partners for national team members.
3. The institution paid the travel expenses for four redshirt student\_athletes so the young men could participate in an open wrestling meet.
4. The coaching staff exceeded the permissible number of evaluations of numerous prospects over the course of approximately four years.
5. The head coach allowed a tryout to occur.
6. An assistant coach allowed a student\_athlete to use his automobile, and provided an impermissible meal to a student\_athlete.
7. The head coach provided supplemental pay to his assistant coaches.
8. The head coach provided improper transportation to a student\_athlete.
9. University officials and the head coach contributed to a lack of institutional control.

The investigation by the university's legal counsel revealed the violations listed in Sections II\_E, II\_F and II\_G of this report. The remainder of the violations were acknowledged by the institution as a result of its inquiries made subsequent to the receipt of the institution's self\_report by the NCAA enforcement staff.

The enforcement staff reported to the Committee on Infractions that it believed the institution's internal investigations, combined with the enforcement staff's inquiries, resulted in a complete and thorough examination of the issues relating to potential violations of NCAA legislation in the conduct of the athletics program at the institution. Moreover, they reported the findings of violations of NCAA rules were the result of the [Page 4] institutional self\_report. The

information concerning the Wisconsin Wrestling Club and the Weigh\_In Club were discovered and reported as a result of the institution's inquiry.

The enforcement staff also reported to the committee that the university cooperated in the processing of this case. The enforcement staff and the institution were in agreement with the findings contained in the report. They agreed that the findings were violations of NCAA legislation, and that the case was major in nature. It was the enforcement staff's recommendation that the case qualified for adjudication through the summary-disposition process.

## II. Specific findings of violations.

### A. [NCAA Bylaws 16.11.2.1 and 16.12.2.1]

During the period from 1988 through 1992, the Wisconsin Wrestling Club, which does not qualify as a local sports club under Bylaw 13.12.2.4, provided extra benefits by paying for the expenses of approximately 19 different student\_athletes on at least 18 occasions to attend contests and engage in other athletics activities. The Wisconsin Wrestling Club used funds received from the Weigh-In Club, the university's athletics booster club for wrestling, for these expenses. The total amount of funds provided to the student-athletes exceeded \$14,000.

### B. [NCAA Bylaw 16.12.2.1]

During the period from August 14 through 22, 1990, the institution and the Weigh\_In Club paid a total of approximately \$1,832 (\$458 per person) for the expenses of an assistant coach and five student\_athletes to attend the U.S. National Team Training camp in Colorado Springs, Colorado. The student\_athletes participated as workout partners for U.S. National Team members. They were not qualified to take advantage of the NCAA legislative exception allowing an institution to pay the expenses for those student\_athletes participating in national team training sessions because the student-athletes were not team members. The Weigh\_In Club paid for the gasoline, movies, souvenirs, lodging and meals for this trip (a total of \$324 per student\_athlete), while the institution paid for the rental van used for transportation (a total of \$134 per student\_athlete).

### C. [NCAA Bylaws 14.02.6 and 14.8.3.1]

During November 17\_18, 1989, the institution provided transportation, food and lodging to four redshirt student\_athletes and paid for the young men's entry fees in order for them to compete as individuals in a wrestling meet. Because the institution paid for the expenses of these redshirt student\_athletes, their competition was considered to be outside competition. This resulted in the four student-athletes utilizing one year of eligibility. [Page 5]

### D. [NCAA Bylaws 13.1.7 and 13.12.1]

During the period from 1988 through 1991, on one or two nights each week from mid\_March to early May, numerous prospective student\_athletes who lived within a 50\_mile radius (30\_mile radius prior to 1990) of the institution's campus were permitted on a regular basis to practice as members of the Wisconsin Wrestling Club, a club supported by the Weigh\_In Club, the

institution's athletics booster group for wrestling. The institution's coaching staff members evaluated some of these prospects on more than four occasions, thereby exceeding the permissible number of evaluations for these prospects.

E. [NCAA Bylaw 13.12.1]

On one occasion in late January or early February 1989, at approximately 4 p.m., a prospective student\_athlete worked out with a member of the wrestling team.

F. [NCAA Bylaws 16.12.2.1 and 16.12.2.3\_(c)]

On one occasion in 1988, and on one occasion in the spring of 1989, a former assistant wrestling coach provided minor extra benefits to enrolled student\_athletes.

G. [NCAA Bylaw 11.3.2.2]

In November 1988, the head wrestling coach paid \$250 in outstanding parking tickets for two assistant coaches using funds received from the Weigh-In Club, the institution's athletics booster club for wrestling.

H. [NCAA Bylaw 16.12.2.1]

On March 14, 1992, the head wrestling coach provided round\_trip automobile transportation to a student\_athlete between Madison, Wisconsin, and River Falls, Wisconsin, an approximate round\_trip distance of 477 miles.

I. [NCAA Constitution 2.1.1, 2.1.2 and 6.01.1]

During the period from 1988 through 1992, university officials and the head wrestling coach did not undertake appropriate institutional control and monitoring in the conduct and administration of the institution's intercollegiate wrestling program as evidenced by the scope and nature of the reported violations in the summary\_disposition report.

The university's athletics administration failed to undertake a more timely follow\_up to the investigation by the university's legal counsel, which would have revealed at an earlier date the violations involving the Weigh\_In Club and the Wisconsin Wrestling Club. The university also failed to monitor and enforce its own booster organization's policies involving the finances of the Weigh\_In Club. Funds [Page 6] from that club were used to provide substantial extra benefits to student\_athletes contrary to NCAA legislation.

The head wrestling coach's lack of control resulted from his lack of knowledge of NCAA rules. The coach did not believe the supplemental payments to the assistant coaches and the student-athlete's transportation were violations of NCAA rules. It also resulted from the failure of the coach to notify the institution of a violation of NCAA rules or his involvement in various actions when he realized that the situations could have resulted in the violated NCAA rules.

### III. Penalties and corrective and disciplinary actions.

#### A. Unique circumstances.

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 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: (1) a two\_year probationary period (including a periodic, in\_person monitoring system and written institutional reports); (2) the elimination of all expense\_paid recruiting visits to the institution in the involved sport for one recruiting year; (3) a requirement that all coaching staff members in the sport be prohibited from engaging in any off\_campus recruiting activities for one recruiting year; (4) 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; (5) one year of sanctions precluding postseason competition in the sport; (6) one year of sanctions precluding television appearances in the sport, and (7) 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 institution agreed that this case was major in nature, and that it fully understood that it was subject to the requirements of NCAA Bylaw 19.5.2.2 setting forth the minimum penalties for a major violation. The specific reasons the committee found that made this case unique were that:

1. The findings in this case were the result of an institutional self\_report based on information discovered and reported by the institution.
2. The institution conducted a complete and thorough investigation of possible violations. [Page 7]
3. The institution cooperated fully in the processing of this case.
4. The institution initiated numerous disciplinary and corrective actions, including:
  - a. The replacement of its wrestling coach.
  - b. The reassignment of the coach's supervisor
  - c. The establishment of a comprehensive compliance program with a full\_time compliance coordinator.

d. The establishment of administrative procedures to ensure rules compliance and control over the finances of booster organizations.

e. The student-athletes currently on the wrestling team who were involved in the violations repaid the funds received as extra benefits when required to do so.

B. Penalties proposed by the university and adopted by the Committee on Infractions as its own actions are:

1. The university shall be publicly reprimanded and censured, and placed on probation for a period of two years from the date these penalties are imposed, which shall be the date of this report.

2. The University of Wisconsin, Madison, 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.

3. During this period of probation, the institution shall continue its current comprehensive educational program to instruct coaches and athletics department personnel on NCAA legislation. The program shall be required for coaches and athletics department personnel in all sports. In addition to athletics department personnel, all university staff members with responsibility for the certification of student-athletes for admission, retention or competition shall be included in the education program. A preliminary report shall be submitted by February 15, 1994. Annual written progress reports will be filed with the NCAA enforcement staff by July 1 of each year during the probationary period with a particular emphasis on the activities of the booster organizations.

4. All expense\_paid recruiting visits to the institution in wrestling shall be eliminated for the period from September 1, 1993, through August 31, 1994. If this penalty was not imposed during the 1993-94 academic year, it shall be imposed during the 1994-95 academic year.

5. The wrestling team shall be limited to 12 intercollegiate competitions during the 1993\_94 academic year instead of 16 as permitted by Bylaw 17.21.5.1 and shall be precluded from all other outside competition. The university's wrestling team may not compete as a [Page 8] team in any postseason tournaments or championships (conference or NCAA). However, individual members of the wrestling team may compete and have their individual scores considered, but no team scoring will be permitted. If this penalty is not imposed during the 1993-94 academic year, it shall be imposed during the 1994-95 academic year.

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

C. Additional penalties imposed by the Committee on Infractions.

As a result of the findings of violations in this case, the consideration of the unique circumstances, the actions taken by the university, and the recommendations by the university of

proposed penalties and adoption of those proposed penalties by the committee, the Committee on Infractions has imposed the following additional penalties:

1. During the period of probation, the university shall continue to improve its system of distribution of educational materials concerning NCAA rules to all booster clubs, 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 report for university staff members set forth in Part III-B-3 of this report.

2. During the 1994-95 academic year, the institution shall be limited to no more than 8.9 athletically related financial aid awards that are countable under Bylaw 15.5.3.1 in wrestling.

D. Corrective and disciplinary actions taken by the university.

1. The head wrestling coach's employment by the university was terminated.

2. Prior to the decision not to continue the employment of the head wrestling coach and at the conclusion of the original investigation, the coach received a written reprimand from the director of athletics, dated March 11, 1991, and his base salary adjustment was reduced by \$500. In addition, the head coach was required to meet individually with the compliance coordinator to review NCAA regulations regarding tryouts, booster and local sports club organizations and their activities, receipt of supplemental income, extra benefits, and publicity regarding recruits. During the 1992\_93 academic year, he was instructed to secure specific approval for his activities in these areas from his supervisor.

3. At the conclusion of the original investigation, the involved assistant director of athletics received a written reprimand from the director of athletics, dated March 11, 1991, and his base salary adjustment was reduced by \$1,000. In addition, he was no longer responsible for the administration of any sports. As the result of a departmental reorganization in August 1992, he was [Page 9] assigned responsibility for a newly established special events fund\_raising unit. He also was given a second reprimand, which expressly provided that if he was involved in any other violation of rules that was discovered in this case or if other misfeasance on his part were to occur, that such acts may result in the termination of his employment. His failure to provide the head wrestling coach with appropriate supervision and guidance, especially in the form of adequate assistance in determining whether the Wisconsin Wrestling Club was a local sports club, following the compliance committee's 1991 expression of concern in that regard, was taken into account during his annual performance review to determine whether to renew his appointment, grant a salary increase and/or grant a base adjustment in the 1993\_94 academic year.

4. Two former assistant wrestling coaches were asked to repay \$125 each. Current and former student\_athletes were asked to repay and have repaid the amount of the extra benefits received, except to the extent that the NCAA legislative services and eligibility appeals staffs agreed to waive such repayments on the basis that the institution could have permissibly paid those benefits.



5. At the institution's direction, the Weigh\_In Club discontinued the Wisconsin Wrestling Club in December 1992. The Weigh\_In Club, as a booster organization, has been placed on "probation" and was precluded from creating any local club so long as it remains a booster organization. As part of that probation, the Weigh\_In Club's officers and directors, the wrestling coaches and athletics administrators involved with the wrestling program have been required to meet with the compliance coordinator and others to review NCAA regulations and institutional policies regarding booster organizations and local clubs. Further, the then head coach, the involved assistant director of athletics and the Weigh\_In Club's treasurer and other officers were required to meet with the athletics department business manager and the compliance coordinator to review the appropriate way to manage and account for the finances of booster organizations, in this case the Weigh\_In Club, and their financial records are being reviewed by the business manager on a regular basis.
6. The institution hired a full\_time compliance coordinator, who reports to the director of athletics and to the vice-chancellor for legal and executive affairs.
7. The institution also instituted similar reviews of the financial records of booster organizations for other sports at the institution.
8. The university instituted a requirement that each booster group provide to the athletics department business manager and appropriate associate director a monthly financial statement, including a budget and a copy of checks that were written.
9. Associate directors are attending all booster club meetings for the sports they supervise. [Page 10]
10. The university instituted a local club registration program as part of its compliance program to assure future compliance with NCAA regulations applicable to such clubs.

Because the University of Wisconsin, Madison, admitted the violations of NCAA rules under the summary-disposition procedures and accepted the penalties proposed by the Committee on Infractions, the university waived its opportunity to appeal the decisions made in this case.

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 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

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