



THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

6201 College Boulevard • Overland Park, Kansas 66211-2422 • Telephone 913/339-1906

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CONTACT:
David Swank, chair
NCAA Committee on Infractions
University of Oklahoma

TEXAS SOUTHERN UNIVERSITY
PUBLIC INFRACTIONS REPORT

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

- I. Introduction.
- II. Findings of violations of NCAA legislation.
- III. Committee on Infractions Penalties.

I. INTRODUCTION.

This case involved the men's and women's track and field and cross country, football, baseball, men's tennis and men's golf programs at Texas Southern University and primarily concerned violations of NCAA bylaws governing academic eligibility, extra benefits, institutional control and ethical conduct.

Texas Southern University is a Division I institution and a member of the Southwestern Athletic Conference. The university has an enrollment of approximately 6,100 students and sponsors eight men's and eight women's intercollegiate sports.

This case emanated from a pervasive lack of institutional control over the institution's athletics program, particularly regarding the certification of student-athlete eligibility and the monitoring of satisfactory-progress requirements. There were several serious breakdowns in the university's monitoring systems which allowed deviations from the institution's procedures for course registration and the awarding of academic credit to remain undetected until records were audited. These failures were compounded when the head track and field coach exploited the institution's weak compliance system in a fraudulent attempt to obtain NCAA eligibility for several student-athletes. As a result of all of these breakdowns and a comprehensive

lack of institutional control, numerous student-athletes in several sports participated in intercollegiate athletics competition over a five-year period while they were ineligible.

A. CASE CHRONOLOGY.

Between September 1992 and August 1993, internal auditors at Texas Southern University who were conducting a review of the university's athletics programs discovered potential NCAA violations regarding the academic eligibility of student-athletes. In April 1994, the Texas state auditors' office received information indicating that transcripts for several student-athletes may have been altered. This information prompted a joint investigation by the Texas state auditor and the university's internal auditors, which was completed on June 27, 1994. The investigation revealed improprieties related to the awarding and changing of grades for student-athletes.

In April 1994, the institution's former director of athletics reported to the NCAA enforcement staff potential NCAA rules violations and requested that the NCAA initiate an investigation of the women's track and field program because rules violations had occurred and the university had failed to take any action.

On September 1, 1994, a newspaper article appeared in a local newspaper that detailed information contained in the Texas state auditors' report. On September 23, the NCAA enforcement staff sent a letter to the university's president and requested the cooperation of the institution concerning the enforcement staff's desire to review university records and the audit reports prepared by the university and Texas state auditors. On November 2, an enforcement representative met with university officials to review information concerning potential NCAA rules violations.

On December 16, 1994, the university reported to the NCAA several potential NCAA violations which were discovered as a result of the audits, and the corrective and disciplinary actions the university had taken. On March 16, 1995, the enforcement staff sent a letter to the university's president formally notifying the institution of the enforcement staff's preliminary inquiry into the operation of the university's athletics programs. The enforcement staff sent a six-month status letter to the university on September 7.

On March 4, 1996, the enforcement staff issued a letter of official inquiry to the university, the head men's and women's track and field coach and the assistant track and field coach, who was also head cross country coach and director of compliance. On May 13, the institution submitted its response. The assistant track and field coach's response was received on May 14. On May 28, a representative for the head track and field coach submitted a response on the head coach's behalf.

The institution submitted nine eligibility appeals to the NCAA eligibility appeals staff during the time frame of the investigation on behalf of student-athletes with eligibility remaining. At the time of the hearing, there were no remaining eligibility issues.

The enforcement staff conducted a prehearing conference with university representatives on June 20, 1996, and with legal counsel for the assistant track and field coach on June 21. The

head track and field coach and his representative were provided notice of their opportunity to participate in a prehearing conference, but chose not to do so.

On August 11, 1996, representatives of the NCAA enforcement staff, the institution and the Southwestern Athletic Conference appeared at a hearing before the NCAA Committee on Infractions. The head men's and women's track and field coach and the assistant track and field coach involved in this case were included among those present.

B. SUMMARY OF THE FINDINGS OF VIOLATIONS.

The violations found by the committee may be summarized as follows:

- Between April 1992 and the fall of 1993, seven men's and women's track and field student-athletes received fraudulent academic credit which was necessary for them to be eligible for participation in NCAA competition. The student-athletes did not perform the work for these courses and the awarding of the academic credit violated university registration procedures. The head men's and women's track and field coach and the assistant track and field coach violated the principles of ethical conduct by their involvement in these violations.
- During the 1992 fall semester, a football student-athlete practiced and competed while he was ineligible as a result of receiving credit for two courses without performing the required course work. The student-athlete also received extra benefits when he was awarded academic credit for a course for which he had not paid.
- From the fall of 1991 through the spring of 1996, 38 student-athletes in several sports practiced and competed even though they did not meet NCAA eligibility requirements or had not been properly certified.
- In April 1993, seven women's track and field student-athletes received extra benefits when the head track and field coach and assistant track and field coach personally paid for the airfare, lodging, entry fees and meals associated with an away competition.
- There was a lack of institutional control.

C. SUMMARY OF THE PENALTIES.

In imposing the following penalties, the Committee on Infractions considered the corrective actions taken by the university, as detailed in Part III-A of this report, and the self-imposed penalties.

1. The committee adopted as its own the following penalties proposed and self-imposed by the institution:
 - Forfeiture of contests in which ineligible student-athletes participated.

- No postseason participation by the men's and women's track and field teams during the 1994-95 academic year and by the men's and women's cross country and track and field teams during the 1995-96 academic year.
 - Limitation of financial aid awards in men's and women's track and field and cross country during the 1995-96 and 1996-97 academic years to the number of participants required for sponsorship of the sports at a Division I level.
2. The committee imposed the following additional penalties:
- Public reprimand and censure.
 - Five years of probation.
 - Prohibition from participating in postseason competition in men's and women's track and field during the 1996-97 academic year and in men's and women's cross country during the 1997 fall season.
 - Prohibition against awarding any initial financial aid awards in men's and women's track and field and cross country during each of the 1997-98 and 1998-99 academic years.
 - Reduction by four in the number of permissible financial aid awards in football during the 1997-98 academic year.
 - Prohibition against participating in any invitational meets for men's and women's track and field during the 1996-97 academic year and for men's and women's cross country during the 1997-98 academic year.
 - Requirement that the institution request an NCAA compliance review.

- Requirement that the institution develop a comprehensive athletics compliance education program, with annual reports to the committee during the period of probation and mandatory compliance seminars.
- Recertification of current athletics policies and practices.
- Show-cause requirement regarding the former head track and field coach for five years.
- Show-cause requirement regarding the former assistant track and field coach for five years.

II. FINDINGS OF VIOLATIONS OF NCAA LEGISLATION.

A. ACADEMIC FRAUD REGARDING COURSES NECESSARY FOR SATISFACTORY PROGRESS AND ACADEMIC CREDIT AWARDED IN VIOLATIONS OF UNIVERSITY REGISTRATION POLICIES. [NCAA CONSTITUTION 2.5 AND BYLAWS 10.1-(b), 10.1-(c), 14.1, 14.4.1, 16.02.3 AND 16.12.2.1]

On several occasions from April 1992 through the fall of 1993, seven men's and women's track and field student-athletes received fraudulent academic credit, necessary for their continued eligibility, from three university instructors. The head men's and women's track and field coach violated the principles of ethical conduct by soliciting the assistance of instructors and other individuals at the university to award or change grades for student-athletes in courses, even though the student-athletes did not perform the required academic work, and by awarding fraudulent academic credit to two student-athletes in physical education courses he taught, even though the student-athletes never enrolled in or attended the courses. An assistant men's and women's track and field coach, who was also head cross country coach and compliance director, also violated the principles of ethical conduct by awarding unearned grades to four track and field student-athletes.

The grade changes occurred up to one year after the student-athletes supposedly took the courses. Many of the student-athletes were not registered for the courses until after the term for which the credits were applied, or did not pay for the courses, in violation of university policy. The student-athletes used these grade changes to satisfy eligibility requirements under NCAA satisfactory-progress legislation. Specifically:

1. During February and April 1993, the head men's and women's track and field coach arranged for four men's and women's track and field student-athletes to receive unearned academic credit for photography courses.

The head coach contacted a photography instructor and requested that he award six academic credits to two student-athletes for two photography courses, even though the student-athletes did not attend any classes or complete the work for these courses. These credits were applied to one student-athlete's transcript for the 1992 spring term and to the other student-athlete's transcript for the 1992 fall term. In addition, on February 11, 1993, the head

coach submitted to the registrar's office requests for grades to be applied retroactively to two student-athletes' transcripts for the 1992 fall term for two photography courses taught by the same photography instructor. The head coach obtained the photography instructor's signature on the grade request forms. Six credit hours were applied to the transcript of each student-athlete, even though they were never enrolled in or attended any classes for these courses.

2. In April 1993, the head men's and women's track and field coach awarded passing grades to two women's track and field student-athletes enrolled in a physical education course that he taught. Three credit hours were applied to each student-athlete's transcript for the 1992 spring term, even though they did not attend any classes or complete any of the required work for the course. One of the student-athletes was never enrolled in the class.
3. During the spring of 1992 and the 1992-93 academic year, the head track and field coach arranged for three men's and women's track and field student-athletes to receive unearned academic credit in physical education courses taught by the assistant track and field coach, who was also head cross country coach and director of compliance. The assistant coach awarded unearned academic credit to these three track and field student-athletes and one additional men's track and field student-athlete.

On April 28, 1992, the head men's and women's track and field coach contacted the assistant track and field coach to request that he arrange for a women's track and field student-athlete to receive credit for a physical education course taught by the assistant coach. The assistant coach awarded the student-athlete a passing letter grade and one credit hour for this course for the 1992 fall academic term. On or about October 8, 1992, the head track and field coach arranged for a men's track and field student-athlete to receive credit for two physical education courses taught by the assistant coach. The assistant coach awarded the student-athlete a passing letter grade in each course, for a total of three credit hours, for the 1992 spring academic term. These grades and credits were awarded even though the student-athletes did not attend any classes or complete any of the required course work, and university policy specified that the courses should be graded on a pass/fail basis.

On April 20, 1993, the head track and field coach and the assistant track and field coach submitted passing letter grades to the registrar's office to be awarded to a men's track and field student-athlete for two physical education courses taught by the assistant coach. A total of three credit hours were applied to the student-athlete's transcript for the 1992 spring term, even though he had not attended any classes or completed any course work.

In addition, on August 11, 1993, the assistant track and field coach awarded a passing letter grade to a men's track and field student-athlete in a physical education course, even though the student-athlete had not attended any classes or completed any of the required work for the course. One credit hour was applied to the student-

athlete's transcript for the 1992 fall term and was used by the student-athlete to retain his eligibility for NCAA competition.

B. UNEARNED CREDIT AWARDED FOR SATISFACTORY PROGRESS AND ACADEMIC CREDIT AWARDED IN VIOLATION OF UNIVERSITY REGISTRATION POLICY. [NCAA BYLAWS 14.4.1, 16.02.3 AND 16.12.2.1]

During the 1992 football season, a football student-athlete practiced and competed when he was ineligible. The student-athlete received six hours of credit in Physical Education 339 and Health Education 233, even though he did not complete the required course work.

In 1991, the student-athlete received credit for a three-hour math course without attending the course or completing the assignments. Because the student-athlete had not paid for the course, the credit he received violated university policy. This course was not necessary for his NCAA eligibility during the 1991 football season.

C. COMPETITION BY INELIGIBLE STUDENT-ATHLETES. [NCAA BYLAWS 14.1.6.1, 14.1.6.2, 14.1.6.2.2, 14.3.2.1, 14.4.1, 14.5.1, 14.10.2, 15.5.9.2 AND 30.13-(d)]

From the fall of 1991 through the spring of 1995, numerous student-athletes in football, baseball, men's and women's track and field and cross country, men's tennis and men's golf practiced and competed even though they did not meet NCAA eligibility requirements or had not been properly certified. Specifically:

1. A football student-athlete competed while ineligible during the 1992 and 1993 seasons. He failed to maintain full-time enrollment (12 credit hours) during the 1992 and 1993 fall semesters.

2. A men's track and field student-athlete competed while ineligible in nine outdoor track and field contests during the 1993 season. He did not earn 24 semester hours during the previous academic year and did not meet the requirements of NCAA satisfactory-progress legislation.
3. A men's tennis student-athlete who was a partial qualifier competed while ineligible during the 1991-92 season and received travel expenses for two away competitions.
4. A football student-athlete competed while ineligible in 10 contests during the 1994 season. He did not satisfy NCAA residency requirements after he transferred from another Division I institution.
5. A women's track and field student-athlete competed while ineligible during the 1993 outdoor track and field season. She competed in the spring of 1993, even though she was not certified for competition until May 3, 1993, after the conclusion of the track and field season, and her name did not appear on the 1992-93 squad list.
6. A men's golf student-athlete competed while ineligible in five contests during the 1993 spring semester. He was not enrolled in a minimum full-time program of studies.
7. A football student-athlete competed while ineligible in three football contests during the 1992 season. He failed to meet the institution's requirements for good academic standing at the time of competition.
8. Three men's track and field student-athletes competed in nine, five and 10 outdoor track and field contests, respectively, during the 1993 season, even though they were not properly certified as eligible by the institution until May 3, 1993. These student-athletes were otherwise eligible.
9. From the 1992-93 academic year through the 1994-95 academic year, a total of 28 student-athletes in several sports practiced and competed even though they were not listed on the institution's squad lists. These student-athletes were otherwise eligible for practice and competition. Fourteen football student-athletes, two baseball student-athletes, and 12 men's and women's track and field and cross country student-athletes were not listed but competed.

D. IMPERMISSIBLE FUNDS USED FOR COMPETITION IN AN AWAY TRACK AND FIELD COMPETITION. [NCAA BYLAW 16.12.2.3]

In April 1993, after being informed by the director of athletics that the institution would not authorize the expenditure of athletics department funds to send members of the track and field team to the 1993 Drake Relays, the head track and field coach and the assistant track and field coach personally financed airfare, lodging, entry fees and meals for seven women's track and field student-athletes to compete in the relays.

E. COMPETITION BY AN INELIGIBLE STUDENT-ATHLETE. [NCAA BYLAWS 14.1.6.1, 14.1.6.1.2 AND 14.1.6.2]

During the 1996 spring season, a women's track and field student-athlete competed in one track and field contest while ineligible. She dropped below full-time enrollment of 12 semester hours during the 1996 spring academic term.

F. FOUR YEARS OF COMPETITION BY A PARTIAL QUALIFIER. [NCAA BYLAWS 14.3.1 AND 14.3.1.1-(b)]

During the 1995-96 season, a baseball student-athlete competed in five baseball contests while ineligible. The student-athlete did not meet NCAA initial-eligibility requirements when he enrolled at the university in the fall of 1991 and had exhausted his three years of eligibility by participating during the 1992-93, 1993-94 and 1994-95 academic years.

G. LACK OF INSTITUTIONAL CONTROL. [NCAA CONSTITUTION 2.1.1, 2.1.2, 2.8.1 AND 6.01.1]

The institution demonstrated a lack of appropriate institutional control in its athletics program as evidenced by the scope and nature of the violations in this report. The majority of the violations in this report, which involve improper certification of student-athlete eligibility and competition by ineligible student-athletes, are evidence of this lack of institutional control. These violations, which concerned numerous student-athletes in many sports, occurred in a climate highlighted by poor management within the athletics department and inadequate compliance policies and procedures regarding NCAA rules. The institution was unable to monitor even the fundamental academic requirements necessary for NCAA eligibility. In addition, the registrar's office did not have in place sufficient monitoring procedures to ensure that university policies were being followed. This failure by the registrar's office resulted in competition by numerous ineligible student-athletes in several sports over a five-year period. As a result of these failures, a long-time successful and popular head coach was able to manipulate and exploit a weak compliance system, resulting in the participation of numerous ineligible track and field student-athletes.

The institution also failed to develop rules education and administrative procedures for compliance with NCAA legislation. Adequate monitoring, effective participation by the registrar's office and a functioning compliance program could have avoided the violations and probably would have resulted in prompt detection of the fraudulent grade changes. The institution also failed to take appropriate action when apprised of information concerning possible violations of NCAA legislation contained in a state auditor's report and advisory letters initially made available to the institution in June 1993.

Specifically:

1. The institution failed to monitor the certification of student-athlete eligibility, particularly regarding the men's and women's track and field programs. This failure permitted the head track and field coach to circumvent university policies and arrange for fraudulent academic credit which was used for student-athlete eligibility, as detailed in Finding II-A.

2. The institution failed to monitor adequately the process for completing and submitting squad lists and eligibility certification forms, which resulted in the violations detailed in Finding II-C.
3. The institution failed to supervise and enforce the registrar's office procedures for awarding academic credit to student-athletes, monitor the financing of athletics team travel, monitor full-time enrollment of student-athletes, and maintain on file adequate documentation regarding student-athletes who were eligible. These failures resulted in the violations described in Findings II-A through D.
4. The institution failed to clearly define the responsibilities of individuals involved in the athletics compliance program, implement an adequate rules education program for athletics department staff members, implement any rules-education programs for individuals outside of the athletics department, maintain written policies and procedures for the conduct of the athletics program, and create an atmosphere in which compliance with institutional procedures and NCAA legislation was expected and given high priority in the conduct of the athletics program.
5. In June and August 1993, correspondence from the state auditor's office was provided to a vice-president at the institution, which detailed potential violations of NCAA legislation, including academic fraud in the men's and women's track and field programs and student-athletes failing to meet NCAA satisfactory-progress requirements. However, the university did not report these potential violations to the NCAA enforcement staff. After the enforcement staff contacted the institution regarding possible violations, the institution fully cooperated and provided information on the violations discovered during the audits.

III. COMMITTEE ON INFRACTIONS PENALTIES.

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

A. CORRECTIVE ACTIONS TAKEN BY THE UNIVERSITY.

In determining the appropriate penalties to impose, the committee considered the institution's self-imposed corrective actions. The university, among other actions:

1. Terminated the employment of the head men's and women's track and field coach and the assistant track and field coach involved in this case.
2. Hired a full-time individual to handle compliance matters.
3. Implemented a program to monitor full-time enrollment.
4. Prepared a compliance manual for the athletics department.
5. Required rules education for individuals involved in the certification of student-athlete eligibility.
6. Required the assistant director of athletics for student services to complete and update squad lists.
7. Implemented a procedure where the faculty athletics representative and the compliance coordinator monitor the completion and updating of squad lists.
8. Removed all improperly awarded grades from the student-athletes' transcripts.
9. Revitalized the athletics committee to assist in the monitoring of and adherence to NCAA and conference guidelines.
10. Plans to establish new procedures for the certification of student-athlete eligibility.
11. Plans to conduct rules education and ethical behavior workshops with the coaches and student-athletes and to include statements in personnel contracts regarding the obligation to report any possible violations.

B. PENALTIES PROPOSED AND SELF-IMPOSED BY THE UNIVERSITY.

The Committee on Infractions adopted as its own the following penalties proposed and self-imposed by the institution:

1. The institution will forfeit any games, tournaments and meets in which ineligible student-athletes participated.
2. The institution's men's and women's track and field programs did not participate in the Southwestern Athletic Conference championship meet or the NCAA tournament during the 1994-95 academic year. The institution's men's and women's track and field and cross country programs did not participate in conference and NCAA postseason competition during the 1995-96 academic year.

3. The number of total athletically related financial aid awards in men's and women's track and field and cross country were limited during the 1995-96 and 1996-97 academic years to the minimum number of equivalency scholarships that would allow the university to meet financial aid requirements for Division I membership status.

C. ADDITIONAL PENALTIES IMPOSED BY THE COMMITTEE ON INFRACTIONS.

Although the Committee on Infractions agreed with and approved of the actions taken by the institution, the committee imposed the following additional penalties:

1. Public reprimand and censure.
2. Five years of probation from August 11, 1996, the date of the hearing.
3. The institution's men's and women's track and field teams shall end their 1996-97 seasons with their last regularly scheduled, in-season contests and shall not be eligible to participate in any postseason competition or take advantage of any of the exemptions provided in Bylaws 17.25.5.2, 17.25.5.3, 17.25.5.4 and 17.25.5.5. The institution's men's and women's cross country teams shall end their 1997 fall seasons with their last regularly scheduled, in-season contests and shall not be eligible to participate in any postseason competition or take advantage of any of the exemptions provided in Bylaws 17.8.5.3, 17.8.5.4, 17.8.5.5 and 17.8.5.6. This prohibition applies for individual participants, as well as the institution's teams.
4. No initial athletically related financial aid awards in men's and women's track and field and cross country that are countable under Bylaw 15.02.3 shall be awarded during the 1997-98 and 1998-99 academic years.
5. The number of total athletically related financial aid awards in football shall be reduced by four during the 1997-98 academic year, which limits the institution to 59 total equivalency scholarships under current rules.
6. During the 1996-97 academic year, the institution's men's and women's track and field teams may not participate in any invitational meets. During the 1997-98 academic year, the institution's men's and women's cross country teams may not participate in any invitational meets.
7. The institution's president shall request the NCAA compliance services staff to conduct a complete compliance review of the university's athletics program, including the certification of student-athlete eligibility.
8. The institution shall conduct mandatory compliance seminars during the 1996-97 and 1997-98 academic years for all individuals responsible for the certification of student-athletes for admission, retention, financial aid or competition.
9. During this period of probation, the institution shall:

- a. Develop and implement a comprehensive educational program on NCAA legislation, including seminars and testing, to instruct the coaches, the faculty athletics representative, all athletics department personnel and all university staff members with responsibility for the certification of student-athletes for admission, retention, financial aid or competition;
 - b. Submit a preliminary report to the administrator for the Committee on Infractions by December 15, 1996, setting forth a schedule for establishing this compliance and educational program; and
 - c. File with the committee's administrator annual compliance reports indicating the progress made with this program by July 1 of each year during the probationary period. Particular emphasis should be placed on the certification of student-athlete eligibility, including the procedures and monitoring programs implemented. The reports must also include documentation of the university's compliance with the penalties adopted and imposed by the committee.
10. The institution's president shall recertify that all of the university's current athletics policies and practices conform to all requirements of NCAA regulations.
 11. If the head men's and women's track and field coach and the assistant men's and women's track and field coach involved in this case had still been employed in athletics at the institution, the university would have been required to show cause in accordance with Bylaw 19.6.2.2-(1) why it should not be subject to additional penalties if it had failed to take appropriate disciplinary action against them.
 12. The head men's and women's track and field coach involved in this case will be informed in writing by the NCAA that, due to his involvement in certain violations of NCAA legislation found in this case, if he seeks employment or affiliation in an athletically related position at an NCAA member institution during a five-year period (August 31, 1996, to August 31, 2001), he and the involved institution shall be requested to appear before the Committee on Infractions to consider whether the member institution should be subject to the show-cause procedures of Bylaw 19.6.2.2-(1), which could limit his athletically related duties at the new institution for a designated period.
 13. The assistant men's and women's track and field coach involved in this case will be informed in writing by the NCAA that, due to his involvement in certain violations of NCAA legislation found in this case, if he seeks employment or affiliation in an athletically related position at an NCAA member institution during a five-year period (August 31, 1996, to August 31, 2001), he and the involved institution shall be requested to appear before the Committee on Infractions to consider whether the member institution should be subject to the show-cause procedures of Bylaw 19.6.2.2-(1), which could limit his athletically

related duties at the new institution for a designated period.

As required by NCAA legislation for any institution involved in a major infractions case, Texas Southern University shall be subject to the provisions of NCAA Bylaw 19.6.2.3, concerning repeat violators, for a five-year period beginning on the effective date of the penalties in this case, August 11, 1996.

Should Texas Southern University or the coaches who participated in the processing of this case appeal either the findings of violations or penalties in this case to the NCAA Infractions Appeals Committee, the Committee on Infractions may submit a response to the members of the appeals committee, with a copy to any party who may appeal. This response will include additional information in accordance with Bylaw 32.10.5.

The Committee on Infractions wishes to advise the institution that it should take every precaution to ensure that the terms of the penalties are observed. The committee will monitor the penalties during their effective periods, and any action contrary to the terms of any of the penalties or any additional violations shall be considered grounds for extending the institution's probationary period, as well as 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

Richard J. Dunn
Jack H. Friedenthal
Roy F. Kramer
Frederick B. Lacey
Beverly E. Ledbetter
James L. Richmond
Yvonne (Bonnie) L. Slatton
David Swank (chair)