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University of Oklahoma

CALIFORNIA POLYTECHNIC STATE UNIVERSITY, SAN LUIS OBISPO

PUBLIC INFRACTIONS REPORT

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

I. Introduction.

II. Specific findings of violations of NCAA legislation.

III. Committee on Infractions penalties.

I. INTRODUCTION.

This case involved the baseball program at California Polytechnic State University, San Luis Obispo, and primarily concerned violations of NCAA bylaws governing financial aid, coaches' compensation, institutional control and unethical conduct.

California Polytechnic State University, San Luis Obispo, is a Division I institution and a member of the Western Athletic Conference for the sport of baseball. The institution has an enrollment of approximately 14,400 students and sponsors nine men's and eight women's intercollegiate sports.

A. CASE CHRONOLOGY.

On September 20, 1993, the father of a student-athlete contacted the institution's director of athletics questioning the institution's handling of his son's financial aid. The institution discovered that it had not granted any financial aid to the student-athlete.

The institution conducted an investigation that included questioning of the head baseball coach, but did not find any indications that an NCAA violation had occurred. On October 26, 1993, the director of athletics telephoned an NCAA director of enforcement [Page 2] to discuss irregularities suggested by the father's inquiry and asked for recommendations on how to proceed. On the same day the institution sent a letter to the NCAA outlining the information the institution possessed.

On December 3, 1993, based on information the father of the student-athlete provided to the NCAA, the enforcement staff wrote to the institution requesting specific information concerning the baseball program. On January 4, 1994, as a result of this letter and information that the head baseball coach had provided regarding tuition and housing payments to baseball student-athletes

made outside of the institution's control, the institution's president appointed an investigation committee.

From January 5 to April 8, the institution conducted interviews with 66 individuals, including current and former student-athletes, parents, coaches and staff. Efforts to acquire all relevant financial records and review account activity began on January 7, 1994.

Based on information developed during its investigation, the institution declared four student-athletes ineligible on January 19, 1994. The NCAA restored their eligibility on February 3. In early May, the institution shared a draft copy of its findings with the head baseball coach to give him an opportunity to provide further information. The institution sent its self-report to the NCAA enforcement staff on May 25, 1994.

On July 5, 6 and 7, an NCAA director of enforcement and an enforcement representative conducted on-campus interviews with institutional staff members, one current student-athlete, a former student-athlete, a friend of one of the student-athletes and the owner of an apartment complex. They also interviewed the involved head baseball coach and an assistant baseball coach by telephone. On September 21 and 22, the enforcement representative conducted on-campus interviews with the director of athletics and the head baseball coach.

The institution, the head baseball coach and the enforcement staff agreed that the violations in this case were major in nature. All parties agreed to use the summary-disposition process under NCAA Bylaw 32.6 and submitted a summary-disposition report to the NCAA Committee on Infractions on November 4, 1994. The report contained a description of the violations that the enforcement staff, the institution and the involved head baseball coach agreed had occurred, the corrective actions taken by the institution, and the penalties self-imposed and proposed by the institution. In the summary-disposition report, the enforcement staff stated that the institution's internal investigation, combined with the enforcement staff's inquiries, was complete and thorough, and that the institution had cooperated with the NCAA.

The Committee on Infractions considered the summary-disposition report at its meeting on November 11, 1994. The committee accepted the findings and penalties in the report, but also proposed a few additional penalties and nonsubstantive changes to the [Page 3] findings. On December 21, 1994, the committee sent the proposed penalties to the institution and notified the institution and the involved head baseball coach of the changes to the findings and of the right to a hearing before the committee. The institution and coach agreed to the findings of violations and the institution accepted the penalties contained in this report.

B. SUMMARY OF THE FINDINGS OF VIOLATIONS.

The following violations occurred:

The former head baseball coach provided improper financial aid to numerous student-athletes by making over \$19,000 in tuition and housing payments from funds outside the institution's control.

The former head baseball coach made improper salary payments totaling \$8,327 to volunteer coaches from funds outside the institution's control.

The former head baseball coach violated the principles of ethical conduct.

The institution lacked institutional control over its baseball program.

C. SUMMARY OF THE PENALTIES.

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

1. The committee adopted as its own the following penalties proposed and self-imposed by the institution:

Prohibition from participating in postseason competition in baseball during the 1995 season.

Prohibition of official visits in baseball during 1994.

Prohibition of off-campus recruiting in baseball during 1994.

Forfeiture of NCAA baseball championship awards in 1989, 1992 and 1993.

2. The committee imposed the following additional penalties:

Public reprimand and censure.

Requirement that the institution develop a comprehensive athletics compliance education program, with annual reports to the committee for two years. [Page 4]

Recertification of current athletics policies and practices.

II. FINDINGS OF VIOLATIONS OF NCAA LEGISLATION.

A. IMPERMISSIBLE TUITION AND HOUSING PAYMENTS FOR STUDENT-ATHLETES. [NCAA BYLAWS 15.01.2, 15.01.3 AND 15.01.4]

During the 1988-89 through the 1992-93 academic years, the head baseball coach provided a total of over \$19,000 to numerous student-athletes, their parents, their landlord or the institution's cashier to pay the cost of the student-athletes' tuition or off-campus housing. During the 1988-89 academic year three student-athletes received a total of \$3,500; during the 1989-90 academic year four student-athletes received a total of \$4,500; during the 1990-91 academic year one student-athlete received \$1,800; during the 1991-92 academic year two student-athletes received a total of \$2,800; and during the 1992-93 academic year five student-athletes received a total of \$6,549. The head coach obtained these funds from fund-raising activities, donations, proceeds

from his summer baseball camp, a personal loan and funds he diverted on two occasions from a booster club account to two private off-campus accounts.

These payments did not cause the institution to exceed the number of permissible baseball grants-in-aid or the student-athletes to receive financial aid that exceeded NCAA limits. Nevertheless, the payments violated NCAA legislation because they were not administered by the institution and were derived from impermissible sources.

Specifically:

1. From 1989 through 1992, the head baseball coach paid a total of approximately \$11,600 for the rent of four student-athletes.

During June or July 1989, the head coach paid \$3,500 cash to the owner of an apartment complex . Of that total, \$2,600 was for one student-athlete's rent during the winter and spring quarters of 1989 and \$900 was for the rent of two other student-athletes for the 1988-89 academic year. During 24 months during the period 1989-1992, the head baseball coach also gave the first student-athlete approximately \$225 each month, either in cash or by check, for his rental costs.

On October 10, 1990, the head baseball coach wrote a \$2,700 check to the apartment complex for the rent previously incurred by three baseball student-athletes during the 1989-90 academic year. [Page 5]

2. On November 26, 1991, the head baseball coach gave a \$1,000 check to the mother of a baseball student-athlete, which she used to pay her son's tuition fees for the 1990-91 academic year.

3. On July 30 and November 10, 1992, and March 1, 1993, the head baseball coach paid a total of \$1,616 to the institution's cashier to pay tuition fees for a baseball student-athlete.

4. On July 29 and November 9, 1992, and March 4, 1993, the head baseball coach paid a total of \$1,077 for a baseball student-athlete's tuition fees for the fall and spring quarters.

5. On October 25 and November 17, 1992, and March 10, 1993, the head baseball coach made payments totaling \$1,700 directly to an apartment complex and to a baseball student-athlete to pay the student-athlete's initial costs at the apartments for the 1992-93 academic year.

6. On November 9, 1992, and February 18, 1993, the head baseball coach paid a total of \$1,078 to the institution's cashier for a baseball student-athlete's tuition fees for the winter and spring quarters.

7. On or about March 10, 1993, the head baseball coach provided \$1,078 cash directly to a student-athlete, which the student-athlete used to pay his tuition fees for the winter and spring quarters of the 1992-93 academic year.

B. IMPROPER SALARY PAYMENTS TO VOLUNTEER COACHES. [NCAA BYLAWS 11.02.6 AND 11.3.1]

During the 1989-90 through 1992-93 academic years, the head baseball coach made 19 payments from two private accounts, for a total of \$8,327, to five volunteer baseball coaches to pay their tuition fees. These coaches had used all of their NCAA eligibility, but needed to complete additional classes to receive their undergraduate degrees. They could not be undergraduate assistant coaches because they were no longer within the five-year/15-quarter eligibility period. As volunteer coaches, they were not eligible for any compensation from the institution.

C. UNETHICAL CONDUCT BY A FORMER HEAD COACH. [NCAA BYLAWS 10.1, 10.1-(c) AND 10.1-(d)]

The involved head baseball coach failed to deport himself in accordance with the generally recognized high standards of honesty normally associated with the conduct and administration of intercollegiate athletics and violated the principles of ethical conduct. He knowingly operated the institution's intercollegiate [Page 6] baseball program contrary to the requirements and provisions of NCAA legislation by his involvement in Finding No. II-A of this report.

The former head baseball coach also violated the principles of ethical conduct by providing false and misleading information to the institution concerning his involvement in and knowledge of Finding No. II-A. During interviews with the institution on September 24, October 4 and October 26, 1993, the head coach denied knowledge of or involvement in the payment of tuition fees for a baseball student-athlete. However, on December 15, after reviewing a December 7 letter from the NCAA requesting additional information concerning the baseball program, the head coach admitted to paying tuition fees for four baseball student-athletes and housing costs for an additional student-athlete, as described in Finding No. II-A.

D. LACK OF INSTITUTIONAL CONTROL. [NCAA CONSTITUTION 2.1.1 AND 6.01.1]

During the period from October 1990 through November 1992, the institution lacked appropriate institutional control in the administration of its intercollegiate baseball program. The institution failed to monitor the fund-raising activities and expenditures associated with the baseball program, especially the administration of an account established by the Diamond Club, a baseball booster organization. This lack of monitoring enabled the head baseball coach to withdraw funds from the Diamond Club account without providing an explanation and to deposit the money into two private accounts intended for the operation of the institution's baseball program. The former head baseball coach was then able to make over \$27,000 in impermissible payments to student-athletes and volunteer coaches as described in Finding Nos. II-A and B. He operated these private accounts without the institution's knowledge so that the athletics department would not allocate university funds made available for the baseball program to the operation of other sports programs.

The institution should have monitored the activity of the booster club account more carefully or required the coach to provide documentation accounting for all deposits and withdrawals regarding the Diamond Club account. For example, if the institution had maintained proper

oversight, it could have questioned the purpose of two withdrawals used in part to provide extra benefits to student-athletes and improper payments to coaches. On October 12, 1990, the head coach diverted \$5,000 from the Diamond Club account into a private account and on November 6, 1992, he deposited \$4,320 from the booster club account into a second private account. Both checks were payable to California Polytechnic State University, San Luis Obispo, baseball and were endorsed for deposit by the head coach using the institution's mail stamp. [Page 7]

III. COMMITTEE ON INFRACTIONS PENALTIES.

As set forth in Part 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 INSTITUTION.

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

1. Removed the head baseball coach from the baseball program during the investigation and permitted his annual appointment to expire on June 11, 1994.
2. Closed all off-campus accounts that were used to support the baseball program and required all baseball fund-raising activities to be conducted through the athletics development office.
3. Contacted all financial institutions in the local area to attempt to determine if other accounts existed.
4. Emphasized to the athletics staff its policy that outside bank accounts cannot be maintained.
5. Increased education efforts to ensure that all staff, student-athletes and boosters understand that all financial aid must be administered through the institution.

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

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

1. Exclusion from postseason competition in baseball for the 1995 season.
2. Prohibition of official recruiting visits in baseball from January 1, 1994, through December 31, 1994.
3. Prohibition of off-campus recruiting in baseball from January 1, 1994, through December 31, 1994.
4. Forfeiture of the 1993 second-place award in NCAA Division II baseball championship competition.

5. Forfeiture of the 1992 third-place award in NCAA Division II baseball championship competition.

6. Forfeiture of the 1989 first-place award in NCAA Division II baseball championship competition. [Page 8]

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 proposed the following additional penalties. The institution accepted all of the penalties.

1. Public reprimand and censure.

2. 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 institution staff members with responsibility for the certification of student-athletes for admission, retention or competition;

b. Submit a preliminary report to the administrator for the Committee on Infractions by February 15, 1995, setting forth a schedule for establishing this compliance and educational program; and

c. File with the committee's administrator annual compliance reports by September 1, 1995, and September 1, 1996, indicating the progress made with this program. Particular emphasis should be placed on the funding of the institution's athletics programs. The reports must also include documentation of the institution's compliance with the penalties adopted and imposed by the committee.

3. Recertification from the institution's president that all of the institution's current athletics policies and practices conform to all requirements of NCAA regulations.

As required by NCAA legislation for any institution involved in a major infractions case, California Polytechnic State University, San Luis Obispo, 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, November 11, 1994.

Because California Polytechnic State University, San Luis Obispo, and the involved coach agreed to participate in the summary-disposition process and admitted the violations of NCAA rules contained in this report, and because the institution accepted the penalties proposed by the Committee on Infractions, the institution and coach have waived the opportunity to appeal the decisions made in this case.

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 [Page 9] 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.

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