

THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

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CONTACT:

Immediately

S. David Berst

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NCAA Director of Enforcement

TEXAS A&M UNIVERSITY INFRACTIONS REPORT

By the NCAA Committee on
Infractions

MISSION, KANSAS--This report is organized as follows:

- I. Introduction.
- II. Violations of NCAA legislation, as determined by committee.
- III. Committee on Infractions penalties.

I. Introduction.

In 1985, newspaper articles were published that contained allegations of violations of NCAA legislation in the Texas A&M University intercollegiate football program. Although the university began its own investigation at that time, only a few violations were discovered.

In March 1988, following a preliminary inquiry and investigation by the NCAA, an official inquiry (which set forth a variety of alleged but not self-reported violations of NCAA legislation) was submitted to the university. The university then conducted an in-depth investigation in order to respond to the official inquiry, and on August 13, 1988, the NCAA Committee on Infractions met with university representatives, including the new president, William H. Mobley, in order to consider the university's response to the alleged violations.

Following this hearing, the Committee on Infractions deliberated in private and found that members of the university's football coaching staff, student-athletes in the sport of football and representatives of the university's athletics interests had violated NCAA legislation. Certain assistant football coaches offered or gave

improper inducements to prospective student-athletes, used language when communicating with prospects or their relatives that reasonably could be interpreted by those persons as offers of substantial improper inducements or benefits, and engaged in contacts with prospective student-athletes that violated NCAA legislation due to the number or location of those contacts or the persons who were present at the contacts. The committee also found that student-athletes at the university and representatives of the university's athletics interests engaged in similar activities. In several instances, the committee found that enrolled student-athletes at the university received benefits that violated NCAA legislation. These various findings are set forth in Part II of this report.

Of equal importance to the specific violations of NCAA legislation found are the committee's findings regarding willful violations of the principles of ethical conduct (as defined by NCAA legislation) by two assistant football coaches and the university's failure to exercise appropriate control over its football program. These findings also are set forth in Part II of this report. These two assistant football coaches engaged in unethical conduct by knowingly and willfully providing false or misleading information regarding alleged violations of NCAA legislation. The committee believes that this unethical conduct is one symptom of the university's failure to establish appropriate institutional control. Further, the scope and nature of the violations found in this case demonstrate the university's past failure to adequately educate, control or monitor its football coaching staff, student-athletes and representatives of its athletics interests.

The university submitted a variety of documents to the committee in an effort to demonstrate that, in prior years, it had adopted procedures to ensure that its football program complied with the terms of NCAA legislation. The violations found in this case, however, show that these procedures were not implemented in a manner that accomplished that result. In fact, the university's assistant football coaches, student-athletes and institutional representatives who were involved in this case appeared to have little knowledge of, or little regard for, NCAA standards.

Texas A&M University has one individual serving as both its head football coach and director of athletics. Although there is nothing inherently improper in this organizational structure, such an arrangement does not diminish the university's responsibility to exercise institutional control over its football program. If such an administrative structure is continued, the university must ensure that there is adequate administrative supervision and monitoring of the football program to prevent a recurrence of violations in that program.

The university appointed William H. Mobley to serve as its president, effective August 1, 1988. After he took office, the university began taking actions that were designed to gain control over the university's athletics program in general and its football program in particular. The committee believes that President Mobley's actions provide a basis for mitigating the penalties in this case. Absent President

Mobley's actions, the penalties imposed on the university's football program would have been more severe.

Nevertheless, the committee determined that significant penalties should be imposed on the university's football program. This case involves findings regarding numerous and serious violations of NCAA legislation. Although many of the prospective student-athletes who were involved in recruiting violations did not enroll at Texas A&M University, committing a violation of NCAA legislation is not made less serious by the fact that a prospect did not enroll at the university after receiving an improper inducement. Moreover, a number of prospects who were offered recruiting inducements did enroll and compete. The violations found in this case regarding enrolled student-athletes or prospects who later enrolled at the university, when coupled with the university's lack of institutional control over its football program, resulted in a significant competitive advantage for the university's football team. Further, if the university and its director of athletics had adequately monitored the football program, many of the violations found in this case would have been discovered and self-reported. The university then would have had to declare certain football team members ineligible to compete for Texas A&M University in both regular and postseason competition. One of these team members who received substantial extra benefits was instrumental to the team's successes in recent years. Finally, there were the ethical conduct violations that were committed by key members of the football staff. These violations involved supplying false and misleading information during the course of the investigation, as well as during the hearing before this committee by one coach.

For the foregoing reasons, the Committee on Infractions imposed the penalties that are set forth in Part III of this report. These penalties include: a prohibition regarding postseason competition by the university's football team during the 1988-89 academic year; restrictions on recruiting activities during the 1988-89 academic year; a limitation on the number of initial grants-in-aid that may be provided to student-athletes in the sport of football during the 1989-90 academic year; a two-year probationary period, and a requirement to file reports regarding the disciplinary actions taken against certain staff members and the steps taken to assert institutional control over its football program.

II. Violations of NCAA legislation, as determined by committee.

A. Significant violations of NCAA legislation.

1. The scope and nature of the violations examined and found in this case by the Committee on Infractions demonstrate that the university did not exercise appropriate institutional control over

the institution's intercollegiate athletics program. The university's assistant football coaches, student-athletes and representatives of its athletics interests engaged in a variety of activities that demonstrated that these individuals had little knowledge of, or regard for, NCAA standards.

Assistant football coaches, student-athletes who served as hosts for the official visits of prospects and representatives of the university's athletics interests collectively engaged in actions such as: offering prospects and their relatives improper inducements to attend the university, using language with prospects or their relatives that could be understood to imply that the prospects or relatives would receive improper inducements or benefits; engaging in improper contacts with prospects (due to the number, place or persons present at such contacts); providing extra benefits to students-athletes (by at least one assistant coach), and conducting improper practice sessions.

These violations, for the most part, appear not to have been discovered by the director of athletics, who also is the head football coach. Although this individual had formally established some educational and monitoring systems, these systems did not, in fact, function in a manner that gave the institution appropriate control of its intercollegiate football program.

Inadequate monitoring and reporting systems in the football program resulted in the failure to report violations to the NCAA, and, therefore, student-athletes who should have been declared ineligible for competition were allowed to compete for the university's intercollegiate football team. [NCAA Constitution 3-2]

2. In late January or early February 1985, during a visit to the home of a prospective student-athlete, an assistant football coach parked a Datsun 280ZX automobile in front of the young man's home and told the prospect that the car could be his (the prospect's); further, the assistant coach told the young man to think about this statement before

making a final decision regarding a collegiate institution. The language used by the assistant coach led the prospect reasonably to believe that he was being offered an automobile at no cost to him as an inducement to attend the institution. [NCAA Bylaw 1-1-(b)]

3. In January 1985, during a telephone conversation with the brother of a prospective student-athlete, an assistant football coach stated that the head football coach could arrange employment for his wife; further, during this same telephone conversation, the assistant coach stated that if the prospect would attend the institution, arrangements would be made for the young man's father to receive medical treatments, and finally, during this telephone conversation, the assistant coach also told the brother that the prospect would be well taken care of if the prospect attended the institution. [NCAA Bylaw 1-1-(b)]

4. An assistant football coach acted contrary to the principles of ethical conduct inasmuch as he did not, on all occasions, deport himself in accordance with the generally recognized high standards normally associated with the conduct and administration of intercollegiate athletics.

Specifically, this assistant coach demonstrated a knowing and willful effort on his part to operate the university's intercollegiate football program contrary to the requirements and provisions of NCAA legislation by his involvement in the violations set forth in Parts II-A-2 and II-A-3 of this report.

Also, in a January 22, 1988, interview by two NCAA enforcement representatives, the assistant coach provided false and misleading information concerning his involvement in and knowledge of the violations set forth in Part II-A-3 of this report; further, during the course of the hearing before the

Committee on Infractions on August 13, 1988, the assistant coach made false statements in that he denied involvement in the violations set forth in Parts II-A-2, II-A-3 and II-B-11 of this report. [NCAA Constitution 3-6-(a)-(1)-(iii) and 3-6-(a)-(1)-(iv)]

5. An assistant football coach acted contrary to the principles of ethical conduct inasmuch as he did not, on all occasions, deport himself in accordance with the generally recognized high standards normally associated with the conduct and administration of intercollegiate athletics.

Specifically, during interviews on June 12, 1985, and December 16, 1987, by three NCAA enforcement representatives, this assistant coach provided false and misleading information concerning his involvement in and knowledge of the violation set forth in Part IIA-6 of this report. The assistant coach admitted in the hearing before the Committee on Infractions that he had willfully and knowingly withheld information regarding the events described in Part II-A-6 of this report from both the university and the NCAA until after the NCAA's official inquiry, which included that allegation, was received by the university. [NCAA Constitution 3-6-(a)-(1)-(iv)]

6. An assistant football coach impeded another university's ability to contact a prospective student-athlete, on February 12, 1985, the day prior to the National Letter of Intent signing date, by entertaining the young man at an apartment that was owned by a representative of the university's athletics interests. Specifically, although the prospect already had committed verbally to attend the institution, the young man had agreed to meet coaches representing another NCAA institution at his home during the late afternoon of February 12; further, earlier in the day, the assistant coach arranged to meet the young man in the afternoon at

a professional football team practice session, and after this practice, the prospect followed the assistant coach to the apartment in question where he was served refreshments and allowed to make telephone calls, thereby providing the young man with temporary accommodations where he could avoid contact with the recruiters from the other university. More importantly, the assistant coach failed to report this violation to the head football coach, who also is the director of athletics, and the assistant coach intentionally provided misleading information to members of the NCAA staff and to the institution when he was questioned regarding his recruitment of this prospect. [NCAA Bylaw 1-1-(b)-(1)1

7. During a period beginning on December 22, 1983, and ending on October 19, 1984, a representative of the university's athletics interests arranged for a student-athlete to receive approximately \$4,150 for employment at a warehouse owned by the representative during the 1983 Christmas vacation, 1984 spring break and the summer of 1984; further, the student-athlete received an advance payment for part of the wages, and the young man did not work the actual number of hours for which he was compensated, and finally, even for those hours he did work, the approximate \$15 hourly wage was excessive for the type of work (cleaning a printing press) he was to perform. In this regard, the university had a duty to monitor this work, and this violation should have been detected and self-reported by the university. This young man should have been declared ineligible for both regular-season and postseason competition. Instead, he remained an important member of the team through the 1986 season. [NCAA Constitution 3-1-(f) and 3-1(g)-(5)]

8. During the 1986-87 academic year, a prospective student-athlete was contacted in person, off campus for recruiting purposes on two occasions

by a representative of the university's athletics interests; further, at a meeting a few days before the date for signing a National Letter of Intent, the representative offered an improper recruiting inducement (an automobile at a discount rate) to the young man, and finally, the head football coach, who also was the director of athletics, became aware of the representative's activities, but did not report this information to the NCAA enforcement staff. Although the director of athletics told another university administrator about this incident, he failed to inform the administrator of the university's duty to report this violation to the NCAA. In fact, this matter was not reported to the NCAA. [NCAA Constitution 3-2, and Bylaws 1-1-(b) and 1-2-(b)]

9. On several occasions during the 1983-84 academic year, a representative of the university's athletics interests provided cash to a student-athlete, and he also arranged food and lodging for the young man and his brother. Specifically: (a) in September 1983, the representative mailed a check for \$100 to the young man for "gas money"; (b) in December 1983, the representative gave the young man a \$100 check for "Christmas shopping," and (c) while the young man and his brother were traveling home for the Christmas vacation and became stranded at an airport, the representative contacted a friend and arranged for the young men to be provided lodging at a hotel near the airport. This violation was self-reported by the university. [NCAA Constitution 3-1-(g)-(5)]

B. Other violations of NCAA legislation.

1. In January 1987, during the official paid visits of two prospective student-athletes, an enrolled student-athlete at the university who served as the student host for these visits told these prospects that they would receive boots and jewelry after signing a National Letter of Intent. [NCAA Bylaw 1-1-(b)]

2. On September 29, 1984, while two prospective student-athletes were making unofficial visits to the university's campus, each young man was provided with a pair of white high-top Converse football shoes at no cost to them, actions for which the university accepts responsibility. [NCAA Bylaw 1-1-(b)-(1)]

3. During the period February to June 1985, a representative of the university's athletics interests provided legal services at no cost to a prospective student-athlete and made in-person recruiting contacts with the young man; further, in May and June 1985, the representative provided six tickets to two professional football games (at a value of \$13 per ticket) to the prospect. [NCAA Bylaws 1-1-(b)-(1) and 1-2-(b)]

4. During the 1984-85 academic year, while recruiting two prospective student-athletes, a representative of the university's athletics interests made an in-person, off-campus recruiting contact with the young men at their high school campus after a football game. Also, the university reported that the young men's high school coach received two meals during the prospects, official paid visits at no cost to the coach. [NCAA Bylaws 1-2-(b) and 1-9-(m)]

5. In April or May 1984, in response to a request by a student-athlete, a then assistant football coach provided the student-athlete \$100 cash for his personal use; further, the assistant coach gave the young man this cash with the understanding that the young man would repay the coach at a later date, although no such payment was made. The university also has reported that the assistant coach made at least one cash loan (\$25), which was repaid, to a student-athlete. [NCAA Constitution 3-1-(g)-(5)]

6. During the period January 1985 to January 1987, during the official paid visits of at least nine prospective student-athletes to the university's campus, the young men's student hosts purchased or gave the prospects articles of clothing (sweat shirts,

sweat pants and hats). [NCAA Bylaws 1-1-(b)-(1) and 1-9-(j)-(2)]

7. In February or March 1985, a prospective student-athlete received a box containing several hats and T-shirts with "Texas A&M" printed on them. The university admitted that these items would have been sent to the prospect by either staff members or other persons for whose actions the university was responsible. [NCAA Bylaw 1-1-(b)-(1)]¹

8. In April 1985, numerous prospective student-athletes who had signed National Letters of Intent to attend the university were introduced at the half time of the university's spring football game. [NCAA Bylaw 1-4-(b)]

9. During the summers of 1982 through 1984, at least two persons who then were members of the football coaching staff conducted workouts on at least four occasions each summer and, on occasion, discussed game strategies and tactics with prospective and enrolled student-athletes who visited the office after viewing films. [NCAA Bylaws 1-6-(a) and 3-1-(a)-(2)]

10. During the 1984-85 academic year, while recruiting a prospective student-athlete, the head football coach and an assistant football coach contacted the prospect in person, off campus in excess of the permissible three occasions at the young man's high school. [NCAA Bylaws 1-2-(a)-(I) and 1-2-(a)-(5)]

11. During the 1984-85 academic year, while recruiting a prospective student-athlete, an assistant football coach contacted the prospect in person in

excess of the permissible three occasions at the young man's high school; further, an assistant football coach provided false information during the hearing before the Committee on Infractions by denying that this violation occurred when there was no reasonable basis for such a denial. [NCAA Bylaws 1-2-(a)-(l) and 1-2-(a)-(5)]

12. During the 1984-85 academic year, while recruiting a prospective student-athlete, the head football coach and two assistant football coaches contacted the young man in person, off campus for recruiting purposes on more than the permissible number of occasions at and away from the young man's educational institution. [NCAA Bylaws 1-2-(a)-(l) and 1-2-(a)-(l)-(i)]

13. The institution's certification of compliance form for the 1984-85 academic year was erroneous in that the findings set forth in this report indicate that the institution's football program was not in compliance with NCAA legislation at the time the form was signed; further, with full knowledge at the time that certain practices of the university's intercollegiate football program were not in compliance with NCAA legislation, two assistant football coaches attested on statements filed with the chief executive officer of the institution that they had reported to the chief executive officer their knowledge of and involvement in any violations of NCAA legislation involving the institution when, in fact, they had not done so, and finally, based upon information provided by these individuals, and without intent to do so, the institution's then chief executive officer erroneously certified on July 16, 1985, the institution's compliance with NCAA legislation. [NCAA Bylaws 5-6-(d)-(3) and 5-6-(d)-(4)]

14. During the period 1976 to 1985, numerous student-athletes sold their complimentary football tickets to teammates, friends, family members, members of the university's athletics equipment staff and other unidentified individuals at costs that were in violation of NCAA legislation. This violation was self-reported by the university. [NCAA Constitution 3-1-(a)-(3) and 3-1-(g)-(3)]

15. During the 1986-87 academic year, the head football coach asked a representative of the university's athletics interests to invite the father of two prospective student-athletes to a luncheon, although such entertainment is not permitted under NCAA rules. This violation was self-reported by the university. [NCAA Bylaw 1-1(a)]

16. In the summer of 1986, two representatives of the university's athletics interests met with a prospective student-athlete at a restaurant in order to discuss the university. This violation was self-reported by the university. [NCAA Bylaw 1-2-(b)]

III. Committee on Infractions penalties.

A. 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 the 15-day appeal period expires or the date the university notifies the executive director that it will not appeal to the NCAA Council, whichever is earlier, or the date established by Council action as a result of an appeal by the university to the Council, it being understood that 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.

B. The university's intercollegiate football team shall end its 1988 season with the playing of its last regularly scheduled, in-season contest, and the institution shall not be eligible to participate in any postseason football competition during the 1988-89 academic year.

C. During the 1989-90 academic year, no more than 20 student-athletes in the sport of football shall be recipients of initial, athletically related financial aid (as set forth in O.I. 600) that has been arranged or awarded by Texas A&M University.

D. No more than 75 prospective student-athletes in the sport of football shall make official paid visits to the university's campus during a one-year period beginning with the opening day of classes for the 1988-89 academic year at the university.

E. During the 1988-89 academic year, no more than eight full-time football coaches shall be permitted to participate in off-campus recruiting activities (evaluation and in-person contacts); further, in the event NCAA legislation regarding the permissible total of full-time coaches who may perform recruiting and evaluation activities changes during the period of this penalty, the university shall be limited to two fewer than the permissible total of full-time coaches who may perform such duties; further, the coaches designated to represent the university in off-campus recruiting during this period may not include any coach found by the Committee on Infractions to have been involved in unethical conduct in this infractions case.

F. The Committee on Infractions adopts as a part of its penalties the university's decision to disassociate from its athletics programs four representatives of its athletics interests who were involved in violations of NCAA rules.

G. The Committee on Infractions requests Texas A&M University to show cause in accordance with Section 7-(b)-(12)-(i)

of the Official Procedure Governing the NCAA Enforcement Program (page 246, 1988-89 NCAA Manual) why additional penalties should not be imposed upon the university if it does not take disciplinary action in regard to two assistant football coaches for their involvement in violations in this case as set forth in this report.

[NOTE: The Committee on Infractions hereby suspends this show-cause order, based upon the following disciplinary actions taken by the university regarding these coaches. The university's actions include: (1) a prohibition from the off-campus recruitment of prospective student-athletes during the 1988-89 academic year by either coach; (2) the inability of either coach to participate in any merit compensation during the 1988-89 academic year; (3) institutional administrative probation for the remainder of each coach's tenure at the university that subjects each coach to termination for any further violation of NCAA legislation; (4) monitoring of each assistant coach's activities on behalf of the football program by the university compliance director, and (5) a review of each coach's involvement in this case, and his future participation in the football program, with the president of the university prior to a decision regarding the renewal of each coach's contract.]

H. The Committee on Infractions accepts and adopts the university's action regarding the head football coach, which consists of placing him on administrative probation for the period the institution is placed on probation.

I. The institution shall submit written reports to the NCAA enforcement staff by July 30, 1989, and July 30, 1990, regarding the: (1) actions taken by the university during the prior academic year to establish appropriate institutional control over its intercollegiate football program in accordance with the plan set forth by President William Mobley during the institution's appearance before the committee; (2) steps taken to disassociate or otherwise sever relationships with former student-athletes who do not, or did not, fully cooperate with the institution or NCAA enforcement staff in the investigation and monitoring of the football program, and (3) implementation of the actions referred to in Parts III-C, D, E, F, G and H of this report.

[NOTE: Should Texas A&M University appeal either the findings of violations or proposed penalties in this case to the NCAA Council, the Committee on Infractions will submit an expanded infractions report to the members of the Council who will consider the appeal. This expanded report will include additional information in accordance with Section 6 of the Official Procedure Governing the NCAA Enforcement Program. A copy of the committee's report will be provided to you prior to the university's appearance before the Council and, as required by NCAA procedures, will be released to the public.

Also, the Committee on Infractions wishes to advise the university that when the penalties in this case become effective, the institution should take every precaution to ensure that their terms are observed; further, 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 university's probationary period, as well as to consider imposing more severe sanctions in this case.]

NOTIFICATION AS REQUIRED BY NCAA ENFORCEMENT PROCEDURES

[NOTE: The following is notification of applicable NCAA legislation as required by Section 7-(h) of the Official Procedure Governing the NCAA Enforcement Program and IS NOT a penalty proposed by the NCAA Committee on Infractions upon the university.]

Please note that in accordance with the provisions of Section 5-(d) of the NCAA enforcement procedures, the institution shall inform the two assistant football coaches who were found in violation of ethical conduct legislation in this case of their opportunities to appeal through the institution the ethical conduct findings of violations involving them, as well as of their opportunities (along with personal legal counsel) to appear before the NCAA Council subcommittee of Division I members at the time it considers such an appeal.

Also, this is notice to the university that it will be considered a repeat violator under NCAA enforcement procedures if any major violation is found within a five-year period following the starting date of the penalties in this case. Accordingly, a finding of a major violation during this period would result in consideration of possible penalties as set forth in Section 7-(f) of the enforcement procedures.

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