



## THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

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NCAA Division I

Committee on Infractions

George Washington University

TENNESSEE STATE UNIVERSITY  
PUBLIC INFRACTIONS REPORT

INDIANAPOLIS, INDIANA---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 a number of athletic programs, most notably football, at Tennessee State University and primarily concerned violations of NCAA bylaws governing financial aid, recruiting, extra benefits, institutional control and ethical conduct. This case was heard by the Division I Committee on Infractions during its September 24-26, 1999 meeting. [Note: a chronicle of the NCAA's receipt of information and investigation appears in Appendix A hereto.]

Tennessee State University is a Division I-AA institution and a member of the Ohio Valley Conference. The university has an enrollment of approximately 8,750 students and sponsors 7 men's and 7 women's intercollegiate sports.

**II. FINDINGS OF VIOLATIONS OF NCAA LEGISLATION.**

**A. IMPERMISSIBLE FINANCIAL AID. [NCAA Bylaws 15.01.7, 15.5.3.1 and 15.5.5.2]**

During the 1993-94 through 1996-97 academic years, 34 student-athletes in the sports of football, men's and women's basketball, men's and women's track and women's volleyball, women's tennis, and softball received athletically-related aid that exceeded the full grant-in-aid limits for a total of \$16,542. Further, during the same period, the institution exceeded the NCAA's team limitation on financial aid equivalencies in three sports (football, and men's golf and tennis) for one or more years. [Note: This violation also is part of Finding II-E concerning institutional control.]

The following charts depict the individual and team awards by sport and year:

Overage in Individual Financial Aid

**1993-94**

<b>Name</b>	<b>Sport</b>	<b>Amount of Overaward</b>	<b>Reason</b>
Student-Athlete #1	Men's Basketball	\$ 225.00	College Work Study
Student-Athlete #2	Men's Track	2,554.00	Outside Grant/Recruited
Student-Athlete #3	Football	128.00	Pell Grant
Student-Athlete #4	Women's Basketball	20.00	Excess Grant-in-Aid
Student-Athlete #5	Men's Basketball	128.00	Pell Grant
Student-Athlete #6	Women's Track	920.00	Work Study

**1993-94 (continued)**

<b>Name</b>	<b>Sport</b>	<b>Amount of Overaward</b>	<b>Reason</b>
Student-Athlete #7	Women's Basketball	69.00	Drop/Add Fee Excess Pell Refund
Student-Athlete #8	Volleyball	29.00	Parking Fee
Student-Athlete #9	Football	20.00	Parking Fee
Student-Athlete #10	Football	629.00	Work Study
Student-Athlete #11	Men's Basketball	138.00	Pell Grant
Student-Athlete #12	Women's Track	459.00	Work Study

Student-Athlete #13	Men's Basketball	133.00	Pell Grant
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**1994-95**

<b>Name</b>	<b>Sport</b>	<b>Amount of Overaward</b>	<b>Reason</b>
Student-Athlete #14	Softball	\$ 245.00	Work Study
Student-Athlete #2	Men's Track	2,280.00	Outside Grant
Student-Athlete #15	Women's Track	355.25	Work Study
Student-Athlete #16	Football	682.00	Tennessee State Assistance Corporation
Student-Athlete #6	Women's Track	800.00	Outside Grant
Student-Athlete #17	Women's Track	1,917.00	Work Study
Student-Athlete #18	Softball	68.75	Work Study

**1995-96**

<b>Name</b>	<b>Sport</b>	<b>Amount of Overaward</b>	<b>Reason</b>
Student-Athlete #19	Men's Basketball	\$798.00	Tennessee State Assistance Corporation
Student-Athlete #20	Women's Tennis	240.00	College Work-Study
Student-Athlete #2	Men's Track	214.00	Outside Scholarship
Student-Athlete #15	Women's Track	284.00	College Work-Study
Student-Athlete #21	Women's Basketball	30.00	Excess Grant-In-Aid
Student-Athlete #22	Women's Tennis	750.00	Tennessee State Assistance Corporation
Student-Athlete #23	Men's Track	260.00	College Work-Study
Student-Athlete #18	Softball	696.50	College Work-Study
Student-Athlete #24	Volleyball	267.50	College Work-Study
Student-Athlete #25	Women's Tennis	182.50	College Work-Study
Student-Athlete #26	Volleyball	600.00	College Work-Study
Student-Athlete #27	Women's Tennis	471.50	College Work-Study

**1996-97**

<b>Name</b>	<b>Sport</b>	<b>Amount of Overaward</b>	<b>Reason</b>
Student-Athlete #10	Football	\$16.00	Outside Grant
Student-Athlete #28	Women's Basketball	32.00	Outside Grant

Overage in Team Equivalency

<b>Sport</b>	<b>1993-94</b>	<b>1994-95</b>	<b>1995-96</b>	<b>1996-97</b>
Football	.56		2.13	1.65
Men's Golf		.02		
Men's Tennis		.26	.23	.47

Synopsis / Rationale for Finding

The information contained in this finding was self-reported by the institution. The committee agrees with the institution and the enforcement staff that the facts constitute violations of NCAA legislation. It was determined that the overages noted in the finding occurred because the institution failed to include the following in its calculation of institutionally administered financial aid: countable aid from state or federal government grants, work-study wages, outside grants and the payments of fees noted in the finding. The aid was not counted because the institution's former compliance coordinator, who completed the squad list forms that identified the amount of financial aid for each student-athlete, was not advised by the financial aid office of the other countable assistance in addition to the grant-in-aid that was awarded by the athletics department to the student-athletes. Accordingly, when the former compliance coordinator completed the squad list forms, he was unaware of the total amount of the institutional aid awarded outside of athletics that each student-athlete was receiving. (The institution's failure to coordinate the completion of the squad list forms between the athletics and financial aid departments is a part of Finding II-E-2 concerning institutional control.)

Concerning institutional responsibility for the violation, it should be noted that on February 10, 1997 the university self-reported the overages of individual financial aid for the 1993-94 and 1994-95 academic years and of the equivalency limit in the sport of football by 0.13 of a scholarship in the 1995-96 academic year. The NCAA processed the February self-report as a secondary violation. As a result, the institution received correspondence from the enforcement staff stating the NCAA had accepted the institution's proposed penalty to obtain reimbursement for over-awards from the student-athletes in question and reduce the team equivalency during the 1997-98 academic year by the amount of the overages reported. On October 16, 1997 after the institution had received the results of the 1996-97 annual athletics audit, it submitted an amended self-report that noted additional overages in the team equivalencies in the sport of football by 2.13 grants-in-aid, as well as overages in financial aid for several student-athletes during the 1995-96 academic year. The additional violations reported in October 1997 were included with inquiries being conducted by the staff that were regarded as potential major violations. Subsequent to the prehearing conference, the enforcement staff was advised by the institution that the financial aid penalties adopted by the Committee on Infractions

for the first self-report had not been imposed by the institution. Accordingly, the institution took no action has been taken with regard to the penalty for any of the violations in the allegation.

The above documented overawards of athletics financial aid resulted from a systemic breakdown in the administration of athletics financial aid at the institution during the period from the 1993-94 through 1996-97 academic years. Although, in many cases, the amounts of money overawarded were relatively insignificant, the totality of the funds overawarded and the number of student-athletes involved was extensive. These factors were indicative of a pattern of neglect in the management of athletics financial aid and led the committee to find that this was a major violation.

**B. FAILURE TO PROVIDE WRITTEN NOTICE FOR RENEWAL/NONRENEWAL OF ATHLETICALLY-RELATED FINANCIAL AID AND TO ADMINISTER SQUAD LISTS PROPERLY. [NCAA Bylaws 14.10.2, 15.3.6, 15.5.9.2 and 30.13]**

On numerous occasions during the 1997-98 and 1998-99 academic years, the institution failed to provide appropriate written notification for renewal/nonrenewal of athletically related grants-in-aid to its student-athletes. Further, during the 1993-94 through 1995-96 academic years, the institution failed to keep on file in the office of the director of athletics the NCAA squad list forms. It also failed to complete the squad list forms for all fall 1998 varsity sports, as mandated by NCAA legislation. Specifically:

1. The institution failed to send written notification for nonrenewal of their athletically related grant-in-aids to two football student-athletes for the 1997-98 academic year. During the spring/summer 1998, the institution failed to provide written notification of the renewal of their grant-in-aids for the 1998-99 academic year to 167 student-athletes in the sports of football; men's golf; men's and women's basketball, tennis and track; women's volleyball, and softball.
2. During the 1993-94 through 1995-96 academic years, the institution failed to retain a copy of the squad list forms on file in the office of the former director of athletics.
3. During the fall of the 1998-99 academic year, the institution, prior to the first contest in each sport, failed to complete squad list forms certifying the eligibility of 138 student-athletes who participated in the sports of

football, women's volleyball, and men's and women's cross country, as required by NCAA legislation.

Synopsis / Rationale for Finding II-B-1, II-B-2 and II-B-3

The information contained in this finding was admitted and self-reported by the institution. The committee agrees with the institution and the enforcement staff that the facts constitute violations of NCAA legislation. It should be noted that the violation in subparagraph 1 concerning the failure to send notifications of nonrenewal of financial aid to two then student-athletes, was initially self-reported in an October 16, 1997 letter. The remainder of these violations were reported and acknowledged after the enforcement staff advised the institution of information regarding them. Similar to Finding II-A, these violations can be attributed to wholesale, systemic administrative breakdowns within the athletics department staff and, as such, were found by the committee to be major violations of NCAA legislation.

**C. IMPROPER RECRUITING INDUCEMENTS AND EXTRA BENEFITS  
[NCAA Bylaws 13.2.1, 16.02.3, 16.2.1, 16.2.1.2 and 16.12.2.1]**

During the period August through September 1996, in association with the recruitment and enrollment of a football student-athlete, the head football coach, contrary to NCAA legislation, made arrangements for the student-athlete to receive transportation and complimentary tickets to the institution's home football games. Specifically:

1. In August 1996, the head football coach directed an administrative assistant to provide automobile transportation to the student-athlete from his hometown to the institution's campus (a distance of approximately 100 miles), to ensure that the student-athlete could join football practice with the institution's football team. Approximately one to two weeks later, again at the head coach's request, the student-athlete who had left the institution's campus in order to obtain transcript information from the university he previously attended was transported by the administrative assistant from his home to the institution's campus to resume practicing and begin classes. [Bylaws 13.2.1, 16.02.3 and 16.12.2.1]
2. During a meeting in the head football coach's office the last week of August 1996 and just prior to the institution's first football game on August 31, the student-athlete asked the head football coach for approximately 15 complimentary tickets for his family, which the head

football coach agreed to provide. Further, the student-athlete's mother also called the head football coach and asked for complimentary tickets for family members to attend the game. The head football coach told her that the tickets would be left for them at the stadium. On the day of the game, the student-athlete's family went to the ticket box office at the south end of the Vanderbilt University football stadium (where the university's first football game was played) and received these tickets.

### Synopsis

The enforcement staff, the university and the head football coach disagreed on the facts of the two subparagraphs of this finding and on whether violations of NCAA legislation occurred. The committee, based on evidence found to be credible and persuasive, concluded that these violations did in fact occur and found that they were major in nature.

Regarding Finding II-C-1, impermissible transportation, the university took no position with respect to whether this violation occurred. However, the institution questioned the credibility of the student-athlete who received the transportation and believed that the administrative assistant could not have provided the transportation because he was attending a function in another part of the state. The head football coach denied that he was involved in the student-athlete's transportation to campus and the administrative assistant also denied that he drove the then student-athlete to the institution's campus. It should be noted that it was also alleged that, on one occasion, a coaching staff member provided cash to a student-athlete. However, the committee found the evidence insufficient to warrant a finding that the coach had provided impermissible funds to the student-athlete.

### Rationale for Finding of II-C-1 (Impermissible Transportation)

In spite of the denials, the committee found that a football administrative assistant provided transportation on two occasions to a student-athlete in August 1996 and that the head football coach instructed the administrative assistant to do so. In making this finding, the committee relied on information provided by a then graduate assistant coach and the student-athlete along with the student-athlete's mother.

The graduate assistant coach reported that on two occasions, the head football coach instructed the administrative assistant to provide the aforementioned transportation to the student-athlete. This was confirmed by the student-athlete who reported that on two occasions, the head football coach told him that an administrative assistant in the football office would pick him up and transport him back to campus. The student-athlete also

reported that, subsequent to speaking with the head football coach about the needed transportation, the administrative assistant did in fact provide automobile transportation to him between his hometown and the university's campus. The first occasion was soon after summer school ended in order to start practice, and the second occasion was a few weeks later after he had to return to the institution from which he transferred to obtain a copy of his transcript, which included the classes from the second session of summer school. Finally, the committee relied upon information provided by the student-athlete's mother who, when provided photographs of various institutional staff members, singled out the administrative assistant as the individual who gave her son a ride to campus shortly after summer school ended. The student-athlete's mother also stated that the head football coach sent one of the coaches to pick up her son. Finally, the committee did not believe that the documentation of the administrative assistant's whereabouts would have precluded him from providing the transportation.

Rationale for Finding of II-C-2 (Complimentary Ticket Provision)

Regarding Finding II-C-2, the provision of excessive complimentary tickets to the student-athlete and his family for use to attend the university's home football contests, the institution took no formal position on this issue, but it noted that the head football coach provided affidavits regarding all of his allotted tickets from individuals who claimed they used the tickets allocated to them for the games noted in the allegation. The head football coach disagreed with the allegation and denied that he provided tickets to the football student-athlete's family.

The committee found that the head football coach provided an excessive number of complimentary tickets to a student-athlete and his family on two occasions in the fall of 1996. In making the finding, the committee found the detailed information provided by the student-athlete, his mother and a graduate assistant coach to be persuasive in spite of the head football coach's denials.

The student-athlete reported that the head football coach promised him the tickets during his recruitment and then provided them to him after his enrollment. This information was corroborated by the student-athlete's mother who reported that the head football coach informed her that he would help the student-athlete's family receive tickets. The student-athlete's mother also confirmed that they did in fact receive complimentary tickets to the university's contests as described in the allegation. Further, the student-athlete's mother's description of how she obtained tickets at the will call ticket booth is identical to the procedure the head football coach described that he used when leaving tickets at will call. The graduate assistant coach reported that he was aware that the head football coach told the student-athlete before the transfer of the student-athlete, that he would get tickets for the student-athlete's family, and that the graduate assistant coach

witnessed the head football coach assuring the student-athlete that he would give him tickets to the institution's first football game of the 1996 season.

The committee discounted the affidavits produced by the head football coach ostensibly accounting for the complimentary tickets issued to him at the time in question, and noted that the affidavits were obtained by the head football coach after the official inquiry was sent to the university alleging a violation. The ticket records at the institution only denote the number of tickets the head football coach received and there are no contemporaneous records to indicate the exact disposition of the head football coach's complimentary tickets in 1996.

Finally, the institution player pass lists for the first home football contest in 1996 indicated that the student-athlete did not request any complimentary tickets from the institution for these games. The committee concluded that, in light of the student-athlete's need for tickets and the recollection of the student-athlete and former graduate assistant football coach that tickets were discussed during his recruitment, it was unlikely that the student-athlete would not have requested tickets unless the head football coach handled his ticket needs as alleged. Moreover, it is undisputed that a large number of the student-athlete's relatives actually attended the games.

**D. IMPROPER RECRUITING CONTACT [NCAA Bylaws 13.1.1.3]**

During July 1996 through January 1998, members of the football coaching staff made contact with several football student-athletes attending other institutions without obtaining a written release from their first institution. Specifically:

1. In July 1996, the head football coach and assistant football coaches conducted a telephone conference call with an enrolled student-athlete at another institution to encourage the young man to transfer to the university. This contact occurred before the university obtained a necessary written release from his institution (August 7, 1996) to contact the football student-athlete about his transfer.
2. In December 1996, after a student-athlete's institution had denied the university's request to contact the student-athlete about transferring, an enrolled football student-athlete from another institution visited the university's campus and met with several coaching staff members who provided a tour of the athletics facility to him and discussed his possible transfer to the university.

3. On January 8, 1998 a football student-athlete who was enrolled at another institution transferred to the institution and on the next day, January 9, 1998, was awarded a full athletics grant-in-aid. However, the institution had not obtained a written release for permission from the student-athlete's previous institution to contact the student-athlete until January 20, 1998.

### Synopsis

The institution, the head football coach and the assistant football coach were in agreement with the facts in subparagraphs D-2 and D-3 of the finding and that violations of NCAA legislation occurred. Concerning subparagraph D-1, both coaches deny that there was improper contact with the student-athlete, but during the hearing the head football coach and the assistant coach admitted to a brief telephone conversation with the student-athlete prior to receiving the necessary permission from the institution to contact the student-athlete. The university agreed that there was improper contact.

The committee, based on evidence found to be credible and persuasive, concluded that these violations did in fact occur and found that they were major in nature. The committee noted that there are established procedures by which student-athletes may transfer to other institutions, but the football staff at Tennessee State University admittedly chose not to follow these procedures. Although the committee believed that all three instances of improper recruitment of transfer student-athletes were serious, the committee found that the circumstances described in Finding II-D-2 to be particularly egregious. In this instance, football coaching staff members completely ignored NCAA rules by continuing to pursue the transfer of a student-athlete despite the fact that the institution at which the young man was enrolled had denied the university's request to contact the student-athlete about transferring.

### Rationale for Finding of II-D-1

The committee found that, in July, 1996, the head football coach and two other football coaching staff members violated NCAA recruiting legislation by telephonically contacting a student-athlete while enrolled at another institution before the university received the required permission from the other institution to contact the young man about his transfer. In making the finding, the committee relied on information provided by the student-athlete, the graduate assistant coach, head football coach and documentary evidence.

The student-athlete reported that the institution's coaching staff contacted him by telephone in the summer of 1996 while he was enrolled at his previous institution. He specifically remembered a call initiated by the graduate assistant coach during which he spoke to the head football coach and an assistant football coach. This information was corroborated by the graduate assistant coach who reported that he arranged a telephone conference call with the student-athlete and both the head football coach and an assistant football coach before the university had obtained a release to contact the young man. The head football coach admitted that he participated on a call with the student-athlete and the two assistant coaches at a time before the institution obtained permission from the other institution to contact the student-athlete. However, the head football coach reported that his conversation with the student-athlete was limited to a short greeting and, therefore, inconsequential. Finally, confirmation that contact with the student-athlete was initiated prior to his release from his previous institution is documented by the young man's Coaches Renewal Request Form in which a request for financial aid for the student-athlete was signed by the head football coach on August 1, 1996, six days before a release from the previous institution was obtained.

Rationale for Finding II-D-2 and II-D-3

The information contained in these findings was admitted by the involved football coaching staff members. As earlier indicated, the committee believed that these were major violations of NCAA legislation, and that the violation set forth in Finding II-D-2 was particularly serious.

**E. LACK OF INSTITUTIONAL CONTROL. [NCAA CONSTITUTION 2.1.1, 2.1.2, 2.8.1 and 6.0.1]**

The scope and nature of the violations in this case demonstrate a failure to monitor properly or exert appropriate institutional control in the conduct and administration of the university's football program in that the university: (a) Failed to monitor the distribution of the head coach's complimentary tickets despite its concerns that this could be a problem, which resulted on at least one occasion of the tickets being distributed to a student-athlete's family members, as noted in Finding II-C-2; (b) failed to follow its own institutional policy and procedures regarding the completion of squad list forms that resulted in the overawarding of financial aid to numerous student-athletes and in the university exceeding the equivalency limits in three sports, as noted in Finding II A; (c) failed to provide written notice to student-athletes regarding the renewal and nonrenewal of their athletics grant-in-aid for the upcoming academic year, as noted in Finding II-B-1; (d) failed to complete and keep on file in the office of the

director of athletics NCAA squad list forms from previous years and to complete squad list forms in the fall of 1998 for the sports of football, women's volleyball, and men's and women's cross country prior to the first contest, as noted in Findings II-B-2 and II-B-3; and (e) failed to investigate reasonably reliable information indicating that violations of NCAA legislation had occurred in the football program. Specifically:

1. Regarding the complimentary-ticket allocations to the head football coach, in August 1996, during a university compliance committee meeting, the university's vice-president for student affairs awarded 50 complimentary tickets to the head football coach despite a university ticket policy that limited the head football coach to only 20 tickets. He took this action despite the objection of the director of athletics who expressed concern about being able to monitor the distribution of the head football coach's tickets. The head football coach then used some of these complimentary tickets to distribute to family members of a student-athlete as noted in Finding II-C-2.
2. Regarding the university's failure to follow its institutional guidelines concerning the completion of squad lists, the university's compliance guide required the financial aid office to complete the financial aid section of the squad list form, but the office refused to assist the then compliance coordinator who completed the squad list forms without any information from the financial aid office. Consequently, incomplete information regarding the amount of countable financial aid awarded to student-athletes was reported on the squad list forms, which resulted in overages of athletics grant-in-aid to student-athletes and total financial aid equivalencies for several sports, as noted in Finding I-A. This failure to coordinate cooperation between university staffs had been noted in the university's previous four internal audits, which reported that the financial aid office was not involved in the preparation of the squad list forms or in monitoring the financial aid provided to its student-athletes, as required by institutional policy.

Further, due to personnel changes in the athletics department, the renewal/nonrenewal letters were not sent and squad list forms were neither completed nor retained, as noted in Findings, II-B-2, II-B-3 and II-B-4.

3. Regarding the failure to investigate information properly, in July 1997 the vice-president for student affairs was provided a letter written by a former student assistant football coach outlining potential violations of NCAA

legislation in the football program. The allegations included impermissible contact between members of the coaching staff with a student-athlete who was attending another four-year institution, arrangements by the head football coach for impermissible transportation for the student-athlete, the participation of an ineligible student-athlete during a spring practice session, and out-of-season practices.

The vice-president for student affairs informed the head football coach that he and then interim director of athletics would investigate the possible violations. However, the vice-president for student affairs then told the interim director of athletics that he believed the letter was "trash" and instructed her to throw it away, and no inquiry ensued at that time. At the same time, the enforcement staff also received a copy of the letter from a confidential source. During a subsequent conversation between a NCAA director of enforcement and the former interim director of athletics, the later reported that the university had not investigated the information in the letter. Accordingly, in a September 19, 1997 letter from the NCAA director of enforcement requesting the university to indicate whether it followed its own internal procedures in its review of the information reported in the letter. On October 8, 1997 the university's president assigned an inquiry committee to investigate the issues noted in the September 1997 letter. The university responded in writing on April 23, 1998, and acknowledged that in July 1997 it had not followed its procedures for reviewing possible violations.

### Synopsis

The institution essentially agreed to the facts of subparagraphs 2 and 3 of this finding and that standing alone, they are violations of NCAA legislation; however, the institution did not agree that they constitute a violation of the principles of institutional control. Concerning subparagraph 1, the institution did not believe that a violation occurred because it did not believe that a student-athlete received tickets from the head coach as described in Finding II-C-2.

However, the committee found that there was sufficient evidence to conclude that there was a lack of institutional control at Tennessee State University based on the information contained in subparagraphs 1, 2 and 3 of this finding.

Rationale for Finding a Lack of Institutional Control in the Impermissible Distribution of Complimentary Tickets (Finding II-E-1):

The committee believed that the institution's failure to monitor the distribution of the coaches' tickets, which resulted in the violation documented in Finding II-C-2, was symptomatic of a lack of institutional control. The genesis of this situation was a decision in 1996 (the time the violation occurred) to increase from 20-50 the number of tickets awarded to the head coach. This occurred despite the objections of the then director of athletics.

As indicated above, the former director of athletics reported that in 1996, the vice-president for student affairs increased from 20-50 the number of tickets for the head football coach, even though the then director of objected because the institution would lose control over the tickets and would have difficulty accounting for the number and recipients of the complimentary tickets since there was no procedure to account for the distribution of the tickets allocated to the head coach. The former director of athletics' account of this situation was confirmed by the interim director of athletics. The lack of accountability directly contributed to the violations set forth in Finding II-C-2.

Rationale for Finding a Lack of Institutional Control in the Administration of Athletically-Related Financial Aid (Finding II-A):

The committee found that there was a lack of institutional control in the administration of athletically-related financial aid because the institution failed to follow basic reporting principles and its own policies and procedures regarding the completion of squad list forms, which resulted in the overawarding of financial aid to student-athletes and the exceeding of the equivalency limits in three sports. The institution admitted that it had overages of individual grant-in-aid limits and team equivalencies, but disagreed that this occurred because of a failure to follow its own procedures regarding the completion of the squad list forms and denied that the financial aid office refused to assist the athletics department with the completion of financial aid awards and calculation. However, the lack of full cooperation by the institution's financial aid office in reporting complete financial aid information for numerous student-athletes caused the violations to occur. This lack of institutional coordination of various departments to insure compliance with NCAA legislation demonstrates a serious lack of institutional control.

The director of internal audit at the institution reported that in 1992 the institution developed a compliance guide after a compliance review with the NCAA indicated that the financial aid office should have more involvement in submitting and reviewing forms that related to financial aid of student-athletes; however, despite that recommendation,

the institution continued to have financial aid overages due to a lack of monitoring by the university.

Documentary evidence of a lack of institutional control was seen in the institution's 1996-97 academic year audit which noted that errors in financial aid overages appeared to be the result of the university's failure to adhere to its Athletics Compliance Guide. The institution's compliance guide, meanwhile, indicates that it is the responsibility of the financial aid office to complete the financial aid section of the squad list forms and provide the information on financial aid to the athletic department for completion of the NCAA squad-list forms.

Rationale for Finding a Lack of Institutional Control in Failing to Investigate Possible Violations of NCAA Legislation:

This information was previously self-reported by the institution as a violation of NCAA Constitution 2.8.1 in its April 23, 1998, self-report to the enforcement staff. The committee typically finds violations of institutional control in three general areas: 1) implementation and engagement of systems or procedures; 2) monitoring of systems and procedures, and 3) rules education.

In this instance, the institution had procedures in place designed to investigate possible rules violations, but the procedures were not followed. Accordingly, the committee believed that a finding of a lack of institutional control was appropriate. The committee concluded that one of the fundamental conditions and obligations of the membership is to investigate possible violations of NCAA legislation when the institution receives notice of them. Institutions that investigate and report alleged violations should not be disadvantaged because competing schools failed to do so.

**F. FAILURE TO COOPERATE, UNETHICAL CONDUCT. [NCAA Bylaws 10.1-(a) and 19.01.3]**

An assistant football coach violated the provisions of the cooperative principle of the NCAA enforcement procedures in that he failed to obey a university corrective action adopted by the NCAA Division I Committee on Infractions as a result of his previous involvement in a violation of NCAA legislation. Further, the assistant football 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 provisions of ethical conduct by providing false and misleading information to university investigators and to the enforcement staff. Specifically:

1. On August 30, 1997 the assistant coach violated the provisions of an institutional sanction and cooperative principle of the NCAA enforcement procedures when he met with student-athletes and coaches to discuss game strategy in the locker room during half-time of the institution's first football contest. The assistant football coach took this action even though the institution imposed a sanction in early June 1997 adopted by the NCAA Division I Committee on Infractions that required the assistant football coach to be suspended from coaching-related duties for the first football game due to his involvement in a June 1997 violation that the university self-reported and that was processed as a secondary violation.
2. The assistant football coach provided false and misleading information to the university and the NCAA enforcement staff during a March 1997 interview with university investigators; in an April 1998 signed statement that was submitted to the enforcement staff; and during a June 25, 1998 interview with a NCAA enforcement representative when he denied in each instance that he was present in the locker room during half-time of the institution's first scheduled football game for the 1997 season versus Florida A&M University.

### Synopsis

The institution agreed on the facts of subparagraphs 1 and 2 of this finding and that a violation of the NCAA's Ethical Conduct Legislation and Cooperative Principle occurred. The involved assistant football coach disputed the allegation and denied that he participated in coaching-related activities during a football game on August 30, 1997, or that he provided false and misleading information to the university and the enforcement staff.

The committee, based on evidence found to be credible and persuasive, concluded that the assistant football coach did violate the cooperative principle by failing to adhere to NCAA and institution-mandated restrictions in his coaching duties and that he engaged in unethical conduct by providing false and misleading information to the university and the enforcement staff when questioned about these restrictions.

### Rationale for Finding of II-F-1 (failure to cooperate)

Based on the evidence presented the committee found that the assistant coach did participate in half-time coaching activities despite the fact that he was specifically prohibited from doing so by the institution and the NCAA as a result of his involvement

in a secondary violation. The committee noted that an internal review group formed by the institution to investigate possible NCAA violations within the football program had interviewed several student-athletes about this issue and also came to the unanimous conclusion that the assistant football coach had violated his coaching restrictions. The enforcement staff also interviewed the student-athletes and determined that they were credible.

Rationale for Finding of II-F-2 (provision of false and misleading information )

As indicated above, the committee found that the assistant football coach violated the provisions of his coaching restrictions as documented in Finding II-F-1 of this report based on the persuasive testimony of several student-athletes present in the locker room. Therefore, the committee concluded that the assistant football coach had provided false and misleading information when he denied, both orally and in writing to the institution and subsequently during an interview with the enforcement staff, that he had been in the lockerroom at half time of the contest in question.

**G. EXCESSIVE PER DIEM SUBSIDIES. [NCAA Bylaw 16.8.1.6.1]**

During the institution's participation in the first round of the 1998 Division I-AA football championships, the institution provided each student-athlete cash based on the NCAA's participant reimbursement formula which resulted in each student-athlete receiving \$36 in excessive per diem. This violation was self-reported by the institution.

**H. FRAUDULENT PARTICIPATION. [NCAA Bylaw 14.01.3]**

On March 27-28, 1999 the head men's track and field coach arranged for two student-athletes to compete in a track meet under the names of two other student-athletes on the institution's track and field team. This violation was self-reported by the institution.

**I. SECONDARY VIOLATION: IMPERMISSIBLE OUT-OF-SEASON ATHLETICALLY RELATED ACTIVITIES [NCAA Bylaw 17.2.6]**

During the summer of 1996, head football coach and the assistant football coach along with other members of the football coaching staff observed football student-

athletes participating in seven-on-seven workout sessions that were held on practice fields at the institution.

Synopsis/Rationale

The institution and involved coaches were in agreement with the facts and that a violation of NCAA legislation occurred when coaches observed out-of-season practices. However, under the unique circumstances of this particular case, the committee found that the violation was secondary in nature.

**III. COMMITTEE ON INFRACTIONS PENALTIES.**

For the reasons set forth in Parts I and II of this report, the Committee on Infractions agreed with the institution and the enforcement staff 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 actions the university has taken or will take are as follows:

1. Placed the athletics department directly under the control of the institution's president rather than to the office of the Vice-President for Student Affairs.
2. Terminated the former compliance coordinator effective June 21, 1999 and hired a replacement.
3. Issued a letter of reprimand to the head football coach and barred his participation in one conference football contest in the fall of 1998 for his involvement in NCAA violations. He has been placed on probation from 1998 to 2000. The university also required the head football coach to attend NCAA rules compliance seminars during the 1998-99 academic year and he will be required to attend again during the 1999-2000 academic year. The head football coach's salary has been frozen for the 1999-2000 academic year, including bonuses. He will not be permitted to recruit off campus for the 1999-2000 academic year.

4. Placed an assistant coach on two years of probation starting in the fall of 1998. Issued a letter of reprimand. Suspended the assistant coach for one conference football contest in the fall of 1998. Effective July 1, 1999 removed the assistant coach from his coaching position and reassigned him to a department outside of athletics. Will reevaluate the assistant coach's employment status in December 1999.
5. Reassigned a former director of athletics to a position exclusive of athletics. Terminated the succeeding director of athletics in January 1999. On August 16, 1999, appointed a new director of athletics.
6. Reorganized the Athletics Department and implemented new policies and procedures.
7. Established a new policy on financial aid procedures, including creating a document which requires a student-athlete to disclose financial assistance he or she is receiving outside of institutional funds.
8. Implemented new procedures to track and monitor countable aid in order to prevent overawards.
9. Revamped the university's complimentary ticket policy to track all ticket authorization and disbursements.
10. Hired an Associate Athletics Director for Compliance.
11. Implemented a rules education program with monthly newsletters, rules seminars, and a NCAA Compliance website.
12. Determined to hire a compliance assistant to support the compliance coordinator.
13. Created the position of Coordinator of Scholarships. This financial aid position will have primary responsibility for coordinating financial aid for athletics.
14. Installed NCAA compliance software to monitor financial aid awards.
15. Athletics and financial aid personnel have attended NCAA training seminars on financial aid.

**B. PENALTIES (PROPOSED OR SELF-IMPOSED) BY THE UNIVERSITY.**

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

1. Reduce by three the number of official paid recruiting visits for football to 38 for the 1999-2000 and 2000-2001 academic years.
2. Reduce by two the number of football grants-in-aid to be awarded during the 2000-2001, 2001-2002 and 2002-2003 academic years.

**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 decided to impose the following additional penalties:

1. Public reprimand and censure.
2. Three years of probation from January 5, 2000, [the date the committee issued the report].
3. A further reduction in the number of official paid visits for football to 36 during the 2000-2001 and 2001-2002 academic years.
4. In addition to the self-imposed reduction in the number of football grants-in-aid awarded during the 2000-2001, 2001-2002 and 2002-2003 academic years by 2, the institution shall further reduce grants in football by the following: .56 during the 2000-2001 academic year; 2 during 2001-02 and 1.65 during 2002-03, in order to account for the football grant reductions pledged to be imposed in 1997 but which were never applied. Based upon the average number of football equivalencies awarded on an annual basis for the past five years as reported by the university, 60.3, the institution will be limited to the following equivalencies:

2000-01: 57.8  
2001-02: 56.3  
2002-03: 56.8

5. In men's golf, reduction in grant-in-aid equivalencies by .02 for one year no later than the 2000-2001 academic year.
  6. In men's tennis, the institution shall reduce grant-in-aid equivalencies totaling .96 for one year no later than the 2001-2002 academic year.
  7. 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 director for the NCAA infractions committees, Shepard C. Cooper, by February 1, 2000 setting forth a schedule for establishing this compliance and educational program; and
    - c. File with the committee's director annual compliance reports indicating the progress made with this program by June 15 of each year during the probationary period. Particular emphasis should be placed on financial aid compliance, compliance with NCAA recruiting legislation and measures taken to ensure institutional control. The reports must also include documentation of the university's compliance with the penalties (adopted and) imposed by the committee.
  8. At the end of the probationary period, the institution's president shall recertify in a letter to the committee that all of the university's current athletics policies and practices conform to all requirements of NCAA regulations.
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As required by NCAA legislation for any institution involved in a major infractions case, Tennessee State 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, January 5, 2000.

Should Tennessee State University or the football 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 will submit a response to the members of the appeals committee, with a copy to any party who may appeal. This response may include additional information in accordance with Bylaw 32.10.5.

The Committee on Infractions advises 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 both to extend the institution's probationary period, and to impose 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.

NCAA COMMITTEE ON INFRACTIONS

Richard J. Dunn

Jack H. Friedenthal (Chair)

Frederick B. Lacey

Gene A. Marsh

James Park Jr.

Josephine R. Potuto

Thomas E. Yeager

## APPENDIX A

June 1997 - a letter was sent to then executive director for enforcement and student-athlete reinstatement, from the institution's compliance coordinator, self-reporting two violations of NCAA legislation.

July - August 1997 - The enforcement staff receives information from an anonymous source that there were possibly more violations than what was reported by the institution.

Early September 1997 - Enforcement staff visits the institution to look into the information received by the NCAA.

September 19, 1997 - After completing the on-campus visit, the enforcement staff sends a letter to the institution's faculty athletic representative which requested the institution take a formal position on several issues discussed during the NCAA's director of enforcement visit.

January 27, 1998 - The institution responds to the enforcement staff's letter of September 19, 1997.

March 12, 1998 - The enforcement staff sends another letter to the institution asking it to clarify what violations it was reporting and for other additional information.

April 23, 1998 - The institution responds by letter to specific violations that had occurred. After reviewing the report, the enforcement staff concludes the violations were major in nature.

June 22, 1998 - Letter of preliminary inquiry issued.

June 1998- January, 1999 - The enforcement staff conducts its own inquiry.

February 8, 1999 - Letter of official inquiry issued.

July 10, 1999 - Responses to the official letter of inquiry from the involved coaches and from the institution are received by the NCAA enforcement staff.

July 19-20, 1999 - Prehearing conferences conducted with the head football coach and the university respectively.

August 18, 1999 - Prehearing conference conducted with the involved assistant football coach.

August 30, 1999 - The assistant coach's new counsel submitted a supplemental response to the original response.

September 24, 1999 - Hearing before the Division I Committee on Infractions conducted in Tucson, Arizona