



News Release

FOR RELEASE:
October 2, 2001
2 p.m. Central time

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NCAA Division I
Committee on Infractions
Colonial Athletic Conference

UNIVERSITY OF WISCONSIN, MADISON **PUBLIC INFRACTIONS REPORT**

I. INTRODUCTION.

On August 11, 2001, officials from the University of Wisconsin, Madison, appeared before the Division I Committee on Infractions to address allegations of NCAA violations in the institution's athletics programs. The University of Wisconsin, Madison, is a Division I-A institution and a member of the Big Ten Conference. The university has an enrollment of approximately 40,000 students and sponsors 12 men's and 11 women's intercollegiate sports. Information concerning possible NCAA violations associated with this case first came to light as a result of an investigative report conducted by a Madison newspaper, the *Wisconsin State Journal*, in early July 2000. The case centered on alleged violations of NCAA bylaws governing extra benefits, recruiting inducements and the institution's failure to monitor its athletics programs.

The committee was troubled that this was the institution's third major infractions case in the past eight years. Specifically, in a case released in January 1994, the university was cited for improprieties in its wrestling program including a lack of institutional control. Five years later, in 1999, the university was found by the committee to have violated NCAA legislation governing the administration and control of athletically related income and supplemental pay for athletics department staff members. That case included a finding of a failure to monitor. Although the circumstances surrounding these three cases differed from one another, the committee was nevertheless concerned that the current case, and the two immediately preceding it, all involved either a lack of institutional control or a failure by the university to adequately monitor certain aspects of its athletics programs. In fact, the committee seriously considered making a finding of a lack of institutional control in this case. However, in the final analysis, the committee decided to

adopt the institution's and enforcement staff's assessment that the university failed to adequately monitor its athletics program.

Because this case occurred within five years of the starting date of the penalties in the 1999 case, the institution was considered a "repeat" violator under Bylaw 19.6.2.3.1 and subject to the enhanced penalties set forth in Bylaw 19.6.2.3.2. The committee also noted that the university had earlier infractions cases in 1981 (football), 1983 (football) and 1986 (men's basketball).

II. FINDINGS OF VIOLATIONS OF NCAA LEGISLATION.

A. IMPERMISSIBLE RECRUITING INDUCEMENTS; IMPERMISSIBLE EXTRA BENEFITS – DISCOUNTS AND CREDITS; IMPERMISSIBLE TRANSPORTATION. [NCAA Bylaws 13.2.1, 16.12.2.1 and 16.12.2.2]

Over the course of approximately seven years, a local shoe store owner, who was also a representative of the university's athletics interests (hereafter referred to as "the athletics representative"), provided personal discounts at his business for student-athletes, friends and family of student-athletes and to prospective student-athletes. Further, the athletics representative extended impermissible credit arrangements at his business to prospective and enrolled student-athletes. Finally, the athletics representative provided impermissible transportation for two men's basketball student-athletes. Specifically:

1. Beginning in early 1993 and continuing to the summer of 2000, the athletics representative provided personal discounts on shoes and other merchandise purchased by numerous student-athletes in various sports at his shoe store (henceforth referred to as "the store"). The personal discounts ranged from 12 percent to over 50 percent, depending upon the type of shoe and other merchandise. Several prospective student-athletes who signed National Letters of Intent and were living in Madison during the summer prior to their initial fall enrollment were also provided personal discounts.
2. Beginning in approximately 1993 and continuing to the summer of 2000, the athletics representative provided discounts on shoes and other merchandise to friends and relatives of student-athletes who accompanied

the young men and women when they patronized the store. These friends and relatives received the same amount of discount as the student-athletes, and their purchases might be placed on a store account for them or added to the overall total of the student-athletes' purchases.

3. Over the past several years, the athletics representative provided improper credit arrangements for prospective and enrolled student-athletes when the young men and women purchased shoes or other merchandise at his store. Further, between 1996 and 2000, student-athletes in several sports exchanged athletic merchandise issued to them by the institution in return for credit on purchases at the athletics representative's store. The athletics representative also provided the student-athletes a credit value for this merchandise, which frequently had been worn by the student-athletes.
4. During the 1998-99 academic year, the athletics representative provided local round-trip automobile transportation to two men's basketball student-athletes between the residence of one of the student-athletes and a local high-school basketball contest (a distance of approximately 50 miles). The young men paid for the costs of their admissions to the game, but the athletics representative purchased refreshments for the young men at the game.

Committee Rationale

Regarding Finding II-A-1 through II-A-4, there was general agreement among the committee, the enforcement staff and the university regarding the facts of these findings and that violations of NCAA legislation occurred. However, there was one issue upon which the committee differed from the university. The university maintained that the athletics representative who is at the heart of these findings is "not a traditional athletics representative" and that he is not "a member of any recognized booster group." The university contended that, because of these factors, the athletics representative "flew below the radar" of its rules compliance efforts and that this was a mitigating factor in its failure to have earlier detected the violations associated with this individual. The committee disagreed with this assessment of the athletics representative's status.

The NCAA defines an athletics representative as "an individual, independent agency, corporate entity or other organization who is known (or who should have been known) by a member of the institution's executive or athletics administration to:

- (a) Have participated in or to be a member of an agency or organization promoting the institution's intercollegiate athletics program;
- (b) Have made financial contributions to the athletics department or to an athletics booster organization of that institution;
- (c) Be assisting or to have been requested (by the athletics department staff) to assist in the recruitment of prospects;
- (d) Be assisting or to have assisted in providing benefits to enrolled student-athletes or their families; or
- (e) Have been involved otherwise in promoting the institution's athletics program."

The committee noted that, according to information provided by the university, the athletics representative contributed approximately \$13,000 to the athletics department since 1988. The athletics representative and his business was also well known by some coaches and other individuals in the Wisconsin athletics department who patronized his store. Moreover, in contradiction to the university's assertion that the athletics representative was not "a member of any recognized booster group," the investigation revealed that he was a member of a program called "Our Business Backs The Badgers." This program was initiated in approximately 1994 and was intended as a means for businesses to receive recognition that they contributed to the university's athletic department. The representative and his business were also well known within the athletics department as a number of coaches frequented his store. If any one of the aforementioned circumstances set forth in (a) through (e) (above) applies to an individual, then he/she is considered to be an athletics representative. Based upon this athletics representative's activities, it was the committee's conclusion that he fit the definition of a "booster" under all of the aforementioned criteria, with the exception of (c). Under these circumstances, the committee found it troubling that such an individual "flew under the university's compliance radar."

With specific reference to Finding II-A-1, impermissible discounts provided to prospective and enrolled student-athletes, the committee, the university and enforcement staff agreed with the facts of this allegation and that violations of NCAA legislation occurred.

The committee accepts the university's assertion that the store is "not a traditional retail business." The university acknowledged that a broad pattern of discounted purchases and credit arrangements developed almost inadvertently over approximately the past five

years among the student-athletes. Overall, once athletes began to reside in Madison, regardless of whether they were actually enrolled in the university, the knowledge about the availability of discounts was passed among individuals. This knowledge of the opportunity for discounts and credit arrangements spread across sports, gender and ethnicity, and even among members of the coaching staff.

Several student-athletes reported that they received an additional discount because they were student-athletes. This was referred to as the "(athletics representative's first name)" discount and was administered at his discretion. A preponderance of the invoices for the student-athletes' purchases included an indication of their team affiliation at the top of the invoice such as "Badger football" or "UW track." There were notations on some invoices of non-athletes who received personal discounts, but these were individuals with whom the athletics representative was familiar.

In reference to Finding II-A-2, impermissible personal discounts provided to friends and family members of student-athletes, the committee, the university and enforcement staff agreed with the facts of this allegation and that violations of NCAA legislation occurred. The evidence showed that, as more student-athletes learned of the opportunity for a personal discount at the store, a greater opportunity existed for friends and/or relatives of the student-athletes to receive a personal discount. If an individual accompanied the student-athlete, that individual also received a similar discount. Student-athletes indicated that they were accompanied by girlfriends/boyfriends/parents/friends on several occasions, and these individuals also purchased merchandise and received personal discounts.

In reference to Finding II-A-3, credit arrangements for prospective and enrolled student-athletes, the committee, the university and enforcement staff agreed with the facts of this allegation and that violations of NCAA legislation occurred. The athletics representative was the only person authorized to open a store account for a customer. His general policy was that if he knew the customer and knew where the customer could be located, the customer could open a store account and make purchases on that account to be billed and paid later. The athletics representative indicated that the university's student-athletes were all considered "friends," and he knew where to locate them. The investigation revealed that the store had approximately 380 accounts in which balances had accumulated. Of these, approximately 25 percent were accounts of current or former student-athletes. A violation of NCAA legislation occurred because the athletics representative's extension of credit was based upon their status as student-athletes. Members of the general student body at the university could only have obtained credit if the athletics representative knew (or knew of) them, and few, if any, "regular" students had credit accounts.

The investigation revealed that substantial sums were provided to student-athletes in the form of credit at the athletics representative's store. Specifically, to the extent that it could be determined from a review of account files at the store, 49 former student-athletes owed a total of \$22,263. The university has sent letters to these individuals encouraging them to pay their balances. According to the athletics representative and his accountant, these individuals at some point have made payments on their account, so they have not been forwarded for formal collection procedures. Further, 120 current student-athletes were provided credit by the athletics representative. At the time this case first came to light in July 2000, 39 current student-athletes owed a total of \$11,542. As a condition of eligibility restoration, the current student-athletes had to pay off their accounts or establish repayment plans. All current student-athletes' accounts have been paid in full at this time.

In reference to credit extended to student-athletes in exchange for university-issued equipment and apparel, although there was no specific documentary evidence that substantiates a particular occurrence, the committee accepted the university's acknowledgment based on interviews that the occurrence was probable though infrequent. According to the athletics representative, his store had a very lax return policy and it was his decision whether used shoes would be accepted and any value credited toward future purchases.

With regard to Finding II-A-4, impermissible transportation, the athletics representative initially reported this information during one of his interviews with the institution in response to whether he ever had face-to-face contact with student-athletes outside of his place of business. The athletics representative reported that on one occasion when the two men's basketball student-athletes were visiting his store, he asked them whether they would be interested in attending a local high school basketball contest, and they accepted his offer.

On the surface, this may appear to be a secondary violation. The committee, however, believed that this was more serious because of the fact that such activity indicates an elevation of the relationship between the athletics representative and student-athletes from one that is based simply on business to one that is more personal in nature.

B. IMPERMISSIBLE HOUSING BENEFITS FOR PROSPECTIVE STUDENT-ATHLETES. [NCAA Bylaws 13.2.1, 13.2.2-(h) and 13.2.6]

During a period beginning with the summer of 1998, violations of recruiting legislation occurred in the provision of housing for prospects that had moved to

the Madison area during the summer prior to their initial full-time enrollment at the university. Specifically:

1. Between 1998 and 2000, members of the institution's football coaching staff assisted numerous prospective student-athletes who signed National Letters of Intent with housing arrangements at a private residence hall near the institution's campus during the summers prior to the start of the institution's fall football practices.
2. During the summers of 1999 and 2000, prospective student-athletes in the sports of football and basketball, who signed National Letters of Intent and were residing in Madison prior to the start of the fall semester, received lodging at the private residence hall near the institution's campus in exchange for work to be done at this residence hall. However, they did not perform a sufficient amount of work to cover the costs of the room and board provided to them. As examples, two of these prospects did not work at all, and one worked only a nominal amount.

Committee Rationale

The committee, the university and the enforcement staff agree with the facts of this finding and that violations of NCAA legislation occurred.

With specific reference to Finding II-B-1, the university believed the football coaching staff inadvertently violated the provisions of this legislation by "innocently" assisting the prospects in obtaining housing near the university's campus. In the spring of each year, the football staff sent letters to the enrollees advising them of various dates and other information, such as university application processing fees, orientation fees and various other requirements of the university. These letters also invited the prospects to live in Madison during the summer. The letter indicated that, if an individual were interested, housing would be made available at the residence hall in question. Although no formal agreement existed between the football staff and the residence hall, it was generally understood by the football staff that the management of the residence hall would save space for the prospects.

There is no NCAA legislation against bringing prospects to an institution's campus prior to their initial full-time enrollment at the institution; however, in past cases the committee has found that member institutions must have an increased monitoring effort in such situations (see: the University of Cincinnati, Case No. M139, Infractions Report No. 155, Finding II-G and the University of Nevada, Las Vegas, Case No. M157,

Infractions Report No. 177, Finding II-E). In this particular case, the committee noted that the letters referenced in the previous paragraph were mailed to prospects without the knowledge of the compliance office. Such correspondence must, at a minimum, be shared with the compliance office, if not first “cleared” by compliance officials. In the committee’s view, complete and open communication between the individual sports coaches and the compliance office is essential in order to ensure proper monitoring and adherence to NCAA legislation. It clearly did not occur in this instance.

Regarding Finding II-B-2, it appears that the failure to work was primarily the result of poor administration by the residence hall management in that these prospects were never given work assignments. This was coupled with the failure of the prospects to actively approach the management of the residence hall to ask for work, and the failure of the athletics department to adequately inform the management of the NCAA regulations governing summer work by prospects and to monitor the activities of these prospects.

C. FAILURE TO ADEQUATELY MONITOR. [NCAA Constitution 2.8.1]

The scope and nature of the reported violations in this report demonstrate that the institution failed to adequately monitor the actions of an athletics representative in his provision of personal discounts for student-athletes at his business establishment. The institution also failed to monitor the living arrangements of several prospective football student-athletes who were invited to reside in Madison during the summer prior to their initial full-time enrollment at the institution.

Committee Rationale

The committee, the institution and the enforcement staff were in agreement regarding the conclusion the institution failed to adequately monitor aspects of its athletics programs. Given the institution’s recent history of major violations of NCAA legislation, the committee believed that the university should have had a heightened sense of vigilance with respect to strict adherence to NCAA legislation. The committee was particularly disappointed by the fact that, despite information from several different sources indicating that there could be potential NCAA issues associated with the athletics representative’s store, the violations were not uncovered by the university, but rather by the local newspaper. At the very least, the university should have detected the violations by the fall of 1999, when a coach or an administrator mentioned to athletics department officials that the “comfort level” of the coach or administrator was “not good” with so many student-athletes shopping at the store. In response to this and other information,

the university's compliance coordinator visited the store in early November 1999. The purpose of the visit was informative rather than investigative and the athletics representative assured the compliance coordinator that student-athletes were being treated similarly to other customers. This information was reported back to the director of athletics and the decision was made to not undertake any additional inquiry since no information about a possible violation was reported. The Vice Chancellor for Legal Executive Affairs, the individual to whom the compliance coordinator reported, was not informed of this information even though it concerned compliance. The university believed the compliance coordinator and the director of athletics should have realized that the situation should have been reviewed in more detail and both should have informed the vice chancellor. The committee agreed with this assessment.

As the committee has commented in past cases, member institutions must have in place a system reasonably calculated to uncover violations. There must be reporting lines and an ethic of vigorous pursuit of suspected violations, particularly when information has been received indicating that violations may be occurring. In fact, the university admitted as much and stated that,

“The violations occurred because certain athletics administrators, coaching staff members and student-athletes did not demonstrate sufficient vigilance to be adequately alert to the potential dangers of the discounts and credit arrangements. Each identified group should have raised questions along the way that might have prompted the discovery of violations. This is troubling to the university because of the institution's previous probation history. The failure to be cognizant of the necessity of additional inquiry was widespread across several sports and administrative levels.”

SECONDARY VIOLATION

[NCAA Bylaw 14.11.2]

On August 25 and August 27, 2000, the institution permitted a student-athlete to represent the institution in intercollegiate women's soccer competition even though it was reasonable to conclude that the institution determined the young woman was ineligible due to her receipt of an improper benefit from the athletics representative. [Note: It appeared to the committee that, rather than a willful disregard of NCAA regulations, this violation resulted due to a lack of understanding by senior athletics

department officials concerning the position the institution previously had taken in its communications with the NCAA staff at the beginning of the institution's inquiry into this matter. An additional mitigating factor was the large number of student-athletes who were involved in this case and for whom the university was seeking reinstatement at that time. It was apparent that a timely reinstatement effort for this student-athlete "slipped through the cracks."]

III. COMMITTEE ON INFRACTIONS PENALTIES.

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

A. CORRECTIVE ACTIONS TAKEN AND PENALTIES (PROPOSED OR SELF-IMPOSED) BY THE UNIVERSITY.

In determining the appropriate penalties to impose, the committee considered the institution's self-imposed corrective actions. Among the actions the university has taken or will take are as follows:

1. The university's chancellor announced and initiated a series of measures structured to heighten the university's oversight over intercollegiate athletics and to strengthen the administrative and policy connections between his office and the athletics department. The chancellor has made the director of athletics a member of a "leadership council" that coordinates general university policy through monthly meetings of deans, vice chancellors and directors of major departments. In the same vein, the associate director of athletics, who serves as the athletics director's chief of staff, attends the chancellor's bi-weekly meetings for senior staff and is in regular contact with the chancellor's executive assistant. The latter will serve as the chancellor's routine liaison with the department; in this capacity he will attend meetings for the directors of administrative units within the athletics department. The vice chancellor for legal and executive affairs will continue to take part in the athletics department's management team meetings.
2. The university's chancellor has reorganized the athletics department and created a new position, the special assistant for athletics. The chancellor has charged the special assistant with two primary responsibilities. First,

he assumes direct authority for compliance matters and academic affairs; the associate athletic director responsible for these areas will report to the special assistant rather than to the director of athletics. Second, as the chancellor's delegate within the athletics department, the special assistant will work along side the athletics director in the day-to-day management of the athletics department's internal affairs.

3. Changes have been made within the compliance office in order to enhance the staff's ability to discharge its functions thoroughly. Last summer, the department replaced the former grants-in-aid coordinator within the compliance office, expanding the duties associated with the post. Further, the compliance office has added a new position in compliance monitoring which was filled in July 2001. This additional position has allowed the assistant director of compliance to focus her efforts on the educational component of the compliance mission.
4. The university's athletics board -- a faculty-dominated body that also includes representatives of students, student-athletes, alumni and other academic staff -- has gained new leadership and identified areas in compliance requiring increased attention, as well as recommendations for ways in which to hold coaches and department personnel accountable for their compliance obligations. The board will continue to pursue a series of initiatives they had begun in early 2001 in cooperation with the athletics department's management team.
5. The chancellor sent to all coaches and departmental administrators a circular memorandum reminding them of their shared responsibility for compliance. The memorandum also highlights the chancellor's and institution's expectation that all employees will devote greater attention to compliance issues -- including reporting suspected violations -- particularly in light of the university's infractions history and probation. This memorandum states clearly the chancellor's emphasis on the necessity of a vigilant, effective and comprehensive compliance program.
6. Discussions involving the athletics department's compliance director, the associate athletics director responsible for compliance and the chancellor's special assistant have resulted in a set of procedures designed to serve as an "early warning system," and provide the ability to confirm "due diligence" should an issue arise.

7. The university has agreed to join a Chicago-based company in the development, testing and use of an online, interactive compliance education program.
8. Student-athlete educational programs are planned, especially related to extra benefit and other legislation where violations have surfaced in this case, as well as instilling in the student-athletes the need to ask questions and seek interpretations from the compliance office about concerns that they might have. Additional education has occurred or is planned for coaches and others concerning prospects who have signed National Letters of Intent with the university regarding activities in the summer prior to enrollment.
9. An educational session with the entire strength and conditioning staff, the head athletic trainer and a representative of the football coaching staff has already taken place. The information included a review of the NCAA's restrictions on activities involving prospects in the summer prior to enrollment. Permissible and impermissible activities with respect to prospects' participation in conditioning activities were also covered.
10. Compliance staff worked with members of the football coaching staff with respect to the student-athlete/prospect distinction regarding housing and employment in the summer prior to enrollment.
11. A meeting is planned with management of private residence halls, including staff from football and men's and women's basketball, to review the student-athlete/prospect distinction and how it relates to permissible activities associated with housing and employment in the summer prior to enrollment and any involvement of coaching staff. These private residence halls have agreed to provide information to the institution about their employment of student-athletes and prospects so that their employment program can be monitored. Additional educational meetings are planned with the residence halls management and management of any other facility that houses student-athletes or prospects whether in the summer prior to enrollment or on official visits.
12. Plans are in place to develop and distribute compliance information to the employers of student-athletes.
13. The creation and maintenance of a compliance website for educational and other information will be made a priority.

14. The compliance office is developing ways to identify and monitor representatives of the university's athletics interests. This should become easier with the creation and operation of the Badger Fund, which merges the various fund and friend raising efforts of the athletics department and places them all under a single umbrella. Although individuals who attend special events and are associated with the National W Club, the university's letter winner organization, should be on the Badger Fund list, these lists will also be secured and compared along with an alumni association list. Other activities are likely to include comparing donor lists with local business owners and preparing educational materials directed to them about applicable legislation, including the legislation on extra benefits.
15. Coaches and staff will also be reminded that they need to provide information to the institution about area businesses that provide discounts or special arrangements to them. This should already be occurring under NCAA Bylaw 11.2.2 and to avoid problems with the ethics provisions applicable to university employees regarding the receipt of anything of value because of their position. This information will be used by compliance staff to make inquiries to ensure that these same benefits are not being provided to student-athletes.
16. Additional education is also planned with an expansion of the mailing of the new booster guide, additional articles for booster clubs, including the "W" Club and alumni newsletters and expanded educational sessions.
17. The compliance office has developed a monitoring program for prospects who have signed National Letters of Intent and plan to be in Madison during the summer prior to enrollment.
18. The university has disassociated the athletics representative as of April 20, 2001, for a period of five (5) years.
19. The university has self-imposed a three (3) year period of probation, which began on Friday, April 20, 2001, and to include annual reports to the NCAA on May 1, 2002, 2003 and 2004, reviewing progress made with respect to the long term corrective actions.
20. The athletics director received a formal letter of reprimand and notice that he will not receive any increase in compensation for the next year.

21. The director of compliance received a formal letter of reprimand.
22. Fourteen head coaches in sports where current student-athletes were involved in violations reported herein, received letters of admonishment, for failure to act more affirmatively to promote and create an aggressive compliance program, particularly to have a heightened sensitivity to possible problems in light of the institution's infractions history and probation. They were also reminded of the shared responsibility for compliance and of the institution's expectation that they pay closer attention to possible compliance issues, again, given that compliance history and probation. [Note: The head men's basketball coach, who was hired effective April 1, 2001, did not receive this letter, but received the general memorandum.]
23. The university will pay an institutional fine in the amount of \$150,000, which sum is approximately the amount of net revenue received by the university from the Big Ten Conference as its share for post-season NCAA tournament appearances in 1999 and 2000 by the men's basketball team.
24. The university will reduce by two the number of scholarships available under NCAA legislation in football for 2001-02 thus limiting the total to 83; by one for 2002-03 and by one for 2003-04 (the institution has provided an average of 84.6 scholarships per year over the last five years).
25. The university will reduce by one the number of scholarships available under NCAA legislation in men's basketball for 2002-03 thus limiting the total to 12 (the university has provided an average of 12.3 scholarships per year over the last five years).
26. The university will reduce by one for one-year beginning July 1, 2001, the number of coaches who may recruit off-campus in the sports of men's and women's basketball, football and wrestling -- those sports where at least 50 percent of the current student-athletes were involved in the violations, and direct those coaches remaining on campus to use that time to focus on academic and compliance matters.
27. The university will require institutional recertification, or provide additional supplemental information to the NCAA as part of the pending

second cycle certification process, to confirm that the current athletic policies and practices conform to NCAA regulations.

B. ADDITIONAL PENALTIES IMPOSED BY THE COMMITTEE ON INFRACTIONS.

The committee chose not to impose all of the presumptive penalties permitted under Bylaw 19.6.2.1 or the enhanced penalties available for repeat violators provided under Bylaw 19.6.2.3.2. The committee made this decision because of the actions taken by the university to institute appropriate corrective measures and to self-impose meaningful penalties upon its athletics programs. In addition, although the committee discussed the possibility of requiring the institution to vacate records due to ineligible participation, as prescribed under Bylaw 31.2.2.4, the committee decided that such action was not appropriate in this case. The primary reason for this decision was the fact that the benefits gained by the student-athletes were easily addressed through repayment for the cost of the benefits, an action the university immediately took with regard to student-athletes with remaining eligibility. Moreover, recent cases in which the committee has required vacation of records involved academic improprieties that had far-reaching and unrestorable consequences in terms of initial and continuing eligibility. Such was not the circumstances in this case.

Although the Committee on Infractions agreed with and approved of the actions taken by the university, it imposed additional penalties because of the serious nature of the violations in the case, the fact that this is the institution's third major infractions case in the past eight years and that the case involved a serious lack of monitoring. The additional penalties imposed by the committee are as follows:

1. The institution shall receive public reprimand and censure.
2. The institution shall be placed on five years of probation beginning October 2, 2001.
3. In addition to the self-imposed reduction by two in the total number of football grants in aid available under Bylaw 15.5.5.1 for 2001-02 (from 85 to 83), by one for 2002-03 (from 85 to 84) and by one for 2003-04 (from 85 to 84), the institution shall also reduce the number of initial athletically related financial aid awards available in football by five during both the 2002-03 and 2003-04 academic years. This limits the institution to 20 initial grants in aid during each of those two academic years under current

legislation. [Note: the institution has averaged 21 initial football grants during the past four years.]

4. In addition to the self-imposed reduction by one in the total number of men's basketball grants in aid available under Bylaw 15.5.4.1 for the 2002-03 academic year (from 13 to 12), the university shall apply the same reduction in men's basketball grants during the 2003-04 academic year, thus limiting the institution to 12 grants in that year as well. [Note: the university has averaged 12.3 grants in men's basketball per year over the last five years.]
5. Due to the violations of NCAA legislation set forth in Finding II-B-1, the university shall issue a letter of reprimand to be included in the permanent record of the head football coach. This is in addition to the "letter of admonishment" described in self-imposed corrective/disciplinary action No. 22 above.
6. As a point of clarification, the institution's self-imposed fine of \$150,000 shall be paid to the NCAA.
7. The institution shall show-cause why it should not be penalized further if it fails to disassociate the representative of the institution's athletics interests from the institution's athletics programs for a period of at least seven years beginning with the date this report is released. [Note: The university proposed a five-year period of disassociation.]

The period of disassociation shall include:

- a. Refraining from accepting any assistance from the individual(s) that would aid in the recruitment of prospective student-athletes or the support of enrolled student-athletes;
- b. Refusing financial assistance or contributions to the institution's athletics program from the individual;
- c. Ensuring that no athletics benefit or privilege is provided to the individual(s), either directly or indirectly, that is not available to the public at large; and

- d. Implementing other actions that the institution determines to be within its authority to eliminate the involvement of the individual(s) in the institution's athletics program.
8. During this period of probation, the institution:
- a. Continue to 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. Should submit a preliminary report to the director of the NCAA infractions committees by November 15, 2001, setting forth a schedule for establishing this compliance and educational program; and
 - c. Shall file annual compliance reports indicating the progress made with this program by August 1 of each year during the probationary period to the committee's director. Particular emphasis should be placed on the education of athletics representatives regarding NCAA legislation and the prevention of NCAA violations associated with prospective student-athletes who reside in the institution's city prior to full-time enrollment. The reports must also include documentation of the university's compliance with the penalties (adopted and) imposed by the committee.
9. At the conclusion of the probationary period, the institution's chancellor shall provide a letter to the committee affirming that 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, the University of Wisconsin, Madison, 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, October 2, 2001.

Should the University of Wisconsin, Madison, 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. This response may include additional information in accordance with Bylaw 32.10.5. A copy of the report would be provided to the institution prior to the institution's appearance before the appeals committee.

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

Should any portion of 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 legislative bodies directly or indirectly modify any provision of these penalties or the effect of the penalties, the committee reserves the right to review and reconsider the penalties.

NCAA COMMITTEE ON INFRACTIONS

Richard J. Dunn
Jack H. Friedenthal, chair
Gene A. Marsh
Andrea Myers
James Park Jr.
Josephine R. Potuto
Thomas E. Yeager

APPENDIX

CASE CHRONOLOGY

2000

- July 5 – A reporter for the *Wisconsin State Journal* (WSJ) contacted the institution with information that the newspaper collected during an investigation it had been conducting because of the strong possibility that violations of NCAA legislation occurred.
- July 6 – Three WSJ reporters met with the vice chancellor for legal and executive affairs/chair of the athletic board and special assistant to the chancellor for athletics and the associate director of athletics. Information was shared, including some invoices and account records from a local shoe store as well as information from interviews with current and former employees and the establishment's owner. The institution acknowledged its own concern that NCAA violations had occurred.
- July 6 – The institution notified the NCAA national office and the Big Ten Conference office about the general nature of the information, that a newspaper article regarding the issues would likely be appearing on Sunday July 9, and the institution would immediately launch its own investigation.
- July 9 – The initial newspaper article detailing the newspaper's investigation and its results appeared.
- July 12-19 – Director of compliance interviewed 14 current student-athletes regarding their transactions with the local shoe store.
- July 18 – The vice chancellor for legal and executive affairs and members of the institution's legal staff interviewed the owner of the local shoe store and the accountant of the local shoe store at the shoe store.
- August 3 – The vice chancellor for legal and executive affairs, a member of the institution's legal staff and the director of compliance re-interviewed the shoe store owner and the accountant at the shoe store.
- August 9 – The institution retained a consultant to assist in the investigation and evaluation of the case.

- August 22 – The vice chancellor for legal and executive affairs, the director of compliance and the consultant attended a meeting with NCAA staff members at the NCAA national office to discuss the nature of the case and its eligibility ramifications for the involved student-athletes.
- August 28 – The institution declared 80 fall sports student-athletes ineligible and requested restoration from the NCAA student-athlete reinstatement staff.
- September 29 – The restoration request for 40 winter and spring student-athletes were submitted to the reinstatement staff.

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- April 19 – The institution submitted the results of its investigation acknowledging violations of NCAA legislation.
- June 14 – The vice chancellor for legal and executive affairs and the consultant met with the enforcement staff at the NCAA national office to discuss the institution's report and the timetable for completion of the case.
- June 14 – The enforcement staff sent a letter of preliminary inquiry to the institution.
- June 20 – The enforcement staff interviewed the owner of the local shoe store at the establishment.
- July 2 – The enforcement staff sent a letter of official inquiry to the institution.
- July 23 – The enforcement staff received the institution's response to the letter of official inquiry.
- July 27 – The enforcement staff and the institution conducted a prehearing conference by telephone.
- August 10 – The university appeared before the Division I Committee on Infractions.
- October 2 – Infractions Report No. 188 is released.