



## ***News Release***

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### **CALIFORNIA STATE UNIVERSITY, FRESNO** **PUBLIC INFRACTIONS REPORT**

#### **I. INTRODUCTION.**

On December 13, 2002, and again on June 14, 2003, officials from California State University, Fresno, and the former head men's basketball coach (henceforth, the "former head coach") along with his legal counsel who was also a former assistant men's basketball coach (henceforth, the "former assistant coach") appeared before the NCAA Division I Committee on Infractions to address allegations of violations in the institution's athletics programs. The majority of the violations in this case centered on the men's basketball program, but there were also limited violations in both the men's soccer and women's basketball programs, as well as secondary violations involving the men's and women's basketball programs. The case involved violations of NCAA bylaws governing academic fraud, recruiting, eligibility, financial aid (including awards and benefits), extra benefits, amateurism, coaching limitations, playing and practice season restrictions and institutional control.

In December 1999, the university was contacted by an attorney for a former secretary, in the university's men's basketball office, who had filed a claim against the university asserting that she had been subjected to a hostile and stressful work environment in the men's basketball office. According to the attorney, the former secretary also had information about NCAA rules violations.

The university's president engaged a law firm to meet with the former secretary and investigate her allegations. The former secretary was interviewed on February 2, 2000, and alleged that a variety of NCAA rules violations occurred in the men's basketball program during the tenure of the former head coach. In addition to charges of recruiting and extra benefit rules violations, the former secretary alleged serious academic fraud violations in the men's basketball program. After an extensive investigation, insufficient evidence was discovered to corroborate the allegations. The university shared the results of its investigation with the NCAA enforcement staff which, after review, concurred with the university's findings.

On March 22, 2000, *The Fresno Bee* newspaper published a story alleging that Fresno State men's basketball student-athletes had received free meals at a local restaurant near the campus. The university notified the enforcement staff of this development, and an NCAA enforcement representative was assigned to conduct a joint investigation with the university's outside counsel. Every men's basketball student-athlete was interviewed for the purposes of determining whether any had received free meals at the restaurant. At the conclusion of this phase of the investigation, the university submitted eligibility reinstatement requests for four men's basketball student-athletes who had acknowledged receiving one or more free meals.

During October 2000, NCAA Agent, Gambling and Amateurism (AGA) representatives began to receive information concerning possible amateurism rules violations involving men's basketball student-athletes, including some who played at Fresno State. The NCAA's source was a known associate of agents (henceforth the "agent's representative"), who had been involved in at least two previous NCAA amateurism rules violation cases with student-athletes at other institutions. In November 2000, the NCAA's AGA staff contacted the university with information concerning a men's basketball student-athlete's possible involvement with the agent's representative and a Las Vegas-based agent in a violation of NCAA amateurism legislation. The university's outside counsel joined the NCAA AGA staff in an investigation of this matter. As a result of this investigation, the university declared that the student-athlete had unknowingly caused himself to be ineligible. His eligibility was reinstated by the NCAA after serving an eight-game suspension and making restitution of the value of improper benefits received. Following five interviews of the agent's representative by NCAA enforcement representatives and university officials over the next four months, the university and the NCAA enforcement staff initiated a renewed investigation into additional amateurism allegations involving the men's basketball program.

During the summer of 2002, the university and the NCAA enforcement staff believed that the investigation was complete, and the institution appeared before the committee during a December 2002 meeting. However, following the hearing, the committee posed additional questions to the enforcement staff concerning possible NCAA violations at the institution. Pending a complete response to its questions, the committee suspended further deliberations in the case. On February 9, 2003, *The Fresno Bee* published a story alleging that, from December 1999 to August 2000, a former men's basketball academic advisor and a former men's basketball statistician conspired to assist three former men's basketball student-athletes in the preparation of academic course work, contrary to university and NCAA rules. Following a joint investigation, a second hearing involving the academic fraud allegations and other related issues was conducted on June 14, 2003. By letter from its president dated August 1, 2003, the institution provided additional

information in response to further questions raised by the committee at the second hearing.

The enforcement staff and the institution were in substantial agreement as to the facts underlying most of the allegations and that those facts constituted violations of NCAA legislation. In many cases, a discussion of the surrounding facts and circumstances would be unnecessary when there is agreement between the staff and the institution. However, in this case, the committee has concluded that the scope and seriousness of the violations in this case cannot be appreciated without a discussion of the underlying facts and circumstances. Furthermore, the former head coach, the former assistant coach and a former men's basketball academic advisor (henceforth, the "former academic advisor") disputed some of the facts agreed upon by the enforcement staff and the institution.

A member of the Western Athletic Conference, the university has an enrollment of approximately 18,900 students and sponsors nine men's and 10 women's intercollegiate sports. This was the university's second major infractions case, having previously appeared before the committee in 1983 for a case involving the football and men's basketball programs.

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

### **A. IMPROPER CERTIFICATION OF ELIGIBILITY. [NCAA Bylaws 14.01.1, 14.01.2, 14.4.1, 14.4.3.2, 14.4.3.4.5 and 15.01.5]**

During the 1998-99 academic year, a men's basketball student-athlete (henceforth, "student-athlete A"), was (1) awarded athletically related financial aid even though he was not enrolled in a full-time program of studies and (2) certified as eligible for competition by the institution even though he had not maintained satisfactory progress toward a baccalaureate degree. Specifically, in the fall of 1998, student-athlete A enrolled as a part-time student at the institution (11 units) while completing the requirements for an associate degree at a junior college (henceforth "junior college A") through a correspondence course offered by another institution. The athletics department paid for student-athlete A's tuition, fees and books at the institution from the time he enrolled. On November 9, 1998, junior college A notified the institution that student-athlete A had completed all of the requirements for graduation during the 1998 fall term and that he would receive his diploma in late February 1999. Student-athlete A immediately enrolled in a one-unit extension course in order to become a full-time student. On November 11, the institution certified student-athlete A, a 4-2-4

transfer entering his fourth year of collegiate enrollment, as eligible for competition even though he had not completed successfully at least 50 percent of the course requirements in his baccalaureate degree program. The institution subsequently awarded student-athlete A retroactive financial aid to cover his room and board stipend for the entire 1998 fall semester even though student-athlete A was not enrolled in a full-time program of studies until November 9.

With regard to the satisfactory-progress standards, student-athlete A needed 62 units of countable course work to meet the 50 percent standard. The institution calculated that he had 63 units, when in fact he had completed only 61 units. Further, the institution utilized 11 correspondence course credits taken by student-athlete A at institutions other than the one in which he was enrolled as a full-time student (Fresno State) to meet the satisfactory-progress requirement. Therefore, student-athlete A completed only 50 units of countable coursework, excluding the correspondence courses, which fulfilled only 40 percent of his degree requirements. Based on the erroneous certification and provision of financial aid, student-athlete A competed while ineligible in 29 contests during the 1998-99 season and received \$2,009 of impermissible aid during the fall semester.

Finally, the institution's erroneous application of financial aid legislation demonstrated an instance of a lack of institutional control as discussed in Finding II-J.

### **Committee Rationale**

The enforcement staff and the institution were in substantial agreement as to the facts of this violation and that those facts constitute violations of NCAA legislation. Following a review of the evidence, the committee concurred.

At the close of the 1998 spring semester, the former academic advisor determined that student-athlete A was 14 units short of meeting the requirements for his associate degree at junior college A, the school he attended during the 1997-98 academic year. To make up this deficiency, the former academic advisor advised student-athlete A to take 14 units through correspondence, which were to be transferred back to junior college A, and additional units on campus at the institution.

On November 9, 1998, the director of admissions for junior college A wrote to the former academic advisor:

An application for graduation was submitted on Thursday, Nov. 5<sup>th</sup> for student-athlete A. He has completed all of the requirements for graduation from junior college A with an Associate in Arts degree in Liberal Arts and Sciences during the Fall Term 98 and is entitled to all rights and privileges pertaining thereto.

The degree will be posted on his transcript at the conclusion of the Fall Term. Student-athlete A will receive his diploma in late February 1999.

Based on this letter, the institution assumed that student-athlete A had “graduated” from junior college A with an associate degree. On November 9, 1998, student-athlete A enrolled in an additional one-unit course in order to become a full-time student and he was certified as eligible for practice and competition two days later.

The former academic advisor’s position at the institution was unique. Initially, the former academic advisor shared an office with the former assistant coach who was responsible for academics, and she did not move out of the basketball office until after her suspension arising out of the matter described in Secondary Violation No. 6 (Appendix One). A part of the former academic advisor’s compensation was paid by the men’s basketball improvement fund as shown by the following chart:

Former academic advisor’s employment chart

Year of Employment	Employment Responsibilities	% of Earnings Paid by Tutoring Account	% of Earnings Paid by Men’s Basketball Improvement Fund
1996	part-time tutor		
1997	tutor/former academic advisor	35.3%	64.7%
1998	tutor/former academic advisor	39.1%	60.9%
1999	tutor/former academic advisor	5.9%	94.1%
2000	tutor/former academic advisor	28.8%	71.2%
2001	tutor/former academic advisor	39.4%	60.6%

No other academic advisor received any portion of his or her salary through a particular sport. The former academic advisor reported to the former assistant director of athletics for academic services and to the former head coach. The former head coach played an

active role in the award of additional compensation to the former academic advisor out of the basketball improvement fund.

Regarding the use of correspondence courses, the former academic advisor stated that the prospect's basketball coach would provide her with course descriptions at other institutions to find out whether the courses would transfer to Fresno State. The former academic advisor would take those course descriptions to university evaluators who would let her know whether the credit for a particular correspondence course was acceptable at the institution. She in turn would inform the prospect's coach. Sometimes transfer student-athletes would come to campus before completing all required correspondence courses. When asked whether she ever helped transfer students enroll in correspondence courses, the former academic advisor replied:

It depends . . . when they got to our campus, . . . did they still need to take the class, were they enrolled in it, did I need to check that their assignments were in once they, you know, once they were on our campus my role changed so they then became our student.

When asked about the motivation for utilizing correspondence courses, the former academic advisor responded:

Correspondence courses usually don't have a start or a finish date. You know, you can, I want to say pay as you go, but you know, . . . you can get them done [as] quick as you want or as slow as you want. So that would usually be the motivation, knowing that they'd have to get it done in a summer. English is a very hard class to find offered in a summer class for example.

Until he enrolled as a full-time student on November 9, 1998, student-athlete A retained his status as a prospect even though he resided in Fresno during the summer of 1998 and took four units of work at the institution during a summer session.

During the spring and summer of 1998, student-athlete A took six correspondence courses at three separate institutions. During the fall semester, student-athlete A took a seventh correspondence course at a fourth institution. In addition to his course of study at junior college A in the spring of 1998, student-athlete A also received credit for two courses (six units) taken during that semester at yet another institution. Under these circumstances, the potential for abuse and fraud should have been self-evident. Considering these unusual circumstances, the institution should have used the greatest care in certifying that student-athlete A was eligible for financial aid, practice and competition.

The following persons were involved in the certification process for student-athlete A: the former academic advisor, a compliance officer (henceforth, "the former compliance officer"), an athletic admissions specialist in the admissions office, an academic evaluator in admissions, and the faculty athletics representative. None was aware of the prohibition against the use of correspondence courses for the purpose of determining progress towards graduation of a junior college transfer student.

**B. UNETHICAL CONDUCT – ACADEMIC FRAUD, IMPERMISSIBLE EXTRA BENEFITS. [NCAA Bylaws 10.1-(b), 10.1-(c), 13.2.1, 13.2.2, 16.02.3, 16.3.2 (1999-00 NCAA Manual), 16.3.3-(a) (1999-00 NCAA Manual) and 16.12.2.1]**

During the spring and summer of 2000, the former academic advisor and a former men's basketball statistician (henceforth, the "former statistician") violated the NCAA principles of ethical conduct when the former academic advisor arranged for the former statistician to prepare 17 pieces of course work for two student-athletes (henceforth, "student-athletes B and C"), who were completing their last semesters of eligibility, and a men's basketball prospective student-athlete (henceforth, "student-athlete D"). The course work performed by the former statistician included researching, composing and typing theme papers, article reviews and final examination papers for correspondence courses in which the young men were enrolled at two institutions. The former academic advisor notified the former statistician when the young men needed papers written, shared copies of some of the course syllabi with the former statistician and paid the former statistician for seven papers completed for student-athletes C and D. Student-athlete B paid the former statistician for 10 papers done for him.

As a result of the receipt of the extra benefits received, student-athletes B and C competed while ineligible during the 2000 spring semester including the 2000 NCAA Division I Men's Basketball Tournament (see Penalties III-E and F). As result of academic fraud, student-athlete D competed while ineligible during the 2000-01 academic year. Student-athlete C was also ineligible during the 1999-00 season because of amateurism violations set forth in Finding II-K.

The following charts show the number of papers that the former statistician prepared that were submitted by the young men in their courses. Specifically:

Student-athlete B

<b>Approximate Time the Work was Completed</b>	<b>Course</b>	<b>Number of Papers</b>
January - February 2000	Social Stratification (Sociology 356)	6
February 2000	Marriage and Family Relationships (Sociology 231)	4

Student-athlete C

<b>Approximate Time the Work was Completed</b>	<b>Course</b>	<b>Number of Papers</b>
February 2000	Social Stratification (Sociology 356)	6

Student-athlete D

<b>Approximate Time the Work was Completed</b>	<b>Course</b>	<b>Number of Papers</b>
August 2000	The United States through 1877 (History 120)	1

Further, during the 2000 spring semester while student-athlete D, a non-qualifier, was seeking to satisfy the requirements for an associate degree at a community college, the former academic advisor provided a benefit to student-athlete D when she called another institution on his behalf to inquire about correspondence courses. Specifically, an instructor at the institution who taught a correspondence course in geology received a telephone call from a woman who identified herself as a manager for the California State University, Fresno men's basketball team. The woman informed the instructor that she was looking into his geology courses for a junior college transfer. According to the instructor, the woman asked questions about the courses, including how quickly the junior college student could complete the requirements. Student-athlete D enrolled in the instructor's geology courses shortly thereafter on April 26, 2000.

Finally, during the 2002 spring semester, the former statistician informed the former assistant coach that he (the former statistician) had written papers for two men's basketball student-athletes and one prospective student-athlete. Despite



being informed of a possible major violation of NCAA legislation, the former assistant coach neglected to report this information to appropriate institutional officials. The institution's responsibility for this failure is included in Finding II-J as a lack of institutional control.

### **Committee Rationale**

The enforcement staff and the former statistician were in substantial agreement as to the facts set forth in this finding and that those facts constitute violations of NCAA legislation. The institution agreed that the former academic advisor and the former statistician were involved in fraudulent academic course work for the student-athletes. The institution also agreed that the academic fraud was with the knowledge and involvement of the former academic advisor. The former assistant coach mentioned in the last paragraph of the finding responded to this allegation, although he was not considered to be at risk. The former academic advisor denied the allegations made against her. The committee concluded that the facts established violations of NCAA ethical conduct (academic fraud) and extra benefit legislation.

The allegations of academic fraud were raised in an interview of the agent's representative in May 2001. The agent's representative claimed that he obtained money from a sports agent which he paid to the former academic advisor to be used by her to pay for papers needed for graduation of student-athlete C and another student-athlete (henceforth, "student-athlete E"). According to the agent's representative, he did not know the identity of the person who wrote the papers. Because of questions regarding the agent's representative's credibility and because the former academic advisor and student-athletes C and E denied any involvement with the agent's representative concerning academic work, no allegation of academic fraud appeared in the initial letter of official inquiry. However, on February 9, 2003, a newspaper article in *The Fresno Bee* alleged that the former statistician and the former academic advisor had conspired to assist student-athletes B, C and D in committing academic fraud.

In reaching its findings in this matter, the committee has been required to resolve issues raised respecting the former statistician's credibility and to resolve the conflict between the statements of the former statistician and the former academic advisor. As in almost every case coming before the committee, inconsistencies and conflicts regarding certain details do exist. However, the committee has based its findings in this matter on information it has determined to be credible, persuasive, and of a kind on which reasonably prudent persons rely in the conduct of serious affairs.

The former statistician produced a computer disk which contained copies of the papers he prepared for the three student-athletes as well as research that he performed as a basis for a number of the papers. In addition, there was a paper and research the former statistician prepared for student-athlete E. These papers and research conformed to the requirements designated in the course syllabi. Although he admitted that the former statistician offered a paper to him, student-athlete E rejected the paper and did not use it. The integrity of the computer disk is not compromised by the fact that an earlier disk provided to the newspaper did not contain a paper for student-athlete D, the last paper prepared. The former statistician was able to identify individuals who confirmed that they had witnessed the former statistician preparing course work for student-athletes. The former statistician was also able to identify deposits to his account which he said represented payment for some of the papers. The amount of the payments and the research in the former statistician's possession contradicted the assertion that the former statistician merely typed the papers for friends rather than actually preparing the course work himself.

According to the former statistician, one of the payments from the former academic advisor was actually handed to him in a white envelope at a game by another former assistant men's basketball coach (henceforth "the second former assistant coach"). According to the second former assistant coach, the former academic advisor gave him a plain, white, letter-size envelope to give to the former statistician, and he delivered the envelope to the former statistician at a game as claimed. According to the second former assistant coach, he did not know the contents of the envelope. The former academic advisor recalled returning a videotape in an envelope to the statistician, but she claimed not to recall giving anything to the second former assistant coach to give to the statistician.

According to the former statistician, the former academic advisor gave him a check in payment of the paper he prepared for student-athlete D. The former statistician cashed the check at his bank, depositing \$100 to his account on August 7, 2000, keeping the balance (\$60, he recalled). The former academic advisor initially denied giving the former statistician money for any reason at all. When pressed concerning the existence of a check, she then stated that the former statistician obtained tickets to a concert for her:

I told him, he's like you know, you don't have to pay me now, pay me whenever you want. I'm like, no (the former statistician), you tell me when you need money and I'll pay you. But that was for the tickets for, two tickets to the concert.

In her response, the former academic advisor attached a statement from a former roommate who said that the former statistician had obtained tickets to the concert for her

and the former academic advisor and that she had paid the former academic advisor for her half of the tickets. A copy of a check dated August 7, 2000, payable to the former statistician in the amount of \$180 drawn on the former academic advisor's account was attached to her response.

Based on the computer disk, the paper submitted on behalf of student-athlete D was prepared August 6, 2000. The concert was almost two months earlier on June 10. Tickets to the concert were sold on the basis of tables for ten persons at a cost of \$400 to \$500 per table. At the hearing, the former assistant coach suggested that the check represented four concert tickets at \$45 each. However, this explanation is inconsistent with the former academic advisor's earlier claim that the payment was for two tickets. Furthermore, this explanation is inconsistent with all of the evidence that the former statistician lived hand-to-mouth and would hardly wait approximately two months to be repaid for tickets. The committee also considered the fact that the former academic advisor did not cooperate with the NCAA and university investigators after an initial interview following the publication of the newspaper article in February 2003. Her explanations for further refusing any cooperation were unconvincing, particularly in light of the fact that the former academic advisor talked with the former assistant coach throughout his preparation for the second hearing. In addition, her belated response did not address many of the facts in allegations of violations involving her.

Finally, the former assistant coach admitted that there was a meeting in which the former statistician claimed he wrote papers for student-athletes. According to the former assistant coach, he did not think it necessary to report the conversation because claims of academic fraud were already being investigated by the NCAA and the university. However, in the spring of 2002, the investigation was focused on the agent's representative. The identity of the person who may have prepared the course work for the student-athletes was not known to the investigators until February 2003.

**C. VIOLATIONS OF FINANCIAL AID LEGISLATION. [NCAA Bylaws 15.01.5, 15.3.1.3 and 15.3.2.3]**

During the 2000 fall semester, student-athlete D was awarded athletically related financial aid even though he was not enrolled in a full-time program of studies and had not received a written statement of the amount, duration, conditions and terms of his financial aid award. Specifically:

1. On September 11, student-athlete D, a non-qualifier, enrolled as a part-time student (nine units) at the institution pending satisfaction of the requirements for his associate degree at a community college (henceforth,

“junior college B”). The athletics department paid for student-athlete D's tuition, fees and books at the institution from the time he enrolled. On September 14, the institution was notified that student-athlete D had completed the requirements for graduation from junior college B with an associate degree during the fall 2000 term. The next day, student-athlete D enrolled in a three-unit course in order to become a full-time student.

Further, on or about September 20, the institution provided student-athlete D with a \$616 room-and-board stipend that was retroactive to September one even though student-athlete D did not enroll in a full-time program of studies until September 15.

2. The institution paid for student-athlete D's tuition, fees and books from the time of his part-time enrollment on September 11, even though student-athlete D did not receive a written statement of the amount, duration, conditions and terms of his financial aid award until September 22.

Finally, the institution's erroneous application of financial aid legislation demonstrated an instance of a lack of institutional control as discussed in Finding II-J.

### **Committee Rationale**

The enforcement staff and institution were in substantial agreement as to the facts of this finding and that those facts constitute secondary violations of NCAA legislation. The committee, however, found the facts of paragraph 1 to be a major violation.

On August 28, 2002, student-athlete D's tuition and fees for the fall term were posted to his account. At the time, student-athlete D was still attempting to satisfy the requirements for graduation from junior college B and the institution's requirements for an upper class transfer student. After receipt by the institution of transcripts from the various institutions previously attended, student-athlete D enrolled as a part-time (nine units) student at the institution on September 11, 2000.

The former academic advisor communicated with the vice-president for student affairs at junior college B regarding student-athlete D's progress in completing the requirements for an associate degree. On September 14, 2000, the vice-president at junior college B wrote to the former academic advisor:

An application for graduation was submitted on Thursday, September 14, 2000, for (student-athlete D). He has completed all of the requirements for graduation from (junior college B) with an Associate of Arts degree during the Fall 2000 term and is entitled to all rights and privileges pertaining thereto.

The degree will be posted on his transcript at the conclusion of the Fall 2000 term.

The language of this letter is almost verbatim the language used in the letter dated November 9, 1998, from junior college A described in Finding II-A above. The committee is persuaded that the former academic advisor provided the language to be included in the letter dated September 14 from junior college B.

After the institution received the letter from junior college B dated September 14 indicating that student-athlete D had completed the requirements for graduation with an associate degree, the institution did a transcript audit of all transfer credits for student-athlete D. It determined that he was eligible to be admitted as an upper class transfer student and eligible to receive financial aid. On September 15, student-athlete D enrolled in an additional three-unit course and became a full-time student at the institution.

Notwithstanding the September 14 letter, student-athlete D was never awarded an associate degree from junior college B. According to a letter from counsel for junior college B dated July 28, 2003, the letter dated September 14, 2000, was based upon a review of unofficial transcripts. In order to achieve his associate degree, student-athlete D was told that he must supply official transcripts as well as a general petition requesting academic renewal submitted to the schools where student-athlete D had received substandard grades. Student-athlete D never fulfilled these requirements for graduation according to junior college B.

In order to obtain his associate degree from junior college B, student-athlete D took four correspondence courses at two other institutions during the spring and summer of 2000. During the summer of 2000, student-athlete D moved to Fresno so that he could take a course at the institution (three units) during the summer session needed for the associate degree. As set forth in Finding II-B, during the summer of 2000, while student-athlete D was seeking to complete the requirements for an associate degree at junior college B, academic fraud was committed which rendered student-athlete D academically ineligible during the fall semester of the 2000-01 academic year without regard to his failure to obtain the associate degree.

According to the institution's 2000-01 men's basketball media guide, student-athlete D was the Gatorade Player of the Year from his home state. Student-athlete D played in 21 games during the 2000-01 basketball season. However, he was suspended from the team after the game on February 15, 2001, and he was not reinstated after it was confirmed that he had a felony conviction. Student-athlete D did not participate in the last nine games played by the basketball team that season.

**D. IMPERMISSIBLE COMPETITION AND RECEIPT OF FINANCIAL AID WHILE INELIGIBLE. [NCAA Bylaws 14.3.2.2.1, 14.5.5.1, 14.11.1, 15.01.5, 15.3.1.1, 16.8.1.2 and 16.12.2.1]**

During the 1998-99 academic year, a men's basketball student-athlete (henceforth, "student-athlete F") practiced and was awarded athletically related financial aid during his first year on campus even though he was an NCAA nonqualifier. When the violation became apparent in June 1999, the institution failed to report it to the NCAA and did not declare the young man ineligible. Student-athlete F was permitted to practice and compete in eight contests while ineligible during the fall semester of the 1999-00 academic year prior to his transfer from the institution in December 1999. Although student-athlete F's financial aid was cancelled for the fall semester of 1999, he received an extra benefit when he was permitted to pay in-state rather than out-of-state tuition as reimbursement for the improper financial aid awarded the previous year. Specifically:

1. In September 1998, the NCAA Clearinghouse initially certified student-athlete F as eligible for practice, competition and financial aid based upon his core grade-point average and an SAT score. In September 1998, the NCAA enforcement staff notified the institution in writing that questions had been raised concerning student-athlete F's (SAT) score. In October 1998, Educational Testing Services (ETS) notified student-athlete F that it believed his SAT score was invalid. The institution decided to allow the young man to practice and receive athletics aid but not compete while he proceeded through arbitration with ETS. In June 1999, ETS determined that student-athlete F's SAT score was invalid and apprised the institution of the cancelled test score. However, the institution allowed student-athlete F to practice, travel and compete in six regular-season and two exhibition contests on behalf of the institution during the 1999 fall semester without declaring him ineligible. In addition, student-athlete F's enrollment for the 1998 fall semester occurred on the 13th class day after the official start of the academic term. Consequently, this semester could

not have been counted toward fulfillment of his one-year residence requirement as a nonqualifier.

2. In September 1999, the institution cancelled student-athlete F's financial aid for the 1999-00 academic year as a self-imposed corrective action for the improper athletics aid awarded the young man during the previous academic year. By paying tuition for the 1999-00 academic year, student-athlete F was deemed to have reimbursed the institution for the improper aid awarded. However, student-athlete F was allowed to pay tuition at the in-state rate of \$873 rather than the out-of-state rate of \$5,225, the amount he was improperly awarded during the 1998-99 academic year.

Finally, the institution's failure to report the violation to the NCAA and declare student-athlete F ineligible demonstrated an instance of a lack of institutional control as discussed in Finding II-J.

### **Committee Rationale**

The enforcement staff and the institution were in substantial agreement as to the facts of this violation and that those facts constitute violations of NCAA legislation. Following a review of the evidence, the committee concurred.

Classes for the 1998 fall semester at the institution began on August 24. However, student-athlete F did not officially enroll until September 9 because of delay in obtaining a Qualified Release Agreement, a part of the National Letter of Intent Program, from another institution where his admission had been denied. Student-athlete F was deemed to be a "qualifier" based upon an Initial-Eligibility Certification Report dated September 14, 1998, from the NCAA Initial-Eligibility Clearinghouse. However, on September 14, 1998, an NCAA enforcement representative notified the former compliance officer that questions had been raised concerning the standardized test taken by student-athlete F. After assisting the enforcement staff by obtaining an executed release of SAT records executed by student-athlete F, the former compliance officer sought guidance from the NCAA regarding what action the institution should take pending a final determination of the validity of the test score at issue. On November 3, 1998, the NCAA vice-president for enforcement services responded to the former compliance officer's questions by e-mail, stating:

If the institution decides to withhold the young man from competition, and the challenged test score ultimately is negated, the young man will be determined to be a partial qualifier or non-qualifier. If a non-qualifier, he

will have practiced and received financial aid while ineligible. There probably would not be any institutional penalty for the violation because the young man did not compete after the institution discovered the test score was being challenged. The institution would be required to remove the young man from practice and cancel his financial aid. It could then apply for reinstatement of his eligibility for the following year.

(Emphasis supplied.) Following receipt of this advice, the institution elected to withhold student-athlete F from competition. However, student-athlete F was not withheld from practice, and he continued to receive financial aid.

By a letter dated June 21, 1999, the NCAA Initial-Eligibility Clearinghouse notified the institution that ETS had cancelled student-athlete F's SAT score, thus making him a non-qualifier. Notwithstanding the explicit advice given to the former compliance officer on November 3, 1998, the institution did not declare student-athlete F ineligible. Student-athlete F was permitted to practice and to compete in the fall of 1999 prior to his transfer from the institution in December. Although the former compliance officer claimed that he had requested reinstatement of eligibility for student-athlete F, there was no supporting evidence or documentation either at the institution or the NCAA to support this claim. The former compliance officer's explanation was not credible, and he subsequently accepted responsibility for the violation. The committee notes that the institution's media guides for the 1998-99 and 1999-00 academic years described student-athlete F as having been tabbed as one of the top 20 players in the country during his senior year in high school.

**E. IMPERMISSIBLE EXTRA BENEFITS; PROVISION OF COMPLIMENTARY MEALS. [NCAA Bylaws 16.12.2.1 and 16.12.2.2.3]**

During the 1995-96 to 1999-00 academic years, a representative of the institution's athletics interests and owner of a local restaurant provided meals free of charge at his restaurant to numerous men's basketball student-athletes (henceforth, "student-athletes G, H, I and J) including student-athlete C. The meals were valued at less than \$10 each. The involved student-athletes and meals provided are depicted in the chart below:

Student-Athlete	Time Period	No. of Meals
Student-athlete G	Fall 1998 to spring 2000	5 to 10
Student-athlete H	Spring 1998	4 to 5
Student-athlete C	1995-96 through 1997-	3 meals per



	98 academic years	week
Student-athlete I	Fall of 1999	1 meal
Student-athlete J	March 20, 2000	1 meal

Further, in July or August 1995, the vice-president for administration who was the interim director of athletics (henceforth, the “administrator”), became aware of the provision of free meals, but he failed to recognize the necessity of reporting the violation. Subsequently, in a memorandum dated April 3, 1997, the administrator notified the director of athletics (henceforth the “former director of athletics”) of his discovery of the 1995 violations. Neither the administrator nor the former director of athletics reported the earlier violations while an investigation based upon “credible evidence” was conducted into new allegations of free meals. The institution’s responsibility for this failure is included in Finding II-J as a lack of institutional control.

#### **Committee Rationale**

The enforcement staff and the institution were in substantial agreement as to the facts of this violation and that those facts constitute violations of NCAA legislation. Following a review of the evidence, the committee concurred.

While the administrator was serving as interim director of athletics in 1995, the administrator discovered that the owner of the local restaurant was providing free meals to student-athletes. According to the administrator’s memorandum dated April 3, 1997, to the former director of athletics, the restaurant owner “acknowledged that he was giving free meals to our athletes,” and the administrator advised him that doing so “was a violation of NCAA rules.” However, at the time he served as interim director of athletics, the administrator was not familiar with the obligation to report NCAA violations. When reports of free meals resurfaced again in 1997, the former director of athletics investigated the matter, obtaining the written denials of free meals from the restaurant owner and to student-athletes. However, the former director of athletics did not report the 1995 violations which were confirmed by the administrator’s memorandum to him.

#### **F. IMPERMISSIBLE EXTRA BENEFITS; PROVISION OF COMPLIMENTARY TICKETS. [NCAA Bylaws 16.2.1.1 and 16.2.1.2]**

During the 2000-01 season, 34 complimentary tickets to 14 of the institution’s men’s basketball games were provided to family members of two men’s

basketball student-athletes (henceforth, "student-athletes K and L"), and to friends of yet another men's basketball student-athlete (henceforth, "student-athlete M"). On January 26, 2002, two complimentary tickets for the institution's men's basketball game against Louisiana Tech University were provided to the uncle and cousin of student-athlete K. All tickets were from the allotment of the former head coach but were not provided directly by him. Based on the provision of the tickets to the family and friends of the student-athletes, student-athletes K, L and M competed while ineligible during portions of the 2000-01 season, and student-athletes K and M competed while ineligible during the entire 2001-02 season. The following charts depict a summary of the complimentary tickets received by the student-athletes:

Student-athlete K

Recipient	Date of Contest	No. of Tickets
Father	11/7/00	2
Father	11/12/00	3
Brother	11/27/00	2
Father	11/30/00	1
Father	12/19/00	2
Cousin	12/20/00	2
Father	12/23/00	2
Father	12/28/00	3
Cousin	1/26/02	2

Student-athlete L

Recipient	Date of Contest	No. of Tickets
Uncle	11/30/00	1
Uncle	12/28/00	1
Uncle	1/25/01	1

Student-athlete M

Recipient	Date of Contest	No. of Tickets
Roommate	11/27/00	1
Roommate	12/16/00	1
Roommate	12/19/00	2
Roommate	12/30/00	6
Roommate	1/13/01	1

Roommate	1/25/01	1
Girlfriend	1/10/01	1
Girlfriend	1/13/01	1

Finally, the institution's failure to detect the provision of the tickets to the family and friends of the student-athletes demonstrated a lack of institutional control as discussed in Finding II-J.

### **Committee Rationale**

The enforcement staff and the institution were in substantial agreement as to the facts of this violation and that those facts constitute violations of NCAA legislation. Following a review of the evidence, the committee concurred.

The tickets were a part of a block of tickets allotted to the former head coach located in the upper level of Selland Arena for each home game. The ticket office affixed a tab to each such ticket. A ticket taker seeing a ticket with the tab would direct the holder of the ticket to the will call window of the ticket office where the bearer would sign a list before being allowed into the arena. Subsequent to each home game, the ticket manager provided the compliance office with a copy of the sign-off list for the complimentary tickets provided to the coaching staff. Notwithstanding this procedure, the first violation was identified only after the home game on January 26, 2002. Because the violations were numerous and occurred over a period of time, the committee deemed the violations to be major.

### **G. VIOLATIONS OF PLAYING AND PRACTICE SEASON LEGISLATION. [NCAA Bylaws 11.7.1.1.1, 11.7.4, 17.5.2, 17.5.2.1, 17.5.2.2-(e), 17.5.2.2-(f) and 17.5.6]**

During the 1995-96 to 1997-98 academic years the second former assistant coach, who was also initially a manager for the men's basketball team, participated in defensive drills with men's basketball student-athletes during individual skill instruction sessions at which time he guarded the student-athletes and gave them hands-on instruction. Further, during the 1995-96 to 2000-01 academic years, the second former coach and another assistant men's basketball coach (henceforth, "the third former assistant coach") occasionally observed preseason pick-up games. Finally, on April 27, 2000, the third former assistant coach directed men's basketball student-athletes in the south gym on the institution's campus into two teams for a game of four-on-four full-court basketball. This included student-

athletes K, L and G, and two other men's basketball student-athletes (henceforth, "student-athletes N and O").

### **Committee Rationale**

The institution and the enforcement staff disagreed that the second former assistant coach, while a manager, participated in defensive drills during individual skill sessions taking place in the mid 1990s, thereby causing the institution's men's basketball coaching staff to exceed the maximum allowable number of assistant coaches. However, the enforcement staff and the institution were in substantial agreement with regard to the impermissible observation of preseason pick-up games and that the third assistant men's basketball coach directed men's basketball student-athletes in a game of four-on-four full-court basketball in April of 2000.

The committee concluded that the evidence supported the finding as set forth above. In making its determination that the second former assistant coach engaged in coaching while he was a team manager, the committee relied upon the second former assistant coach's playing and coaching experience as well as his description of his activities with the players. Use of a manager as a coach provided a significant competitive advantage. If viewed individually, the various instances of playing and practice season violations described in the finding would likely be considered secondary. However, when considered as a group, there appeared to be a pattern, or trend of violations relating to playing and practice season legislation, and thus the finding was found as major by the committee.

### **H. IMPERMISSIBLE PRACTICE AND RECEIPT OF FINANCIAL AID WHILE INELIGIBLE. [NCAA Bylaws 14.3.2.2.1, 14.3.5.1.1, 15.01.5 and 15.3.1.1]**

During the fall semester of the 2000-01 academic year, a men's soccer student-athlete (henceforth, "student-athlete P") practiced and was awarded athletically related financial aid even though he was a nonqualifier. Specifically, student-athlete P participated in men's soccer team practices from August 16 to September 20, 2000. On October 26, 2000, the NCAA Initial-Eligibility Clearinghouse determined that student-athlete P was a nonqualifier because of an insufficient test score and insufficient core grade point average. As a result, student-athlete P practiced impermissibly from August 30 to September 20, and received financial aid in the form of athletics scholarship checks in September,

October, November and December that he was not eligible to receive. Student-athlete P did not compete during the 2000 fall semester.

Finally, the institution's erroneous application of financial aid legislation demonstrated an instance of a lack of institutional control as discussed in Finding II-J.

### **Committee Rationale**

The enforcement staff and the institution were in substantial agreement as to the facts of this violation and that those facts constitute violations of NCAA legislation. Following a review of the evidence, the committee concurred.

On October 26, 2000, the institution received an Initial-Eligibility Certification Report from the NCAA Clearinghouse that determined that student-athlete P was a non-qualifier. On November 17, 2000, the NCAA received a waiver application from the institution on behalf of student-athlete P. On November 20, the NCAA sent the former compliance officer a memorandum that the institution's waiver application could not be processed without additional information. The former compliance officer did not respond. On January 2, 2001, the NCAA notified the former compliance officer that it had not received any of the requested information and that the waiver application was being forwarded to the appropriate subcommittee for review "as is." On January 12, the institution was notified that the waiver application had been denied.

The former compliance officer allowed student-athlete P to receive impermissible aid during the fall semester. It was believed that there was a valid basis for the waiver application and that there was a reasonable likelihood that the application would be granted. However, the institution knew that it would need to self-report a violation regarding the financial aid received by student-athlete P if the waiver application was denied. The institution's self-report was not filed until December 5, 2001, after the former compliance officer notified his successor of the violation before departing the institution for other employment.

#### **I. IMPERMISSIBLE RECRUITING PRACTICES. [NCAA Bylaws 11.7.4.3, 13.2.1 and 13.6.1]**

During the spring semester of the 1998-99 academic year and while recruiting a prospective women's basketball student-athlete, a former assistant women's basketball coach tutored the prospect on at least four occasions at her office and

in the young woman's home to assist the prospect in preparing to take the SAT. Further, the former assistant women's basketball coach provided transportation to the prospect to take the test at two local high schools, a total distance of 39 miles. The prospect did not earn a certifying score nor did she enroll at the institution.

### **Committee Rationale**

The enforcement staff and the institution were in substantial agreement as to the facts of this violation and that those facts constitute violations of NCAA legislation. Following a review of the evidence, the committee concurred.

#### **J. LACK OF INSTITUTIONAL CONTROL. [NCAA Bylaws 2.1.1, 2.1.2 and 6.01.1]**

The institution demonstrated a lack of appropriate institutional control by its failure to correctly apply financial aid legislation, detect the receipt of excessive complimentary admissions by family and friends of men's basketball student-athletes and report perceived violations of NCAA rules, in that (1) it failed to report that a student-athlete was ineligible prior to competition as determined in Finding II-D; (2) it failed to correctly apply financial aid legislation for two men's basketball student-athletes and a men's soccer student-athlete as determined in Findings II-A, II-C and II-H; (3) the assistant men's basketball coach failed to report his knowledge of possible academic fraud as noted in Finding II-B; (4) it failed to report cost-free meals for student-athletes at the local restaurant as set forth in Finding II-E; (5) the former head coach failed to report his knowledge of a possible NCAA violation to athletics administrators, (the violation was subsequently discovered during an on-campus interview by the enforcement staff and institution); and (6) it failed to detect the receipt of excessive complimentary admissions by family and friends of men's basketball student-athletes as noted in Finding II-I. Specifically:

1. As determined in Finding II-D, the former compliance officer failed to make a written report that improper financial aid was awarded to student-athlete F during the 1998-99 academic year even though the institution became aware of this violation in June 1999. The former compliance officer also failed to file a written appeal for reinstatement. As a result, student-athlete F practiced and competed while ineligible in eight contests during the 1999-00 academic year.

2. As found in Finding II-A, the institution awarded student-athlete A athletically related financial aid for the entire 1998 fall semester even though he was not enrolled in a full-time program of studies until November 9. As found in Finding II-C, the institution awarded student-athlete D athletically related financial aid during the entire 2000 fall semester even though he was not enrolled in a full-time program of studies until September 15, and had not received a written statement of the amount, duration, conditions and terms of his financial aid award. As found in Finding II-H, the institution awarded student-athlete P athletically related financial aid for the 2000 fall semester even though he was a nonqualifier.
3. As determined in Finding II-B, the former statistician informed the former assistant coach in late February or early March 2002 that the former academic advisor had paid him to write papers for two student-athletes and a paper for a prospective student-athlete. The former assistant coach failed to report these allegations by the former statistician which did not become known to the institution and the enforcement staff until February 2003.
4. In July or August 1995, the administrator, while acting as interim director of athletics, failed to recognize the duty to report that cost-free meals were being provided to men's basketball student-athletes at the local restaurant even though the owner of the local restaurant acknowledged providing free meals to student-athletes. Further, the administrator reported in an April 3, 1997, memo to the former director of athletics that the owner of the local restaurant had previously acknowledged providing free meals while the administrator was serving as interim director of athletics. However, neither the administrator nor the former director of athletics recognized the duty to report the violation to the NCAA.
5. During the summer of 2001, the former head coach failed to report possible amateurism violations involving receipt of benefits from an agent's representative by student-athlete O who had previously (December 2000) been suspended for eight games by the NCAA Student-Athlete Reinstatement Committee for his receipt of benefits from a professional sports agency. The former head coach was apprised of the information by the agent's representative previously referenced, and a sports agent. Instead of reporting these possible violations to the institution's compliance officer or any athletics administrator, the former head coach questioned student-athlete O about his involvement with

agents. The former head coach stated that he did not report the information to the institution because student-athlete O denied involvement with an agent, and he concluded that no violations occurred. However, on August 2, 2001, based upon information reported to the institution and enforcement staff by the sports agent, student-athlete O was interviewed and acknowledged his receipt of an airline ticket from the professional sports agency in April 2001.

6. As found in Finding II-I, the institution failed to detect that the relatives and friends student-athletes K, L and M received a total of 36 complimentary tickets for admission to 15 men's basketball games. The tickets were obtained from the former head coach's ticket allotment.

### **Committee Rationale**

Although the enforcement staff and institution are in substantial agreement as to the facts set forth in subparagraphs II-J-1 through II-J-5 of this finding, the institution did not believe that the facts in subparagraph II-J-6 amounted to individual instances of a lack of institutional control. However, the university agreed that the combination of the facts set forth in the subparagraphs of this finding did, in fact, demonstrate a lack of institutional control. The former assistant coach and the former statistician responded to this finding, despite the fact that the finding concerned institutional responsibility only. No involved staff members were considered to be at risk.

The committee's rationale for subparagraphs II-J-1, 2, 3, 4 and 6 can be found in the underlying findings referred to therein. Regarding subparagraph II-J-5, the committee did not accept the former head coach's explanation that his investigation indicated that there was no basis for the alleged violations. The committee noted that the agent's representative was a long-time friend and supporter of the former head coach, notwithstanding the agent's representative's well-publicized involvement in major amateurism violations at two other institutions. The institution's former compliance officer clearly should have been involved in any investigation of the charges.

In addition to the major violations found above, the committee also found a number of secondary violations which are described in Appendix One, which is incorporated herein.



**K. AMATEURISM VIOLATIONS; IMPERMISSIBLE BENEFITS PROVIDED TO A STUDENT-ATHLETE BY A SPORTS AGENT (Violations for which the institution was not responsible). [NCAA BYLAW 12.3.1.2]**

During the 1999-00 academic year, the agent's representative provided improper cash stipends and travel expenses to student-athlete C and his family members. Specifically:

1. On numerous occasions during the men's basketball season, the agent's representative provided cash ranging from \$20 to \$100 to student-athlete C at Selland Arena after home basketball contests. Additionally, on February 7 and 10, the agent's representative wired \$250 and \$300 cash, respectively, to student-athlete C in Fresno, California, via Western Union money transfers from Las Vegas, Nevada.
2. On February 12, the agent's representative sent \$300 via Western Union wire transfer to student-athlete C's grandparents in Saginaw, Michigan, to pay their transportation costs for driving to Tulsa, Oklahoma, (a round-trip distance of approximately 1,900 miles) for the Western Athletic Conference tournament held March 8-11, 2000. The agent's representative also arranged payment via credit card for their lodging expenses at a hotel in Tulsa.

**Committee Rationale**

The enforcement staff and institution were in substantial agreement as to the fact that student-athlete C and members of his family received impermissible benefits during the 1999-00 academic year. The enforcement staff asserted that the agent's representative met the criteria of a representative of the institution's athletics interests. Therefore, the enforcement staff believed the facts constituted violations of NCAA extra-benefit legislation. The institution disagreed and believed that the individual in question was simply representing a sports agent and was not an institutional representative, and that only NCAA amateurism legislation was violated. After carefully weighing the evidence, the committee determined that the agent's representative was not a representative of the university's athletics interests. Consequently, the benefits provided were violations of NCAA amateurism legislation, rather than extra benefit legislation. These amateurism violations contributed to the institution having to vacate its appearance in the 2000 Division I Men's Basketball Championship. Inasmuch as the institution was unaware of

the violations, it is not held responsible beyond their impact on the university's participation in the tournament. (See Penalties III-E and F.)

### **III. 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. In determining the appropriate penalties to impose, the committee considered the institution's self-imposed penalties and corrective actions. The institution's corrective actions are contained in Appendix Two. The Committee on Infractions agreed with and adopted the actions taken by the university, noting that they represented appropriate corrective actions and meaningful, significant self-imposed penalties. The university president is to be commended for demonstrating the university's commitment to accepting responsibility for these violations. As a result of these factors, the committee did not impose all of the presumptive penalties for major violations specified in Bylaw 19.6.2. However, given the nature, scope and seriousness of the violations, including the commission of academic fraud, improper academic certification practices and a failure to report evidence of violations, coupled with the significant competitive advantages gained and a lack of institutional control, the committee concluded that additional penalties were warranted. The following penalties were imposed by the committee or were self-imposed by the university and adopted by the committee. Those penalties that were self-imposed by the university are so noted.

- A. The University of California, Fresno, shall be publicly reprimanded and censured.
- B. The university has been placed on four years of probation retroactive to December 4, 2002, with specific reporting requirements relating to rules-education initiatives, complimentary admissions policies and procedures and compliance audits. (Note: The university had proposed a two-year period of probation commencing on December 4, 2002).
- C. The university's men's basketball team shall be prohibited from participation in postseason competition for one year. This penalty was satisfied by the university's self-imposed ineligibility for the 2003 Western Athletic Conference tournament and the 2003 NCAA Division I Men's Basketball Championship and the National Invitation Tournament.

- D. The institution shall reduce grants-in-aid in men's basketball by a total of three for the 2004-05 and 2005-06 academic years with at least one grant cut in each of those years. This penalty was self-imposed by the university.
- E. The university forfeited all wins by the men's basketball team for any games in which student-athletes B, C and D participated while ineligible as set forth in Findings II-B and II-F. For records keeping purposes, the NCAA will deem these forfeited wins as being vacated, i.e., expunged from the records. The institution has vacated its 2000 WAC men's basketball championship and this action has been accepted by the conference. Regarding the 2000 NCAA Division I Men's Basketball Tournament, and pursuant to NCAA Bylaw 19.5.2.2-(e), the university will vacate its team record and return any team awards. Further, the university's records regarding men's basketball as well as the record of the former head coach will be reconfigured to reflect the vacated records and this shall be recorded in all publications in which men's basketball records are reported, including, but not limited to university media guides and recruiting material and university and NCAA archives. Further, any public reference to tournament performances won during this time shall be removed, including, but not limited to, athletics department stationery and banners displayed in public areas such as the arena in which the men's basketball team competes.
- F. The university will be required to return to the NCAA 90 percent of the moneys (limited to its share of conference distributions) for its appearance in the 2000 NCAA tournament. This includes future revenue generated from the 2000 tournament appearance that has not yet been distributed. Although the institution may not have had reason to know of the ineligibility under Finding II-F, the institution did know of the facts giving rise to ineligibility under Finding II-B because of the participation of an institution staff member.
- G. The university issued a memorandum of reprimand to the third former assistant coach.
- H. The university issued a letter of reprimand to the faculty athletics representative.
- I. The university issued a letter of admonishment to an assistant ticket manager.
- J. During this period of probation, the institution shall:
  - 1. 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;

2. In addition to the corrective actions described in Appendix Two, develop compliance programs to; a) monitor prospects who move to the Fresno area in the summer prior to full-time enrollment and b) monitor compliance with playing and practice season legislation.
  3. Submit a preliminary report to the director of the NCAA Committees on Infractions by November 1, 2003, setting forth a schedule for establishing this compliance and educational program; and
  4. File with the committee's director annual compliance reports indicating the progress made with this program by December 1 of each year during the probationary period commencing in 2004. Particular emphasis should be placed on rules education for the men's basketball and academic support staff in the areas of academic eligibility and academic integrity. The reports must also include documentation of the university's compliance with all of the corrective actions it has implemented, in addition to the self-imposed penalties adopted and imposed by the committee.
  5. At the conclusion of the probationary period the institution's president 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, California State University, Fresno 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, September 10, 2003.

Should Fresno State or the involved individuals 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 any of the penalties in this case be set aside for any reason other than by appropriate action of the Association, the penalties shall be reconsidered by the Committee on Infractions. Should any actions by NCAA 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

Paul T. Dee  
Alfred J. Lechner, Jr.  
Gene A. Marsh  
Andrea L. Myers  
James Park Jr.  
Josephine R. Potuto  
Eugene D. Smith  
Thomas E. Yeager; chair

## APPENDIX ONE

### **SECONDARY VIOLATIONS [NCAA Bylaws 11.7.4, 11.7.4.3, 13.11.2 and 16.12.2.1]**

1. On February 19, 2002, a restricted men's basketball coach (previously identified as "the third former assistant coach") attended a basketball game between two local high schools.
2. During the spring of the 2000-01 academic year, a men's basketball manager provided tickets to attend two Los Angeles Lakers basketball games and round-trip automobile transportation from Fresno, California, to Los Angeles, a round-trip distance of approximately 400 miles, to a men's basketball student-athlete at no cost to the young man.
3. On November 14, 2002, the head women's basketball coach commented upon the athletic abilities of a women's basketball prospective student-athlete in *The Fresno Bee* newspaper even though the prospect had not yet signed a National Letter of Intent with the institution.
4. During the 2002-03 academic year, the men's basketball director of operations participated in practice activities that required him to be considered a coach. As a result, the institution exceeded the maximum allowable number of men's basketball coaches. Specifically, on approximately five occasions following practice sessions, the men's basketball director of operations participated in two-on-two scrimmages with men's basketball student-athletes. Further, he participated in "21" and "horse" games with men's basketball student-athletes before and after practices on several occasions. Finally, he was used in demonstrating offensive schemes of future opponents during practices approximately 50 percent of the time.
5. A former Stafford student loan coordinator provided extra benefits to various student-athletes during her employment when she personally distributed financial aid checks to several football and men's and women's basketball student-athletes in violation of federal regulations and campus policies.
6. During the 1998-99 academic year, the former academic advisor provided an extra benefit to a men's basketball student-athlete and his wife when she provided false employment verification to an automobile dealership in an effort to assist the then men's basketball student-athlete and his wife in purchasing or leasing an automobile.

## **APPENDIX TWO**

### **CORRECTIVE ACTIONS:**

1. The university has adopted a policy prohibiting the recruitment and signing of non-qualifiers to a National Letter of Intent.
2. The university implemented a series of checks and balances in its student-athlete eligibility certification process. Included is the insertion of the compliance office to assist the academic advising office and the faculty athletics representative in reviewing eligibility verification for football and men's basketball prior to a final certification decision by the faculty athletics representative.
3. The university approved the hiring of an admissions office staff member as a specialist with student-athlete admissions and initial eligibility certification.
4. The university purchased a license for state-of-the art web-based compliance service which will assist in the organization, implementation and carrying out of all athletics compliance responsibilities on the campus.
5. The university's athletics department is now under the leadership of a new director of athletics who, since his appointment in early 2002, has overseen an extensive reorganization of the athletics department and the hiring of entirely new coaching staffs for both men's and women's basketball.
6. The university's president has directed that the assistant director of athletics/academic services report directly to the provost for all her responsibilities relating to academic advising, tutoring and other academic issues for student-athletes. In addition, all athletics department staff whom have responsibility for academic advising, tutoring and any related academic issues shall report to the assistant director of athletics/academic services.
7. The university will restrict tutors in the area of athletic academic advising to perform services only in the Duncan Athletic Building.
8. The university will restrict the distribution of contact information for student-athletes by athletics department staff members, to individuals outside of the department of athletics in order to prevent one-on-one typing or other academic assistance.

9. The university will require tutors to be full-time undergraduate students in at least their third semester of full-time enrollment and carry a minimum grade point average of 3.0.
10. The university will require student-athletes to obtain prior approval from their athletic academic advisor before obtaining academic related services, including private tutoring, typing and proofreading.
11. On August 1, 2003, the president of the university announced that he was again restructuring the athletics academic services reporting line so that the unit reports jointly to the director of athletics and the provost, rather than solely to the provost, as previously set forth in Corrective Action No. 6 (above). The committee requests additional explanation of this change in reporting lines prior to adoption.



## **APPENDIX THREE**

### **CASE CHRONOLOGY.**

#### **1999**

December 2 – An individual who identified himself as a men's basketball student-athlete at the institution contacted the NCAA enforcement staff to report violations of extra-benefit legislation within the men's basketball program.

December 3 – The enforcement staff attempted to interview student-athlete A, but the student-athlete did not appear for the interview.

#### **2000**

January 27 – The enforcement staff interviewed student-athlete A, who had transferred to a community college. The student-athlete denied his involvement in or knowledge of rule violations at Fresno State. Student-athlete A further denied calling the NCAA to report possible violations.

March 21 – The institution learned that a local newspaper (The Fresno Bee) would be publishing an article detailing the provision of free meals at a local restaurant in Fresno to men's basketball student-athletes. On that day, the institution issued a press release announcing that it would be investigating possible violations of NCAA legislation regarding student-athletes receiving free meals at local restaurants.

March 22 – The local newspaper published the article, "Dogs Players Ate Free", which reported that the owner of the local restaurant provided over \$3,000 worth of meals at no charge to Fresno State men's basketball student-athletes during a seven-year period. The institution apprised the enforcement staff of the matter and also interviewed the owner of the local restaurant that day to determine the validity of the information.

March 27-29 – The enforcement staff conducted initial on-campus interviews.

March 28 – An outside legal counsel for the institution apprised the enforcement staff of recent inquiries conducted by the university into the men's basketball program as a result of information reported by a former men's basketball secretary.

October 2 – A letter of preliminary inquiry was sent to the president of the institution.

October 20 and November 16 – The enforcement staff and institution interviewed Student-Athlete O concerning his possible receipt of benefits from a professional agent.

December – The NCAA student-athlete reinstatement staff determined that Student-Athlete O should be withheld for eight games and required to repay the cost of benefits he was provided by an agent in October 2000.

## **2001**

March 28 – A "six-month letter" was sent to the president of the institution notifying him that the enforcement staff's investigation was continuing.

May 29 – The enforcement staff and institution interviewed another men's basketball student-athlete, who reported information regarding the provision of benefits to California State University, Fresno, men's basketball student-athletes by professional sports agents.

August 21 – Student-Athlete O was dismissed from the men's basketball team for his receipt of a benefit from an agent in April 2001.

October 18 – A "six-month letter" was sent to the president of the institution notifying him that the enforcement staff's investigation was continuing.

## **2002**

May 23 – A "six-month letter" was sent to the institution, indicating that the enforcement staff's investigation was continuing and that a letter of official inquiry would be issued soon.

July 24 – A letter of official inquiry was sent to the president of the institution.

August 21 – A letter of official inquiry was sent to the former head coach. The cover letter to the official inquiry apprised the former head coach that he was being advised of the allegations because of his position as head coach at the time the alleged violations occurred, but he was not considered by the staff to be subject to disciplinary actions.

August 21 – The enforcement staff informed the president of the institution that it did not consider any former coaching staff members named in allegations in the letter of official inquiry to be at risk for their involvement in the possible violations.

September 16 – The institution requested an extension of time to respond to the letter of official inquiry.

September 23 - The legal counsel for the former head coach requested an extension of time to respond to the letter of official inquiry.

September 23 – Legal counsel for the former head coach requested by telephone and in writing that he be provided access to case materials associated with every allegation in the letter of official inquiry. The enforcement staff told the legal counsel he would be allowed to review only evidentiary materials pertinent to the two allegations in which the former head men's basketball coach's name appeared.

September 24 – The Committee on Infractions granted the institution's request and extended the response date to October 15, 2002.

September 25 – The enforcement staff informed the legal counsel of the head men's basketball coach in writing of its rationale for denying his request to review case materials concerning allegations in which the former head coach was not named and apprised the counsel that disputes involving enforcement procedures were resolved by the appropriate Committee on Infractions.

September 25 – The Committee on Infractions granted the former head coach's request for extra time to respond to the letter of inquiry and extended the response date to October 31, 2002.

October 2 - The Committee on Infractions apprised the former head coach that it determined he would not be provided access to case materials for the allegations in which he was not named.

October 31 – The Committee on Infractions and the enforcement staff received the institution's and the former head coach's responses to the letter of official inquiry.

November 14 – A prehearing conference was conducted between the institution and the enforcement staff.

December 13 - The university appeared before the NCAA Division I Committee on Infractions.

December 20 – The Committee on Infractions requested that the enforcement staff further investigate the legitimacy of correspondence courses completed at various institutions by three former student-athletes.

## **2003**

January 3 – The Committee on Infractions requested that the enforcement staff respond to additional questions related to the institution's involvement in student-athletes' enrollment in correspondence courses. The staff directed the institution to retrieve information necessary for responding to the December 20 request from the Committee on Infractions.

January 7 – The institution partially responded to the January 3 request from the Committee on Infractions.

January 27 – The institution responded to the December 20 request from the Committee on Infractions.

February 3 – The Committee on Infractions apprised the institution that its January 7 and 27 responses did not address all of the information requested by the committee and requested that the institution respond to additional questions.

February 9 – *The Fresno Bee* published the article "Bulldog Academic Fraud Alleged", which reported that in 2000, the athletics former statistician wrote 17 pieces of course work for two men's basketball student-athletes and one men's basketball prospective student-athlete, and was paid in part by the former academic advisor.

February 14 – At the Committee on Infractions meeting, the enforcement staff requested that the committee withhold further deliberation on Case No. M185 until the staff could fully investigate new information regarding academic fraud at the institution. The committee granted the staff's request.

March 3 – The institution announced that it would ban its men's basketball team from postseason play in 2003 because its joint investigation with the enforcement staff had substantiated most of the academic fraud allegations raised in the February 9 *The Fresno Bee* newspaper article.

April 10 – The institution responded to the unanswered questions in the January 3 request from the Committee on Infractions.

April 10-16 – The enforcement staff and institution contacted the former academic advisor's attorney on several occasions requesting an opportunity to interview the former academic advisor regarding additional information that was developed subsequent to her February 20 interview.

April 21 – The enforcement staff sent a letter via facsimile to the former academic advisor and her attorney offering the former academic advisor an opportunity to submit to a telephone interview and requesting that the former academic advisor sign release forms that would provide the staff access to documents that would be helpful to the investigation. Neither the former academic advisor nor her attorney responded to the request.

April 28 – A supplemental letter of official inquiry was sent to the president of the institution, the former head coach, and to the former assistant coach. The cover letter to the supplemental official inquiry apprised the former assistant coach that his name appears in one allegation, but

he was not considered by the staff to be subject to disciplinary actions; and the cover letter to the supplemental official inquiry apprised the former head coach that he was being advised of the allegations because of his position as head coach at the time the alleged violations occurred, but he was not considered by the staff to be subject to disciplinary actions.

April 29 – The former assistant coach requested a 45-day extension of time to respond to the supplemental letter of official inquiry.

April 30 – A supplemental letter of official inquiry was sent to the former academic advisor in care of her attorney.

May 1 – The Committee on Infractions granted the former assistant coach's request and extended the date for responses from all parties to May 21, 2003.

May 21 – The Committee on Infractions and the enforcement staff received the former assistant coach's response to the supplemental letter of official inquiry.

May 23 – The Committee on Infractions and enforcement staff received the institution's response to the supplemental letter of official inquiry.

May 27 – A supplemental letter of official inquiry was sent to the former statistician.

May 28 – The Committee on Infractions and the enforcement staff received the former statistician's response to the supplemental letter of official inquiry.

May 29-30 – A prehearing conference was conducted between the institution and enforcement staff.

June 14 – The university, the former head coach and the former assistant coach appeared before the Committee on Infractions.

August 1 – The university's president sent a letter to the committee containing additional information about the case, including the imposition of additional self-imposed penalties.

September 10 – Infractions Report No. 204 is released.