



News Release

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Committee on Infractions
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UNIVERSITY OF MINNESOTA, TWIN CITIES **PUBLIC INFRACTIONS REPORT**

I. INTRODUCTION.

On April 13, 2002, officials from the University of Minnesota, Twin Cities, and the former head women's basketball coach (henceforth, "the head coach"), along with her counsel and representatives from her current employing institution, appeared before the Division I Committee on Infractions to address allegations of NCAA violations in Minnesota's women's basketball program. A member of the Big Ten Conference, the university has an enrollment of approximately 45,000 students. The university sponsors 12 men's and 13 women's intercollegiate sports. This was the university's second major infractions case in less than two years, the university having appeared before the committee in August 2000, for a case involving the men's basketball program and egregious academic fraud. The university also had previous infractions cases in 1991 (football, wrestling, men's basketball), 1988 (football, men's basketball), 1976 (2 cases, both involving men's basketball) and 1969 (football).

This case primarily concerned violations of NCAA bylaws governing extra benefits, recruiting, ethical conduct and institutional control. The committee considers the genesis of this case to be an October 28, 1998, letter from the NCAA enforcement staff notifying the institution of information that had been provided to the NCAA relating to potential violations of NCAA legislation. Regrettably, the university did not respond in a timely manner to this information, but this was mitigated somewhat by an admitted breakdown in internal communication within the enforcement staff. This communication breakdown resulted in no follow-up to the enforcement staff's letter of October 28, 1998. The committee noted, however, that there were other events occurring at this time, including the NCAA's move from Kansas City to Indianapolis and the revelation of rampant academic fraud in the men's basketball program, which appeared to overshadow the issues in the women's program. Nevertheless, had the university and the enforcement staff processed this early information in a timely fashion, the potential violations that

occurred during this time could have been considered by the committee at the August 2000, hearing. Further, while the Committee on Infractions found one major violation had occurred after the release of the October 2000 infractions report, and as such made Minnesota a repeat-violator under NCAA legislation, ultimately, the committee chose to exercise its discretion and not impose the additional penalties as prescribed for a repeat-violator.

The catalyst which restarted the women's basketball case occurred on March 11, 2001, shortly after the women's basketball team had completed its season, when members of the team and some past team members initiated a meeting with the women's director of athletics (henceforth, "the director of athletics"). The director of athletics had an established policy that if any student-athlete ever experienced or observed anything that was illegal, immoral or unethical, the student-athlete could and should go directly to her without going through the normal channels of coaches and staff. The purpose of the student-athletes' March 11 meeting with the director of athletics was to discuss a series of concerns they had with the head coach. They presented the director of athletics with a three-page written outline that covered six general topics and concluded with a request that the head coach be removed from her position. Among the players' concerns were reported violations of NCAA rules.

Shortly after the March 11 meeting and the disclosure of possible NCAA violations, the university initiated an internal investigation and retained a law firm to assist with this effort. On May 5, 2001, the institution concluded its initial internal investigation and submitted a report to the NCAA enforcement staff that documented potential violations of NCAA legislation. Shortly thereafter, the institution terminated the contract of the head coach. The enforcement staff began its inquiry in early June and issued a letter of preliminary inquiry to the university in mid-June. During the summer and fall of 2001 the staff conducted its inquiry, culminating with letters of official inquiry to the institution and the head coach that were issued in early January 2002. In early March, both the university and the head coach submitted responses to the letters of official inquiry. As indicated earlier, the hearing was conducted on April 13, 2002.

II. FINDINGS OF VIOLATIONS OF NCAA LEGISLATION.

A. RECRUITING INDUCEMENTS, EXTRA BENEFITS. [NCAA Bylaws 13.1.3.5.2, 13.2.1, 13.2.2-(f), 13.2.2-(h), 13.6.1, 16.12.2.1 and 16.12.2.3-(a)]

During the latter part of the summer of 1998, the head coach arranged free or reduced-cost housing for four prospective student-athletes (henceforth, "prospects

1, 2, 3 and 4"). Also, an athletics staff member provided impermissible transportation for prospect 1. Finally, the head coach provided free clothing items to the four prospects after they had enrolled at the university and became student-athletes. Specifically:

1. In the summer of 1998, the head coach contacted prospects 1, 2 3 and 4, encouraging them to come to Minneapolis during the summer, several weeks prior to the start of the academic year. In conjunction with this effort, the head coach suggested to a student manager (henceforth, "student manager 1") and three student-athletes (henceforth, "student-athletes A, B and C"), that they should communicate with the four prospects and offer housing to them. Later that summer, all four of the prospects moved into the rental house of the three student-athletes and the student manager, where the prospects received either free or reduced-cost housing. Further, associated with prospect 1's arrival in the Twin Cities area, an athletics department staff member picked up the young woman at the Minneapolis International Airport and later transported her to the rented home in question. The four prospects lived with the student-athletes and student manager that summer for various lengths of time, ranging from three to six weeks.
2. Later in the summer of 1998, the head coach asked the mother of a prospective student-athlete (henceforth, "prospect 5"), to invite prospects 1, 2, 3 and 4 to move in with her and her husband. The mother of prospect 5 complied with this request and she provided free housing to the four prospects for approximately two weeks until the institution's residence halls opened.
3. In the early part of the 1998-99 academic year, the head coach purchased four fleece jackets, with a reported value of \$15 each, for prospects 1, 2, 3 and 4 who, by that time, were enrolled student-athletes.

Committee Rationale

In reference to Finding II-A-1, the enforcement staff and the institution were in substantial agreement as to the facts of this finding and that violations occurred. The head coach denied that she arranged summer housing or that she specifically instructed the student-athletes to telephone the prospective student-athletes. On the basis of the information in the record, and in particular the information provided by the involved prospects and student-athletes, the committee found that the head coach arranged

impermissible summer housing for the prospects. In making this finding, the committee carefully weighed the information provided by the prospects and student-athletes involved.

Student-athlete A reported that the head coach approached her with the problem of the prospective student-athletes needing summer housing, and then asked that she and her roommates extend an offer to the prospective student-athletes to live in their apartment. Student-athlete A reported that she felt that she could not refuse the head coach's request, in part because she wanted to help the team. Student-athlete B confirmed that the head coach had approached her and her housemates with the housing request for the prospects in question, and she stated that they complied with the request. Student-athlete C reported that, when the institution was investigating the matter, the head coach asked her to report that she knew the housing idea for the prospective student-athletes had been that of student manager 1, even though student-athlete C did not, in fact, know who made the arrangements. A fourth student-athlete (who did not live in the home in question) (henceforth, "student-athlete D"), reported that student-athlete B told her that the head coach had told the prospects they could live with the student-athletes at their rental home. Student manager 1 reported that the head coach approached her with the prospective student-athletes' need for summer housing and that she agreed to assist with this effort.

Prospects 2 and 3 reported that they received telephone calls from student manager 1 inviting them to move into her home. Prospect 2 reported that she stayed approximately four to six weeks, and prospect 3 reported that she stayed about three weeks. Both reported that they paid \$50 toward rent. [Note: Because the total monthly rent was \$780, both paid a reduced cost for their housing.] Prospect 4 reported that she arrived in Minneapolis in August and that student manager 1 picked her up at the airport, though she had not previously provided student manager 1 with her flight information. Student manager 1 then drove her to the rental home in question where prospect 4 lived without having to pay rent. Prospect 4 stated that she believed the head coach arranged her summer housing, as she did not know any of the student-athletes or other prospective student-athletes prior to her arrival.

The head coach reported that she had several telephone conversations with the prospective student-athletes after they signed their letters of intent. She claimed that each young woman expressed an interest in moving to Minneapolis over the summer of 1998. The head coach initially made arrangements for the prospective student-athletes to attend the summer enrichment program, which included housing; however, these plans never came to fruition. The head coach reported that she then spoke with the director of compliance about what she could do for the prospective student-athletes regarding summer housing. She reported that the director of compliance informed her that it was permissible for her to give the young women each other's telephone numbers, although

the director of compliance also advised her that it was impermissible for her to assist the prospective student-athletes with their relocation.

The committee found that the head coach initiated the impermissible housing arrangements with knowledge that violated NCAA legislation. In making this finding, the committee relied on the information provided by each student-athlete and prospect as previously set forth, combined with the confirming information associated with Finding II-A-2. The committee noted that even if all this information is discounted, the committee would still find that the head coach committed the violations set forth in this finding because it is clear that but for the actions of the head coach, the violations would not have occurred.

As the committee has written in previous infractions cases (see: University of Cincinnati, Case No. 139, Infractions Report No. 155 and the University of Nevada, Las Vegas, Case No. 159 Infractions Report No. 177), in those instances in which prospects come to an institution's city during the summer prior to full-time enrollment (such as in this case), there is a heightened risk that violations of NCAA legislation will occur. It is clear that the prospects came to the Minneapolis area during the summer in question at the behest of the head coach. Therefore, the head coach brought the prospects to campus and then took no precaution to ensure that violations did not occur, but she instead, set in motion a series of events which culminated in recruiting violations involving the previously identified prospective student-athletes.

In reference to Finding II-A-2, the enforcement staff and the institution agreed that the head coach arranged for the mother of prospect 5 to provide summer housing for the four previously identified prospects. The head coach denied that she arranged for the mother of prospect 5 to invite the four prospects to stay at her home. The committee concluded that the head coach did, in fact, arrange for this impermissible housing, similar to what she had done in the previous finding. The committee based this conclusion on information provided by both prospect 5 and her mother, which the committee found to be more credible than the denials of the head coach.

Prospect 5's mother reported that she lived in the Minneapolis area, and during the summer of 1998, the head coach contacted her and explained that the prospective student-athletes needed a place to stay during the later part of August. She stated that the head coach informed her that she (the head coach) could not ask prospect 5's mother to provide housing for the prospective student-athletes, but prospect 5's mother could independently "volunteer" to provide housing for the prospective student-athletes. Prospect 5's mother reported that she then invited the prospective student-athletes to move in with her family. She reported that the prospective student-athletes were somewhat reluctant to move into her home because they did not know her. Prospect 5's

mother reported that, after the prospective student-athletes arrived, the head coach instructed her not to use any of her own money on the prospective student-athletes because they each had their own funds. Prospect 5's mother reported that, with the exception of prospect 2 (who left after a few weeks because of her allergic reaction to the family cat), the prospective student-athletes stayed at her home until the residence halls opened in September. Prospect 5's mother reported that none of the prospective student-athletes paid for their lodging at her home.

Prospect 5 corroborated her mother's account of the prospects' stay at her home and reported that the young women lived with her family until mid-September. Prospect 2 reported that she was not aware of who made the plans for her and the other prospective student-athletes to stay at the home of prospect 5 and her mother, but she was unable to remain in the home because of her allergic reaction to the family cat. Prospect 1 reported that prospect 5's mother invited her to stay at her home, and she accepted the invitation because she did not feel comfortable at the student-athletes' rental house. Prospect 4 reported to the institution that she moved in with prospect 5's family two weeks prior to the start of the fall term. Prospect 4 assumed that the head coach arranged all of her summer housing.

With regard to Finding II-A-3, the enforcement staff, the institution and the head coach were in substantial agreement as to the facts of this finding and that violations of NCAA legislation occurred. However, both the institution and the head coach viewed these violations as secondary while the enforcement staff considered them to be major. The committee considered this violation as major for the following reasons: (1) the violation was not isolated, as the head coach committed other extra benefit and recruiting violations as noted in this report; (2) the violation was not inadvertent, as the head coach knew or should have known the purchase was contrary to NCAA legislation; and (3) this committee viewed the violation as one of a set of multiple violations committed by the head coach, and as such, should be regarded as major. The committee also noted that money from the NCAA's Special Assistance Fund could have been used to purchase these items of clothing without violating NCAA legislation. During the hearing, when questioned about this, the head coach stated that she was aware of the existence of this fund, but it did not occur to her to use the fund for the purchase of the jackets.

B. RECRUITING VIOLATIONS, EXTRA BENEFITS. [NCAA Bylaws 13.2.1, 13.2.2-(b), 13.2.2-(e), 13.2.2-(f), 13.2.2-(h), 13.6.1, 13.11.8, 16.12.2.1 and 16.12.2.2.2]

During the late summer of 1999, the head coach committed recruiting violations involving two prospective student-athletes and provided extra benefits to an enrolled student-athlete. Specifically:

1. On or about August 28, 1999, upon a prospective student-athlete's initial arrival in Minneapolis, the head coach impermissibly transported the young woman (henceforth, "prospect 6") from the Minneapolis International Airport to the head coach's church and home, ultimately ending at the Minnesota State Fair in Minneapolis. While at the state fair, prospect 6 and another prospective student-athlete (henceforth, "prospect 7") participated in a parade as representatives of the institution's women's basketball program in the Minnesota State Fair, and as such, this constituted an impermissible announcement of the prospective student-athletes' intent to attend the institution.
2. On or about August 28 or 29, 1999, the head coach provided at least \$200 cash to prospect 6 through the mother of prospect 7 so that prospect 6 could purchase household items for the upcoming academic year.
3. In late August or early September 1999, the head coach transported prospect 6 and prospect 1 (who, by then, was an enrolled student-athlete-athlete) from their on-campus apartments to her home where the young women stayed overnight at no cost. While there, the head coach allowed prospect 6 to call her former middle-school coach and her family regarding the head coach's suggestion that the family of prospect 6 move to the Minneapolis area. The following morning, the head coach permitted a women's basketball administrative assistant to transport prospect 1 and prospect 6 to campus.

Committee Rationale

In reference to Finding II-B-1, the institution and the enforcement staff were in substantial agreement as to the facts of this finding and that violations occurred. While the head coach agreed she provided prospect 6 transportation as noted in the finding, she does not agree this was a violation. It was the head coach's position that NCAA legislation allowed her to transport prospect 6 in such a manner because the young woman arrived to attend the institution's orientation program. In making the finding that

a violation occurred, the committee noted that an interpretation from the NCAA membership services staff stated that when a staff member fails to transport a prospective student-athlete directly from the initial point of arrival (e.g. airport, bus station etc.) to the institution, the staff member exceeds what is permissible under NCAA legislation for initial transportation of arriving prospects, and a violation occurs.

With regard to Finding II-B-2, the institution, the head coach and the enforcement staff were in substantial agreement as to the facts of this finding and that violations occurred. There was some question as to whether the provision of these funds was a loan or an outright gift, but regardless, a violation of NCAA recruiting legislation occurred. The committee concluded that when the head coach used the mother of another prospective student-athlete to provide funds to prospect 6, she not only knew and intended to violate NCAA bylaws by providing impermissible benefits to prospective student-athletes, but she made the violation more egregious by involving the parent of another student-athlete. The committee found that this action provided a recruiting advantage for the institution. Specifically, the receipt of these funds enabled prospect 6 to continue the orientation process and subsequently enroll at the institution at a time in which she was experiencing personal problems and wished to return to her hometown of Detroit. Without the provision of this money, it was much more likely that prospect 6 would have returned home at that time.

In reference to Finding II-B-3 the institution, the head coach and the enforcement staff were in substantial agreement as to the facts of this finding and that violations occurred; however, the head coach did not agree she permitted the administrative assistant to provide transportation to the young women as noted in the finding. Rather, the head coach claimed she transported the young women in this instance and that she was informed by the compliance coordinator that such transportation was permissible. The compliance officer denied that any such conversation occurred. Nevertheless, the committee concluded that the head coach permitted the administrative assistant to transport prospect 1 and 6 back to campus based upon the fact that both prospects 1 and 6 reported that the administrative assistant arrived at the head coach's home on the morning in question and transported them both back to the campus, without either of them making arrangements for the administrative assistant to do so.

The committee concluded that these violations were major for the following reasons: (1) The violations were not isolated, as the head coach committed other extra benefit and recruiting violations as noted in this report; (2) the violations were not inadvertent, as the head coach knew or should have known the provision of funds to a prospect (either as a loan or an outright gift), overnight housing, telephone usage and transportation were contrary to NCAA legislation; and (3) these violations are part of a pattern of violations committed by the head coach, and as such, should be regarded as major.

**C. VIOLATIONS OF PLAYING AND PRACTICE SEASON LEGISLATION.
[NCAA Bylaws 17.1.5.1, 17.1.5.2, 17.5.2, 17.5.2.2-(a), 17.5.2.2-(e) and 17.5.6]**

During the summer of 1998 and the 2000-01 preseason period, the head coach arranged or directed impermissible athletically related activities for prospect 5 and the women's basketball team, respectively. Specifically:

1. During the summer of 1998, prospect 5 attended a summer enrichment program on the institution's campus. During this time, the head coach directed student-athlete C and student manager 1 to participate in athletically related activities with prospect 5. The activities occurred early each weekday morning at the Sports Pavilion. The head coach instructed student-athlete C to report prospect 5's progress at the end of each day, and the head coach provided student-athlete C with the specific skill instruction that she should perform with prospect 5 at the next workout session. Additionally, the head coach instructed student manager 1 to participate in workout activities with prospect 5 in the afternoons.
2. During the 2000-01 preseason period, the head coach arranged for a student assistant coach (previously identified in this report as "prospect 1") to direct mandatory pickup games with the women's basketball team, games that appeared on the women's basketball team practice schedule. The head coach used the student assistant coach (prospect 1) to set up defensive alignments with the student-athletes. The team composition during the pickup games was predetermined by the head coach and relayed to the student-athletes through the student assistant coach (prospect 1) and the team practice schedule. The head coach directed the team managers to keep score and statistical information regarding the student-athletes' performances during the pickup games, which they were required to submit to the coaching staff at the end of each pickup game. The pickup games occurred at the completion of the individual skill instruction sessions and lasted approximately 1 1/2 hours.

Committee Rationale

The enforcement staff and the institution were in substantial agreement as to the facts of Finding II-C-1 and II-C-2, and that violations of NCAA legislation occurred. The head coach was in substantial agreement that the athletically related activities occurred as stated in Findings II-C-1 and II-C-2, but she denied her involvement in these activities as set forth in these findings.

In reference to Finding II-C-1, based upon the information provided by prospect 5, student-athlete C and student manager 1, the committee concluded that the head coach did indeed instruct student-athlete C and student manager 1 to conduct mandatory workouts with prospect 5. The committee found the information provided by these three young women and corroborated by the mother of prospect 5, was quite specific and more credible than the denials of the head coach.

The head coach denied that she instructed student-athlete C to work out with prospect 5, but she admitted that she strongly suggested to prospect 5 that she work out during the summer months in order to be prepared for the preseason. The head coach claimed that the extent of her involvement in prospect 5's summer workout program was limited to providing recommended exercises that the young women could do during the summer.

Prospect 5 commented that during the summer before her enrollment as a freshman at the institution, the head coach required her to participate in summer workouts with student manager 1 and student-athlete C. Prospect 5 reported that student-athlete C called her, while she (prospect 5) was staying on campus attending the Summer Institute Program, and told her that she and student-athlete C were going to practice the following morning at 5 a.m. Prospect 5 stated that the practices continued for the remainder of the summer institute. Prospect 5 reported that student-athlete C informed her that the practices were arranged at the head coach's direction. When prospect 5 was asked how she knew she was "required" to attend the workouts, she replied that the head coach told her, "If you want to play or if you're committed, you'll do it (practice), but if not, you're not committed." Prospect 5 went on to report that she once missed a session because of an appointment with a friend, and student-athlete C told her the next day that the head coach had said, "That won't happen again. I won't put up with that anymore." Prospect 5 added that student-athlete C informed her that, "She (student-athlete C) was not going to lose her scholarship over a little freshman who doesn't want to work out." Prospect 5 reported that she also participated in mandatory pickup games in the afternoons. She also reported that student manager 1 had conducted similar workouts with her in the afternoons as well.

Student-athlete C reported that although the head coach stated that the workout sessions were not “mandatory,” the head coach characterized the summer workouts as “highly recommended,” and she interpreted that statement to be mean “mandatory.” Student-athlete C reported that the head coach “recommended” that student-athlete C work out with prospect 5, which she did almost every morning. Student-athlete C reported that the head coach provided her with specific exercises and skill instructions that would improve prospect 5’s overall performance. Prospect 5 acted as though she did not want to be at the workouts, therefore, student-athlete C surmised that prospect 5 believed the workouts were mandatory. Student-athlete C reported that she informed prospect 5 that it was her job to work out with prospect 5 during the summer. Student-athlete C added that the prospect’s performance during the preseason would be a direct reflection on student-athlete C; therefore, she informed the prospect that she was not willing to jeopardize her scholarship because of the young woman’s reluctance to work out during the summer.

Student manager 1 reported that the head coach stressed to her the need for prospect 5 to work out during the summer. She added that prospect 5 primarily worked out with student-athlete C, but at times, she (student manager 1) worked out with the prospect. She (the student manager) learned that the prospect believed the workouts were mandatory.

Prospect 5’s mother reported that her daughter practiced with members of the women’s basketball team during the summer in question. Prospect 5’s mother reported that her daughter informed her that she did not like getting up early to work out and complained about having to attend the practices. Prospect 5’s mother reported that student manager 1 would pick up her daughter in the mornings approximately three or four times per week, including some Saturdays. Prospect 5’s mother stated that practices occurred at the Sports Pavilion on the institution’s campus, and that practices lasted a couple of hours.

The committee concluded that it was highly unlikely that prospect 5 would have participated in early morning practice and skill sessions during the summer prior to her enrollment, against her own desire, unless it was conveyed to her in clear terms by the head coach that such sessions were, in fact, mandatory.

In reference to Finding II-C-2, the committee found the evidence conclusive that the head coach directed a student assistant coach (previously identified as prospect 1) to oversee mandatory pickup games that were contrary to NCAA legislation relating to out-of-season practices. First, it is clear that the pickup games were “countable athletically related activity” under NCAA Bylaw 17.02.1. Further, Bylaw 17.1.5.2 states that “a student-athlete may not participate in any countable athletically related activities outside the playing season during any institutional vacation period (e.g., summer, academic year).” It was also evident that the student assistant coach’s involvement in the pickup

games, including compiling statistics and setting up defensive alignments, was contrary to NCAA legislation.

The head coach reported that the pickup games were mandatory and that she received “tacit” approval from the director of compliance for this activity to take place, because the director of compliance neither expressly approved nor forbade this activity. In this instance, the head coach said she interpreted the director of compliance's silence as consent to conduct this activity. The director of compliance denied that he gave the head coach or her staff prior approval to conduct mandatory pickup games. He reported that he first learned of the pickup games when he reviewed the coaching staff's September 17-23, 2000, practice log. The director of compliance reported that he made a notation on the log to research the permissibility of mandatory pickup games during the preseason, but he failed to conduct the necessary follow-up research.

The student assistant coach (prospect 1) reported that she was in charge of the pickup games, which consisted of ensuring that the teams were balanced. She reported that the pickup games were mandatory and appeared on the preseason schedule. The student assistant coach reported that the head coach directed the managers to record statistical information, and she (the student assistant) submitted the information to the coaches. The student assistant coach was not aware of what happened to the statistical information after she submitted the records to the coaching staff. An assistant women's basketball coach (henceforth, “assistant coach 1”) presumed the head coach directed the student assistant coach to conduct the pickup games because he did not believe it was likely the student assistant coach would initiate such activity on her own.

One student-athlete (henceforth, “student-athlete E”) reported that during one of the preseason pickup games, the student assistant coach had a question regarding a defensive alignment, and she temporarily halted the pickup game while she consulted with the head coach. Student-athlete E reported that, after the stoppage of play, she observed the student assistant coach and the head coach conversing, after which the student assistant coach returned to the participating student-athletes and explained the correct alignment. Prospect 4 (by then a student-athlete) reported that the coaches met with the student assistant coach and instructed her how to divide the team for the pickup games which the student assistant coach relayed to the student-athletes. Prospect 4 added that she believed the coaches watched the pickup games from a closed circuit television in the coaches' meeting room. Student-athlete A, a senior team captain, reported that the head coach directed the student assistant coach to contact student-athlete A to arrange the times of the pickup games. Another student-athlete (henceforth, “student-athlete F”) reported that the starting teams for the pickup games were set by the student assistant coach, and if a starting player performed poorly, that student-athlete was removed from the starting rotation for the next game. Student-athlete F added that statistical information was kept

and provided to the coaches, and the coaches would later remark to the student-athletes on the number of turnovers. Student-athlete F said the coaches also told the student-athletes to use the plays they worked on in individual workouts in the pickup games. A student manager (henceforth, "student manager 2") reported that the head coach informed the team that the coaches could "get in trouble" if the pickup games were mandatory.

The committee considered these violations as major for the following reasons: (1) the violations were not isolated, as the head coach committed several playing and practice season violations as noted in this report; (2) the violations were not inadvertent, as the head coach knew or should have known the impermissible practices were contrary to NCAA legislation; (3) these impermissible out-of-season activities resulted in a competitive advantage for the institution; and (4) this violation is one of a set of multiple violations committed by the head coach, and as such, should be regarded as major.

D. VIOLATION OF OFF-CAMPUS RECRUITING CONTACT LEGISLATION, IMPERMISSIBLE RECRUITER. [NCAA Bylaws 11.01.5, 11.7.4.3, 13.1.2.1 and 13.1.2.1.1]

In February 2001, the head coach allowed a student assistant coach (previously identified as prospect 1) to accompany her off campus on a recruiting trip to evaluate a prospective student-athlete (henceforth, "prospect 8") during a high school basketball game. Prior to the start of the high school contest, the mother of prospect 8 approached the head coach, but the head coach informed prospect 8's mother that it was impermissible for the head coach to speak with her. After the contest ended, the student assistant coach reiterated to prospect 8's mother that the head coach could not speak to her at that time, and, in the same conversation, the student assistant coach complimented prospect 8's mother on the play of her daughter. She also informed prospect 8's mother that either she or the head coach would send a greeting card in the near future. [Note: Additionally, three assistant women's basketball coaches at the institution learned of the violation and failed to report it to the appropriate athletics administrators. This matter is further addressed in the lack of institutional control finding in II-F.]

Committee Rationale

There is substantial agreement on the facts among the institution, the head coach and the enforcement staff and that violations of NCAA legislation occurred. The enforcement staff considered this to be a major violation, in large part because of the pattern of

violations committed by the head coach, while the institution and the head coach considered this to be a secondary violation. Both the institution and the head coach's positions are that the violation was secondary because the contact between the student assistant coach and the prospect's mother was very brief, combined with the fact that prospect 8 was not being seriously recruited by the university. (Note: Prospect 8 attends a Division III institution in Minnesota.)

Despite the short, rather inconsequential contact between the student assistant coach and the prospect 8's mother, and the fact that the university was not actively recruiting the prospect, the committee found this violation to be major in nature. NCAA legislation is clear and unequivocal that student assistant coaches are not allowed to be involved in off campus recruiting activity. This is certainly a situation in which the head coach knew or should have known that allowing the student assistant to be involved in such activities would result in violations of NCAA recruiting legislation.

Of more concern to the committee was the fact that the assistant coaches were aware of this violation, yet did not immediately report it. As the university stated in its response to the letter of official inquiry, "there is no question that they should have immediately reported this matter." This failure to report the violation is a component of the lack of institutional control set forth in Finding II-F.

E. UNETHICAL CONDUCT. [NCAA Bylaws 10.01.1, 10.1, 10.1-(c) and 10.1-(d)]

Between the summer of 1998 and February 2001, the head coach failed to deport herself in accordance with the generally recognized high standards of honesty normally associated with the conduct and administration of intercollegiate athletics for her involvement in Findings II-A, II-B, II-C and II-D of this report.

Committee Rationale

The institution and the enforcement staff were in substantial agreement as to the facts of this finding and that violations of the principles of ethical conduct occurred. The head coach admitted involvement in violations in only Findings II-B-2 and II-B-3. She denied being involved in the violations set forth in Findings II-A-1, II-A-2, II-C-1, and II-C-2. With regard to Findings II-A-3, II-B-1, and II-D, the head coach explained her involvement by suggesting that the circumstances provided an exception to the normal application of the governing NCAA legislation or a justification for disregarding it, by

disputing that the cited conduct was contrary to NCAA legislation, or by claiming that the violation was secondary, not major.

For the reasons set forth in this report, the committee found that the head coach was involved in the violations as set forth in Findings II-A, II-B, II-C, and II-D. The committee further found that this involvement violated the principles of ethical conduct.

F. LACK OF INSTITUTIONAL CONTROL. [NCAA Constitution 2.1, 2.8.1 and 6.01]

Between the summer of 1998 and the spring of 2001, the institution demonstrated a lack of appropriate institutional control in that an environment of noncompliance regarding NCAA legislation existed in the women's basketball program as perpetuated by the actions of the head coach, as noted in Findings II-A through II-D of this report. The environment of noncompliance existed in that members of the women's basketball coaching and administrative staffs were either involved in or aware of the above-referenced alleged violations, all of which involved the head coach, yet none of these violations were ever reported or detected until a number of student-athletes brought some of these violations to the attention of the director of athletics on March 11, 2001.

Committee Rationale

In reference to the lack of institutional control finding, there was substantial agreement between the institution and the enforcement staff as to the facts and that violations of the principle of institutional control occurred. [Note: While the head coach was not considered at risk for any parts of this finding, she denied that her actions as noted in this report perpetuated an environment of noncompliance in the women's basketball program.] The following circumstances were pertinent in the committee's finding of a lack of institutional control:

- As set forth in Finding II-A, student manager 1 was involved with the head coach in arranging impermissible housing for four prospective student-athletes in the summer of 1998. Nothing was reported to officials at the institution with regard to these violations until the institution began its inquiry.
- As determined in Finding II-B-3, the head coach permitted a women's basketball administrative assistant to transport a prospective student-athlete, and a student-athlete, back to campus after they had stayed at the head coach's home. Neither

prospect 1, prospect 6 nor the administrative assistant ever reported the violations to the institution.

- As stated in Finding II-C, the head coach instructed a student manager and a student assistant coach to work out with a prospective student-athlete, arranged for the student assistant coach to direct mandatory pickup games and directed team managers to keep statistical information during the pickup games. None of these individuals reported these violations to the athletics administration.
- As outlined in Finding II-C-2, the director of compliance did not research the permissibility of mandatory pickup games during the preseason, thus allowing the violation to continue.
- As noted in Secondary Violation 2, in the presence of the women's basketball secretary, the head coach either paid or permitted the payment of the meals for a student-athlete and the student assistant coach. None of these individuals reported these violations to the institution.
- As determined in Finding II-D, the head coach allowed the student assistant coach to accompany her to a prospective student-athlete's high school basketball game. Further, at least three assistant coaches were aware of this situation either before or after it occurred. In fact, two of the assistant coaches later discussed their concerns about the student assistant coach (prospect 1) accompanying the head coach to the game. Despite all of this, none of the three assistant coaches ever reported the violation to the institution contemporaneous to the event. (Note: one of the assistant coaches later reported it, but not until March 2001, at about the same time the student-athletes brought their grievances to the director of athletics, as documented in the introduction of this report.)
- Further, it should be emphasized that the head coach never reported any of the violations to the institution.

The facts, presented as such, indicate to the committee that the head coach's actions in numerous violations of NCAA legislation perpetuated an environment of noncompliance; and as a result, none of her women's basketball coaching and administrative staff reported any of these violations to the institution, as they should have. Therefore, these failures indicate a lack of appropriate institutional control.

As indicated in the introduction to this report, the committee was troubled by the fact that the university failed to react in a timely fashion to information indicating that violations had taken place in the women's basketball program. As previously established, the

university was informed in an October 28, 1998, letter from the enforcement staff of information relating to potential NCAA violations in the women's basketball program that had been reported to the NCAA national office. However, it was not until late March and early April 1999, that the university conducted any interviews with student-athletes and coaches regarding the information contained in the enforcement staff's letter, and it was nearly a year and a half later (March 10, 2000), that the university responded to the NCAA's letter. At the hearing, the university's president admitted that the university's response to the information contained in the October 28, 1998, letter from the NCAA was inadequate. Specifically, the president stated:

I thought our compliance office in that period did not investigate expeditiously, did not investigate thoroughly (and) did not follow through appropriately. It could have been done a whole lot better.

The committee further noted that the investigation involving the men's basketball program was taking place during 1999 and early 2000. The committee believes that, had the institution executed a prompt and complete review of the issues in the women's basketball program, it is quite likely that the two cases could have been combined into one, and adjudicated by the committee during the August 2000 hearing.

SECONDARY VIOLATIONS

[NCAA Bylaws 11.01.5, 11.01.5.1, 13.2.1, 13.2.2-(g), 16.12.2.1 and 16.12.2.3-(d)]

1. In the fall of 1999, during the recruitment of a prospective student-athlete, the head coach arranged for the prospect's brother and his friends to be admitted to the Institution Recreation Center at no cost to the young men.
2. In October 2000, the head coach purchased or permitted the purchase of a restaurant meal for student-athlete A and the student assistant coach, (previously identified as prospect 1) who was still considered a student-athlete and was receiving fifth-year athletically related financial aid. Specifically, the head coach, student-athlete A and the student assistant coach dined at a local restaurant, along with the head coach's secretary and friends of the head coach, all of whom had attended a church service at which student-athlete A was baptized. Either the head coach paid for student-athlete A's and the student assistant coach's meals or she (the head coach) permitted her friend to pay for the meals.

3. Beginning in the fall of 1999 and continuing through the spring of 2001, the head coach's secretary transported student-athlete A to services at her church on approximately 35 occasions.

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 SELF-IMPOSED (OR PROPOSED) BY THE UNIVERSITY.

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

1. Termination of the contract of the head women's basketball coach, effective on May 14, 2001.
2. The number of official visits in the women's basketball program reduced from 12 to 10 for the 2001-02 and 2002-03 academic years.
3. The number of evaluation days in the women's basketball program reduced from 40 to 35 for the 2001-02 and 2002-03 academic years.
4. The number of coaches permitted to evaluate off-campus reduced from three to two for the 2001-02 and 2002-03 academic years (including summers).
5. The number of evaluation days in July reduced from 23 to 20 for the 2001-02 and 2002-03 academic years.
6. A letter of reprimand was issued to the compliance director.
7. The university enhanced NCAA rules compliance oversight and monitoring by:
 - a. Developing a new system for submission and review of practice logs.

- b. Instituting additional rules education for team council and athletic staff emphasizing expectations regarding NCAA rules compliance.
- 8. The university enhanced compliance educational efforts for coaches, student-athletes, parents, prospects and boosters as follows:
 - a. Provided to student-athletes, prospects and parents specific information on NCAA legislation regarding extra benefits and inducements.
 - b. Continued educational programming emphasizing values and integrity for head, assistant coaches, staff and new employees.
 - c. Provided NCAA rules education for high-school coaches, AAU and other teams through vehicles such as clinics, camps or seminars.
 - d. Required an AAU coach involved in an NCAA infraction to undertake individualized compliance education and training.
- 9. The university added an assistant director position in the compliance office to increase educational components regarding NCAA rules.

B. ADDITIONAL PENALTIES IMPOSED BY THE COMMITTEE ON INFRACTIONS.

The Committee on Infractions agreed with and approved of the actions taken by the university, but it imposed additional penalties because of the serious nature of the violations in this case, including the involvement of the head coach in a number of the violations, a lack of institutional control resulting from an environment of noncompliance in the women's basketball program and the university's recent history of serious NCAA infractions cases. Based upon these circumstances, the committee believed that additional sanctions were warranted, including an extension of the university's current probationary period resulting from the 2000 men's basketball case.

Bylaw 19.6.2.1 specifies the presumptive penalties for a major infractions case. The university's self-imposed penalties, in combination with those imposed by the committee, address all of the presumptive penalties set forth in this bylaw, with the exception of a ban on post-season competition. The committee decided not to

impose a post-season ban primarily because of the fact that the university has taken steps to imposed appropriate corrective measures, including the dismissal of the former head women's basketball coach. The additional penalties imposed by the committee are as follows:

1. The university shall be publicly reprimanded and censured.
2. The institution's probation shall be extended an additional two years from the October 23, 2004, conclusion of its current four-year period of probation resulting from the 2000 men's basketball infractions case. The new probationary period will expire October 22, 2006.
3. The institution shall reduce grants-in-aid in women's basketball by one during both the 2003-04 and 2004-05 academic years. Under current rules, this limits the institution to fourteen total grants during those two years.
4. Official paid visits in women's basketball shall be limited to no more than seven for the 2002-03 and 2003-04 academic years. [Note: The university proposed to limit itself to 10 visits for each of the 2001-02 and 2002-03 academic years.]
5. The university shall fully document those coaching staff recruiting limitations specified in self-imposed penalty II-A-4 to the Committee on Infractions in the university's first annual compliance report.
6. During the 2002-03 academic year, the institution's women's basketball team shall delay the start of preseason basketball practice by seven days from the starting date specified in Bylaw 17.5.2.
7. All prospective student-athletes who move to the Minneapolis area prior to full-time enrollment shall be reported to the compliance office. The compliance office will then closely monitor any such prospective student-athletes so as to ensure that these prospective student-athletes do not become involved in violations of NCAA legislation.
8. Had the head women's basketball coach still been employed in an athletically related capacity at the institution, the university would have been required to show-cause in accordance with Bylaw 19.6.2.2-(I) why it should not be subject to additional penalties if it had failed to take appropriate disciplinary action against her.

9. The head women's basketball coach's current employing institution shall, pursuant to the provisions of Bylaw 19.6.2.2-(l), show-cause why it should not be penalized if it does not prohibit her from off-campus recruiting for a period commencing on July 8, 2002, and ending on November 20, 2002, (the last day of the 2002 early signing period). Further, the head women's basketball coach's current employer shall prohibit the coach from participating in any manner with the first seven days of official preseason practice for the 2002-03 academic year. Finally, the university shall submit a compliance report to the committee by May 15, 2003. The report should emphasize the institution's monitoring of, and rules education sessions for the head women's basketball coach with particular emphasis on recruiting, practice and playing season legislation and ethical conduct expectations of staff members employed at NCAA member institutions. The aforementioned reporting requirements for her current employing institution shall be in effect for a period beginning July 2, 2002, and ending on July 1, 2004. Should the head women's basketball coach be employed by any other member institution prior to the conclusion of the two-year period specified, the restrictions and reporting requirements set forth above shall remain in effect at the new institution for the balance of the two-year period.
10. During this period of probation, the institution shall:
 - 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. Particular emphasis should be placed on education relating to the use of the NCAA's Special Assistance Fund;
 - b. Submit a preliminary report to the director of the NCAA infractions committees by August 15, 2002, setting forth a schedule for establishing this compliance and educational program; and
 - c. File with the committee's director annual compliance reports indicating the progress made with this program by September 1 of

each year during the probationary period. Particular emphasis should be placed on compliance with NCAA legislation relating to playing and practice seasons and the monitoring of prospective student-athletes who move to the university's home city prior to initial full-time enrollment. The reports must also include documentation of the university's compliance with the penalties (adopted and) imposed by the committee.

11. 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.

As required by NCAA legislation for any institution involved in a major infractions case, the University of Minnesota, Twin Cities, 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, July 2, 2002.

Should Minnesota or its former head women's basketball coach appeal either the findings of violations or penalties in this case to the NCAA Division I 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 Dee
Craig Littlepage
Gene Marsh
Andrea Myers
James Park Jr.
Josephine Potuto
Thomas Yeager; chair

APPENDIX

CASE CHRONOLOGY.

1997

May 1 - The former head women's basketball coach was hired.

1998

Summer - The head coach arranged housing and other impermissible benefits for four prospective student-athletes.

October 28 - The enforcement staff informed the institution of possible violations in the women's basketball program. The institution commenced an inquiry into these allegations.

1999

November 22 - The enforcement staff issued a letter of preliminary inquiry into the men's basketball program.

1999-00 academic year - The head coach engaged in a number of NCAA violations.

2000

March 10 - The institution responded to the enforcement staff's October 28, 1998, letter and self-reported several secondary violations related to the women's basketball program.

April 28 - The enforcement staff requested clarification to the institution's March 10, 2000, self-report related to the women's basketball program.

May 16 - The enforcement staff issued a letter of official inquiry to the president of the institution related to the men's basketball program.

August 11 - The institution appeared before the Division I Committee on Infractions (Case No. M176) related to the men's basketball program.

September 6 - The institution submitted its response to the April 28, 2000, letter from the enforcement staff related to the women's basketball program.

October 24 - The Division I Committee on Infractions released Infractions Report No. 176 related to the men's basketball program.

October 2000 - March 2001 - The head coach and the institution are alleged to have engaged in several NCAA violations, thereby raising the possibility that the institution may be subject to the NCAA repeat-violator provision.

2001

March 11 - Members of the women's basketball team informed the women's athletics director of possible NCAA violations. The institution initiated an inquiry into these allegations.

May 5 - The institution submitted a self-report of the violations.

May 14 - The institution terminated the contract of the head coach.

June 4 - The enforcement staff began its inquiry related to the women's basketball program.

June 15 - The enforcement staff issued a letter of preliminary inquiry to the president of the institution.

December 10 - The enforcement staff issued a six-month status letter.

2002

January 14 - The enforcement staff issued letters of official inquiry to the president of the institution and the former head women's basketball coach related to the women's basketball program.

February 7 - The enforcement staff issued an amended letter of official inquiry.

March 6 - The institution submitted its response to the letter of official inquiry.

March 12 - The former head women's basketball coach submitted her response to the letter of official inquiry.

March 13 - A prehearing conference was conducted with the institution.

March 14 - A prehearing conference was conducted with the former head women's basketball coach and her attorney.

April 1 - The enforcement staff submitted the Case Summary.

April 13 - The institution and the former head women's basketball coach appeared before the NCAA Division I Committee on Infractions.

July 2 - Infractions Report No. 199 is released.