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MICHIGAN STATE UNIVERSITY

PUBLIC INFRACTIONS REPORT

OVERLAND PARK, KANSAS---This report is organized as follows:

I. Introduction.

II. Findings of violations of NCAA legislation.

III. Committee on Infractions Penalties.

I. INTRODUCTION.

This case involved the football program at Michigan State University and primarily concerned violations of NCAA bylaws governing recruiting, extra benefits, academic eligibility, activity of representatives of the institution's athletics interests, ethical conduct and institutional control.

Michigan State University is a Division I institution and a member of the Big Ten Conference. The university has an enrollment of approximately 39,000 students and sponsors 14 men's and 11 women's intercollegiate sports.

NCAA member institutions are expected to cooperate with the enforcement staff during investigations, and this institution demonstrated strong cooperation and commitment, through the involvement of the president, to determine the truth behind allegations of NCAA violations.

This case involved a variety of violations, including situations in which representatives of the institution's athletics interests provided impermissible recruiting inducements and extra benefits. One of these athletics representatives involuntarily became a representative of the university's athletics interests because members of the football coaching staff took advantage of his prominence in a community in a prime recruiting area and sought his assistance with recruiting. These actions by the coaching staff transformed the supportive efforts of a [Page 2] community leader into NCAA violations and demonstrated a lack of institutional control regarding the recruiting process in the sport of football.

A. CASE CHRONOLOGY.

On September 13, 1994, the NCAA enforcement staff received a telephone call from a former Michigan State University football student-athlete concerning possible violations of NCAA legislation in the university's football program. In early November, the university retained outside legal counsel to conduct an independent investigation of the allegations. On November 11, the enforcement staff sent a letter of preliminary inquiry to the university's president formally notifying the university that the enforcement staff had initiated a preliminary inquiry into the operation of the university's football program. The enforcement staff sent a six-month status letter to the university on May 5, 1995, and a one-year status letter on October 30, after the NCAA Committee on Infractions authorized the extension of the investigation.

From mid-November 1994 through March 1996, the enforcement staff and the university's outside legal counsel conducted over 200 joint interviews. Individuals interviewed included current and former student-athletes and their parents, coaches, university administrators and professors and representatives of the university's athletics interests.

On February 29, 1996, the enforcement staff issued letters of official inquiry to the university, the former head

football coach and the former athletics student advisor. Consistent with Bylaw 32.5.7, the university notified in writing two enrolled football student-athletes, a former football administrative assistant and an assistant football coach of the allegations contained in the letter of official inquiry and afforded them the opportunity to respond to those allegations.

On March 29, 1996, as a result of newly developed information, the enforcement staff issued a supplemental allegation to the original letter of official inquiry. On April 17, the university submitted its response to the letter of official inquiry and the supplemental allegation. On May 7, legal counsel for one of the enrolled student-athletes submitted a response to the allegations. On May 8, the enforcement staff and university held a prehearing conference, and on May 13 the enforcement staff and legal counsel for the enrolled student-athlete conducted a prehearing conference.

On June 1, 1996, representatives of the NCAA enforcement staff, the institution and the Big Ten Conference appeared at a hearing before the NCAA Committee on Infractions. Including among those present were an assistant football coach, an enrolled student-athlete and the athletics student advisor who was involved in this case. The student advisor left the hearing without fully responding to the allegations in which he was named, but a [Page 3] representative from the office of the student advisor's attorney, who was unable to get to the hearing, remained for the duration of the allegations involving the student advisor. The committee provided the student advisor and his attorney an opportunity to submit additional written information following the hearing. On June 29, they submitted supplemental information and on July 11 and 12, respectively, the university and enforcement staff responded in writing. The committee reviewed this information during the course of deliberations at its August 10-13 meeting. On August 18, the student advisor submitted a letter to the Committee on Infractions, which the committee determined contained no new information.

As a result of Findings II-D and J of this report, the student-athlete's eligibility to compete for the university in intercollegiate athletics was affected. On August 19, the NCAA Committee on Infractions orally notified the university that the findings in this report would affect his eligibility and that the university could, if it desired, request restoration of his eligibility, even though the report would not be ready for release prior to the institution's first football game. The Committee on Infractions thereafter provided information to the NCAA Eligibility Committee, including the following mitigating factors:

According to the testimony, including that of the student-athlete, at the hearing before the Committee on Infractions, the representative of the institution's athletics interests did not have a significant influence on his decision to attend Michigan State University. The main reason for his choosing Michigan State University was the institution's strong academic program that matched his career interests.

The student-athlete and the athletics representative had developed a close personal relationship evidenced by the fact that the athletics representative pursued the adoption of the student-athlete after the death of his only living parent, until the representative realized it could jeopardize the student-athlete's eligibility for Pell Grant financial aid.

On August 23 the university requested restoration of his eligibility and on August 28 it was restored by the NCAA Eligibility Committee. No other eligibility issues remain.

B. SUMMARY OF THE FINDINGS OF VIOLATIONS.

The violations found by the committee may be summarized as follows:

The athletics student advisor violated the principles of ethical conduct when he improperly assisted three student-athletes to obtain academic credit necessary for their eligibility for intercollegiate athletics. The student [Page 4] advisor helped the student-athletes obtain grade changes by arranging for letters containing fraudulent medical information, by contacting faculty members on behalf of the student-athletes and by assisting one student-athlete to submit fraudulent theme papers.

_ A representative of the institution's athletics interests provided extra benefits and improper recruiting inducements when he:

-- Paid the cost of round-trip airline transportation for five prospective student-athletes to travel to the institution, provided \$100 cash for spending money during their visit, arranged local automobile transportation, and paid for tickets to a football game, lodging and meals. During the visit, the five prospective student-athletes also had in-person, off-campus recruiting contacts with an assistant football coach and a football administrative assistant. One of the prospective student-athletes later exceeded the permissible number of official visits.

-- Provided cash and meals to three prospective student-athletes and offered improper assistance to a relative of one of the prospective student-athletes.

-- Provided cash and other benefits to three student-athletes on numerous occasions.

-- Had improper recruiting contacts with a prospective student-athlete and his mother.

_ A second representative of the institution's athletics interests provided recruiting inducements and extra benefits to a student-athlete, including employment at a higher wage than other employees doing the same work, occasional meals, cash, arrangements for his mother to visit the institution's campus and other benefits.

_ A third representative of the institution's athletics interests provided extra benefits to a football student-athlete, including use of an automobile and assistance in renting an automobile.

_ There was a lack of institutional control.

_ There were several secondary violations.

C. SUMMARY OF THE PENALTIES.

In imposing the following penalties, the Committee on Infractions considered the corrective actions taken by the university, as detailed in Part III-A of this report. [Page 5]

1. The committee adopted as its own the following penalties self-imposed by the institution:

_ Reduction by two in the number of permissible initial financial aid awards in football during the 1996-97 academic year.

_ Reduction by six in the number of permissible total financial aid awards in football during the 1996-97 academic year.

_ Reduction by eight in the number of permissible official visits in football during the 1995-96 academic year.

_ Reduction by one in the number of coaches who may recruit off campus for football during December 1995 and January 1996.

_ Recertification of current athletics policies and practices.

_ Disassociation of three representatives of the institution's athletics interests.

_ Prohibition against an assistant coach from recruiting off campus during December 1995 and from May 1, 1996, through April 30, 1997.

_ Forfeiture of five football games during the 1994 season.

2. The committee imposed the following additional penalties:

_ Public reprimand and censure.

_ Four years of probation.

_ Reduction by seven in the number of permissible initial financial aid awards in football during the 1997-98 academic year.

_ Reduction by one in the number of coaches who may recruit off campus during December 1996 and January 1997.

_ Requirement that the institution continue to develop a comprehensive athletics compliance education program, with annual reports to the committee during the period of probation.

_ Show-cause requirement regarding the former athletics student advisor for three years. [Page 6]

II. FINDINGS OF VIOLATIONS OF NCAA LEGISLATION.

A. UNETHICAL CONDUCT AND IMPROPER ASSISTANCE IN OBTAINING ACADEMIC CREDIT. [NCAA BYLAWS 10.01.1, 10.1-(b), 10.1-(c), 14.01.2.1, 14.01.3, 14.4.1, 16.02.3 AND 16.12.2.1]

In August 1994, in order to ensure the continuing eligibility of a football student-athlete, an athletics student advisor violated the principles of ethical conduct in a number of different ways. He contacted the instructors in two courses in which the student-athlete had failed to meet the requirements and was therefore to receive such low or failing grades that he would not be eligible to participate in the 1994 football season. The student advisor urged the instructors in the courses to provide special treatment so as to assist the student-athlete to remain eligible. In one case, the student advisor offered improper inducements to a faculty member and a tutor to assist the student-athlete. In another case, the student advisor assisted in the submission of fraudulent theme papers which were part of the course requirements. When the instructors initially refused to alter the student-athlete's grades, the student advisor arranged for the submission of a letter stating that the student-athlete was having psychological problems that had adversely affected his performance. In his interviews with the enforcement staff and university, the student-athlete declared that he had no such problems. Nonetheless, on the basis of the letter, the instructors made special arrangements to assist the student-athlete which resulted in his meeting the satisfactory-progress rules. One of the faculty members was induced to backdate a university grade-change form so that it would appear that the student-athlete had met the Big Ten Conference satisfactory-progress rules. The instructor's actions gave the appearance that the student-athlete was eligible for intercollegiate competition and he was therefore allowed to compete. Specifically:

1. The student-athlete was enrolled in Sociology 100 during the second term of the 1994 summer session at the institution. He turned in no assignments and did not appear for the final examination. On August 2, 1994, the athletics student advisor telephoned the course instructor and informed her that the student-athlete needed academic credit in the course in order to be eligible for football and stated that his failure to take the final examination was due to his severe emotional problems. If she would allow the student-athlete to take the final examination late, the student advisor promised to introduce her to members of the football team and to arrange for her to eat with them and attend football games. He also offered to pay her \$50 per hour if she would tutor the student-athlete, an amount in excess of standard pay for tutors.

In order to overcome the instructor's reluctance to provide special assistance to the student-athlete, the student advisor arranged for the student-athlete to go to a [Page 7] psychological clinic, from which he received a letter

asserting that the student-athlete suffered from "severe depression and suicidal ideations." According to the letter, he was to refrain from all university activities until released. The student-athlete reported to the university and enforcement staff that he did not suffer from any such psychological ailment, did not refrain from university activities, including participation in the football program, and received no follow-up treatment.

Essentially on the basis of the letter, the instructor agreed to give the student-athlete a late exam. The student advisor arranged for another student who had recently taken the course to tutor the student-athlete. The tutor was told he could receive payment for whatever hours he claimed. The tutoring sessions took place for seven days in the institution's football building. On September 2, 1994, the student-athlete took the examination and received a low grade that was, nevertheless, sufficient for eligibility purposes.

The student advisor requested the course instructor to backdate the grade form from September 2, 1994, to August 29, 1994. The purpose was to establish that the student-athlete's academic records complied with Big Ten Conference satisfactory-progress rules. The instructor agreed and advised her administrative secretary to backdate the forms. In fact, his grades did not meet the conference requirements because the academic work was completed after the first day of classes for the fall term.

2. In the summer of 1994, the student-athlete was enrolled in Sociology 216. He had failed to turn in any of the four required theme papers and had not taken one of the course examinations. In mid to late August, the athletics student advisor phoned the course instructor to express concern that the student-athlete might receive a low grade, rendering him ineligible to compete in football during the 1994 season. When the instructor refused to assist the student-athlete in receiving a higher grade, the student advisor provided the instructor with a copy of the letter from the psychological clinic that had been provided to another instructor as set forth in Paragraph II-A-1 above. As a result, the instructor permitted the student-athlete on September 7 to take the same multiple-choice examination that the other students had taken on August 18. In addition, the instructor received in his mail box four theme papers ostensibly from the student-athlete. At least two of these papers had been submitted by another student in the class, but had been reworded after the student-athlete showed them to the student advisor. As a result of the instructor's acceptance of the late theme papers and the late examination, the student-athlete received a grade increase sufficient to maintain his eligibility. In fact, because the work had not been completed prior to the beginning of the fall term, the student-athlete failed to [Page 8] meet the Big Ten Conference satisfactory-progress requirements.

B. UNETHICAL CONDUCT AND IMPROPER ASSISTANCE IN OBTAINING ACADEMIC CREDIT. [NCAA BYLAWS 10.01.1, 10.1-(b), 10.1-(c), 14.4.1, 16.02.3 AND 16.12.2.1]

In August 1994, in an effort to ensure the continuing eligibility of a football student-athlete, an athletics student advisor violated the principles of ethical conduct by contacting and offering inducements to faculty members and staff at a community college in an attempt to have grades changed in two courses. Specifically:

1. During the summer of 1994, the student-athlete received a failing grade of "F" in an Introduction to Criminal Justice class at the community college because he had not fulfilled the course requirements by attending classes and taking the required examinations. On or about August 8, the athletics student advisor informed a friend, who was an East Lansing probation officer, that the student-athlete was having difficulty getting a grade change for a course at the community college. Around that time, the instructor received a telephone call from the probation officer and a court officer, who was a personal acquaintance of the instructor. The court officer told the instructor that he was calling to ask for help concerning a client of the probation officer. The probation officer encouraged the instructor to award an incomplete in the criminal justice course, but the instructor refused to change the grade. The probation officer then contacted the student advisor, gave him the instructor's unpublished home telephone number and informed him that the instructor was unwilling to change the grade. Later that day, the student advisor telephoned the instructor and asked him to change the student-athlete's grade from an "F" to an "incomplete," and told him that otherwise the student-athlete would lose his scholarship. After the instructor's repeated refusals to change the grade, the student advisor offered the instructor a chance to meet the head football coach and receive tickets to football games. The instructor again denied the student advisor's request. On August 13, when the student-athlete telephoned the instructor at his home and asked him to change his grade from an "F" to an

"incomplete," the instructor continued to refuse to change the grade.

2. On July 14, 1994, the athletics student advisor telephoned the director of the instructional course division at the community college, and requested that the student-athlete, who had been dropped from Sociology 101 for lack of attendance, be reinstated to avoid going to prison. Subsequently, the student advisor made one telephone call to a staff member and several calls to the instructor for the course requesting that the student-athlete's grade be [Page 9] changed to an "incomplete." The instructor discussed the situation with the head of the faculty of the human services program and, on August 12, 1994, they agreed to change the student-athlete's grade to an incomplete. After the student-athlete received the incomplete, he never attended class or made up the incomplete grade.

C. UNETHICAL CONDUCT AND IMPROPER ASSISTANCE IN OBTAINING ACADEMIC CREDIT. [NCAA BYLAWS 10.01.1, 10.1-(b), 10.1-(c), 11.1.1 AND 19.01.2]

In December 1994, in an effort to ensure the continuing eligibility of a football student-athlete, the athletics student advisor again violated the principles of ethical conduct. He referred the student-athlete to a therapist in the Psychological Evaluation Treatment Center where the student advisor was also employed. Prior to the student-athlete's appointment with the therapist, the student advisor recommended that the student-athlete misrepresent symptoms of mental health problems and suicidal tendencies to secure a medical excuse. The purpose of this medical excuse was to enable the student-athlete to drop Biology 204 from his fall semester curriculum without obtaining a failing grade, which would have jeopardized his continuing eligibility to compete in intercollegiate athletics at the university.

The student-athlete would have received a failing grade in the biology course because he had missed many course classes and had not completed much of the course work. On December 5, the student-athlete met with the student advisor and the therapist and secured a letter from the therapist stating that the student-athlete could not "function and is unable to take his final exams." The student-athlete brought the letter to a professor of biology at the university, who signed a dean's drop form for the student-athlete for Biology 204, thereby preventing him from receiving a zero or "F" in the class.

D. IMPROPER RECRUITING INDUCEMENTS AND EXTRA BENEFITS PROVIDED BY AN ATHLETICS REPRESENTATIVE. [NCAA CONSTITUTION 6.4.1 AND 6.4.2, AND BYLAWS 13.02.4.1, 13.02.14.2, 13.1.2.1, 13.2.1, 13.2.2-(e), 13.6.1, 13.6.3, 13.7.1.1, 13.8.1, 16.02.3, 16.12.2.1 AND 30.11.5-(a)]

On numerous occasions between May 1993 and the fall of 1995, a representative of the university's athletics interests assisted the university with the recruitment of and provided recruiting inducements and extra benefits to 11 prospective and enrolled student-athletes. This individual was acting as a representative of the institution's athletics interests because members of the university's football coaching staff used his ties to his community and his familiarity with prospective student-athletes to gain a recruiting advantage. The athletics representative provided assistance to high-school athletes and youth athletics [Page 10] programs in his community that was at least in part due to his desire to assist under-privileged youth in his area. However, several members of the university's football coaching staff were familiar with the athletics representative and sought his assistance with the recruitment of prospective student-athletes. They knew or should have known that by seeking and accepting his help with recruiting, their actions made him a representative of the university's athletics interests.

In February 1992, the university was first alerted by the Big Ten Conference regarding the possible involvement of this individual in the recruitment of a prospective student-athlete. Additionally, the university's primary football recruiter in the individual's region had an ongoing relationship with the individual from the early 1980s until the coach left the university in 1993. After another assistant football coach took over as the primary recruiter in that region, he initiated contact with the individual to get information on high-school prospective student-athletes. On May 10, 1993, the assistant coach and the individual had a meal together and discussed several prospective student-athletes in the area. The assistant coach asked the individual for a character assessment of two prospective student-athletes, even though the individual had no pre-existing relationship with them. University expense reports for the May 10 meal and another meal on December 15, 1993, listed the athletics representative as a "recruiting helper." In July 1993, the athletics representative initiated contact with the two prospective student-athletes for the

first time.

Between August 2, 1992, and February 1995, 98 telephone calls were made from football coaching staff members to the athletics representative, including 31 between October 1993 and January 14, 1994, the dates surrounding the athletics representative's two visits to the university with prospective student-athletes. Because of the actions of the university's football coaching staff members in seeking out and using the assistance of the athletics representative, the following constituted violations of NCAA recruiting and extra benefit legislation:

1. During the weekend of November 12-13, 1994, a representative of the university's athletics interests arranged for, accompanied and paid the costs associated with visits to the university's campus by five prospective student-athletes. Two members of the university football coaching staff were aware the week before the visit that the athletics representative would be attending the football contest against Purdue and would be bringing five prospective student-athletes with him to tour the institution's campus.

On Friday, November 11, the athletics representative arranged for and paid the cost of lodging for three of the prospective student-athletes at a hotel near the airport to eliminate the 45-minute drive from their homes on the following morning. [Page 11]

On Saturday morning, November 12, the athletics representative met the five prospective student-athletes at the airport and provided each one with a round-trip airline ticket and a \$100 bill to use as spending money during the visit. The athletics representative accompanied the prospective student-athletes to Lansing, where they were met by a second representative of the institution's athletics interests who transported them from the airport to Spartan Stadium. The first representative of the institution's athletics interests provided tickets to the football game to the five prospective student-athletes.

After the football game, the prospective student-athletes visited the institution's football locker room and talked with several football student-athletes from their region and met with the administrative assistant and the assistant football coach at the Duffy Daugherty football building, where they received a tour of the facility. The athletics representative informed the assistant coach and the administrative assistant that he and the prospective student-athletes would be having breakfast the following morning at a local restaurant.

Two football student-athletes served as hosts for the five prospective student-athletes by transporting the prospective student-athletes and participating with them in a variety of social activities on and off campus. During the remainder of the weekend, the athletics representative provided the prospective student-athletes with lodging in a local hotel, food at a bowling alley owned by the second athletics representative, local transportation and breakfast. During the breakfast, the assistant coach and the administrative assistant had in-person, off-campus contacts with the five prospective student-athletes.

As a result of this visit, which became an official visit because it was funded by a representative of the institution's athletics interests, a later visit by one of the prospective student-athletes constituted a second official visit to the university, in violation of NCAA bylaws.

2. On numerous occasions from July 1993 until January 1994, the representative of the university's athletics interests provided cash and several meals to three prospective student-athletes from a high school in his community. The representative also provided cash and improperly offered assistance to the grandmother of one of the prospective student-athletes.

On approximately 10-15 occasions from July 1993 until January 1994, the athletics representative provided cash to one of the prospective student-athletes totaling between \$7,000 and \$8,000. On approximately eight occasions during this period, the representative provided approximately [Page 12] \$1,500 or \$2,000 cash to each of the other two prospective student-athletes.

In addition, in December 1993, the athletics representative provided between \$2,000 and \$3,000 cash to the grandmother of one of the prospective student-athletes, offered her financial assistance to pay the difference

between the lower wage at her new job and her previous employment, and offered her assistance in securing an apartment.

During December 1993 and January 1994, the athletics representative encouraged these prospective student-athletes to make an official visit to the university. The athletics representative also had numerous telephone conversations with an assistant football coach, who was the primary recruiter for the three prospective student-athletes, and with a football administrative assistant about the prospective student-athletes' recruitment and visit to the university. On or about January 10, 1994, the prospective student-athletes agreed to visit the university, and the athletics representative contacted the coaching staff to inform them of the visit. Prior to the trip the athletics representative provided \$100 cash to each prospective student-athlete for spending money during their official visit to the university, which occurred January 14-16, 1994.

3. From May 1993 through the fall of 1995, the representative of the institution's athletics interests provided cash to a football student-athlete prior to and following the student-athlete's enrollment. He also provided cash and other extra benefits to two other football student-athletes who were also from his home area. Specifically:

a. In December 1993, when one of the student-athletes was introduced to the representative of the institution's athletics interests during his junior year in high school, the athletics representative provided him with \$200 cash. The athletics representative continued to provide various amounts of cash to the prospective student-athlete during his senior year in high school.

From February to May 1995, the athletics representative also provided checks to the student-athlete on eight occasions, for a total of \$1,650, from a community youth recreation organization. In the summer of 1995, prior to the student-athlete's enrollment at the university, the athletics representative provided the student-athlete with an open-ended, round-trip airline ticket between his home and Lansing, Michigan. Subsequent to the student-athlete's enrollment at the university, the athletics representative provided the student-athlete with \$600 to \$700 cash. [Page 13]

Although the athletics representative and the student-athlete had developed a close personal relationship, these cash payments and extra benefits violated NCAA legislation because the two met after the actions of the university's football coaching staff made the individual a representative of the university.

b. From May 1993 through January 1995, excluding June and July in 1993 and 1994, the representative of the institution's athletics interests sent approximately \$100-\$200 a month to a second student-athlete either in cash, check or money orders. During this period, the athletics representative also provided airline tickets to the student-athlete on approximately two or three occasions to allow him to travel between his home and the university's campus.

c. On approximately two occasions during the 1993-94 through 1994-95 academic years, the representative of the institution's athletics interests provided two airline tickets to a third student-athlete for travel between his home and Lansing.

4. In December 1993 or January 1994, the representative of the university's athletics interests had impermissible in-person contacts with a prospective student-athlete and the prospective student-athlete's mother. During these contacts, the athletics representative praised Michigan State University and encouraged the prospective student-athlete to make an official visit to the university.

E. IMPROPER RECRUITING INDUCEMENTS AND EXTRA BENEFITS PROVIDED BY AN ATHLETICS REPRESENTATIVE. [NCAA BYLAWS 13.2.1 AND 16.12.2.1]

From mid-February 1991 until August 1992, a representative of the university's athletics interests provided several recruiting inducements and extra benefits to a football prospective student-athlete and his mother prior to and following his enrollment. Specifically:

1. During the summers of 1991 and 1992, the representative of the institution's athletics interests, who is the owner and president a steel company, employed the prospective student-athlete as a manual laborer at a rate of \$7 per hour, although the standard rate of pay at the company for a laborer performing the same tasks was \$5.50 an hour. Prior to the prospective student-athlete beginning his employment, the athletics representative informed him that he would be compensated \$7 an hour but that \$1.50 an hour would be withheld because he did not want other workers to think that the prospective student-athlete was being paid more. At the conclusion of the prospective student-athlete's summer employment in 1991 and 1992, the athletics [Page 14] representative gave him a payroll check in an amount equal to \$1.50 per hour for all the hours he worked that summer.

2. On approximately three to five occasions prior to and following enrollment, the representative of the institution's athletics interests entertained the prospective student-athlete and his mother with meals at two restaurants. In September 1991, during a meal at one of the restaurants, the athletics representative provided a birthday gift to the prospective student-athlete's mother.

3. In September 1991, during a meal at one of the restaurants, the athletics representative provided \$2,000 cash in an envelope to the prospective student-athlete's mother. The athletics representative informed the prospective student-athlete's mother and the prospective student-athlete that the cash should be used as spending money during the prospective student-athlete's initial year of enrollment at the university.

4. On October 11, 1991, the representative of the institution's athletics interests provided an airline ticket to the prospective student-athlete's mother for round-trip travel between her home and Detroit, Michigan, for her to visit the prospective student-athlete and attend the university's football game against the University of Michigan. The athletics representative, his wife and his son accompanied her and the prospective student-athlete's girlfriend to Detroit on the flight. Upon arrival in Detroit, the athletics representative rented a car and transported them to East Lansing, where he paid for two nights of accommodations. On the evening of October 11, the athletics representative purchased meals for the prospective student-athlete, his mother and his girlfriend at a local restaurant. On October 13, the athletics representative drove the prospective student-athlete's mother and girlfriend to Detroit for flights home.

5. On two occasions during the summer of 1991 and on one occasion during the summer of 1992, the representative of the institution's athletics interests purchased professional baseball tickets for the prospective student-athlete and attended the games with him.

F. EXTRA BENEFITS PROVIDED BY AN ATHLETICS REPRESENTATIVE. [NCAA BYLAWS 16.02.3, 16.6.2.1, 16.12.2.1, 16.12.2.2 AND 16.12.2.3-(c)]

During the 1990-91 academic year, a local hotel and a representative of the institution's athletics interests provided extra benefits to a football student-athlete in violation of NCAA legislation. Specifically:

1. On occasion during the 1990-91 academic year, employees of the local hotel arranged for the student-athlete to receive [Page 15] alcoholic beverages and other assorted refreshments at no cost.

2. In May or April 1991, the representative of the institution's athletics interests loaned the student-athlete her Cadillac automobile, which the student-athlete used for approximately one day.

3. On approximately May 17, 1991, the representative of the institution's athletics interests drove the student-athlete in her automobile to the Lansing airport, where she arranged for him to rent an automobile from a car rental company, which he could not do himself because he had not turned 25 years of age and did not have a credit card. The student-athlete used the rented automobile, a Lincoln Continental, to drive with several other football student-athletes to Ohio.

G. LACK OF INSTITUTIONAL CONTROL. [NCAA CONSTITUTION 2.1.1, 2.1.2, 2.8.1 AND 6.01.1]

The university lacked appropriate institutional control over its football program as evidenced by the football

coaching staff using an individual outside the athletics department and university in the recruiting process, as detailed in Finding II-D. The university failed to educate adequately these coaches on when outside individuals become representatives of the institution's athletics interests. The institution's monitoring of recruitment failed to identify the involvement of such individuals during recruiting trips on and off campus, even when identified on expense forms and when a meeting occurred on campus.

As demonstrated by the violations detailed in Finding II-D, members of the football coaching staff initiated a relationship with an individual in a critical recruiting area to obtain his assistance with recruiting prospective student-athletes in his community, even though he had no pre-existing relationships with the prospective student-athletes. If the university's coaches had not initiated and encouraged the contacts with the individual, he would not have become a representative of the institution's athletics interests and the benefits and assistance he provided to the prospective student-athletes and student-athletes probably would not have violated NCAA legislation.

Several members of the university's coaching staff took advantage of this individual's efforts on behalf of the youth in his community in an attempt to gain a recruiting advantage. These staff members did not understand basic NCAA recruiting legislation. They fostered a relationship which they should have known violated NCAA legislation. The university should have had in place systems to monitor recruitment activities so as to avoid such violations. [Page 16]

H. SECONDARY VIOLATION: USE OF TELEPHONES BY STUDENT-ATHLETES. [NCAA BYLAWS 16.3.3-(a) AND 16.12.2.2]

On numerous occasions during the 1989-90 through 1995-96 academic years, members of the institution's football team were provided access to telephones in the Duffy Daugherty football building for personal, long-distance telephone calls at no cost to the student-athletes.

I. SECONDARY VIOLATION: FAILURE TO FILE DOCUMENTS REGARDING LOANS FOR DISABLING-INJURY INSURANCE. [NCAA BYLAWS 12.1.2.1 AND 16.12.1.4]

During the fall semesters of 1991 and 1994, two football student-athletes received loans from a bank in Lansing, to purchase insurance against a disabling injury or illness. The insurance policies, the loans and the arrangements for the loans were in accordance with NCAA regulations, but neither student-athlete reported the transaction or filed copies of the loan documents or insurance policy with the university as required under NCAA bylaws.

J. SECONDARY VIOLATION: LOCAL TRANSPORTATION AND MEAL PROVIDED BY ATHLETICS REPRESENTATIVE. [NCAA BYLAW 16.12.1.6]

On two occasions in November and December 1995, a representative of the university's athletics interests provided local transportation to and purchased a meal at a restaurant for a football student-athlete.

K. SECONDARY VIOLATION: FAILURE TO REDUCE FINANCIAL AID. [NCAA BYLAW 15.3.1.4.2]

On two or three occasions from approximately January or February through April 1995, a football student-athlete who had completed his eligibility at the university but was still enrolled and receiving athletics financial aid, borrowed between \$150 and \$200 per month for two or three months from an individual he had contacted concerning professional representation as an athlete agent. Because the student-athlete did not report the loan to the university, the university did not reduce his athletics financial aid award by the amount of the loans.

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. [Page 17]

A. CORRECTIVE ACTIONS TAKEN BY THE UNIVERSITY.

In determining the appropriate penalties to impose, the committee considered the institution's self-imposed corrective actions. Specifically, the university:

1. Placed the football program on probation for two years, starting December 1, 1995.
2. Took the following personnel actions:
 - a. Reassigned and eventually terminated the athletics student advisor involved in this case.
 - b. Did not renew the appointment of an adjunct professor in the department of psychology.
 - c. Completed other personnel changes to help ensure that similar violations would not occur in the future.
3. Implemented a number of organizational changes with the intent of strengthening oversight and accountability including:
 - a. Assigned the office of student-athlete support services to report to the office of provost.
 - b. Assigned full-time compliance responsibilities to the individual who had handled those responsibilities along with other duties in the past. An attorney from the office of legal affairs and general counsel will be assigned to advise the compliance officer.
 - c. Adopted a new subcommittee structure for the athletics council to address, among other matters, issues of academic integrity and support services.
 - d. Initiated a systemic audit of the academic progress of student-athletes each term.
 - e. Improved the dissemination of information on NCAA and Big Ten Conference eligibility rules to faculty and teaching assistants and undergraduate education deans.
 - f. Established a football student-athlete mentor program.
 - g. Implemented a policy where the compliance office will provide the president with an annual compliance report and the president will meet with the director of athletics and other senior staff and coaches and the office of internal audit regarding the compliance program. [Page 18]
 - h. Required the university's office of internal audit to annually audit the compliance program and report on it to the president.
 - i. Ordered the development a computer-based athletics compliance management information system.
4. Established a procedure for the office of the registrar to conduct a second review of all administrative action forms processing grade changes for student-athletes.
5. Required the undergraduate advising office to notify the chair of the psychology department when more than three students enroll for independent study with one faculty member during a semester.
6. Implemented monitoring procedures to detect any recruiting inducements or extra benefits being received by prospective and enrolled student-athletes.
7. Established procedures for timely distribution of communications regarding alleged NCAA violations.

8. Continued its educational program to inform athletics representatives about NCAA rules and issued a letter of warning to an athletics representative and a local hotel.

B. PENALTIES SELF-IMPOSED BY THE UNIVERSITY.

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

1. The number of initial athletically related financial aid awards in football that are countable under Bylaw 15.02.3 shall be reduced by two during the 1996-97 academic year, which limits the institution to 23 initial scholarships under current rules.

2. The number of total athletically related financial aid awards in football shall be reduced by six during the 1996-97 academic year, which limits the institution to 79 total scholarships under current rules.

3. The number of expense-paid visits to the institution's campus in football was reduced by eight during the 1995-96 academic year, which limited the institution to 48 official visits under current rules.

4. The number of football coaches permitted to recruit off campus at any one was reduced by one from the number allowed under NCAA Bylaw 11.7.2 during December 1995 and January 1996. [Page 19]

5. The institution's president shall recertify that all of the university's current athletics policies and practices conform to all requirements of NCAA regulations.

6. The institution disassociated three representatives of the institution's athletics interests from the institution's athletics program based upon their involvement in violations of NCAA rules. The committee adopts this disassociation on condition that it shall be for at least the institution's probationary period and, during the disassociation, the university shall:

a. refrain from accepting any assistance from the individuals that would aid in the recruitment of prospective student-athletes or the support of enrolled student-athletes;

b. refuse financial assistance or contributions to the institution's athletics program from the individuals;

c. ensure that no athletics benefit or privilege is provided to the individuals, either directly or indirectly, that is not available to the public at large; and

d. implement other actions that the institution determines to be within its authority to eliminate the involvement of the individuals in the institution's athletics program.

7. An assistant football coach was prohibited from recruiting off campus during December 1995 and from May 1, 1996, through April 30, 1997.

8. The institution forfeited five football wins from the 1994 season as a result of the participation of an ineligible student-athlete.

C. ADDITIONAL PENALTIES IMPOSED BY THE COMMITTEE ON INFRACTIONS.

Although the Committee on Infractions agreed with and approved of the actions taken by the institution, the committee imposed the following additional penalties:

1. Public reprimand and censure.

2. Four years of probation from December 1, 1995.

3. The number of initial athletically related financial aid awards in football that are countable under Bylaw 15.02.3 shall be reduced by seven during the 1997-98 academic year, which limits the institution to 18 initial scholarships under current rules. [Page 20]
4. The number of football coaches permitted to recruit off campus at any one time shall be reduced by one from the number allowed under NCAA Bylaw 11.7.2 during December 1996 and January 1997.
5. During the 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;
 - b. Submit a preliminary report to the administrator for the Committee on Infractions by November 15, 1996, setting forth a schedule for establishing this compliance and educational program; and
 - c. File with the committee's administrator annual compliance reports indicating the progress made with this program by October 15 of each year during the probationary period. Particular emphasis should be placed on monitoring representatives of the institution's athletics interests, including any contact with prospective student-athletes or involvement with recruiting. The reports must also include documentation of the university's compliance with the penalties adopted and imposed by the committee.
6. If the athletics student advisor had still been employed in athletics at the institution, the university would have been required to show cause in accordance with Bylaw 19.6.2.2-(1) why it should not be subject to additional penalties had it failed to take appropriate disciplinary action against him.
7. The athletics student advisor will be informed in writing by the NCAA that, due to his involvement in certain violations of NCAA legislation found in this case, if he seeks employment or affiliation in an athletically related position at an NCAA member institution during a three-year period (July 1, 1995, to July 1, 1998), he and the involved institution shall be requested to appear before the Committee on Infractions to consider whether the member institution should be subject to the show-cause procedures of Bylaw 19.6.2.2-(1), which could limit the his athletically related duties at the new institution for a designated period.

[Page 21] As required by NCAA legislation for any institution involved in a major infractions case, Michigan State University shall be subject to the provisions of NCAA Bylaw 19.6.2.3, concerning repeat violators, for a five-year period beginning on the effective date of the penalties in this case, June 1, 1996.

Should Michigan State University or the athletics student advisor appeal either the findings of violations or penalties in this case to the NCAA Infractions Appeals Committee, the Committee on Infractions will submit a response to the members of the appeals committee, with a copy to any party who may appeal. This response may include additional information in accordance with Bylaw 32.10.5.

The Committee on Infractions 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 Conventions 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

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