



THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

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FOR RELEASE:

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UNIVERSITY OF ALABAMA
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 men's basketball program at the University of Alabama, Tuscaloosa, and primarily concerned violations by an assistant coach of NCAA bylaws governing recruiting and ethical conduct.

The University of Alabama, Tuscaloosa, is a Division I-A institution and a member of the Southeastern Conference. The university has an enrollment of approximately 17,835 students and sponsors nine men's and 11 women's intercollegiate sports.

A. CASE CHRONOLOGY.

On January 26, 1998, the director of athletics notified the enforcement staff and the Southeastern Conference that two representatives of the institution's athletics interests and a third individual had reported to the university that during a



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luncheon meeting on January 13, an assistant men's basketball coach had attempted to solicit \$5,000 from them. The proposed purpose for the use of the funds being solicited was to provide this money to the high school coach of a prospective student-athlete for the oral commitment of the prospect to attend the university. The university conducted a timely and thorough investigation into

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these allegations with the assistance of the conference office and the enforcement staff.

On April 27, the university submitted a self-report to the enforcement staff disclosing the details of the allegations. On June 11, the enforcement staff interviewed the former assistant men's basketball coach, and on June 29, a letter of preliminary inquiry was sent to the university's president. On August 19, a letter of official inquiry was issued to the university's president and to the former assistant coach. A deadline of September 28 was established for responses from both parties. The university submitted its response on September 28, and on October 26, a prehearing telephone conference was conducted between the university and the enforcement staff.

Only after a number of oral and written contacts between the former assistant coach and/or his attorney with the enforcement staff did he respond directly to the charges on the day before the hearing, which he did not attend.

- On September 9, he was advised in writing that the enforcement staff had not received any indication from him that he intended to respond to the allegations. The letter also reminded him of his opportunity to review with a custodial arrangement the enforcement staff's materials related to the inquiry and of his opportunity to respond in writing to the allegations and for an in-person appearance at a hearing.
- On September 22, in response to the enforcement staff's telephone messages, he left a voicemail message with the enforcement staff stating that he would not attend the hearing but intended to submit a written response and that he may ask for an extension of time to submit his response.
- On September 23, his attorney in a telephone conversation with the enforcement staff reported that he believed his client would probably ask for an extension to submit a written response to the allegations but that he would not appear at the hearing. On October 13, in a telephone conversation, his attorney reported that he was no longer the former assistant coach's attorney and that the former assistant coach would respond to the allegations.
- On October 14, the former assistant coach stated in a telephone conversation with the enforcement staff that he would prepare a written response but would not appear at the hearing. He was encouraged to submit his written response as quickly as possible and was informed that if he did not appear at the hearing, he would waive his opportunity to appeal

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any action of the Division I Committee on Infractions that could affect him.

- On October 16, a letter that summarized the October 14 telephone conversation was sent to the former assistant coach.
- On Wednesday, October 28, the former assistant requested that the enforcement staff forward a copy of the university's response to his attorney. On October 30, the chair of the NCAA Division I Committee on Infractions decided that the response would be sent to a custodian rather than directly to the former assistant coach's attorney.
- On November 14, the former assistant coach, in a letter to the enforcement staff, denied solicitation of money from anyone.
- On November 15, representatives of the enforcement staff and the institution appeared before the NCAA Division I Committee on Infractions. There were no remaining student-athlete eligibility issues at the time of the hearing, and the prospective student-athlete whose recruitment would have been affected had the assistant coach succeeded in his solicitation of money continues to be a high school student-athlete.
- Upon learning of the actions of the former assistant coach, the university terminated its recruitment of the prospective student-athlete.

B. SUMMARY OF THE FINDINGS OF VIOLATIONS.

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

- The assistant men's basketball coach attempted to obtain money from representatives of the university's athletics interests following the oral commitment of a prospective student-athlete, who at the time was a junior in high school.
- A member of the men's basketball staff violated NCAA legislation limiting the number of weekly telephone calls to prospective student athletes.
- The assistant men's basketball coach involved in this case violated the NCAA standards of ethical conduct.

C. SUMMARY OF THE PENALTIES.

Had not the institution and representatives of its athletics interests responded so forthrightly and cooperatively following the attempt of the assistant men's basketball coach to solicit money in connection with the improper recruitment of a prospect, it is likely that a number of major infractions with severe penalties would have resulted. But the university, following its 1995 case and during its period of probation, took the steps necessary to meet NCAA expectations for institutional control and proactive rules compliance. As the Committee on Infractions learned from the university's response to the official inquiry and from its presentation and responses to questions at the hearing, this is a case in which representatives of the university's athletics interests informed the institution of the incident, the university reported the alleged violations to the NCAA enforcement staff, the university immediately investigated the violations, and then suspended and later terminated the employment of the assistant men's basketball coach. These actions demonstrated the success of institutional controls developed since the major infractions case in 1995. These controls include extensive changes of personnel, establishment not simply of shared compliance responsibilities but also of an environment of compliance for athletics and other university staff. The faculty representative has been closely involved with compliance, as have been a compliance committee and a coordinator of compliance. Most important to the reporting of this present infraction was the institution's ongoing education of its representatives of the university's athletics interests.

The case is major because it involves a serious individual violation of recruiting legislation and unethical conduct by a former assistant men's basketball coach. Rather than impose institutional penalties, the committee commends the university for its effective institutional control and proactive compliance, which culminated in the January 28, 1998, suspension of the assistant men's basketball coach involved in the violations and his ultimate termination on May 1, 1998. As a result of the findings concerning the former assistant men's basketball coach, the committee issues a show-cause penalty for a period of four years (May 1, 1998, through April 30, 2002).

II. FINDINGS OF VIOLATIONS OF NCAA LEGISLATION.

A. UNETHICAL CONDUCT BY ATTEMPTING TO CREATE A SLUSH FUND. [NCAA BYLAWS 10.1, 13.2.1 AND 13.15.4]

On January 13, 1998, an assistant men's basketball coach told two representatives of the institution's athletics interests and a third individual that he needed \$5,000 to give to a high school coach who had secured an oral commitment from a

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prospective student-athlete, who was a junior in high school, to attend the institution.

Specifically, in January, the assistant coach agreed to meet a representative of the institution's athletics interests and a community leader for lunch in Montgomery, Alabama. The representative of the university's athletics interests telephoned another representative of the institution's athletics interests, who agreed to join them for lunch. On January 13, the group met for lunch at a restaurant in Montgomery. At that time, the assistant coach talked about the recruitment of a prospective student-athlete, who recently had made an oral commitment to the institution. The assistant coach explained that in today's recruiting world, institutions had to bid money for a prospective student-athlete's commitment. The assistant coach stated that because of the prospective student-athlete's commitment, he needed \$5,000 for the prospective student-athlete's high school coach. The three men did not respond and the lunch abruptly ended. After one of the representatives had returned to his office that afternoon, the assistant coach visited him. During this discussion, the assistant coach apologized for putting him "on the spot" at the restaurant but wanted to know if the representative could be counted on to help. Neither this representative nor the others at the lunch provided any money in response to the assistant coach's solicitation. Instead, they reported the attempted solicitation to the institution.

B. UNETHICAL CONDUCT. [NCAA BYLAW 10.1-(d)]

An assistant men's basketball coach violated the principles of ethical conduct when he knowingly provided false and misleading information to the university and to the NCAA enforcement staff. The false and misleading information concerned his knowledge of the facts leading to Finding II-A and was provided to the institution during his interview with the director of athletics, the associate director of athletics and the faculty athletics representative on January 28, 1998, and to the enforcement staff during his interview with an NCAA enforcement representative on June 11, 1998. Specifically, the assistant coach was asked during both interviews whether he suggested to two representatives of the university's athletics interests and a community leader during the January 13 lunch that he needed \$5,000 for the high school coach of a prospective student-athlete. The assistant coach denied such a statement. He further denied that during the lunch he mentioned any monetary amount to the representatives of the institution's athletics interests or of his need to pay the prospective student-athlete's high school coach money for the prospective student-athlete's commitment. The assistant coach also denied that he talked about bidding money for a prospective student-athlete's commitment and further denied that after the lunch he had asked one of the representatives of the university's athletics interests for help or money.

C. IMPROPER TELEPHONE CONTACT. [NCAA BYLAW 13.1.3.1]

Between July 27 and December 2, 1997, a member of the men's basketball coaching staff had more than one telephone contact with individual prospective student-athletes or their families in a week. This occurred during nine separate weeks and involved six prospective student-athletes.

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 major violations of NCAA legislation.

A. CORRECTIVE ACTIONS TAKEN BY THE UNIVERSITY.

For the reasons stated in the earlier summary of penalties, the committee wholly endorses the university's disciplinary actions of suspending and subsequently terminating the employment of the assistant men's basketball coach involved in this case.

B. PENALTIES IMPOSED BY THE COMMITTEE ON INFRACTIONS.

The infractions in this case involved the unilateral actions of an assistant men's basketball coach, operating without the authority or knowledge of the university. Because of this and the fact that the representatives of the university's athletics interests promptly reported the violation, and the university acted quickly to investigate the violations and impose appropriate disciplinary measures and because the university immediately terminated the recruitment of the prospective student-athlete upon learning of the violation, no institutional penalties are to be imposed. The penalty concerns only the individual assistant coach:

1. If the assistant men's basketball coach had still been employed 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 if it had failed to take appropriate disciplinary action against him.
 2. The former assistant men's basketball coach has been 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 four-year period (May 1, 1998, to April 30, 2002), he and the involved institution shall be requested to appear before the Division I 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 his athletically related duties at the new institution for a designated period.
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Even though no institutional penalty was imposed, the acknowledged violation was by an institutional staff member; therefore, as required by NCAA legislation for any institution involved in a major infractions case, the University of Alabama 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, November 15, 1998.

Should the University of Alabama appeal the findings or the assistant men's basketball coach who participated in the processing of this case 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, with a copy to any party who may appeal. This response may include additional information in accordance with Bylaw 32.10.5.

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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.

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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

Alice Gresham Bullock
Richard J. Dunn
Frederick B. Lacey
James Park Jr.
Yvonne (Bonnie) L. Slatton
David Swank (chair)
Thomas E. Yeager