

LMU Compliance Newsletter



December 14, 2011 Volume IV, Issue 5

Miscellaneous Expense Allowance - Possible Override

This past October, new legislation passed that would allow a student-athlete who is awarded full grant-in-aid to receive a miscellaneous expense allowance up to the cost of attendance or \$2,000, whichever is less. Although most BCS schools are in favor of this legislation, there is a great deal of support to override the proposal coming from many mid-major schools as well. At this time, there have been 48 requests to override this legislation and 75 are required for an override vote by December 16th.

When considering the reasons for the override, there are three major concerns. First, and seemingly most important, is the budgetary impact this would have on smaller schools. When casting the override vote, several schools described this as creating an even greater divide between the “have’s” and “have not’s.” The impact this could have on institutions with smaller athletic budgets would only further the gap between the upper-tier BCS schools and mid-major schools. Additionally, this could create a recruiting disadvantage for smaller schools if they are not able to offer the \$2,000 to every sport. The guarantee of an extra \$2,000 might be enough to influence a recruit’s choice in where they attend school.

The second issue relates to the implications this proposal would have in regards to Title IX. The NCAA provides schools with very strict standards that must be met in order to be in compliance. The new legislation provides that only athletes receiving full grant-in-aid are eligible to for the \$2,000. Just looking at head count sports such as football,

basketball, volleyball, and tennis, this presents the possibility that there would be a much larger number of male athletes receiving the \$2,000 than female athletes. The proposal would require very careful implementation, which could prove difficult given the time frame of this proposal.

The third issue is the date with which the legislation would be put into effect, which is currently slated for August 1, 2012. This creates a difficult situation for schools with smaller budgets that will have to reallocate money to fund the \$2,000. This doesn’t provide the same issue for schools with large athletic budgets who can afford to offer the \$2,000 to every athlete on full grant-in-aid without a second thought. A more reasonable effective date would be August 1, 2013 so that schools have the opportunity to evaluate this legislation and determine the best way to implement it.

Although these are the issues that many of the override votes are based on, that is not to say that the proposal has no merit. Many would agree that the end result the NCAA is trying to achieve is admirable. However, the means by which they are trying to get there has not been considered as carefully as it should have been. With less than a week until the voting period ends and only 27 votes away from an override, this legislation is still very much at risk.

Important Reminders!

ACS Staff Tickets

Don't forget complimentary staff tickets for all men's and women's home basketball must be requested through ACS. All of the events have been opened, so you can request tickets further in advance. The event will close two hours before game time, so get your requests in as soon as possible!

Holiday Basketball Schedule

Men's Basketball
vs. Vanguard - December 27th

Women's Basketball
vs. St. Mary's - December 29
vs. San Francisco - December 31

Recruiting Calendars

Men's Basketball

Oct. 6 - Mar. 28	Evaluation
*Dec. 24 - Dec. 26	Dead
*Mar. 16 - 22	Contact

Women's Basketball

Oct. 7 - Feb. 29	Evaluation
*Dec. 24 - Dec. 26	Dead
Mar. 1 - March 29	Contact

Men's Baseball

Nov. 11 - Feb. 29	Quiet
*Jan. 5 (12:01am) - Jan. 9 (12:01am)	Dead

Women's Softball

Nov. 24 - Jan. 1	Quiet
Jan. 2 - July 31, 2012	Contact

Women's Volleyball

Aug. 1 - Dec. 4	Contact
*Nov. 7 - Nov. 10	Dead
Dec. 5 - Dec. 13	Quiet
Dec. 14 - Dec. 31	Dead

Cross Country/Track

Aug. 14 - Dec. 11	Contact
Dec. 12 - Jan. 2	Quiet
Dec. (12:01am) - Dec. 16 (12:01am)	Dead

National Test Dates

SAT	Regular	Late
<u>Date</u>	<u>Reg.</u>	<u>Reg.</u>
1/28	12/30	1/13

ACT	Regular	Late
<u>Date</u>	<u>Reg.</u>	<u>Reg.</u>
2/11	1/13	1/20

Academic Calendar

Aug. 29	Fall Classes Begin
Sept. 5	Labor Day
Oct. 14	Autumn Day
Nov. 23-25	Thanksgiving Break
Dec. 9	Last Day of Class
Dec. 12-16	Final Exams

NLI Signing Dates

<u>Basketball - Regular Period</u>
Initial Date: April 11, 2012
Final Date: May 16, 2012
<u>Soccer, Men's Water Polo, Cross Country, Track - Regular Period</u>
Initial Date: February 1, 2012
Final Date: August 1, 2012
<u>All Other Sports - Early Period</u>
Initial Date: April 11, 201
Final Date: August 1, 2012

Don't Forget

For those kids you are recruiting, please get a Six-Semester Transcript to the Compliance Office, so that we can do an evaluation.

The Compliance Office will also be doing a Seven-Semester evaluation and a final Eight-Semester evaluation for those prospects that will be attending LMU.

These additional evaluations allow us to make sure that all student-athletes have the met the necessary eligibility requirements.

Also, we will be sending this evaluations directly to the prospects and copying the coaches. This is to ensure that all prospects receive their evaluations.

Oklahoma Men's Basketball Violation

1. Ineligible Participation and Extra Benefits

In August 2009, while the student-athlete was still a prospect, a financial advisor wired \$3,000 into a bank account the student-athlete shared with his mother. The money was used to pay a debt owed to the student-athlete's high school so that his academic transcript could be sent to the institution. He could not have enrolled at the institution without the transcript being released. Subsequent to the transcript being released to the institution, the student-athlete enrolled and participated in 30 men's basketball contests during the 2009-10 year.

The former assistant coach was aware of the student-athlete's problem getting his transcript released. He learned of the payment to the student-athlete and his mother shortly after it was made but did not report it to the head men's basketball coach or any member of the athletics administration. Further, the assistant coach provided false and misleading information regarding his knowledge of the payment when he was initially interviewed by the institution and NCAA enforcement staff regarding the matter. His failure to disclose his knowledge of the payment, and his provision of false information, constituted unethical conduct.

The student-athlete, who signed an NLI with the institution during the early signing period in the fall of 2008, graduated from high school in 2009. The former assistant coach was the main recruiter of the student-athlete and was aware that the student-athlete needed to do well academically his senior year to meet NCAA initial eligibility requirements. Consequently, the assistant coach closely monitored the

student-athlete's academic performance as the 2008-09 year progressed.

As the student-athlete's primary recruiter, the assistant coach was responsible for ensuring that the young man submitted all necessary admissions paperwork to the institution. One of the required documents was the student-athlete's academic transcript. During the 2008-09 academic year, as the assistant coach monitored the student athlete's high school performance, he became aware that the student-athlete had a balance on his high school student account that had to be paid before his transcript could be released. When talking with the student-athlete's mother, the assistant coach learned that she did not have the funds necessary to pay the debt. They discussed the matter throughout the summer of 2009 until August, when the student-athlete's mother told the assistant coach that she had received \$3,000 from the financial advisor to pay the bill at the high school. The student-athlete was subsequently admitted to the institution and participated as a member of the men's basketball team during the 2009-10 season.

The student-athlete's mother was introduced to the financial advisor by a mutual friend at a nonscholastic basketball event in the summer of 2007. They exchanged telephone numbers, and the student-athlete's mother became aware shortly thereafter of the financial advisor's occupation. When she learned of the balance due at her son's high school, the student-athlete's mother contacted several individuals, including the financial advisor, to see if they would lend her \$3,000. She told the financial advisor that the money was needed to pay an outstanding balance at the high school in order to get her son's transcript released. He agreed to advance her the money.

The student-athlete's mother reported that she signed a one-year, interest-free promissory note prior to the financial advisor wiring the money to her account. In spite of repeated requests, she did not provide a copy of the note to the enforcement staff. Records confirmed that she paid the outstanding balance to the high school on August 11, the same day the wire transfer occurred. She further stated that she repaid the money to the financial advisor in October 2009. She claimed to have saved the money to repay the financial advisor by withholding \$200 from her bank deposit each time she received a paycheck and borrowing the remainder, \$1,200, from a family member. She stated that repayment was made when she met the financial advisor at a restaurant, where she gave him \$3,000 in cash. However, although she was asked during her interview and on several subsequent occasions to provide records in support of her statements, she failed to come forward with any bank records or other documents that could have helped confirm her story.

As soon as the student-athlete's mother received the \$3,000 payment, the student-athlete was ineligible to participate as a member of the men's basketball team. Therefore, all of the money expended by the institution on his behalf for travel expenses during the 2009-10 academic year was spent in violation of NCAA extra benefit legislation.

2. Unethical Conduct

On January 13, 2011, the assistant coach acted contrary to the principles of ethical conduct and failed to deport himself in accordance with the generally recognized high standards of honesty and sportsmanship normally associated with the conduct and administration of intercollegiate athletics when he:

1) failed to disclose his knowledge of the violation to his head coach or the athletics administration when he learned of it; and 2) knowingly provided false and misleading information to the NCAA and institution about when he learned of the \$3,000 payment.

The student-athlete's mother informed the assistant coach in August 2009 that she had procured \$3,000 from the financial advisor to pay the outstanding balance to the high school. The assistant coach did not report this information to his head coach or to any member of the athletics administration.

In March 2010 a media outlet contacted the institution with an allegation that the student-athlete and his mother had received money from a financial advisor in August 2009. The institution interviewed the student-athlete and his mother, both of whom denied the story. When asked by an institutional representative if any part of the allegation was true, the student-athlete's mother was emphatic in her denials. On March 18, 2010, eight days after the initial interviews of the student-athlete and his mother, the media outlet published a more detailed story in which it wrote that the financial advisor had wired \$3,000 to an account held jointly by the student-athlete and his mother. On March 29, the student-athlete's mother admitted that she had in fact received the \$3,000. She also detailed her dealings with the financial advisor. The financial advisor refused to consent to an interview.

The assistant coach was initially interviewed regarding the matter on January 13, 2011. On that date, he denied any involvement in or knowledge of the \$3,000 payment. However, a review of his cell phone records showed that the assistant coach had phoned the financial

advisor 46 times, with 31 of the calls being made in the two months leading up to the August 11, 2009, wire transfer. More specifically, 15 of the calls occurred in the five days leading up to the wire transfer. In the same five days, the assistant coach placed 18 calls to the student-athlete's mother. Additionally, the timing and pattern of the phone calls made it likely that the conversations the assistant coach had with the student-athlete's mother and the financial advisor were related.

The assistant coach claimed that the calls to the financial advisor were made to discuss "protocols for financial advisors who wanted to come to campus and meet student-athletes and attend men's basketball games." He maintained that he was talking to the student-athlete's mother regarding her interactions with the financial advisor and that he never discussed the details of the \$3,000 with her or the financial advisor.

The head coach was interviewed on April 7, 2010. He reported that, sometime between March 25 and 31, 2010, following the publication of the first media report about the matter, the assistant coach admitted he knew about the \$3,000 "loan." The head coach further reported that he received a phone call from the assistant coach on April 5, 2010, at the time the head coach was boarding an airplane to depart from the NCAA Men's Final Four. During the call the assistant coach reiterated that he knew of the transaction between the student-athlete's mother and the financial advisor and offered to resign his position on the coaching staff. Despite all this information, the assistant coach in his January 13, 2011 interview insisted that he was unaware of the wire transfer at the time it occurred. When asked about

the statements made by the head coach, the assistant coach said "I don't know why he would tell you that."

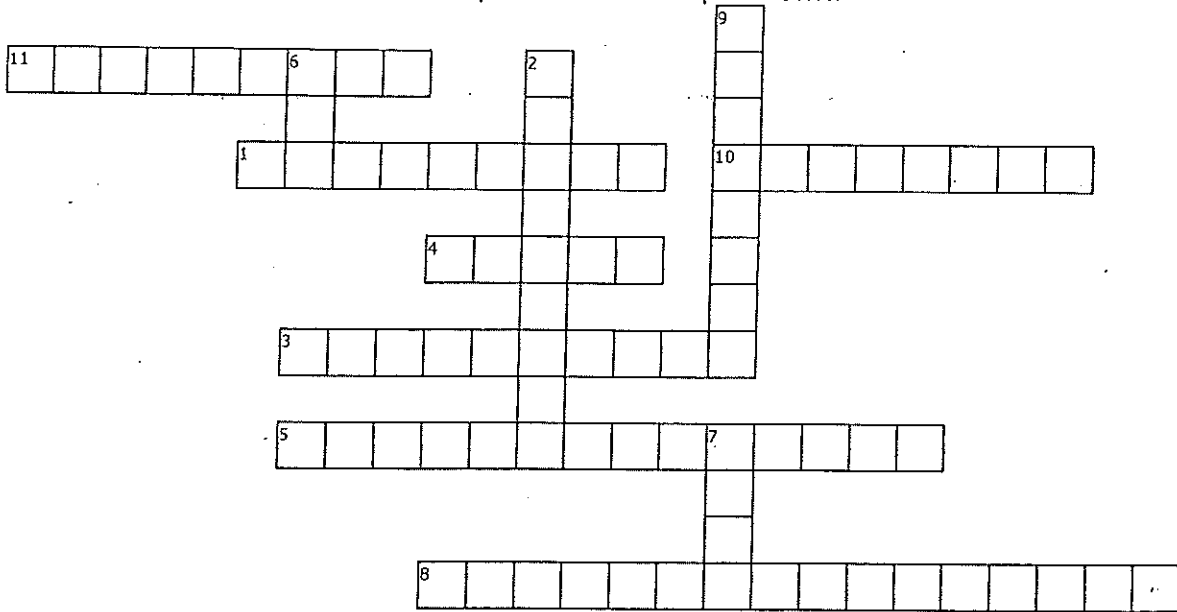
The assistant coach was reinterviewed on April 25, 2011. At that time he admitted knowing about the \$3,000 benefit, failing to report it and providing false information on January 13, 2011. He stated that the student-athlete's mother initially told him she had asked the financial advisor for a loan. The assistant coach later spoke to the financial advisor, who confirmed the transaction had occurred and that the money was being sent to the student-athlete's high school to cover the outstanding bill.

Penalties:

1. Public reprimand and censure.
2. Three year probation from November 10, 2011 through November 9, 2014.
3. The institution must vacate all victories in which the student-athlete competed following the impermissible payment.
4. The institution shall pay a financial penalty of \$15,000 to the association, representing \$500 per contest played by the student-athlete during the 2009-10 academic year.
5. Reduction in scholarships by one for the 2011-12 academic year.
6. Reduction in official visits by two for the 2011-12 academic year.
7. Reduction in recruiting person days by 30 for the 2011-12 academic year.
8. The NCAA imposes a two-year show cause upon the former assistant coach, which precludes the assistant coach from conducting any and all recruiting activities

NCAA Compliance Crossword

Please complete the crossword puzzle below



Across:

1. An activity initiated and requested by the student-athlete.
3. Once a month, these meals may be provided to a student-athlete in a booster's home or on-campus with prior Compliance approval.
4. A period when only in-person, on-campus contacts may occur.
5. All _____ transmitted human voice exchange shall be considered telephone calls.
8. The _____ is an amount calculated by an institutional financial aid office, using federal regulations, that includes the total cost of tuition and fees, room and board, books and su
10. A representative of an institution's athletics interests may not pay a prospective student-athlete's _____ to attend a member institution's sports camp or clinic.
11. For an unofficial visit, a prospective student-athlete may visit a member institution's campus at his or her own expense an _____ number of times.

Down:

2. A status defined as one who is a high school graduate and who presented the academic and amateurism requirements.
6. The number of days required off each week during the off out of season. Qualifier / A status defined as one who is a high school graduate and who presented the academic and amateurism requirements.
7. A required activity with an athletics purpose involving student-athletes at the direction of a coach.
9. In this sport, a student-athlete must meet academic eligibility requirements in the fall in order to be eligible for competition during the spring.