



UNIVERSITY OF MINNESOTA
TWIN CITIES

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✓ file

*cc SBK.
NCAA
Allegations -
ACIA Report*

December 22, 1975

C. Peter Magrath, President
Office of the President
202 Morrill Hall
Minneapolis, MN 55455

Dear President Magrath:

Your letter of December 16 to Dave Giese and me in regard to the recommendations of the Assembly Committee on Intercollegiate Athletics is appreciated very much. I agree completely with you in regard to the one change you have suggested. I am very pleased that you will retain the responsibility to make the final decision on who will be the Faculty Representative. In fact, I concur that it is important for you to have a more important role in our Intercollegiate Athletic programs.

Sincerely,

DWF

D.W. French
Professor

DWF/alg

*Quess of Sen putting ACIA
to strengthen for control in
my statement*

CC: SBK

December 16, 1975

Professor David Giese, Co-Chairman
Professor David French, Co-Chairman
Assembly Committee on Intercollegiate Athletics
106 Nicholson Hall

Dear Professors Giese and French:

I have received and read with much care the recommendations of the Assembly Committee on Intercollegiate Athletics concerning the NCAA allegations. We all recognize, I know, how difficult, unpleasant, and time-consuming the Committee assignment has been.

In my judgment, after studying the transcripts conducted by our investigators and reviewing carefully the ACIA's analysis and recommendations, I believe that ACIA has done a conscientious and thorough piece of work.

I accept, with one minor modification, all of the recommendations that ACIA has made to me in the document recommending punitive and corrective actions in response to the NCAA allegations which was prepared on December 9, 1975.

I do wish to make one minor change in the Committee's recommendations regarding the selection of the Faculty Representative. Although I agree with the recommendations on this point, and I concur that there should be a strong role for ACIA in selecting the Faculty Representative, I believe that the President of the University should be the official making the final appointment. I further believe that (as is consistent with all faculty searches and nominations of this kind at this University) that the President should be given two names from which to make the appointment. I am, however, willing to have the Committee indicate a first choice preference and, unless there are compelling reasons which I would review and explain with the Committee, I would be disposed to follow the Committee's recommendation.

My reason for making this minor change in your recommendations is my conviction that the President of this University must play a stronger role in helping to monitor and control our intercollegiate athletic programs. Because the

Professor David Giese
Professor David French
December 16, 1975
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Faculty Representative position is important, I feel it is important symbolically for the President to make the final appointment, and I further feel that the President should retain a margin of discretion in appointing the Faculty Representative.

As your own report indicates, it is imperative that all kinds of reporting relationships and responsibilities in intercollegiate athletics be better clarified, and I feel that this minor change I am making will fit in with my conviction that the University President must play a stronger and more visible role in overseeing intercollegiate athletics.

As soon as feasible in the immediate future, I will work with Vice President Kegler and my other administrative colleagues to implement the various administrative recommendations contained in your report. Please accept my sincere thanks for your work and for having undertaken the thankless assignment so well.

I am submitting this as a letter of transmittal to the NCAA indicating my support of the corrective actions you have proposed.

Cordially,

C. Peter Magrath
President

CPM:djf



UNIVERSITY OF MINNESOTA
TWIN CITIES

Office of the Dean

General College
106 Nicholson Hall
Minneapolis, Minnesota 55455

December 10, 1975

C. Peter Magrath, President
University of Minnesota
202 Morrill Hall
Minneapolis, Minnesota 55455

Dear President Magrath:

I am forwarding the recommendations of the ACIA concerning the NCAA allegations. The recommendations of the subcommittee hearing the reports of the investigator were reviewed and approved by the full committee December 6th and December 8th, 1975. The subcommittee was impressed with the work of the investigating attorney.

It is the sincere belief of the Committee that no number of rules and regulations will insure a quality athletic program. The only factor which will insure quality and excellence in a program is the integrity of those persons involved in its administration and day-to-day functioning. Thus, the Twin Cities Assembly Committee on Intercollegiate Athletics has not recommended instituting new rules; rather, the Committee proposes a set of procedures in which ACIA will participate to insure that existing rules are followed.

While the following set of recommendations is approved by the entire Twin Cities Assembly Committee on Intercollegiate Athletics, parts of the report are not fully embraced by every member of the Committee. However, the Committee has agreed that this set of recommendations in its totality presents a proper response to the NCAA.

As a final point, it must be noted that while the Women's Athletic Program is not involved in the NCAA charges or in the investigation, and that nothing contained in this report should be construed as casting disparagement on that program, it is essential that some recommendations set forth herein be applied to the Women's Program as well as to the Men's Program. Specifically, recommendations one through five in Section II A which refer to the administration and control of athletic programs must apply equally to both the Men's and Women's Athletic Programs.

On behalf of ACIA, I will be happy to discuss the Committee recommendations with you before you arrive at your conclusions regarding appropriate corrective actions.

Sincerely,

David L. Giese, Cochairman
Assembly Committee on Intercollegiate Athletics

DLG/mlh

C O N F I D E N T I A L D O C U M E N T

ACIA Report Recommending
Punitive and Corrective Actions
In Response to the NCAA Allegations

Prepared: December 9, 1975

ACIA Voting Members

Bob Baarsh
Alan Briskin
Marion Freeman
David W. French, Cochairman
David L. Giese, Cochairman
Andrea Hinding
Elizabeth Hyde
R. Laurence Johnson
John Kareken
Doug Kuehnast
Merle Loken
John Moran
Charles Scott
Vera Schletzer
(appointed November, 1975)
Charles Scott
Thomas H. Swain

ACIA Non-Voting
Members

Paul Giel
Chester Grygar
Belmar Gunderson
Stanley Kegler
Donna Smith

Subcommittee Membership

Marion Freeman
David W. French
David L. Giese
R. Laurence Johnson
Doug Kuehnast
Merle Loken (until 11/1/75)
John Moran
Charles Scott

Subcommittee Staff

Joe Dixon, Investigating
Attorney
Stanley Kegler
John Nichols

The special NCAA Subcommittee of the Twin Cities Assembly Committee on Intercollegiate Athletics (ACIA) has met over twenty times to hear reports from the attorneys retained by the University of Minnesota to investigate the allegations by the National Collegiate Athletic Association (NCAA) and to deliberate on corrective and preventive measures for recommendation to University President C. Peter Magrath. ACIA believes that a large fraction of the allegations are substantially correct. It seems clear that the men's basketball program was in gross violation of the NCAA regulations. In fact, the program violated any reasonable person's standards of amateurism.

Given the results (findings) of the investigation, it is inevitable that some of our colleagues will question the merit of the following set of recommendations. Why, they will ask, didn't ACIA simply recommend that the University drop intercollegiate athletics entirely, or at least withdraw from "big-time" competition?

Early in its deliberations, the ACIA subcommittee did address itself to this question. It was the sentiment of the subcommittee that the quality of performance in a program competitive at the national level offers sufficient benefits and enjoyment to both direct participants and spectators to justify our sincere effort to reform the system. Should the proposed reforms prove ineffective the question of withdrawal from NCAA and Conference competition will be considered once again. For the present, however, ACIA imposed on its recommendations for corrective measures the stipulation that University of Minnesota teams remain competitive with the teams of their traditional opponents.

The recommendations we make below fall into two categories, each of which faced us with its own set of alternatives:

- I. Recommendations concerning individuals found to have violated one or more NCAA or Conference rules. Part of the problem in making decisions in this area was that the persons most responsible for most of the violations are not now under University control or never were completely. This fact tended to make ACIA more lenient than we would otherwise have been in dealing with present athletes and members of the Athletic Department staff. ACIA was also more inclined to be lenient with students than with staff. For example, the latter were not allowed to plead ignorance of the rules; they have an obligation to inform themselves (and their charges) about the regulations governing amateur athletics. At the same time, ACIA had to steer a course between making examples of those who still happened to be under our jurisdiction and whitewashing the whole program on such grounds as "everybody does it" and/or "we'll do a better job of enforcing the rules from now on".
- II. Restructuring the Men's Intercollegiate Athletic Program. Here ACIA sought primarily to devise unilateral changes in our own policies and procedures which would take the University as far as possible towards creating a local environment in which amateurism would thrive. As noted above, ACIA also intends to maintain our teams' ability to compete with those of our traditional rivals. Thus, ACIA has recommended that certain further reforms be pursued at the conference and/or national level. In so doing, ACIA tried to avoid blaming all difficulties on the national environment permitted by present regulations.

In brief, the ACIA believes that the changes suggested in this report will reduce the potential for future infractions locally, but the University

must resist the temptation to repress the unpleasant experience just completed and must seek more lasting solutions to the problems through cooperation with other institutions at the national level.

Accordingly, the ACIA recommends the following corrective and preventive measures to avoid future abuse of rules and regulations of the NCAA, the Intercollegiate (Big Ten) Conference, and the Western Collegiate Hockey Association (WCHA), and respectfully requests President Magrath, in his response to the NCAA, to incorporate these corrective and preventive measures.

I. Recommendations Concerning Individuals

A. Athletic Director Paul Giel

In Mr. Giel's files, the investigator found a letter to basketball prospect Mark Olberding, assuring him that his grant-in-aid would be valid for four years. As Mr. Giel admits, even in the letter, this violates NCAA regulations which require that grants-in-aid be reviewed annually.

This is the only item of any substance involving Mr. Giel found by the investigator in his examination of Athletic Department files, in his interview with Mr. Giel, and, indeed, in any of the interviews. No one has suggested Mr. Giel had the slightest foreknowledge of any malpractice. Indeed, to the contrary, whenever such practices were alleged, he seems to have made a reasonable effort to discover the truth of the matter, and to issue, in his words, a "cease and desist" order. For example, after the Minnesota Daily series on selling of complimentary tickets, he talked to both parties to the sale, and instituted the practice of having athletes sign an affidavit attesting to their knowledge of the regulations governing the privilege. His investigations did

not always lead to the truth; some special staff assistance would have been useful.

While the Committee has faith in his integrity and in his zeal to run a "clean ship", ACIA recommends that the President remind Mr. Giel that he is responsible for the conduct of athletic department staff and that he institute changes in his administration in order to insure that Minnesota will not be cited for violations again.

B. Former Coach William Musselman

Mr. Musselman is a principal in nearly half of the substantial allegations. He has not made himself available to the investigator, but has admitted in the press two major violations: (1) giving rent money to one player (Ron Behagen), and (2) giving airplane tickets to another (Rick McCutcheon) and to his family. Musselman has also denied many other allegations. Available information, however, leads ACIA to believe that at least some of these allegations are substantially true.

Because Mr. Musselman is no longer employed by the University, there is no purpose to be served by recommending any punitive measures in his case. However, in view of Mr. Musselman's alleged involvement with significant amounts of money said to have been paid or offered for goods and/or services, ACIA needs to be assured that such funds were not from University sources. Thus, ACIA recommends that the University seek, through available judicial processes, to require Mr. Musselman to respond to the inquiries of the investigator in an attempt to discover the source of such funds deployed while he was an employee (and, therefore, an agent) of the University.

C. Assistant Coach Jimmy Williams

Mr. Williams is named in over 20 NCAA allegations. He has admitted conveying airplane tickets to athletes Baker and McCutcheon at the direction of Mr. Musselman, to giving or loaning small amounts of money to other athletes, and making responses such as "That will be no problem", or "You won't have to worry about that", to inquiries from recruits regarding such possible expenses as transportation and housing. He has denied other allegations, some of them major.

He defends his vague reassurances to recruits as meaning nothing more than their being provided good-paying summer jobs and having access to low-cost housing. Many athletes, not only at Minnesota, do, it seems, receive extra-legal benefits; it does not seem improbable that some of the recruits may have interpreted his comments to be veiled promises of under-the-table aid.

1. ACIA, therefore, recommends that Jimmy Williams be restricted from recruiting for a period of one year.
2. Further, we recommend that ACIA, together with the Athletic Director and head basketball coach, shall review with Mr. Williams the allegations made regarding his conduct and assure itself of his knowledge of and determination to operate within the rules governing intercollegiate athletics.

D. Representatives of the University's Athletic Interests

1. Harvey Mackay, President of the Mackay Envelope Company, is named in over 20 allegations. He has admitted making illicit promises to several recruits, to buying tickets at well over the face value from several players, and to providing

other substantial benefits to various basketball players.

ACIA recommends that the University formally sever its relationship with Mackay, directing in writing that he cease and desist from representation of the University's athletic interests in the future, and sending copies of such letters of severance to the Office of the Commissioner of the Big Ten Conference and to the NCAA. We further recommend that Harvey Mackay's status be reviewed by ACIA during fall quarter 1978.

2. ACIA additionally recommends that the President admonish the following persons regarding their individual infractions of NCAA and Conference rules:

Jack Berklich ✗

Gordon Nevers ✓

Steve Hill ✗

Paul Presthus ✓

Wayne Konga ✓

Gary Urcheck ✗

Arvin Langum ✗

NOTE: The individuals above are mentioned in violations and allegations. In some cases, the evidence is not yet complete; in others, the evidence is convincing but not conclusive. In each case, however, ACIA believed that the individual should be notified that his conduct caused the University to violate NCAA rules and that he must refrain from any activity that might continue to cause problems.

E. Current Team Members

In the course of interviews with the investigator, two current members of the basketball team admitted selling their complimentary tickets last year; one of the players admitted selling a ticket

for an amount substantially over the face value. This clearly violates the principle that an amateur athlete should not profit from his or her athletic ability. The NCAA regulations are quite specific on this point: they require that the athletes involved be declared ineligible to compete.

Under a strict interpretation of NCAA rules, the two men should be declared ineligible. But it is the judgment of ACIA that to do so summarily would be unjust. Certainly ACIA must take strong measures to make it clear that this practice will no longer be tolerated. Both athletes, however, freely volunteered their admissions to the investigator; neither athlete was accused of selling tickets in either NCAA or Big Ten lists of allegations. It seems clear that the athletes regarded this as a sanctioned practice.

It is easy to see how they could come to this conclusion. To be sure, students were annually informed that sale of tickets was an abuse of privilege; during several periods covered by the NCAA investigation, all athletes even were required to sign a statement acknowledging this condition. During the same periods, however, coaches allowed representatives of athletic interests into the locker room to transact sales or directly involved themselves in such sales. ACIA believes that the example of staff was more compelling than the printed word.

Responsibility for such misconduct must be shared by many parties including the Athletic Director, the ticket manager, the faculty representative, and the Twin Cities Assembly Committee on Intercollegiate Athletics. All of these officers or committees were alerted to the problem at the time of a series of articles

in the Minnesota Daily in March, 1973. The Athletic Director did interview the two parties to the sale mentioned in the article and did require athletes to sign the aforementioned affidavit. No further investigation was instituted, nor evidently were the corrective measures effective.

Therefore, ACIA has set in motion what promises to be a series of hearings to provide procedural due process for athletes who are alleged to have sold tickets or who have admitted such sales informally. ACIA has also decided that, unless the hearings show such sales to be far more flagrant than does the present evidence, which is damaging enough, the Committee will not recommend that the Faculty Representative (whose task it is) declare the athletes ineligible. Rather, ACIA has restricted the penalties for those athletes found to be guilty of the allegations to restitution and withdrawal of the complimentary-ticket privilege for a specified length of time. ACIA is well aware that NCAA regulations require that the guilty athletes be declared ineligible. ACIA believes that, under the circumstances cited above, it would be unfair to let the burden of the punishment fall on athletes who openly admit following their peers and elders rather than the letter of the regulations, while still other athletes, no less guilty but much more circumspect in their interviews with the investigator, escape scot-free, and while the responsible adults suffer only a censure. At the same time, ACIA expects that the publicity which will be given these hearings will help other athletes to understand that, in the future, the Committee means to stop this practice.

II. Recommendations for Restructuring the Men's Intercollegiate Athletic Program

A. Administration and Control of Men's Intercollegiate Athletics

The ACIA concludes that, in many instances, the existing rules and procedures of the NCAA, Big Ten and the University adequately dealt with the violations and that the major shortcoming was in the enforcement of rules and procedures by those responsible for administration and control of the intercollegiate athletic program. Consequently, adopting a host of additional rules would only offer more opportunities for violations. Instead, clarifying and restructuring the athletic department's relationship to other responsible branches of the University, the interrelationship of these branches, and the University's relationship to the governing athletic organizations, may improve the enforcement procedures.

After reviewing the actions of the ACIA over the last several years, the Committee believes that the ACIA has been remiss in its responsibility to assert strong faculty control over intercollegiate athletics on the Twin Cities Campus. Even so, the Committee agrees that control of the policies governing intercollegiate athletics is appropriately vested in the faculty of the Twin Cities Campus. The Committee believes, however, that considerable confusion exists as to the roles of the Assembly Committee on Intercollegiate Athletics, the Faculty Representative, the President, the several vice presidents and the Athletic Director for Men in administration and control of the Men's Intercollegiate Athletics Program.

In order to clarify these relationships ACIA:

1. Recommends that the President specify the roles of the several vice presidents in regard to administration of men's intercollegiate athletic programs. The role of the Vice President for Finance seems clear from the Handbook of the Twin Cities Campus Assembly, but the Committee believes that the role of other officers is unclear. Either such officers' roles should be understood by all, or their participation in administration of intercollegiate athletics on the Twin Cities Campus should be eliminated.
2. Recommends that the line of reporting (as noted in 1) and authority to carry out delegated responsibilities be clearly delineated in the contracts of the directors of intercollegiate athletics.
3. Recognizes that assertion of faculty control over intercollegiate athletics requires knowledge of a complex set of institutional and Conference rules, regulations, and procedures. Such expertise is not easily achieved in a single three-year term of office. Therefore, ACIA recommends that:
 - (a) Responsibility for some of the more routine duties of the faculty representative be shared by designated members of the ACIA.
 - (b) Unless an individual does not wish reappointment to the ACIA upon expiration of the first term, or unless there are, in the judgment of the President, circumstances occasioning non-reappointment, individuals should serve two three-year terms on the ACIA.

4. Believes that the ACIA is the appropriate mechanism to assure faculty control over intercollegiate athletics and, therefore, recommends that the faculty representatives report directly to ACIA on all Conference discussions no less than once monthly, and that the faculty representative vote on Conference matters in accord with the sense of the ACIA. Further, the Committee recommends that the faculty representative⁵ beginning in the academic year 1976-77, be elected by the voting members of the ACIA from among the current or recent membership of the ACIA, for a three-year term with possible re-election for additional terms.
5. Reaffirms that decisions regarding eligibility of student-athletes is the sole prerogative of the members of the ACIA, and not subject to administrative review.

President Magrath's recent announcement of his intention to attend the January, 1976 meeting of the NCAA is applauded by ACIA. This commitment is viewed as a reaffirmation of the role of the chief executive officer in NCAA discussions and procedures. It is hoped that his willingness to initiate appropriate actions within the Council of Ten of the Big Ten Conference will lead to curbs in potential abuses of Big Ten and NCAA legislation.

Specifically, ACIA members are concerned about:

6. The integration of athletics into the educational mission of collegiate institutions; specifically, ACIA feels it is necessary to:
 - (a) Promote programs and awards which encourage both athletic participation and academic achievement.

- (b) Evaluate coaches' performance on the basis of contributions to the educational mission of the University and the quality of student-athlete experience rather than win-loss records.
- (c) Maintain eligibility requirements and practice and competition schedules which encourage academic progress toward degree objectives.
- (d) Recruit student-athletes primarily from the geographic area from which the normal student population is drawn.

7. The escalating cost of intercollegiate athletics. ACIA supports discussion and studies of:

- (a) Reduction and evaluation of grants-in-aid based solely on athletic ability.
- (b) Reduction of recruiting expenses,
- (c) The general level of program expenses including but not limited to travel, team maintenance expense and size of coaching staffs.

B. Men's Intercollegiate Athletic Department Staff, Coaches, and ACIA

After hearing reports of most of the interviews conducted by the Investigator, ACIA concluded that many of the infractions uncovered in the course of the University's investigation could have been prevented by more effective administration of existing regulations. Therefore, ACIA recommends that:

1. The Athletic Director and Faculty Representative institute procedures to assure that Conference and NCAA legislation is both understood and followed by all athletic department staff and student-athletes. For example, periodic workshops on the

regulations should be conducted. The Committee further recommends that the Athletic Director be required to certify to ACIA that all current coaching staff are familiar with NCAA, Conference and University regulations governing intercollegiate athletics and that each addition to the staff be similarly certified.

2. The President and the ACIA, through the annual NCAA certification of compliance procedures, be assured that, not only are abuses curbed or eliminated, but that any infractions or allegations are also reported to both the President and to the ACIA for proper action. The Athletic Director is further directed to inform staff and coaches that failure to report infractions of NCAA or Big Ten legislation will be cause for disciplinary action, including possible dismissal from the University.
3. The coaching staff, head and assistant coaches, be required to attend the annual certification of eligibility of student-athletes for the NCAA and Conference and other sessions to review rules and regulations. The coaches, individuals uniquely qualified to legitimize the importance of the rules, must show greater concern if the student-athletes are expected to comply with both the spirit and the letter of the rules.
4. ACIA staff or members, especially subcommittee on eligibility and the faculty representative, should conduct regular spot interviews with student-athletes to ascertain problems, if any.
5. Coaching be limited to individuals recommended for appointment by the Athletic Department and therefore under the control of

the University. Friends of the staff should not participate in coaching or related functions unless considered as adjunct staff members and the appointment reported to the President and ACIA. Graduate assistant coaches should be enrolled graduate students in the University and progressing toward an advanced degree.

6. Greater control be exercised over use of athletic facilities by non-University personnel, and that keys to facilities be issued only to appropriate University staff. Further, if University facilities are made available to athletes out of season, they should be similarly available (on a reservation basis, if necessary) to all students.
7. The Athletic Director annually inform the President and the ACIA of the perquisites enjoyed by members of the Department, together with an indication of the source of funding for such perquisites, including use of automobiles, club memberships, use of credit cards, etc. Summaries of approved consulting activities should be provided ACIA on a regular basis. Summer camps are of special concern to ACIA because of their potential for abuse in the areas of financial aid and student eligibility.

C. Recruiting Activities and Related Student Concerns

ACIA believes that the majority of the infractions discovered in the course of the investigation lie in the excessive zeal with which prospective student-athletes were pursued in an attempt to recruit them to attend the University of Minnesota and play on its basketball team. ACIA believes that zeal would be curbed by:

1. Adherence to Conference and NCAA rules regarding use of hosts, automobiles, entertainment funds, and tryouts during the prospective student-athlete's authorized visit to the campus.
2. Seeking a clear determination of the type of housing facilities which may be used for prospective-student-athletes during their authorized visit. The University believed that use of public accommodations within the metropolitan area did not alone constitute a violation of Big Ten rules; however, the faculty representative should seek written clarification of this point from Conference and NCAA officials.
3. Directing the Athletic Department staff specifically to inform each prospective student-athlete that travel or other assistance over and above that specifically allowed by a grant-in-aid will not be provided by the University or representatives of its athletic interests. The ACIA is persuaded that vague promises have led prospective students to believe otherwise, without the recruiter necessarily suggesting any improper assistance. Unfortunately, as the evidence suggests, at least some student-athletes were correct in their belief.
4. Rigorous adherence to NCAA and Conference regulations outlining periods during which practice and competition may take place, and that conditioning drills, if any, be clearly optional and without coercion by the staff, with no roll taken or record of attendance kept, and with no coaches or other staff personnel present. Conditioning classes must be open to all students. The Athletic Director and Faculty Representative are responsible for student-athletes understanding the rules concerning out-of-season practice for the various sports.

5. The ACIA further recommends the following restriction on the use of complimentary tickets by student-athletes:
- (a) Athletes will be allowed to designate to the ticket manager up to four recipients of complimentary tickets by name on a game-by-game basis. The tickets will be available only on the day of the game at a will-call window. The user must identify him/herself and sign a statement attesting to the complimentary nature of the tickets.
 - (b) Lists of ticket recipients will be turned over periodically to ACIA. If the Committee continues to find credible evidence of abuse of the complimentary-ticket privilege, we shall terminate it completely.
 - (c) Student-athletes participating in the sale of complimentary tickets will be declared ineligible.

D. Representatives of the University's Athletic Interests

After careful scrutiny of the evidence, ACIA concluded that a considerable number of the infractions discovered in the course of the investigation were directly attributable to activities of individuals outside the control of the University but acting, often with the knowledge of University coaches or staff, on behalf of its athletic interests. ACIA therefore recommends that:

1. Only individuals authorized by the Athletic Department coaching staff be allowed to visit players in practice or to be in the locker room.
2. The Director of Men's Intercollegiate Athletics initiate steps necessary to oversee and evaluate the activities of "representatives of the University's athletic interests", including, but

not limited to:

- (a) Furnishing the President and the ACIA, with the cooperation of the coaching staffs, an annual list of those individuals who the staff has reason to believe are acting as representatives of the University's athletic interests.
- (b) Certifying to the President and the ACIA that current representatives of the University's athletic interests, including booster groups, have been informed of NCAA and Conference legislation governing their activities and the nature of their relationships to the University's athletic programs and annually certifying that additions to the list have been so informed.
- (c) Maintaining a mailing list of all such representatives for the purpose of regularly reminding them of the rules and informing them of relevant modifications.

E. University Funding and Professional Sports Organizations

The ACIA has discovered no athletic "slush fund" available to individuals for use. But "money" was involved in several of the violations. In the absence of testimony from Mr. Musselman, however, ACIA cannot state with certainty the source of these funds.

The ACIA does believe, however, that existing practices do provide opportunity for inappropriate activity and recommends the following:

1. The President or his appropriate designees develop procedures for more rigorous controls over funds used in connection with authorized visits of prospective student-athletes.
2. More stringent controls be applied to prevent unusual and

excessive entertainment expenditures during such visits and that the possibility of establishing a maximum allowable expenditure for the recruiting of an individual be considered.

3. More rigorous controls be applied to the use of department credit cards.
4. The staff and coaches be warned in writing that failure to follow NCAA, Big Ten Conference, and University regulations in this regard may lead to disciplinary action including dismissal.
5. The Men's Athletic Director annually certify that all funds received by the Athletic Department directly from booster groups are properly administered and expended in accordance with University, Conference and NCAA rules and regulations.

To insure that funds originating from professional sports organizations are not co-mingled with Athletic Department funds and to insure that a clear line of demarcation exists between the University's intercollegiate athletic program and professional sports, ACIA recommends that:

6. (a) The Athletic Director must seek approval from the ACIA prior to allowing a game to be played at a facility not completely under the control of a collegiate institution or not sponsored and administered entirely by a collegiate institution or organization.
- (b) Any payment for services of athletic teams or Athletic Department staff allowed by the NCAA, Conference and University regulations (such as a guarantee payment

for a non-Conference exhibition contest) from other than a collegiate institution or organization shall be received only by the University's general income account or as an unrestricted gift to the University of Minnesota Foundation.

- (c) Professional sports figures, including athletes and representatives of professional sports organizations, may attend University Athletic Department fund raising functions, booster club meetings or other such activities. These persons may pay the full price of fund raising tickets, dues, donations, or the like, but only with personal funds from their personal accounts. Persons may attend as official representatives of professional sports organizations but the organizations shall not be charged in excess of the actual cost of the meals, entertainment, merchandise or other tangible benefits received as part of the function.

F. Summary and Further Recommendations

ACIA recognizes the seriousness of the violations brought out in the current investigation and accepts full responsibility for permitting an environment to exist which allowed serious infractions by Athletic Department employees and representatives of the University's athletic interests. Nevertheless, after reviewing correspondence between the University and NCAA and Conference officials, it is clear that, although officials of both organizations possessed knowledge of alleged infractions, neither organization encouraged investigation nor did they supply concrete information

which could have led the University to initiate an investigation. In this regard, the Committee is especially distressed with the attitude of Big Ten officials during the spring of 1973, when the Minnesota Daily reported possible NCAA infractions and clearly signaled the need for an inquiry; the Athletic Director and Faculty Representative, in response to their queries, were told by Big Ten officials that the University need do nothing at the present time.

The Committee was further disheartened to learn, during the course of the current investigation, that concrete evidence to substantiate one of the major infractions alleged by the NCAA--improper travel for a student-athlete's family--was known to officials of the Big Ten in winter of 1975 and to the NCAA investigators as early as fall, 1974, but reported to the University of Minnesota officials only after the NCAA had submitted its list of allegations.

The NCAA did, however, provide some assistance to the University investigators. The Commissioner and Assistant Commissioner of the Big Ten were extremely helpful to the Minnesota investigators, especially in the first two months of the investigation. Because of these, and other, actions, ACIA further recommends that the President, subsequent to the completion of the current investigation:

1. Initiate within the Council of Ten of the Big Ten Conference proceedings which will lead to clarification of Big Ten legislation with respect to reasonable and enforceable rules. For example, the University of Minnesota and Big Ten officials discussed the propriety of using off-campus facilities to

house prospective student-athletes during their authorized visit to the University. These conversations resulted in a somewhat confused and ambiguous interpretation of both the NCAA and Big Ten rules on appropriate visitation facilities, in that the Big Ten officials interpreted the rules to require not strict adherence but rather equalization of facilities among member schools.

The role of the Faculty Representative provides a second example of an area in which clarification is needed. Only in the Historical Note of the Big Ten Handbook is the method of appointing a faculty representative mentioned. The duties of the faculty representative are embedded in the various sections of the Handbook which outline the precedential evolvement of Big Ten rules and resolutions. The duties and responsibilities of the faculty representative should be clearly outlined.

2. In consort with the chief executive officers of other Big Ten institutions, seek changes in compliance procedures of the NCAA so as to reduce the nature of the adversary relationship which exists in present procedures and investigations and to enhance cooperative relationships which the Committee believes necessary to effective compliance. Specifically, ACIA recommends that the President seek changes in:
 - (a) Current NCAA procedures to allow the institution under scrutiny full access to information discovered in preliminary NCAA investigations, thereby facilitating the institution's own investigation, and

(b) Current Conference and NCAA procedures such that evidence (or allegations or possible infractions) be disclosed to the institution involved in a timely manner. The Committee believes that timeliness in this regard should not extend beyond a period of three months.

Examples of the type of information available to the Conference include information about recruiting practices at a particular Conference school, disclosed by an athlete recruited by that school but attending a different school, and by athletes who leave an institution before completion of eligibility or graduation.

3. Discuss the method of appointing faculty representatives with other Conference presidents and present a plan to them whereby the various universities have a consistent procedure for appointing faculty representatives.