PDF Complete
Your complimentary use period has ended. Thank you for using PDF Complete.
Click Here to upgrade to Unlimited Pages and Expanded Features

THE OHIO STATE UNIVERSITY
PUBLIC INFRACTIONS REPORT
December 20, 2011

A. INTRODUCTION.

On August 12, 2011, officials from The Ohio State University (Ohio State) and the former head football coach ("former head coach") along with his legal counsel appeared before the NCAA Division I Committee on Infractions to address allegations of NCAA violations in the institution's football program.

This initial information before the committee involved violations which began in the fall of 2008 when football student-athletes received cash payments or reduced cost/free tattoos from the owner of a Columbus, Ohio tattoo parlor ("tattoo parlor owner"). One of these student-athletes also received a loan and a discount on an automobile. These benefits were provided by the tattoo parlor owner in exchange for football awards, apparel and equipment issued to the student-athletes by Ohio State. Because the tattoo parlor owner was not considered a representative of the institution's athletics interests "booster" his provision of cash, tattoos and other items constituted "preferential treatment" rather than extra benefits under NCAA legislation.

Of great concern to the committee was the fact that the former head coach became aware of these violations and decided not to report the violations to institutional officials, the Big Ten Conference or the NCAA. Specifically, in April 2010, the former head coach received email notification from a local attorney that football student-athletes received preferential treatment by selling their athletics awards, apparel and/or equipment to the tattoo parlor owner, a convicted felon. However, the former head coach failed to report the information to athletics administrators at that time, and had several other subsequent opportunities to report this information, but chose not to. The former head coach's failure to report this information violated NCAA ethical conduct legislation as set forth in Finding B-2.

As the NCAA enforcement staff and the institution were completing the inquiry into the tattoo parlor owner's provision of cash payments and/or reduced cost or free tattoos to student-athletes, along with the former head coach's knowledge of this preferential treatment, other potential violations came to light which required additional investigation. When the committee was made aware of the additional inquiry, it considered postponing the scheduled August 12 hearing. However, in a July 14, 2011, letter from the enforcement staff to the committee, the staff wrote that while "additional issues remained for investigation," it was the position of the staff and the institution that the hearing should be conducted as scheduled because the "available evidence does not

PDF Complete
Your complimentary use period has ended. Thank you for using PDF Complete.
Click Here to upgrade to Unlimited Pages and Expanded Features

warrant additional allegations." Accordingly, the hearing took place as scheduled. The committee considers it important to have a thorough and complete investigation before conducting hearings. In this case, the decision to go forward with a hearing prior to completing the investigation was not helpful to the adjudication of the case and protracted the timeline for issuing this report.

Subsequent to the hearing, the enforcement staff and the institution undertook further inquiry that resulted in the discovery of two additional allegations of major violations. The first new allegation centered on impermissible benefits provided to football student-athletes by a well-known representative of the institution's athletics interests ("representative") [Finding B-3]. The second new allegation involved the institution's failure to monitor the representative [Finding B-4]. The institution did not contest either of the additional allegations, and because of that, the committee decided that a second hearing was not necessary. The information relating to the additional allegations was reviewed by the committee via the written record exclusively.

A member of the Big Ten Conference, the institution has an enrollment of approximately 60,000 students. The institution sponsors 17 men's, 17 women's and two coed intercollegiate sports. This was the institution's fifth major infractions case, the institution having appeared before the committee most recently in 2006 for a case involving the men's basketball program. As a result of the 2006 case, Ohio State is considered a "repeat violator" under the provisions of Bylaw 19.5.2.1.1 (2011-12 NCAA Manual). The institution also had previous infractions cases in 1994 (men's basketball); 1978 (football) and 1957 (football).

B. FINDINGS OF VIOLATIONS OF NCAA LEGISLATION.

1. PREFERENTIAL TREATMENT. [NCAA Bylaws 12.1.2.1.6, 14.11.1, 16.1.4 and 16.11.1.6] (2010-11 Manual)

Between November 2008 and June 2010, eight football student-athletes ("student-athletes 1, 2, 3, 4, 5, 6, 7 and 8" respectively) received preferential treatment from and, other than student-athletes 2 and 7, sold athletics awards, apparel and/or equipment to the tattoo parlor owner as set forth below:

a. In April 2009, student-athlete 1 sold his 2008 Big Ten Conference Championship ring to the tattoo parlor owner for $1,000.

b. Between August 2009 and June 2010, student-athlete 2 received 12 free tattoos from the tattoo parlor, valued at $900 total.

PDF Complete
Your complimentary use period has ended. Thank you for using PDF Complete.
Click Here to upgrade to Unlimited Pages and Expanded Features

c. In the summer of 2009, student-athlete 3 sold a 2008 National Championship game jersey, a pair of game pants and a pair of game shoes to the owner of the tattoo parlor for a total of $1,000, and received two free tattoos from the tattoo parlor, valued at $150 total.

d. In June 2009, student-athlete 4 sold his 2008 Big Ten Conference Championship ring to the owner of the tattoo parlor for $1,200 and received an estimated $50 discount on a tattoo from the tattoo parlor.

e. In May or June 2009, student-athlete 5 sold his 2008 Big Ten Conference Championship ring, his 2008 "gold pants" team award and his 2009 Tostitos Fiesta Bowl sportsmanship award to the owner of the tattoo parlor for a total of $2,500.

f. Between February and November 2009, student-athlete 6 sold his 2008 Big Ten Conference Championship ring ($1,000) and his 2008 "gold pants" team award ($350) to the owner of the tattoo parlor for a total of $1,350, and received an estimated $155 discount on five tattoos from the tattoo parlor.

g. In the summer of 2009, student-athlete 7 received an estimated $150 discount on three tattoos from the owner of the tattoo parlor.

h. Between November 2008 and May 2010, student-athlete 8 sold his 2008 Big Ten Conference Championship ring ($1,500), his 2008 and 2009 "gold pants" team award ($250 each), a game helmet ($150), a pair of game pants ($30) from the 2009 contest against the University of Michigan, and his 2010 Rose Bowl watch ($250) to the owner of the tattoo parlor for a total of $2,430, and received an estimated $55 discount on two tattoos from the tattoo parlor. Additionally, student-athlete 8 received $100 for obtaining team autographs on two replica football helmets belonging to the owner of the tattoo parlor, an estimated $2,420 discount on the purchase of a used vehicle and an $800 loan for vehicle repairs from the owner of the tattoo parlor.

Committee Rationale

The enforcement staff and the institution were in agreement as to the facts of this finding and that those facts constituted violations of NCAA legislation. Further, as previously mentioned, the former head coach was made aware that football student-athletes sold athletics awards, apparel and/or equipment to the tattoo parlor owner, but failed to report the information to athletics administrators. As a result of this failure, the former head

Your complimentary use period has ended. Thank you for using PDF Complete.
Click Here to upgrade to Unlimited Pages and Expanded Features

coach permitted football student-athletes to participate in intercollegiate athletics competition while ineligible, as described in Finding B-2. The committee finds the violations occurred.

It was not until December 7, 2010, that anyone at the institution, other than the former head coach, was made aware of the above violations. On that date, the United States Department of Justice sent a letter to the institution's Department of Legal Affairs reporting that, as part of a criminal investigation focused on the tattoo parlor owner, it had executed a search warrant of his residence and seized "a significant amount of Ohio State sports memorabilia." The letter included a list of the memorabilia items and the tattoo parlor owner's description of how he had obtained them. The letter also stated that several of the items seized "appeared to have belonged to Ohio State football players and/Ohio State at some point in time." The items included Big Ten Conference Championship rings, trophies and uniform items. The purpose of the letter was "to make certain that neither the institution nor the players involved claim any ownership interest in the items being seized."

The institution conducted an initial investigation, including interviews of the student-athletes named in the letter (student-athletes 1, 3, 4, 5, 6 and 7). Following this initial investigation, it submitted a self-report of violations to the NCAA student-athlete reinstatement and enforcement staffs. Follow-up interviews were conducted with the named student-athletes, each of whom acknowledged the violations reported by the institution. After the notice of allegations was issued, an investigative media report identified other student-athletes who may have been involved with the tattoo parlor owner. The institution then interviewed each of the nine current student-athletes named in that report, one of whom, student-athlete 2, acknowledged his receipt of preferential treatment in the form of free tattoos, as set forth in Finding B-1-h.

Following its initial self-report, the institution conducted a review to determine if the violations were more widespread. Football student-athletes were required to report whether they had been to the tattoo parlor in question, received any discounts or sold any awards. Based on those responses, the institution conducted follow-up interviews, but no additional violations were discovered and no other student-athletes were reported to have been involved in violations.

As set forth in the introduction of this report, the tattoo parlor owner's provision of free or discounted tattoos constitutes preferential treatment under NCAA Bylaw 12.1.2.1.6. If the tattoo parlor owner had been a "booster" as defined by NCAA legislation, his payment for the aforementioned items and the provision of discounted or cost-free tattoos would have violated NCAA extra benefit rules rather than those governing preferential treatment.

Your complimentary use period has ended. Thank you for using PDF Complete.
Click Here to upgrade to Unlimited Pages and Expanded Features

The institution made efforts to educate student-athletes on NCAA rules relating to extra benefits and preferential treatment. Each fall and spring during the time frame of the violations, the compliance staff provided education to football student-athletes and staff regarding extra benefits and preferential treatment. Thus, the student-athletes were aware that it was impermissible to receive payment, benefits and free or discounted services on the basis of their athletics reputation or skill. Regarding the sale of memorabilia, the institution provided the football staff with rules education specific to the sale of institutionally issued athletics awards each year starting in 2007. The institution conducted additional education sessions for football student-athletes prior to each bowl game in which extra benefits were addressed, and the student-athletes were told that it is impermissible to sell gifts received for participation in the bowl games. In November 2009, the institution increased its education to football student-athletes regarding institutionally issued awards, apparel and equipment. Specifically, the institution informed football student-athletes that it was impermissible to sell those items. Although the institution did not provide education to football student-athletes focused on the sale of institutionally issued athletics awards, apparel and equipment until November 2009 (after many of the violations occurred), the committee concluded that this deficiency did not merit a finding of a failure to monitor with regard to this aspect of its athletics program.

Moreover, the institution was diligent in its efforts to monitor and track awards and other items provided to football student-athletes. The compliance office tracked each athletics award issued to student-athletes through a detailed chart completed by football staff members that included a description of each award, its dollar value and the student-athletes who received the awards. Each spring, the institution also required student-athletes to sign a "declaration" indicating the receipt of any athletics awards, institutionally issued or otherwise. Equipment and apparel were also tracked on written logs identifying the student-athlete who received the equipment or apparel. Larger value items, such as game helmets and jerseys, were occasionally sold by the institution to student-athletes consistent with NCAA legislation, and the specific transactions were recorded by the institution.

Additionally, the institution followed up on information it received about individuals who may be attempting to buy items from student-athletes. As a result of this information, the institution notified football student-athletes and staff about individuals and circumstances to avoid. On at least two occasions before the violations were discovered, the institution warned football student-athletes and staff regarding certain individuals who contacted student-athletes online to purchase memorabilia. The institution instructed student-athletes to avoid those individuals and that the sale of institutionally issued athletics awards, equipment and apparel could result in "serious NCAA issues."

Your complimentary use period has ended. Thank you for using PDF Complete.
Click Here to upgrade to Unlimited Pages and Expanded Features

2. UNETHICAL CONDUCT. [NCAA Bylaw 10.1]

The former head coach failed to deport himself in accordance with the honesty and integrity normally associated with the conduct and administration of intercollegiate athletics as required by NCAA legislation and violated ethical-conduct legislation when he failed to report information concerning violations of NCAA legislation and permitted football student-athletes to participate in intercollegiate athletics competition while ineligible. Specifically, in April 2010, the former head coach received multiple email notifications that football student-athletes, including student-athletes 4 and 5, received preferential treatment from and sold athletics awards, apparel and/or equipment to the owner of a local tattoo parlor; however, the former head coach failed to report the information to athletics administrators. Additionally, the former head coach withheld the information contained in the April 2010 and subsequent emails throughout the 2010 football season when he permitted football student-athletes to compete while ineligible. The former head coach also failed to report the information contained in the emails when questioned during the institution's December 2010 investigation. Further, in September 2010, the former head coach falsely attested that he reported to the institution any knowledge of NCAA violations when he signed the institution's certification of compliance form, which is required under Bylaw 18.4.2.1.1.4.

Committee Rationale

The enforcement staff, the institution and the former head coach were in agreement as to the facts of this allegation and that those facts constitute violations of NCAA legislation. The committee finds the violations occurred.

The former head coach was first informed of violations involving football student-athletes and the tattoo parlor owner on April 2, 2010, when he received an email from a Columbus attorney ("local attorney"). The local attorney was a former Ohio State football student-athlete and had previously represented the tattoo parlor owner in a serious criminal matter. The local attorney was not considered to be a representative of the institution's athletics interests, a "booster". Nevertheless, he knew the former head coach through encounters at football-related functions and because the former head coach was an assistant football coach at Ohio State during the time frame the local attorney was a member of the football team.

In the April 2 email message the local attorney informed the former head coach that several football student-athletes, including those considered to be "high-profile," among whom was student-athlete 5, received free tattoos from the tattoo parlor owner, and that the tattoo parlor owner's house was raided by federal authorities for drug trafficking. The

PDF Complete
Your complimentary use period has ended. Thank you for using PDF Complete.
Click Here to upgrade to Unlimited Pages and Expanded Features

local attorney stated that he emailed the former head coach so that the former head coach could warn the student-athletes "to stay away from this guy (the tattoo parlor owner) é quite frankly for their safety." The local attorney stated that he never had a telephone conversation with the former head coach about the information and was unaware if the former head coach addressed the matter with the involved student-athletes.[1]

The former head coach was aware that the information he received from the local attorney regarding the transactions between the tattoo parlor owner and football student-athletes indicated that NCAA violations had occurred. Further, in light of what the local attorney told him about the involvement of the tattoo parlor owner in criminal activity, he should have been concerned about the safety of the student-athletes, yet he did nothing to report this information to the proper authorities.

In response to the April 2 email, the former head coach thanked the attorney and wrote that he would "get on it ASAP." Rather than reporting this information to the proper university officials, a review of the former head coach's emails revealed that the same day he received the initial email, the former head coach forwarded it to an individual who acted as student-athlete 5's advisor or mentor ("advisor").[2] The advisor was a businessman in student-athlete 5's hometown.

On April 16, 2010, the local attorney sent the former head coach a second email indicating that he met with the tattoo parlor owner, who confirmed his dealings with football student-athletes. Specifically, the local attorney informed the head coach that football student-athletes, including two high profile football student-athletes (student-athletes 4 and 5) sold athletics awards, apparel and equipment to the tattoo parlor owner. The local attorney's email asked that that the information be treated as confidential. The former head coach responded in part: "Thanks for your help é keep me posted as to what I need to do if anything. I will keep pounding these kids hoping they grow up." The local attorney replied in part: "Only thing we can do is keep him, his house, his tattoo parlor off limits to players é I would also make sure you tell (student-athletes 4 and 5) . . . NOT to call him é " On April 19, the former head coach wrote to the local

[1] The local attorney reported that the former head coach texted him on December 24, 2010, to ask him if news reports at that time about football student-athletes selling memorabilia was the same information the local attorney referred to in his April 2010 emails to the former head coach. The local attorney stated that he responded in the affirmative to the former head coach's text but did not recall any further exchange and no longer had the messages on his phone.

[2] The advisor developed a relationship with student-athlete 5 during the student-athlete's freshman year in high school. That relationship was evaluated by the NCAA and institution in 2008. Based on the available information, it was concluded that the advisor was not a representative of the institution's athletics interests and that benefits he provided to student-athlete 5 did not violate preferential treatment legislation. During his February 8, 2010, interview with the enforcement staff, the former head coach reported that the advisor was student-athlete 5's "mentor" and "his only solid parent figure."

Your complimentary use period has ended. Thank you for using PDF Complete.
Click Here to upgrade to Unlimited Pages and Expanded Features

attorney: "I told (student-athletes 4 and 5) to steer clear é is there any way I can get all the ring names é I have a little plan once this year's rings arrive." The next day, the local attorney wrote in an email that he would contact the district attorney to inquire about the names of other football student-athletes who may have sold their conference championship rings to the owner of the tattoo parlor. Several weeks passed with no communication between the former head coach and the local attorney. On June 1, 2010, the former head coach sent the local attorney an email to see if he received the names of any other football student-athletes from the district attorney to which the local attorney replied in part, "No more names." The former head coach thanked the local attorney, and no further communication is known to have occurred between the two men until the following December.

During his February 8, 2011, interview with the enforcement staff and institution, the former head coach recalled that he had separate conversations with student-athletes 4 and 5 on April 16, or within days of receiving the local attorney's second email. Specifically, regarding his conversations with student-athletes 4 and 5, the former head coach stated: "I talked with them é it was two minutes max ï it was pretty one-sided. And the message was, 'I'm hearing things. They're bad things. Better stay away from people. You know we've talked about this often.'" The former head coach reported that he told student-athletes 4 and 5 that their "names were associated with a criminal situation" but doubted that he spoke to them about memorabilia. The former head coach stated that the conversations were vague and that he did not mention the tattoo parlor owner, his business, the sale of memorabilia, a federal raid or NCAA violations. He reported telling the two student-athletes: "Hey, this is serious. You better stay away." The former head coach reported that he might have said, "I don't know what you are doing" but the former head coach denied having told the student-athlete, "I don't want to know what you are doing." Other than student-athletes 4 and 5, in addition to student-athlete 5's advisor, the former head coach did not share the information he received from the local attorney with anyone else, particularly any other student-athletes or athletics administrators.

In addition to having the chance in April and June 2010 to report information he received from the local attorney, the former head coach had yet another opportunity to report the information on September 13, 2010. It was on that date when he signed the institution's certification of compliance form as required under Bylaw 18.4.2.1.1.4. This form states in relevant part:

> By signing and dating this form, you certify that you have reported through the appropriate individuals on your campus . . .any knowledge of violations of NCAA legislation involving The Ohio State University that occurred during 2009-10 academic year through the time you sign this form.

Your complimentary use period has ended. Thank you for using PDF Complete.
Click Here to upgrade to Unlimited Pages and Expanded Features

As a result, the former head coach knowingly allowed football student-athletes to participate while ineligible during the 2010 football season. Following the conclusion of the 2010 regular season, the institution received the previously described letter from the Department of Justice and initiated a review of potential violations. Shortly thereafter, the former head coach was notified of the letter and that student-athletes were to be interviewed. Despite being notified of the institution's inquiry, the former head coach again failed to report his knowledge of the potential violations. As previously documented, on December 24, 2010, the former head coach exchanged text messages with the local attorney and confirmed that the recently discovered violations related to the same information contained in the emails the local attorney sent to the former head coach in April. It was not until January 2011, when the institution uncovered the emails sent by the local attorney to the former head coach that he acknowledged receiving the information in April 2010 yet he failed again to disclose the information he had received.

In his written response, the former head coach acknowledged the serious mistake he made in not reporting information concerning potential violations of NCAA legislation and that he should have taken the matter to officials at Ohio State. At the time he received the emails from the local attorney in April 2010, the former head coach had several concerns that factored into his decision not to reveal this information to university officials. He prioritized those concerns as: i) his focus on the safety of the student-athletes; ii) the gravity of the federal criminal investigation, and; iii) the purported request for confidentiality made by the individual who provided the information. He reported that, at the time, those concerns overrode any thought he had relating to possible NCAA rules violations. However, the former head coach acknowledges now that he should not have allowed those concerns to override his duty to report possible NCAA violations. The former head coach admits that when he received the information, he knew the players could not sell the memorabilia or receive preferential treatment. He also understood that the institution's policy called for him to notify the compliance office regarding possible violations. He offered no excuses for his decision and understands the very serious nature of this case.

As mentioned in the introduction to this report, the committee was extremely concerned by the conduct of the former head coach in responding to information he received about NCAA violations involving football student-athletes. As set forth above, the former head coach claimed that he was concerned with the safety of his student-athletes. The committee believes that had he truly been concerned with the student-athletes' well-being, he would have immediately contacted the institution's compliance office and perhaps the institution's office of general counsel. By sharing this information with the appropriate institutional officials, not only would this information have been appropriately addressed through NCAA channels, but steps could have been taken to ensure that the involved student-athletes had no additional contact with the tattoo parlor owner, a convicted criminal. It would also have given the institution the opportunity to

Your complimentary use period has ended. Thank you for using PDF Complete.
Click Here to upgrade to Unlimited Pages and Expanded Features

consider whether the safety of additional student-athletes or others might be at risk because of these transactions. [Indeed the local attorney said that he warned the former head coach that the tattoo parlor owner was a drug dealer and that student-athletes should avoid him, "frankly, for their own safety."] Rather than doing this, the former head coach had a "vague" two-minute conversation with student-athletes 4 and 5 during which he did not mention the tattoo parlor owner, his business, the sale of memorabilia or NCAA violations.

The former head coach also cited as reasons for not disclosing this information "the gravity of the federal criminal investigation" and "the request for confidentiality" made by the local attorney who alerted the former head coach of the violations. The committee noted that, shortly after receiving the email from the local attorney, the former head coach contacted student-athlete 5's advisor which, in the committee's view, was at odds with his assertion that he was concerned about confidentiality. The former head coach's loyalty should have been to his employing institution, rather than to the local attorney, an individual whose name he could not recall when he was initially interviewed about these issues. Finally, even after the confidentially issue was rendered moot when the institution received the letter from the Department of Justice in December 2010, the former head coach still did not come forward to report the information he had received.

As noted above, the former head coach had at least four opportunities to report the information concerning football student-athletes and the tattoo parlor owner: i) In April, 2010 when he initially received the information in emails from the local attorney; ii) In September 2010, when he signed the certification of compliance form; iii) On or about December 9, 2010, when the institution questioned him about the letter from the Department of Justice and iv) On December 24 when he sent a text message to the local attorney asking if the information that had just recently been released concerning the reinstatement of six student-athletes related to the information the local attorney had provided the head coach earlier in the year. Although the former head coach provided rationalization for his failure to report violations resulting from the involvement of student-athletes with the tattoo parlor owner, the committee found them not to be credible. The former head coach's inaction on four different occasions was in the committee's view, a deliberate effort to conceal the situation from the institution and the NCAA in order to preserve the eligibility of the aforementioned student-athletes, several of whom were key contributors to the team's highly successful 12-1 season in 2010.

3. PAYMENT FOR WORK NOT PERFORMED; IMPERMISSIBLE EXTRA BENEFITS. [NCAA Bylaws 12.4.1, 12.5.1.1-(a), 16.02.3 and 16.11.2.1]

Between the spring of 2009 and summer of 2011, the representative arranged for the provision of extra benefits to nine football student-athletes worth a total of

Your complimentary use period has ended. Thank you for using PDF Complete.
Click Here to upgrade to Unlimited Pages and Expanded Features

$2,405 in the form of compensation for work not performed and cash payments. Specifically:

a. The representative arranged for five football student-athletes ("student-athletes 9, 10 and 11" respectively) and student-athletes 3 and 4, to receive compensation totaling $1,605 for work not performed while they were employed at a business owned and operated by the representative's family.

b. On February 19, 2011, the representative arranged cash payments of $200 each to four football student-athletes ("student-athletes 12, 13 and 14," respectively) along with student-athlete 5 at an annual charity event for a nonprofit organization of which the representative is a board member "the charity". Additionally, seven football student-athletes attended the 2011 event without written approval from the athletics director or his designee in violation of promotional activities legislation, and at least five football student-athletes attended the 2008 event without approval.

Further, the institution's failure to monitor the representative's employment of and interaction with football student-athletes contributed to a failure to monitor, as set forth in Finding B-4.

Committee Rationale

The enforcement staff and the institution were in agreement as to the facts of this allegation and that those facts constitute violations of NCAA legislation. The committee finds the violations occurred.

Background

The representative has met the NCAA definition of a "representative of the institution's athletics interests" (booster) since at least 1988, when he began providing financial contributions to the athletics department. From that time up until he was disassociated by the institution on September 20, 2011, he donated approximately $72,000 to Ohio State athletics and has purchased football season tickets for many years. The former head coach described the representative as a "friend" and reported that he "hung out" with the football coaches in the 1980s. [NOTE: The former head coach was an assistant coach at Ohio State in the mid-1980s]

During the period from 1988 to 2000, the representative was allowed access to the football locker room and sideline. In fact, for several years prior to the former head coach's return to Ohio State in 2001, the representative was permitted to be in the locker room on game days where he was seen dressed as a coaching staff member. Shortly after

PDF Complete
Your complimentary use period has ended. Thank you for using PDF Complete.
Click Here to upgrade to Unlimited Pages and Expanded Features

the former head coach returned to the institution in 2001, he began restricting the number of individuals who had access to the locker room. The representative was among the persons denied entry. In 2006, a new policy for sideline access was implemented by the institution. Only media and other working personnel were allowed to be on the sideline for the game ï with the exception of former Ohio State student-athletes who were participating in the NFL. Under this policy, the representative and others were prohibited from sideline access. During this time period, the representative brought lunch during the football season to the football coaching staff members, and, at other times, to the men's basketball staff or other athletics department staff members. In 2005, the former head coach told the representative to discontinue this practice and in 2006 the director of athletics instructed the representative to cease providing lunch to all athletics department staff members. As a result of these actions, from 2006 to the present, the representative was not seen around the institution's athletics facilities.

The representative's family owns several construction-related businesses in the Cleveland, Ohio, area, some of which employed student-athletes. During a period of time prior to the mid-1980s, the representative was a member of "the Committeemen," an *ad hoc* group formed to assist in the institution's athletics recruiting efforts. Involvement of boosters in recruiting was banned by the NCAA effective August 1, 1987. Because of their recruiting efforts, members of the Committeemen became acquainted with the institution's coaching staff members.

Until recently, the representative was one of approximately 20 individuals who served on the board of directors for the charity referenced in Finding B-3-b. On occasion, football student-athletes attended the charity's fund raising events. In 2006, the charity event was involved with a secondary NCAA violation. Even after this secondary violation occurred, no warnings were provided to football student-athletes regarding the representative.

Despite the representative's exclusion from institutional athletics offices and practice facilities, the representative continued to have contact with student-athletes. This typically occurred when upperclassmen on the football team from the Cleveland area informed other student-athletes about the opportunity to be employed at one of the companies owned by the representative's family, or attend the charity event. Interested student-athletes would contact the representative about job opportunities and invitations to the charity event.

Despite several written, in-person, and telephonic requests from the NCAA enforcement staff and the institution to the representative and his legal counsel, the representative did not consent to be interviewed. As a result of his refusal to cooperate, the representative was notified on September 20, 2011, that he was officially disassociated from Ohio State athletics.

Your complimentary use period has ended. Thank you for using PDF Complete.
Click Here to upgrade to Unlimited Pages and Expanded Features

Finding B-3-a

With specific reference to Finding B-3-a, payment for work not performed, as referenced above, beginning in the early 2000s, the representative employed student-athletes at Cleveland area businesses his family owned. The majority of these student-athletes were from that local area and had met the representative through events associated with the representative's charity or had heard from other student-athletes about the employment opportunities.

The institution was aware that three football student-athletes were employed by the representative during the period from 2004-06. The employment continued after 2006, and during the period from 2009-11 the representative provided impermissible benefits in the form of payment for work not performed to the five identified football student-athletes.

As a result of information that was received by the football office, but not provided to the compliance office, the institution missed an opportunity to detect that the representative's employment of football student-athletes was more extensive than the institution believed. Detailed information on employment of student-athletes was provided by the representative to the football office in response to forms and other documents sent by the football program to potential employers. This was part of the football program's effort to obtain employment for football student-athletes, which had taken place for many years. In response to receiving requests to employ football student-athletes, the representative completed paperwork sent to him, indicating that he was willing to employ student-athletes. As part of the information requested, the representative was asked to provide the names of student-athletes he had employed in the past. The representative provided a list containing the names beyond the three student-athletes the compliance office was aware had worked for the representative. Unfortunately, this information was never conveyed to the compliance office. The institution conceded that this oversight was a factor in its admitted failure to monitor.

Information about possible violations associated with the representative's employment of student-athletes first came to light as a result of a review of student-athlete 5's bank records. These records revealed a check dated February 19, 2010, to student-athlete 5 for the amount of $200 from one of the businesses owned by the representative's family. Shortly thereafter, student-athlete 5 declared for the supplemental National Football League (NFL) draft and refused to cooperate with the institution and the enforcement staff's joint investigation. As a result, there was no opportunity to question him about his employment by the representative. Student-athlete 5 was subsequently disassociated by the institution for his failure to cooperate. The check student-athlete 5 received from the representative's business prompted the institution to review other student-athletes' bank

Your complimentary use period has ended. Thank you for using PDF Complete.
Click Here to upgrade to Unlimited Pages and Expanded Features

records and question them about possible employment at businesses owned by the representative's family.

During these interviews, the five student-athletes involved in the violation acknowledged their employment by the representative. The student-athletes worked during the summer or during institutional vacation periods. Typically, student-athletes worked a few days at a time, with the longest continuous period being approximately eight days over a two-week period. To obtain work, the student-athletes telephoned the representative or one of the supervisors to request work for an upcoming period. Such requests for work were always granted. The jobs primarily were day labor such as clean-up work at a carwash, picking up scrap metal at a recycling yard, or sorting through items in a storage area. The student-athletes were paid $15 per hour. The student-athletes could determine their work schedule, and each student-athlete generally arrived and left around the same time each day.

The student-athletes were not told their hourly wage. According to the controller for the main company employing the student-athletes, no timecards were completed for the work the student-athletes performed; instead, a supervisor verbally reported to the controller the hours that they worked, and he issued a paycheck. The check provided to the student-athletes did not include the number of hours worked nor the hourly wage. This method of accounting for the employment of student-athletes was shoddy at best, and on at least one occasion, resulted in a student-athlete (student-athlete 4) receiving a check without performing any work. The institution and enforcement staff agreed on the amount of overpayment based upon cell phone records, bank statements and the student-athletes' statements.

The student-athletes did not register these jobs with the institution's compliance office as they were instructed to do during compliance education sessions and as required by athletics department policies. While the compliance staff told the student-athletes that they needed to register any employment with the compliance office, regardless of the jobs' duration, including jobs worked for short periods, the student-athletes' general position was that this employment was not arranged through the institution nor was it for an extended period of time (e.g., throughout the summer). As a result, they did not feel the need to contact the compliance office.

Finding B-3-b

As previously mentioned, this charity event was the source of a secondary violation reported by the institution in 2006. Specifically, in March of that year, the institution learned that a few student-athletes from the Cleveland area attended the February 2006 event as guests and were acknowledged as Ohio State football student-athletes. The attendance by the student-athletes at the event was permissible under Bylaw 12.5.1, if the

Your complimentary use period has ended. Thank you for using PDF Complete.
Click Here to upgrade to Unlimited Pages and Expanded Features

event would have been approved by the compliance office. Because the student-athletes' attendance at the event was not pre-approved by the compliance staff, the institution self-reported this violation and submitted a restoration request.

After 2007, the institution made no attempts to determine if the representative continued to host student-athletes at the charity event. In 2008, football student-athletes attended the charity event without the institution's knowledge or approval, but that instance was not discovered until this investigation. It is unknown if football student-athletes attended the event in 2009; however, a charity newsletter advertised that "celebrity guests" would attend the event, including "OSU Buckeyes Players." In 2010, the student-athletes attended the charity event, but the institution did not learn about their plans until the day before or the day of the event, after the student-athletes were already in the Cleveland area. On that occasion, the institution provided last-minute approval of their attendance at the event. In 2011, football student-athletes attended the charity event without the institution's knowledge or approval.

In the course of the investigation into the representative's relationship with student-athletes, several of them reported that five current football student-athletes and two former student-athletes attended the charity event which took place on February 19, 2011. Four young men who were student-athletes at the time received impermissible payment at the event. All of the current student-athletes incorrectly believed their participation in the event had been approved by the Ohio State compliance office, as either the representative or an individual representing the charity told them of this purported approval. The student-athletes who received money reported they were invited to participate in the event by student-athlete 5. Two of the student-athletes reported that they received $200 cash in an envelope from student-athlete 4, while one student-athlete said that the representative personally gave him an envelope containing the money before the event.

The institution declared the three student-athletes ineligible on September 1, 2011, required them to each pay $200 to a charitable organization, and sought their reinstatement. Each was reinstated following a two-game suspension.

4. **FAILURE TO MONITOR. [NCAA Bylaw 2.8.1]**

The institution failed to monitor the representative including his interaction with and employment of football student-athletes, as set forth in Finding B-3-a. Specifically, the institution knew that the representative previously employed football student-athletes (2004 through 2006) and, on multiple occasions, hosted them at an annual charity event with which he is associated (2006, 2007 and 2010). However, the institution failed to take appropriate actions to determine if

PDF Complete
Your complimentary use period has ended. Thank you for using PDF Complete.
Click Here to upgrade to Unlimited Pages and Expanded Features

the representative continued to employ student-athletes or host them at the charity event despite concerns about his interaction with the football program, his previous involvement in a secondary violation related to football student-athletes' attendance at the charity event (2006) and his attempt to form close personal relationships with football student-athletes. Additionally, the institution failed to educate football student-athletes about the representative, encourage them to cease interaction with him or inquire about their potential employment with the representative and attendance at the charity event. As a result, the representative continued to employ student-athletes without the institution's knowledge and host them at the annual charity event, which resulted in the violations set forth in Finding B-3-b.

Committee Rationale

The enforcement staff, and the institution were in agreement as to the facts of this allegation and that those facts constitute violations of NCAA legislation. The committee finds the violations occurred.

As set forth in Finding B-3, the institution took steps to distance itself from the representative, including having excluded him from the sideline, locker rooms and coaches' offices. However, there is no evidence that the institution took any monitoring actions specific to the representative's involvement with student-athletes after 2006. The institution conceded that it could have done more to monitor the representative by taking additional steps to determine whether he had interactions with student-athletes away from institutional facilities and, had it done so, the likelihood of these current violations occurring would have been reduced. These additional actions primarily relate to specifically monitoring the student-athletes' attendance at the annual charity event and their possible employment at the representative's businesses in the Cleveland area.

While attendance at the charity event and employment by the representative are permissible under NCAA legislation (assuming the event submits the appropriate forms and the student-athletes receive appropriate wages), the institution concluded that, given the circumstances, it should have:

a. Reinforced to student-athletes that they could not attend the charity event unless they were directly told by the compliance staff that their attendance was approved;

b. Contacted the representative directly to inform him that student-athletes could not be employed unless the student-athletes registered their employment;

PDF Complete
Your complimentary use period has ended. Thank you for using PDF Complete.
Click Here to upgrade to Unlimited Pages and Expanded Features

c. Contacted the charity in 2011 to inform it that student-athletes could not attend the event unless the charity submitted the appropriate forms to the compliance staff; and

d. Ensured that its football staff informed the compliance office about the representative's request to employ student-athletes and that it received from the representative completed questionnaires regarding such employment. The person who received these forms in 2006 and 2007 is no longer with the institution and the institution ceased sending these forms in 2009.

C. PENALTIES.

For the reasons set forth in Parts A and B of this report, the Committee on Infractions found that this case involved major violations of NCAA legislation. In determining the appropriate penalties to impose, the committee considered the institution's self-imposed penalties and corrective actions. [NOTE: The institution's corrective actions are contained in Appendix Two.]

The committee fully understands that an institution acts through its employees. However, there are instances when such individuals purposely hide information or decide not to reveal information, as in this case. In fact, as set forth in the committee's rationale in Finding B-2, on multiple occasions, the former head coach failed to pursue any of the options available to him that would have preserved the well-being of his institution and his student-athletes. As a result, the committee concluded that the former head coach should be seriously sanctioned. (See Penalty C-7)

The committee noted that NCAA Bylaw 19.5.2(g-3) specifically identifies a failure to monitor as an aggravating factor in imposing competition restrictions. The institution agreed that it failed to monitor the representative. As indicated earlier in this report, the representative was well-known by athletics department staff members, including the former head coach. Although in recent years, steps had been taken to restrict the representative's access to athletics department offices and playing venues, he was someone who had, for many years, been conferred a special status within the Ohio State athletics department. As previously established the representative had been provided access to the sidelines and locker room and, on occasion, brought meals to the football and basketball coaches' offices. The former head coach reported that the representative was a friend and that he "hung out" with the football coaches. In short, he was not the typical "booster;" he was, for a lengthy period of time, an "insider." As the committee wrote in its 2002 Alabama decision, such favored access and insider status creates both a greater university obligation to monitor and a greater university responsibility for any misconduct in which such individuals engage. The committee expressed similar

Your complimentary use period has ended. Thank you for using PDF Complete.
Click Here to upgrade to Unlimited Pages and Expanded Features

concerns with an "insider" booster in the 2003 University of Arkansas infractions case. The Arkansas case was similar to the Ohio State case in that an athletics representative provided payment to student-athletes for work not performed. Again, as in the Ohio State case, this impermissible employment was a component of a failure to monitor finding. In the Arkansas case, the committee wrote that monitoring the representative's employment of student-athletes was particularly important because he "was a prominent and favored representative, one whose insider status provided special access and interaction with student-athletes."

Further, as set forth in the introduction of this report, Ohio State is considered a repeat violator under NCAA legislation. Bylaw 19.5.2(g-5) specifies that an institution's status as a repeat violator is an additional aggravating factor in the imposition of competition restrictions such as a postseason ban. The committee considered additional penalties that were not imposed, including a multiple season postseason competition ban, and more severe scholarship reductions. The committee chose not to impose such additional penalties after weighing the aggravating factors and the overall seriousness of the case in light of other recent major infractions cases where a multiple year postseason was imposed.

The committee also considered the institution's cooperation in the processing of this case. Cooperation during the infractions process is addressed in Bylaw 19.01.3 - **Responsibility to Cooperate**, which states in relevant part that, "All representatives of member institutions shall cooperate fully with the NCAA enforcement staff, Committee on Infractions, Infractions Appeals Committee and Board of Directors. The enforcement policies and procedures require full and complete disclosure by all institutional representatives of any relevant information requested by the NCAA enforcement staff, Committee on Infractions or Infractions Appeals Committee during the course of an inquiry." Further, NCAA Bylaw 32.1.4 ï **Cooperative Principle**, also addresses institutional responsibility to fully cooperate during infractions investigations, stating, in relevant part, "The cooperative principle imposes an affirmative obligation on each institution to assist the enforcement staff in developing full information, to determine whether a possible violation of NCAA legislation has occurred and the details thereof." The committee determined that the cooperation exhibited by the institution met its obligation under Bylaws 19.01.3.3 and 32.1.4.
The penalties imposed by the committee are:

1. Public reprimand and censure.

2. A three-year probationary period commencing on December 20, 2011, and expiring on December 19, 2014. [NOTE: The institution recommended a two-year period of probation effective July 8, 2011]

Your complimentary use period has ended. Thank you for using PDF Complete.
Click Here to upgrade to Unlimited Pages and Expanded Features

3. Limit total grants-in-aid in the sport of football to 82 for each of the 2012-13, 2013-14 and 2014-15 academic years. [NOTE: The institution had proposed a reduction in the number of initial scholarships awarded in the sport of football by a total of five spread over the 2012-13, 2013-14, and 2014-15 academic years.]

4. The institution's football team shall end its 2012 season with the playing of its last regularly scheduled, in-season contest and shall not be eligible to participate in any postseason competition or take advantage of any of the exemptions provided in Bylaw 17.9.5.2, to include an end-of-season conference championship game.

5. Pursuant to NCAA Bylaw 19.5.2.2-(h), the institution vacated all wins for the 2010 football regular season, including the institution's 2010 Big Ten Conference football co-championship and participation in the 2011 Sugar Bowl. (Institution imposed). Further, any trophies awarded during this period of competition shall be sent to the NCAA. The individual records of the involved student-athletes shall be vacated as well. Moreover, the institution's records regarding football, as well as the record of the former head football coach, will reflect the vacated records and will be recorded in all publications in which football records for the 2010 season are reported, including, but not limited to institutional media guides, recruiting material, electronic and digital media plus institutional and NCAA archives. Any institution which may subsequently hire the former head football coach shall similarly reflect the vacated wins in his career record as documented in media guides and other publications cited above. The former head coach may not count the vacated wins to attain specific honors or victory "milestones" such as 100^{th}, 200^{th} or 300^{th} career victories. Any public reference to these vacated contests, including the institution's 2010 conference championship in football and its appearance in the 2011 Sugar Bowl, shall be removed from athletics department stationery, banners displayed in public areas and any other forum in which they may appear. Finally, to ensure that all institutional and student-athlete vacations, statistics and records are accurately reflected in official NCAA publication and archives, the sports information director (or other designee as assigned by the director of athletics) must contact the NCAA director of statistics, to identify the specific student-athlete(s) and contest(s) impacted by the penalties. In addition, the institution must provide the NCAA statistics department a written report, detailing those discussions with the director of statistics. This document will be maintained in the permanent files of the statistics department. This written report must be delivered to the NCAA statistics department no later than 45 days following the initial Committee on Infractions release.

6. Forfeiture of $338,811, the amount the institution has received through Big Ten Conference revenue sharing for its appearance in the 2011 Sugar Bowl. (Institution imposed)

PDF Complete
Your complimentary use period has ended. Thank you for using PDF Complete.
Click Here to upgrade to Unlimited Pages and Expanded Features

7. As set forth in Finding B-2, the committee found that the former head coach violated NCAA ethical conduct standards when he failed to report his knowledge of NCAA violations and in doing so, permitted football student-athletes to participate in intercollegiate athletics competition while ineligible during the 2010 season. That season culminated in a Big Ten Conference Championship and an appearance in a Bowl Championship Series (BCS) postseason contest. Further, in September 2010, the former head coach falsely attested that he reported to the institution any knowledge of NCAA violations when he signed the institution's certification of compliance form, which is required under Bylaw 18.4.2.1.1.4. Therefore, the former head coach will be informed in writing by the NCAA that, due to his involvement in violations of NCAA legislation found in this case, the committee imposes a five-year show-cause period upon him pursuant to NCAA Bylaw 19.5.2-(k). During the period, which begins December 20, 2011, and concludes on December 19, 2016, the committee restricts the athletically related duties of the former head coach as follows:

   a. He shall be suspended from all coaching duties for the first five games during the initial year he is employed as well as any postseason contest(s) during that year. During this suspension, the former head coach shall not be present in the venue where the games are played and shall not have any contact with other members of the coaching staff or any football student-athletes while the games are ongoing. Further, the head coach may not participate in any activities that are defined as "coaching," including, but not limited to, team travel, practice, video review and team meetings. The suspension from the first five contests includes all coaching activities commencing when the team reports for fall practice through the conclusion of the fifth game. The suspension from the postseason contests commences at the end of the last regular season contest and expires at the conclusion of the final postseason contest. [NOTE: Postseason includes both a conference championship contest and a bowl game.]

   b. Any employing institution shall file within 60 days of hiring the former head coach (or, if he is employed at a member institution presently, 60 days after the release of this case), a report with the office of the Committees on Infractions detailing how it will monitor the former head coach so as to prevent a recurrence of the violations set forth in this report, as well as information documenting compliance with the restrictions imposed. Thereafter, the institution shall file reports every six months until the end of the show-cause period, detailing its efforts to monitor the former head coach. If an institution chooses to contest these sanctions, it

Your complimentary use period has ended. Thank you for using PDF Complete.
Click Here to upgrade to Unlimited Pages and Expanded Features

shall schedule an appearance before the Committee on Infractions to show cause why such restrictions should not be implemented.

8. Disassociation of the representative from any involvement with the institution's athletics program for a period of 10 years. This disassociation includes (Institution imposed):

   a. The receipt of any monies from him;

   b. Prohibiting him or any associated companies from employing any Ohio State student-athletes;

   c. Prohibiting him from purchasing season tickets from Ohio State for any athletics event;

   d. Prohibiting him from access to complimentary tickets, including but not limited to, the following sources: current student-athletes, coaches, current suite holders, or alumni members;

   e. Prohibiting any contact between him and Ohio State student-athletes;

   f. Prohibiting any contact between him and Ohio State coaching staff members or other administrative staff members; and

   g. Prohibiting his attendance at any practice or competition of any athletics contest on the Institution's campus.

9. Disassociation of student-athlete 5 for five years from any involvement with the institution's athletics program. This disassociation includes (Institution imposed):

   a. Prohibiting him from providing any financial or other assistance that supports the recruitment of prospects or enrolled student-athletes;

   b. Prohibiting him from being provided directly or indirectly any benefit or privilege that is not available to the general public (among others, this means that he cannot have access to complimentary tickets from current or former student-athletes, coaches, current suite holders, or alumni members); and

   c. Prohibiting him from using any athletics department facilities (except for tutoring and other services, if he returns to the institution).

Your complimentary use period has ended. Thank you for using PDF Complete.
Click Here to upgrade to Unlimited Pages and Expanded Features

10. During this period of probation, the institution shall:

    a. Continue to develop and implement a comprehensive educational program on NCAA legislation to instruct the coaches, the faculty athletics representative, all athletics department personnel and all institution staff members with responsibility for the certification of student-athletes' eligibility for admission, financial aid, practice or competition;

    b. Submit a preliminary report to the office of the Committees on Infractions by February 15, 2012, setting forth a schedule for establishing this compliance and educational program; and

    c. File with the office of the Committees on Infractions annual compliance reports indicating the progress made with this program by August 15 of each year during the probationary period. Particular emphasis should be placed on rules education specifically relating to the sale of personal items received as a result of athletics competition (e.g. watches, rings, trophies uniform items etc.), the monitoring of institutional representatives interaction with student-athletes, the monitoring of student-athlete employment and the monitoring of student-athletes' appearances at events outside the institution. Further, the compliance report shall also address educational efforts and institutional procedures relating to the reporting of possible NCAA violations. The reports must also include documentation of the institution's compliance with the penalties adopted and imposed by the committee.

11. During the period of probation, the institution shall:

    a. Inform prospective student-athletes in (affected sports) that the institution is on probation for three years and the violations committed. If a prospective student-athlete takes an official paid visit, the information regarding violations, penalties and terms of probation must be provided in advance of the visit. Otherwise, the information must be provided before a prospective student-athlete signs a NLI.

    b. Publicize the information annually in (affected sports) media guides (or web posting), as well as in an institutional alumni publication to be chosen by the institution with the assent of the office of the Committees on Infractions. A copy of the media guides, alumni publication, and information included in recruiting material shall be included in the compliance reports to be submitted annually to the Committees on Infractions.

PDF Complete
Your complimentary use period has ended. Thank you for using PDF Complete.
Click Here to upgrade to Unlimited Pages and Expanded Features

12. The above-listed penalties are independent of and supplemental to any action that has been or may be taken by the Committee on Academic Performance through its assessment of contemporaneous, historical, or other penalties.

13. At the conclusion of the probationary period, the institution's president shall provide a letter to the committee affirming that the institution's current athletics policies and practices conform to all requirements of NCAA regulations.

As required by NCAA legislation for any institution involved in a major infractions case, The Ohio State University shall be subject to the provisions of NCAA Bylaw 19.5.2.3, concerning repeat violators, for a five-year period beginning on the effective date of the penalties in this case, December 20, 2011.

Should The Ohio State University or the former head football coach 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 appeals committee.

The Committee on Infractions advises 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. Any action by the institution contrary to the terms of any of the penalties or any additional violations shall be considered grounds for extending the institution's probationary period or imposing more severe sanctions or may result in additional allegations and findings of violations. An institution that employs an individual while a show-cause order is in effect against that individual, and fails to adhere to the penalties imposed, subjects itself to allegations and possible findings of violations.

Should any portion of any of the penalties in this case be set aside for any reason other than by appropriate action of the Association, the penalties shall be reconsidered by the Committee on Infractions. Should any actions by NCAA legislative bodies directly or indirectly modify any provision of these penalties or the effect of the penalties, the committee reserves the right to review and reconsider the penalties.

Your complimentary use period has ended. Thank you for using PDF Complete.
Click Here to upgrade to Unlimited Pages and Expanded Features

NCAA COMMITTEE ON INFRACTIONS

Britton Banowsky
John S. Black
Melissa (Missy) Conboy
Roscoe C. Howard Jr.
Eleanor W. Myers
James O'Fallon
Gregory Sankey
Dennis E. Thomas, chair

Your complimentary use period has ended. Thank you for using PDF Complete.
Click Here to upgrade to Unlimited Pages and Expanded Features

APPENDIX ONE

CASE CHRONOLOGY.

1980s - A representative of the institution's athletics interests developed a relationship with the football staff at Ohio State and made financial contributions.

1988-2000 ï The then head football coach, allowed the representative access to the locker room and sidelines on occasion.

Mid-2000s ï The representative delivered food to the football staff on a weekly basis in the fall and sometimes brought food to the men's basketball staff.

Fall 2001 ï Prior to a game during the 2001 football season, the former head football coach noticed the representative hiding in a locker dressed as an assistant coach. The former head coach subsequently barred the representative from the locker room.

2004-2006 ï The representative employed at least three football student-athletes at his Cleveland-area business and indicated on an employment questionnaire provided by the institution that he previously employed five other football student-athletes who were each on the roster during the 2005 and/or 2006 football seasons.

2005

May 25 ï The former head football coach wrote a letter to the representative asking him to deliver food to areas where student-athletes did not have access to it. In the same letter, the former head football coach addressed the representative's presence at a Columbus restaurant with two football student-athletes and the then head football coach.

May 26 -- The institution's Executive Compliance Subcommittee discussed the representative's presence at lunch with two football student-athletes and indicated that, although no violations were reported, the representative and the owner of the restaurant would receive letters of education.

June 28 ï The then associate athletics director for compliance provided NCAA rules education regarding representatives of the institution's athletics interests to the athletics department and displayed on a projection screen a list of 15 "boosters" of concern to the institution, including the representative.

Your complimentary use period has ended. Thank you for using PDF Complete.
Click Here to upgrade to Unlimited Pages and Expanded Features

2006

February 25 -- Seven football student-athletes attended an annual charity event for a nonprofit organization of which the representative was a board member. The representative contacted the then starting quarterback and invited him and his teammates to the event. The student-athletes attended the event without the institution's knowledge or approval, which resulted in a secondary violation that was self-reported to the NCAA.

March 8 ï The then associate director of athletics for compliance sent the former head football coach and the director of athletics an email regarding suggestions for dealing with the representative.

March 16 and 30 - The institution's Executive Compliance Subcommittee discussed the secondary violation regarding student-athletes' attendance at the charity event and "corrective action" regarding the representative.

April 20 ï The then associate director of athletics for compliance sent the director of athletics an email with five compliance topics to address with the representative.

April/May ï The then associate director of athletics for compliance and the director of athletics called the representative and left him a voice message.

June 15 ï The then associate director of athletics for compliance sent the director of athletics and the former head football coach an email indicating that the director of athletics meeting with the representative was rescheduled. The email also contained a reminder of the five compliance topics to address with the representative.

July 1 ï The then associate director of athletics for compliance transitioned to a different position in athletics and relinquished her compliance responsibilities.

July 24 ï A new associate athletics director for compliance was hired to assume the position.

Summer ï The director of athletics spoke with the representative on the phone and asked him to stop bringing lunch to the football and men's basketball staff, and to stay away from student-athletes and the athletics staff.

2007

February - The institution approved nine football student-athletes to attend the annual charity event.

PDF Complete
Your complimentary use period has ended. Thank you for using PDF Complete.
Click Here to upgrade to Unlimited Pages and Expanded Features

2008

February - At least five football student-athletes attended the annual charity event without the institution's knowledge or approval.

Fall - The owner of a local tattoo parlor introduced himself to then football student-athletes 5 and 8. Shortly thereafter, student-athlete 8 received a discounted tattoo from the tattoo parlor, the first of several known benefits the owner of the tattoo parlor provided to football student-athletes.

2009-11 ï The representative employed at least five football student-athletes without the institution's knowledge or approval. The student-athletes were compensated a total of $1,605 for work they did not perform, as set forth in Finding B-3.

2009

February - Student-athlete 6 received a discounted tattoo from the tattoo parlor.

Spring and Summer - Student-athletes 1, 2, 3, 4, 5, 6, 7 and 8 received free or discounted tattoos and/or sold institutionally issued athletics awards, apparel and/or equipment to the owner of the tattoo parlor.

Fall ï Student-athletes 2, 6 and 8 continued receiving preferential treatment from the owner of the tattoo parlor in the form of free or discounted tattoos and/or cash in exchange for institutionally issued athletics awards, apparel and/or equipment. Student-athlete 8 also received from the owner of the tattoo parlor a discount on the purchase of a vehicle and a loan for automobile repairs.

2010

January 1 - Ohio State defeated the University of Oregon 26-17 in the 2010 BCS Rose Bowl. Student-athlete 5 was named most valuable player.

February 2010 - The institution gave last minute approval for three football student-athletes to attend the annual charity event after receiving information that student-athletes were in the Cleveland area and planned to attend the event.

PDF Complete
Your complimentary use period has ended. Thank you for using PDF Complete.
Click Here to upgrade to Unlimited Pages and Expanded Features

Winter and Spring ï Student-athletes 2 and 8 continued receipt of preferential treatment from the owner of the tattoo parlor in the form of free or discounted tattoos and/or cash in exchange for institutionally issued athletics awards, apparel and/or equipment.

April 2 ï The former head football coach received an email from a former football student-athlete who is a local attorney, indicating that football student-athletes, including student-athlete 5, received free tattoos from the owner of the tattoo parlor, whose house was raided by federal authorities.

April 3 ï The former head football coach forwarded the email to student-athlete 5's advisor, who resides in student-athlete 5's hometown.

April 16 ï The former head football coach received an email from the local attorney indicating that football student-athletes, including 4 and 5, sold athletics awards, apparel and/or equipment to the owner of the tattoo parlor.

April 19 ï The former head football coach sent the local attorney an email indicating that the then head football coach told student-athletes 4 and 5 to "steer clear" of the owner of the tattoo parlor as the local attorney had suggested in a previous email.

June 1 ï The former head football coach sent the local attorney an email asking if he obtained the names of other football student-athletes who may have dealt with the owner of the tattoo parlor. The local attorney responds that he did not obtain any other names.

June 6 ï The former head football coach sent the local attorney an email thanking him for the information.

September 13 ï The former head football coach falsely attested that he reported to the institution "any knowledge of NCAA violations" when he signed the institution's certification of compliance form.

Fall - At least seven football student-athletes who received benefits from the owner of the tattoo parlor, participated in intercollegiate athletics competition on behalf of the institution.

December 7 - The institution received a letter from the U.S. Department of Justice regarding football memorabilia seized during a federal investigation.

December 16 - The institution conducted interviews with six then football student-athletes. The head football coach met with athletics personnel including, the associate athletics director for compliance, the assistant athletics director for compliance, the athletics director, and the senior assistant general counsel for athletics, regarding the institution's review of potential violations.

PDF Complete
Your complimentary use period has ended. Thank you for using PDF Complete.
Click Here to upgrade to Unlimited Pages and Expanded Features

December 19 - The institution submitted a self-report of violations to the NCAA student-athlete reinstatement staff regarding the six football student-athletes and requested an urgent reinstatement decision prior to the January 4, 2011, Sugar Bowl contest.

December 21 - The enforcement staff, student-athlete reinstatement staff and institution conducted phone interviews with the six football student-athletes named in the institution's self report.

December 23 - The student-athlete reinstatement staff reinstated the six football student-athletes subject to repayment and withholding conditions.

December 24 ï The former head football exchanged text messages with the local attorney confirming that the recently discovered violations related to the same information that the former student-athlete provided in April.

December 28 - The institution appealed the withholding conditions for five of the football student-athletes.

2011

January 8 - Ohio State defeated the University of Arkansas at Fayetteville 31-26 in the 2011 BCS Allstate Sugar Bowl. Student-athlete 5 was named Most Valuable Player.

January 13 - The institution discovered emails indicating that in April 2010, the former head football coach received information regarding violations related to the subject matter of the December self-report.

February 3 - The institution informed the enforcement staff of the emails it discovered regarding the former head football coach's potential knowledge of violations.

February 8 - The enforcement staff and institution conducted on-campus interviews.

February 19 - Seven football student-athletes attended the annual charity event without the institution's knowledge or approval. During the event, the representative paid or arranged payment of $200 cash each to four student-athletes.

February - March - The enforcement staff and institution conducted additional interviews.

March 9 - The institution submitted a self-report regarding the former head football coach's failure to report knowledge of potential violations.

PDF Complete
Your complimentary use period has ended. Thank you for using PDF Complete.
Click Here to upgrade to Unlimited Pages and Expanded Features

March 15 - The student-athlete reinstatement committee upheld the withholding conditions on the five football student-athletes.

April 1 - A notice of inquiry was sent to the institution involving the institution's football program.

April 21 - The enforcement staff issued a notice of allegations to the institution and the former head coach.

May 20 - The enforcement staff and institution conducted an interview with student-athlete 5, unrelated to employment or to the representative. The staff requested student-athlete 5's bank records, a portion of which were provided 10 days later and included payments from a company owned and operated by the representative's family.

May 31 - The former head coach resigned.

June 6 - The enforcement staff and institution requested to interview student-athlete 5 and for him to produce the remaining requested records. Student-athlete 5 refused to cooperate.

June 7 - Student-athlete 5 withdrew from the institution and declared for the NFL supplemental draft.

June 26 - The institution sent student-athlete 5 a disassociation letter for his refusal to cooperate with the enforcement staff and institution.

June 29 - The institution and the former head coach were granted an extension for responding to the notice of allegations until July 8, 2011.

July 8 - The Committee on Infractions and enforcement staff received responses to the notice of allegations from the institution and the former head football coach.

July 13 - The enforcement staff conducted a prehearing conference with the former head football coach.

July 15 - The enforcement staff conducted a prehearing conference with the institution.

July 21 - The enforcement staff's case summary was sent out.

August 12 - The institution and the former head football coach appeared before the NCAA Division I Committee on Infractions.

Your complimentary use period has ended. Thank you for using PDF Complete.
Click Here to upgrade to Unlimited Pages and Expanded Features

Fall 2011 - The enforcement staff and institution continued the investigation and conducted further interviews.

November 3 - The enforcement staff issued a supplemental notice of allegations.

November 10 - The institution submitted a response to the supplemental notice of allegations to the enforcement staff and the Committee on Infractions.

November 21 - The enforcement staff's supplemental case summary was sent out.

December 10 - The NCAA Division I Committee on Infractions reviewed the supplemental information/case summary submitted.

December 20 - Infractions Report No. 358 was released.

Your complimentary use period has ended. Thank you for using PDF Complete.
Click Here to upgrade to Unlimited Pages and Expanded Features

APPENDIX TWO

CORRECTIVE ACTIONS AS IDENTIFIED IN THE INSTITUTION'S JULY 8, 2011, RESPONSE TO THE NOTICE OF ALLEGATIONS.

The institution has undertaken or will undertake the following actions:

1. Sought and accepted the resignation of the former head football coach.

2. The institution announced its intention to impose the following actions prior to the former head football coach's resignation:

   a. Suspend the former head football coach for the first five games of the 2011 football season. This suspension precluded him from: i) participating in any game-day activities; ii) being in the facilities where the games are played during game day; or iii) having any contact with members of his coaching staff while the games are ongoing;
   b. Suspend him from all off-campus recruiting activities from the period of June 1, 2011, through May 31, 2012;
   c. Require him to attend a NCAA Regional Rules Seminar in the spring of 2011;
   d. Issued a public reprimand to him for his involvement with the activities in this report. Required him to issue a public apology for his role in this situation.

3. Withheld four student-athletes (student-athletes 1, 3, 4 and 6) from the first five games of the 2011 football season, one game for student-athlete 7, and the required number of games for student-athlete 2 during the 2011 football season.

4. Expanded the compliance staff to add two additional staff members. The institution believes it has done an effective job of education and monitoring in the past, but believes these two additional individuals will allow the institution to further increase its monitoring efforts. This brings the staff size to a total of eight individuals, not including part-time staff and interns.

5. Reviewed both the institution's formal protocol for reporting of violations policy and NCAA Bylaw 10.1 with all coaching staff members on a quarterly basis during the 2011-12 academic year and review semiannually in subsequent years;

6. Required the director of athletics and faculty athletics representative to routinely communicate with coaching staff members about the necessity to report violations to appropriate institutional officials when they occur.

Your complimentary use period has ended. Thank you for using PDF Complete.
Click Here to upgrade to Unlimited Pages and Expanded Features

7. Informed all student-athletes that they are prohibited from visiting the tattoo parlor involved in the violations set forth in Finding B-1 for any reason or to associate with the owner of that business. The institution also sent a letter of disassociation to the owner.

8. Increased the level of education provided to student-athletes on preferential treatment, with particular emphasis on the sale of memorabilia or other apparel. (This began in the fall of 2009 and continues); and

9. Expand the scope of its current education to local businesses to include targeted education to tattoo parlors, barber shops, hair salons, movie theaters, and housing complexes in the Columbus metropolitan area, as well as businesses within the immediate campus area.

10. Implemented additional measures to enhance its already extensive monitoring efforts for football student-athletes related to the receipt of institutional awards and apparel, including the following:

    a. Watches ï Issue championship rings and bowl game watches to football student-athletes, as they are earned based on team performance in a given academic year. However, at least annually, student-athletes will be required to provide proof that either the student-athlete or a family member of the student-athlete has possession of the ring and/or bowl game watch;
    b. Apparel ï Issue either a "rivalry" jersey from the Ohio State vs. Michigan game or bowl game jersey to football student-athletes at the first opportunity in their academic career, if earned. All other jerseys that may be issued to a student-athlete will be securely held by the institution until each student-athlete has completed his eligibility;
    c. Team Travel ï Require a senior compliance staff person to accompany both the football and men's basketball teams on all away-from-home contest travel. This measure will allow compliance staff to monitor activities of and build relationships with student-athletes in high-profile sports. Additionally, this step will place the compliance staff in a position to monitor recipients of complimentary admissions and inappropriate autograph seekers and detect potential NCAA violations (e.g., contacts by recognizable agents);

11. Require coaches to complete the awards form electronically, which will populate a form requiring each student-athlete to access and verify receipt of the award. Currently, coaches in all sports are responsible for listing, on a hard copy form that is provided to compliance, all awards each student-athlete has received. However, student-athletes do not always take possession of awards assigned to them (e.g., if they are not notified the award needs to be picked up);

Your complimentary use period has ended. Thank you for using PDF Complete.
Click Here to upgrade to Unlimited Pages and Expanded Features

12. Require student-athletes who have previously received a ring or watch from championship or bowl game participation to verify to the compliance staff that they still have possession of all rings or watches received from past seasons prior to receiving the new award. This verification can be made by student-athletes bringing the items to the compliance staff or submitting (or having a relative submit) a date-stamped photograph of the items. If a student-athlete cannot provide proof of their (or a relative's) possession of the previously-issued items, they will be assessed a fine (from $100 up to the cost of the missing item) prior to receiving the new ring or watch for which they are eligible. Student-athletes will not be penalized for missing items if he or she reports the theft or loss within 30 days of the occurrence; and

13. Prohibit football student-athletes from purchasing helmets they wore in University of Michigan games until after their final year of competition.