

# From Dickens to Sampson

## An Examination of NCAA Rules Violations at Indiana University

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Since the formalization of the National Collegiate Athletic Association's enforcement powers in the early 1950s, Indiana University has shown a general history of compliance with that organization's rules. However, two discrete periods—the Phil Dickens football era in the late 1950s and the Kelvin Sampson basketball era of 2006-2008—stand as reminders of the potential consequences of a lack of institutional control over the university's athletic department. The NCAA investigation of IU's "Sampson Era" resulted in citations for five major infractions, leading to NCAA-imposed penalties, significant personnel changes in the athletic department, and the loss of nearly every player from the previous year's team.

While the recruiting violations may have shocked many IU basketball fans, the sanctions against the program served as an unfortunate reminder of an earlier time in Hoosier athletic history when recruiting violations in football had wreaked havoc on all of the school's athletic teams. Both sets of violations were products of their eras, and while the

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school's culpability in each case is clear, the NCAA's punishment was disproportionate to the accompanying crimes. This article focuses on the football recruiting scandal of the late 1950s and its impact on the athletic department between 1957 and 1964. It then concludes by examining the Sampson-era violations and comparing the impact of the two scandals upon collegiate athletics at IU.<sup>1</sup>

The 1950s saw rapid change and growth in the organizational structure of intercollegiate athletics. The NCAA's Sanity Code, implemented in 1948, set strict standards for adhering to amateurism, academic standards, and recruiting. The most controversial and divisive of the new regulations prohibited athletes from receiving financial aid on the basis of their athletic ability. Scholarships could be given only on the basis of need and could not exceed tuition costs. Athletes could also be paid for working jobs. The code included an enforcement mechanism, but the only punishment that could be rendered was expulsion from the NCAA.<sup>2</sup>

Southern schools refused to comply with the new regulations. In the East and the Midwest, where jobs were readily available, the requirement that athletes be paid through work was successful. But with fewer employment opportunities available in southern states, colleges in that region viewed the code as an attempt by powerful northern schools to decrease their power and to control college athletics.<sup>3</sup> The Sanity Code was short-lived. In 1950, seven schools were brought before the NCAA convention for noncompliance. The membership did not produce the required two-thirds majority vote to expel the schools, effectively rendering the code useless.<sup>4</sup>

The failure of the Sanity Code and the rise of booster organizations working closely with athletic departments to subsidize athletes created the need to develop a financial aid system without implementing an out-

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<sup>1</sup>John Watterson, *College Football: History, Spectacle, Controversy* (Baltimore, Md., 2000), 211.

<sup>2</sup>John Falla, *NCAA, the Voice of College Sports: A Diamond Anniversary History, 1906-1981* (Mission, Kan., 1981), 132; Robert N. Stern, "The Development of an Interorganizational Control Network: The Case of Intercollegiate Athletics," *Administrative Science Quarterly* 24 (June 1979), 261; Watterson, *College Football*, 209-10.

<sup>3</sup>Watterson, *College Football*, 213.

<sup>4</sup>Falla, *Voice of College Sports*, 134; Watterson, *College Football*, 218.

right pay-for-play system.<sup>5</sup> In 1956, a major scandal in the Pacific Coast Conference (PCC) involving slush funds at the University of Washington, UCLA, USC, and the University of California not only led to the dissolution of that conference, but also demonstrated the need for establishing standardized rules for recruiting student-athletes and distributing grants-in-aid.<sup>6</sup> The NCAA levied significant penalties against each institution, including an all-sports postseason ban against three of the four PCC institutions. After the scandal was revealed in 1956, the NCAA subsequently implemented full-ride scholarships for student-athletes. Not only did the PCC scandal provide the impetus to standardize financial aid policies, but it also showed the ability of the NCAA to overcome regional politics and harshly penalize institutions in violation of the rules.<sup>7</sup>

Aiding the NCAA in its efforts was the organization's success in negotiating football telecasts and controlling postseason competition. Possessing the ability to withhold television revenue and to prevent teams or entire athletic departments from competing in NCAA championships, the association, with an expanded staff, created a more effective enforcement mechanism.<sup>8</sup>

The NCAA now faced the task of determining how to institute a fair system of financial aid for athletes. In 1956, in the aftermath of the PCC slush fund scandal, the association implemented full-ride athletic scholarships, which allowed schools to pay for tuition, fees, and room and board, and provided \$15 per month for nine months of every school year. Executive director Walter Byers reasoned that such scholarships would clean up college sports by establishing a true standard of amateurism: athletes were receiving money only for expenses; they were not being paid to perform on the athletic field; and the institution was the sole entity providing funds. Prior to the 1948 code, players had received payments directly from boosters and alumni for their performance on the field. The association soon realized, however, that full-ride scholar-

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<sup>5</sup>Walter Byers, *Unsportsmanlike Conduct: Exploiting College Athletes* (Ann Arbor, Mich., 1995), 74.

<sup>6</sup>Watterson, *College Football*, 285.

<sup>7</sup>John R. Thelin, *Games Colleges Play: Scandal and Reform in Intercollegiate Athletics* (Baltimore, Md., 1994), 155.

<sup>8</sup>Watterson, *College Football*, 284.

ships represented a form of money laundering that allowed boosters, fans, and alumni to give money to athletic departments that might then provide those same funds to their student-athletes.<sup>9</sup>

By the late 1950s, the NCAA had emerged as the primary investigative and enforcement agency in collegiate sports. While regional differences and the power of individual conferences had undermined previous efforts to establish national rules and reforms, and while some conference commissioners still attempted to thwart NCAA investigations or conducted separate investigations, the association was able to transcend regional and conference politics and apply a relatively standard enforcement program on all members of the association. Ultimately, the NCAA won the power struggle with conferences for control of intercollegiate athletics.<sup>10</sup>

From its new position of power, the NCAA permitted conferences some leeway in implementing its new financial aid policies. The Big Eight Conference, for example, granted one-year full-ride scholarships; the Southwest Conference granted four-year full-ride scholarships; the Ivy League offered no athletic scholarships; and the Big Ten Conference initially implemented one-year need-based aid to replace the previous job-based program.<sup>11</sup> At a special conference meeting in August 1956, faculty athletics representatives and athletic directors discussed whether to adopt full-ride or need-based scholarships, or to continue the job-based program. The Big Ten decided to base its financial aid on the expected ability of a student-athlete's parents to pay for college expenses.<sup>12</sup> The conference's newly created financial aid office subtracted the expected family contribution from the cost of attendance and informed prospects of the amount of aid to be received. In order to receive any aid in their first year, incoming freshman athletes were required to finish in the top two-thirds of their high school class. Full scholarships were available only to those who finished in the upper fourth of their high school class and continued to meet conference academic requirements in subsequent years. Lastly, the Big Ten continued its policy of allowing

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<sup>9</sup>Byers, *Unsportsmanlike Conduct*, 72-73.

<sup>10</sup>Watterson, *College Football*, 284; Thelin, *Games Colleges Play*, 115; Byers, *Unsportsmanlike Conduct*, 123.

<sup>11</sup>Byers, *Unsportsmanlike Conduct*, 105.

<sup>12</sup>Bruce Erickson, "History of Financial Aid to Athletes in the Big Ten, 1941-1961" (M.A. thesis, University of Wisconsin, 1970), 65.



representatives of athletics interests (boosters) to help athletes find jobs, provided that the athlete was paid commensurate with the going wage.

The Big Ten's need-based aid policy failed and in 1962 was eliminated in favor of full-ride scholarships. Need-based aid failed not only because it increased the conference's administrative workload, but also because it hindered the ability of conference schools to recruit the best athletes within the rules. Because other major football conferences had implemented full-ride scholarships, the Big Ten faced a significant competitive disadvantage in recruiting. Prospects could receive a larger grant-in-aid package at schools in other conferences, including some conferences that offered four-year scholarships instead of one-year renewable scholarships.<sup>13</sup> Recognizing the Big Ten's noble yet naive attempt to implement a unilateral need-based aid system, former NCAA head Walter Byers noted that, "competing schools laughed at the Big Ten as they mined the lode of athletic talent in the Big Ten area."<sup>14</sup> Ultimately, conference schools faced the option of cheating and staying competitive or following the new rules and losing. In 1956, a Big Ten committee recognized that "the most profitable football programs, such as Michigan's, would have the money to obtain blue-chip talent, and the want-to-be's would have to resort to underhanded methods."<sup>15</sup> Duffy Daugherty, head football coach at Michigan State University from 1954 to 1972, later reflected with humor on the years of need-based aid by honestly admitting, "We had need once, as you know, and we don't want to have to cheat again."<sup>16</sup> A Big Ten recruiter at the time admitted, "Let's face it. We all do a little bit for the kids on the side. You almost have to these days if the kid is any good at all."<sup>17</sup>

Big Ten schools may have believed that they were forced to break the conference financial aid policy. Doubtless, some institutions offered illegal payments in order to win games. The success of the Big Ten in interconference football during the years of need-based aid can be attributed partially to illegal payments, but it is also important to recognize

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<sup>13</sup>Ibid., 68.

<sup>14</sup>Byers, *Unsportsmanlike Conduct*, 105.

<sup>15</sup>Watterson, *College Football*, 299.

<sup>16</sup>Mervin D. Hyman and Gordon White, *Big Ten Football, its Life and Times, Great Coaches, Players, and Games* (New York, 1977), 41.

<sup>17</sup>Jack Olsen, "What's So Funny?" *Sports Illustrated*, May 16, 1960, 22-25.

that during the same time period many Big Ten schools were recruiting African American players before the same practice was adopted by southern schools.<sup>18</sup> The Big Ten's winning percentage in interconference football games during the years of need-based aid was .744—much better than its record in the five years prior (.655) and five years after (.544) the need-based aid policy.<sup>19</sup>

The structure of the rules and the expectation for alumni involvement also played a key role in the violations at Indiana. Like the other Big Ten institutions, IU relied on its alumni and boosters to identify, contact, and recruit prospective student-athletes. These and other representatives of an institution's athletic interests were expected to serve two critical functions. First, NCAA rules required that the representative make the initial home contact with a prospect; athletic department staff could not make a home visit until the scholarship was signed. Second, representatives were needed to finance each prospect's recruiting visit to campus. NCAA rules, prior to 1959, prohibited schools from paying for visits to campus. Big Ten athletic departments needed boosters even after a tender had been signed, because the prospect could still sign with another institution outside of the conference. Indiana athletic director Frank Allen, in a letter to alumni and fans, urged his recruiters to "sell the boy on the overall, worldwide prestige which Indiana University and her alumni have attained in the education, professional, and business world."<sup>20</sup>

A final element in the problems that unfolded at IU was the rapid rate at which NCAA and conference rules were changing at the time. Coaches sometimes intentionally violated the rules, believing that current rules would soon change and therefore they did not need to comply with them.<sup>21</sup> Coaches and administrators knew, for example, that the need-based aid policy implemented by the conference placed its schools at a competitive disadvantage and believed that a full-ride scholarship system would soon be adopted.

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<sup>18</sup>Watterson, *College Football*, 315.

<sup>19</sup>Records were compiled from James Howell's college football site at <http://www.jhowell.net/cf/scores/ScoresIndex.htm>.

<sup>20</sup>Frank Allen to Indiana University Friends and Alumni, February 25, 1958, box 2, Series: Subject Files 1940-1964, Indiana University Athletics Committee Records, collection 102, Indiana University Archives, Bloomington, Indiana.

<sup>21</sup>Erickson, "History of Financial Aid to Athletes in the Big Ten," 77.

Indiana's recruiting philosophy was shaped by its football fortunes. From 1900 through the 1956 football season, IU had experienced a history of losing. With only seven winning seasons in conference play and one conference championship over the fifty-seven-year period, Indiana football was clearly the doormat in the conference. The school's only conference championship had come in 1945, when the playing field had been leveled due to the number of players serving in World War II. Indiana's last winning season had come in Bo McMillin's final season as coach in 1947. Coach Clyde Smith compiled an 8-27-1 record between 1948 and 1951, and Coach Bernie Crimmins compiled a 13-32 record between 1952 and 1956. Alumni and boosters had long lamented Indiana's lack of success in football, and they perceived recruiting as a major problem. The heavy emphasis on basketball within state high schools and the IU athletic department; the small number (less than 200) of state high schools that fielded football programs, especially in southern Indiana; and the fact that there were three major college football programs within the state—all these factors handicapped IU's ability to recruit talented football players.<sup>22</sup> In 1952, Big Ten commissioner Kenneth "Tug" Wilson told IU athletic director Paul J. Harrell that he was "firmly convinced Indiana University is slowly digging its own grave athletically in the state" due to an emphasis on recruiting players outside the state. Harrell's reply emphasized that there was not enough football talent in the state to permit three major teams to compete; that the best football programs took the best Indiana athletes; and that, while it was not difficult to recruit 15 basketball players from 800 high schools, it was much harder to find enough football players from the 157 Indiana high schools that had football programs.<sup>23</sup> Clearly, a change in recruiting philosophy was essential for Indiana to be successful in football.

Phil Dickens, hired in February 1957 after completing an undefeated season at the University of Wyoming, brought his entire coaching staff with him to Bloomington. Dickens's hiring was heralded as a major step forward for the IU football program for two reasons. First, Dickens had been a highly successful coach at Wofford College and Wyoming, with a career record of 69-27 and no losing seasons, and he was seen as

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<sup>22</sup>Thomas D. Clark, *Indiana University, Midwestern Pioneer*, vol. 3, *Years of Fulfillment* (Bloomington, Ind., 1977), 335.

<sup>23</sup>*Ibid.*, 336.



Coach Phil Dickens and his staff during his first season at IU, 1957. NCAA penalties for recruiting violations by Dickens and assistant coaches kept IU athletic teams from postseason competition for four years.

Courtesy Indiana University Archives

a top recruiter of football talent. Second, the athletic department had proposed the construction of a new athletics plant north of campus to replace the existing centrally located complex, which meant that the football program needed to make money in order to finance the construction of new facilities. The planned expansion also gave Dickens additional incentives with which to recruit top players. The hire complimented President Herman B Wells's 1956 four-step proposal for improving athletics: hiring the best coaches, engendering new interest among faculty and alumni, creating a student athletics committee, and building new facilities.<sup>24</sup>

Coach Dickens's hiring coincided with implementation of the Big Ten's need-based aid policy. Conference commissioner Wilson had the difficult task of explaining the new rules to returning and newly hired coaches. Wilson later claimed that he made a special effort to inform the

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<sup>24</sup>Ibid., 339.

new coaches.<sup>25</sup> Dickens, however, knowing that Indiana was a difficult place to win and that the entire conference faced a competitive disadvantage in recruitment, blatantly disregarded the rules. In the first three months of Dickens's coaching tenure, Wilson received reports of seventeen violations by the IU football program. The reports typically stated that the school was offering \$50 per month or expense-paid travel between the prospect's hometown and Bloomington. In other cases, athletes who had been brought to IU and then visited another school reportedly asked why they could not receive as good a deal as had been offered by the Dickens staff. Wilson also received calls from high school coaches who reported what their athletes had been offered on recruiting trips to Indiana. Even though none of the offers was actually consummated, Wilson decided to make a strong statement that the new financial aid policies must be followed.<sup>26</sup> As a result, he gave Indiana the option of withdrawing from the conference or suspending Dickens for one year.<sup>27</sup> Wishing to retain its membership in the conference, Indiana chose to forbid Dickens from performing any coaching-related activities during the 1957 football season. Using the research conducted by the Big Ten conference staff, the NCAA subsequently placed Indiana on probation for one year.

In response to the conference penalties, university administrators admitted that they had not adequately communicated the new financial aid rules to their new football coaching staff. According to a statement released by President Wells after the penalties were imposed, "Indiana voted for adoption of the new rules of the Conference. These rules became effective almost coincident with the change by the University in its football coaching staff. The new rules and a new staff which arrived late resulted in much confusion and misunderstanding."<sup>28</sup> Coach Dickens echoed this sentiment, stating that "I can say in good conscience that if I was in violation of the rules in statements attributed to me I was not aware of it, nor did I intend to violate the rules."<sup>29</sup>

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<sup>25</sup>Kenneth Wilson and Jerry Brondfield, *The Big Ten* (Englewood Cliffs, N.J., 1967), 298.

<sup>26</sup>*Ibid.*, 300.

<sup>27</sup>Tug Wilson to Herman Wells, July 18, 1957, box 1, Series: Subject Files 1940-1964, Indiana University Athletics Committee Records, collection 102, Indiana University Archives.

<sup>28</sup>Bill Reed, Western Conference Press Release, July 28, 1957, box 1, Series: Subject Files 1940-1964, Indiana University Athletics Committee Records, collection 102, Indiana University Archives.

<sup>29</sup>*Ibid.*

In order to avoid future problems with conference and national enforcement, Indiana needed to fix the problems prevalent in the football program. However, both athletic director Frank Allen and President Wells underestimated the severity of the problem and the extent to which coaches and boosters were willing to go to recruit the best players. Even though Allen responded to the conference's punitive action by making several administrative and structural changes to the department, the changes did not go far enough to stop the culture of cheating that had infected the football program.<sup>30</sup> In an effort to eliminate recruiting problems, the athletic department adopted a policy forbidding coaches from discussing financial aid with recruits. That responsibility would fall to newly hired administrative assistant Chris Dal Sasso, a former IU football player who was designated as the only person in the athletic department to discuss financial aid with recruits. The department also hired Bob Dro, a member of the 1940 championship basketball team, to serve as assistant athletic director in charge of rules compliance and alumni groups.

Unfortunately, there was a major flaw in Allen's restructuring decision: he had hired two administrators with deep ties to the university. What Allen needed was an objective administrator willing to enforce the new conference policies and to tell boosters and coaches when they stepped out of line. Another missed opportunity to correct the problem can be traced to the Board of Trustees. Following the 1957 season, rather than criticizing the football program's recruiting violations, the trustees instead declared that "football must be raised to the competitive level which the university has achieved with notable success," only heightening the pressure to field a winning team.<sup>31</sup>

In 1957, IU struggled amidst the turmoil of Dickens's suspension. Under the leadership of coach-in-charge Bob Hicks, the team finished its season with one win and eight losses. After the disappointment of 1957, Coach Dickens was reinstated; the subsequent football seasons were, by IU standards, very successful. The team finished its 1958 season 5-3-1 overall and 3-2-1 in the conference. After a surprising 8-6 victory at Michigan late in the season, Dickens placed third in Coach of the Year

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<sup>30</sup>Herman Wells to Walter Byers, October 14, 1958, box 2, Series: Subject Files 1940-1964, Indiana University Athletics Committee Records, collection 102, Indiana University Archives.

<sup>31</sup>Clark, *Indiana University, Midwestern Pioneer*, 3:343.

voting and was named Midwest Coach of the Year.<sup>32</sup> The Hoosiers finished their 1959 season 4-4-1 and nearly scored an upset victory at Ohio State, but IU settled for a tie when a questionable call on the game's final play disallowed what would have been the game-winning touchdown in a 0-0 contest.<sup>33</sup> Indiana's 26-7 triumph over Michigan on November 14 was the final home victory in old Memorial Stadium.

Indiana's success on the field in 1958 and 1959 brought further investigation by the NCAA and Big Ten. The investigation and the resulting penalties in 1960 are consistent with what some scholars have described as the NCAA's "cartel behavior," based on the organization's use of probabilistic evidence—such as rapid changes from losing to winning seasons—as a method to detect rules violations.<sup>34</sup> "One would expect," write Arthur Fleisher, Brian Goff, and Robert Tollison, "to see enforcement and punishment actions brought against members performing extraordinarily well given their historical performance."<sup>35</sup> This theory partially explains the NCAA's interest in Indiana. Not only was IU likely to be re-investigated based upon the one-year probation handed down in 1957, but the football program also enjoyed too much success and defeated the wrong schools in the following two years. The team's 1958 record was its best in eleven years; IU notched its first four-game win streak in twelve years; it defeated West Virginia, a team that had averaged over seven wins the past six seasons, 13-12 in Bloomington; and it soundly defeated perennial power Michigan on their home field.<sup>36</sup> Just seven months after that victory, the NCAA officially opened its investigation against the athletic department, which included testimony from a West Virginia football player alleging that IU had made illegal financial aid offers.<sup>37</sup>

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<sup>32</sup>1959 *Indiana University Football Media Guide*.

<sup>33</sup>Personal interview with former Indiana assistant coach Bob Hicks, February 6, 2006.

<sup>34</sup>Arthur Fleisher, Brian Goff, and Robert Tollison, *The National Collegiate Athletic Association: A Study in Cartel Behavior* (Chicago, 1992), 100; Andrew Zimbalist, *Unpaid Professionals: Commercialism and Conflict in Big-Time College Sports* (Princeton, N.J., 1999), chap. 8.

<sup>35</sup>Fleisher, Goff, and Tollison, *The National Collegiate Athletic Association*, 32.

<sup>36</sup>This was the first game in IU football history in which the team wore light blue jerseys. The team wore the blue jerseys at home for the remainder of the season. 2003 *Indiana University Football Media Guide*.

<sup>37</sup>The NCAA opened its preliminary investigation one day after Indiana was removed from the one-year probation in October 1958. However, the NCAA did not open its official investigation until June 1959.





IU Athletic Directors Frank Allen and Bill Orwig (photographs 1957 and 1961). Allen and President Herman B Wells were responsible for defending the university before the NCAA; all three were tasked with the repercussions of the penalties imposed on the university.

Courtesy Indiana University Archives



Numerous university personnel—including President Wells and athletic director Allen—and student-athletes were interviewed in the course of the NCAA investigation. In April 1960, the association's Committee on Infractions concluded by charging Indiana with six rules violations:<sup>38</sup>

1. An alumnus offered a prospective student-athlete free vacation transportation between home and IU
2. A representative of athletics interests offered a prospective student-athlete free vacation transportation, clothing, a monthly cash stipend, and a cash bonus
3. An alumnus working with an assistant coach offered a prospective student-athlete a cash bonus, a monthly stipend, and free medical care for the athlete's invalid father
4. A fictitious alumnus identified as "Dr. Palmer" offered a cash bonus and free vacation transportation, while an assistant coach advised that the athlete could rely upon what "Dr. Palmer" had said
5. Two prospective student-athletes stayed at the house of a representative of athletics interests for eight days prior to their enrollment at IU
6. An assistant coach used an alias on at least two occasions in the recruitment of a prospective student-athlete, one of these times referring to himself as "Dr. Palmer"

The university faced an uphill battle in fighting the charges brought by the committee. Nevertheless, IU officials and Commissioner Wilson traveled to Atlanta to present their defense before the NCAA Council.<sup>39</sup> IU offered seven defenses in an attempt to draw lighter penalties from the committee.<sup>40</sup> First, the school denied all but one allegation (offer of a suit of clothes to a prospect) and concluded that Big Ten, NCAA, and IU investigations had left room for differences in judgment. The conflicting testimony offered by student-athletes to IU, conference, and NCAA investigators made it difficult to determine the facts. Second,

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<sup>38</sup>Major infractions cases are available on the NCAA website in the Legislative Services Database, <http://www.ncaa.org>.

<sup>39</sup>Wilson and Brondfield, *The Big Ten*, 316.

<sup>40</sup>Indiana's argument presented to the NCAA is found in Herman Wells's prepared speech given to members of the Athletic Committee, April 25, 1960, box 2, Series: Subject Files 1940-1964, Indiana University Athletics Committee Records, collection 102, Indiana University Archives.

Commissioner Wilson lobbied for penalties to be applied strictly to the football program. Wilson was concerned that the NCAA would impose a blanket postseason ban—already imposed on fifteen occasions over the previous five years. IU officials trusted Wilson and appreciated his support. On July 31, 1959, Frank Allen had written to faculty representative John Mee: “Tug Wilson is definitely a friend, cohort, and ally of ours in this instance. As a matter of fact, Tug stated that he has investigated each one of the instances under question by the NCAA and that he has cleared us of any suspicion or improper actions.”<sup>41</sup>

Third, IU officials emphasized that none of the recruits who allegedly received offers of illegal financial assistance had actually attended the university—two attended Purdue, one attended Clemson, and one attended West Virginia. Additionally, they pointed out that their two most bitter recruiting rivals, Purdue and Kentucky, were in the center of three of the cited cases. The two recruits who had allegedly stayed at an alumnus’s home were attempting to escape the aggressive recruiting tactics employed by Kentucky.

Fourth, IU emphasized that all of the alleged inducements were made by a representative of athletics interests and not an athletic department staff member. Indiana knew this was a weak defense that had not been accepted in prior NCAA and conference decisions. Wilson had already written to Mee: “I am inclined to think that Bob Dro and Phil Dickens both feel it is impossible to control alumni, but you will remember that in the Michigan State case this was held a direct responsibility of the university, that alumni are responsible to the institution, and where alumni are asked to help recruit, they become in fact representatives of the university.”<sup>42</sup>

Fifth, IU pointed out that it had terminated the employment of the assistant coach who used an alias and had dissociated itself from the alumnus who had admitted to offering a suit of clothes to a recruit. Sixth, officials questioned the methods employed by NCAA investigators, finding particular fault with the interview of a student-athlete at West Virginia who had been flanked by two of that school’s assistant coaches during the interview and maintaining that the young athlete

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<sup>41</sup>Frank Allen to John Mee, July 31, 1959, box 2, Series: Subject Files 1940-1964, Indiana University Athletics Committee Records, collection 102, Indiana University Archives.

<sup>42</sup>Tug Wilson to John Mee, January 29, 1960, box 2, Series: Subject Files 1940-1964, Indiana University Athletics Committee Records, collection 102, Indiana University Archives.

would never have said anything contrary to what his coaches wanted him to say. Finally, President Wells pleaded for penalties that would not devastate the university:

I think it must be borne in mind that reputations of educational dignity and purpose are inevitably affected adversely by actions which certain of these processes contemplate.... As an institutional head who feels deeply his total responsibilities to and on behalf of his University and higher education generally, my earnest conviction that the vast powers of this body must be exercise[d] with utmost discretion, a conviction which I am certain you share with me.<sup>43</sup>

Despite the university's earnest attempt to defend itself against all charges, the NCAA placed IU on a four-year probation, which included an all-sports ban on television appearances and NCAA championship competition. Further, the school was not permitted representation on any NCAA legislative decision-making committees. The association justified its penalties on several grounds.<sup>44</sup> Most importantly, five of the six violations had occurred while Indiana was still on probation for the 1957 violations.<sup>45</sup> Second, the NCAA concluded that there was a close similarity between the offers made in 1958 and 1959 and those made by the football staff in 1957. Third, the association determined that the illegal offers were not the actions of outsiders acting independently or of one assistant coach acting irresponsibly, but rather were the result of a system of illegal aid orchestrated by the head coach. Even if Dickens had not orchestrated the aid, the NCAA argued, as head coach he was still responsible for the entire program. Fourth, the NCAA concluded that the assistant coach cited in the violations could not have set up the necessary alumni contacts without the help of the head coach, because the assistant was on his first recruiting trip when the violations occurred in 1958.

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<sup>43</sup>Herman B Wells, speech to members of the Athletic Committee, April 25, 1960, box 2, Series: Subject Files 1940-1964, Indiana University Athletics Committee Records, collection 102, Indiana University Archives.

<sup>44</sup>Major Infractions Cases, Legislative Services Database, <http://www.ncaa.org>.

<sup>45</sup>Walter Byers to Herman Wells, June 30, 1959, box 2, Series: Subject Files 1940-1964, Indiana University Athletics Committee Records, collection 102, Indiana University Archives.

The Big Ten, based on its own investigation, presented its summary of violations on June 6, 1960.<sup>46</sup> The conference, which examined a larger number of reported irregularities than the NCAA, concluded that four recruits were offered and received illegal aid and then withdrew from the university; that three recruits received illegal aid, although no offer was established, then withdrew from the university; that another five recruits were offered illegal aid but did not enroll; and that three cases could not be resolved. Additionally, Big Ten investigators reported that a considerable number of student-athletes interviewed during the investigation believed that football players were receiving illegal aid, and that six former student-athletes had referred to the existence of sponsors, sugar daddies, and big daddies for athletes at IU.<sup>47</sup>

Indiana's response to the Big Ten's summary of violations was similar to the one presented before the NCAA in April.<sup>48</sup> President Wells emphasized that the Big Ten should take into consideration Indiana's sixty-year membership in the conference, its record of compliance with the rules, and its longstanding healthy attitude toward athletics. Second, the university invoked the concept of double jeopardy, reminding Commissioner Wilson of the severe punishment already doled out by the NCAA. Third, administrators attacked the character and credibility of the players who had brought charges, pointing out instances in which these particular students had been in trouble with the law, received poor grades, or had proven themselves to be dishonest during the course of their enrollment. Wells noted in reference to one student who had made especially fantastic claims, "If a maladjusted, vindictive, sadistic, and wholly unreliable individual ever tried to cause trouble for a public institution, this character seems to be it."<sup>49</sup>

Fourth, Indiana again questioned the methods used by conference investigators. The most egregious impropriety, according to the universi-

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<sup>46</sup>Summary of Allegations Against Indiana University, June 6, 1960, box 2, Series: Subject Files 1940-1964, Indiana University Athletics Committee Records, collection 102, Indiana University Archives.

<sup>47</sup>*Ibid.*

<sup>48</sup>Herman Wells to Tug Wilson, undated [c. mid-June 1960], box 2, Series: Subject Files 1940-1964, Indiana University Athletics Committee Records, collection 102, Indiana University Archives.

<sup>49</sup>*Ibid.*

ty, was that investigators had illegally posed as FBI agents. Conference investigators had also claimed that other schools were being investigated and had violated the rules, both of which were untrue. On one occasion a student-athlete was interviewed while under the influence of alcohol; the university also noted a pattern of students simply agreeing with the line of questioning employed by the investigator—a practice that led to both Big Ten and IU investigations producing a large amount of conflicting evidence.

University officials also restated their opposition to disgruntled student-athletes lodging allegations against the athletic department; Wells argued that such students found it easy to accuse the school of making illegal offers and payments because they held no loyalty to the institution. Wells also urged the Big Ten to interview dissatisfied student-athletes at other conference schools to see if they would turn against their own athletic programs. Finally, Indiana argued that the conference had violated basic principles of American justice by refusing to allow the accused to face their accusers.

Despite IU's arguments and the intercession of Indiana Governor Harold W. Handley, Commissioner Wilson concluded that "I have grave doubts any such practices on the scale suggested by the cases at hand could possibly have been carried on without the knowledge of and, indeed, the approval of the football coaching staff."<sup>50</sup> Based on the evidence, the Big Ten placed Indiana on one year of probation and excluded the school from sharing in television revenues from the 1960 season and from counting the season's football games in the conference standings.

Indiana University now faced the daunting task of repairing its tarnished image and the reputation of its athletic department. The penalties levied against the school adversely affected team performance, took a toll on the athletic department budget, and caused a major structural overhaul of the athletics administration.

While the NCAA sanctions hindered the competitiveness of the historically poor football program, more damage was done to the highly successful IU teams. Punitive action by the NCAA and Big Ten ensured

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<sup>50</sup>Tug Wilson to Herman Wells, July 29, 1960, box 2, Series: Subject Files 1940-1964, Indiana University Athletics Committee Records, collection 102, Indiana University Archives.

that all of the university's athletic teams were ineligible to compete in NCAA championships for four years. Coaches in every sport were impaired in their ability to recruit the best athletes; the IU swimming program was probably hurt most of all, losing chances at three national championships. As Thomas Clark writes in his history of IU: "The wound of indiscreet football recruiting was indeed deep and infectious, reaching out and denying a generation of top quality athletes an opportunity to share in the glories of a conference which laid great store by physical excellence."<sup>51</sup>

The overall performance of athletic teams at Indiana was only moderately hampered during the probation years. In the four years prior to receiving the all-sports ban from the NCAA, IU's baseball, football, basketball, golf, gymnastics, tennis, and wrestling teams recorded a 133-137-7 record (a .493 winning percentage) against Big Ten competition. During the four-year probationary period, the same teams notched a 123-143-2 record against Big Ten competition—a decline of just 3 percent in winning percentage.<sup>52</sup> However, the probationary status did not affect the performance of the swimming and diving program. James "Doc" Counsilman and Hobie Billingsley led that program to perfection in conference competition, posting an undefeated record and winning the Big Ten championship every year during probation.

Coach Doc Counsilman's status as a leader in the sport of swimming attracted the top athletes in the world to IU.<sup>53</sup> The swimming program notched an undefeated dual-meet record from 1960-1964 and 1967-1978, won twenty consecutive Big Ten championships from 1961-1980, and earned six consecutive NCAA titles from 1968-1973. The swimming program finished third in 1959 and 1960, so it is safe to assume that Indiana could have won more than six national championships, had they been given the opportunity to compete in 1961, 1962, and 1963. (The four-year postseason ban was later shortened to three

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<sup>51</sup>Clark, *Indiana University, Midwestern Pioneer*, 3:350.

<sup>52</sup>Compiled based on historical team records in Bob Hammel and Kit Klingelhoffer, *Glory of Old IU: 100 Years of Indiana Athletics* (Champaign, Ill., 1999). Cross-country and track were not used in the compilation of the records because they did not face Big Ten competition in the four years prior to the probationary period.

<sup>53</sup>*Doc Counsilman: Making Waves*, produced by Kelly Morris and directed by Jay Kincaid (Bloomington, Ind., WTIU, 2003), videocassette.



IU Swimming Coach Doc Counsilman, 1961. Counsilman and his top-ranked swim teams were among those most adversely affected by the NCAA ban on postseason competition.

Courtesy Indiana University Archives

years, allowing the swimming team to participate and finish second in the 1964 championships.) Commenting on the ban in 1962, Counsilman said: “Naturally, we’re disappointed. We’re very disappointed. We’ve been called the No. 1 college swimming team in the country, and we’d like a chance to prove it.”<sup>54</sup>

The Big Ten penalties also significantly affected the athletic department budget, creating a major financial shortfall at a critical point in the development of the university’s competitive athletics program. The penalties were handed down at the same time that the new athletics plant, constructed through the issuance of bonds at no cost to taxpayers, was completed at a cost of \$6 million. Conference penalties hampered the athletic department’s ability to repay the bonds in three ways. First,

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<sup>54</sup>Clark, *Indiana University, Midwestern Pioneer*, 3:350.

the elimination of television revenue from the 1960 football season cost the athletic department \$70,000. Second, as new athletic director Bill Orwig remarked, “the penalties imposed on us by the NCAA and the Big Ten was [sic] a consideration of financial groups bidding on our bonds”—increasing the interest rate on the bonds and resulting in an additional estimated cost of \$350,000 to the athletic department.<sup>55</sup> Third, the poor performance of the football program had a negative impact on gate receipts. From 1960-1964, still under the leadership of Coach Dickens, Indiana won only three conference games and six home games, and recorded a 11-34 overall record. Average attendance during this time was 24,047, only 49 percent of the stadium’s seating and revenue-generating capacity.<sup>56</sup>

To ensure future compliance with NCAA and Big Ten regulations, the IU athletic department hired new personnel and implemented new policies.<sup>57</sup> As noted above, Bill Orwig replaced athletic director Allen, who had retired after the NCAA investigations concluded. Former basketball coach Everett Dean was hired to travel across the country to speak to alumni and friends of the university about the penalties levied against IU and to explain Big Ten and NCAA recruiting rules. From a policy standpoint, the athletic department created and continually updated a list of representatives of athletics interests, required that all names of prospective student-athletes be given to the president, charged each head coach with ensuring that all rules be followed, hired a former FBI agent to spot-check athletes for offers of illegal aid, placed show-cause orders on offending staff members not in compliance with the rules, and dissociated itself from representatives of athletics interests if a rules violation occurred. Finally, Coach Dickens’s contract was renewed following the penalties, but was conditional upon strict adherence to the rules.

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<sup>55</sup>1960 *Indiana University Football Media Guide*; Bill Orwig to the Big Ten Conference, May 9, 1961, box 2, Series: Subject Files 1940-1964, Indiana University Athletics Committee Records, collection 102, Indiana University Archives. Cost for the plant included the football stadium, site development, and the parking lot.

<sup>56</sup>Based upon 48,344 stadium capacity, documented in 1960 *Indiana University Football Media Guide*. The current capacity is listed at 52,354. The largest crowd to ever see a game in Memorial Stadium occurred on October 20, 1973, when 53,183 witnessed Ohio State drub IU 37-7.

<sup>57</sup>1960 *Indiana University Football Media Guide*.



At the end of Indiana's one-year probation in the Big Ten, the athletic department sent a report to the conference indicating the changes that had been made to ensure compliance. In addition to new policies and new personnel, the university offered its philosophy and objectives for athletics:<sup>58</sup>

1. Ensure 100 percent compliance with the rules
2. Develop a competitive athletic program
3. Maintain a diversified athletic program
4. Provide alumni seeking recruits with a brochure that sells the university and explains the recruiting rules
5. Maintain high academic standards
6. Encourage coaches to develop a closer relationship with the faculty
7. University administration will support the coaches
8. Schedule only non-conference opponents who meet Indiana's standards
9. Increase scholarship funding through the Varsity Club

The report never addressed formal plans for controlling alumni and boosters. Orwig stated that all stakeholders involved with the athletic program at IU had been educated regarding the rules, and he indicated that each coach was responsible for all the boosters associated with his program, but he did not offer a clearly delineated plan for preventing the same recruiting problems. Instead, the report implied that Indiana had learned its lesson and would not be careless enough to go through the punishment again. Orwig also offered the university's alumni a possible explanation for how the rules violations had occurred:

Under the work program in operation before the adoption of the present financial-assistance program, a large number of alumni employed athletes and paid them for services rendered in these jobs. When the work program was eliminated by the adoption of the current plan, it is assumed that these alumni, probably misguided in their zeal to help and certainly badly uninformed as to the rules and what they could do under them, continued to make payments for these services, although the job had become non-

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<sup>58</sup>Bill Orwig to the Big Ten Conference, May 9, 1961, box 2, Series: Subject Files 1940-1964, Indiana University Athletics Committee Records, collection 102, Indiana University Archives.

existent. There is probably circumstantial evidence sufficient enough to perhaps indicate that a member or members of the athletic staff were cognizant of these doings or perhaps had a reasonable feeling they were occurring, but possibly made no effort to curb them. However, this evidence is completely circumstantial and as such, I do not feel should be used as implicating any member of the staff.

Orwig went on to say that:

I feel the less we say both publicly and otherwise about our probation the better off we are going to be. We should go quietly about the things we have to do and get our house in order, letting the people at the university who have the responsibility for this to get the job done.... Cooperation and loyalty also go hand-in-hand with morale. We have to have it within our athletic department and we have to have it among our players. A house divided against itself cannot stand. And certainly if we are divided in our loyalty as Indiana alumni we cannot stand either.<sup>59</sup>

The Big Ten's 1956 prediction that struggling teams would turn to illegal recruiting to compete with powerhouse schools proved, in IU's case, to be true. A *Sports Illustrated* article published immediately following the announcement of the NCAA penalties concluded that other schools were cheating by paying players, but that Indiana was guilty of not knowing how to break the rules.<sup>60</sup> Because IU recruiters showed no finesse and openly made offers of illegal assistance instead of allowing alumni to quietly make payments behind the scenes, word of the offers traveled fast to the NCAA and Big Ten investigators. Despite all the controversy and bad press, alumni and fans still fervently supported Coach Dickens, believing he was being used to set an example and questioning why the NCAA had picked on a team with a beleaguered football history. For their part, Big Ten university presidents and conference leaders

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<sup>59</sup>Bill Orwig, "On Athletic Picture," *Indiana University Alumni Magazine* (April 1961).

<sup>60</sup>Watterson, *College Football*, 299; Jack Olsen, "What's So Funny?" *Sports Illustrated* (May 16, 1960), 22-25.

were eager to prove that a need-based financial aid system could work in intercollegiate athletics; to do so, the conference had to crack down hard on schools suspected of offering more than what was legally permitted.

Indiana University had placed itself in harm's way. Eager alumni who wanted a winning football program tried to accomplish too much too fast at the beginning of the Phil Dickens era. They enthusiastically offered recruits financial assistance above what was permitted. Even after the penalties of 1957, the athletic department failed to adopt a strong booster education program to explain the new NCAA and conference rules by which Indiana must abide. The department also failed to hire outside, objective personnel to guide its decision-making process, instead bringing in two former athletes, in addition to athletic director Allen, himself a former IU football player. Thus, the top three athletics administrators at the university were former IU athletes, with strong personal ambitions to achieve a winning football program.<sup>61</sup>

In conclusion, the structure of conference and NCAA financial aid, enforcement, and recruiting policies, combined with Indiana's historically poor performance in football, set the stage for the infractions and subsequent severe penalties levied against Indiana between 1957 and 1964. The Big Ten's need-based aid policy placed each school in the conference at a competitive disadvantage in relation to schools able to offer full scholarships to prospective student-athletes. Big Ten institutions, including Indiana, felt pressure to break the need-based aid policy in order to stay competitive with conference and national foes. National recruiting rules added another factor as each institution relied upon its alumni, fans, and boosters to play a significant role in recruiting prospective student-athletes. Allowing boosters to make the initial home visitation with a recruit opened the door for illegal inducements. The enforcement powers only recently attained by the NCAA—in part due to its ability to control postseason championship participation and television revenue—enabled the association to punish institutions in violation of its rules. Big Ten leaders, for their part, wanted to prove the need-based aid policy could work and needed to demonstrate that it could investigate and punish those institutions in violation of the policy.

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<sup>61</sup>Bob Dro and Chris Dal Sasso served Indiana University Athletics well over their administrative careers. In fact, both are members of the IU Athletics Hall of Fame based upon their on-field performances and service to the university.

In contrast to Coach Dickens in the 1950s, Kelvin Sampson inherited an Indiana University men's basketball program that had, up until the previous four seasons, enjoyed a long history of success: five NCAA titles, one National Invitation Tournament title, one Collegiate Commissioners Association title, and twenty Big Ten Conference championships. The athletic department's firing of Bob Knight, the iconic and polarizing head coach of the program from 1971-2000, resulted in considerable turmoil among fans and alumni. His replacement, Mike Davis, proved unable to keep the team competitive at its historic levels. During his final three years as head coach, the Indiana program missed the NCAA tournament twice, and Davis opted to resign effective at the end of the 2005-2006 season.

Against this backdrop, Indiana University hired Sampson, the long-time head coach from the University of Oklahoma. Sampson had earned a reputation as a hard-nosed defensive coach who had elevated the obscure programs of Montana Tech and Washington State to respectability, and the previous decade had seen Sampson's Oklahoma squads experience a good deal of success on the court, including a Final Four appearance in 2002. Sampson had also previously served as one of the chairs of the National Association of Basketball Coaches ethics summit in 2003.<sup>62</sup>

Despite his impressive coaching resume, some saw Sampson's hiring as a risk, due to allegations of NCAA rules violations during his tenure at Oklahoma. The unusual circumstances surrounding the hire served to highlight the lack of institutional order that would come to haunt the program. Following the initial news that Sampson was IU's choice to replace Davis, national media sources noted that Sampson and Oklahoma were currently under investigation for impermissible phone calls to recruits.<sup>63</sup> According to some press reports, Oklahoma's administration had gone to the extreme step of discussing his termination, before instead settling on freezing his salary and bonuses until the investigation was completed.<sup>64</sup> Despite these questionable circumstances,

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<sup>62</sup>Andy Katz, "Sampson receives NCAA's harshest penalty," November 25, 2008, <http://sports.espn.go.com/ncb/news/story?id=3725832>.

<sup>63</sup>Andy Katz, "Sampson replaces Davis at Indiana," March 29, 2006, <http://sports.espn.go.com/ncb/news/story?id=2387372>.

<sup>64</sup>Gregg Doyel, "Now? Indiana wants Sampson as coach now?" March 28, 2006, <http://www.cbssports.com/collegebasketball/story/9343485>; *Herald Times* Online, "Kelvin Sampson Sanctions Timeline," February 13, 2008, <http://www.heraldtimesonline.com/stories/2008/02/13/iuports.qp-5132965.sto>.

then-President Adam Herbert vouched for Sampson in a March 29, 2006, news release, calling Sampson “the right man to maintain and build upon IU’s long and storied traditions.” Herbert went on to state his conviction that Sampson understood the importance of IU’s “high academic expectations and the core character values of the university.”<sup>65</sup>

Approximately one month after his hiring at Indiana, Sampson was found to have made impermissible phone contact with potential recruits at Oklahoma, and both Indiana and Sampson were placed on probation.<sup>66</sup> The terms of the NCAA probation forbade the head coach from making off-campus recruiting visits, placing phone calls to recruits, or receiving performance-based salary increases.<sup>67</sup>

The investigation of Sampson’s Oklahoma recruiting violations took place at a time when the face of collegiate recruiting was changing. Technology, particularly cell phones, and new media outlets, including text messaging, Facebook, and Twitter, were beginning to play dominant roles in the recruiting landscape. Just one week after the aforementioned sanctions were announced by the NCAA, an investigative story by ESPN’s “Outside the Lines” portrayed Sampson and his staff as searching for new methods of contact that were not affected by the imposed prohibition of phone calls. This story did not document any infractions by Sampson or his assistants, but it noted that the lack of a text-messaging ban had created a significant loophole through which the head coach and staff could continue recruiting.<sup>68</sup> The NCAA would eventually move

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<sup>65</sup>“Sampson Named Hoosiers’ Head Coach,” Indiana University Athletic Media Relations News Release, March 29, 2006. In the wake of Sampson’s firing, several journalists filed Freedom of Information Act requests for a series of IU athletic department emails pertaining to the action. In his April 3, 2008, blog for the Bloomington *Herald Times*, James Boyd reported that, in one of the obtained emails, former IU Alumni Association president Ken Beckley had expressed his opinion that support for the hire had extended beyond President Herbert to include one or more members of the university’s board of trustees. James Boyd, “Beckley: At Least One Trustee and the President Led the Charge to Hire Sampson,” April 3, 2008, <http://blogs.heraldtimesonline.co/iusp/?p=1890>.

<sup>66</sup>National Collegiate Athletic Association, “University of Oklahoma Public Infractions Report,” May 25, 2006, <https://web1.ncaa.org/LSDBi/exec/miSearch?miSearchSubmit=publicReport&key=623&publicTerms=THIS%20PHRASE%20WILL%20NOT%20BE%20REPEATED>.

<sup>67</sup>*Ibid*; National Collegiate Athletic Association, “Notice of Allegations to the President of Indiana University, Bloomington,” February 8, 2008, [http://assets.espn.go.com/media/pdf/080213/ncb\\_noticeofallegations.pdf](http://assets.espn.go.com/media/pdf/080213/ncb_noticeofallegations.pdf).

<sup>68</sup>John Barr and Lindsay Rovengo, “Outside the Lines: Text Appeal,” May 31, 2006, <http://sports.espn.go.com/ncaa/news/story?id=2461072>.

to close this loophole, banning text messaging in August 2007, and upholding that ban in January 2008.<sup>69</sup> Even with text messages banned, technology continued to affect recruiting, as direct messaging on Twitter and Facebook were expressly allowed by the NCAA.<sup>70</sup> Perhaps aware of their lack of control over the new media, the NCAA developed a heightened sensitivity to communication-related issues in recruiting.

At the very least, the ESPN report on Sampson's search for new ways to contact recruits should have engendered caution within the IU athletic department in relation to their new head coach's recruiting activities. So too should the NCAA report itself, which noted, among other things, that Sampson had fostered an environment of "deliberate non-compliance" in his program at Oklahoma.<sup>71</sup> However, this time period also stands as one of the least dangerous times in NCAA history for large athletic departments who were engaging in rule-breaking activities. As noted in several articles in the popular press at the time, the NCAA had established a troubling track record of swiftly and unequivocally punishing schools with small athletic departments, while failing to punish large programs.<sup>72</sup> The association was also in the midst of a period that saw the lowest number of successfully investigated and prosecuted major infractions cases against big-time football or men's basketball programs since 1962.<sup>73</sup> Sports journalists and collegiate sports insiders publicly noted the lack of enforcement, a factor which may have contributed to a feeling within big-time athletic programs, including that of IU, that the NCAA was uninterested in pursuing major violations. Athletics administrators at IU may also have been encouraged by the fact that Sampson's violations at Oklahoma yielded no significant penalties from the NCAA.

In October 2007, the IU athletic department announced that Kelvin Sampson and his coaching staff might have violated the terms of

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<sup>69</sup>Katie Thomas, "N.C.A.A. Ban on Text-Messaging as Recruiting Tool Will Remain," January 13, 2008, <http://www.nytimes.com/2008/01/13/sports/13ncaa.html>.

<sup>70</sup>Ryan Corazza, "Twitter Enters Recruiting Fold," May 15, 2009, <http://sports.espn.go.com/espnmag/story?id=4168518>; Corazza, "Be Careful what you Tweet, NCAA Coaches," May 12, 2009, <http://sports.espn.go.com/espnmag/story?id=4161341>.

<sup>71</sup>Doug Lederman, "Oklahoma Basketball Violations Tarnish Indiana," May 26, 2006, <http://www.insidehighered.com/news/2006/05/26/ncaa>.

<sup>72</sup>Dan Wetzel, "Does the NCAA Play Favorites?" March 31, 2004, <http://rivals.yahoo.com/ncaa/basketball/news?slug=dw-ncaafavorites>.

<sup>73</sup>Dan Wetzel, "NCAA Naps During Golden Age of Cheating," September 24, 2008, <http://rivals.yahoo.com/ncaa/football/news?slug=dw-ncaacheating092308>.

the probation established by the NCAA. The department self-reported these violations to the NCAA, fired an assistant coach involved in the potential violations, and placed additional restrictions on Sampson and his staff.<sup>74</sup> The situation came to a head in February 2008, when the NCAA served the Indiana University athletic department with a notice of allegations, highlighting five major violations that had occurred during Sampson's tenure at the school. These allegations included a failure on the part of Sampson and two of his assistant coaches to comply with the terms of Indiana's probation, a series of impermissible phone calls placed by Sampson and an assistant coach after the probationary period had expired, an effort by Sampson to knowingly provide false information to investigators from both the IU athletic department and the NCAA, the usage of a non-authorized phone line for recruiting purposes by an assistant coach, and impermissible recruiting contact with a prospective student-athlete by Sampson and an assistant coach.<sup>75</sup> Approximately two weeks after the notice of allegations from the NCAA, Indiana University negotiated a buyout of Sampson's contract and accepted his resignation as men's basketball coach.<sup>76</sup>

In May, Indiana University submitted a response to the NCAA's notice of allegations, wherein the school essentially agreed with the association's findings on each of the violations.<sup>77</sup> Athletics Director Rick Greenspan, who was involved in hiring Sampson, announced a restructuring of the athletic department in the wake of these allegations. Following a hearing in June, the NCAA added an additional charge, alleging that the IU athletic department failed to properly monitor the men's basketball program.<sup>78</sup> Greenspan subsequently announced that he would resign as athletic director by the end of the year.<sup>79</sup>

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<sup>74</sup>Terry Hutchens, "IU: Intern Uncovered Violations – School's Earlier Review had not Spotted Illegal 3-way phone calls," *Indianapolis Star*, October 16, 2007, A1.

<sup>75</sup>National Collegiate Athletic Association, "Notice of Allegations to the President of Indiana University, Bloomington," February 8, 2008, [http://assets.espn.go.com/media/pdf/080213/ncb\\_noticeofallegations.pdf](http://assets.espn.go.com/media/pdf/080213/ncb_noticeofallegations.pdf).

<sup>76</sup>ESPN, "Indiana, Sampson Reach \$750,000 Settlement to Part Ways," February 23, 2008, <http://sports.espn.go.com/ncb/news/story?id=3258506>.

<sup>77</sup>Indiana University, "Response to NCAA Allegations," May 8, 2008, [http://assets.espn.go.com/media/pdf/080512/sampson\\_response\\_756p.pdf](http://assets.espn.go.com/media/pdf/080512/sampson_response_756p.pdf).

<sup>78</sup>Dana O'Neil, "Indiana Faces Another NCAA Charge, Uncertain Future," June 27, 2008, <http://sports.espn.go.com/ncb/news/story?id=3462716>.

<sup>79</sup>Pete DiPrimio, "IU names team to replace AD Greenspan," *The Fort Wayne News-Sentinel*, August 2, 2008.

On November 25, 2008, the NCAA Committee on Infractions publicly released its report on violations that had occurred under the tenure of men's basketball coach Kelvin Sampson. The penalties section of the report noted that, while Indiana University had "an almost 50-year history free of major infractions," the failure to effectively monitor Sampson and his staff, despite the former's prior violations at Oklahoma, warranted the imposition of penalties.<sup>80</sup> These penalties included a three-year period of probation, a one-scholarship reduction for men's basketball, and limitations on recruiting activity. Furthermore, the infractions committee imposed a five-year "show-cause" penalty against Sampson, effectively barring him from meaningful employment with an NCAA member institution during that time.

As it had been in the 1950s, the impact of NCAA and self-imposed sanctions on Indiana University athletics was crippling. While the Sampson-era violations affected only the basketball program, the resulting poor team performance has been historic. In the aftermath of the NCAA sanctions, six players either transferred to different schools or were dismissed for disciplinary reasons, and two key veteran players left college for the NBA. Senior D. J. White was selected as the twenty-ninth pick of the first round of the National Basketball Association draft by the Detroit Pistons; leading scorer Eric Gordon left after his freshman year and was drafted seventh overall by the Los Angeles Clippers. When former Marquette coach Tom Crean took over as head coach in 2008-2009, the team had only one returning player with any significant playing experience at Indiana. In that season, the team finished 6-25 overall and 1-17 in Big Ten competition. In Crean's first three years as head coach, the team won less than 30 percent of its games and twice finished last place in the conference. The two-year span immediately following the sanctions contained the least number, and lowest percentage, of wins in the history of men's basketball at the school, and it marked the first stretch since 1968-1970 that the team's winning percentage had fallen below 34 percent. This period also represented the first time since the 1968-1970 stretch that the basketball program did not participate in a postseason tournament for two consecutive years.

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<sup>80</sup>National Collegiate Athletic Association, "Indiana University Public Infractions Report," November 25, 2008, p. 40, <https://web1.ncaa.org/LSDBi/exec/miSearch?miSearchSubmit=publicReport&key=660&publicTerms=THIS%20PHRASE%20WILL%20NOT%20BE%20REPEATED>.



The severity of the penalties was influenced in part by the occurrence of new violations during a probationary period. The prior incidents did occur at a different institution, but the NCAA noted that not only was IU fully aware of these violations, by virtue of having sent representatives to the Infractions Committee meeting for the Oklahoma case, but that the university had also created a plan—based on these prior incidents—to monitor Sampson and his staff. There are obvious parallels between the infractions in the Sampson and Dickens cases: IU was fully conscious of each coach's initial transgressions, yet was willing to vouch for his supposed desire to play by the rules, ostensibly due to the school's desire to field a winning program. Both cases unfolded within a period of rampant cheating—without obvious ramifications—in college sports, as the NCAA failed to enforce its rules successfully.<sup>81</sup> It requires no stretch of the imagination to assume that at least some of Indiana's athletics decision-makers, in each case, may have felt that the initial infractions were no worse than what was taking place at competitors' institutions, and that Indiana's status as a Big Ten member and leading athletic program would shield it from major penalties.

In both cases, the NCAA's reaction to the violations initially appeared justified, based upon the occurrence of repeat violations by the same coaches within a short period of time. However, upon further reflection, both sets of penalties appear to have exceeded the actual violations committed. The penalty handed down in the football case unfairly targeted the entire Indiana University athletic department, for no apparent reason other than that the other programs, and their student-athletes, had the misfortune of sharing an athletic department with the football program. It is difficult to imagine a similar approach to enforcement passing the public muster in today's collegiate sports environment.

In the case of the basketball violations, the NCAA saw fit to punish Indiana heavily for the same types of actions that Sampson had committed at Oklahoma, yet chose to hand out major infractions to IU because the actions were now repetitive in nature. Legitimate questions can be raised as to whether the NCAA's decision to pursue major violations stemmed from the severity of the violations, or from the association's embarrassment at having let Sampson off without major sanctions two years prior. In either case, the punishment again seemed to outstrip the

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<sup>81</sup>Wetzel, "Does the NCAA Play Favorites?"

violations committed by a wide margin, especially considering the wide variety of uninvestigated and unprosecuted incidents of grade fraud and illicit payments that dotted the collegiate sport landscape at the time.<sup>82</sup> As damaging as the punishments were, the NCAA intimated that they could have been more severe, but that the negative effects on the program had been considered when constructing the sanctions. In fact, some media members seized on comments made by the infractions committee that the “current condition of the program” was a mitigating factor in the level of punishment given out, noting that smaller schools that had been punished in that same time period were given no such consideration.<sup>83</sup>

Indiana’s punishments were still the most severe handed out to any major college athletics program during that time period, and the lack of enforcement involving other big-time programs calls into question whether the NCAA’s punishments were indeed appropriate, or were intended to signify that the NCAA still “meant business” in its enforcement aims.

Time and analysis have yielded a context for the IU athletic program’s violations of the late 1950s. The passage of time is creating a remarkably similar context for Indiana’s violations of the mid-2000s. In both cases, the Indiana University athletic program’s lack of institutional control combined with a lack of NCAA-wide enforcement and shifting recruitment policies to create a situation in which Indiana athletics unexpectedly became a focal point of rules-breaking in college sports.



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<sup>82</sup>Ibid.

<sup>83</sup>Dan Wetzel, “The NCAA’s Predictable Injustice,” December 10, 2008, <http://rivals.yahoo.com/ncaa/basketball/news?slug=dw-indiana120908>.