An Honest Man?

A Study on the Reign of Dick Schultz as the Executive Director of the National Collegiate Athletic Association

by

Kirk P. Nellans

Dr. John Reno

Ball State University

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ABSTRACT

The following is an in-depth study of Dick Schultz's tenure as the Executive Director of the National Collegiate Athletic Association (NCAA). Several areas will be discussed, including the reforms that Schultz encouraged, the major legal battles in which the organization was involved during his reign, and the scandals to which he was possibly linked prior to his resignation from his post. This study attempts to lend insight into the leadership of a very important figure in the history of the NCAA and the welfare of the modern collegiate student-athlete.
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INTRODUCTION

The National Collegiate Athletic Association (NCAA) has become more high-profile during the last six years than it has ever been. The main reasons for this increased exposure have been the organization's success and its staunch enforcement of rules. The person most responsible for this era of public interest has been Dick Schultz, the NCAA's former Executive Director.

The following study is intended to examine in detail the accomplishments of Dick Schultz's regime. It will start by defining the role of the executive director, and it will conclude with a discussion of the scandal which ended with Schultz's resignation from that post in 1993.

Duties

Anyone who is even casually familiar with the NCAA knows the basic duties of the executive director. In essence, he or she has organizational powers similar to those of the President of the United States. The executive director promotes what he sees as key issues, but the membership ultimately decides upon legislation through the democratic process (Sherman, 7/1/90 3).

The executive director's most important job is to preserve the educational opportunities of the student-athletes. The executive director must ensure that the athlete's extracurricular activities have neither negative nor positive effects on their studies. In
other words, the athlete must not be forced to miss an unreasonable amount of class time due to his participation in sports, but neither must he receive preferential treatment from his instructors because of that participation (Sherman, 7/1/90 3).

There are important bureaucratic duties for the executive director, as well. He must often act as a middleman between university presidents and athletic directors, whose agendas are often in conflict. The executive director must also please special-interest groups, such as athletic shoe manufacturers, coaches associations, and potential advertisers (Sherman, 7/1/90 3).

Wilford Bailey, an Auburn University professor who chaired the committee which selected Schultz, particularly stressed the importance of public relations. This is due largely to the fact that the previous executive director, Walter Byers, did not feel it necessary to inform the public of the NCAA's policies or procedures. Even the organization's constituency often felt that they were not receiving fair treatment. The NCAA was therefore often portrayed by the media like George Orwell's fictional "Big Brother," an all-powerful and ogrelike entity whose main stock was terror. Schultz had a much different policy. He put it this way, "I want the media to learn as much about us as they possibly can, so they can see the whole picture, not just one side of it" (Robbins, 1/7/92 C8).
Background

Dick Schultz paid his dues in order to reach the top of the NCAA. He grew up in Iowa and did his undergraduate work at Central College, in Pella. He then went on to the University of Iowa for his graduate work. He obtained his first educational position at Humboldt High School in Iowa in 1950, where he taught, coached, and served as athletic director (Schol., 52).

Schultz moved on to the University of Iowa in 1960, where he served in several capacities over the next 16 years. He started as the freshman basketball and assistant baseball coach. He then became an assistant basketball coach and the head baseball coach. From 1970-74 he served as the head men's basketball coach. For the next two years, Schultz gained his first real administrative experience as an assistant to the university president (Schol., 52).

From 1976-81, Dick Schultz served as the athletic director at Cornell University. He was steadily garnering the respect of his NCAA peers during this time, and he started serving on some NCAA committees (Schol., 52).

In 1981 Schultz accepted the position of Director of Intercollegiate Athletics at the University of Virginia, a major institution in the influential Atlantic Coast Conference. This exposure, coupled with his previous respect and experience, landed Schultz the directorship of two major NCAA committees, the Men's Basketball Committee and the Special Television Negotiations Committee (Schol., 52).
All of this led eventually to Schultz's selection as Byers' replacement as the Executive Director of the NCAA, in October 1987. He was subsequently appointed to advisory positions in two other organizations: the National Board of Directors of the Fellowship of Christian Athletes, and the Honors Court of the National Football Foundation and Hall of Fame (Schol., 52).

The NCAA purchased a Lear jet in early 1988 to facilitate easier traveling for Schultz, a licensed pilot. He spent over 200 days on the road in 1991, promoting goodwill and rules adherence at numerous member institutions across the country. He sometimes made appearances at two or even three different schools in the same day (Schol., 52). The importance of this kind of gesture cannot be overstressed, especially within an organization whose constituency of 1099 members includes 893 institutions (NCAA 73). Dick Schultz's duties, background, and work ethic having been established, the focus must now be turned to his accomplishments.

EARLY YEARS

Dick Schultz stressed reform from his first day as Executive Director of the NCAA. He took the job with the intention of effecting change. As one could imagine, there was much resistance to overcome, especially given the general stagnation of the NCAA before Schultz took over. He stated it this way in a 1990
interview, "I was frustrated my first year and a half. But in the last year and a half, I feel like we're starting to make some progress" (Sherman, 7/1/90 3).

**Popularity**

Schultz's amazing interpersonal skills are perhaps best exemplified by the fact that it took such a short period of time for him to garner support from those who were formerly the NCAA's harshest critics. Bob Ryan of the *Boston Globe* had the following comments, "At least now the organization has a public conscience named Dick Schultz, and if he's not paying you a visit today, he'll surely be here tomorrow" (Robbins, 1/7/92 C8).

Even Dale Brown, the Head Men's Basketball Coach at Louisiana State University, who had always been a proverbial thorn in the side of the NCAA, voiced his support for Schultz:

The NCAA has changed, and I think the catalyst has been Dick Schultz. Dick Schultz has been, in my eyes, a breath of fresh air. He has a sensitivity that has never existed in the office [of executive director]. He's strong. He's reasonable. He doesn't have the Sieg Heil! mentality (Robbins, 1/7/92 C1)

As one can see, Dick Schultz did a considerable amount of public relations work to gain the support of the NCAA members and the media. He also initiated an impressive series of reforms during his reign.
MAJOR REFORMS

Dick Schultz once said, "I've tried to be a leader in reform" (Schol. 52). He was certainly successful in this regard. Schultz oversaw a remarkable number of reforms during his tenure as the Executive Director of the NCAA.

These reforms were largely prompted by Schultz's opening speech at the 1990 NCAA Convention. Many of the concepts that Schultz suggested were implemented, but some were not (Sullivan 7).

College football

One of the largest areas of reform is that of college football. In response to cost-containment philosophy, the number of scholarships in football was reduced from 95 to 85. This was a result of a decision made at the 1990 convention to reduce scholarships in all sports by 10 percent (Sherman, 2/20/91 2).

Several prominent coaches spoke out against this decision, among them Joe Paterno of Penn State University and Bill Mallory of Indiana University. Paterno explained that he was not adverse to budget cuts, but he rather disagreed with the method: "The presidents aren't looking at the big picture. To me, it's a disgrace. The presidents went out and made 10 percent cuts across the board, instead of doing six percent here, three percent there. It's a copout" (Sherman, 2/20/91 2). Schultz said that he understood the coaches' point of view, but he believed that the good far outweighed the bad (Sherman, 2/20/91 2).
Another reform that was mentioned throughout Schultz's reign, but not yet implemented, was that of a college football playoff system to determine the national champion each year. Schultz first mentioned this early in his directorship, and he received an unenthusiastic response from the university presidents (Davidson, "NFL" E7).

Schultz's original justification for this system was to curb discord by fans and coaches over who should be "number one" at season's end. He received additional motivation from the NFL playoffs. Schultz said that the NFL's playing of Saturday games in late December and early January "could drive us to a Division I-A championship playoff... In a few years, it will be very difficult for the average bowl to get a television contract. They will have to go to syndication packages, and those have not proved to be successful in the past" (Davidson, "NFL" E7).

In 1992, Schultz said that talk of a playoff was "dead," largely due to the newly-formed Bowl Coalition (Sherman, 2/19/93). This coalition was established in order to try to arrange the best possible bowl matchups amongst the top-rated teams each year. The four main bowls involved are the Cotton, Fiesta, Orange, and Sugar Bowls. The major players involved are the Atlantic Coast Conference (ACC), Big East Conference, Southeast Conference (SEC), Southwest Conference (SWC), Big Eight Conference, and the University of Notre Dame (UND) (Bourret 60).

Whenever UND, the ACC champions, and the Big East champions (Group 1), are ranked numbers one and two in the final Associated
Press poll, then they must play the "National Championship" game in the Fiesta Bowl. If the number one and two teams are from among the Big Eight, SWC, and SEC champions (Group 2), then the two teams will not meet in the Fiesta. Each team will attend the bowl with which its conference had traditionally been affiliated. If the number one and two teams are from different groups, then they must play in the bowl of the Group 2 team's affiliation (Bourret 60).

If the two top-ranked teams are not found in these two groups, then the bowls will select Group 1 teams in the order of the rankings of their Group 2 hosts. Any Group 1 team maintains the right of refusal in order to gain a higher payout, avoid a rematch of a regular-season game, or avoid playing in a bowl for the third straight year (Bourret 60).

Even this complicated system has not appeased everyone, as there are notable gaps. For instance, what if the number one team is not included in either group? What if the two top teams are from Group 2 and must fulfill traditional bowl obligations?

For these reasons, Schultz again stressed an examination of the feasibility of a playoff at the 1993 NCAA Convention. For the first time, the university presidents were at least willing to discuss this plan. However, representatives of the Big 10 Conference and UND, both major players, were openly critical of the plan. Their main argument was that there would be a diminished emphasis on other bowl games. It is interesting to note that UND's
head football coach, Lou Holtz, favors the idea (Sherman, 1/14/93 6). The rift between presidents and coaches exists in some degree at every institution.

The decision to make staff cuts in football and other sports has also sparked intense controversy. This was another reform that was passed at the 1990 convention in an attempt to cut athletic costs. Coaches all over the country obviously disagreed with this measure, as it supposedly limited their coaching abilities (Sherman, 2/20/91 2).

**Gender equity**

An issue which is just now starting to come under scrutiny is gender equity. This term refers to an ideal condition in which an equal number of sports and scholarships are offered within men’s and women’s intercollegiate programs. The biggest obstacle to overcome is obviously football. This is another main reason that the scholarship and staff cuts were made in 1990.

Although little has actually been accomplished to achieve this goal, it must be noted that Dick Schultz’s style of leadership has allowed for its discussion. Walter Byers did not pay enough attention to constituent feedback to recognize the importance of this disparity.

This issue will not go away. In fact, it may be the most highly-publicized struggle within the NCAA in the near future. Gregory O’Brian of the University of New Orleans, the chairman of the NCAA President’s Commission, had this to say, “I think gender
equity is a dominant issue for intercollegiate athletics, for higher education, and for American society. Nothing is going to push the issue aside. I sense an enormous amount of momentum out there for progress to be made" (Bagnato, 5/13/93 1).

**Academic Standards**

Academic standards is an area in which major reforms have been effected under Dick Schultz. Minority discrimination has been alleged because of the imposition of many of these standards, but it is impossible to ignore the efforts that were made.

The most basic recent achievement of the NCAA has been to require member institutions to publish the graduation rates of their student-athletes. This was brought about in 1990 partly because of a Congressional threat to pass a bill requiring it. The NCAA has always prided itself on its independence, so this result was unavoidable (Sherman, 7/1/90 3).

Proposition 48 has been a problem area since its inception several years ago. This legislation basically provides minimum academic standards which must be met by high school seniors in order to be able to compete in their freshman year of college. These minimum standards were increased at the 1992 convention. The SAT score was raised to a 700 minimum, and the grade-point average was raised from a 2.0 to a 2.5 minimum. Failure to meet these standards will result in the loss of the freshman year of eligibility for the athlete (Bradley E1).
This is a decision which has caught heavy fire from minority leaders and coaches as being culturally-biased. Schultz responded to this charge:

That always happens. The pendulum never moves from the left to the middle. It usually moves too far right... If you don’t have a 700, you’re going to have a hard time [doing college work]... [But] any standardized test is based on more than what you learn in school. In the case of an inner-city kid, there probably aren’t books in the house and he doesn’t travel. And many times the motivational factors are not there. We see the same thing in rural white kids... I am very empathetic toward [minority concerns]. This is something we’ll watch very carefully, and if it’s not working, we’ll change (Bradley E1).

There is another provision that has been added to stiffen Proposition 48. An athlete must be shown to be making progress toward a degree in order to remain eligible. Although this requirement is much less publicized, Schultz feels that it composes the real "meat" of Proposition 48 (Bradley E1).

A newer provision known as Proposition 42 is now in effect regarding partial qualifiers under Proposition 48. It originally prohibited all financial aid for the athlete’s freshman year of studies. It was modified in 1990 to allow need-based aid for these student-athletes (Sullivan 7). This provision, coupled with Schultz’s sensitivity, has helped to curb racial tensions.

Schultz also saw a problem with athletics keeping students out of their classes, especially in basketball and football. It is for this reason that Proposition 30 was passed at the 1990 NCAA convention; it took effect in 1992. Proposition 30 basically reduced spring football practice from 20 to 15 days and set two guidelines for basketball: regular-season games, excluding
tournaments, were reduced from a maximum of 28 games to a maximum of 25 games; and the earliest starting date for practice was changed from October 15 to November 1 (Sullivan 7). Schultz's biggest achievements in boosting academic standards were yet to come, however.

An idea about which Schultz first tested membership opinion at the 1990 convention was certification. This system would entail annual academic scrutiny of every NCAA member institution. The academic progress of the student-athlete at a particular institution would be compared to that of the regular student body at that school. This differed from previous models which compared student-athletes to national averages (Sherman, 7/1/90 3).

Schultz explained, "The idea is to take student-athletes and make them identical to the rest of the student body. We're concerned with a school that has a 50 percent graduation rate for students and only 20 percent for athletes." Failure to meet the minimum requirements would result in sanctions or, at least, intense public scrutiny (Sherman, 7/1/90 3).

**Distribution of wealth**

According to Dick Schultz, financial pressure "is perhaps the most crucial current pressure" facing the NCAA (Asher D2). This is perhaps best exemplified by the fact that the NCAA estimated in 1990 that 70 percent of all athletic programs were operating in the red (Sherman, 7/1/90 3). Clearly, improvements need to be made.
One of the major financial accomplishments of the Dick Schultz regime was the negotiation of a contract with CBS Sports to televise the NCAA basketball tournament annually. This contract was signed in 1990, promising a one-billion dollar payout over its seven-year term. Schultz proposed that the money be distributed among all member institutions based upon the number of intercollegiate athletic teams that they field, not the prowess of their basketball programs (Sullivan 7).

Schultz warned that this sum barely makes a dent. "When you spread the contract out over seven years and 810 schools, we've found a billion dollars doesn't go as far as you'd think. Without cost-cutting, you are going to see a lot of sports being dropped" (Sherman, 7/1/90 3).

College football teams have seen the payouts that they receive from bowl games increase greatly in the past few years. However, a dollar does not go as far today as it did previously, and the school that actually fields the successful team often receives little more than any other school within the same conference. This is one reason why super-conferences are being created -- even a bottom-division team can reap the benefits of its successful brethren.

The profitability equation could change dramatically if Schultz's football championship concept becomes a reality. He has estimated the one-day windfall at $50-60 million, while most believe that $30-40 million is a more realistic estimate (Sherman,
1/14/93 1). Either way, a school’s take would obviously increase over the approximate four-million dollar payout of the Orange Bowl.

Still, the main issue of funding must be raised. When the successful and high-profile athletic program of the University of Michigan lost approximately $750,000 in 1990–91, Don Canham, their former athletic director, was prompted to say, "No program which is paying their own way [such as Michigan] is breaking even" (Sherman, 3/4/91 6).

Schultz may have come up with a solution. He suggested at the 1991 NCAA convention that the presidents should consider funding their athletic departments like any other departments within the universities. If the athletic department made a profit, then the proceeds would be deposited into the university’s general fund; if it suffered a loss, then it would be covered by the general fund. "It would eliminate the win-at-all-costs philosophy. There’s terrific pressures on coaches and athletic directors to win and fill the stadiums. If we can deal with the pressures and finance, we can solve a lot of our problems" (Sherman, 3/4/91 1).

Detractors say that the athletic departments would need to be bailed out more often than not. Rick Bay, the Athletic Director at the University of Minnesota, thinks that fundraising might be hurt because potential donors will know that any losses will be covered by the university. In addition, many states, including Indiana, have laws prohibiting the use of state monies to fund athletics (Sherman, 3/4/91 6).
The bottom line: Can the average university stand to take on another costly proposition? Athletics are here to stay at most universities. Perhaps Schultz said it best:

I've talked to a number of college presidents at the smaller Division I schools and tried pointing out to them that they might be much better off in Division II or III. But Division I is very important to them... not as much from an athletic standpoint, but it gives them the visibility they need to attract students (Atkin, 8/11/91 14).

Drug testing

The last major reform that Dick Schultz saw accomplished during his tenure was the inception of random steroid testing of Division I-A and I-AA football players in 1990. First-time violators will lose one year of eligibility; repeat offenders will lose all remaining eligibility (Sullivan 7).

Schultz recognized the need to stiffen the penalty and increase the frequency of testing following an incident involving Brian Bosworth. Several years ago the NCAA first started testing Division I-A football players before postseason bowl games. Bosworth, a star linebacker for Oklahoma University, tested positive and was therefore banned from competing in the Orange Bowl. Bosworth alleged that the NCAA was taking a Communist stance and infringing upon his personal rights, but no legal action was attempted. The episode made it impossible for the NCAA to avoid this issue.
PROPOSED REFORMS

Not all of Dick Schultz's ideas for reform had been accomplished by the date of his resignation. However, it is necessary to acknowledge his role in at least bringing these issues to the forefront.

Minority hirings

Schultz further gained the respect of minority groups by his push for a review of hiring practices in 1992. Of 106 Division I-A schools, there were no black head football coaches. There had been three in the previous year, but they had all since moved on. Schultz remarked:

It's a major item of concern, and we've taken a strong advocacy position. What little progress we've seen has gone down the tubes. We have to keep it in front of people and continue to look at new programs. Everyone needs to be aware of the facts and be sure their hiring practices are legitimate... It's something we've got to get the members on top of and really pursue (Sherman, 2/19/92 3).

Simplified recruiting rules

Another area in which Schultz thought that there needed to be reform was recruiting. He pushed for a drastic reduction. "There is no need for six in-person off-campus visits. We hire presidents, commissioners, faculty, and coaches with far fewer interviews. Let's put some dignity back in the way we conduct our business" (Myslenski 1). This solution would help to substantially curb costs.
Violation review process

A perennial area of concern has been the violation review process. The current process is seen as effective, but Schultz suggested several changes which might make it even better.

On the idea of opening up infractions hearings to the public, Schultz was pessimistic. He thought that some innocent people might be implicated and "some witnesses won't be as willing to testify" (Sherman, 2/19/92 3).

This eventuality is not to be taken lightly, as Schultz explained, "If we're ever going to get to the point where we have complete integrity in college athletics, the schools have got to cooperate. They've got to want it to happen" (Fachet D1).

Two recommendations that Schultz did make were (1) to have the executive council form a special subcommittee to review the methods of the enforcement staff, and (2) to expand the six-member infractions committee to include "retired judges and strong legal experts" with no ties to any member institutions (Robbins, 1/8/91 C5; Sherman, 2/19/92 3).

Tenure for coaches

Yet another controversial suggestion that Schultz made regarded a tenure system for coaches. He believed that "coaches should be given minimum five-year contracts that could not be broken by either party. Then there could be a review every fourth year to determine if that contract should be extended" (Atkin, 8/11/91 14). Response to this concept was lukewarm at best, at it
is unlikely that schools would be willing to get themselves stuck in a long-term deal with a coach who may be substandard or abusive.

**Sport-by-sport rules**

Schultz has voiced support for the adoption of rules on a sport-by-sport basis. "The vast majority of the rules are made for football and basketball, and then we let them fall out and impact on the other sports" (Asher D2). This system would take a lot of work to implement, but the long-term benefits would quite probably prove worthwhile.

**Eligibility for the draft**

The last major reform that was suggested by Schultz was that the student-athlete should be able to retain his eligibility even if he enters a professional draft. This way, athletes who were not selected could return to play and finish their education without penalty (Myslenski 7). While this policy was not in place when Schultz resigned, it was passed for basketball players this year.

**Summary**

Whether or not Dick Schultz accomplished everything that he should have while he was the Executive Director of the NCAA is not as important as the fact that he awakened the minds of a stagnant organization. The wheels of change may never stop rolling.
LEGAL BATTLES

The NCAA was challenged many times during Dick Schultz’s stint as Executive Director. One of these disputes was settled (somewhat) in a courtroom: the case involving Jerry Tarkanian and the University of Nevada at Las Vegas (UNLV). This was perhaps the most widely-publicized challenge ever posed to the NCAA’s authority.

**Tarkanian case**

Jerry Tarkanian was a highly-successful men’s basketball coach at Long Beach State University during the 1960s and early 1970s. He was recruited and hired by UNLV in 1973. Tarkanian arrived at UNLV only to find that the NCAA was beginning a full-scale investigation into rules violations there. The investigation lasted four years, a period in which Tarkanian guided the Rebels to a 29-3 regular-season record and the Final Four in 1977 (Weiler 498).

Following the 1977 season, UNLV officials announced that they were going to suspend Tarkanian pursuant to an NCAA directive. There were two main charges being leveled against Tarkanian: 1) he had arranged for the payment of a player’s flight home, and 2) he had arranged for an instructor to give a player a passing grade in a course which the player did not attend. The NCAA asserted that these allegations had been affirmed by both the players and the instructor involved (Weiler 498).
Tarkanian, UNLV, and the Nevada Attorney General’s Office launched their own investigation and obtained contrary affidavits from the alleged participants and several corroborating witnesses. The NCAA then charged Tarkanian with pressuring witnesses into giving false evidence in their proceedings (Weiler 498).

Tarkanian was then given a hearing before the NCAA’s Committee on Infractions. The evidence against him consisted only of the assertions made by NCAA staff investigators of what they remembered people saying to them in the previous three years of the investigation. Tarkanian offered the aforementioned affidavits and supporting documents in his defense. In a seemingly strange procedure, witnesses were permitted to neither give oral testimony nor be cross-examined (Weiler 498).

The committee found Tarkanian guilty of the violations. It placed UNLV’s men’s basketball program on probation for two years and required Tarkanian’s suspension for that period. UNLV subsequently appealed to the NCAA Council. (Tarkanian had no right of appeal, as he himself was not a member of the NCAA.) This appeal was denied (Weiler 499).

UNLV, as a state university, was required to give Tarkanian, its tenured coach, a hearing before suspending him. The hearing officer did not believe in Tarkanian’s guilt, but he feared NCAA retribution if their mandate was not obeyed (Weiler 499).

Before his scheduled suspension hearing, Tarkanian went to court and filed suit against both UNLV and the NCAA. The Nevada
courts determined that the NCAA had denied Tarkanian "due process." The trial court, assuming that the NCAA was a "state actor" governed by the federal constitution, issued injunctions barring UNLV's suspension of Tarkanian and NCAA retaliation against UNLV. On appeal, the Nevada Supreme Court affirmed the decision (Weiler 499).

Upon further appeal, the case reached the United States Supreme Court in 1988. The Court started by examining the Fourteenth Amendment, which governs due process. The amendment makes a distinction between state action, which receives due process consideration, and private conduct, which is not governed. The issue at hand, then, was for Tarkanian to show that the NCAA was a state actor in this case (Weiler 499).

Tarkanian said that the NCAA was a state actor because it had been delegated authority by UNLV to both adopt and enforce rules concerning UNLV's athletic programs. The Nevada Supreme Court had held that one of these delegated powers was that of personnel decisions. That court held that UNLV and the NCAA acted together to deprive Tarkanian of due process (Weiler 499).

The Supreme Court recognized that UNLV had scheduled a hearing which would have fulfilled its due process requirements. The Court next examined the question of whether or not UNLV's compliance of NCAA rules and recommendations had transformed the NCAA's conduct into state action. It reasoned that since all members have an equal impact on the NCAA's actions, the source of the NCAA legislation is the collective membership, not just its members in
Nevada. Therefore, the organization was determined to be independent of any one state (Weiler 500).

The NCAA would be a state actor only if UNLV’s embrace of its rules had transformed them into state rules. The NCAA’s adoption of rules did not refer to any one member nor any one state. UNLV decided to follow the NCAA’s rules when it became a member, but the university retained the right to leave the NCAA and establish its own standards at any time. It also could have worked through the association’s legislative process to amend any unfair rules or standards (Weiler 501).

The Court ruled that the NCAA was given no specific power by UNLV to take specific action against any university employee. Also, it was in UNLV’s best interest to retain their highly-successful coach. Justice Stevens stated that "the NCAA and UNLV acted much more like adversaries than like partners engaged in a dispassionate search for the truth" (Weiler 501).

The NCAA also possessed no governmental powers to help facilitate its investigation. Its greatest authority was to threaten sanctions against UNLV; it could not directly discipline Tarkanian. The express terms of the NCAA’s recommendation requested "the University... to show cause" why the association should not impose further sanctions if UNLV declined to suspend Tarkanian. If this was indeed an ultimatum, it also allowed room for adjustments. For these reasons, the Supreme Court overturned the previous rulings, despite the dissention of four justices (Weiler 502-3).
This did not end the saga, however. Further litigation in lower courts allowed Tarkanian to remain in place as coach through the 1989-90 season, in which UNLV won its first "National Championship." In the summer of 1990, UNLV and the NCAA reached a settlement through which UNLV accepted additional probation in lieu of suspending Tarkanian. Jerry Tarkanian resigned as UNLV basketball coach in 1992, never having served his suspension of 15 years prior (Weiler 505).

State laws

The other major legal obstacle faced by Schultz's regime involved the passage of state laws requiring due process for NCAA enforcement proceedings. It is of no small coincidence that the state which pioneered this trend was Nevada in 1991 (Robbins, 1/7/92 C8).

The NCAA's reaction was to file suit against Governor Bob Miller of Nevada, Jerry Tarkanian, and three others in the United States District Court in Reno. Its suit was intended to challenge the constitutionality of the new law. Its primary reason for challenging the law at that time was an ongoing investigation of recruiting violations involving UNLV and Lloyd Daniels, a prep star from New York, in 1987. Over 30 infractions were believed to have been committed (Robbins, 1/7/92 C8). The case has yet to be resolved.

Several other states have followed Nevada's lead by passing similar statutes, including Nebraska, Illinois, and Florida.
(Robbins, 1/7/92 C8). Schultz found the Illinois law particularly offensive, saying that it would "deal a serious blow to the integrity of college athletics" (Sherman, 6/12/91 2). Schultz even went to the trouble of writing letters to the presidents of every college and university in the state, urging them to have the bill defeated in the legislature. His efforts brought about a temporary withdrawal of the bill, but it was later passed (Davidson, "Schultz" E7).

Schultz issued a warning to all state legislatures:

Such laws... might make it impossible for schools in that state to be members of the NCAA.... Politicians have found that the NCAA is a popular target, especially when schools in their states have come under the impact of the Infractions Committee (Davidson, "Schultz" E7).

Despite all of Schultz's efforts, Kansas, California, and South Carolina proposed similar legislation. As Schultz noted, almost all of the aforementioned states contain NCAA members which have run afoul of the NCAA in the past (Davidson, "Schultz" E7).

The NCAA received support on this issue from an unlikely source -- David Swank, who was the interim president of Oklahoma University when its football program was placed on probation in 1989:

I don't believe we've been the subject of undue process. As I dealt with the process as interim president, I thought the hearing was fair. The NCAA listened to our side. It didn't believe some of our evidence, but that's beside the point... What is due process? Basically it's to have a fair investigation, a fair hearing and a penalty properly imposed. And I think that was done in our case (Davidson, "Schultz" E7).
SCANDAL

Not all of Dick Schultz’s administrative career has been positive. In fact, the circumstances which surrounded his resignation from the NCAA’s Executive Directorship will probably mar his reputation permanently.

University of Virginia

During Schultz’s reign as Athletic Director at the University of Virginia, illegal, interest-free loans were given to several football players. This is the conclusion that was drawn by an in-house investigation by Virginia Athletic Department officials in 1991. The Virginia Student Aid Foundation (VSAF) made 36 of these loans, one as high as $1700, and many were never repaid. Ted Davenport, the executive director of the VSAF from 1985-88, claimed that Schultz knew of all the activities within the organization (Sherman, 6/12/91 2).

The report released by the university stated the following, "The university’s conclusion is that the worst that can be said of Mr. Schultz is that there were signals which, in hindsight, should have alerted his antennae" (Sherman, 4/24/92 4).

The NCAA launched a full investigation into these violations, but it also realized that it was dealing with a conflict of interests. Therefore, it hired James Park, Junior, a Lexington, Kentucky-based lawyer who had assisted with the investigation of the University of Kentucky’s men’s basketball program in 1989-90.
(Sherman, 8/11/92 7). Park was instructed to conduct his own investigation and to prepare his own report; it would thus be impossible for the NCAA to show bias toward Schultz (Bagnato, 5/7/93 1).

The NCAA’s report concluded that unnamed "athletic department staff members" tried unsuccessfully to supervise the loans, but the university did not support their efforts. The Infractions Committee had no concrete proof that Schultz was aware of the loans, but neither did it absolve him of responsibility. It also made clear the fact that serious violations were committed during his tenure. The other main charge was that there was a "failure to exercise institutional control" over athletics, a phrase that is all-too-familiar to past offenders (Bagnato, 5/7/93 1,5).

However, Park’s report painted a markedly darker portrait of Schultz. Park took stock in the claims of three former Virginia staff members who directly implicated Schultz. Thomas Gearhart, a former athletic department aide, told Park that he had informed Schultz of other loans, and the aforementioned Ted Davenport claimed that Schultz had personally asked him to stop making the loans (Bagnato, 5/12/93 10).

Park also quoted a former Virginia athlete and his mother, who alleged that Schultz directed him to the VSAF when he told Schultz that he needed money to have his car repaired. The student subsequently secured a $1,000 loan from the VSAF. Park concluded, "One may disagree with the precise sequence of events without
questioning the ultimate conclusion that Mr. Schultz knew of the VSAF loans to student-athletes" (Bagnato, 5/12/93 10).

The final decision was that the University of Virginia would receive two years of probation: two football scholarships would be revoked for two years, and one graduate assistantship for football would be revoked for one year. Virginia received such a light penalty because of its cooperation, internal investigation, dismissal of two athletic department officials, and the forced retirement of another athletic department official (Bagnato, 5/7/93 5). Another factor was the statute of limitations of four years for this case. It is believed that the loans dated back to the 1950s, but sanctions could be based only on violations which occurred after May 1987 (Bagnato, 5/11/93 3).

The question remains: Was Schultz aware of these violations? He contended that he was not:

I can't comment other than to say I had absolutely no knowledge of any major NCAA rules violations. I have a hard time convincing myself that anything was done willfully there [to violate the rules]... One of the greatest fears of an athletic director is not to be aware of what's going on out there. These incidents can exist that might involve a violation. Something like this points out vividly how difficult it is [to monitor everything] (Sherman, 6/12/91 2).

Reaction of NCAA

There was obviously a great commotion created within the NCAA by this incident. However, most of Schultz's peers supported him. Gregory O'Brien, the Chancellor of the University of New Orleans and the chairman of the NCAA's Presidents
Commission, had this to say, "... The knowledge that people had gained of Dick was sufficient to maintain their confidence in him" (Robbins, 5/15/93 C6).

After a full review of the facts and Schultz's exemplary record, the Executive Council of the NCAA decided to retain him as Executive Director, at least until his contract expired in August 1995. However, many members secretly hoped that he would voluntarily resign his post before that time, because they felt that his credibility as the leader of intercollegiate athletics was irreparably compromised (Bagnato, 5/11/93 3).

Those individuals got their wish on May 11, 1993, the very next day. Schultz resigned, saying, "There was a risk of really destroying what others and I had built, and that was not worth it." He added that anyone who took his resignation as an admission of guilt was "dead wrong" (Bagnato 5/12/93 1).

Schultz garnered support even after his announcement. "... There was no question that the standards he applied to himself were higher than any judicial body would have held him to," said Jim Delaney, the Commissioner of the Big 10 Conference (Bagnato 5/12/93 1).

Even Jerry Tarkanian voiced his support for Schultz, "He brought a humanistic approach to the NCAA. He was a good man. I thought he was someone who gave you a chance, a hope, that maybe some fairness would come from that organization" ("Bitter" 10).
Other black marks?

Questioning Dick Schultz's credibility seemed to be unthinkable before this controversy, but perhaps it should not have been. In a widely-read and favorably-reviewed 1972 book about Hall-of-Famer Connie Hawkins, who played at the University of Iowa while Schultz was freshman basketball coach, author David Wolf wrote that Schultz was one of several individuals involved in an "unethical recruiting operation" at Iowa. He also stated that "to get kids like Hawkins, they had to cheat" (Kirshenbaum 9).

Violations obviously occurred at Iowa during this period -- the NCAA placed the Hawkeye basketball program on probation following a 1964 investigation. Violations included improper loans to athletes and illegal recruitment (Kirshenbaum 9).

When questioned in 1993 about these violations, Schultz told Sports Illustrated reporters that it was his recollection that the infractions had only occurred in football. When told that the basketball program was also involved, Schultz said that he played no part in recruiting at that time. However, Don Faes, a former player at Iowa who was recruited during this period, said that in his dealings with Schultz, "he did all the recruiting" (Kirshenbaum 9).

It would be easy enough to discount the information provided by Faes; after all, here is a fellow who came out of total obscurity to tell this story immediately following Schultz's resignation. Perhaps he was just looking for some cheap publicity; perhaps not.
On the other hand, it is very difficult to refute what was written in a book 21 years prior to the recent scandal. Perhaps Schultz was just assumed to have been involved at that time. Perhaps he has a poor memory. Perhaps neither. Perhaps both. The point is, the similarity between the violations committed at Virginia and Iowa are obvious. The man with the connection to both of these programs was Dick Schultz.

SUMMARY AND CONCLUSIONS

Dick Schultz was obviously the most caring and involved leader in the history of the NCAA. More reforms were accomplished than ever before, and this came during a period in which the organization was experiencing substantial growth and increased public scrutiny. Schultz was such a thoughtful leader that he garnered support from those who had previously been highly critical of the NCAA, including Dale Brown. Even his greatest professional adversary, Jerry Tarkanian, was a staunch supporter of Schultz’s leadership even after the scandals.

Most importantly of all, Schultz seemed to have a full understanding that the role of intercollegiate athletics was completely supplementary to the education of the students involved. Collegiate teams should not be fielded for the financial benefits of the institutions, but for the emotional growth of the athletes. The importance of the athlete’s success
in the classroom and in life dwarfs that of the final score. Schultz reminded all of us of these facts.

Whether or not Dick Schultz was aware of, or involved in, any wrongdoings at Virginia or Iowa is really beside the point. What is important to note is that the investigations of these violations cast at least a reasonable doubt on Schultz’s naivete and/or innocence. It became impossible for this brilliant leader to continue to do the job at which he so much excelled without sacrificing the integrity of the organization he so much loved. The tragedy here is that the professional career and reputation of this fine man will forever be scarred, and it is the sincere hope of this author that Dick Schultz’s true legacy will never be forgotten.

In closing, I would like to leave the reader with a statement made by Dick Schultz. I believe it to be a fitting epitaph to his fine career:

The big concern is the integrity of intercollegiate athletics. Academic integrity, financial integrity, integrity of the institutions. You can talk about all the issues, but everything wraps up into that -- integrity. We’re making progress, but we’re not there yet (Sherman 7/1/90 3).
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