MINUTES
FACULTY SENATE
JANUARY 9, 1990

1. Call_to_Order. President Halfacre called the meeting to order at 3:35 p.m.

2. Special_Order_of_the_Day. President Halfacre presented Dr. Gunther Holst, Chair of the Faculty Senate at University of South Carolina.

Dr. Holst stated the Faculty Senate at University of South Carolina was constituted by action of the General Faculty on May 6, 1970; the first meeting was held November 11, 1970. Composition of the Senate is 10% of the Faculty. The distribution is by college or school, and the current membership is 133 Senators who serve three-year terms.

Faculty authority is delegated by the Board of Trustees. The Faculty have legislative powers in all matters pertaining to the standards of admission, registration, requirements for and the granting of degrees earned in courses, the curriculum, instruction, research, extracurricular activities, discipline of students, the educational policies and standards of the University, and all other matters pertaining to the conduct of faculty affairs, including the discipline of their own members. The Senate replaces the general faculty meeting in the execution of its powers.

The Chair of the Faculty Senate serves four years on the Senate Steering Committee. The first year the Chair serves as Chair Elect, two years as Chair, and one year as Past Chair. To encourage widest participation, membership of all committees (elected or appointed, standing or ad hoc) randomly includes Senators and non-Senators.

The Senate Steering Committee is composed of the chairs of several most important and active committees: Academic Planning, Admissions, Athletic Advisory, Curriculum Courses, Faculty Advisory, Faculty Welfare, and Scholastic Standards and Petitions. Two faculty members are appointed by the Chair.
There are a total of 24 Faculty and Faculty Senate committees at University of South Carolina. Occasionally an ad hoc committee is appointed. Dr. Holst summarized the work of some of the committees.

The Athletics Advisory Committee is advisory to the President. Out of the committee has come another committee that looks at Proposition 48 students and acts as an appeals board for students who could not be readily accepted into the University.

The Faculty Budget Committee meets with the Provost and is involved in setting priorities for future budgets. The Faculty House Board of Governors is in charge of the Faculty House. Scholastic Standards and Petitions deals with all standards issues within curriculum and also acts as an appeals committee. The Advisory Committee is working on clarification for the University Tenure and Promotion Committee. The Budget Committee will study internal budget projections to determine if they are based on realistic expectations. The committee also will study the financial impact of the new University core curriculum.

Academic Planning will deal with summer school issues, including compensation. The Curriculum Courses will study obsolete courses and duplications. It also will review independent study courses as well as new courses and programs being applied for with a view toward financial impact. Scholastic Standards and Petitions will study the provisional policy for free movement between the nine campuses and also the order by the Commission on Higher Education to cease developmental courses.

Welfare will consider salaries and try to propose a policy that will address salary compressions. The committee also will consider the merit pay approach with a view toward some modifications. In addition, the committee will study fringe benefits and salary discrepancies across the disciplines.

Dr. Holst urged that Clemson and USC cooperate wherever possible. He encouraged the exchange of ideas and initiatives that apply to both universities. He said the Senate can further this cooperation. Dr. Holst responded to questions from the floor.
Do you know of any items on which we should be working together on for our mutual interest?

Dr. Holst: Fringe benefits are important to the faculties of both institutions, and the Senates should be working cooperatively on this item.

Please elaborate on the new core curriculum at USC.

Dr. Holst: Each college has its own general education requirements. Several colleges have identical core requirements. All colleges require six credits in English at the level of 101, 102; six credits in numerical and analytical reasoning; logic courses; 12 credits in humanities and social sciences; 7 credits in natural science, including at least one course with a lab requirement. Since the Fall of 1988, students are required to demonstrate ability in a foreign language equivalent to that which can be normally gained through two years of high school study of one language. Every new student is tested in foreign language.

Is USC not admitting anyone who does not meet the foreign language requirement?

Dr. Holst: A student can be admitted without meeting the foreign language requirement, but he must make up the deficiency.

We have a copy of an article from The State newspaper about a report from the Faculty Senate Welfare Committee regarding streamlining the administration auxiliary services. Can you describe the status of this?

Dr. Holst: Some of the items in the report were not directly related to welfare but have a bearing on the welfare of the Faculty. There are four items dealing with the salary compensation policy, merit pay issues, and salary discrepancies. These were referred to the Welfare Committee.

One item, cooperation with Clemson, was referred to the Provost. The Budget Committee will study programs instituted in the last ten years to see if they are operating in a cost-effective manner. The Planning Committee will deal with faculty vacancies by resignation, retirement, and other causes to see if they should be filled automatically. He said, "We feel rather strongly that we are so interrelated that everything that happens in one place impacts on another place ... We want to take a rather comprehensive look."
3. Approval of Minutes. The minutes of December 12, 1989, were approved as corrected.

4. Committee Reports
   a. Senate Committees

      Research Committee. Senator Young presented the report of the Research Committee (Attachment A).

      Welfare Committee. Senator Kennedy reported he and Senator Luedeman, Chair of the Policy Committee, had met with Athletic Director Robinson regarding parking on the Rugby field for athletic events. The Athletic Department has agreed to go through the University Traffic and Parking Committee for all future changes and to study the use of areas on the South side of campus for IPTAY parking.

5. Senate President's Report. President Halfacre called attention to items in the President's Report (Attachment B).

6. Old Business
   a. Election of replacement for Professor James G. Goree on the Selection Committee for the Centennial Professorship.

      President Halfacre reported that, in response to the call for nominations, Professor Marvin Dixon in the Mechanical Engineering Department has been nominated to replace Professor James G. Goree on the Selection Committee of the Centennial Professorship. It was moved and seconded that nominations be closed. Professor Dixon was unanimously elected to the Selection Committee for the Centennial Professorship.

   b. Update on the fund for the Centennial Professorship.

      Senator Dunn reported $65,735 in gifts and pledges to the fund for the Centennial Professorship.

   c. Review of selection process for the Class of '39 Faculty Award for Excellence.

      Senator Luedeman stated several faculty had expressed concern that the timing of the selection process for the Class of
'39 Faculty Award for Excellence resulted in the small number of nominees. He said problems arose because of the length of the form, and the nominating process occurred close to the end of the semester.

Senator Heusinkveld, a member of the Review Committee, suggested clarifying the criteria for selection. She said that some nominations were elaborate, others brief. All nominations did not cover the same criteria.

Senator Gaddis, Chair of the Review Committee, reported that members of the committee felt there should be a clear limit to the number of pages to support each nomination. He said the committee gave equal balance between service to students, the University, and the outside community. This excluded candidates who are one-dimensional.

President Halfacre requested that within the next two weeks Senators forward additional comments regarding the selection process to Senator Gaddis. Comments and suggestions will be shared with members of the Class of '39.

d. Policy on Research Ethics. Senator Young said that University Attorney Ben Anderson has suggested changes in the paragraph labeled "Investigation" under Section III (Procedure). Mr. Anderson suggested "calendar" or "working" wherever the word "days" is used. The committee agreed that "calendar days" should be used.

In the second sentence of the paragraph labeled "Investigation," Mr. Anderson suggested adding at the end of the sentence "separately to the committee." The committee deviated in accepting the word "separately" and agreed it would be more definitive to use the word "privately" to read, "The Committee of Investigation, meeting in closed sessions, will review all materials, question relevant parties and allow for all parties to present their views privately to the committee." Mr. Anderson has given tentative approval to the word "privately."

In the fourth paragraph under "Investigation," Mr. Anderson suggested the following addition to Paragraph 4: "Any recommendation from the Committee of Investigation that may constitute disciplinary action against a faculty member will be deferred by the Provost to the appropriate dean. The dean will decide the appropriate action within 15 calendar days."
In Paragraph 5, the committee had made an effort to accommodate appeals. Mr. Anderson pointed out an appeals mechanism is already in place through Grievance Procedures I and II. Mr. Anderson, therefore, recommended Paragraph 5 be dropped and the following substituted, "If disciplinary action taken against a faculty member constitutes a grievable action under either Faculty Grievance Procedure I or Faculty Grievance Procedure II, the faculty member may file a grievance in accordance with the appropriate procedure."

On behalf of the Research Committee, Senator Young moved acceptance of the changes in the Policy on Research Ethics (Attachment C).

Senator Luedeman expressed concerns regarding the recommendation that the dean will decide the appropriate action in the case of disciplinary action against a faculty member.

Following general discussion, Senator Luedeman moved to table the motion. The motion was seconded and carried unanimously.

7 New Business

a. Discussion of the Decision by the Commission on Higher Education (CHE) to direct colleges to cease giving credit for developmental coursework. President Halfacre said that the Provost had requested the item be placed on the agenda. There is some question by the Administration about the legality of the proposal.

Senator Kosinski said that, aside from the CHE's legal right to dictate this, his faculty are in favor of the idea of refusing degree credit for remedial courses. He added that colleagues had questioned the definition of a remedial course.

Discussion followed regarding the definition of a remedial course and concerns regarding the addition of courses to the curriculum without a sponsoring department.

Senator Luedeman said that most of the universities in South Carolina probably have policies that course work is the province of the faculty. It seems this is an example of an outside agency trying to usurp a prerogative of the faculty.
President Halfacre referred the issue to the Scholastic Policies Committee.

b. News_Release_regarding_NCAA_Charges. President Halfacre called attention to the news release just made available by the University News Service (Attachment D). He urged Senators to share the information with colleagues.

8. Adjournment. The meeting was adjourned at 5:00 p.m.

Kenneth R. Murr, Secretary

Margaret K. Cannon, Staff Secretary

The Faculty Senate Research Committee met at 2:00 pm, January 5, 1990 in Room 104 McAdams Hall. Attendees were Ed Pivorun, Doyce Graham, Russ Marion, Eldon Zehr and Roy Young.

The Committee reviewed feedback comments in a letter from University attorney Ben W. Anderson concerning the Senate's newly approved "Policy on Research Ethics". Mr. Anderson's prompt response was sincerely appreciated and very helpful. Of the three points in his attached memo, the committee recommends that the adjective "calendar" precede the word "days" throughout the policy to distinguish from working days and to be consistent with other policies in the Faculty Manual. With substitute of the word "privately" for "separately", the committee recommends that the first sentence on the third page of the policy be amended to read as follows: "The Committee of Investigation, meeting in closed sessions, will review all materials, question relevant parties and allow for all parties to present their views privately to the Committee." This addition insures that the investigation does not constitute an adversary hearing. Thirdly, the committee recommends that, to avoid any contradictions with the University's grievance procedures, Mr. Anderson's suggestions for addition to the third paragraph on page three and substitute for the fourth paragraph on page three be adopted to read as follows:

The Provost will review the report and render a decision within 15 calendar days. Any recommendation from the Committee of Investigation that may constitute disciplinary action against a faculty member will be deferred by the Provost to the appropriate dean. The dean will decide the appropriate action within 15 calendar days.

If disciplinary action taken against a faculty member constitutes a grievable action under either Faculty Grievance Procedure I or Faculty Grievance Procedure II, the faculty member may file a grievance in accordance with the appropriate procedure.

The committee also requests that the "Policy on Research Ethics" be appropriately incorporated into the Faculty Manual at the earliest possible date.

Discussions on procedures for awarding URGC and Provost Awards were continued from a previous meeting. It was noted that VP Gogue had, in response to the committee's earlier suggestion concerning the halftime commitment of one clerical staff in the VP for Research's office, received consent from the University Finance Office to have this responsibility delegated to each award recipient's department. A general consensus prevailed within the committee to not alter existing selection procedures and criteria. If the current heavy proposal load for the 9-member selection committee becomes untenable, the following alternatives were offered for consideration:

- Divide the URGC and Provost funds among the colleges according to research faculty FTE's and have individual college-resident committees for selection of awardees;

- Allocate (as a line item distinguishable from block funds) part or all of the funds to supplement graduate student support and/or to supplement travel expenses of researchers to make presentations of their work to meetings.

The next meeting was tentatively scheduled for 2 pm, Friday, February 1, 1990 in Room 104 McAdams Hall.

Roy Young, Chair
MEMORANDUM

TO:       Ms. Chris Thurston
DATE:     December 20, 1989
IN RE:    Policy on Research Ethics

Reference is made to your memorandum of December 19, 1989 concerning the above-captioned matter.

I have reviewed the policy only as it relates to the University's grievance procedures. I have not reviewed it from the standpoint of compliance with the Department of Health and Human Services Regulations. My comments are as follows:

1. A decision needs to be made on whether the policy is referring to calendar days or working days. Once that is decided the appropriate word should precede the word "day" throughout the policy.

2. I suggest changing the first sentence on the third page of the policy to read as follows: "The Committee of Investigation, meeting in closed sessions, will review all materials, question relevant parties and allow for all parties to present their views separately to the Committee." The change I have made is important to ensure that the investigation does not constitute an adversary hearing. If it did, the South Carolina Administrative Procedures Act would probably have to apply.

3. I suggest adding the following language to the third paragraph on page three. "Any recommendation from the Committee of Investigation that may constitute disciplinary action against a faculty member will be deferred by the Provost to the appropriate dean. The dean will decide
the appropriate disciplinary action within 15 days." Also, I suggest deleting the fourth paragraph in its entirety and replacing it with the following: "If disciplinary action taken against a faculty member constitutes a grievable action under either Faculty Grievance Procedure I or Faculty Grievance Procedure II, the faculty member may file a grievance in accordance with the appropriate procedure." In my view these changes are necessary to avoid any conflicts with the University's grievance procedures.

Please let me know if you have any questions.

Ben W. Anderson

BWA/la

cc: Dr. David Maxwell
    Dr. Jay Gogue
SENATE PRESIDENT'S REPORT
JANUARY 1990

1. Congratulations to Professor Dixie Goswami in the Department of English upon being selected as the first recipient of the Class of '39 Faculty Award for Excellence. Professor Goswami has many accomplishments in the area of classroom teaching, leadership, and service.

2. On December 10-13, 1989, Provost David Maxwell, Professor Steve Melsheimer, and myself attended the annual meeting of the Southern Association of Colleges and Schools (SACS) in Atlanta. The theme of the session was Education Improvement in the South: Issues for the 1990's.

3. We appreciate the fine representation of the Athletic Department staff and the students at the Mazda-Gator Bowl.

4. Mr. Peter Loge, in the Department of Performing Arts, has been elected by the College of Liberal Arts to complete the term of Dr. Elizabeth Carney, who has resigned from the Faculty Senate.
STATUS OF FACULTY SENATE RESOLUTIONS

FS89-3-1 P  SENATE REPORT ON PRIORITY LIST FOR FRINGE BENEFITS
The Welfare Committee presented a prioritized list of fringe benefit requests of the faculty. Based on a survey of the faculty, the list included changes to the state retirement plan along with increases in life insurance and tuition waivers for faculty dependents. The Provost and Administration have received the report.

FS89-9-2 P  RESOLUTION ON COMPENSATION BEGINNING DATE
The Faculty Senate requested that the University pay the salary adjustment monies to unclassified faculty effective July 1, 1989, for 12-month faculty and August 15, 1989, for 9-month faculty; and that in the future the University pay salary increases to unclassified faculty effective July 1 for 12-month faculty and August 15 for 9-month faculty. The Provost approved making faculty salary increases effective July 1 for 12-month faculty and August 15 for 9-month faculty in instances in which doing so is permitted by applicable State laws, rulings, and regulations.

FSFS89-10-1B P  RESOLUTION ON PAY RAISES FOR CLASSIFIED EMPLOYEES
The Faculty Senate encourages the South Carolina legislature to divide pay raises to the classified employees of Clemson University equally between cost of living and merit. The Classified Staff Commission has expressed appreciation to the Faculty Senate for its support.

FS89-10-2 P  RESOLUTION ON PARKING FOR ATHLETIC EVENTS
The Faculty Senate requested that the Athletic Department conform to the Faculty Manual and secure approval of the University Traffic and Parking Committee before making any changes in parking for athletic events and that the Department restore public parking on the Rugby practice field for football games. The Athletic Department has agreed to go through the University Traffic and Parking Committee for all future
changes_and_to_study_the_use_of_areas_on_the_South
side_of_campus_for_IPTAY_parking.

**FS89-10-3 P** RESOLUTION ON THE EVALUATION OF DEPARTMENT HEADS
The Faculty Senate requests that each Department
Head be evaluated by the Dean beginning with fifth
year of his or her administrative service and
continuing every third year thereafter. The Dean
shall solicit the opinions of all permanent
faculty and a representative of classified
employees regarding areas of concern. The Dean
shall summarize these views in reports to the
Department Head and the Provost. New Department
Heads should receive an informal evaluation within
the first two years of service. The_Provost_has
requested_the_reaction_of_the_Organization_of
Academic_Department_Heads.

**FS89-12-1 P** PROPOSAL FOR AWARD SCHEDULE FOR CENTENNIAL
PROFESSORSHIP
The Faculty Senate designated three groups of
colleges, each based on the relative equality of
faculty size of competing colleges within a given
group. The Professorship is to be awarded every
other year on a rotating cycle among the three
designated college groups. The_Award_Schedule_has
been_forwarded_to_the_Selection_Committee.

**FS89-12-2 P** POLICY ON RESEARCH ETHICS
Definitions, policies, and procedures to address
allegations of fraud or misconduct. The policy
has_been_forwarded_to_the_Provost.

**FS89-12-3 P** RESOLUTION ON MOVING THE LAST DATE FOR STUDENTS TO
DROP COURSES WITHOUT RECORD
The Faculty Senate recommends that the
Administration move the first drop date to one day
before the last day to add a class. The
resolution_has_been_forwarded_to_the_Provost.

January 2, 1990
POLICY  
on  
RESEARCH ETHICS  

December 1989  
FS89–12–2 P  

I. PREAMBLE  

Research institutions have a critical responsibility to provide an environment that promotes integrity, while at the same time encouraging openness and creativity among scholars. Care must be taken to ensure that honest error and ambiguities of interpretation of scholarly activities are distinguishable from outright misconduct. To address all allegations of fraud or misconduct, definition, policies, and procedures must be in place to facilitate and guide such processes.  

II. DEFINITIONS  

Research:  

Research is used in a general sense (as opposed to scientific research) to yield a policy applicable to all academic disciplines in the university.  

Misconduct:  

The serious deviation from accepted practices in conducting research activities.  

The substantial failure to comply with university, regulatory and funding agencies’ requirements affecting specific aspects of the conduct of research.  

This definition includes:  

- Falsification of data — ranging from fabrication to deceptively selective reporting, including the purposeful omission of conflicting data with intent to falsify results;  
- Plagiarism — representation of another’s work as one’s own;  
- Misappropriation of others’ ideas — the unauthorized use of privileged information (such as violation of confidentiality in peer review), however obtained.  

Inquiry:  

Expeditious gathering and review of faculty information to determine if an investigation is warranted.
This is not a formal hearing, but a process designed to separate frivolous, unjustified or mistaken allegations from facts regarding the incident.

Investigation:

A formal examination and evaluation of all relevant facts to determine if an instance of misconduct has occurred. If misconduct is confirmed, the investigation determines the seriousness of the offense and the extent of any adverse effects resulting from the misconduct.

Disposition:

Nature and severity of action taken as a result of an investigation of allegations. Actions can range from reprimand to termination of tenure and employment of the accused. If the investigation committee finds that the complaint was intentionally dishonest and malicious, the committee can recommend action against the accuser. In the event that allegations are not confirmed, the institution shall make full efforts to restore the reputation of the accused.

III. PROCEDURE

Overall Structure

An allegation or complaint involving the possibility of misconduct can be raised by anyone. The allegation should be made in writing to the Vice President for Research in a confidential manner. An inquiry, the first step of the review process, should result. In the inquiry state, factual information is gathered and expeditiously reviewed to determine if an investigation of the charge is warranted. An inquiry is not a formal hearing; it is designed to separate allegations deserving of further investigation from frivolous, unjustified or clearly mistaken allegation.

Inquiry

The Vice President for Research and the Faculty Senate President will appoint a Committee of Inquiry consisting of three faculty members with one individual appointed as Chair.

For any specific allegation or set of allegations, the Committee of Inquiry will determine if an investigation is warranted. The Committee of Inquiry will submit a written report to the Vice President of Research within 30 days of receipt of the allegation.

Investigation

If the Committee of Inquiry so recommends, the Vice President for Research and the Faculty Senate President will appoint within 20 days a Committee of Investigation consisting of five faculty members to conduct a full investigation.
The Committee of Investigation, meeting in closed sessions, will review all materials, question relevant parties and allow for all parties to present their views.

The Committee of Investigation will forward a written recommendation for disposition within 90 days through the Vice President for Research to the Provost.

The Provost will review the report and render a decision within 15 days.

Any party involved may submit a written appeal of the Provost's decision to the President within 7 days after receiving the Provost's decision.

Guiding Principles

Maximize confidentiality and protect the reputations for both the accused and accuser during the full process.

Assure the respondent a fair hearing.

Minimize the number of individuals involved in the inquiry and investigation phases.

Individuals chosen to assist in the inquiry process should have no real or apparent conflicts of interest bearing on the case in question. They should be unbiased, and have appropriate background for judging the issues being raised.

Consultation of university legal counsel is probably necessary.

Appropriate funding agencies should be fully informed in writing at both the outset and conclusion of an investigation. If possible criminal violations are indicated, all agencies will be notified within 24 hours.

All detailed documentation of the Committees of Inquiry and Investigation shall be maintained for at least three (3) years and must, upon request, be provided to authorized personnel.

Appropriate interim administrative actions will be taken at the outset to protect supporting funds and to insure that the purposes of the project are being met.
DATE: 1-9-90

WRITER: Catherine Sams, 656-3864

NOTE TO EDITORS: 15-PAGE ATTACHMENT INCLUDED

CLEMSON RELEASES
NCAA CHARGES

CLEMSON -- Clemson University released today (Jan. 9) an edited copy of the National Collegiate Athletic Association (NCAA) official inquiry that was sent to the university last week.

The copy released by the university deletes the names and other personally-identifiable information from the document in order to protect the privacy of individuals mentioned in the report.

"As a public institution, Clemson has an obligation to keep its constituents informed about the progress of the inquiry," said Clemson President Max Lennon. "However, there will be certain information that cannot be released, such as the identity of people who have made confidential statements in order to cooperate with the inquiry. We also will not be at liberty to discuss the details of any phase of the inquiry while it is under way. I want to assure the university community and the public that we will aggressively and completely investigate these allegations, determine the facts, and take all appropriate steps to protect the integrity of the university."

Lennon said that he will appoint B. J. Skelton to coordinate the inquiry with the assistance of Athletic Director Bobby Robinson and a special panel established in August to look into the matter. Skelton is associate vice president for student affairs and dean of admissions and registration and serves as the university's faculty representative to the Atlantic Coast Conference and the NCAA.

The panel members are Chairman Joe Mullins, professor of chemical engineering and former Faculty Senate president, Cecil Huey, professor of mechanical engineering and chairman of the university's Athletic Council, Almeda Jacks, associate vice president for student affairs and dean of students, and Ben Anderson, university counsel.

Lennon also appointed Bobby Robinson as the university's spokesman on the inquiry.

The university must respond to the NCAA by March 12.

END
OFFICIAL INQUIRY

to the

Chief Executive Officer of Clemson University

1. [NCAA Bylaw 16.12.2.3]

It is alleged that on at least two occasions during the fall of 1985, student-athlete (1983-86) received and distributed cash payments, which ranged from between $50 and $150, to selected members of the university's intercollegiate football team; further, coach provided these funds to. Specifically, during the fall of 1985, at the time the university's intercollegiate football team was participating in the 1985 Independence Bowl football game, gave an undetermined amount of cash to student-athlete (1981-85) in the young man's motel room in Shreveport, Louisiana; further, on one other occasion during the fall of 1985, gave an undetermined amount of cash to for the young man's personal use, and finally, coach, told to distribute these funds to selected

Please indicate whether this information is substantially correct and whether the institution agrees a violation of NCAA legislation occurred. Submit evidence to support your response.

Also, provide the following:

a. A statement describing the relationship between and

b. A statement indicating the approximate dates and the approximate amounts of cash gave, and the source of funds utilized to give this cash to the young man.

c. A statement indicating the approximate dates and the amounts of cash received from, and the source of funds utilized to give this cash to the young man.

d. The identity of all other student-athletes to whom gave cash and the source of the funds to give the cash to these young men.

e. The reasons provided cash to in light of NCAA legislation prohibiting such benefits.

f. The identity of all other athletics department staff members involved in or knowledgeable of distributing cash payments to selected members of the university's intercollegiate football team, and a description of this involvement or knowledge prior to, at the time of and subsequent to distribution of cash payments.

g. A statement indicating the dates and signed a National Letter of Intent to attend the institution and whether they were eligible for athletically related financial aid, practice and competition upon their enrollment, the dates of the young men's enrollment in all other two- and four-year collegiate institutions, and the
average number of minutes per game in which the young men participated for each season of competition at the institution.

2. [NCAA Bylaw 16.12.2.3]

It is alleged that on two occasions during the period fall 1984 to spring 1987, a representative of the university's athletics interests, gave $50 cash to student-athletes (1983-86) and (1984-88) for their personal use. Specifically, in September 1984, gave $50 to in hotel room in Charlottesville, Virginia, prior to the university's intercollegiate football contest with the University of Virginia; further, during the spring of 1987, gave $50 to on the university's football practice field at the conclusion of an intrasquad football scrimmage.

Please indicate whether this information is substantially correct and whether the institution agrees a violation of NCAA legislation occurred. Submit evidence to support your response.

Also, provide the following:

a. A statement indicating the relationships between the university and its intercollegiate athletics programs. In this regard, please indicate whether: (1) has been involved in the recruitment of prospective student-athletes for the university since September 1, 1985; (2) has been a member of either the university's alumni organization or an athletics booster club; (3) is an alumnus of the university, and (4) has ever contributed funds to the university and its athletics program.

b. A statement indicating the actual dates gave the money to and .

c. The identity of all other student-athletes to whom gave cash.

d. The reasons gave cash to the young men in light of NCAA legislation prohibiting such benefits.

e. The identity of all other athletics department staff members involved in or knowledgeable of giving the young men cash, and a description of this involvement or knowledge prior to, at the time of and subsequent to giving the young men the cash.

3. [NCAA Bylaw 13.6.2]

It is alleged that in November 1985, following the official paid visit to the university's campus of prospective student-athlete, the young man utilized the airline ticket provided by the university to return home, even though the young man remained on the university's campus for two nights after the permissible 48-hour period and three nights in the area. Specifically, on
the second day of visit, the young man was notified of the 48-hour permissible campus visit period by coach; further, the young man resided at the for two nights at his own expense and three nights in at the home of a relative.

Please indicate whether this information is substantially correct and whether the institution agrees a violation of NCAA legislation occurred. Submit evidence to support your response.

Also, provide the following:

a. A statement indicating the dates of the young man’s official campus visit and the approximate date the young man returned to his home.

b. The identity of all institutional staff members who were aware that the young man was residing at the following his visit and a statement indicating all (if any) actions taken by those individuals to ensure that the young man did not utilize the return portion of his airline ticket.

c. The reasons utilized this airline ticket in light of NCAA legislation prohibiting such provisions.

d. A statement indicating the date signed a National Letter of Intent to attend the institution and whether he was eligible for athletically related financial aid, practice and competition upon his enrollment, the dates of his enrollment, the dates of the young man’s enrollment in all other two- and four-year collegiate institutions, and the average number of minutes per game in which the young man participated for each season of competition at the institution.

4. [NCAA Bylaw 13.6.5.3]

It is alleged that in November 1985, during the official paid visit to the university’s campus of prospective student-athlete , the young man’s student host, gave $15 cash for entertainment purposes, which the prospect used for his personal use.

Please indicate whether this information is substantially correct and whether the institution agrees a violation of NCAA legislation occurred. Submit evidence to support your response.

Also, provide the following:

a. A statement indicating the approximate date gave the cash and the source of funds utilized to give this cash to the young man.

b. The identity of all other prospective student-athletes to whom gave cash and the source of funds utilized to give this cash to the young men.
5. [NCAA Bylaws 13.1.2.1 and 13.1.3.5-(c)]

It is alleged that during the summer of 1987, a representative of the university’s athletics interests, personally contacted prospective student-athlete off campus for recruiting purposes at the young man’s home during a period in which such an in-person recruiting contact was not permissible; further, coach requested contact by telephone to encourage the young man’s enrollment at the university.

Please indicate whether this information is substantially correct and whether the institution agrees a violation of NCAA legislation occurred. Submit evidence to support your response.

Also, provide the following:

a. A statement describing the relationship of to the university and its intercollegiate athletics program. In this regard, please indicate whether: (1) has been involved in the recruitment of prospective student-athletes for the university since September 1, 1985; (2) has been a member of either the university’s alumni organization or an athletics booster group; (3) is an alumnus of the university, and (4) has ever contributed funds to the university and its athletics programs.

b. A statement indicating the actual date of this in-person, off-campus contact between and .

c. The reasons met with in person, off campus in light of NCAA legislation prohibiting such a contact.

d. The identity of all athletics department staff members involved in or knowledgeable of this contact, and a description of this involvement or knowledge prior to, at the time of and subsequent to recruitment.

e. A statement indicating the date signed a National Letter of Intent to attend the institution and whether he was eligible for athletically related financial aid, practice and competition upon his enrollment, the dates of his enrollment, the dates of the young man’s enrollment in all other two- and four-year collegiate institutions, and the average number of minutes per game in which the young man participated for each season of competition at the institution.
6. [NCAA Bylaws 13.01.5 and 13.2.2]

It is alleged that during the fall of 1987, while prospective student-athlete was making his official paid visit to the university's campus, a member of the university's Bengal Babes organization, provided a hooded sweat shirt and T-shirt at no cost to the young man; further, introduced the young man to several representatives of the university's athletics interests at a tailgate party prior to the university's football contest with the University of Georgia where the young man was entertained for a meal.

Please indicate whether this information is substantially correct and whether the institution agrees a violation of NCAA legislation occurred. Submit evidence to support your response.

Also, provide the following:

a. A statement indicating the relationship between the university and its intercollegiate athletics program. In this regard, please indicate whether has been involved in the recruitment of prospective student-athletes for the university.

b. A statement indicating the role of the Bengal Babes in the university's intercollegiate athletics program and a list of the measures taken by the university to ensure that members of this organization adhere to NCAA legislation, an overview of all involvement by the Bengal Babes organization in other findings previously made by the NCAA Committee on Infractions, and how the Bengal Babes organization is supervised by the university.

c. A statement indicating the approximate date that gave the sweat shirt and T-shirt, the cost of these items, and the source of funds utilized to pay the cost.

d. The reasons was provided these articles of clothing in light of NCAA legislation prohibiting such gifts.

e. A statement identifying the boosters to whom introduced.

f. The reasons introduced to the boosters in light of NCAA legislation prohibiting such contacts.

7. [NCAA Bylaws 13.1.2.1, 13.4.1 and 13.5.1]

It is alleged that on two occasions during the summer of 1986, while prospective student-athlete was attending a session of the university's summer football camp, coach provided the young man with local round-trip automobile transportation between the university's campus and residence; further, arranged for , a representative of the university's athletics interests, to provide local automobile transportation between the campus and a Pizza Hut restaurant where entertained for a meal at no cost to the young man.
Please indicate whether this information is substantially correct and whether the institution agrees a violation of NCAA legislation occurred. Submit evidence to support your response.

Also, provide the following:

a. A statement describing the relationships between the university and its intercollegiate athletics programs. In this regard, please indicate whether has been involved in the recruitment of prospective student-athletes for the university.

b. A statement describing the arrangements made by for to transport and entertain for a meal.

c. A statement indicating the approximate date transported and entertained, the cost of the meal and the source of funds utilized to pay the cost.

d. The reasons transported and entertained in light of NCAA legislation prohibiting such benefits.

e. The reasons transported in light of NCAA legislation prohibiting such benefits.

f. The identity of all other athletics department staff members involved in or knowledgeable of these arrangements, and a description of this involvement or knowledge prior to, at the time of and subsequent to these arrangements.

8. [NCAA Bylaws 13.4.1 and 13.5.1]

It is alleged that on two occasions during the summer of 1987, while prospective student-athletes were attending a session of the university's summer football camp, entertained the young men for a meal in apartment at no cost to the young men; further, an unknown coach provided round-trip automobile transportation between the university's campus and a local restaurant where the young men were entertained for a meal.

Please indicate whether this information is substantially correct and whether the institution agrees a violation of NCAA legislation occurred. Submit evidence to support your response.

Also, provide the following:

a. The identity of the who provided the young men with local automobile transportation and a meal.

b. A statement indicating the actual number of occasions and dates that provided the young men with meals.
c. A statement indicating the actual number of occasions and dates that the provided the young men transportation and meals.

d. The identity of all other prospective student-athletes who attended the university's summer football camp whom and the entertained for meals.

e. The reasons the provided the young men with transportation and entertainment in light of NCAA legislation prohibiting such benefits.

f. The reasons entertained the young men for a meal in light of NCAA legislation prohibiting such a benefit.

g. The identity of all other athletics department staff members involved in or knowledgeable of this transportation and entertainment, and a description of this involvement or knowledge prior to, at the time of and subsequent to this transportation and entertainment.

h. A statement indicating the date signed a National Letter of Intent to attend the institution and whether he was eligible for athletically related financial aid, practice and competition upon his enrollment, the dates of his enrollment, the dates of the young man's enrollment in all other two- and four-year collegiate institutions, and the average number of minutes per game in which the young man participated for each season of competition at the institution.

9. [NCAA Bylaws 13.4.1 and 13.5.1]

It is alleged that on several occasions during the summer of 1987, while prospective student-athletes were attending a session of the university's summer football camp, coach and an unknown coach provided the young men with local automobile transportation at no cost to the young men; further, arranged for two unknown young ladies to provide and local automobile transportation at no cost to the young men. Specifically:

A. During the summer of 1987, transported and between the university's campus and a business establishment in Anderson, South Carolina (a distance of approximately 40 miles round-trip), where purchased recreational supplies for the university's athletics dormitory.

B. During the summer of 1987, provided and round-trip automobile transportation between the Clemson business district and residence where the young men played billiards and were provided soft drinks.

C. During the summer of 1987, arranged for two unknown young ladies to provide and local automobile transportation.
D. During the summer of 1987, an unknown coach provided and with transportation from the university's campus to the Greenville-Spartanburg, South Carolina, airport (a distance of approximately 45 miles).

Please indicate whether this information is substantially correct and whether the institution agrees a violation of NCAA legislation occurred. Submit evidence to support your response.

Also, provide the following:

a. A statement indicating the approximate date provided this transportation to, and , the cost of the transportation and the source of funds utilized to pay these costs.

b. The reasons provided and transportation at no cost to them in light of NCAA legislation prohibiting such transportation.

c. A statement indicating the approximate date provided the transportation and entertainment to, and , the cost of the transportation and entertainment; and the source of funds utilized to pay these costs.

d. The reasons provided and transportation and entertainment at no cost to them in light of NCAA legislation prohibiting such transportation and entertainment.

e. A statement describing the arrangements made by for two unknown young ladies to provide and with local automobile transportation.

f. A statement identifying the two young ladies who provided the young men with local automobile transportation.

g. A statement indicating the relationship between the two unknown young ladies, , , the university and its intercollegiate athletics programs. In this regard, please indicate whether the young ladies have been involved in the recruitment of prospective student-athletes for the university.

h. The reasons arranged for the two unknown young ladies to provide and with transportation in light of NCAA legislation prohibiting such benefits.

i. A statement identifying the unknown who provided and with transportation to the airport.

j. A statement describing the arrangements that were made for the to provide the young men with transportation to the airport, the cost of the transportation and the source of funds utilized to pay these costs.
10. [NCAA Bylaws 13.1.1 and 13.1.3.5-(c)]

It is alleged that on numerous occasions during the period November 1984 to September 1987, coaches contacted several prospective-student-athletes off campus for recruiting purposes prior to the permissible in-person contact period. Specifically:

A. In November 1984, personally contacted prospective student-athlete off campus for recruiting purposes at High School prior to the completion of the young man's junior year of high school.

B. In November 1985, personally contacted prospective student-athlete off campus for recruiting purposes at High School prior to the permissible contact period of senior year of high school.

C. During the 1985-86 academic year, personally contacted prospective student-athlete off campus for recruiting purposes at High School prior to the completion of the young man's sophomore year of high school.

D. During the fall of 1985, personally contacted prospective student-athlete off campus for recruiting purposes at a Hardee's restaurant in prior to the permissible contact period during senior year of high school.

E. In September 1987, personally contacted prospective student-athlete off campus for recruiting purposes at High School prior to the permissible contact period during senior year of high school.

F. During the fall of 1985, personally contacted prospective student-athlete off campus for recruiting purposes after a football contest at High School prior to the permissible contact period during senior year of high school.

G. In October 1986, personally contacted prospective student-athlete off campus for recruiting purposes at High School on two occasions prior to the permissible contact period during senior year of high school.

H. In May 1986, personally contacted prospective student-athlete off campus for recruiting purposes at High School prior to the completion of the young man's junior year of high school.

I. During the 1986-87 academic year, personally contacted prospective student-athlete
off campus for recruiting purposes at High School on one occasion prior to the completion of the young man's junior year of high school.

J. During the spring of 1987, personally contacted prospective student-athlete off campus for recruiting purposes after a football practice session at High School prior to the completion of the young man's junior year of high school.

K. During the fall of 1987, personally contacted prospective student-athlete off campus for recruiting purposes at High School after a football practice session prior to the permissible contact period during senior year of high school.

Please indicate whether this information is substantially correct and whether the institution agrees a violation of NCAA legislation occurred. Submit evidence to support your response.

Also, provide the following:

a. The reasons contacted in person prior to the completion of junior year of high school and prior to December 1 of his senior year of high school in light of NCAA legislation prohibiting such contacts at that time.

b. The reasons contacted in person prior to December 1 of his senior year of high school in light of NCAA legislation prohibiting such a contact at that time.

c. The reasons contacted in person prior to the completion of junior year of high school and prior to December 1 of his senior year of high school in light of NCAA legislation prohibiting such contact at that time.

d. The reasons contacted in person prior to December 1 of his senior year of high school in light of NCAA legislation prohibiting such a contact at that time.

e. The reasons contacted in person prior to December 1 of his senior year of high school in light of NCAA legislation prohibiting such a contact at that time.

f. The reasons contacted in person prior to December 1 of his senior year of high school in light of NCAA legislation prohibiting such a contact at that time.

g. The reasons contacted in person prior to December 1 of his senior year of high school in light of NCAA legislation prohibiting such a contact at that time.

h. The reasons contacted in person prior to the completion of junior year of high school and prior to December 1 of his senior year of high school in light of NCAA legislation prohibiting such contacts at that time.
i. The reasons contacted in person prior to the completion of junior year of high school and prior to December 1 of his senior year of high school in light of NCAA legislation prohibiting such contacts at that time.

j. The reasons contacted in person prior to the completion of junior year of high school and prior to December 1 of his senior year of high school in light of NCAA legislation prohibiting such contacts at that time.

k. The reasons contacted in person prior to December 1 of senior year of high school in light of NCAA legislation prohibiting such a contact at that time.

11. [NCAA Bylaws 13.1.2.1 and 13.1.4.4-(b)]

It is alleged that during the 1985-86 academic year, while recruiting prospective student-athletes and coaches and personally contacted the young men off campus for recruiting purposes on more than the permissible three occasions at sites away from the prospect's educational institution. Specifically:

A. During the 1985-86 academic year, and contacted on three occasions at the young man's home, and personally contacted the young man at the one occasion.

B. During the 1985-86 academic year, and together contacted on one occasion at the young man's home, alone contacted at the young man's home and contacted the young man on two occasions at Hardee's restaurant in .

Please indicate whether this information is substantially correct and whether the institution agrees a violation of NCAA legislation occurred. Submit evidence to support your response.

Also, provide the following:

a. The reasons was contacted on more than three occasions in person, off campus at sites other than his educational institution by members of the university's coaching staff in light of NCAA legislation prohibiting such excessive contacts.

b. The reasons was contacted on more than three occasions in person, off campus at sites other than his educational institution by members of the university's coaching staff in light of NCAA legislation prohibiting such excessive contacts.
12. [NCAA Bylaws 13.2.2 and 13.5.1]

It is alleged that during the 1987-88 academic year, while prospective student-athlete was making his official paid visit to the university's campus, the young man's student host, purchased a hat for the young man at a local souvenir store at a cost of approximately $6; further, during a subsequent visit by to the university's campus, provided the young man with round-trip automobile transportation between the Greenville-Spartanburg, South Carolina, airport and the university's campus (a one-way distance of approximately 45 miles).

Please indicate whether this information is substantially correct and whether the institution agrees a violation of NCAA legislation occurred. Submit evidence to support your response.

Also, provide the following:

a. A statement indicating the approximate date that purchased the hat for and the source of funds utilized to pay the cost.

b. The reasons purchased a hat for in light of NCAA legislation prohibiting such a gift.

c. A statement describing the arrangements made for to provide with round-trip transportation between the airport and the university's campus.

d. A statement indicating the approximate date that provided the young man with the transportation, the cost of this transportation and the source of funds utilized to pay the cost.

e. The reasons was provided this transportation and hat in light of NCAA legislation prohibiting such benefits.

f. A statement indicating the date signed a National Letter of Intent to attend the institution and whether he was eligible for athletically related financial aid, practice and competition upon his enrollment, the dates of his enrollment, the dates of the young man's enrollment in all other two- and four-year collegiate institutions, and the average number of minutes per game in which the young man participated for each season of competition at the institution.

13. [NCAA Bylaw 15.1.1-(a)]

It is alleged that during the 1988 spring semester, after student-athlete (1984-88) completed his eligibility, the young man's financial aid exceeded the value of a full grant-in-aid due to his part-time employment at , a Clemson establishment, where the young man earned approximately $200 each month.

Please indicate whether this information is substantially correct and whether the institution agrees a violation of NCAA legislation occurred. Submit evidence to support your response.
Also, provide the following:

a. The value of the young man's financial aid package administered for the university during the 1987-88 academic year.

b. A copy of the young man's athletics grant-in-aid award statement for the 1987-88 academic year.

c. The amount of wages received by the young man during his employment at during the 1988 spring semester, excluding wages earned during any employment periods permissible under NCAA legislation.

d. The identity of the individual who employed the young man and that individual's relationship with the university's athletics program.

14. [NCAA Bylaw 13.6.5.4-(a)]

It is alleged that in January 1987, coach gave $20 cash to student-athlete in addition to the permissible entertainment expense money to serve as a student host for prospective student-athlete.

Please indicate whether this information is substantially correct and whether the institution agrees a violation of NCAA legislation occurred. Submit evidence to support your response.

Also, provide the following:

a. A statement indicating the approximate date gave this cash to .

b. A statement indicating the source of funds utilized by to give this cash to .

c. The identity of all other student-athletes to whom gave cash.

d. The reasons gave cash to the young man in light of NCAA legislation prohibiting such gifts of cash.

15. The committee has asked that the institution provide the following information in writing concerning the members of the football coaching staff named in the allegations of this case.

a. A statement indicating the dates and titles of all positions within the institution that , , , and held during their employment with the institution and a brief overview of each such position.

b. An overview of these individuals' previous intercollegiate employment and a listing of the dates, titles and employers of all other
positions held by these individuals during the five years prior to
the date of the allegation to the present.

16. Please provide all information concerning possible violations of NCAA
legislation by the institution not alleged in this inquiry but which were
discovered by the institution as a result of its review of allegations in
this inquiry. In this regard, please indicate the means by which the
information was discovered and the institution's position whether a
violation has occurred.

17. Please provide a detailed description and explanation of all disciplinary
actions taken against any current or former athletics department staff
members and representatives of the institution's athletics interests
based upon the involvement of these individuals in violations of NCAA
legislation, as determined by the institution and as alleged in this
inquiry. In this regard, explain the reasons the institution believes
these actions to be appropriate and identify the allegations upon which
the actions were based; indicate the dates that any disciplinary or
corrective actions were taken, and submit copies of all correspondence
from the university to each individual described in these disciplinary or
corrective actions.

Finally, please list all student-athletes with remaining eligibility who
are named in these allegations and provide a copy of all (if any) corre­
spondence between the university and the NCAA, including restoration of
the young men's eligibility. Also, please indicate all corrective ac­
tions that have been or will be implemented by the institution as a
result of this inquiry.

18. Please provide the following information in writing concerning the sport
of football for review in consideration of this case.

a. The number of initial grants-in-aid awarded during the 1986-87,

b. The number of total grants-in-aid that were in effect at the start of
the 1989-90 academic year.

c. The number of student-athletes on athletically related financial aid
as of the first semester of the 1989-90 academic year who have four
years of remaining eligibility and the number of those individuals
who have five years of enrollment (per the NCAA's five-year rule) to
complete those four years; the number of student-athletes who have
three years of remaining eligibility and the number of those individ­
uals who have four years of remaining enrollment to complete those
three years; the number of student-athletes who have two years of
remaining eligibility and the number of those individuals who have
three years of remaining enrollment to complete those two years, and
the number of student-athletes who have one year of remaining eligi­
bility and the number of those individuals who have two years of
remaining enrollment to complete that year.
d. The average number of student-athletes during the previous three years who have been redshirted and the number of student-athletes who were redshirted during the 1988-89 academic year.

e. The number of student-athletes in each of the previous three years who were awarded athletically related financial aid but who withdrew from the squad for reasons other than graduation or loss of eligibility.

f. A list of the institution's win-loss record for the past four seasons and a list of all postseason competition in which the institution has competed during these years.

g. A copy of the university's 1989-90 squad list form for football.

19. Any additional information or comments concerning this case would be welcome.

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MINUTES
CALLED MEETING OF FACULTY SENATE
JANUARY 25, 1990

1. Call to Order. President Halfacre called the meeting to order at 3:02 p.m. He stated the purpose of the meeting was to consider the events of the past week regarding the reorganization of the football program.

Senator McGuire moved acceptance of the Resolution Reaffirming the Prerogative of the President of Clemson University (Attachment A). Senator Louderback seconded. Full discussion followed.

There was a call for the question. The motion to terminate discussion was seconded and passed unanimously.

The resolution reaffirming the prerogative of the President of Clemson University (FS90-1-1 P) (Attachment A) was passed.

2. Adjournment. The meeting was adjourned at 3:30 p.m.

Kenneth R. Murr, Secretary

Margaret K. Cannon, Staff Secretary