The NCAA has completed their work in Columbus and has packed up and gone home. A hearing date for OSU officials remains on the calendar in August to formally respond to the NCAA allegations, after which the sport's governing body will pronounce sentence on The Ohio State University. This reckoning has come to be known as The Hammer. The great unknown now is the what the weight of The Hammer will be on Ohio State.

If its weight were to be based on the amount and intensity of media attention to the issue, Ohio State would have to close down the Horseshoe. Because whatever one thinks of the fairness or validity...or tone...or competence of the media coverage of the OSU scandals, one must admit that the sheer quantity of it has been unprecedented. Yahoo Sports scooped ESPN on the USC case five years ago, and ESPN never got into the swing of things until it was almost over. We are in uncharted waters in terms of media hype of a college football scandal.

But this column is not to be primarily about media coverage, good or bad. It is to be about the actual violations for which the NCAA has cited the OSU football program, what penalties and sanctions have already been exacted, and what additional penalties are indicated by what has been shown.

The USC Comparison

It was just about a year ago now that The Hammer came down on USC after a 4-year investigation into widespread corruption in their athletic department over a period of many years. At the time, ESPN's Pat Forde characterized their situation like this:

*Southern Cal richly deserved to get hammered. As the Committee on Infractions' 67-page public report illustrates, USC operated a corrupt athletic institution for years. [...] Athletic director Mike Garrett presided over major violations in football and men's basketball without displaying much in the way of vigilance, concern, accountability or leadership. He is the common thread throughout a litany of violations stretching from 2004-08. He is the personification of a lack of institutional control, one of the charges the Trojans were nailed with.*

In June, 2010, as USC was dealt the most severe sanctions any school in decades had suffered, Arash Markazi in Los Angeles wrote:

*Like Hollywood celebrities blinded by success who figured they were above the law, the Trojans continued to bend, twist and break the rules time after time, believing they would never face anything more than a slap on the wrist … if they were ever caught. [...] This wasn't a simple lack of institutional control; it was a blatant disregard for any kind of control whatsoever.*

I won't detail the violations, because most sports fans are familiar with them...encompassing as they did both the basketball and football programs, including major recruiting issues, rampant illegal player benefits...but most importantly, an athletic administration that showed a longstanding and systemic contempt for NCAA compliance. So, what *were* those brutal NCAA sanctions imposed on USC for this finding of "lack of institutional control"?

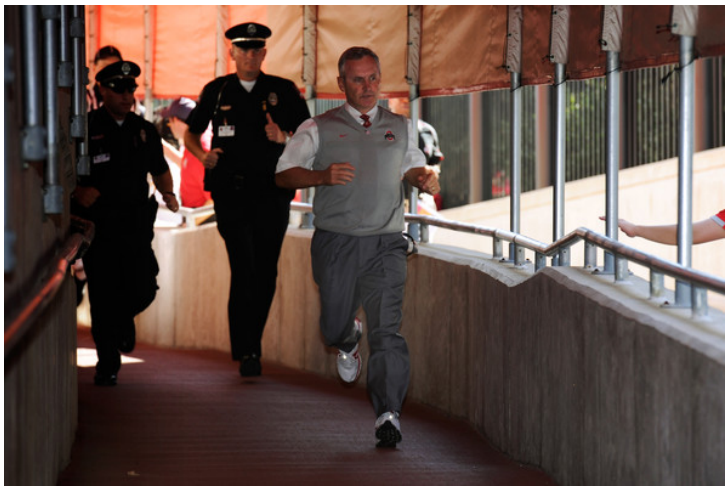
Four years of probation, a two-year postseason bowl game ban, and the loss of 30 scholarships over a three-year period for the football program, plus some additional but lighter sanctions on the basketball program, some of which had been self-imposed before the NCAA ruling.

As discussed in a previous column, the USC approach to the NCAA investigation was essentially uncooperative, if not combative. They capitalized on their status as a private school

to avoid disclosing information requested by investigators. The hiring of the controversial Lane Kiffin to replace the fleeing Pete Carroll was typical of their in-your-face attitude toward the NCAA. The word contrition was never in their vocabulary.

I only bring this up this recent episode, and remind readers of its severity, because there are people today suggesting that Ohio State should receive similar or even more severe penalties, including a "lack of institutional control" finding, for its recent violations of NCAA rules. I would humbly suggest that this is nonsense on stilts.

LOIC at OSU



Talk of the dread "LOIC" finding has been tossed around pretty loosely in discussions of the OSU scandals, including by me as the story has unfolded, and it's not like the case can't be made. Putting myself in the position of trying to convict OSU of a "lack of institutional control" in the athletic department...well, here's my best shot at it...

*The "lack of institutional control" finding is applicable when the culture of the program is determined to be lax in monitoring and/or reporting of violations....when the rule-breaking isn't isolated, but rather is systemic. Policies must be in place to deter violations, not just to discover them after the fact. In both the case of Rife's tattoo parlor shenanigans and ( reportedly ) the Dennis Talbott-hosted rounds of golf, it has been shown that program officials were alerted to potential violations of NCAA rules by OSU players, and failed to alert the proper authorities.*

*The player violations appear to have been widespread among players, and ongoing for several years. Clearly, deterrence wasn't effective, and now it's clear that in this case at least, reporting wasn't undertaken at all.*

*Next, it's one thing to have an assistant coach or a recruiting coordinator found to have committed (or failed to report) violations. An argument can at least be made that this problem can be rooted out of the organization by termination or other sanction. When it's the 10-year head coach caught covering up what he knows to be violations, it's much harder to make the case that the the problems aren't indeed systemic ones. It's Tressel's "system". He owns it. This is not some misbehaving low-level functionary. It's The Man. He is the institution in a very real way. If that doesn't demonstrate a lack of institutional control, I don't know what does...*

To the counterpoints...

First, it is plain that Ohio State athletics does not foster and maintain a culture of rule-breaking, and they devote tons of department resources and time to educating athletes, promoting and monitoring NCAA rules compliance, and encouraging a culture of self-reporting.

Second, the school has acted to rid themselves of the coach and the most serious offender among the players involved. These were clearly moves designed to mitigate NCAA sanctions, but the fact remains, it would have been impossible to punish the offending individuals more severely (Tressel will still have to pay his fine of a quarter mil.)

Most importantly, in their notice of allegations, ( pdf ) the NCAA focused first on player misconduct, and then on the actions of Tressel personally, and did not cite any institutional failures. Also, the OSU athletic department rolled out the red carpet for NCAA investigators, and gave them full access to their staff and records. Those two facts are not coincidental.

As far as we know, there has been no proof brought forward that Tressel's superiors in the athletic department or administration were aware of the violations...and of course, Tressel is now history. All that cooperation and good faith in working with the NCAA, including a long history of self-reporting, has to count for something, and it will.

It cannot be stressed enough that the NCAA is likely to act only on things that they have formally alleged in their “notice of allegations”. They did not include any “institutional” violations in that letter. They did not cite a “failure to monitor” nor did they cite a “lack of institutional control”. I would think it unlikely that they will find OSU guilty of violations that have not (yet) been alleged.

*The Columbus Dispatch*, in its initial reporting of the NCAA notice on April 25, quoted a source close to the investigation as saying that the lack of any NCAA citation of OSU for ‘failure of institutional control’ or ‘failure to monitor’ was “very significant”. At the time, the *Dispatch* described the “best-case scenario” for OSU as leaving in place the suspensions and fines that had already been imposed on Tressel and the players. That obviously didn’t happen. But they also described the “worst case scenario” as ”a range of sanctions that could prevent the Buckeyes from playing in the Big Ten Championship and a bowl game next season and strip OSU of last year's victories and Big Ten title.

If that turned out to be the extent of Ohio State’s penalties (beyond the dispatching of Tressel and Pryor and the other player suspensions) I think many OSU backers would take it and run. I also think it would be relatively fair. And I am coming to believe it is close to the likely outcome.

Fairness

When I say above that those penalties would be “fair”, I guess I mean something closer to

"fitting". Preventing OSU from competing for the Big Ten title game would have to be something imposed by the conference. It would render the entire 2011 OSU conference schedule meaningless from the start, and would serve mostly to guarantee that the Big Ten would not have to sweat out the potentially awkward outcome of Ohio State winning their division, and then taking the inaugural conference championship game, only to be prevented from competing in the BCS by what might be an NCAA-imposed postseason ban.

The 95% of players and coaches who have done nothing wrong are always unfairly punished when the program is sanctioned (see today's USC players who were in junior high when Reggie Bush was playing) but making the entire conference schedule moot in advance seems a bit much in this case. I'd hate to see that happen for these OSU kids, especially if there is to be no post-season game.

I don't think a bowl game ban of one year is a sure thing either, unless the NCAA wants to look at it as a mulligan from last year's Sugar Bowl call. Bowl bans are associated with LOIC findings. And scholarship losses are associated with recruiting violations in many cases, none of which have been alleged against OSU.

There would be precedent for either a bowl game ban or scholarship penalties should the NCAA choose to invoke a "repeat offender" finding. That comes into play because the 2004 violation by basketball coach Jim O'Brien and some of the (2009) player mis-conduct in this case took place within the same five-year window, which is the NCAA threshold for the repeat offender status. Many observers more informed than I have said this finding is unlikely....mostly because the two events are so obviously unconnected...different A.D.'s, to begin with.

Getting Real About What OSU "Allowed" to Happen

Beyond the 10.1 rule violation by Tressel, which was self-reported by OSU, and for which he has paid with his job
, the remaining violations uncovered by OSU and the NCAA that were committed by anyone in the football program besides Tressel amount essentially to these:

1) Memorabilia sales by five, and perhaps now six OSU players (more on that below), in which

some players earned from a few hundred to a couple thousand dollars for selling or exchanging signed items and equipment for tattoos or cash. Pryor alone is alleged to have sold larger quantities and made more money...reportedly between $20,000-40,000 according to one witness/friend of Pryor. There was no criminality involved, and all have been punished with appropriate (if not the ultimate) penalties.

2) More recently, it has been alleged that a program hanger-on wannabe named Talbott hosted some OSU players for rounds of golf at a local country club, which may have constituted a minor NCAA violation. This is unclear since Talbott has no connection to the program.

That's really about it. Much has been made in the media about car deals, and I talk about that below, but that issue has been dealt with before, and does not appear to be central to the NCAA's concerns.

Certainly Tressel's violation was and is serious, and while the players' offenses are not trivial, neither would they cause Reggie Bush or Cecil Newton to blush.

What the OSU Player Violations Are Not

It's worth mentioning too that none of these rule-violating benefits were taken from OSU boosters, let alone coaches or staffers. And that matters. Neither the tattoo parlor owner Rife, nor Dennis Talbott, the photographer/memorabilia dealer who reportedly brought Pryor items to sign (and may have hosted him for some rounds of golf), are connected to the program, or are people fitting the definition *(yes, there is an official one)* of a booster.

And whatever those violations may be, they don't appear right now to approach the level of illegal player benefits received by, for example, USC's Reggie Bush and O.J. Mayo. Those calling for USC-level sanctions against OSU should note that USC *was* cited for "failure to monitor", and they *did*

receive a LOIC finding, which included a bowl game ban and scholarship losses.

No recruiting or pay-to-play violations are alleged against the OSU staff. Nothing is alleged about the provision of illegal benefits by coaches or others in the program...or people acting with their blessing, as a way to acquire or retain talent that would otherwise not be playing for OSU. In other words, nothing that was intended to give OSU a competitive advantage on the field.

By contrast of course, the actions taken after the fact by Tressel...which had the effect of using players in 2010 games that should have been ineligible, was intended to give OSU a competitive advantage on the field, and should be considered separately. Vacating all the 2010 victories is thus a no-brainer, and an appropriate penalty in nearly everyone's mind. But Tressel's serious violation does nothing to make the original player violations any more serious than they were, which was, again...not very, relatively speaking.

The Drip, Drip, Drip

The LOIC "prosecutor" above might be asking about now....*What about the allegations about deals on cars? What about the nine additional current Buckeye players named in the SI article as having participated in the memorabilia sales for tattoos or cash? How can you discount the steady, almost daily flow of new allegations we have all seen in media reports?*

Well, for starters, the allegations in George Dohrman's Sports Illustrated article, which contained very little of substance to begin with, seem to have come unraveled as soon as the NCAA began looking into them. Within two days of the May 31 publication date, the NCAA investigators on site at OSU had grilled all nine current OSU players named in the magazine, and program insiders have been hearing that eight of the nine have been cleared by the NCAA...and the last one may still be cleared eventually. This disclosure of the anonymously-fingered "SI Nine" constituted the only substantial allegation in the Dohrman article, one that appears now to have been largely gutted.

The car salesman who had sold dozens of cars to OSU players or their parents over several years has told reporters that he was in regular contact with OSU's Compliance office vetting car deal arrangements with the office to make sure they complied with accepted practice. Maybe the NCAA investigators found some irregularities, maybe they didn't. The salesman says the NCAA never talked with him. But what seems clear is that there was not a systemic "failure to monitor" the car arrangements by the athletic department, and that's what's important from the standpoint of LOIC.

An internal audit of the OSU compliance office last November concluded that the school needed to do a better job of monitoring players' cars and equipment, and they have taken steps to implement new monitoring ideas in those areas. But that office reportedly came through their recent fine-toothed comb examination by the NCAA looking pretty good, according to informed sources I'm reading, meeting or exceeding NCAA compliance standards. After a brief media orgy about cars a couple of weeks ago, the talk has subsided noticeably. And the NCAA has wrapped up their work and left Columbus.

Known Unknowns

How much more punishment does the NCAA feel Ohio State deserves? The head coach and the principal problem-child player have both been forced out of the program. Other player rule-breakers have been suspended for nearly half a season. Will they punish only those violations that have been proven, in keeping with established precedent in other cases...or will they feel the need to send a message, and make an example of Ohio State?

One factor among the many “unknowns” is that they may rule on the basis of information not yet in the public domain. But it seems to me the The Hammer will be weighed by how the NCAA interprets three basic questions:

1. To what extent did Jim Tressel represent “The System” in Ohio State football?

2. Was the violation he committed in covering up his knowledge of player violations an isolated incident, or was it more representative of a culture of winking at NCAA violations?

3. If we take as a given that all the OSU player’ punishments fit their crimes...what penalty should the OSU football program pay for what Jim Tressel did?

What the NCAA decides on that question will determine the weight of The Hammer.

I don’t think I’m speaking totally from my heart rather than my head when I say I expect the penalties to be lighter than many expect...and there will follow much righteous gnashing of teeth across the fruited plain that it’s not enough. I can only be wrong, and I’m used to that.

Best guess. Multiple years of probation. (they can do that standing on their heads...the NCAA has been sitting in their living room for three months now). Vacate 2010 wins and Big Ten title. One year bowl ban. No scholarship losses.

Maybe there will be a reward from the NCAA for, you know....doing things the right way. Maybe we can rephrase that.

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Loose Leaves

Speaking of being wrong....I expected more “distancing” from Jim Tressel than I saw at the Luke Fickell press conference last Monday, by both Gene Smith and the new coach. In what was a fairly well scripted performance, Fickell spoke heartfelt thanks to his former boss by name, and then proceeded to reflect Tresselisms in much of what he said. At this late date, they are opting for continuity over change, and the entire coaching staff is being retained by Fickell, with one addition to be made, probably on defense.

I thought some of Tressel’s closest coaching associates...like his brother, might not be willing to continue, or that the administration would insist that they go...but stability prevailed. I felt they needed to bring in an offensive mind...and I still do...but who are you going to be able to hire after the first of June on a one-year deal. It was unrealistic wishful thinking on my part to suggest it.

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Way long already, but wanted to share this Dennis Dodd column with you. Check it out but...Shorter Dodd: Fickell’s my man, and he should be OSU’s man...but only because the program is in the shitter right now and none of the good coaches like Gruden, Pelini or Meyer want anything to do with it. Much to argue with there, but for now I’ll just say I think he overestimates the short and long term damage to the program this episode will cause.

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Ejuan Price , one of the 24 incoming 2011 freshmen Buckeyes has asked to be released from his letter of intent at Ohio State. The money quote from his coach, "He just didn't feel any stability there even before [Jim] Tressel resigned." Price is an inside linebacker, in the mold perhaps of Brian Rolle, and was one of four total linebackers in what many think is the best freshman linebacker class in the country, with Price joined by standouts Curtis Grant, Ryan

Shazier and Conner Crowell. Price is from the Pittsburgh area, and had an early offer from Pitt before narrowing the decision to OSU and Iowa. All the best to him.

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Jordan Hall , one of the 2011 Buckeyes most dynamic playmakers on offense, has been officially moved to wide receiver from the running back position he has played for two years. Jon Gruden spent an extended time in Columbus this spring with Tressel and the Buckeye players, and he has since called the 5'9", 195-lb. Hall "pound for pound the best player on the team". This move makes a ton of sense, since Hall was spending a lot of time in the slot anyway, and the team is stronger and deeper at running back than they are at wide receiver. He is a bit small to be an every down back in the Big Ten, and the coaches want to get him many more open-field touches.

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Ohio State had their highest finish ever in the Director's Cup standings, placing second to perennial winner Stanford. They did it with a strong finish in the spring sports after finishing 5th in football and 9th in basketball. The men's volleyball team won the national championship, and tennis took 3rd in the NCAA's, while the golf team finished 5th nationally. There were numerous other top ten finishes by both men's and women's teams.

Um...is it politically correct to say "Congratulations to the Ohio State Athletic Department!"?

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