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## NCAA panel recommended TV bans

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The NCAA has been busy this season, investigating schools from Auburn to Georgia to North Carolina while trying to crack down on problems tied to sports agents.

Most of the investigations are open cases with unknown consequences for the schools.

But an NCAA panel two years ago has recommended stricter punishments for schools tabbed as serious rules violators -- recommendations that remain under consideration and could mark the first substantive revision to the NCAA's penalty system since 1985.

"It's definitely not a dead issue," NCAA spokeswoman Stacey Osburn said. "It's still an ongoing discussion."

The subcommittee of the Division I Committee on Infractions offered its recommendations in October 2008 to the Division I Board of Directors. The group of 18 university chancellors and presidents typically takes about a year to study proposed rules revisions, Osburn said.

The panel's report is confidential. But interviews with the group's former chairman and others knowledgeable about its contents indicate the recommendations include:

- A requirement that all schools found guilty of major violations lose scholarships. Current NCAA rules list that sanction as a "presumptive" penalty.
- TV bans, a penalty not applied to Division I violators since 1996.
- Clarified penalties for repeat offenders. The "death penalty" -- a program-crippling blow that keeps a team off the field while banning recruiting and scholarship awards -- has been on the books for 25 years but applied only once, to Southern Methodist for a pay-for-play football scandal in 1987.

Repeat violators are defined as schools that run afoul of the NCAA more than once every five years. An Associated Press review of major infractions cases shows that schools listed as repeat offenders have avoided the death penalty at least 70 times since the rule was adopted.

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The list of offenders covers 55 schools, including 14 that avoided the death penalty more than once -- from Alabama and Baylor to Austin Peay and Oklahoma State.

University of Wyoming law professor Jerry Parkinson, a former infractions committee member who led the subcommittee review, said the biggest hurdle to putting the proposed changes in place is the call for more TV bans, with NCAA members worried about the loss of shared revenue.

That concern helped drive the decision against the death penalty for Baylor in 2005 after a basketball player was convicted of murdering a teammate while their coach attempted to cover up the crime, said Colonial Athletic Association commissioner Tom Yeager, a former infractions committee chairman. The committee instead banned the Bears for one season of Big 12 Conference competition.

Some of the most vocal critics of the NCAA's penalty system are those with a birds-eye view of the system.

Retired University of Alabama law professor Gene Marsh, a former NCAA infractions committee member, has publicly questioned the deterrent effect of penalties handed out by the 10-person panel.

He now works as a legal consultant to schools under NCAA scrutiny, including [Auburn](#), where Heisman Trophy winner [Cam Newton](#) was briefly deemed ineligible by the school after the NCAA determined his father violated amateurism rules in a purported pay-for-play scheme involving an intermediary and Mississippi State boosters. The NCAA cleared Newton to compete, ruling that Newton wasn't aware of the violation.

The common assumption is that NCAA sanctions for major violations -- from scholarship reductions and postseason bans to recruiting limits and public censure -- hurt team performance.

Research by Illinois State professor Chad McEvoy shows otherwise. His review of 35 Division I football and basketball programs hit with NCAA penalties for major violations between 1987 and 2002 found that those teams on average actually won more often after penalties were imposed.

"If the penalties are truly [punitive], they would affect the teams on the playing field. That simply is not the case," he said.

Julie Roe Lach, the NCAA's new vice president of enforcement, declined to discuss the report's specific recommendations. But she suggested that the organization's entire enforcement procedures are under review.

"Like anything else, it's healthy from time to time to take stock of what we're doing and whether it's effective," she said.

The panel led by Parkinson also wanted to clarify how the NCAA treats schools that cooperate with investigations. The infractions committee routinely credits schools for such cooperation, but Parkinson pointed out NCAA bylaws require such assistance.

"Why reward people for doing what they're supposed to do?" he asked. "It ought to be phrased the opposite way -- if you don't cooperate, you get harsher penalties."