UNLV files appeal with NCAA

By Mark Landwehr
Staff Reporter

On August 2, 1990, UNLV made it's appeal to the NCAA Council of the decision made by the NCAA infractions committee on July 20, 1990, to ban UNLV's basketball team from participating in the NCAA postseason tournament in 1991.

UNLV filed a 19 page document entitled, "Appeal of University of Nevada, Las Vegas, case no. 443" with the council in hopes of overturning the decision by the infractions committee that UNLV be barred from defending their national championship.

In 1977, the NCAA imposed a penalty on UNLV for recruiting violations that included the suspension of coach Jerry Tarkanian for a period of two years. UNLV was unable to carry out this part of the penalty, as coach Tarkanian sued the university and obtained an injunction barring UNLV from suspending him. That injunction remains in place today after the case was appealed all the way to the Supreme Court.

UNLV was ordered to appear before the NCAA infractions committee on June 23, 1990 to show cause why the suspension had not been carried out. UNLV presented it's case, but the infractions committee ruled on July 20th that UNLV had not shown adequate cause why further penalties should not be imposed on the university, in lieu of Tark's suspension, thus the ban from postseason play.

UNLV's appeal is based on a number of grounds, including the fact that in 1978, Charles Wright, then chairman of the very committee currently imposing the penalty on UNLV, gave sworn testimony to a Congressional committee that, "I would think it would be utterly outrageous if, in that circumstance, the council were to say, 'Well, in as much as the penalty against coach Tarkanian has fallen, we have to do something else against the University of Nevada, Las Vegas.'"

The appeal also quotes a report from the NCAA council on a meeting of the infractions committee in 1979, the same body that UNLV is appealing to today, states as follows, "It thus appears to the committee on infractions that the University of Nevada, Las Vegas has attempted to take appropriate disciplinary action with regard to coach Tarkanian, but that it has been barred since September 8, 1977, from implementing this action because of the order of a court of competent jurisdiction."

It continues; "In the committee's view, the university has adequately shown cause for failure thus far to suspend coach Tarkanian from his coaching duties."

The appeal also includes appeals to the council's sense of fairness, reason and the interests of the organization, the NCAA itself.

UNLV must now sit and play the waiting game until the 22 member council convenes on October 10, 1990. It is UNLV's hope that the council will either modify or overturn the decision of the infractions committee and put the Rebels back in position to defend their title.

It should be noted that although the appeal is very persuasive, the council has never modified, let alone overturned a penalty such as the one imposed on UNLV in this case.

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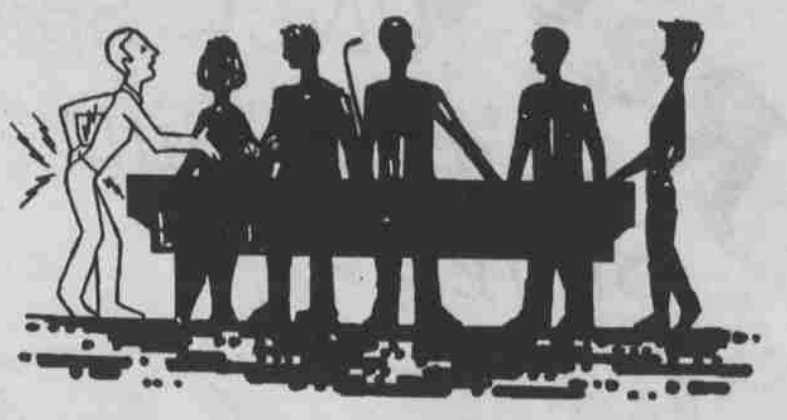

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