



November 20, 2008

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President Flavius C. Killebrew
c/o Mr. Chuck Smrt
The Compliance Group LLC
8889 Bourgade Street
Lenexa, Kansas 66219

RE: Case summary, Texas A&M University-Corpus Christi, Case No. M289.

Dear President Killebrew:

Enclosed is the case summary regarding Texas A&M-University-Corpus Christi's infractions case.

Please contact this office if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Didion".

David A. Didion
Director of Enforcement

DAD:pjp

Enclosure

cc: Mr. Tom Burnett
Mr. Shepard C. Cooper
Mr. Swint Friday
Mr. Scott Street
NCAA Division I Committee on Infractions

National Collegiate Athletic Association

An association of over 1,200 members serving the student-athlete
Equal Opportunity/Affirmative Action Employer

INDIVIDUALS WHO MAY BE MENTIONED DURING THIS HEARING

Case No. M289 - Texas A&M University at Corpus Christi

November 20, 2008

[REDACTED] - men's basketball prospective student-athlete.

[REDACTED] - men's basketball student-athlete.

Bridgeman, Wayne - former director of compliance.

Brooks, Wally - Navarro College head women's volleyball coach.

Clark, Perry - head men's basketball coach.

[REDACTED] - men's basketball student-athlete.

DeAngelis, Brian - former interim director of athletics and former associate director of athletics.

Denton, Steve - former head men's tennis coach.

[REDACTED] - men's basketball prospective student-athlete.

Funk-Baxter, Kathy - associate vice president for finance and administration.

Garrett, William - associate head men's basketball coach.

Griffith, Karin - international and admissions advisor.

Hidalgo, Minerva - athletics department secretary.

Killebrew, Flavius - institution's president.

Kinnison, Frances - former head women's volleyball coach.

[REDACTED] - men's basketball prospective student-athlete.

Lovitt, Robert - executive vice president for finance and administration.

[REDACTED] - former women's volleyball student-athlete.

[REDACTED] - former women's volleyball student-athlete.

Individuals Who May Be Mentioned

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Martinez, Kimberly - head women's volleyball coach.

McCall, Meredith - former academic coordinator.

McDonald, Stephanie - associate commissioner for institutional services for the Southland Conference.

Merritt, Brian - assistant men's basketball coach.

[REDACTED] - former men's tennis student-athlete.

Moore, Steve - head men's tennis coach

[REDACTED] - men's basketball prospective transfer student-athlete.

Norris, Kevin - assistant men's basketball coach.

Poehl, Mark - former Texas A&M System internal audit manager.

Ramirez, Samuel - director of equal opportunity, employee relations, training and development.

Smock, Cathy - Texas A&M System chief auditor.

Royo, Albert - senior academic advisor for the college of business.

Secord, John - former director of compliance.

[REDACTED] - athletics department graduate assistant.

Strobel, Christopher - director of enforcement for secondary infractions.

Steadman, Patricia - former athletics department secretary.

Teter, Brian - former director of athletics.

[REDACTED] - men's basketball student-athlete.

Viola, Dan - former director of athletics.

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ENFORCEMENT STAFF CASE SUMMARY

Case No. M289 - Texas A&M University-Corpus Christi

November 20, 2008

Case Chronology

August 2004 - Women's volleyball student-athlete ██████████ enrolled at Texas A&M University-Corpus Christi (Texas A&M-Corpus Christi) and represented the institution in intercollegiate women's volleyball competition during the 2004-05 and 2005-06 academic years. ██████████ was previously enrolled in a full-time academic program at Navarro College, a two-year collegiate institution, during the 2002-03 and 2003-04 academic years and at a four-year collegiate institution in ██████████ [Faculdades Integradas Helio Alonso] from 2000 until 2002.

Spring of 2004 - Men's tennis student-athlete ██████████ enrolled at Texas A&M-Corpus Christi as a nonqualifier. ██████████ fulfilled a year of residence at the institution during the spring and fall of 2004. ██████████ received athletically related financial aid and served as a manager for the men's tennis program during the year of residence. ██████████ represented the institution in intercollegiate men's tennis competition during the spring of 2005 and the 2005-06 and 2006-07 academic years.

Spring of 2005 - John Secord, director of compliance, discovered that ██████████ received athletics aid during the spring of 2004 and performed managerial duties as a nonqualifier during the spring and fall of 2004. Secord informed Dan Viola, director of athletics; Brian DeAngelis, associate director of athletics; and Steve Denton, head men's tennis coach, of the violations, but the athletics department failed to self-report the violations to the NCAA enforcement staff and permitted ██████████ to represent the institution in intercollegiate athletics competition while he was ineligible.

Spring of 2006 - ██████████ submitted a foreign evaluation of her Faculdades Integradas Helio Alonso transcript to Texas A&M-Corpus Christi and transferred 93 credit hours to the institution. Around this time, Meredith McCall, academic coordinator, became aware that ██████████ had transferred the credit hours to the institution and subsequently informed Secord of ██████████ transfer credits. Upon review, Secord determined that the institution had permitted ██████████ to compete in a sixth year of eligibility, in excess of the permissible five-year period of eligibility due to ██████████ enrollment start date at the foreign college. Secord then reported the information to DeAngelis, who was the interim director of athletics at the time. Secord and DeAngelis subsequently interviewed ██████████, and ██████████ allegedly reported that Frances Kinnison, former head women's volleyball coach, directed her to wait to transfer the foreign college credits to the institution until after she exhausted her eligibility. Further, ██████████ allegedly reported that upon her enrollment, Kinnison asked Karin Griffith, international and admissions advisor, not to consider ██████████ foreign college credits as part of her academic record. Upon learning this information, Secord and DeAngelis decided not to conduct any further investigation until the new director of athletics was hired.

CASE CHRONOLOGY

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July 24, 2006 - Texas A&M-Corpus Christi hired Brian Teter as its director of athletics.

August and September 2006 - Secord and DeAngelis informed Teter, soon after he began his employment at the institution, that ██████████ had impermissibly competed in a sixth year of eligibility. In addition, Secord and DeAngelis informed Teter that Kinnison allegedly directed ██████████ to wait to transfer her foreign college credits until after she exhausted her eligibility. Further, Secord and DeAngelis informed Teter that Kinnison allegedly asked Griffith to not consider ██████████ foreign college credits at the time of her enrollment. Upon learning this information, Teter scheduled a meeting with Secord, DeAngelis and Flavius Killebrew, Texas A&M-Corpus Christi president, to review the matter.

2006-07 academic year - The institution did not conduct any further investigation into the alleged violations involving ██████████

November 8, 2007 - Secord met with Samuel Ramirez, director of equal opportunity, employee relations, training and development, when he became aware that he did not receive a promotion and salary increase that was promised to him by Teter. Secord informed Ramirez of unreported NCAA violations concerning ██████████ and demanded a cash settlement in exchange for his silence on the matter.

November 12, 2007 - Mark Poehl, internal audit manager for the Texas A&M System, conducted on-campus interviews with Ramirez, Killebrew and Teter concerning the unreported NCAA violations involving Machado.

November 13, 2007 - Poehl conducted an on-campus interview with Secord concerning the unreported NCAA violations involving Machado.

November 20, 2007 - Teter contacted Christopher Strobel, NCAA director of enforcement for secondary infractions, to discuss a possible violation in the women's volleyball program that occurred during the fall of 2005.

November 26, 2007 - Teter e-mailed Strobel the institution's self-report dated November 23, 2007, regarding alleged violations involving ██████████

December 19, 2007 - The secondary enforcement staff processed the institution's November 23 self-report and informed the designated institutional administrators and the Southland Conference commissioner per written correspondence.

January 11, 2008 - Killebrew sent a letter to Strobel informing him that the matter addressed in the November 23 self-report was still under investigation by the Texas A&M System Internal Audit department.

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January 29, 2008 - Men's basketball prospective student-athlete ██████████, a four-year transfer, arrived at the institution to enroll in classes.

January 30, 2008 - Secord contacted Strobel to inform him that the institution's November 23 self-report was not factual and that there were additional violations in the athletics program.

January 30, 2008 - The institution determined that ██████████'s I-20 visa was terminated December 18, 2008.

January 31, 2008 - Secord directed Minerva Hidalgo, athletics department secretary, and ██████████ ██████████, graduate assistant, to provide ██████████ round-trip automobile transportation to Laredo, Texas, so that ██████████ could depart and re-enter the United States in an attempt to renew his expired I-20 documentation.

February 1, 2008 - Secord became aware that ██████████ was unable to renew his expired I-20 visa and that ██████████ would not be able to remain in the country.

February 4, 2008 - The enforcement staff contacted Secord to review his January 30 report to Strobel. The enforcement staff subsequently began off-campus interviews in February.

February 7, 2008 - ██████████ departed Corpus Christi and returned to Canada.

February 20, 2008 - Killebrew sent a second letter to Strobel informing him that the matter addressed in the November 23 self-report was still under investigation by the Texas A&M System internal audit department and that the auditors would be conducting on-campus interviews March 3-7, 2008.

February 28, 2008 - Poehl contacted the enforcement staff to arrange for the staff's involvement in the auditors' March 3-7, 2008, on-campus interviews.

March 3-7, 2008 - The enforcement staff conducted on-campus interviews.

March 26, 2008 - The enforcement staff issued a notice of inquiry to the institution.

March to August 2008 - The enforcement staff and the institution's outside counsel continued to conduct interviews and gather academic records and other documentary evidence.

July 23, 2008 - The enforcement staff issued a notice of allegations to the institution; Teter; Wayne Bridgeman, former director of compliance; and Secord. In this letter, the parties were informed that the hearing to discuss these matters was tentatively scheduled for the weekend of December 5-7, 2008; and that the parties' responses to the notice of allegations were due by October 29, 2008.

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October 23, 2008 - The NCAA Division I Committee on Infractions granted an extension to all involved parties for their response deadline and changed the response date to November 4, 2008.

November 4, 2008 - The institution, Teter, Bridgeman and Secord submitted their responses to the notice of allegations.

November 11, 2008 - The enforcement staff and Teter conducted a prehearing conference.

November 13, 2008 - The enforcement staff and Bridgeman conducted a prehearing conference. Additionally, the enforcement staff and Secord conducted a prehearing conference.

November 13, 2008 - The enforcement staff and the institution conducted a prehearing conference. During the prehearing conference, the institution informed the enforcement staff that it had discovered that [REDACTED] impermissibly received \$500 of athletically related aid during the 2004 fall semester.

Allegation No. 1

1. [NCAA Bylaws 14.01.1, 14.2.1 and 14.2.1.1]

It is alleged that during the 2005-06 academic year, the institution permitted student-athlete ██████████ to represent the institution in intercollegiate volleyball competition for a sixth year in excess of the permissible five-year period of eligibility. Specifically, ██████████ was enrolled in a full-time academic program in a four-year collegiate institution in ██████████ [Faculdades Integradas Helio Alonso] from 2000 until 2002. Machado subsequently enrolled in a full-time academic program at Navarro College, a two-year collegiate institution, in the fall of 2002, for the 2002-03 and 2003-04 academic years. ██████████ enrolled in a full-time academic program at the institution in the fall of 2004, and represented the institution in intercollegiate women's volleyball competition during the 2004-05 and 2005-06 academic years.

Upon ██████████'s initial enrollment at the institution in the fall of 2004, ██████████ disclosed all of her previous collegiate enrollment to then head women's volleyball coach Frances Kinnison. In addition, ██████████'s foreign collegiate enrollment was included on her Navarro College academic transcript, and ██████████ disclosed her previous foreign collegiate enrollment on her 2004-05 NCAA General Amateurism and Eligibility Form for International and Select Student-Athletes (NCAA Form 04-10a), and her application for admission to the institution. Even though Machado disclosed this information, ~~Wayne Bridgeman, then the institution's director of NCAA compliance,~~ the institution certified ██████████ as a two-year college transfer with no prior collegiate enrollment; and as a result, Machado represented the institution in intercollegiate volleyball competition during the 2005-06 academic year while ineligible to do so.

Overview: The enforcement staff and institution are in substantial agreement as to the facts of this allegation and that those facts constitute violations of NCAA legislation.

Remaining Issue(s): None.

The enforcement staff finds the institution's review of the evidence regarding Allegation No. 1 to be fair and thorough, and directs the committee's attention to pages 9 through 15 of the institution's response and corresponding exhibits for a complete review of the information.

Additional Matters Related to the Allegation:

- As referenced on page 13 of the institution's response to the notice of allegations, ██████████'s institutional screen shots and transcript are included with the case summary. (Exhibit No. 1)

Allegation No. 2

2. [NCAA Bylaws 14.01.1, 14.3.1, 14.3.2.2.1 (2003-04 and 2004-05 NCAA Manuals), 14.3.2.3 (2003-04 and 2004-05 NCAA Manuals), 14.11.1, 15.01.5, 15.3.1.1 and 16.8.1.2]

It is alleged that during the spring and fall of 2004, the institution provided student-athlete ██████████'s athletically related financial aid at the time the young man was a nonqualifier and was fulfilling a year of residence at the institution. Additionally, during the spring and fall of 2004, the institution permitted ██████████ to serve as a manager for the men's tennis program even though he was a nonqualifier and not eligible to serve in this capacity. Finally, during the spring of 2005, the institution became aware that ██████████ had received this improper athletics aid and performed managerial duties but failed to declare the young man ineligible and permitted him to continue to represent the institution in intercollegiate tennis competition and receive travel expenses while ineligible during the spring of 2005 and the 2005-06 and 2006-07 academic years. Specifically:

- a. During the spring of 2004, Wayne Bridgeman, then the institution's NCAA compliance director, authorized a scholarship in the amount of \$1,000 of athletically related financial aid for ██████████ even though the young man was a nonqualifier fulfilling a year of residence at the institution. [NCAA Bylaws 14.3.1, 14.3.2.2.1 (2003-04 NCAA Manual), 15.01.5 and 15.3.1.1]
- b. During the spring and fall of 2004, the institution permitted ██████████ to attend men's tennis practice sessions and serve as a manager even though he was a nonqualifier and not eligible to serve in this capacity. [NCAA Bylaws 14.3.1 and 14.3.2.3 (2003-04 and 2004-05 NCAA Manuals)]
- c. During the spring or fall of 2005, John Secord, then the institution's NCAA compliance director, discovered that ██████████ had received athletics aid as a nonqualifier and performed managerial duties and informed two institutional administrators and the head men's tennis coach of the apparent violations. However, the institution failed to declare ██████████ ineligible and permitted him to continue to represent the institution in intercollegiate athletics competition and receive travel expenses during the spring of 2005 and the 2005-06 and 2006-07 academic years. In addition, in the fall of 2007, Secord informed Brian Teter, director of athletics of the violations involving ██████████, but Teter chose not to report the violations to the Southland Conference office or the NCAA enforcement staff. [NCAA Bylaws 14.01.1, 14.11.1 and 16.8.1.2]

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- d. During the fall of 2004, the institution provided a scholarship in the amount of \$500 of athletically related financial aid for Morant-Rivas even though the young man was a nonqualifer fulfilling a year of residence at the institution. [NCAA Bylaws 14.3.1, 14.3.2.2 (2003-04 and 2004-05 NCAA Manuals), 15.01.5 and 15.3.1.1]

Overview: The enforcement staff and institution are in substantial agreement as to the facts of this allegation and that those facts constitute violations of NCAA legislation. The staff does not consider Bridgeman to be at risk in this allegation, but he was provided with notice of the allegation given his involvement with the authorization of [REDACTED] \$1,000 award; therefore, Bridgeman's position will be presented in the overview, but his disagreement with the staff will not be considered a remaining issue. Bridgeman is in substantial agreement as to the facts of this allegation and that those facts constitute violations of NCAA legislation, but Bridgeman believes that the violations are secondary in nature and disagrees with the implication that he intended to violate NCAA legislation.

Remaining Issue(s): None.

The enforcement staff finds the institution's review of the evidence regarding Allegation No. 2 to be fair and thorough, and directs the committee's attention to pages 16 through 24 of the institution's response and corresponding exhibits for a complete review of the information.

Additional Matters that Relate to the Allegation:

- The enforcement staff wishes to clarify the following information in the institution's response to the notice of allegations:
 - On page 19 of the institution's response, the institution asserts that Brian DeAngelis, former associate director of athletics, was 80 percent certain that [REDACTED] scholarship for the 2003-04 academic year was funded from athletics accounts. DeAngelis explained that he was only 80 percent certain that [REDACTED] received athletics aid during the spring of 2004 because he did not have any documentation; however, when provided with [REDACTED] spring of 2004 Student Information System screen shots, DeAngelis confirmed that [REDACTED] spring of 2004 award was funded with athletics aid and that the aid originated from the men's tennis account.
 - On page 20 of the institution's response, the institution asserts that [REDACTED] 2003-04 "Student Athlete Athletic Financial Aid Agreement" form was signed by Dan Viola, former director of athletics; however, the enforcement staff confirmed that DeAngelis actually signed Viola's name to [REDACTED] 2003-04 "Student

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Athlete Athletic Financial Aid Agreement" when DeAngelis confirmed that his initials followed Viola's "signature" during his June 18, 2008, interview.

- The institution informed the enforcement staff on November 13, 2008, that it discovered that [REDACTED] received \$500 of athletically related financial aid during the 2004 fall semester as outlined in Allegation No. 2-(d). The institution provided the enforcement staff with an explanation of [REDACTED] \$500 financial aid award and the total value of [REDACTED] impermissible benefit during the 2004 spring and fall semesters. The explanation is included with the case summary (Exhibit No. 23). The institution and the enforcement staff were unable to determine which individual(s) authorized [REDACTED] \$500 financial aid award for the 2004 fall semester and subsequently the institution takes responsibility for the provision of the \$500 athletically related award.

Allegation No. 3

3. [NCAA Bylaw 13.1.3.1.2]

It is alleged that from August 2007 through February 2008, assistant men's basketball coach Kevin Norris placed at least ~~43~~ 92 impermissible telephone calls to four two-year prospective student-athletes. Specifically, Norris made the following impermissible telephone calls after he had already made a permissible call to that individual during that week (one call per week permitted to a two-year college prospective student-athlete):

- a. From September through October 2007, Norris placed three impermissible phone calls to then prospective student-athlete [REDACTED].
- b. From August 2007 through February 2008, Norris placed ~~20~~ 44 impermissible phone calls to then prospective student-athlete [REDACTED].
- c. From August 2007 through February 2008, Norris placed ~~17~~ 42 impermissible phone calls to then prospective student-athlete [REDACTED].
- d. From August through September 2007, Norris placed three impermissible phone calls to then prospective student-athlete [REDACTED].

Overview: The enforcement staff and institution are in substantial agreement as to the facts of this allegation and that those facts constitute a violation of NCAA legislation.

Remaining Issue(s): None.

Relevant Information Reported/Obtained:

- The enforcement staff finds the institution's review of the evidence regarding Allegation No. 3 to be fair and thorough, and directs the committee's attention to pages 25 through 32 of the institution's response and corresponding exhibits for a complete review of the information.

Additional Matters that Relate to the Allegation:

- The enforcement staff wishes to clarify the following information in the institution's response to the notice of allegations:

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- On page 25 of the institution's response, the institution asserts that three of the four involved prospective student-athletes were two-year college prospective student-athletes; however, the enforcement staff has confirmed that all four of the involved prospective student-athletes were two-year college prospective student-athletes.
- The enforcement staff notes that the additional impermissible telephone calls as amended in Allegation No. 3 were discovered by the institution in its additional review of Norris' cellular telephone billing records.
- The enforcement staff believes that the institution's application of a three-minute threshold in determining the first countable telephone contact was appropriate in this matter.
- The institution has declared [REDACTED] ineligible due to the impermissible recruiting calls. However, the institution has not sought eligibility reinstatement for [REDACTED] at this time because [REDACTED] is otherwise ineligible for failing to meet progress-toward-degree requirements for the 2008 fall semester.

Allegation No. 4

4. [NCAA Bylaws 13.2.1, 13.2.2-(h) and 13.5.1]

It is alleged that during the spring of 2008, during an ~~11~~ 10-day period, the institution provided prospective student-athlete ██████████ (██████████), a four-year transfer, with various impermissible recruiting inducements while ██████████ resided in the locale of the institution and attempted to enroll at the institution. Specifically:

- a. During the period January 29, through February 8, 2008, the men's basketball coaching staff permitted ██████████ to live in an on-campus apartment occupied by three men's basketball student-athletes at no cost to the young man. [NCAA Bylaws 13.2.1 and 13.2.2-(h)]
 - b. On January 31, 2008, at the direction of John Secord, then the institution's director of NCAA compliance, Minerva Hidalgo, athletics department secretary, and ██████████, athletics department graduate assistant, provided ██████████ round-trip automobile transportation between the on-campus apartment in which he resided to Laredo, Texas (a distance of approximately 280 miles round trip) so that Moses could depart and re-enter the United States in an attempt to renew his expired I-20 documentation. [NCAA Bylaws 13.2.1 and 13.5.1]
 - c. During this ~~11~~ 10-day period, ██████████, men's basketball student-athlete and one of the student-athletes with whom ██████████ resided, provided ██████████ local automobile transportation from their on-campus apartment to a grocery store in Corpus Christi in order for ██████████ to purchase groceries. [NCAA Bylaws 13.2.1 and 13.5.1]
 - d. During this ~~11~~ 10-day period, associate head men's basketball coach William Garrett, provided ██████████ local automobile transportation from the on-campus apartment in which he resided to a grocery store in Corpus Christi in order for ██████████ to obtain a money transfer sent to him by his mother. [NCAA Bylaws 13.2.1 and 13.5.1]
 - e. On February 8, 2008, Garrett provided ██████████ local automobile transportation from the on-campus apartment in which he resided to the Greyhound bus station in Corpus Christi in order for ██████████ to depart Corpus Christi and return to ██████████. [NCAA Bylaws 13.2.1 and 13.5.1]
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Overview: The enforcement staff and institution are in substantial agreement as to the facts of this allegation and that those facts constitute violations of NCAA legislation.

Remaining Issue(s): None.

The enforcement staff finds the institution's review of the evidence regarding Allegation No. 4 to be fair and thorough, and directs the committee's attention to pages 33 through 42 of the institution's response and corresponding exhibits for a complete review of the information.

Additional Matters that Relate to the Allegation:

- As referenced on page 35 of the institution's response to the notice of allegations, a copy of DePaul University's letter, granting the institution permission to contact [REDACTED], is included with the case summary. (Exhibit No. 2)
- As referenced on page 40 of the institution's response to the notice of allegations, copies of institutional documents for the staff expenses incurred during the trip to Laredo, Texas, are included with the case summary. (Exhibit No. 3)
- The institution has not sought eligibility reinstatement for [REDACTED] because he never enrolled in the institution.

Allegation No. 5

5. [NCAA Bylaws 10.01.1 and 10.1]

It is alleged that Brian Teter, director of athletics, failed to report himself in accordance with the generally recognized high standards of honesty and sportsmanship normally associated with the conduct and administration of intercollegiate athletics due to his involvement in and knowledge of the following: (1) his decision not to report the violations set forth in Allegation No. 2 regarding then student-athlete ██████████ to the Southland Conference office or the NCAA enforcement staff when he was made aware of the violations in the fall of 2007; (2) his decision not to report the violations set forth in Allegation No. 1 regarding then student-athlete ██████████ to the Southland Conference office or NCAA enforcement staff in the ~~spring of~~ summer of 2006, when he was made aware of the violations; and (3) his subsequent submission of an inaccurate self-report of the ██████████ violations to the NCAA enforcement staff on November 27 26, 2007, ~~only after a report was made earlier in the fall of 2007 to the Texas A&M University System internal audit department indicating that unreported NCAA violations concerning Machado existed.~~

Overview: The enforcement staff and the institution are in substantial agreement as to the facts of this allegation and that the violations occurred as outlined in Allegation No. 5. Teter disagrees with the facts as outlined in Allegation Nos. 5-(1) and 5-(2), and disagrees that he violated NCAA Bylaws 10.01.1 and 10.1; however, Teter believes that the decision not to self-report constitutes a lack of institutional control under Bylaw 2.8.1. Regarding Allegation No. 5-(3), Teter makes the procedural argument that this allegation does not satisfy the requirement of Bylaw 32.6.1.2 in that it does not sufficiently provide the details as to what information in the self-report is inaccurate. Without waiving his objection, Teter denies that the self-report is inaccurate. Teter maintains that if the report contains inaccuracies, they are immaterial, were made inadvertently and are not intended to mislead the enforcement staff.

Regarding Allegation No. 5-(1), Teter denies that he violated Bylaws 10.01.1 and 10.1 because he believed John Secord, former director of compliance, was going to report the violations involving ██████████. Regarding Allegation No. 5-(2), Teter denies that he violated Bylaws 10.01.1 and 10.1 because the institution's president, Flavius Killebrew, supported Teter's decision not to self-report the violations involving ██████████.

Remaining Issues:

1. Did Teter decide not to report the violations involving [REDACTED] when he was made aware of the violations in the fall of 2007, and if so, does that decision constitute a violation of unethical conduct?
2. Did Teter's decision not to report the violations involving [REDACTED] when he was made aware of the violations in the summer of 2006 constitute a violation of unethical conduct?
3. Did Teter knowingly submit an inaccurate self-report of the violations involving [REDACTED] to the NCAA enforcement staff on November 26, 2007, thereby committing unethical conduct?

Background Information: For an overview of [REDACTED] enrollment history and the provision of athletics aid to [REDACTED] during the 2004 spring semester, please review pages 17 through 22 of the institution's response.

ISSUE NO. 1: *Did Teter decide not to report the violations involving [REDACTED] when he was made aware of the violations in the fall of 2007, and if so, does that decision constitute a violation of unethical conduct?*

Position of Institution: The institution believes that Teter did not report or direct the reporting of the violations involving [REDACTED] when he was made aware of the violations in the fall of 2007, thereby committing unethical conduct.

Position of Involved Parties: Teter denies that he decided not to report the violations involving Morant-Rivas when he was made aware of the violations in the fall of 2007.

Position of Enforcement Staff and Reasons for Position: The enforcement staff believes that Teter decided not to report the violations involving [REDACTED] when he was made aware of the violations in the fall of 2007. Bylaw 10.1 states that unethical conduct may include, but is not limited to, nine enumerated points. While the facts of this violation are not parallel to these points, the enforcement staff believes that Teter, as director of athletics, had a responsibility to ensure that the institution self-reported the violations pertaining to [REDACTED] receipt of athletics aid as a nonqualifier during the 2004 spring semester and also the violations pertaining to the institution's failure to self-report the violations involving [REDACTED] when the institution originally discovered the violations in the 2005 spring semester. The enforcement staff believes that Teter's inaction and therefore decision not to self-report the violations when he became aware of the [REDACTED] matter in the fall of 2007 constitutes unethical conduct.

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The staff relies on the following information to support its position:

1. Secord's testimony that Teter did not direct him to report the violations concerning [REDACTED] once Teter became aware of the violations during the fall of 2007.
2. Teter's testimony that once he became aware that [REDACTED] had received athletics aid as a nonqualifer during the fall of 2007, no further inquiry was conducted into the matter.
3. Steve Moore's, head men's tennis coach's, testimony that he did not know whether Secord was going to self-report the violations concerning [REDACTED] during the fall of 2007.

Relevant Information Reported/Obtained:

1. Secord's testimony that Teter did not direct him to report the violations concerning [REDACTED] once Teter became aware of the violations during the fall of 2007. During Secord's March 4, 2008, interview with the enforcement staff, he revealed that [REDACTED] received athletics aid as a nonqualifer during the 2004 spring semester. Secord explained that during the 2007 fall semester, the institution considered submitting an NCAA Administrative Review Subcommittee (ARS) waiver to gain a fourth season of competition for [REDACTED] in accordance with NCAA Bylaw 14.3.3.1.1. Secord reported that he informed Teter that [REDACTED] had received athletics aid as a nonqualifer in violation of NCAA legislation and that he (Secord) refused to sign the ARS waiver form, which required the institution to disclose any scholarships that the student-athlete received during the course of his or her enrollment at the institution. Secord believed that Teter contemplated signing the ARS form and then decided that the institution would not submit the ARS waiver on behalf of [REDACTED]. Further, Secord reported that he also informed Moore of the violations involving [REDACTED] and explained that the ARS wavier could not be submitted because it required the institution to disclose any scholarships that [REDACTED] received during his enrollment.

Secord reported during his March 6, 2008, interview with the enforcement staff that Teter did not direct him to self-report the violation and that Teter was fully aware that a violation had occurred.

2. Teter's testimony that once he became aware that [REDACTED] had received athletics aid as a nonqualifer during the fall of 2007, no further inquiry was conducted into the matter. Teter confirmed that the institution considered submitting an ARS wavier on behalf of [REDACTED] during his March 5, 2008, interview with the enforcement staff. Teter's relevant testimony during his March 5 interview included the following (Exhibit No. 4):

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KM: Kristen Matha, NCAA assistant director of enforcement.

BT: Brian Teter.

SM: Stephanie McDonald, Southland Conference, associate commissioner for institutional services.

(Pages 75 to 77)

KM: Uh, are you aware of a men's tennis student-athlete by the name of [REDACTED] [REDACTED]?

BT: Yes.

KM: Okay. Did the institution recently consider uh, submitting an ARS waiver on his behalf?

BT: Yes.

KM: Okay.

BT: And we decided not to.

KM: And why was the decision not to submit it (emphasis added)?

BT: **Just too much. There was. I, I think it would have been too much to overcome and to get him to go through the eligibility process. It wasn't. And I, I talked with the head coach and John was involved in that. And we talked to the head coach, and he agreed that --**

KM: Um-hum.

BT: **-- it wasn't worth the fight. And then we brought the young man in, and I talked to him and he thanked me for everything that's happened. I've only known the young man a year (emphasis added).**

KM: Um-hum.

BT: I actually just saw him over the weekend. He's kind of helping out as a volunteer coach with the tennis team right now. He's a great kid.

KM: Okay. And uh, at any time, were you made aware that he was provided athletics aid as a nonqualifier (emphasis added)?

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BT: **John told me that, that. I think he told me that that might have happened (emphasis added).**

KM: Um-hum.

BT: **So, I can't. Other than that, that's the only reference I've heard about (emphasis added).**

KM: **Okay. Was there any further inquiry conducted into that (emphasis added)?**

BT: **No (emphasis added).**

KM: Okay. Did John seem credible about that?

BT: Yeah, he. I think he seemed like. He figured out. Again, this happened before John got here.

KM: Yeah.

BT: I believe. So, I, I don't know what, you know, John. John told me uh, that you know, he checked everything out, and that that had probably happened.

KM: Okay.

BT: So.

KM: All right. Any other questions in regards to that?

SM: **So is the common idea if it happened before you guys got here, it wasn't something that you needed to report? I mean, it's the kind of feeling I'm getting (emphasis added).**

BT: **Yeah it's (emphasis added).**

SM: Kind of start with your clean slate and move forward?

BT: You know, and Stephanie that's a good question. I um, you know, I knew I inherited a tough situation. Um, I knew or I was. I knew some things had to be dealt with when I got here. Not even the NCAA compliance things, to be candid with you, until that second or third week on the job from the issue we've already talked about. But there's been a lot of uh, there's been a handful of, not a handful, a couple of my senior staff, current and former, that continually talked about the past. This is what happened. Uh, you know. I'd ask questions. You know, um,

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whether it was done or not done, handled or not handled. Um, again, I, I go on the premise, not the assumption. I go on the premise that people do their jobs. Um, and so the [REDACTED] thing, I, I thought, you know, I'm just assuming the young man is either, he left here and he's enrolled in another school, or I don't know if we'll re-recruit him. I, I don't know.

KM: Um-hum.

BT: But again, people have jobs to do. Their job is to inform their supervisors of what's going on. That's just doing your job.

KM: Um-hum.

BT: And that's day to day business. So to answer your question, Stephanie, in a roundabout way, when I took this job, people uh, uh, had a lot of information prior to my getting here. Um, have they uh, did they tell me some things that had gone on here? Yes. It's pretty clear there's a lot of stuff they haven't told me. Frankly. Some of this is news to me. Um, so that's disappointing. Um, but I, I think there, there has been a mentality uh, here. And I don't, it's not me. Because I've tried to take on everything I can, and probably too much at times. But there's been a mentality of wash your hands uh, from some people. Um, like I said, on the current staff and past staff of just. And I don't. It's not, it's not, I don't think it's unethical, but what can be done. Is that a closed case? I'm going under the assumption. I'm going on the premise that these people have done their jobs and those situations are finished. They're done. And so we move forward (emphasis added). And again, the [REDACTED] thing was the, uh, the one case that I just felt that we needed to finish. Um.

3. Moore's testimony that he did not know whether Secord was going to self-report the violations concerning [REDACTED] during the fall of 2007. During Moore's October 24, 2008, interview Moore reported that he, Secord and Teter met to discuss [REDACTED] ARS waiver in late October or early November 2007. Moore explained that Secord informed the group that the institution could not permit the faculty athletics representative to sign the ARS waiver because it would be untruthful in regard to the years in which [REDACTED] received a scholarship. Moore indicated that Secord explained that [REDACTED] had received an impermissible manager scholarship during his first year of enrollment when he was not supposed to receive any athletics aid. Moore reported that the group agreed that it would be wrong to submit the waiver and that the institution could not pursue a fourth season of competition on behalf of [REDACTED]. Moore believed that the meeting concluded with Teter saying that he would inform Swint Friday, the institution's faculty athletics representative, and that Secord said he would "handle the matter with the conference."

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Moore explained that he did not know what Secord meant when he said he would "handle the matter with the conference." Moore did not know whether Secord meant he was going to inform the conference office that the institution would not pursue a fourth season of competition for [REDACTED] or whether Secord meant he was going to inform the conference of the violations involving [REDACTED]. Further, Moore explained that the institution had been pursuing a fourth season of competition on behalf of [REDACTED] and that every coach in the conference had discussed the matter with Stephanie McDonald, Southland Conference associate commissioner for institutional services. Moore said the matter had become so "heated" that he contacted McDonald and informed her that he did not understand the "bad blood" over the [REDACTED] matter. Moore reported that Secord may have meant that he was going to inform the conference that the waiver to regain [REDACTED] fourth year of competition would not be submitted by the institution.

Enforcement Staff Position on Refuting Information:

- In his response to the notice of allegations, Teter argues that he believed Secord was going to report the violations involving [REDACTED] to the conference office at the conclusion of the 2007 fall meeting. However, Teter did not reveal this belief during his March 5, 2008, interview. Teter was initially asked why the institution decided not to submit the ARS waiver on behalf of [REDACTED] and Teter responded:

KM: Kristen Matha, NCAA.

BT: Brian Teter.

(Pages 75 and 76)

BT: Just too much. There was. I, I think it would have been too much to overcome and to get him to go through the eligibility process. It wasn't. And I, I talked with the head coach and John was involved in that. And we talked to the head coach, and he agreed that --

KM: Um-hum.

BT: -- it wasn't worth the fight. And then we brought the young man in, and I talked to him and he thanked me for everything that's happened. I've only known the young man a year.

Teter did not inform the enforcement staff that the decision not to submit the ARS waiver on behalf of Morant-Rivas was related to the impermissible aid that Morant-Rivas had received during the 2004 spring semester. It was only after the enforcement staff directly asked Teter whether he was aware that [REDACTED] had received athletics aid as a nonqualifier that he admitted Secord had informed him of the matter. Teter reported that

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the institution did not conduct any further inquiry after he was made aware of the matter. Further, Teter was asked during his March 5, 2008, interview whether the common idea was if the violations occurred before his employment then the violations did not need to be reported, and Teter responded:

KM: Kristen Matha, NCAA.

BT: Brian Teter.

SM: Stephanie McDonald, Southland Conference.

(Pages 76 and 77)

SM: So is the common idea if it happened before you guys got here, it wasn't something that you needed to report? I mean, it's the kind of feeling I'm getting.

BT: Yeah it's.

SM: Kind of start with your clean slate and move forward?

BT: You know, and Stephanie that's a good question. I um, you know, I knew I inherited a tough situation. Um, I knew or I was. I knew some things had to be dealt with when I got here. Not even the NCAA compliance things, to be candid with you, until that second or third week on the job from the issue we've already talked about. But there's been a lot of uh, there's been a handful of, not a handful, a couple of my senior staff, current and former, that continually talked about the past. This is what happened. Uh, you know. I'd ask questions. You know, um, whether it was done or not done, handled or not handled. Um, again, I, I go on the premise, not the assumption, I go on the premise that people do their jobs. Um, and so the [REDACTED] thing, I, I thought, you know, I'm just assuming the young man is either, he left here and he's enrolled in another school, or I don't know if we'll re-recruit him. I, I don't know.

KM: Um-hum.

BT: But again, people have jobs to do. Their job is to inform their supervisors of what's going on. That's just doing your job.

KM: Um-hum.

BT: And that's day to day business. So to answer your question, Stephanie, in a roundabout way, when I took this job, people uh, uh, had a lot of information prior to my getting here. Um, have they uh, did they tell me some things that had gone on here? Yes. It's pretty clear there's a lot of stuff they haven't told me. Frankly. Some of this is news to me. Um, so that's disappointing. Um, but I, I

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think there, there has been a mentality uh, here. And I don't, it's not me. Because I've tried to take on everything I can, and probably too much at times. But there's been a mentality of wash your hands uh, from some people. Um, like I said, on the current staff and past staff of just. And I don't. It's not, it's not, I don't think it's unethical, but what can be done. Is that a closed case? I'm going under the assumption. I'm going on the premise that these people have done their jobs and those situations are finished. They're done. And so we move forward. And again, the [REDACTED] thing was the, uh, the one case that I just felt that we needed to finish. Um.

At no time during the interview did Teter state that Secord was going to report the violations involving [REDACTED] to the conference office. Although Teter indicated that he works from a premise that his employees do their jobs and that situations are finished, he failed to direct Secord to report the violations involving [REDACTED] and he failed to ensure that the violations were actually reported to the conference office and the NCAA.

Further, Teter asserts in his response to the notice that based on Secord's statement that he would "handle it with the conference," Moore left the meeting with the understanding that the violation was going to be reported to the conference office; however, this assertion is inaccurate. Moore explained that he did not know what Secord meant when he said he would "handle it with the conference." Moore did not know whether Secord meant he was going to inform the conference that the institution would not pursue a fourth season of competition for [REDACTED] or whether Secord meant he was going to inform the conference of the violations involving [REDACTED]. Further, Moore explained that the issue of [REDACTED] receiving a fourth season of competition was a highly debated issue among the conference coaches, which even involved the conference associate commissioner.

ISSUE NO. 2: Did Teter's decision not to report the violations involving [REDACTED] when he was made aware of the violations in the summer of 2006 constitute a violation of unethical conduct?

Position of Institution: The institution agrees that Teter's decision not to report the violations involving [REDACTED] when he was made aware of the violations in the summer of 2006 constitutes a violation of unethical conduct.

Position of Involved Parties: Teter does not agree that his decision not to report the violations involving [REDACTED] when he was made aware of the violations in the summer of 2006 constitutes a violation of unethical conduct.

Position of Enforcement Staff and Reasons for Position: The enforcement staff believes that Teter's decision not to report the violations involving [REDACTED] when he was made aware of the violations in the summer of 2006 constitutes a violation of unethical conduct. Bylaw 10.1 states

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that unethical conduct may include, but is not limited to, nine enumerated points. While the facts of this violation are not parallel to these points, the enforcement staff believes that Teter's conduct, specifically his decision not to report the violations involving [REDACTED], can be generally viewed as unethical.

The enforcement staff relies on the following information to support its position:

1. Secord's testimony that Teter directed him not to conduct any further investigation into the alleged violations involving [REDACTED] and not to report the alleged violations involving Machado.
2. DeAngelis' testimony that Teter directed him not to conduct any further investigation into the alleged violations involving [REDACTED] and that the institution would not report the alleged violations involving [REDACTED].
3. Teter's testimony that he directed Secord and DeAngelis not to conduct any further investigation into the alleged violations involving [REDACTED] and not to report the alleged violations involving [REDACTED].
4. Killebrew's testimony that he directed Teter to verify any alleged violations involving [REDACTED] and to report the violations appropriately.

Background Information:

For an overview of the institution's self-reporting process, please review pages 45 and 46 of the institution's response. For a review of [REDACTED]'s enrollment history, please review pages 11 through 14 of the institution's response.

According to institutional records obtained by the enforcement staff, [REDACTED] transferred 93 foreign college credits to the institution on March 6, 2006. Meredith McCall, then academic coordinator, reported that during June 2006, she reviewed [REDACTED]'s academic profile on the institution's "Student Information System" (SIS) and determined that [REDACTED] had transferred numerous college credits from a foreign university and subsequently contacted Secord to report the information.

Secord reported during his March 4, 2008, interview that upon receiving the information from McCall, he reviewed [REDACTED]'s academic profile on SIS and confirmed the transfer of foreign college credits. Secord then contacted DeAngelis, who was serving as interim director of athletics at the time, and informed him of the information and initiated an investigation into the matter. Secord explained that he and DeAngelis subsequently interviewed [REDACTED] and that [REDACTED] indicated that she had attended a foreign college prior to attending the two-year institution from which she transferred to the institution. Further, [REDACTED] reported that former head women's volleyball coach Frances Kinnison directed her not to transfer the foreign college

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credit hours to the institution until after she exhausted her athletics eligibility because the foreign college credits could impact her eligibility. In addition, ██████ reported that Kinnison asked Karin Griffith, international and admission advisor, not to consider ██████ previous foreign college enrollment as part of her academic record upon transferring to the institution.

Secord preliminarily determined that ██████ had competed while ineligible during the 2005-06 academic year as a result of competing for a sixth year in excess of the permissible five-year period of eligibility and that Kinnison's alleged involvement in arranging for ██████'s foreign college enrollment not to be considered upon her enrollment at the institution constituted unethical conduct. Secord indicated that the institution was in the process of selecting a new director of athletics, and that he and DeAngelis decided not to conduct any further investigation into the matter until they were able to inform the new director of athletics of the alleged NCAA rules violations.

DeAngelis confirmed the information reported by ██████ concerning her previous foreign college enrollment and Kinnison's alleged involvement in arranging for ██████'s foreign college enrollment not to be considered upon her enrollment at the institution during his February 11, 2008, interview.

Relevant Information Reported/Obtained:

1. Secord's testimony that Teter directed him not to conduct any further investigation into the alleged violations involving ██████ and not to report the alleged violations involving ██████. Secord reported during his March 4, 2008, interview that he and DeAngelis met with Teter, who began his employment at the institution on July 24, 2006, within the first week of his employment and informed him of the alleged violations involving ██████ and Kinnison. Secord indicated that Teter then decided that the group should inform the institution's president, Killebrew, of the alleged rules violations. Secord believed the meeting with Killebrew was held within a week of informing Teter of the alleged rules violations. Secord explained that he, DeAngelis and Teter met with Killebrew and that he informed Killebrew of the alleged rules violations and the possible penalties associated with the violations. Secord indicated that Killebrew solicited Teter's input on how to proceed and that no decision had been made when Killebrew dismissed Secord and DeAngelis from the meeting.

Secord explained that he and DeAngelis returned to the athletics department office and that when Teter returned from the meeting, he informed them that he and Killebrew were going to continue to discuss the matter. Secord indicated that Teter subsequently informed him that the institution was not going to review the matter and to "move on."

2. DeAngelis' testimony that Teter directed him not to conduct any further investigation into the alleged violations involving ██████ and that the institution would not report the alleged violations involving ██████. DeAngelis also reported during his February 11,

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2008, interview that he and Secord decided to wait to inform the new director of athletics of the matter and that they informed Teter of the alleged rules violations upon his employment at the institution. DeAngelis reported that Teter decided to inform Killebrew of the matter. DeAngelis explained that he, Secord and Teter met with Killebrew and that Secord presented the alleged rules violations and the possible ramifications. DeAngelis indicated that Killebrew asked Teter how to address the matter and that no decision had been made when he and Secord were dismissed from the meeting.

DeAngelis explained that he and Secord returned to the athletics department office and that when Teter returned from the meeting with Killebrew, he informed them that the institution was not going to review the matter.

3. Teter's testimony that he directed Secord and DeAngelis not to conduct any further investigation into the alleged violations involving [REDACTED] and not to report the alleged violations involving [REDACTED]. Teter reported during his March 5, 2008, interview that Secord and DeAngelis informed him of the alleged rules violations involving [REDACTED] and Kinnison upon his employment at the institution. Teter then decided to schedule a meeting with Killebrew to inform him of the matter. Teter indicated that he, Secord and DeAngelis met with Killebrew during August 2006 and that Secord presented the alleged rules violations and the possible penalties associated with the violations. Teter explained that Killebrew dismissed Secord and DeAngelis from the meeting and that he and Killebrew continued to discuss the matter. Teter's relevant testimony during his March 5, 2008, interview in regard to his discussion with Killebrew and subsequent decision not to investigate and report the alleged violations included the following:

KM: Kristen Matha, NCAA.

BT: Brian Teter.

(Pages 24 to 26)

BT: But then after he excused uh, those two guys, we stayed back and you know, I said what would you like to do. And, and then I think he then put it back. The president asked me, he says well, you know, I'll support your decision, and he said what do you want to do? I said, well let's just, let's just, let's just go with it. We'll just move on like, like, like. I don't think I said what, like nothing happened, but I said, let's just play this thing out and see what happens. So he supported that. And he says well, let's just make sure none of this happens again. Just like you know, John knows the reporting lines. He's got to come to you with all this stuff. Um, and I said. And that's, that's exactly how I left his office. **So then I came back to the office and met with Brian and John, and uh, I said John, it's business as usual. Let's just move on. Move forward (emphasis added).**

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KM: Okay. At any. Sorry go ahead.

BT: He, he never. I'm sorry. Go ahead.

KM: No, go ahead. Finish.

BT: He then. I don't, I don't. I can't remember if John asked me do you want me to go, do you want me to make it go away.

KM: Um-hum.

BT: I can't remember if he asked me that or not. **I said, it's business as usual. Let's just move on, and we just need, God forbid. I don't know if I said, God forbid, but we'll need to, we may need to deal with this later. But for now, let's just move on** (emphasis added).

KM: Okay. And at any time during the meeting with Dr. Killebrew, did he instruct you to uh, conduct an investigation and self-report the violation to the NCAA?

BT: Um, he didn't ask me to self report it. Um, he said, what do you think? And I, I, I, I feel terrible that I. I should. You know obviously, I'd been on the job two or three weeks and probably should have documented that meeting a little better. I'm. I'm just trying to remember if I, I said well, I. We'll handle this internally. We'll handle this with athletics, and this will not happen again. I remember saying that to him, and he said uh, well just make sure you got, you know, just make sure you got all the information.

KM: Um-hum.

BT: **Make sure you got this documented. And then I remember going back and asking John again when I went back to the office, and I asked him, you know, get me a copy of this. Put a summary of this together. But it is business as usual. Let's just move on. He said, okay** (emphasis added).

KM: Um.

BT: And I don't remember him saying, he didn't ask me to call the NC-Double-A or any of that.

KM: Um-hum.

BT: He didn't tell me to do that or ask me if I was gonna do that. Um. So.

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KM: So, Dr. Killebrew um, took your assessment to move on.

BT: Yeah.

KM: And that was the end of it?

BT: Yep.

KM: Okay.

BT: And then heard nothing. And yeah, that was just the end of it.

KM: Okay. All right. And then you indicated following that meeting with Dr. Killebrew, you returned to the athletics department, and uh, how did you end up talking with Teter and De-, I mean with Secord and DeAngelis?

BT: I just called them in.

KM: All right.

BT: And said guys, when we, you know, I, I um, when I got back, I said come on down. So we went in my office. This was late afternoon, late in the day, four or five o'clock, probably. Um, yeah, because I think our meeting with Dr. Killebrew was like 3 or 3:30 or something like that, so it was late afternoon.

KM: Um-hum.

BT: **Something like that. Um, I said, guys, it's business as usual. Let's just move forward (emphasis added).**

4. Killebrew's testimony that he directed Teter to verify any alleged violations involving [REDACTED] and to report the violations appropriately. Killebrew reported during his March 5, 2008, interview that he, Teter, DeAngelis and Secord met shortly after Teter began his employment at the institution to discuss alleged NCAA rules violations. Killebrew explained that his understanding from the meeting was that it was unclear whether the institution was able to document a violation in regard to whether [REDACTED] competed while ineligible. Killebrew indicated that he dismissed Secord and DeAngelis from the meeting and directed Teter to ensure that the athletics department reviewed the information appropriately. Killebrew reported that he directed Teter to verify any violations and to report the violations to the NCAA. Killebrew believed that Teter was going to review the information and establish whether violations of NCAA legislation had in fact occurred and report the information appropriately. Killebrew indicated that

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Teter did not provide him with any follow-up reports in regard to the alleged violations involving [REDACTED] and that he periodically asked Teter whether there were any issues in the athletics department that he should be aware of. Killebrew became aware that the alleged rules violations involving [REDACTED] were not reported to the NCAA during a 2007 fall semester Texas A&M System audit.

Enforcement Staff Position on Refuting Information:

- In his response to the notice of allegations, Teter argues on page 5-15 of his response that Killebrew agreed with his decision not to report the alleged rules violations involving [REDACTED] and therefore, his actions do not constitute a violation of ethical conduct but instead the facts constitute a lack of institutional control. However, the enforcement staff does not believe that Killebrew assented to Teter's suggestion that the institution move forward and not report the violations. The enforcement staff believes that Killebrew directed Teter to review the alleged NCAA violations and self-report the information appropriately.

Killebrew explained during his March 5, 2008, interview that he charged Teter with investigating and reporting all NCAA rules violations and that this was communicated to Teter throughout the interview process and also during his employment at the institution. Killebrew believed that he had established a clear expectation for self-reporting NCAA violations. Teter acknowledged during his March 5, 2008, interview that Killebrew conveyed his expectation for rules compliance and that he expected Teter to "do things the right way." Further, Teter reported that upon his employment, he communicated to athletics department staff that he would run a good athletics program that would follow the rules and would not "cut corners."

The enforcement staff believes that Teter was aware of Killebrew's expectation for rules compliance and that he failed to follow Killebrew's directive to verify any violations and to report the violations to the NCAA. Although Killebrew failed to follow up with Teter in regard to the alleged rules violations involving [REDACTED], he did periodically ask Teter whether there were any issues in the athletics department of which he should have been aware. Further, Killebrew admitted that he relied upon his director of athletics to advise him on NCAA rules compliance matters. The enforcement staff believes it was reasonable for Killebrew to rely on Teter to conduct the necessary review of the alleged rules violations and report the information appropriately without any additional oversight from Killebrew. The enforcement staff believes that Teter unilaterally decided not to conduct any further review of the alleged rules violations and that Killebrew relied on Teter to resolve the matter and did not verify whether Teter actually conducted an appropriate review of the matter.

Further, the enforcement staff believes that Killebrew's report that he directed Teter to review the alleged rules violations and to self-report the violations appropriately is more

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credible than Teter's assertion that Killebrew agreed with his decision to move forward. Specifically, Teter's testimony in regard to the decision that he and Killebrew made in regard to addressing the alleged rules violations is inconsistent.

First, when describing the meeting he had with Killebrew and the decision that was made in regard to addressing the alleged rules violations, Teter reported the following information during his March 5, 2008, interview:

KM: Kristen Matha, NCAA.

BT: Brian Teter.

(Pages 24 and 25)

BT: But then after he excused uh, those two guys, we stayed back and you know, I said what would you like to do. And, and then I think he then put it back. The president asked me, he says well, you know, I'll support your decision, and he said what do you want to do? I said, well let's just, let's just, let's just go with it. We'll just move on like, like, like. I don't think I said what, like nothing happened, but I said, let's just play this thing out and see what happens. So he supported that. And he says well, let's just make sure none of this happens again. Just like you know, John knows the reporting lines. He's got to come to you with all this stuff. Um, and I said. And that's, that's exactly how I left his office (emphasis added). So then I came back to the office and met with Brian and John, and uh, I said John, it's business as usual. Let's just move on. Move forward.

KM: Okay. And at any time during the meeting with Dr. Killebrew, did he instruct you to uh, conduct an investigation and self-report the violation to the NCAA?

BT: Um, he didn't ask me to self report it. Um, he said, what do you think? And I, I, I, I feel terrible that I. I should. You know obviously, I'd been on the job two or three weeks and probably should have documented that meeting a little better. I'm. I'm just trying to remember if I, I said well, I. We'll handle this internally. We'll handle this with athletics, and this will not happen again. I remember saying that to him, and he said uh, well just make sure you got, you know, just make sure you got all the information.

Then when asked about statements he made to the Texas A&M System auditors on November 12, 2007 (Exhibit No. 5) in regard to the meeting he had with Killebrew and the decision that was made in regard to addressing the alleged rules violations, Teter reported the following information during his March 5, 2008, interview:

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KM: Kristen Matha, NCAA.
BT: Brian Teter.
MP: Mark Poehl, Texas A&M System auditor.

(Pages 34 and 35)

KM: I have a uh, document uh, for the record, it's dated November 12, 2007. It's a Texas A&M University, Corpus Christi Athletics Compliance Issues Inquiry, is the, the title. And um, it is Mark Poehl's summaries of interviews conducted with various staff members.

BT: Okay.

KM: And he indicates from his discussion with you um, that you basically walked him through um, how you became aware of the violation, indicating that you'd only been on the job for about two or three weeks. John Secord approached you about a compliance violation um, that, that he found while going through some old files, concerning a 2005 volleyball player. Um, does this jog your memory at all with regards to the conversation you had with Mark (Poehl)?

BT: I, I, I don't. I uh, I apologize Mark. I know we talked about some other things I thought.

KM: Um-hum.

BT: I just don't remember a lot of it. So.

KM: **You uh, from the notes that Mark has provided from the interview, you indicated that um, the president told you to do the right thing, but do it in a way that minimized any negative attention to the university. Do you recall that happening (emphasis added)?**

BT: **Um, yeah. I mean I, I remember him saying you know, I trust your judgment (emphasis added).**

KM: Um-hum.

BT: **I trust the decision you'll make, and, and it's just, you know, hopefully this won't cause any harm to us or whatever, but you know, he never instructed me to do anything (emphasis added).**

KM: Okay. All right.

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BT: **Nothing unethical** (emphasis added).

Initially, Teter reported that he suggested that the institution move on during their meeting, and that Killebrew agreed with Teter's decision; however, Teter then reported that Killebrew said, "I trust the decision you'll make...", which leads the enforcement staff to believe that no decision had been made during the meeting between Killebrew and Teter. Further, Teter indicated that Killebrew never instructed him to do anything unethical; however, this is inconsistent with Teter's initial statements that Killebrew agreed with him to "move on."

- Teter asserts that the evidence does not support the conclusion that Killebrew directed Teter to verify any violations and report the violations to the NCAA because the violations had already been verified, and the meeting was about whether to self-report not whether a violation had occurred. However, the enforcement staff believes that Teter's assertion is inaccurate and inconsistent with his March 5, 2008, interview testimony. When asked about the alleged rules violations involving [REDACTED], Teter consistently characterized the alleged rules violations as "possible" violations and that the alleged rules violations "may" have occurred. Teter's relevant testimony during his March 5, 2008, interview included the following:

KM: Kristen Matha, NCAA.

BT: Brian Teter.

(Pages 10 and 11)

KM: Okay. All right, um, do you recall a women's volleyball student-athlete by the name of [REDACTED]?

BT: Um, that young woman was brought to my attention, um, probably two or three weeks after I started here.

KM: Okay.

BT: Um, she was a volleyball player that was um, you know, I guess was here, and I'd have to go back and I have a pretty good memory. I don't remember all the details of the story. But something about that she had maybe either um, played, played sports or taken classes at a school in another country, I believe. Um, that information was brought to my attention literally two to three weeks on the job.

KM: Okay.

BT: After I was on the job.

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KM: And who, who brought that information to your attention?

BT: Um, John Secord and Brian DeAngelis both brought it to my attention.

KM: And you say that was about two or three weeks after you --

BT: Oh yeah.

KM: -- started the position?

BT: Yeah, it was in August.

KM: Okay, and uh, do you recall where that meeting took place?

BT: Um, it was either in my office or. It was in my office or in the conference room that was attached to my office.

KM: Okay. And do you recall specifically what was discussed? What were you informed of?

BT: Um, I was told about what was discovered. Um, if I remember correctly, John had uncovered some files. I thought it was a computer file, if I remember correctly. **He, he was cleaning off a computer I believe or something, and he found um, some records of um, um, again possible um, eligibility issues that affected this young woman who played the previous year (emphasis added).**

KM: Um-hum.

BT: I never knew her. **Um, and John was um alarmed uh, that we may have been playing an ineligible player (emphasis added).** Um, his concern was that we're in the Southland Conference now. Uh, we're having this big Southland Conference day coming up in early September. Um, you know, which we do. Um, you know, I've been sitting on this or whatever. He was talking about him and Brian had known about it, and they sat on it for a while, and I don't know if they sat on it because they wanted. I can't remember if they sat on it because they were waiting for the new A.D. to be hired, which was me. Um, I can't remember all the details on it, but I knew they'd, I remember they sat on it for a while. So, you know, whether that was the right or wrong to do, I can't judge that.

KM: Kristen Matha, NCAA.

BT: Brian Teter.

(Page 13)

KM: Okay. Did you believe that these allegations were serious?

BT: **Possibly. I, I, I. You know, I. That's, that's. Maybe that's not the right word. I, I didn't know enough** (emphasis added). I'd been on the job two or three weeks. Um, a file was found. People who had touched it weren't there. Uh, I didn't, I didn't really know how to react to it at the time. Um, so I asked you know, what, what could come of this. Um, and I remember John saying something like, well if we played an ineligible player, we got a problem. Obviously it's gonna be a problem for us. And it may be a problem for another institution. I believe Pan Am was involved, if I remember correctly. If, if, that may or may not be right. I think it was UT-Pan American may have been involved. Because I think she either went there or was recruited by them. There was something involved with her about Pan Am or, excuse me. I remember him referencing Pan Am. We, we, we would possibly throw them under the bus if this all came out. Um, so I asked, I remember asking well, you know, what's the worst thing that could happen. Obviously, playing an ineligible player. Um, there could be violations. They sent somebody here. They investigate. Going to the Southland. What does that do? We've. We'd already been admitted to the Southland, so we're going to the league. So I know he was nervous about that. And then uh, at the same time I remember him saying, he said, "Brian, I stumbled on it. It was an accident. If they were to send somebody in here, I'm not sure anybody would find it. It would be very hard to find unless they knew what they were looking for."

KM: Kristen Matha, NCAA.

BT: Brian Teter.

(Page 15)

KM: **Okay. So basically coming out of that meeting, to your understanding was there was a poten-, possibly a volleyball student-athlete that competed while ineligible --** (emphasis added)

BT: **Possibly** (emphasis added).

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KM: -- and that possibly, the former volleyball coach had instructed her to wait to disclose her credit hours um, in order to prevent her from being ineligible (emphasis added).

BT: Right (emphasis added).

KM: Kristen Matha, NCAA.

BT: Brian Teter.

(Pages 19 and 20)

KM: Okay. Well, talk to me about the meeting with the president. When. You indicated that was about a week to 10 days after you --

BT: Something like that.

KM: -- became aware of the violations. Who was present at that meeting?

BT: Myself, and John and Brian went over to his office and sat down and we laid out the situation. So it was the four of us.

KM: Okay. Do you recall where that meeting took place?

BT: It was at the Hart Institute. His office is over in that building at that time.

KM: Okay. And you indicated that um, kind of laid out everything. Do you recall specifically what was presented?

BT: We basically laid it out. I said, I started. I said Dr. Killebrew um, you know, we want to bring this to your attention. This is something that happened before you got here. Um, it's um, something that happened inside the volleyball program. I've obviously been here two or three weeks. Um, I'm disappointed we're bring this to you, but um, um, it could have NC-Double-A, um, issues tied to it (emphasis added).

KM: Um-hum.

BT: Um, John, take it from here. And then John laid out the situation.

KM: And what did John specifically inform the group?

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BT: He basically said what I've said. **I think I told you that, that we may have played with an ineligible player (emphasis added).** Uh, a couple of people knew, the people that knew about aren't here anymore. Um, if the N-C. Do we want to report this violation that we knew that this possible violation that we knew had happened? Um, and then if we do, um, I think he laid out what might happen. You know, we might have to take. Pan Am might come, you know, might be affected by this. Um, it could cause, you know, the NC-Double-A would send somebody in here. It would cause, it would cause bad PR. Um, you know, obviously if the media gets hold of it.

KM: Kristen Matha, NCAA.

BT: Brian Teter.

SM: Stephanie McDonald, Southland Conference.

(Pages 49 and 50)

SM: I have one. **It seems that when it was first reported, when you first started, that it wasn't necessarily presented or felt to be a violation, that it was maybe this is. Maybe this isn't. Is that kind of the way it was presented (emphasis added)?**

BT: **If, yeah Stephanie. I think it had. I sensed it could be a violation, but again, I, I uh, it was. Again, it was just so unique. Not one single person that touched the case was even here, and so I think um, you know the thought of or, or it was stumbled upon, and again, I um, you know as you said earlier, if you had things to do differently, you know um. I, I. It's uh, I thought of, you used the word violation, a pretty strong word. Um, so I think yeah, anytime there is that possibility, I sensed there could be a violation if we would have reported then. Um, but again, I didn't get. I just felt that um, I didn't get strong advice from my staff uh, one way or the other. So, um, I just decided that, let's just move forward (emphasis added).**

SM: And what.

KM: I'm sorry. Just one quick, on that. **The information that you were aware of when you started your employment, that information never changed from the point of which you self-reported the violation (emphasis added).** You were still under the same.

BT: **Nothing changed (emphasis added).** I didn't _____.

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KM: **So how did you go from this may be a violation, I'm not sure, to possible, to this is a violation and I need to self-report it (emphasis added)?**

BT: Well, let me rephrase.

KM: Um-hum.

BT: You get smarter, I think, as time goes along.

KM: Okay.

BT: And so you know, you go through this, and I, hell I've been at a place like Cincinnati, so I've been at places that you know, unfortunately, you've had to deal with NC-Double-A issues, and so uh, plus I've been in a conference office and seen schools go through this. And it's serious. You need to follow the rules. Uh, and so obviously as I got smarter and gone through the year and just sensed that you know, we need to do things the right way around here. There's some things that need to be cleaned up.

KM: Um-hum.

BT: That's why, you know, again as I got smarter. I don't want that thing laying around.

KM: Um-hum.

BT: Frankly. So.

KM: Okay.

BT: So, that's what I decided to do.

The enforcement staff believes that Teter's characterization of the alleged rules violations involving ██████████ as "possible" violations supports Killebrew's directive to verify the alleged violations and to report the violations appropriately. Further, both Teter and Killebrew believed that the alleged violations involving ██████████ may have involved University of Texas, Pan American (Texas-Pan American); however, Texas-Pan American was not relevant to the violations involving Machado and was relevant to the enrollment of another women's volleyball student-athlete, ██████████, whose eligibility was also reviewed by the institution at the time in which the Machado issues were reviewed. This factual inaccuracy in regard to the alleged violations involving ██████████ further demonstrates that additional review of the violations involving ██████████ was necessary at the conclusion of Teter and Killebrew's meeting.

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In addition, the alleged unethical conduct violations involving Kinnison had not been investigated or verified by the institution prior to the meeting with Killebrew. Although Secord had reviewed ██████'s academic record and determined that ██████ had competed during the 2005-06 academic year while ineligible, the institution had yet to fully investigate Kinnison's alleged unethical conduct; therefore, the meeting was not solely about whether to self-report ██████'s ineligible participation as argued by Teter.

• In his response to the notice of allegations, Teter asserts that upon going into the meeting with Killebrew, he expected that Killebrew was going to direct him and Secord to report the violation, and that he was surprised when that did not happen; however, Teter's understanding that the alleged rules violations necessitated investigation and self-reporting is inconsistent with his March 5, 2008, interview testimony. Specifically, Teter stated:

KM: Kristen Matha, NCAA.

BT: Brian Teter.

(Page 27)

KM: Okay. At that time, did you understand that failing to conduct a thorough review of the alleged rules of violation and self-reporting that to the NCAA was a violation of the NCAA legislation?

BT: Um, I didn't know that.

KM: Okay. So, so you felt as though just moving on and not investigating and determining whether or not violations occurred was permissible under NCAA legislation?

BT: Um, I really, you know. I, I just didn't. We didn't really talk much about it.

KM: Okay.

BT: And so, in, in retrospect, should I, should I, should I have asked? Maybe? Was I consulted or was I advised? No. Um, so again, I, I think people who work for me would tell you that I let people do their jobs.

The enforcement staff believes that the purpose of the meeting with Killebrew was to inform him of the alleged rules violations and that Killebrew directed Teter to verify the alleged violations and self-report the information appropriately, which Teter decided not to do.

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Further, the enforcement staff believes that Teter chose not to investigate and self-report the alleged rules violations as directed by Killebrew because he was concerned about the negative media attention the matter could potentially bring to the institution.

KM: Kristen Matha, NCAA.

BT: Brian Teter.

(Pages 20 and 21)

KM: Um-hum. Okay. And what was your response when you heard John Secord indicate he'd make something go away?

BT: I didn't, I didn't like that. Um, you know uh. So I said uh, I, I'm not comfortable with that. But at the same time, you know. **And I'm a PR guy at heart. So I, I've got a pretty good feel for what public relations is all about. That's where my background is. So at the same time, I'm thinking about media stuff, and um, uh, nobody wants negative attention coming to their university. So you try to find the, the right way to handle things (emphasis added).** Um, and so we, we talked it out just for. It was a brief moment. After John laid out the scenario, um, Dr. Killebrew said, okay. Um, I think he said something like, do you guys have anything else to add? Brian, why don't you stay back. So Brian and John left. And then it was just Dr. Killebrew and I --

In addition, Teter chose not to investigate because he did not know how the institution would investigate the matter since he believed the involved institutional staff members were no longer employed at the institution. Specifically, Teter stated during his March 5, 2008, interview that:

KM: Kristen Matha, NCAA.

BT: Brian Teter.

(Pages 28 and 29)

BT: The one you're talking about was a long detailed hour, hour and a half meeting.

KM: Um-hum.

BT: It was long. Between the three of us. The thought, the (thought) of talking to people and interviewing people and doing an investigation, how could you do it if those people were gone?

KM: Um-hum.

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BT: Um, the compliance guy was at another university. The volleyball coach was in town coaching the high school. Um, the provost was somewhere I believe in Louisiana. I, I don't know.

KM: Um-hum.

BT: The athletic director was in town.

KM: Um-hum.

BT: Um, out of a job, so I just.

KM: Um.

BT: I don't know what more could have been done. And I. I didn't. I asked John could we do any more with this. He said, this is it. He said, we either call the NC-Double-A or we --

KM: Um-hum.

BT: -- hope it goes away. And I remember that coming up. I asked him, you know, John what, you know, what can, what are our options here? And that's when he did the little hand thing and I asked him what would you think, and he ___ the hand thing again. And I said, what, you know.

KM: Um-hum.

BT: What can we do? What can't we do? And so it was either call the NC-Double-A, and put a report together.

KM: Um-hum.

BT: Or just, you know, just let it go.

KM: Kristen Matha, NCAA.

BT: Brian Teter.

(Pages 30-31)

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KM: So, the idea that because the, several of the institutional staff members were no longer employed at the institution, that was a big reason for why you decided not to --

BT: Yeah.

KM: -- conduct a further investigation?

BT: Yeah.

KM: Do you feel as though the institution has an obligation to go beyond?

BT: Yeah, well, that's why I ended up self-reporting it.

KM: Um-hum.

BT: Um, after going through another volleyball season uh, you know I just, I just felt it was the right thing to do. Um.

KM: Um-hum.

BT: You know, you know, knowing that it happened a couple of years earlier, I want a clean program.

KM: Um-hum.

BT: And uh, that wasn't fair to my um, um, not mine, because I didn't hire her, but our volleyball coach now.

KM: Um-hum.

BT: You know, you don't want that stuff lingering around and stuff like that, so it's doing things the right way.

KM: Okay.

BT: And so.

KM: Did you conduct any type of investigation prior to self-reporting to the NCAA?

BT: I did not.

KM: Okay.

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BT: I went on the information that I previously had.

KM: All right.

BT: So.

KM: Um, with regards to individuals that had knowledge of the violations that were on campus, Karin Griffith, did, no discussions --

BT: No.

KM: -- with her?

BT: No.

The enforcement staff believes that Killebrew relied on Teter as director of athletics to ensure that the institution fully investigated both [REDACTED]'s ineligible participation and Kinnison's alleged unethical conduct. Secord had confirmed that [REDACTED] had competed during the 2005-06 volleyball season while ineligible, and the reasons the institution permitted [REDACTED] to compete while ineligible were still unknown and required further investigation prior to submitting a self-report to the NCAA. The enforcement staff believes that Killebrew assumed Teter handled the matter appropriately until Teter was made aware by the Texas A&M System audit in November 2007 that the violations were not reported. The enforcement staff believes that Teter, while knowing that Killebrew relied on his judgment to review the matter appropriately, decided not to conduct any further review of the matter or report the violations because he was concerned with the negative media attention the investigation and report could cause and he did not know how the institution could conduct an investigation since he believed all of the involved individuals were no longer employed at the institution.

ISSUE NO. 3: Did Teter knowingly submit an inaccurate self-report of the violations involving [REDACTED] to the NCAA enforcement staff on November 26, 2007, thereby committing unethical conduct?

Position of Institution: The institution agrees that Teter knowingly submitted an inaccurate self-report of violations involving [REDACTED] to the NCAA enforcement staff on November 26, 2008, thereby committing unethical conduct.

Position of Involved Parties: Teter makes the procedural argument that this allegation does not satisfy the requirement of Bylaw 32.6.1.2 in that it does not sufficiently provide the details as to what information in the self-report is inaccurate. Without waiving his objection, Teter denies the self-report is inaccurate. Teter maintains that if the report contains inaccuracies, they are immaterial, were made inadvertently and are not intended to mislead the staff.

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Position of Enforcement Staff and Reasons for Position: The enforcement staff believes that Teter knowingly submitted an inaccurate self-report of violations involving ██████████ to the NCAA enforcement staff on November 26, 2007, thereby committing unethical conduct. Bylaw 10.1 states that unethical conduct may include, but is not limited to, nine enumerated points. While the facts of this violation are not parallel to these points, the enforcement staff believes that Teter's conduct, specifically his submission of an inaccurate self-report of violations involving ██████████ to the NCAA enforcement staff, can be generally viewed as unethical.

The enforcement staff provides the committee the following information for its consideration of this allegation.

Background Information:

As previously discussed in Allegation No. 5-(2), the enforcement staff determined that the institution did not conduct any further investigation into the alleged violations involving ██████████ or Kinnison and did not self-report the violations to either the Southland Conference or the NCAA when the decision was made by Teter not to investigate and self-report during August 2006.

The enforcement staff would like to provide the committee with the following chronology of significant events related to Teter's November 26, 2008, self-report to the NCAA enforcement staff:

- **August 2006** – Teter decided not to investigate and self-report the alleged violations involving ██████████.
- **November 8, 2007** – Secord informed Sam Ramirez, a human resources representative, that athletics department administrators were aware of unreported NCAA rules violations involving ██████████.
- **November 12, 2007** – Texas A&M System auditor interviewed Teter about his knowledge of unreported NCAA rules violations involving a former women's volleyball student-athlete (██████████).
- **November 20, 2007** – Teter e-mailed DeAngelis to confirm ██████████'s name and that ██████████ was the women's volleyball student-athlete who competed while ineligible.
- **November 20, 2007** – Teter contacted Christopher Strobel, NCAA director of enforcement for secondary infractions, to discuss a possible violation in the women's volleyball program that occurred during the fall of 2005, prior to his employment at the institution, which had not been self-reported.

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- November 26, 2007 – Teter e-mailed a self-report dated November 23, 2007, to Strobel, which addressed ██████'s ineligible participation during the 2005-06 academic year.

Relevant Information Reported/Obtained:

- The enforcement staff believes that the following inaccuracies exist in Teter's November 26, 2007, self-report (Exhibit No. 6):
 1. In paragraph one of the report, Teter reported, "The university was first notified of this back in August, 2006 and we thought it was taken care of." The institution, however, became aware of the violations in June 2006. Further, Teter's statement that "we thought it was taken care of" is inaccurate in that Teter made the decision in August 2006 not to conduct any further investigation into the alleged violations involving ██████ and not to report the alleged violations.
 2. In paragraph three of the report, Teter reported, "...John was going through some computer files and uncovered some information about a student-athlete who played volleyball here at TAMUCC from 2004-05, ██████." Secord; however, became aware of the violations in June 2006 after Meredith McCall, former academic coordinator, became aware that ██████ had transferred foreign credits to the institution upon reviewing ██████'s academic profile on the institution's SIS program.
 3. In paragraph four of the report, Teter reported, "According to the information that was found by Mr. Secord, Ms. ██████ had taken some courses at a community college in another country prior to attending Navarro Junior College." Secord, however, determined that ██████ had transferred 93 credit hours to the institution from a four-year collegiate institution in ██████.
 4. In paragraph five of the report, Teter reported, "When our athletic department became aware of this we decided not to self-report because the season had started and the people who were in the athletic administration in 2005 had all been let go or were no longer working at the university." However, Secord and DeAngelis were employed at the institution when the athletics department became aware of the alleged violations involving ██████, and they were also employed at the institution during the 2005-06 academic year. Further, Secord and DeAngelis had knowledge of the alleged violations involving ██████ as a result of conducting an interview of ██████.
 5. In paragraph six of the report, Teter reported: "From the information that we gathered, those who knew or might have known about Ms. ██████'s background included the volleyball coach, the compliance director, the athletic director, and possibly the associate athletic director and the provost. All of those individuals

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are no longer employed at Texas A&M University Corpus Christi." However, Secord had knowledge of the alleged violations involving [REDACTED] and was employed at the institution during November 2007. Further, although DeAngelis was not employed at the institution during November 2007, he was employed at the institution during August 2006 when Teter was initially made aware of the allegations involving [REDACTED], and he had knowledge of alleged violations. In addition, Griffith was employed at the institution during November 2007, and she was allegedly involved in complying with Kinnison's request not to include [REDACTED]'s foreign college enrollment in her academic record upon her enrollment at the institution. Griffith, however, was never interviewed by Teter or any other administrator at the institution about her knowledge of or involvement in the alleged violations.

6. Teter submitted the self-report and did not disclose his decision not to report the alleged violations involving [REDACTED] when he was made aware of the violations in August 2006.

Teter reviewed the November 26, 2007, self-report during his March 5, 2008, interview, and Teter's relevant testimony concerning the report included the following:

KM: Kristen Matha, NCAA.

BT: Brian Teter.

(Pages 44 to 46)

KM: This is Kristen Matha, assistant director of enforcement. We took a short break for restroom usage, and we're now back on record with Brian Teter's March 5th interview. Okay. All right. Looking at the uh, first section, labeled number one, indicates, you indicated uh, on the self-report that you were first notified in August 2006, and that you thought it was taken care of. Explain how you believed it was taken care of.

BT: Um, we just, again I was going under the assumption that, you know, when I made the decision back then, that we would just you know, go with it, move on.

KM: Right.

BT: Move forward. So.

KM: All right. Um, next to the indication where it's circled No. 2.

BT: Um-hum.

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KM: And I'm paraphrasing the report, it indicates that ██████ took community coll-, community college courses in another country prior to attending Navarro. What information were you basing the fact that she took community college?

BT: I don't. I was just going by what that was discussed in the meeting with John and Brian. Uh, what John had found again when I had no written documentation. I was just. And then when I saw, I was just trying to reference from the media guide.

KM: Um-hum.

BT: You know, because I never had a report. So I, but the media guide said that she played at Navarro Junior College, so I just, going back and trying to remember what the details of the story was is that --

KM: Um-hum.

BT: -- she must have played before that. I assumed. So.

KM: All right.

BT: And again, what I don't say in here, and I don't mind obviously saying this on tape, um I talked about this with Chris on the phone when I reported it.

KM: Um-hum.

BT: I said Chris, I'll just be honest with you. I've got maybe 70, 75 percent of this story. I don't know. I don't have all of the information.

KM: Um-hum.

BT: So, whether that conversation was ever recorded or not, but I think Chris would hopefully remember --

KM: Um-hum.

BT: -- me saying that uh, to him, that I just didn't have all the information, but decided to self-report with what I had.

KM: Okay.

BT: So.

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KM: You see where No. 3 is circled, uh, the decision not to self, not to self-report at that time um, due to a lot of the knowledge was with former staff members. Um, why, even though they're former staff members, why didn't the institution attempt to conduct any further interviews?

BT: Uh, I just. I don't know. I, I wasn't advised --

KM: Um-hum.

BT: -- that way, and again, in retrospect, I'm probably a lot. Believe it or not, I'm probably a lot smarter now --

KM: Um-hum.

BT: -- than I was a year and a half ago. But um, you know, in retrospect, you know, you can't put the proverbial tooth paste back in the tube. I tell people all the time that --

KM: Um-hum.

BT: -- I just, you know, not getting any, not getting any advice on, on having maybe we should have done that.

KM: Yeah.

BT: I just kind of felt we just should move forward.

- Secord reviewed the November 26, 2007, self-report during his March 4, 2008, interview, and Secord's relevant testimony concerning the inaccuracies he believed exist in the report include the following (Exhibit No. 7):

KM: Kristen Matha, NCAA.

JS: John Secord.

KF: Kathy Funk-Baxter, institutional representative.

(Pages 45 to 48)

KM: Okay. I have a copy of the report that was submitted to the NCAA. Can you review this?

JS: I've never seen this before.

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KM: The November 23rd letter to Chris Strobel, uh, signed by Brian Teter. Can you review this and point out the inconsistencies to what your knowledge of what transpired?

JS: Gees, this is not even the form we use when we self-report.

SD: [inaudible].

JS: Yeah, yeah. Or even prior to that. I mean you saw the form, the form that we use when we self-reported the volleyball game issue or actually, I forwarded that straight to, uh, to reinstatement. But, uh, I wanted to write, self-reporting a possible violation, well, there is not a possible violation there, there obviously is one. Currently involved 2005 and I want, back in August 2006, we thought it was taken care of. That, that makes no sense, how do we thought it was taken care of. I have no idea how he could have thought it was taken care of. However, after going back and reviewing the information, we had, well, I don't know who he is referring to with we, that would be I, or whomever decided to report the information to the NCAA and the self-imposed, self-impose a fine as a penalty for this violation. That's interesting because he was really not happy about, about the fine when he found out about it. I don't know what he thought it was going to be. Does it say in here what the fine amount was they were imposing or, he must have made a call to try and find that out. Uh, I was on the job less than a month and August 2006 is when our associate AD for academics and compliance John Secord was going through some computer files and uncovered some information about a student-athlete who played volleyball here from, that's not true. It wasn't, it wasn't August, it was previous to that that I had gone through the computer screen and I had already found the information and it was prior to his coming on here as an employee that that information was there. And it was provided to him when he got here. According to the information that was found by Mr. Secord, Ms. [REDACTED] had taken some courses at a community college in another country prior to attending Navarro Junior College. Some, over 100 hours, I don't know. She played two seasons here, at TAMUCC but according to records that were found relating to previously completed course work her last year of eligibility here should have been 2004. We uncovered last fall, summer, fall, yeah I mean, whatever on that, during 2005 season when our athletics department first became aware of this incident, we decided to not self-report because the season had started and people who were in administration in 2005 were no longer working at the institution. That's total falsity. I mean, I'm the one that was involved in uncovering it in the first place. So I didn't, that's what was in the LSDBi report that they no longer worked at the university and obviously, I was still working at the university. From the information that we gathered, those who knew or might have known about Ms. [REDACTED]'s background included the volleyball coach, the compliance director, the athletic director and, well, interim athletic director and

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possibly the associate athletic director and the provost. All those individuals are no longer employed at Texas A&M University Corpus Christi. That's false.

KM: How so false?

JS: I still work here.

KM: Uh-hum.

JS: Like today I do.

KM: And then Karin Griffith, would --

JS: He couldn't have put in, he didn't even know who the kid was. He had to call Brian DeAngelis or e-mail Brian DeAngelis to get the kid's name. I mean, if you can't get the kid's name straight, you probably are not going to be able to get the person in admissions name straight.

KM: But with regards to indicating that all those with knowledge of the possible violation are no longer employed here. Did he know that Karin Griffith was implicated in?

JS: Yeah he would have, he knew that she would, that she was implicated, yes.

KM: Okay.

JS: Did he have an idea if that person still worked here or not, no I wouldn't know whether she was employed or left two years ago or whatever the situation was on that.

KM: All right. All right.

JS: Consequently, I made a decision to self-report the violation and impose a fine _____. And that's, you know, page one looks like a total, looks like a majority of false information.

KM: Okay. And, uh, to your knowledge what, uh, allegations that the institution was aware of or not and addressed in that report?

JS: Uh. The allegation, the fact that the student, uh, the fact that the coach went previously to the admissions office asking them not to consider the information, the decision, I mean, I guess it says in here that somewhere where a decision was made, where does it say, when our athletic director became aware of this, we