

**Response to the
NCAA NOTICE OF ALLEGATIONS**

from

**TEXAS A&M UNIVERSITY –
CORPUS CHRISTI**

October 31, 2008

TABLE OF CONTENTS

	<u>Page No.</u>
I. INTRODUCTION.....	1
A. History.....	1
1. University Overview.....	1
2. Athletics Department Overview.....	1
a. History.....	1
b. Former Athletics Staff.....	2
B. Overview of Response.....	3
C. Overview of Inquiry.....	4
1. Initial Information.....	4
2. University and NCAA Inquiry.....	5
D. Overview of Corrective and Punitive Actions.....	7
1. Corrective Actions.....	7
2. Punitive Actions.....	8
II. ACKNOWLEDGED VIOLATIONS/INFORMATION REQUESTED.....	9
Allegation #1 (STUDENT-ATHLETE 1 Ineligible Participation in Volleyball).....	9
Allegation #2 (STUDENT-ATHLETE 2 Receiving Impermissible Aid in MT).....	16
Allegation #3 (Impermissible Phone Calls in Men's Basketball).....	25
Allegation #4 (Impermissible Recruiting Inducements to STUDENT-ATHLETE 3 in Men's Basketball).....	33
Allegation #5 (Unethical Conduct – Teter).....	43
Allegation #6 (Unethical Conduct – Bridgeman).....	56
Allegation #7 (Unethical Conduct – Secord).....	63
Allegation #8 (Lack of Institutional Control).....	69
Allegation #9 (Secondary Violations).....	83
III. INFORMATION REQUESTED BY THE COMMITTEE ON INFRACTIONS...	87
Allegation #10 (Other Violations).....	87
Allegation #11 (Corrective and Punitive Actions).....	88
Allegation #12 (Disciplinary Actions).....	92
Allegation #13 (Dates and Titles).....	93
Allegation #14 (Major Violations Listing).....	94
Allegation #15 (Secondary Violations Listing).....	95
Allegation #16 (Division and Conference Affiliation).....	96
Allegation #17 (General Organization and Structure).....	97
Allegation #18 (Grant-In-Aid).....	98



EXHIBITS

- Exhibit I-1 – April 16, 2008, Memorandum from Killebrew to Oversight Committee
- Exhibit 1-1 – Academic Materials for STUDENT-ATHLETE 1
- Exhibit 1-2 – Note in STUDENT-ATHLETE 1's File Discovered in the Compliance Office
- Exhibit 1-3 – April 28, 2004, E-mail from STUDENT-ATHLETE 1 to Kinnison
- Exhibit 1-4 – 2004 University Volleyball Team Statistics
- Exhibit 1-5 – Foreign Evaluation Report for STUDENT-ATHLETE 1
- Exhibit 2-1 – December 23, 2003, Institutional Memorandum about STUDENT-ATHLETE 2' TOEFL Exam
- Exhibit 2-2 – Information from Bridgeman's File about STUDENT-ATHLETE 2' Aid and Eligibility
- Exhibit 2-3 – August 13, 2004, E-mail from DeAngelis to Bridgeman about STUDENT-ATHLETE 2' Aid
- Exhibit 2-4 – Institutional "Screen Shot" Concerning STUDENT-ATHLETE 2' Aid
- Exhibit 2-5 – Financial Aid Request Form Dated November 2004 and an Agreement Dated December 2004
- Exhibit 2-6 – Squad Lists for 2003-04 and 2004-05
- Exhibit 2-7 – Summary of STUDENT-ATHLETE 2' participation records at the University
- Exhibit 3-1 – Contact/Evaluation and Telephone Logs for Four Prospects
- Exhibit 3-2 – Cellular Telephone Records for Norris
- Exhibit 5-1 – Employment Contract for Teter
- Exhibit 5-2 – 2006-07 Certification of Compliance Forms
- Exhibit 5-3 – November 25, 2007, E-mails Between Killebrew and Teter
- Exhibit 7-1 – 2006-07 Southland Conference Eligibility Declaration Form
- Exhibit 8-1 – Selected Pages from 2000-01 Athletics Department Policies Manual
- Exhibit 8-2 – Selected Pages from the 2005 Athletics Department Policies Manual
- Exhibit 8-3 – Position Description for Associate Athletics Director for Compliance and Academics
- Exhibit 8-4 – Organizational Chart
- Exhibit 8-5 – University Student-Athlete Eligibility and Certification Policies
- Exhibit 8-6 – March 17, 2008, Memorandum from Killebrew to Provost about International Students
- Exhibit 8-7 – List of Attendees at 2007 NCAA Regional Compliance Seminar
- Exhibit 8-8 – Agenda and List of Attendees at Mandatory July 2008 Compliance Presentation
- Exhibit 8-9 – University's Policy Concerning Investigation and Self-Reporting
- Exhibit 9-1 – Perry Clark Travel Voucher
- Exhibit 9-2 – Selected Pages from the Institution's Travel Handbook
- Exhibit 11-1 – Overview of Institution's Rules Education Efforts
- Exhibit 11-2 – Admonishment Letters to Clark, Garrett, and Norris
- Exhibit 15-1 – Violations Recently Discovered by the Institution
- Exhibit 18-1 – 2004-05, 2005-06, 2006-07, and 2007-08 Squad Lists for MBA, WVB, and MTE

I. INTRODUCTION

A. History

1. University Overview – Texas A&M University-Corpus Christi (“University”) began as the University of Corpus Christi in 1947. In 1971, the Texas Legislature authorized the Texas A&I University System to establish a state-supported upper-level institution of higher education, and Texas A&I University at Corpus Christi opened in 1973. The Texas Legislature changed the University’s name to Corpus Christi State University in 1977. In 1989, the University joined the Texas A&M University System (“System”), a network of nine universities, seven state agencies, and a comprehensive health science center. The System Board of Regents renamed the institution as Texas A&M University-Corpus Christi in 1993.

The University has five academic colleges that offer bachelor’s, master’s, and doctoral degrees. The University’s academic year is divided into semester terms and summer sessions and its enrollment is over 9,000. Dr. Flavius Killebrew was named University president in January 2005, after serving in various capacities at West Texas A&M University for 30 years.

2. Athletics Department Overview

- a. History – The University intercollegiate athletics program was reinstated in 1998 after being dissolved in 1973. During the 1998-99 academic year, men’s and women’s tennis and women’s golf competed as provisional Division I members. Over the next three years, the following 11 sports were added for a total 14 current sports: (1) men’s and women’s basketball; (2) volleyball; (3) softball; (4) baseball; (5) men’s and women’s cross country; (6) men’s and women’s indoor track and field; and (7) men’s and women’s outdoor track and field. The institution gained full NCAA Division I membership during the 2004-05 academic year.

Upon the 1998 reinstatement of the athletics program, then President Robert R. Furgason and former Director of Athletics Dan Viola sought conference

affiliation. The University expressed an interest in joining the Southland Conference for a number of years before the conference sought a formal application in 2005. The University's men's tennis program was an affiliate member of the Southland Conference from 2003-04 through 2005-06, and full conference membership started on July 1, 2006.

- b. Former Athletics Staff – The following former athletics administrators are named in the NCAA's July 27, 2008, Notice of Allegations ("Notice") and/or mentioned throughout the University's response to the Notice ("Response"):
- i. Dan Viola served as the University's Director of Athletics from May 19, 1997, until he was terminated on March 15, 2006, by Killebrew due to poor performance. University officials later learned that Viola suffered from dementia and believe that this illness likely affected his ability to serve the athletics program for a number of months before his separation from the University.
 - ii. Brian Teter was hired as the University's Director of Athletics on July 24, 2006, and resigned on August 12, 2008. Prior to working at the University, Teter served as the Associate Director of Athletics at the University of Cincinnati for three years. Teter worked at Conference USA as an Associate Commissioner from 1995 through 2003 and at the Great Midwest Conference from 1994 through 1995. Teter was the Director of Sports Information at Miami University (Ohio) from 1991 through 1994 and had previous employment at the University of Cincinnati from 1987 until 1990.
 - iii. John Secord was the Associate Director of Athletics for Compliance and Academics. He began at the University in January 2005, after working in compliance and/or academic positions at Coppin State University (four years) and Towson University. Secord also served intern appointments at both the America East and Mid-Continent Conferences. He separated from the University on May 2, 2008.

- iv. Wayne Bridgeman was Director of Compliance and Academics at the University from 1999 until 2004. Subsequent to working at the University, Bridgeman served as the Director of Compliance and Academics at New Mexico State from November 2004 until August 2006. He became the Assistant Director of Athletics at the University of Albany in 2006.
- v. Brian DeAngelis was the Associate Director of Athletics for Internal Operations from October 2000 through February 2007 and also served as the University's interim Director of Athletics from February 2006 through July 2006. Prior to working at the University, DeAngelis was the Assistant Director of Athletics and Compliance Coordinator at Delta State University. He currently is the Director of Athletics at East Central University in Ada, Oklahoma, where he began in March of 2007.

B. Overview of Response – This response to the NCAA's Notice acknowledges violations of NCAA legislation in several areas, the most significant being University athletics administrators' failure to fully investigate and promptly self-report known NCAA violations. The University understands it is responsible for the actions of its employees and accepts this responsibility in its acknowledgement of a lack of institutional control over and failure to monitor its athletics programs from 2003-04 through 2007-08. However, the University notes that the violations at issue primarily involve the three former athletics administrators named individually in the NCAA's Notice. Upper-level University administrators never made a formal decision not to report violations and only became aware of them as indicated in this response. University administrators believe the director of athletics and chief athletics compliance officers were responsible for adhering to institutional policies and NCAA Division I standards in their handling of compliance issues that arose within the athletics department.

More specifically, based on information produced during the investigation, the University believes the violations confirmed in this response resulted primarily from the following:

- a) Bridgeman's failures in certifying student-athletes' eligibility for competition and athletics aid;
- b) Secord's intentional commission of NCAA violations in his efforts to assist an international prospective student-athlete with citizenship requirements;
- c) the failure of Secord and Teter to adhere to institutional procedures and/or fully investigate and appropriately report known information regarding NCAA violations; and
- d) the University's failure to have in place effective systems for monitoring the athletic department's actions relative to verifying student-athlete certification for eligibility and receipt of athletic aid, coaches' recruiting activities, and detecting and ensuring full investigation and reporting of NCAA violations.

Finally, the University notes that all but one of the major violations included in the NCAA's Notice related to the recruitment and certification of international student-athletes. The investigation supported that at the time these violations were committed, coaches and athletic administrators apparently had little, if any, experience dealing with international student-athlete issues.

C. Overview of Inquiry

1. Initial Information – The initial information concerned former volleyball student-athlete STUDENT-ATHLETE 1. While the facts surrounding her alleged ineligible participation were discussed by athletics and University administrators in 2006, the violation was not confirmed to administrators outside the athletics department until late 2007. On November 8, 2007, during a meeting with Samuel Ramirez, Director of Equal Opportunity, Employee Relations, Training and Development, Secord made statements regarding Teter's failure to provide him a raise and promotion. During this meeting, Secord also referred to undisclosed information related to potential NCAA violations and indicated to Ramirez that he would release this information publicly if the University did not consider providing him a settlement. Secord's statements regarding potential NCAA infractions were forwarded to the System's chief auditor, who instructed then Internal Audit Manager Mark Poehl to gather

information relative to the potential infractions during an already-planned University audit.

After conducting on-campus interviews November 12-13, 2007, Poehl confirmed that the potential NCAA violations to which Secord referred involved STUDENT-ATHLETE 1's alleged participation after the expiration of her five-year eligibility period. Poehl conducted four initial interviews and summarized his findings in a November 2007 report. (He conducted two additional interviews in early 2008). The University cooperated fully with Poehl's inquiry, and Poehl later shared his report with the NCAA.

On November 23, 2007, Teter submitted a self-report outlining the STUDENT-ATHLETE 1 violation to the NCAA and on December 19, 2007, the Enforcement Staff confirmed processing of the violation and classified it as secondary. Subsequently, on January 11, 2008, Killebrew referenced Teter's self-report when he alerted the NCAA that System auditors were continuing their investigation into the STUDENT-ATHLETE 1 matter. On January 30, 2008, Secord called Director of Enforcement Chris Strobel to discuss the contents of Teter's self-report, which Secord did not review before submission. Finally, on February 20, 2008, Killebrew again notified the Enforcement Staff that the System's investigation was ongoing.

University administrators outside the athletics department were not aware of potential NCAA violations involving former men's tennis student-athlete STUDENT-ATHLETE 2 and former men's basketball prospective student-athlete STUDENT-ATHLETE 3 prior to NCAA interviews in which related facts were disclosed.

2. University and NCAA Inquiry – Killebrew also notified the Southland Conference office on January 11, 2008, of the alleged NCAA violations, and invited Stephanie McDonald, Associate Commissioner for Institutional Services, to support the System's investigation and join Assistant Director of Enforcement Kristen Matha during on-campus interviews. At that time, Killebrew also made it clear to the System audit team that he welcomed that group's continued involvement in the investigation as the NCAA began its inquiry. Shortly thereafter, the NCAA and the

System began conducting joint interviews. Interviews were conducted on campus March 4-6, 2008, and the NCAA issued a Notice of Inquiry on March 26, 2008.

The University retained The Compliance Group (TCG) on April 1, 2008, to continue the System's inquiry into the alleged violations. Beth Chapman from TCG joined Matha for additional interviews May 14-16, 2008, and thereafter, and the investigation then became a joint undertaking between the NCAA and the University.

On April 16, 2008, Killebrew formed an Oversight Committee, chaired by Vice President for Institutional Advancement Dr. Trent Hill, that included Associate Vice President for Finance and Administration Kathy Funk-Baxter and Faculty Athletics Representative Dr. Swint Friday. The committee's directives included overseeing the investigation, making recommendations to Killebrew regarding corrective and punitive measures, and evaluating the following: (1) the structure and leadership of the athletics department; (2) the athletic investigative process; (3) whether the athletic administration created adequate opportunities for NCAA rules education; and (4) whether the senior athletic administration "create(d) an atmosphere in which compliance with NCAA rules is understood to be an institution mandate" (See Exhibit I-1). Killebrew received frequent briefings of developments in and ultimately oversaw the University's inquiry into the allegations included in the NCAA's Notice and subsequent NCAA reporting.

In order to ensure the objectivity of outside investigators and the independence of reports concerning the allegations, Killebrew made it clear to the System, Southland Conference, and TCG representatives that he welcomed and expected thorough investigations that would determine the extent of impermissible activities in the athletics programs, regardless of whether these investigations led to findings of additional or more severe NCAA rules violations. Further, through the Oversight Committee, Killebrew directed all institutional personnel to cooperate fully with the investigation. All University staff contacted by investigators for interviews and/or document searches complied with Killebrew's directive.

Killebrew's directive for a thorough and complete investigation was evidenced by the University's handling of its investigation relative to Allegation #3, which alleged that men's basketball assistant coach Kevin Norris placed excessive recruiting telephone calls to prospective student-athletes. Because the University felt Norris' recruiting records were confusing and possibly incomplete, it sought telephone billing records for an eight-month period after the NCAA's Notice was issued. After an extensive review of these records, the University discovered impermissible recruiting calls in excess of what was recorded on Norris' recruiting logs and relied upon by the NCAA in Allegation #3.

D. Overview of Corrective and Punitive Actions

1. Corrective Actions – Associate Athletic Director for Compliance Scott Lazenby was hired on August 4, 2008, after being identified by the Oversight Committee due to his eight years of experience in a Division I athletics program. Immediately upon his hiring, Lazenby, with assistance from the expanded athletic compliance and academic staff, undertook an exhaustive review of the eligibility certification of all international student-athletes with eligibility remaining. Several NCAA violations in this and other areas of legislation have been uncovered since Lazenby's hiring and are detailed in Exhibit 15-1.

Regarding other corrective measures, Killebrew and the Oversight Committee enacted swift, thorough, and meaningful actions to limit the likelihood that the improper activity uncovered during the investigation does not reoccur in the future. (See Information Question #11 for all corrective actions imposed by the University). In May 2008, Killebrew approved the addition of three professional-level positions in the athletic compliance and academic areas, including a Senior Athletics Academic Coordinator position for which Jennifer Baker was hired. Killebrew also moved the athletic academics and compliance areas outside of the athletics department to the purview of Associate Vice President for Academic Affairs Dr. Robert Nelsen. Due in part to this restructuring, Nelsen now serves as an ex-officio member of the Oversight Committee.

Additionally, athletic compliance educational efforts were expanded with the hiring of the new Associate Athletics Director for Compliance and Compliance Coordinator. Both coaching and non-coaching athletics department staff members, boosters, student-athletes, and staff outside athletics involved with NCAA compliance now receive the following education: (1) monthly newsletters; (2) compliance “tips of the week”; (3) required monthly in-person meetings; (4) periodic e-mails; (5) required comprehensive annual training; and (6) access to a compliance website updated on a frequent basis.

Monitoring efforts relative to several areas of athletic operations also will be enhanced by the expansion of the compliance and academic staffs. In addition, significant changes in process for student-athlete certification for practice, competition, and receipt of athletic aid already have been implemented. Offices outside of athletics, including financial aid and admissions and records are now more engaged in athletic compliance operations. These roles will be expanded as the athletic compliance staff is able to educate these individuals and as their roles and responsibilities are better defined. Finally, the University has requested a spring 2009 Southland Conference compliance review to be conducted by TCG.

2. Punitive Actions – The University self-imposed a three-year probationary period during which the Oversight Committee will remain in place to oversee the implementation of all corrective and punitive measures. Sport-specific penalties include: (1) letters of admonishment for the two men’s basketball coaches named in Allegations #3 and #4; (2) scholarship reductions in men’s tennis; and (3) recruiting restrictions in men’s tennis, volleyball, and men’s basketball. Finally, the University will vacate all wins in which STUDENT-ATHLETE 2 and STUDENT-ATHLETE 1 participated (See Information Question #11 for all punitive measures imposed by the University).

Killebrew and members of the Oversight Committee are confident these penalties and comprehensive corrective measures will ensure that overall control of the athletics department and institutional athletic compliance operations are strengthened to reduce the likelihood of future major rules violations.

II. ACKNOWLEDGED VIOLATIONS/INFORMATION REQUESTED

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 STUDENT-ATHLETE 1 to represent the institution in intercollegiate volleyball competition for a sixth year in excess of the permissible five-year period of eligibility. Specifically, STUDENT-ATHLETE 1 was enrolled in a full-time academic program in a four-year collegiate institution in COUNTRY [INSTITUTION] from 2000 until 2002. STUDENT-ATHLETE 1 subsequently enrolled in a full-time academic program at INSTITUTION College, a two-year collegiate institution, in the fall of 2002, for the 2002-03 and 2003-04 academic years. STUDENT-ATHLETE 1 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 STUDENT-ATHLETE 1's initial enrollment at the institution in the fall of 2004, STUDENT-ATHLETE 1 disclosed all of her previous collegiate enrollment to then head women's volleyball coach Frances Kinnison. In addition, STUDENT-ATHLETE 1's foreign collegiate enrollment was included on her INSTITUTION College academic transcript, and STUDENT-ATHLETE 1 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 STUDENT-ATHLETE 1 disclosed this information, Wayne Bridgeman, then the institution's director of NCAA compliance, certified STUDENT-ATHLETE 1 as a two-year college transfer with no prior collegiate enrollment; and as a result, STUDENT-ATHLETE 1 represented the institution in intercollegiate volleyball competition during the 2005-06 academic year while ineligible to do so.

Please indicate whether this information is substantially correct and whether the institution believes violations of legislation occurred. Submit evidence to support your response.

Overview of University's Position

Based on a review of the available information, the University agrees these allegations are true and that a major violation of NCAA legislation occurred. Documentation found in institutional files and information reported by involved individuals produced during the investigation supported that former volleyball student-athlete STUDENT-ATHLETE 1's eligibility should have exhausted at the conclusion of the 2004-05 academic year. Therefore, her participation during the 2005-06 year violated NCAA Bylaws 14.01.1, 14.2.1, and 14.2.1.1. The then Director of Compliance and Academics knew or should have known of STUDENT-ATHLETE 1's academic attendance at an international institution.

Review of Information

Certification Process for International Students

International and Admissions Advisor Karin Griffith explained that the University does not require students to submit international transcripts to the University if they do not wish to have credits from those transcripts transferred. She said that if the student wishes the courses to be considered, transferring international students submit foreign transcripts to one of five approved foreign evaluation agencies. After the translated transcript is received at the University, it is submitted to the Admissions Office where it is entered into the Student Information System ("SIS"). Griffith stated that after she determines which credits satisfy core requirements, she believes the student's academic advisor determines which courses satisfy degree requirements. Griffith confirmed that her role in the student-athlete certification process is limited to issuing I-20s for international student-athletes and coding core credits on incoming transcripts for the Admissions Office.

Former Director of Compliance and Academics Wayne Bridgeman indicated it was his understanding that Griffith was charged with reviewing international student-athletes' records for validity before they were used for NCAA certification and issuing I-20s to those students.

Bridgeman reported that while he served as the University's compliance director, the first step in certifying international student-athletes was requesting that their educational records be sent to the University's Admissions Office. Bridgeman explained that coaches occasionally provided him transcripts that he then forwarded to the Admissions Office. He said that the Admissions Office determined whether the records were sufficient and then entered them in the SIS. He added that he also sometimes provided initial reviews of these prospects' academic records by using the "international academic record guide".

Bridgeman explained that transferring international students were asked whether all of their transcripts had been submitted to the University, but that this information was not otherwise verified. He indicated that upon the international student-athlete's arrival on campus, he or she was required to complete NCAA paperwork, including the international student-athlete form and NCAA questionnaire.

Bridgeman reported that academic monitoring forms were generated twice a year on all student-athletes, and that he worked with academic advising staff to produce degree audits. Bridgeman said he and then Faculty Athletics Representative ("FAR") Robert Maroney were responsible for certifying eligibility for all student-athletes. He added that Maroney attended NCAA regional

compliance seminars and on-campus compliance sessions. Bridgeman said eligibility certification took place near the first week of August and involved reviews of students' SIS documentation as well as transcripts in his (Bridgeman's) possession. He said he first made eligibility determinations and that the FAR then had the opportunity to review students' files and was responsible for final eligibility determinations and for signing eligibility declaration forms. Bridgeman said he regularly discussed individual student-athletes who had "challenging" academic records with the FAR.

Former Associate Athletics Director for Compliance and Academics John Secord reported that during his tenure as Compliance Administrator, he delivered international student-athletes' transcripts to admissions for coding. He added that transcripts usually were evaluated by "foreign credentials in Austin" prior to the University admissions' evaluation and coding. Secord said he reviewed credits to make an initial degree percentage determination for international prospects and also gathered personal information. He also said he requested that coaches facilitate those prospects' completion of an international questionnaire.

STUDENT-ATHLETE 1

STUDENT-ATHLETE 1 reported that she graduated from high school in COUNTRY in 1999, and attended INSTITUTION ("INSTITUTION"), a university in CITY, from 2000 to 2002. STUDENT-ATHLETE 1 attended INSTITUTION Junior College ("INSTITUTION"), a two-year institution in Texas, from 2002 through 2004. STUDENT-ATHLETE 1 signed a National Letter of Intent with the University on April 15, 2004, and initially enrolled in the fall of 2004. She graduated from the University in the summer of 2006.

STUDENT-ATHLETE 1 confirmed that she included her INSTITUTION attendance on her University admissions applications. She did not recall whether she completed an international student-athlete form at the University, but indicated that Bridgeman did not question her about her INSTITUTION attendance.

STUDENT-ATHLETE 1 reported that the first indication she received that her INSTITUTION enrollment affected her NCAA eligibility was during the spring 2006 semester when Secord informed her of this fact. She added that she did not know how this matter came to Secord's attention. STUDENT-ATHLETE 1 believed credits from INSTITUTION transferred to

INSTITUTION and through that institution to the University upon her enrollment. She said she did not know why those credits were not transferred to the University until March 2006, even though she entered the University in the fall of 2004.

Albert Royo, Senior Academic Advisor for the College of Business, reported that he recommended to STUDENT-ATHLETE 1 that she submit her INSTITUTION transcript to the University in order for the credits to be considered for University degree credit. He said he thought this conversation took place near the middle of STUDENT-ATHLETE 1's enrollment, possibly during her junior year.

Griffith recalled meeting with STUDENT-ATHLETE 1, STUDENT-ATHLETE 1's coach, and her academic advisor upon STUDENT-ATHLETE 1's admission to the University. She also recalled an issue about STUDENT-ATHLETE 1's INSTITUTION enrollment but did not think she became aware of STUDENT-ATHLETE 1's international collegiate enrollment until the 2005-06 academic year. Griffith said at that time, she and STUDENT-ATHLETE 1 discussed the need to evaluate the international credits for possible transfer to the University. Griffith indicated it was possible the athletics department staff would not have been aware of STUDENT-ATHLETE 1's international college attendance prior to 2006, if they had not reviewed the INSTITUTION transcript, even if they had access to the SIS screens (i.e., since the international credits were not transferred until 2006).

Bridgeman stated he did not recall that STUDENT-ATHLETE 1 attended a foreign collegiate institution prior to attending INSTITUTION. Bridgeman said he recalled little about STUDENT-ATHLETE 1's eligibility status, including any concerns about her five-year eligibility period. Bridgeman confirmed that he maintained individual student-athletes' compliance files while employed at the University. However, he did not recall the specifics of STUDENT-ATHLETE 1's NCAA international student-athlete form. Bridgeman said he would not have reviewed STUDENT-ATHLETE 1's application for admission and said it was possible STUDENT-ATHLETE 1 or one of the volleyball coaches sent it directly to the Admissions Office. He noted that it was possible he did not thoroughly review STUDENT-ATHLETE 1's paperwork and added that he was a "one-man shop". While some information relative to previous colleges attended conflicts on STUDENT-ATHLETE 1's NCAA form, she included on the form that she received a high school degree in 1999 and attended a COUNTRY institution from 2000 to 2002. The NCAA form, along with a June 7, 2004, original copy of a transcription of STUDENT-ATHLETE 1's COUNTRY college transcript and handwritten notes referencing a "COUNTRY transcript", were found in the compliance office

during the course of the investigation (See Exhibits 1-1 and 1-2). The transcript translation is not date-stamped, and University officials cannot confirm when it was placed into STUDENT-ATHLETE 1's compliance file. Also, while it is not clear who recorded the handwritten notes in STUDENT-ATHLETE 1's file, a date of August 13, 2004, appears on an entry on the same page.

Kinnison explained STUDENT-ATHLETE 1 was the first international prospective student-athlete she recruited as a coach. She said she did not recall being aware of or discussing any previous international collegiate attendance with STUDENT-ATHLETE 1 or with STUDENT-ATHLETE 1's INSTITUTION coach. Kinnison maintained that if she had been aware of any international collegiate enrollment by STUDENT-ATHLETE 1, she would have assumed it was summer enrollment. Kinnison explained she was told STUDENT-ATHLETE 1 needed additional hours to graduate from INSTITUTION and that she (Kinnison) would have assumed any international collegiate attendance by STUDENT-ATHLETE 1 would have been related to securing these additional hours.

Kinnison stated Bridgeman told her STUDENT-ATHLETE 1 had two years of NCAA eligibility remaining after STUDENT-ATHLETE 1 arrived at the University. Kinnison added she would have informed Bridgeman if she had detected international college attendance by STUDENT-ATHLETE 1. Kinnison stated she thought Bridgeman possessed a copy of STUDENT-ATHLETE 1's INSTITUTION transcript and that either she provided the transcript to Bridgeman or it was faxed to him directly from INSTITUTION. She also noted that after she received and reviewed STUDENT-ATHLETE 1's application for admission, she thought she forwarded a copy to Bridgeman.

Kinnison said student-athletes' files maintained in the volleyball office contained transcripts and other academic information. She did not recall seeing STUDENT-ATHLETE 1's NCAA international student-athlete form and said she was not familiar with either STUDENT-ATHLETE 1's foreign institution transcript translation or INSTITUTION transcripts, even though both were located in volleyball office files during the investigation. Kinnison explained that either she or an assistant coach could have placed those transcripts in STUDENT-ATHLETE 1's volleyball office file without reviewing them.

Kinnison reported that she did not think any other institutional offices were involved in reviewing international prospects for eligibility purposes. She added that she did not instruct STUDENT-

ATHLETE 1 or Griffith not to post, or to “hold”, international credits from STUDENT-ATHLETE 1’s University transcript.

A review of STUDENT-ATHLETE 1’s University student “screen shots” and University transcript indicate under “foreign evaluation” that 93 credits completed between 2000 and 2002 were transferred to the University during the spring 2006 semester. (Since this information is located in the NCAA Custodial Site, the NCAA Enforcement Staff will provide a copy of this document as part of its Case Summary). Additionally, STUDENT-ATHLETE 1’s application for admission to the University indicates “INSTITUTION” attendance from 2000 to 2002. Finally, STUDENT-ATHLETE 1’s attendance at a foreign university is documented in e-mail correspondence between STUDENT-ATHLETE 1 and Kinnison dated December 10, 2003 (See Exhibit 1-3).

Also, please provide the following:

- a. *A statement indicating the date STUDENT-ATHLETE 1 enrolled at the institution and a description of the steps the institution took to establish her eligibility for practice, competition and athletically related financial aid upon enrollment. Also, please include the number of contests in which STUDENT-ATHLETE 1 competed and the number of contests STUDENT-ATHLETE 1 started during the 2004-05 and 2005-06 academic years, and the institution's win-loss record during the contests in which STUDENT-ATHLETE 1 competed while ineligible. Please identify any contests that occurred during the postseason in which STUDENT-ATHLETE 1 competed.*

See Overview of Information section for information relative to the University’s eligibility certification process for STUDENT-ATHLETE 1. STUDENT-ATHLETE 1 enrolled at the University on August 24, 2004, the start of the fall 2004 term. During the 2005 season, STUDENT-ATHLETE 1 played in every match, and started in nine of 27. See Exhibit 1-4 for more detailed competitive statistics for STUDENT-ATHLETE 1.

- b. *A description of the specific methods the institution used in its student-athlete eligibility certification process, including the identification of all institutional staff members involved in the process, their length of employment at the institution in their capacities, each staff members’ individual responsibilities in the process during the 2004-05 and 2005-06 academic years, and how that process was applied to STUDENT-ATHLETE 1. Please provide a description of all NCAA rules education provided to the staff members involved in this process.*

See Overview of Information section for eligibility certification information. See the University’s response to Allegation #8 for information on the provision of NCAA rules education to individuals involved in the process. Parties involved in the student-athlete certification process during the 2004-05 and 2005-06 academic years included:

Name	Title	Dates of Service
Robert Maroney	Former FAR, Attended NCAA Compliance Seminars	9/1/1973-1/31/2007
Meredith McCall	Athletics Academic Advisor	10/2005 – 7/31/2007

Karin Griffith	International and Admissions Advisor	2/2004 – Current
Manual Lujan	Registrar and Associate Vice President for Enrollment Management	8/1/1997-2/22/2006
Margaret Dechant	Director of Admissions and Records	1999 - 2006
Wayne Bridgeman	Director of Compliance and Academics	1999-11/2004
John Secord	Associate Director of Athletics for Compliance and Academics	1/2005 – 5/2008

- c. *A statement describing the institution's system of monitoring its NCAA rules compliance in its student-athlete eligibility certification process during the past four academic years.*

The Chief Athletics Compliance Officers during the time period in question, Secord and Bridgeman, were charged by the Director of Athletics and ultimately the President with oversight of all athletic compliance operations. While the investigation indicated that some individuals outside athletics involved in the student-athlete certification process were educated on NCAA legislation through attendance at NCAA regional compliance seminars and interaction with Secord and Bridgeman, the University believes this education and overall efforts to monitor the certification process could have been stronger.

- d. *A statement indicating whether the institution ever erroneously determined the remaining seasons of competition for student-athletes in other sports during the 2001-02 through 2005-06 academic years. Please describe the process the institution used in order to arrive at its conclusion, and identify the institutional staff members who were responsible for conducting the inquiry.*

The Associate Athletic Director for Compliance undertook an exhaustive review of records related to eligibility certification for all student-athletes with remaining eligibility, including international student-athletes. Erroneous certifications within this group were detected and are detailed in Exhibit 15-1.

- e. *A copy of STUDENT-ATHLETE 1's INSTITUTION foreign evaluation report and a statement indicating the date on which the report was submitted to the institution.*

The copy of the foreign evaluation report received by the Office of Admissions and Records indicates receipt on March 6, 2006, and is detailed in Exhibit 1-1.

Griffith explained that documentation in the Office of Admissions and Records' imaging system indicated that a copy of STUDENT-ATHLETE 1's foreign evaluation report was received by that office on March 6, 2006. She explained that the copy was date-stamped, which usually is only done for official or "certified" copies of transcripts and translations of transcripts. Griffith said documentation in the Admission Office's imaging system did not indicate the source of the report. She added that records indicated another copy of the same foreign evaluation report (later determined to indicate preparation in 2004) was sent to the Admissions Office from Albert Royo of the University's College of Business on February 21, 2006 (See Exhibit 1-5). Griffith said this copy was not date-stamped.

Finally, an original copy of a June 7, 2004, transcript translation report was located in STUDENT-ATHLETE 1's compliance office file. The document was not date-stamped, and it is not clear when or by whom it was received.

- f. *A statement indicating the reasons the institution permitted STUDENT-ATHLETE 1 to participate in intercollegiate volleyball competition while ineligible in light of NCAA legislation prohibiting such participation.*

See Overview of Information section.

2. [NCAA Bylaws 14.01.1, 14.3.1, 14.3.2.2.1 (2003-04 NCAA Manual), 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 of 2004, the institution provided student-athlete STUDENT-ATHLETE 2 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 STUDENT-ATHLETE 2 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 STUDENT-ATHLETE 2 had received this improper athletic 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 STUDENT-ATHLETE 2 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 STUDENT-ATHLETE 2 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 STUDENT-ATHLETE 2 had received athletic 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 STUDENT-ATHLETE 2 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 STUDENT-ATHLETE 2, 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]*

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

Overview of University's Position

Based on a review of the available information, the University agrees these allegations are true and that major violations of NCAA legislation occurred. Documentation found in institutional files and information reported from involved individuals support that former men's tennis student-athlete STUDENT-ATHLETE 2 was a nonqualifier when he entered the University in January 2004. As a nonqualifier, STUDENT-ATHLETE 2 was not eligible to receive athletics aid, serve as a team manager, or attend team practices during his first year in residence. Therefore, his receipt of aid and

limited service as a manager during the spring and fall of 2004 violated NCAA legislation. Further, upon detecting STUDENT-ATHLETE 2' NCAA initial-eligibility classification and athletic aid history, athletics administrators should have declared him ineligible and reported the involved NCAA violations.

Review of Information

STUDENT-ATHLETE 2

STUDENT-ATHLETE 2 is from CITY, COUNTRY. He began corresponding via e-mail with former Head Men's Tennis Coach Steve Denton about the possibility of attending the University in the summer of 2003. He moved to Corpus Christi around August 2003. During that period, he completed requirements for a GED (awarded on October 1, 2003) and apparently took the Test of English as a Foreign Language ("TOEFL") (administered November 7, 2003) and SAT (administered October 3, 2003) exams. Institutional records indicate that STUDENT-ATHLETE 2 was admitted to the University on December 23, 2003, for the spring 2004 term by former Provost Sandra Harper, pending receipt of scores from a re-take of the TOEFL (See Exhibit 2-1). STUDENT-ATHLETE 2 enrolled at the University in January 2004 and graduated from the University in December 2007. The investigation did not produce evidence that STUDENT-ATHLETE 2 was processed through the then initial NCAA Eligibility Clearinghouse. It appears likely University athletics administrators assumed STUDENT-ATHLETE 2 was a nonqualifier upon entering the University.

STUDENT-ATHLETE 2 recalled receiving an institutional scholarship during the spring 2004 semester for approximately \$1,000 but was not certain of the exact amount or the source of the aid. He explained that Denton told him the University "found a way" to provide him a scholarship for that term. Texas Education Code 54.064 sets out that the receipt of at least \$1,000 in institutional aid from a State university triggers in-state tuition for out-of-state students. STUDENT-ATHLETE 2' receipt of the spring 2004 scholarship allowed him to pay in-state tuition.

Paragraph 2(a)

The institution believes that former Director of Academics and Compliance Wayne Bridgeman signed off on the athletic scholarship for STUDENT-ATHLETE 2 and that it is reasonable to

conclude that at that time, Bridgeman knew or should have known STUDENT-ATHLETE 2 was a nonqualifier.

Bridgeman stated in his April 7, 2008, NCAA interview that he did not recall whether STUDENT-ATHLETE 2 was a qualifier or a nonqualifier upon his enrollment at the University. However, during his July 3, 2008 interview, Bridgeman stated he thought STUDENT-ATHLETE 2 initially was a qualifier but that an invalidated test score caused his status to change to a nonqualifier. (An examination of on-campus documentation did not support that such a change occurred). When shown handwritten notes found in STUDENT-ATHLETE 2' University compliance file, Bridgeman confirmed the notes were his own (See Exhibit 2-2). Bridgeman's notes indicate that STUDENT-ATHLETE 2 was not a qualifier due to a deficient number of core courses, that he would have to sit out through the fall of 2004, and that he had three years of eligibility remaining.

Bridgeman said the University's practice for issuing athletics aid started with coaches completing scholarship request forms that were provided to him. He said he then created scholarship documents for the Financial Aid Office, which were returned to him after approval and review for potential over-awards. Bridgeman added that the paperwork eventually was reviewed by the Director of Athletics, who also provided a signature.

Bridgeman said he did not determine from which account funds for athletic scholarships originated since this was a "business matter". He added he did not know from what account funds were utilized for STUDENT-ATHLETE 2' spring 2004 scholarship. In his April 7, 2008, interview, Bridgeman initially reported that he did not believe STUDENT-ATHLETE 2' spring 2004 aid was funded by athletics aid but agreed that athletics funds were likely the source after he reviewed STUDENT-ATHLETE 2' 2004-05 renewal of athletics aid form. He also stated that "8100TENNIS", the code that appeared on STUDENT-ATHLETE 2' Student Information System ("SIS") screen shot for the spring 2004 aid, indicated the aid originated from a men's tennis institutional account.

Former Associate Director of Athletics Brian DeAngelis stated that the Director of Athletics, someone from the Financial Aid Office, and the Compliance Director all signed student-athletes' financial aid agreements. He added that he only signed agreements in the absence of the Director of Athletics. DeAngelis said Bridgeman was aware of the scholarship budgets for each sport and

communicated these amounts to coaches. DeAngelis added that he thought Bridgeman's responsibilities, relative to student-athlete aid, also included monitoring team equivalency limits and coding student-athletes' non-athletic aid. DeAngelis reported that he (DeAngelis) was responsible for ensuring that coaches did not exceed their scholarship budgets.

DeAngelis explained that coaches were able to fund scholarships for team managers through their operations budget or through unused funds out of their scholarship budgets, both of which were institutional athletics funds. DeAngelis stated he thought Bridgeman "helped (STUDENT-ATHLETE 2) out" with a manager's scholarship. He said Bridgeman would have been charged with ensuring STUDENT-ATHLETE 2 was eligible to receive the scholarship and that he (DeAngelis) would have only verified that funds were available for the scholarship. DeAngelis added he was "80 percent" certain STUDENT-ATHLETE 2' scholarship for the 2003-04 year was funded from athletics accounts, and he felt sure Bridgeman also knew the scholarship was paid out of the men's tennis account. After reviewing a SIS screen shot evidencing STUDENT-ATHLETE 2' spring 2004 award, DeAngelis stated that the code listed for the fund did, in fact, represent men's tennis.

An August 13, 2004, e-mail from DeAngelis to Bridgeman references an "agreement" regarding STUDENT-ATHLETE 2' financial aid (See Exhibit 2-3). (Bridgeman did not recall the specifics of the e-mail in his NCAA interview). DeAngelis said the "agreement" probably was in reference to the manager's scholarship. DeAngelis added that he most likely told STUDENT-ATHLETE 2 he would be required to actually work in order to receive the scholarship since he usually gave this warning to managers on scholarship. DeAngelis also recalled asking Denton whether STUDENT-ATHLETE 2 was performing his duties as a manager.

Denton was the University's Head Men's Tennis Coach from 2001-02 through 2005-06. He indicated he knew STUDENT-ATHLETE 2 was a nonqualifier upon entering the University in the spring of 2004. Denton explained that an institutional administrator approved the \$1,000 manager's scholarship for STUDENT-ATHLETE 2 in order for STUDENT-ATHLETE 2 to receive in-state tuition, but he did not initially recall if Bridgeman, DeAngelis, or former Director of Athletics Dan Viola approved the aid. Denton later stated he believed Viola approved STUDENT-ATHLETE 2' scholarship. Denton reported that while he coached at the University, his understanding was that all athletics scholarships were funded by athletics accounts, except manager's scholarships. He stated

he thought STUDENT-ATHLETE 2' \$1,000 scholarship was permissible because it was funded by institutional, not athletics, accounts.

An institutional "Student Athlete Athletic Financial Aid Agreement" (See Exhibit 2-2) indicates STUDENT-ATHLETE 2 was granted an "initial award" in the amount of \$1,000 for the 2003-04 academic year. The form is signed by Viola and a representative from the Student Financial Assistance Office, with both signatures dated January 15, 2004. The form also contains an undated signature from STUDENT-ATHLETE 2. An undated institutional "Compliance Program Scholarship Request" for STUDENT-ATHLETE 2 (See Exhibit 2-2) states "Mgr" in the "Sport" line and also indicates that the scholarship was in the amount of \$1,000. While Bridgeman did not recall completing STUDENT-ATHLETE 2' "Compliance Program Scholarship Request" form, he confirmed his handwriting on the document.

SIS screen shots confirm that STUDENT-ATHLETE 2' January 2004 award in the amount of \$1,000 was in fact distributed (See Exhibit 2-4). It appears that in November 2004, a request for a second athletics grant was authorized for STUDENT-ATHLETE 2 in the amount of \$4,000. The "Student Athlete Athletic Financial Aid Agreement" for this grant was signed by Denton, Viola, and a representative of the Director of the Student Financial Assistance Office (See Exhibit 2-5).

The squad list for the 2003-04 academic-year included STUDENT-ATHLETE 2 but indicated he was not eligible and did not indicate the receipt of any athletics aid. The squad list for the 2004-05 academic year indicates STUDENT-ATHLETE 2 received .5 of an athletics scholarship and was eligible to compete (See Exhibit 2-6).

Paragraph 2(b)

See Paragraph 2(a) above for additional information on Bridgeman's and DeAngelis' knowledge of STUDENT-ATHLETE 2' classification as a team manager. STUDENT-ATHLETE 2 was perceived by some athletics department officials and the head tennis coach as a manager. The number of occasions in which STUDENT-ATHLETE 2 performed managerial duties is in dispute but is not relevant to a determination of whether a violation occurred.

Denton stated Bridgeman told him that STUDENT-ATHLETE 2' nonqualifier status meant he could not practice or compete during his first year in residence. However, Denton added that he (Denton) did not have concerns about STUDENT-ATHLETE 2 serving as a manager during that year.

Denton stated that STUDENT-ATHLETE 2 did not have extensive managerial responsibilities during the spring and fall of 2004. He explained that when STUDENT-ATHLETE 2 attended practice, he usually studied in the lounge of the HEB Tennis Center, the facility in which practices were held. Denton stated that STUDENT-ATHLETE 2 was in the HEB Tennis Center during less than one-half of the team's 2004 practices. He explained that when STUDENT-ATHLETE 2 was present, he occasionally set out balls, water, and ice for team members.

STUDENT-ATHLETE 2 stated he did not practice or compete with the men's tennis team during the 2004 calendar year. STUDENT-ATHLETE 2 added that Denton told him he could not practice or compete due to his nonqualifier status. He also maintained that he was not a manger for the men's tennis team and was not aware the institutional scholarship he received that year was a manager's scholarship. STUDENT-ATHLETE 2 said he attended approximately 10 to 15 total practices during the spring and fall 2004 semesters and was only near the team (i.e., in the same area or on the same courts in the HEB Tennis Center) on approximately five of those occasions. He stated he did not perform any managerial duties, including setting out balls, water, or ice for team members.

Bridgeman confirmed it was his understanding that STUDENT-ATHLETE 2 served as a men's tennis team manager and added he thought STUDENT-ATHLETE 2 was the first manager for that team. During his NCAA interview, it was unclear whether Bridgeman understood that NCAA legislation precluded nonqualifiers from serving as team managers during their first year in residence. He said he thought making STUDENT-ATHLETE 2 a manager could have been a way for institutional staff to "keep some handle on him" during his first year at the University. Bridgeman stated he was not aware of the University deliberately providing any benefit to STUDENT-ATHLETE 2 that was contrary to NCAA legislation.

Paragraph 2(c)

The University agrees that in the spring of 2005, Secord discovered that STUDENT-ATHLETE 2 received athletics aid while he was a nonqualifier during the 2003-04 academic year, that the NCAA violation was not reported, and that STUDENT-ATHLETE 2 continued to compete.

Bridgeman left the University in 2004 to become the Director of Compliance and Academics at New Mexico State University. Secord started at the University in January 2005. Secord reported he most likely discovered STUDENT-ATHLETE 2' 2004 aid in the spring of 2005 while he was reviewing squad lists. Secord explained that he detected the aid while reviewing SIS financial aid screens and then informed both DeAngelis and Viola of the matter. Secord said when he showed DeAngelis the screens, DeAngelis responded "Oh shoot, Bridgeman", which Secord took to mean DeAngelis felt Bridgeman was responsible for the violations. After telling Viola of the violation, Secord reported that Viola did not direct Secord to report it. Secord reported that he also informed Denton of the violation, most likely also in the spring of 2005. He said Denton's reaction on how to proceed with the situation was that it was not his "call". Secord stated he did not believe Denton was aware that STUDENT-ATHLETE 2' 2004 aid constituted a violation at the time the aid was awarded.

Sometime in mid 2007, the University was considering whether to request a NCAA Administrative Review Subcommittee waiver on STUDENT-ATHLETE 2' behalf. Teter reported that at that time, Secord told him (Teter) that STUDENT-ATHLETE 2 received aid as a nonqualifier. Teter reported that it was his understanding this took place before Secord started at the University. Teter said he believed the situation to be a NCAA violation since Secord already had "checked everything out" but confirmed that no further inquiry was made at that time.

Secord confirmed that he informed Teter of the STUDENT-ATHLETE 2 violation in the fall of 2007, as the institution was considering whether to submit an ARS waiver to recover a year of eligibility for STUDENT-ATHLETE 2. He explained he told Teter, "I'm not going to falsify" information on the NCAA application relative to years in which STUDENT-ATHLETE 2 received athletic aid.

DeAngelis could not recall whether Secord told him that STUDENT-ATHLETE 2 received impermissible aid.

Also, please provide the following:

- a. *A statement indicating the date STUDENT-ATHLETE 2 enrolled at the institution and a description of the steps the institution took to establish his eligibility for practice, competition and athletically related financial aid upon enrollment. Also, please include the number of matches in which STUDENT-ATHLETE 2 competed during each season of competition at the institution, the institution's win-loss record during the matches in which STUDENT-ATHLETE 2 competed while ineligible and the number of NCAA postseason events in which the young man participated during each season of competition.*

STUDENT-ATHLETE 2 enrolled at the University on January 14, 2004, the start of the spring 2004 term.

See Paragraphs 2(a) and 2(b) above regarding Bridgeman's recollection of how STUDENT-ATHLETE 2 came to receive a manager's scholarship during the 2004 spring semester and the process by which athletic aid was granted at that time. See Allegation 1 for information on the University's process for certifying international student-athlete eligibility during Bridgeman's tenure, which included the 2003-04 academic year.

See Exhibit 2-7 for a summary of STUDENT-ATHLETE 2' participation records at the University. In the springs of 2006 and 2007, STUDENT-ATHLETE 2 played in every match. In 2005, he played in every match except four. STUDENT-ATHLETE 2 played in both 2005 NCAA matches.

- b. *A statement describing the institution's system of awarding, computing and distributing athletically related financial aid to student-athletes during the 2003-04 and 2004-05 academic years and how that process was applied to STUDENT-ATHLETE 2. Include in this statement the identity and title of each person involved in this system during the 2003-04 and 2004-05 academic years, their length of employment at the institution in their capacities and the extent of NCAA rules education provided to the staff members involved in this process.*

See Paragraph 2(a) and Subquestion "a" above.

Additionally, Financial Assistance Advisor Cecilia DeLaGarza confirmed that the process for administering athletics aid was consistent from 2003-04 through 2007-08. She said either Bridgeman or Secord forwarded student-athlete names and athletics scholarship amounts to the Financial Assistance Office, which administered those amounts. DeLaGarza stated that her office did not provide any verification of eligibility to receive aid or monitor NCAA limits.

See the University's response to Allegation #8 for information on the provision of NCAA rules education to individuals outside the athletics department involved in compliance operations. Parties involved in the administration of student-athlete athletics aid during the 2003-04 and 2004-05 academic years included:

Name	Title	Dates of Service
Cecilia DeLaGarza	Financial Assistance Advisor I	1/2003 – Present
Dalinda Zeriali	Director of Financial Aid	10/07/1991-3/19/2006
Wayne Bridgeman	Director of Compliance and Academics	1999-11/2004
Patricia R. Steadman	Athletics Secretary (Bridgeman reported Steadman assisted him in preparing athletics financial aid agreements)	9/20/1999-5/31/2008
John Secord	Associate Director of Athletics for Compliance and Academics	1/2005 – 5/2008

- c. *A statement indicating how the institution initially learned of these violations, including any information indicating that possible violations occurred and whether this information was available to the men's tennis coaching staff or athletics department staff members prior to the enforcement staff's investigation in March 2008.*

See Paragraph 2(c) above.

- d. *A copy of STUDENT-ATHLETE 2' student information system award summary for the years in which he received athletics aid. Please provide a statement explaining STUDENT-ATHLETE 2' student information system award summary for the years in which athletics aid was disbursed and the funding account from which the athletics aid was drawn.*

STUDENT-ATHLETE 2' SIS screen shots that evidence athletics aid he received during each of his years at the University are included as Exhibit 2-4. Cecilia DeLaGarza, Financial Assistance Advisor from the Office of Financial Assistance, provided the detailed explanation that appears on each of the four pages of screen shots. Kathy Funk-Baxter explained that the University creates subcodes in its SIS for purposes of alignment with financial transactions to the accounting system. She stated that SIS requires that each subcode is then given a short description as well as the financial accounts it will post to. This allows the SIS to create the appropriate entry into the University's financial system based upon the subcode used. She said "81000", the subcode that appeared on STUDENT-ATHLETE 2' SIS screens, has a description of "TENN". Funk-Baxter said this description was provided to indicate MENS Tennis scholarship, which is an athletics department financial account.

- e. *A statement indicating the reasons the institution awarded athletically related financial aid to STUDENT-ATHLETE 2 as a nonqualifier and permitted him to serve as a tennis manager in light of NCAA legislation prohibiting such benefits.*

See Paragraphs 2(a) and 2(b) above.

- f. *A statement describing the institution's system for monitoring NCAA rules compliance of the awarding of athletically related financial aid during the past four academic years.*

The chief Athletic Compliance Officers – Secord from January 2005 through May 2008 and Bridgeman prior to that time - were charged by the Director of Athletics and ultimately the President with oversight of all athletic compliance operations. The investigation indicated that individuals both in and outside of the athletics department that were involved in the administration of athletic aid received some education on applicable NCAA legislation through various means as detailed in Allegation #8. However, the University believes this education and overall efforts to monitor the process by which athletics aid was administered could have been stronger.

- g. *A statement indicating the reasons the institution permitted STUDENT-ATHLETE 2 to represent the institution in intercollegiate athletics competition at a time he was ineligible to do so.*

See Paragraph 2(c) above.

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 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 STUDENT-ATHLETE 1.*
- b. From August 2007 through February 2008, Norris placed 20 impermissible phone calls to then prospective student-athlete STUDENT-ATHLETE 2.*
- c. From August 2007 through February 2008, Norris placed 17 impermissible phone calls to then prospective student-athlete STUDENT-ATHLETE 3.*
- d. From August through September 2007, Norris placed three impermissible phone calls to then prospective student-athlete STUDENT-ATHLETE 4.*

Please indicate whether this information is substantially correct and whether the institution believes violations of legislation occurred. Submit evidence to support your response.

Overview of University's Position

Based upon a review of the available information, the University agrees these allegations are true and that secondary violations of NCAA recruiting legislation occurred in that Men's Basketball Assistant Coach Kevin Norris had excessive telephone contact with the four named former prospective student-athletes. Three of these four prospects were attending a two-year institution while being recruited.

In several weeks of the eight-month period examined, Norris placed two calls to the named prospects. NCAA Bylaw 13.1.3.1.2 restricts telephone calls to two per week for high school prospects and one per week for a two-year prospect. The University believes Norris was confused by this legislation and thought two-year prospects could be called on two occasions per week. The University believes that many of the impermissible calls were unintentional and not meant to realize a recruiting advantage. Additionally, Norris' close, pre-existing relationship with STUDENT-ATHLETE 2 and his family appears to be a key mitigating factor in excessive calls made to STUDENT-ATHLETE 2.

The NCAA's impermissible telephone call total for each of the four prospective student-athletes in this allegation was based upon information Norris recorded in two sets of recruiting records.

Because Norris' accounts of the manner in which these records were maintained was confusing, the University sought Norris' cellular telephone billing records for an eight-month period in order to establish a definitive count of impermissible calls. After a review of these records, the University discovered additional impermissible recruiting telephone calls with two then prospects (STUDENT-ATHLETE 2 and STUDENT-ATHLETE 3) named in the allegation (See Exhibit 3-1 for the institution's original contact/evaluation and telephone logs for these four prospects).

Review of Information

Former Associate Director of Athletics for Compliance and Academics John Secord reported he was not aware of any men's basketball coaches placing impermissible recruiting calls during the 2007-08 academic-year. He explained that he provided a binder for recruiting logs to each sport program during a compliance meeting held at the start of the 2007-08 academic year. He said he reviewed the binder and written instructions with coaches and directed them to ask him questions as they arose. He added that he thought at least one men's basketball coach attended the meeting.

Secord stated that although he requested the recruiting logs be turned in to him on a regular basis, coaches did not always comply with this request. He said he did not know how many times or if the men's basketball logs were submitted to him during the 2007-08 year. Secord added that when coaches' logs were submitted, Athletics Administrative Assistant Christina Martinez was supposed to transmit the data into the NCAA Compliance Assistant Software (CAi).

Norris was hired as an assistant coach by the University in May 2007, after serving in the same capacity at Tallahassee Community College ("Tallahassee") for two years. The University is the first NCAA institution for which Norris has worked. Norris' primary recruiting regions for the University are Florida and the East Coast.

Norris reported that he did not recall receiving any rules education from administrators at the University from his hiring in 2007 until his May 14, 2008, interview. He said he became familiar with NCAA legislation through taking practice tests for the NCAA Coaches' Certification Exam and by asking Secord questions as they arose.

Although he is not the team's recruiting coordinator, Norris reported he is responsible for maintaining the sport's recruiting telephone logs. He explained that each men's basketball coach keeps his own record of calls on a form, which is provided to Norris. Norris said he then compiled all calls on one form that was provided by Secord. He reported he thought the compliance staff came to the basketball office to review the records, as opposed to the basketball office forwarding the logs to the compliance staff. He stated that although Secord informed coaches that he would review logs on request, Norris thought Secord only reviewed the men's basketball logs on two occasions since Norris' 2007 hiring. He noted that the logs usually were kept in the men's basketball office.

Norris stated he misunderstood NCAA legislation applicable to recruiting calls to two-year college prospects when Bylaw 13.1.3.1.2 was reviewed with him during his May 14, 2008, interview. Norris said he thought coaches could make two calls per week to two-year prospects in their second year. However, NCAA Bylaw 13.1.3.1.2 allows two weekly calls to high school prospects, while the weekly limit for two-year prospects is one.

Norris said he included calls in his recruiting logs that were made to the coaches of three two-year college prospects – STUDENT-ATHLETE 2, STUDENT-ATHLETE 4, and STUDENT-ATHLETE 1. He explained these calls were recorded when he and the coach discussed the prospects in question or when the prospect was with the coach and took the phone to speak with Norris. During his interviews, Norris was unable to determine which recruiting log entries were calls made to prospects and which calls were made to coaches.

Accounts obtained and documentation reviewed during the investigation indicated that Norris' recruiting telephone logs were incomplete and confusing. In order to determine the actual number of impermissible calls Norris made to prospects named in this allegation, the University undertook an in-depth audit of cellular telephone billing records produced by Norris' cellular telephone provider (See Exhibit 3-2). In addition, the institution interviewed the named prospects' two-year college coaches for their recollection of occasions when Norris spoke to prospects during coaches' calls with Norris and to gather all telephone numbers used by the prospects during the time period in question. As mentioned, the University's review indicated that impermissible calls in excess of totals included in the NCAA's allegations were made to STUDENT-ATHLETE 2 and STUDENT-ATHLETE 3. When asked about the calls on his billing records that were not recorded on his recruiting logs,

Norris replied that he did not think NCAA recruiting call legislation applied to calls during which no recruiting took place.

Paragraph 3(a)

The University acknowledges that Norris likely placed impermissible calls to STUDENT-ATHLETE 1 through STUDENT-ATHLETE 1's junior college coach, Tallahassee Men's Basketball Coach T. J. Braxton. (As noted earlier, Norris previously was employed at Tallahassee). Because Norris placed multiple calls to Braxton due to a relationship the two coaches had established, it is difficult to determine the exact number of impermissible calls made to STUDENT-ATHLETE 1. The University believes this total is three or fewer calls.

While a violation likely occurred with respect to STUDENT-ATHLETE 1's recruitment, he was not highly recruited by the institution and never enrolled. STUDENT-ATHLETE 1 never made a recruiting visit to the University. STUDENT-ATHLETE 1 initially enrolled at INSTITUTION upon graduation from high school and currently is enrolled in and competes for the INSTITUTION.

Braxton replaced Norris as an assistant coach when Norris left Tallahassee. Norris stated that he spoke to Braxton about STUDENT-ATHLETE 1 on multiple occasions and that he recorded these conversations as recruiting calls for STUDENT-ATHLETE 1 in recruiting logs. He stated he spoke to STUDENT-ATHLETE 1 on approximately two occasions while on the telephone with Braxton but never had STUDENT-ATHLETE 1's telephone number and did not call STUDENT-ATHLETE 1 directly. The University was able to secure STUDENT-ATHLETE 1's telephone number through Braxton and confirmed that Norris did not call STUDENT-ATHLETE 1 directly.

Braxton stated he knew Norris through Tallahassee Men's Basketball Head Coach Eddie Barnes and because Braxton coached at the University of Western Florida in Pensacola while Norris coached at Tallahassee. Braxton said that during the fall of 2007, Norris called him on approximately ten to fifteen occasions. Braxton did not recall Norris talking to or recruiting STUDENT-ATHLETE 1 and did not recall passing the telephone to STUDENT-ATHLETE 1 in order for him to talk to Norris.

Paragraph 3(b)

The University acknowledges that Norris placed an excessive number of calls to STUDENT-ATHLETE 2 and agrees that these calls violated NCAA Bylaw 13.1.3.1.2. It is important to note that STUDENT-ATHLETE 4 recruiting advantage was gained by these calls due to the pre-existing, established relationship between Norris and STUDENT-ATHLETE 2 and his family and the fact that STUDENT-ATHLETE 2 did not ultimately attend the University. While n NCAA official interpretation sets out that benefits received from an individual with whom a prospect or student-athlete has an established relationship do not violate NCAA amateurism legislation (June 6, 2000, "Benefits Resulting from an Established Relationship"), no such interpretation or legislative exception exists relative to recruiting calls and contacts. While Norris' relationship with STUDENT-ATHLETE 2 meets the criteria for the amateurism legislation exception set out in the official interpretation cited (e.g., the relationship did not develop due to the prospect's participation in athletics, the relationship predated the young man becoming a prospect), it is the University's understanding that Bylaw 13.1.3.1.2 must be strictly applied to Norris' calls to STUDENT-ATHLETE 2 once STUDENT-ATHLETE 2 became a prospect.

While Norris' recruiting records indicated 20 impermissible calls were made to STUDENT-ATHLETE 2, the University's review of billing records indicated 44 impermissible calls were made between August 2007 and March 2008. The majority of these calls was one to two minutes in duration and was likely only messages. However, the University based its impermissible call count on NCAA Bylaw 13.1.3.1.6, which states that, "Once an institution reaches the applicable limit on telephone calls to a prospective student-athlete...for a particular time period...the institution may not initiate an additional telephone call during the same time period, even if no direct conversation occurs during the additional call (e.g., voicemail message)". Therefore, during weeks in which Norris had a call to STUDENT-ATHLETE 2 that lasted three or more minutes, any subsequent calls, regardless of duration, were counted as impermissible.

Norris explained that STUDENT-ATHLETE 2's brother, P. STUDENT-ATHLETE 2 ("P. STUDENT-ATHLETE 2"), is a close friend and that they have known each other since they were ten years old. (Both Norris, STUDENT-ATHLETE 2, and P. STUDENT-ATHLETE 2 are from CITY). Norris stated he has known STUDENT-ATHLETE 2 since he was born and that STUDENT-ATHLETE 2 chose to attend Tallahassee because Norris was a coach there. A pre-existing relationship appears to have been established between Norris and STUDENT-ATHLETE 2 prior to STUDENT-ATHLETE 2's attendance at Tallahassee.

Norris explained that he and STUDENT-ATHLETE 2 talked frequently about personal matters and that he only recorded in recruiting logs calls to STUDENT-ATHLETE 2 in which he discussed the University. He added that he also recorded some of STUDENT-ATHLETE 2's calls to him on recruiting logs. Norris continued that many calls he made to STUDENT-ATHLETE 2 during the 2007-08 academic year were at the request of P. STUDENT-ATHLETE 2 or Tallahassee coaches due to their concerns about STUDENT-ATHLETE 2's academic performance at Tallahassee. He explained that because STUDENT-ATHLETE 2 was like a younger brother, he was able to get through to him when STUDENT-ATHLETE 2 needed to be told to focus on academics. He also said STUDENT-ATHLETE 2 looked to him for advice on "life issues". Norris explained that when he was unable to contact STUDENT-ATHLETE 2, he often called STUDENT-ATHLETE 2's roommate, STUDENT-ATHLETE 3, in his attempts to locate STUDENT-ATHLETE 2. Norris said he left messages for both STUDENT-ATHLETE 2 and STUDENT-ATHLETE 3 when he was unable to reach them and did not record these calls because no recruiting took place.

Barnes was the head coach at Tallahassee while Norris served as an assistant at the institution. Barnes added that he (Barnes) and Norris talk one or two times weekly. Barnes characterized Norris' relationship with STUDENT-ATHLETE 2 as that of an "older brother". Barnes recalled one occasion during a call with Norris when he (Barnes) gave the telephone to STUDENT-ATHLETE 2 in order for him to speak to Norris.

Two basketball websites (Hoopmasters.com and JucoJunction.com) ranked STUDENT-ATHLETE 2 in the country's top ten junior college players in his position. Information compiled during the investigation did not support that STUDENT-ATHLETE 2 seriously considered attending the University, and he ultimately signed with and attended the INSTITUTION. STUDENT-ATHLETE 2 never visited the University. Therefore, Norris' excessive calls to STUDENT-ATHLETE 2 do not appear to have resulted in a recruiting advantage for the University.

Paragraph 3(c)

The University acknowledges that Norris placed an excessive number of calls to STUDENT-ATHLETE 3, who ultimately signed with and now attends the University. While Norris' recruiting records indicated 17 impermissible calls were made to STUDENT-ATHLETE 3, the University's review of billing records indicated 42 impermissible calls were made to STUDENT-ATHLETE 3

between August 2007 and March 2008. Similar to the pattern of calls to STUDENT-ATHLETE 2, the majority of these calls was one to two minutes in duration and was likely only messages. However, as in STUDENT-ATHLETE 2's analysis, the University counted all calls or attempted calls that occurred in the same week after a call longer than three minutes took place.

STUDENT-ATHLETE 3 is a current University men's basketball student-athlete and is from CITY, COUNTRY. He was a May 2006 high school graduate and signed a National Letter of Intent with the University on April 17, 2008. STUDENT-ATHLETE 3 is ineligible to compete during the fall 2008 semester because of the violation at issue and because he did not meet NCAA percentage-of-degree requirements upon his transfer from Tallahassee.

Norris said he coached STUDENT-ATHLETE 3 at Tallahassee and later actively recruited him to attend the University. Norris reported that he began recruiting STUDENT-ATHLETE 3 in October or November of 2007, when STUDENT-ATHLETE 3 was in his second year at Tallahassee. Norris' relationship with STUDENT-ATHLETE 3 does not appear to have pre-dated Norris serving as STUDENT-ATHLETE 3' coach at Tallahassee.

While Norris reported that he recorded calls from STUDENT-ATHLETE 3 to him on his recruiting logs, the University's impermissible call count includes only calls from Norris to STUDENT-ATHLETE 3 that appeared on billing records. While the University agrees that Norris' impermissible calls to STUDENT-ATHLETE 3 likely resulted in a recruiting advantage, Norris' previous coaching relationship with STUDENT-ATHLETE 3 appears to have been the primary contributing factor in STUDENT-ATHLETE 3' decision to attend the University.

Paragraph 3(d)

The University acknowledges that Norris likely placed impermissible calls to STUDENT-ATHLETE 4 through his junior college coach, Chipola Community College Men's Basketball Head Coach Greg Heiar. Because Norris placed or attempted 26 calls to Heiar, it is difficult to determine the exact number of impermissible calls made to STUDENT-ATHLETE 4 since Norris did not call him directly. The University believes Norris' impermissible calls to STUDENT-ATHLETE 4 total approximately three. Finally, it does not appear STUDENT-ATHLETE 4 seriously considered attending the University. He did not make a recruiting visit to the institution and ultimately signed

with and attended the INSTITUTION. Therefore, Norris' excessive calls to STUDENT-ATHLETE 4 do not appear to have resulted in a recruiting advantage for the University.

Norris reported that he did not consider his limited telephone contact with STUDENT-ATHLETE 4 to constitute recruitment to the University. He explained that he knew Heiar well and that he only spoke to STUDENT-ATHLETE 4 during calls he placed to Heiar. He estimated that this took place on two or three occasions but said he also recorded calls to Heiar during which he and Heiar discussed STUDENT-ATHLETE 4. Norris stated he never knew STUDENT-ATHLETE 4's telephone number and did not call him directly. The University's review of Norris' phone billing records support that Norris did not call STUDENT-ATHLETE 4 directly.

Heiar reported that he considers Norris a good friend and that the two talk on several occasions weekly. Heiar said Norris did not "really" recruit STUDENT-ATHLETE 4 but that he (Heiar) did provide the telephone to STUDENT-ATHLETE 4 to talk to Norris during the two coaches' telephone conversations. Heiar estimated that this took place on fewer than ten occasions. When told that Norris estimated this took place on three occasions, Heiar agreed with Norris' estimate.

Also, please provide the following:

- a. *An overview of NCAA rules education related to telephone contacts the institution provided to the men's basketball coaching staff during the 2007-08 academic year.*

See Response to Allegation #3 above and information included in the University's response to Allegation #8.

- b. *An overview of the institution's compliance procedures for monitoring telephone calls to prospective student-athletes during the 2007-08 academic year.*

See response to Allegation#3 above.

- c. *A statement indicating whether any of the prospects identified in the allegation have remaining eligibility issues. Please include copies of all correspondence between the institution and the NCAA student-athlete reinstatement staff concerning the restoration of eligibility for the prospects identified in this allegation.*

The University has declared STUDENT-ATHLETE 3 ineligible due to Norris' impermissible recruiting calls. However, STUDENT-ATHLETE 3' eligibility reinstatement has not yet been sought from the NCAA because STUDENT-ATHLETE 3 is otherwise ineligible due to failure to meet progress-toward-degree for the fall 2008 term. If STUDENT-ATHLETE 3' satisfies progress-toward-degree requirements for the spring 2009 term, the University will likely request his reinstatement at that point.

- d. *A statement indicating the reasons these telephone calls were placed by Norris in light of NCAA legislation prohibiting such calls.*

See Paragraphs 3(a) through 3(d) above.

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-day period, the institution provided prospective student-athlete STUDENT-ATHLETE 5 (COUNTRY, COUNTRY), a four-year transfer, with various impermissible recruiting inducements while STUDENT-ATHLETE 5 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 STUDENT-ATHLETE 5 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 GRADUATE STUDENT, athletics department graduate assistant, provided STUDENT-ATHLETE 5 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 STUDENT-ATHLETE 5 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-day period, STUDENT-ATHLETE 7, men's basketball student-athlete and one of the student-athletes with whom STUDENT-ATHLETE 5 resided, provided STUDENT-ATHLETE 5 local automobile transportation from their on campus apartment to a grocery store in Corpus Christi in order for STUDENT-ATHLETE 5 to purchase groceries. [NCAA Bylaws 13.2.1 and 13.5.1]*
- d. *During this 11-day period, associate head men's basketball coach William Garrett, provided STUDENT-ATHLETE 5 local automobile transportation from the on campus apartment in which he resided to a grocery store in Corpus Christi in order for STUDENT-ATHLETE 5 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 STUDENT-ATHLETE 5 local automobile transportation from the on campus apartment in which he resided to the Greyhound bus station in Corpus Christi in order for STUDENT-ATHLETE 5 to depart Corpus Christi and return to COUNTRY. [NCAA Bylaws 13.2.1 and 13.5.1]*

Please indicate whether this information is substantially correct and whether the institution believes violations of legislation occurred. Submit evidence to support your response.

Overview of University's Position

Based on a review of the available information, the University agrees these allegations are true and that a major violation of NCAA legislation occurred. Information produced during the investigation support that coaches and administrative staff provided STUDENT-ATHLETE 5 impermissible benefits contrary to legislation set out in NCAA Bylaw 13. STUDENT-ATHLETE 5 never enrolled at the University.

Review of Information

STUDENT-ATHLETE 5 is from CITY, COUNTRY, and attended high school at the INSTITUTION in CITY. He was a basketball student-athlete at the INSTITUTION 3 ("INSTITUTION 3") from the fall of 2006 until he departed that institution in November 2007 due to a disciplinary matter. At that time, STUDENT-ATHLETE 5 moved in with his uncle in CITY. University Men's Basketball Associate Head Coach Billy Garrett began recruiting STUDENT-ATHLETE 5 in January 2008. It appears that coaches intended for STUDENT-ATHLETE 5 to enroll in the second semester of the 2007-08 academic year, which started January 16, 2008.

Garrett started coaching at the University in May 2007 after being employed at the University of New Mexico as an assistant coach for two months. Prior to the University of New Mexico, Garrett coached at Siena College, Seton Hall, and the University of Iowa. Prior to these collegiate jobs, Garrett was a high school coach in CITY.

STUDENT-ATHLETE 5 arrived in Corpus Christi on January 29, 2008, after flying from CITY. The Enforcement Staff relied on STUDENT-ATHLETE 5' recollection that he remained in Corpus Christi for 11 days. An issue remains whether STUDENT-ATHLETE 5 left campus on February 7 or 8. The University contends that Garrett's recollection that STUDENT-ATHLETE 5 departed on February 7 appears to be more credible since it was generally difficult for STUDENT-ATHLETE 5 to recall specific dates during his interviews. Therefore, it appears STUDENT-ATHLETE 5 remained in Corpus Christi for 10 days, rather than 11 days as set out in this allegation. Although he was admitted to the University, STUDENT-ATHLETE 5 left Corpus Christi on February 7, without enrolling, due to the fact that his I-20 could not be renewed.

Paragraph 4(a)

It appears STUDENT-ATHLETE 5 spent nine nights at an on-campus apartment with men's basketball student-athletes STUDENT-ATHLETE 6, STUDENT-ATHLETE 7, STUDENT-ATHLETE 8, and a University student.

While conflicting information exists as to whether Garrett arranged STUDENT-ATHLETE 5' lodging, it appears that Garrett facilitated this arrangement. Garrett was aware that STUDENT-ATHLETE 5 spent several nights in the team members' apartment and did not review the situation to

determine if a violation occurred. Because Garrett was aware of the lodging arrangement, the institution agrees he permitted it. Additionally, the University agrees the lodging constituted an extra benefit to STUDENT-ATHLETE 5 since none of his relationships with the men's basketball team members who resided in the apartment appear to satisfy guidelines set out in the NCAA's June 6, 2000, Official Interpretation of an "established relationship" as it relates to the receipt of benefits.

Garrett said STUDENT-ATHLETE 5' High School Coach (Lauren Jackson) told him about STUDENT-ATHLETE 5 and his situation after the University's November 28, 2007, game against INSTITUTION 3. He noted that Jackson knew University Men's Basketball Head Coach (Perry Clark) because Clark coached one of Jackson's high school players. Clark added that Jackson also contacted him and asked him to "take" STUDENT-ATHLETE 5. On January 16, 2008, INSTITUTION 3 administrators granted permission for the University to contact STUDENT-ATHLETE 5 in a form that appears to have been sent by and returned to then Associate Director of Athletics for Compliance and Academics John Secord. (Since this information is located in the NCAA Custodial Site, the NCAA Enforcement Staff will provide a copy of this document as part of its Case Summary).

Garrett said he talked to STUDENT-ATHLETE 5 on one or two occasions before STUDENT-ATHLETE 5 arrived in Corpus Christi and noted that he did not think STUDENT-ATHLETE 5 had his own telephone. He said he also recalled an occasion when he called Jackson in order to talk to STUDENT-ATHLETE 5. Garrett noted that he informed both Clark and Secord of STUDENT-ATHLETE 5' recruitment.

Clark stated that Teter and then Executive Vice President for Finance and Administration Bob Lovitt told him the University would admit STUDENT-ATHLETE 5 prior to his visit. Clark added that he believed STUDENT-ATHLETE 5 no longer was a prospective student-athlete when he arrived on campus because it was his (Clark's) understanding that STUDENT-ATHLETE 5 was admitted and enrolled at the University. He noted that STUDENT-ATHLETE 5 was not a priority for the men's basketball team and said he had only one brief conversation with STUDENT-ATHLETE 5 during his visit. Clark stated that he was not aware of STUDENT-ATHLETE 5' lodging arrangements during his stay in Corpus Christi.

Garrett also was aware that STUDENT-ATHLETE 5 had been admitted to the University for the spring 2008 term when he arrived in Corpus Christi on January 29, 2008. Garrett transported STUDENT-ATHLETE 5 upon his arrival from the Corpus Christi airport to campus. Information from interviewed individuals and a review of recruiting records support that the University did not pay for STUDENT-ATHLETE 5' January 29, 2008, flight from CITY to Corpus Christi.

Garrett said that prior to STUDENT-ATHLETE 5' visit, he told Jackson that STUDENT-ATHLETE 5 would need to stay at a hotel for approximately two nights upon his arrival in Corpus Christi. Garrett explained that Secord informed him of this necessity but added that he also thought Secord was aware that STUDENT-ATHLETE 5 ultimately stayed with men's basketball team members. Garrett stated that he did not arrange or have any involvement with STUDENT-ATHLETE 5 staying in the team members' apartment. Garrett said he thought STUDENT-ATHLETE 6 invited STUDENT-ATHLETE 5 to stay with him but that he did not witness such an invitation. He confirmed that he took STUDENT-ATHLETE 5' luggage to the apartment and later visited STUDENT-ATHLETE 5 at the apartment.

Garrett stated that upon his arrival on campus, STUDENT-ATHLETE 5 met with Secord, who, along with other administrators, began addressing STUDENT-ATHLETE 5' I-20 situation. Garrett said Secord also was expected to arrange STUDENT-ATHLETE 5' housing, scholarship, and enrollment upon his arrival.

Secord reported it was his understanding that STUDENT-ATHLETE 5 came to Corpus Christi to enroll at the University. He stated he knew STUDENT-ATHLETE 5 stayed in the team members' apartment but did not know if this occurred because STUDENT-ATHLETE 5 was "instructed to stay in the apartment or just chose to do so". Secord noted that other University men's basketball student-athletes were from CITY. He confirmed that at the time STUDENT-ATHLETE 5 stayed in the on-campus apartment, he knew the arrangement constituted a NCAA violation.

STUDENT-ATHLETE 5 explained that he planned to visit Corpus Christi but that "if everything (went) well", he planned to transfer to and enroll in the University and remain in Corpus Christi. In another interview, STUDENT-ATHLETE 5 said he planned to secure a dorm room and live on campus when he arrived. STUDENT-ATHLETE 5 confirmed that he stayed in an on-campus

apartment where three freshmen men's basketball team members and one non-student-athlete resided and that he did not pay any costs associated with the lodging.

STUDENT-ATHLETE 5 stated that upon his arrival on campus, he recognized some University men's basketball team members from AAU competitions in CITY and that they recognized and knew of him. He added that he did not talk to any team members before he arrived in Corpus Christi. STUDENT-ATHLETE 5 said he thought Garrett told him to stay in the on-campus apartment. He added that although it was possible the student-athletes invited him, he thought they just said they did not mind him staying with them. In another interview, STUDENT-ATHLETE 5 stated that Garrett told him to "just go in their room for the meantime 'til we see what's goin' on". STUDENT-ATHLETE 5 confirmed that he did not pay any costs associated with this lodging.

STUDENT-ATHLETE 5 recalled that during his first day on campus, Garrett took him to meet with Secord and an academic advisor and later to a team practice. He said he met with other administrators while they attempted to enroll him in school and watched more team practices during the next two days of his visit. STUDENT-ATHLETE 5 stated that he never enrolled in or attended classes at the University.

STUDENT-ATHLETE 7 recalled that Garrett brought STUDENT-ATHLETE 5 to their apartment and told him (STUDENT-ATHLETE 7) and his roommates that STUDENT-ATHLETE 5 would be staying for a few days until he was able to secure his own apartment. STUDENT-ATHLETE 7 reported that Garrett also stopped by the apartment at some point while STUDENT-ATHLETE 5 was staying there.

STUDENT-ATHLETE 6 reported that although he did not socialize with STUDENT-ATHLETE 5 while they were in high school in CITY, they were introduced by an AAU coach during STUDENT-ATHLETE 6's junior year in high school. STUDENT-ATHLETE 6 reported that upon STUDENT-ATHLETE 5's arrival on campus in January, he (STUDENT-ATHLETE 6) asked STUDENT-ATHLETE 5 to stay in his apartment and then told Garrett of their arrangement. STUDENT-ATHLETE 6 also reported that Garrett visited his apartment while STUDENT-ATHLETE 5 was staying there.

Paragraph 4(b)

University International and Admissions Advisor Karin Griffith explained that STUDENT-ATHLETE 5 was admitted to the University by the University provost. (Records indicate STUDENT-ATHLETE 5 was admitted on January 23, 2008). Griffith noted that after STUDENT-ATHLETE 5 was admitted, she became aware that his I-20 had expired and shared this information with Secord. Griffith said she replied "yes" when Secord then asked her if STUDENT-ATHLETE 5' I-20 could have been re-issued had he remained in CITY while completing the University admissions and enrollment process. Griffin said she created a new I-20 based on the story that involved STUDENT-ATHLETE 5 traveling to CITY from INSTITUTION 3 and staying in CITY until after his new I-20 was issued. However, she subsequently learned that former Athletics Department Secretary Minerva Hidalgo drove STUDENT-ATHLETE 5 to Laredo in an attempt to have him re-enter the United States from Mexico instead of COUNTRY. Griffith explained it was her understanding that STUDENT-ATHLETE 5 was denied entry in Laredo and asked to depart the United States within 30 days due to an outstanding court date in CITY.

STUDENT-ATHLETE 5 stated that before he arrived in Corpus Christi, he believed and had informed Garrett he still had an effective I-20. STUDENT-ATHLETE 5 explained that classes had been in session for almost two weeks when Secord realized STUDENT-ATHLETE 5 did not have an effective I-20. STUDENT-ATHLETE 5 said he thought Secord made some telephone calls and determined that a new I-20 could be issued if STUDENT-ATHLETE 5 re-entered the United States.

STUDENT-ATHLETE 5 confirmed that on January 31, 2008, Hidalgo drove him to Laredo, which was a two- to three-hour drive from Corpus Christi (approximately 145 miles each way). He added that Athletic Graduate Student GRADUATE STUDENT accompanied them on the drive. STUDENT-ATHLETE 5 said he paid for all of his meals and hotel room on the trip with approximately \$300 to \$400 his mother wired him through Western Union prior to the trip.

STUDENT-ATHLETE 5 said that when he entered the Office of Homeland Security in Laredo, he was detained for approximately 11 hours because officials thought he was entering the United States from Mexico. STUDENT-ATHLETE 5 reported that when Homeland Security officials released him, they told him he had 30 days to leave the country. STUDENT-ATHLETE 5 reported that after he was released around midnight, he, GRADUATE STUDENT, and Hidalgo went to a hotel where they stayed one night.

Hidalgo said she has worked in the athletics office since 2006 and that Secord and Teter were her supervisors. She explained that her departmental responsibilities included overseeing state vehicles and serving as a "billing coordinator". Hidalgo added that she also drafted scholarship and National Letter of Intent documents and administered student-athlete compliance paperwork as an athletics department secretary.

Hidalgo reported it was her understanding from Secord that STUDENT-ATHLETE 5 was in the country illegally after it was determined that STUDENT-ATHLETE 5' I-20 was expired. Hidalgo stated Secord asked her to transport STUDENT-ATHLETE 5 to the Immigration and Naturalization Services ("INS") office in Laredo. She said she drove STUDENT-ATHLETE 5 to the INS office on January 31, 2008, so he could return home to COUNTRY and not be deported to Mexico. Hidalgo confirmed that GRADUATE STUDENT traveled with her since she (Hidalgo) did not know STUDENT-ATHLETE 5. She added that the group returned to campus on the next day, February 1, 2008.

Hidalgo said she thought STUDENT-ATHLETE 5 was detained at INS because he originally was from COUNTRY and was considered "high risk." Hidalgo confirmed that she paid for and later charged the men's basketball program for the cost of the room she shared with GRADUATE STUDENT, while STUDENT-ATHLETE 5 paid for his room with cash she believed came from his parents.

Secord stated that he authorized Hidalgo and GRADUATE STUDENT to drive STUDENT-ATHLETE 5 to Laredo and that he knew at that time that this transportation constituted a NCAA violation. Secord explained that STUDENT-ATHLETE 5 was admitted to the University on January 23, 2008, while classes started for the spring term on January 16, 2008. He said that shortly before STUDENT-ATHLETE 5 came to campus, Griffith learned that INSTITUTION 3 had cancelled his I-20. Secord stated that Garrett then told him that STUDENT-ATHLETE 5 would bring documents showing he could remain in the country when he came to Corpus Christi. He said that when STUDENT-ATHLETE 5 arrived, however, he did not have documents that would allow another I-20 to be issued and added that STUDENT-ATHLETE 5 appeared to have been aware that his I-20 had expired. Secord said at that point, he realized STUDENT-ATHLETE 5 was in the United States illegally. Secord indicated that he then called the COUNTRY consulate who informed him that if