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May 22, 2015

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President E. Joseph Savoie
University of Louisiana at Lafayette
c/o Mr. Kyle Skillman
Bond Shoeneck and King, PLLC
7500 College Boulevard, Suite 910
Overland Park, Kansas 66210

RE: Notice of allegations, University of Louisiana at Lafayette, Case No. 00187.

Dear President Savoie:

The purpose of this letter and enclosure(s) is to provide University of Louisiana at Lafayette with the results of an inquiry conducted by the NCAA regarding the institution's athletics policies and practices. This inquiry was initiated in accordance with NCAA Bylaw 19 of the 2014-15 NCAA Division I Manual and described in the January 14, 2014, notice of inquiry. The available information appears to be of sufficient substance and reliability to warrant issuing a notice of allegations [NCAA Bylaw 19.7.1]. Accordingly, this letter and its enclosure(s) constitute a notice of allegations and include (1) the details of the allegations, (2) the level of each allegation, (3) the factual information and any aggravating and/or mitigating factors on which the NCAA enforcement staff relied, and (4) the available hearing procedures and opportunity to respond to the allegations.

As indicated in the notice of inquiry, the cooperative principle imposes an affirmative obligation on each institution to assist the enforcement staff and the NCAA Division I Committee on Infractions in developing full information to determine whether a possible violation of NCAA legislation has occurred [NCAA Bylaw 19.2.3]. The enforcement staff requests your continued cooperation for the purpose of obtaining all of the pertinent facts related to the allegations included with this letter and enclosure(s) until the case has been concluded.

Response to notice of allegations

Please thoroughly review the allegations, the factual information and the requests for information and submit a written response. You will note that a statement following the allegations requests the institution to indicate whether (1) the institution agrees with the level of each allegation and, if not, to provide an explanation why the allegation should be designated at a different level; (2) the factual information is substantially correct; and (3) the institution agrees with the aggravating and/or mitigating factors and whether there are additional aggravating

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and/or mitigating factors pursuant to Bylaws 19.9.3 and 19.9.4. If the institution's positions differ from those of the enforcement staff, the institution should provide all available factual information in support of its positions. In addition, pursuant to Bylaw 19.7.1.1, the institution has a responsibility to provide all relevant information including any information uncovered related to new violations.

Responses from the institution shall be submitted within 90 days from the date of this letter unless an extension is granted under Bylaw 19.7.2. In the interest of clarity and in accordance with the general procedures established by the committee, the institution is asked to copy each numbered item and the subparagraphs of each item from the notice of allegations. The institution's response, as well as the reasons for its position, should immediately follow each numbered item or subparagraph. Please submit the response and exhibits via email in Microsoft Word format to Joel McGormley, managing director of the Committees on Infractions, at COI@ncaa.org and to enforcement by uploading the response using the following link:

[00187-LaLafayette_Records Portal](#)

Please name the file(s) using the following naming convention:

NOAResponse_DateSubmitted_LaLafayette_00187.

Note that under Bylaw 19.7.2, the failure of an institution to submit a timely response to the notice of allegations may be viewed by the committee as an admission that a violation or violations occurred.

Your response presents a vital opportunity to assist the committee as it considers whether violations of the NCAA constitution and/or bylaws occurred. The information the committee will rely on will consist of the notice of inquiry; the notice of allegations and enclosures; your response; the enforcement staff's reply; the statement of the case; and, when applicable, any presentations at the hearing and/or written case submissions.

The enforcement staff has compiled a body of information relevant to this notice of allegations, including recorded interviews, interview transcripts, interview summaries and other factual information. Pursuant to Bylaw 19.5.9, you are entitled to review that information either through a secure website or at the NCAA national office. If you have not yet made arrangements with the enforcement staff to review the information, please immediately contact the primary investigator in this case who is identified below. He is available to discuss the development of the institution's response and assist in locating various individuals who have, or may have, important information regarding the allegations. If you believe additional interviews would be helpful as you prepare the institution's response, please provide the enforcement staff the opportunity to participate.

Prehearing conference

Pursuant to Bylaw 19.7.4, within 60 days of the submission of the institution's response, the enforcement staff will conduct a prehearing conference with the institution to clarify the issues and to discuss whether additional investigation is necessary. Also, pursuant to Bylaw 19.7.3, within 60 days of the date you submit the institution's response to the notice of allegations, the enforcement staff is required to submit its reply. Unless the chief hearing officer of the Committee on Infractions orders otherwise, Bylaw 19.7.5 requires the parties to submit all relevant materials to the committee no later than 30 days before the date of the infractions hearing.

Committee on Infractions hearing

Because this matter is being processed as a Severe Breach of Conduct (Level I) case (Bylaw 19.1.1), a hearing panel of the Committee on Infractions will convene with the parties for an in-person hearing, unless the institution requests a remote hearing under Bylaw 19.7.7. The office of the Committees on Infractions will notify the institution, involved individuals and the enforcement staff of the final hearing date and, if an in-person hearing is scheduled, the location, once the final schedule is established.


The hearing panel's chief hearing officer will identify and notify all individuals whose participation is required at the hearing. Note that pursuant to Bylaw 19.10.2, an appeal of the hearing panel's decision is available only to institutions who participate in the hearing process. In keeping with the premise of presidential control of athletics, the committee will expect you, as the president of an institution allegedly involved in severe violations of NCAA legislation, to participate in the hearing and to discuss presidential control and the institution's commitment to compliance. Additionally, the chief hearing officer will request the attendance of the following representatives of the institution: Scott Farmer, director of athletics; Anita Hazelwood, faculty athletics representative; Mark Hudspeth, head football coach; and Jessica Leger, director of compliance. Please inform Mr. McGormley on behalf of the committee at your earliest convenience if you anticipate difficulties in securing the attendance of these individuals. If you believe the hearing panel would benefit from the attendance of any other institutional representatives, please advise Mr. McGormley on behalf of the chief hearing officer of their names and titles as well. Note that the failure of any person to participate in the hearing, if specifically requested to participate, may constitute a violation of Bylaw 19.7.7.5.1.

This letter addresses only a portion of the procedural information you will need to understand as we progress through the case. Please consult Bylaw 19 via the NCAA's Legislative Service Database (LSDBi) and the Committee on Infractions Operating Procedures for further information and guidance. You may direct any questions or requests for the hearing panel to Mr. McGormley. If the enforcement staff can be of assistance, please contact me; Stephanie Hannah, director of enforcement, at shannah@ncaa.org; or Michael Sheridan, the primary investigator in this case, at msheridan@ncaa.org.

The NCAA enforcement program is a cooperative undertaking among individual member institutions, allied conferences and the enforcement staff, working together to improve the administration of intercollegiate athletics. If you believe that the enforcement staff acted contrary to the provisions of the enforcement procedures in Bylaw 19 during this investigation, please notify me immediately or raise the issue no later than in your response to the notice of allegations. Failure to do so could cause you to forfeit the opportunity to raise the issue at the hearing or on appeal.

Finally, on behalf of the enforcement staff and NCAA's leadership team, I again respectfully request that you, as the president of University of Louisiana at Lafayette, provide your full cooperation and assistance so that the final decision in this matter is based on complete and reliable information.

Sincerely,



Jonathan F. Duncan
Vice President of Enforcement

JFD:lef

Enclosures

cc: Mr. Karl D. Benson
Mr. Scott Farmer
Mr. Mike Glazier
Ms. Anita Hazelwood
Ms. Jessica Leger
NCAA Division I Committee on Infractions
Selected NCAA Staff Members

NOTICE OF ALLEGATIONS

to the

President of the University of Louisiana at Lafayette

A. Processing Level of Case.

Based on the information contained within the following allegations, the NCAA enforcement staff believes this case should be reviewed by a hearing panel of the NCAA Division I Committee on Infractions pursuant to procedures applicable to a severe breach of conduct (Level I violation).¹

B. Allegations.

1. [NCAA Division I Manual Bylaws 10.01.1, 10.1 and 10.1-(h) (2010-11 through 2012-13); 12.11.1 (2014-15); 14.1.2, 14.3.2.1 and 14.3.2.1.1 (2011-12 through 2013-14); 14.10.1 (2013-14); 14.11.1 (2011-12 and 2012-13); and 15.01.5 (2011-12 through 2013-14)]

It is alleged that in February 2011, June 2012 and June 2013, David Saunders (Saunders), then assistant football coach, violated the NCAA principles of ethical conduct when he failed to deport himself in accordance with the generally recognized high standards of honesty and sportsmanship normally associated with the conduct and administration of intercollegiate athletics when he engaged in fraudulence or misconduct in connection with the ACT exams of six then football prospective student-athletes. Specifically:

- a. Saunders arranged for then football prospective student-athlete [REDACTED] to take the [REDACTED] ACT at Wayne County High School (Wayne County) in Waynesboro, Mississippi, and also arranged for Ginny Crager (Crager), then ACT supervisor at Wayne County, to complete and/or alter [REDACTED] answer sheet in such a manner that he would receive a fraudulent score. [REDACTED] ACT score was used in his initial-eligibility certification, and as a result, he practiced, competed and [REDACTED] while ineligible during the [REDACTED] academic year and competed again while ineligible during the [REDACTED] academic year. [NCAA Bylaws 10.01.1, 10.1 and 10.1-(h) (2010-11); 14.1.2, 14.3.2.1 and 14.3.2.1.1 (2011-12); 14.11.1 (2011-12 and 2012-13); and 15.01.5 (2011-12)]

¹Pursuant to NCAA Bylaw 19.7.7.1 (2014-15), if violations from multiple levels are identified in the notice of allegations, the case shall be processed pursuant to procedures applicable to the most serious violation(s) alleged.

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- b. Saunders arranged for then football prospective student-athletes [REDACTED] and [REDACTED] to take the [REDACTED] ACT at Wayne County and also arranged for Crager to complete and/or alter their answer sheets in such a manner that they would receive fraudulent scores. [REDACTED] ACT score was used in his initial-eligibility certification, and as a result, he practiced, competed and [REDACTED] while ineligible during the [REDACTED] academic year and competed again while ineligible during the [REDACTED] academic year. [REDACTED] ACT score did not impact his initial-eligibility certification. [NCAA Bylaws 10.01.1, 10.1 and 10.1-(h) (2011-12); 14.1.2, 14.3.2.1 and 14.3.2.1.1 (2012-13); 14.10.1 (2013-14); and 14.11.1 and 15.01.5 (2012-13)]
- c. Saunders arranged for then football prospective student-athletes [REDACTED] and [REDACTED] to take the [REDACTED] ACT at Wayne County and also arranged for Crager to complete and/or alter their answer sheets in such a manner that they would receive fraudulent scores. [REDACTED] and [REDACTED] ACT scores were used in their eligibility certification, and as a result, [REDACTED] practiced, competed [REDACTED] while ineligible during the [REDACTED] academic year; and [REDACTED] practiced [REDACTED] ineligible during the [REDACTED] academic year and competed while ineligible during the [REDACTED] academic year. [REDACTED] ACT score did not impact his initial-eligibility certification. [NCAA Bylaws 10.01.1, 10.1 and 10.1-(h) (2012-13); 12.11.1 (2014-15); 14.1.2, 14.3.2.1 and 14.3.2.1.1 (2013-14); and 14.10.1 and 15.01.5 (2013-14)]

Level of Allegation No. 1:

The NCAA enforcement staff believes that a hearing panel of the NCAA Division I Committee on Infractions could determine that Allegation No. 1 is a severe breach of conduct (Level I) because the circumstances surrounding this allegation (1) seriously undermine the integrity of the NCAA Collegiate Model, (2) were intended to provide a substantial competitive advantage; as well as involve (3) academic misconduct, (4) individual unethical or dishonest conduct and (5) intentional violations or showing reckless indifference to the NCAA constitution and bylaws. [NCAA Bylaws 19.1.1, 19.1.1-(b), 19.1.1-(d) and 19.1.1-(h) (2014-15)]

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Factual Information (FI) on which the enforcement staff relies for Allegation No. 1:

- FI1: December 16, 2013 – Interview transcript of former football student-athlete [REDACTED]. This includes, but is not limited to [REDACTED] statements that Saunders engaged in misconduct with respect to the ACT exams of multiple football prospects he recruited to the institution, including [REDACTED] and two prospects who attended [REDACTED].
[REDACTED]_TR_121613_LaLafayette_00187)
- FI2: December 16, 2013 – Interview transcript of Saunders. This includes, but is not limited to, Saunders' statements that (1) he has informed prospects who have had difficulty finding an exam site with space available in their hometowns that Wayne County is a site that typically has space available near the date of the exam; (2) Wayne County is the only site he has informed prospects about during the past five years; and (3) he has known Crager since approximately 2005, and communicates with her regarding ACT dates and space availability at Wayne County.
(DSaunders_TR_121613_LaLafayette_00187)
- FI3: January 22, 2014 – Interview transcript of [REDACTED]. This includes, but is not limited to, [REDACTED] statements that (1) he grew up in [REDACTED]; (2) Saunders recruited him to the institution out of high school; (3) during his recruitment, he and his mother communicated regularly with Saunders regarding his NCAA initial-eligibility status; and (4) he took the [REDACTED] ACT at Wayne County because he missed the ACT that was administered at his high school the week prior.
[REDACTED]_TR_012214_LaLafayette_00187)
- FI4: January 23, 2014 – Interview transcript of [REDACTED]. This includes, but is not limited to, [REDACTED] statements that (1) he grew up in [REDACTED]; (2) Saunders recruited him to the institution out of high school; (3) he and [REDACTED] took the [REDACTED] ACT at Wayne County; and (4) [REDACTED] stepfather, directed him and [REDACTED] to select Wayne County as their exam site.
[REDACTED]_TR_012314_LaLafayette_00187)
- FI5: January 23, 2014 – Interview transcript of [REDACTED]. This includes, but is not limited to, [REDACTED] statements that (1) [REDACTED] told him Saunders arranged for him to take the ACT in Mississippi and assured him he would meet NCAA initial-eligibility requirements if he did so; (2) [REDACTED] told him he

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was skeptical as to how he received a qualifying ACT score and stated that Saunders came through for him; and (3) [REDACTED] told him that he and [REDACTED] took the ACT in Mississippi, and Saunders assured them they would meet NCAA initial-eligibility requirements.

[REDACTED] TR_012314_LaLafayette_00187)

FI6: January 23, 2014 – Interview transcript of [REDACTED] This includes, but is not limited to, [REDACTED] statements that (1) he grew up in [REDACTED] [REDACTED] (2) Saunders recruited him to the institution out of high school; (3) at [REDACTED] instruction, he took the [REDACTED] ACT at a Mississippi high school; (4) he guessed on approximately one-third of the exam questions; (5) he and [REDACTED] were surprised at their scores; (6) he believes someone altered his answer sheet; and (7) he saw a worker resembling Crager remove his answer sheet from his exam room shortly after the exam ended.

[REDACTED] TR_012314_LaLafayette_00187)

FI7: January 24, 2014 – Interview transcript of [REDACTED] This includes, but is not limited to, [REDACTED] statements that (1) he grew up and went to high school in [REDACTED]; (2) Saunders recruited him to the institution out of high school; (3) [REDACTED] father, instructed him to take th [REDACTED] ACT at a Mississippi high school; (4) he guessed on more than one-half of the exam questions; and (5) he was surprised at the score he received.

[REDACTED] TR_012414_LaLafayette_00187)

FI8: February 11, 2014 – Interview transcript of [REDACTED] This includes, but is not limited to, [REDACTED] statements that (1) he communicated with Saunders during [REDACTED] recruitment; (2) [REDACTED] took the [REDACTED] ACT in Waynesboro because he, [REDACTED] and [REDACTED] were planning to visit junior colleges in Mississippi and because [REDACTED] missed the deadline to register for the ACT in [REDACTED] (3) neither Saunders nor anyone from the institution told him to have [REDACTED] use Wayne County as an exam site; rather, he found Wayne County himself through online research; (4) he directed [REDACTED] to choose Wayne County as the exam site when he was registering online; (5) [REDACTED] invited [REDACTED] to accompany them on their trip to Mississippi; (6) [REDACTED] told [REDACTED] to select Wayne County as his exam site; and (7) they did not visit any junior colleges during their trip to Mississippi other than driving by Pearl River Community College.

[REDACTED] TR_021114_LaLafayette_00187)

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FI9: February 12, 2014 – Interview transcript of [REDACTED]. This includes, but is not limited to, [REDACTED] statements that (1) he drove from his home in [REDACTED] to the institution's campus to take [REDACTED] to Mississippi for the ACT, (2) he made the trip because Saunders told him that [REDACTED] needed to take the ACT in Mississippi, (3) Saunders directed him to take [REDACTED] to Wayne County for the ACT and gave him directions, and (4) he does not know how [REDACTED] registered for the exam.

[REDACTED] TR_021214_LaLafayette_00187)

FI10: February 19, 2014 – Interview summary of Crager. This includes, but is not limited to, Crager's statements that (1) she became the ACT supervisor at Wayne County in the 1990s and has not missed an ACT at Wayne County during that time; (2) ACT ships the exam materials to Wayne County over a week prior to the exam date; (3) the exam materials are stored at Wayne County until the day before the exam, when she takes possession of the exam materials; (4) she keeps the materials overnight at her residence before bringing the materials to Wayne County the next morning; (5) on exam day, she is usually at the registration table as the examinees arrive and oversees the room supervisors; (6) after the exam, the room supervisors collect their rooms' exam materials and provide them to her; (7) she is responsible for shipping the exam materials back to ACT after the exam; (8) she delivers the answer sheets to the post office on the day of the exam, shortly after it has ended, and ships the rest of the exam materials back to ACT the Monday after the exam; (9) the post office is closed at the time she delivers the answer sheets to the drop box; (10) she and the designated room supervisors are the only individuals who have access to the answer sheets after the exam; (11) she has communicated with Saunders regarding availability for students to take the ACT at Wayne County via standby testing; (12) she recalls two students from [REDACTED] taking the ACT at Wayne County; and (13) the students told her they chose Wayne County as their exam site because of Saunders.

(GCrager_IS_021914_LaLafayette_00187)

FI11: February 25, 2014 – Interview transcript of Saunders. This includes, but is not limited to, Saunders' statements that (1) he was the primary recruiter for [REDACTED] and [REDACTED] (2) he informed [REDACTED] and [REDACTED] that Wayne County was a site that typically had space available for standby testing; (3) [REDACTED] took [REDACTED] to Wayne County for the ACT; and (4) he is not aware of anything improper occurring with respect to [REDACTED] and/or [REDACTED] ACT exams.

(DSaunders_TR_022514_LaLafayette_00187)

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FI12: September 24, 2014 – Interview transcript of Kelly Beard (Beard), Wayne County ACT exam proctor and room supervisor. This includes, but is not limited to, Beard's statements that (1) she assisted Crager in administering the ACT at Wayne County for eight to 10 years; (2) Crager oversaw the administration of the ACT at Wayne County before being removed from the position by ACT in 2014 for suspected impropriety in connection with the exam; (3) she would receive the exam materials from Crager the morning of the exam and would return them to Crager after the exam; (4) she does not know when Crager shipped the exam materials back to ACT; and (5) in her opinion, it wouldn't be difficult at all for someone in Crager's position to alter an examinee's answer sheet after the exam because that individual is in sole custody of the materials and there is no additional oversight in place.

(KBeard_TR_092414_LaLafayette_00187)

FI13: September 24, 2014 – Interview transcript of Lindsey Blackledge (L. Blackledge) and Vivian Blackledge (V. Blackledge), Wayne County ACT exam proctor and room supervisors. This includes, but is not limited to, L. Blackledge's and V. Blackledge's statements that (1) they have assisted in administering the ACT at Wayne County since December 2005, (2) Crager oversees the ACT program at Wayne County and has done so since they have been involved, (3) the exam always concludes sometime after noon and (4) Crager is responsible for shipping the exam materials back to ACT.

(LVBlackledge_TR_092414_LaLafayette_00187)

FI14: September 25, 2014 – Interview transcript of Libby Ferguson (Ferguson), Wayne County ACT exam proctor and room supervisor. This includes, but is not limited to, Ferguson's statements that (1) she began assisting with the ACT at Wayne County around 2008 or 2009; (2) Crager oversaw the administration of the ACT at Wayne County until June 2014 when she was removed by ACT for suspected impropriety in connection with the exam; (3) Crager would provide her with the exam materials the day of the exam, and she would return them to Crager after the exam; (4) she does not know what Crager did with the exam materials after the exam nor does she know when Crager sent the materials back to ACT; and (5) in her opinion, it wouldn't be difficult at all for someone in Crager's position to alter a student's answer sheet after the exam.

(LFerguson_TR_092514_LaLafayette_00187)

FI15: December 2, 2014 – Interview transcript of [REDACTED] This includes, but is not limited to, [REDACTED] statements that (1) he grew up and went to high

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school in [REDACTED]; (2) Saunders recruited him to the institution out of high school; (3) he took the ACT twice, first at a [REDACTED] high school near his home and second at Wayne County; (4) Saunders communicated with [REDACTED], [REDACTED] family friend, during his recruitment; (5) [REDACTED] directed him to take the [REDACTED] ACT at Wayne County; and (6) [REDACTED] drove him to Wayne County for the ACT after their trip to the institution's campus for a visit.
([REDACTED] TR_120214_LaLafayette_00187)

FI16: December 9, 2014 – Interview transcript [REDACTED] This includes, but is not limited to, [REDACTED] statements that (1) Saunders recruited [REDACTED] to the institution out of high school; (2) he communicated with Saunders in arranging [REDACTED] campus visit in the summer [REDACTED]; (3) during the visit to campus, Saunders instructed him to take [REDACTED] to Wayne County for the ACT; (4) neither he nor [REDACTED] were aware at the time they left [REDACTED] for the institution's campus that [REDACTED] would be taking the ACT at Wayne County; and (6) he drove [REDACTED] to Wayne County for the ACT on their drive back to [REDACTED] after the campus visit.
([REDACTED] TR_120914_LaLafayette_00187)

FI17: February 12, 2015 – Interview transcript of [REDACTED] This includes, but is not limited to, [REDACTED] statements that (1) he attended [REDACTED] High School [REDACTED] in [REDACTED] (2) [REDACTED] former head football coach at [REDACTED] and current assistant football coach at [REDACTED]; (3) Tim Rebowe (Rebowe), former head football coach at Nicholls State and then assistant football coach, recruited him to the institution out of high school; (4) Saunders was not involved in his recruitment; (5) he took the ACT [REDACTED] times between February [REDACTED] and June [REDACTED] (6) the only ACT he took outside of [REDACTED] was the [REDACTED] ACT that he took at Wayne County; (7) [REDACTED] and Rebowe directed him to take the [REDACTED] ACT at Wayne County; (8) he did not study or prepare for the [REDACTED] ACT; (9) he did not register or pay for the [REDACTED] ACT; rather, he picked up his admissions ticket for the exam at [REDACTED] residence the night before the exam; (10) prior to leaving [REDACTED] residence for Wayne County, [REDACTED] told him to refrain from answering any exam questions to which he did not know the answer; (11) when he arrived at Wayne County the morning of the exam, he encountered Crager, who indicated that she was expecting him; (12) he failed to answer questions on each section of the exam, including approximately [REDACTED] to [REDACTED] questions on the science portion and

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approximately [REDACTED] questions on the English portion; and (13) he believes something fishy occurred to increase his exam score.

([REDACTED] TR_021215_LaLafayette_00187)

FI18: February 24, 2015 – Interview transcript of [REDACTED]. This includes, but is not limited to, [REDACTED] statements that (1) he was the head football coach at [REDACTED] from [REDACTED] and coached [REDACTED] [REDACTED] (2) part of his role as [REDACTED] head football coach was advising his players on the NCAA initial-eligibility process, and he did that for [REDACTED] (3) Rebowe recruited [REDACTED] on behalf of the institution and recruited [REDACTED] (4) he has spoken to Saunders once in his lifetime, which occurred in June 2013 when he, Saunders and Rebowe were on a conference call discussing where [REDACTED] could take the [REDACTED] ACT via standby; (5) during that call, Saunders indicated that he knew of a location in Mississippi where [REDACTED] could take the ACT via standby; (6) he provided [REDACTED] with directions to the testing site in Mississippi the day before the exam, which he had received from Saunders; (7) he did not instruct [REDACTED] to refrain from answering exam questions to which he did not know the answer; and (8) he is not aware of, nor does he have any reason to believe, anything improper occurred with respect to [REDACTED] ACT.

[REDACTED] R_022415_LaLafayette_00187)

FI19: February 24, 2015 – Interview transcript of Rebowe. This includes, but is not limited to, Rebowe's statements that (1) he recruited [REDACTED] area, including [REDACTED] for 12 years when he was an assistant coach at the institution; (2) he was responsible for informing football prospects and their families regarding the initial-eligibility process and the prospect's initial-eligibility status; (3) he has known [REDACTED] for approximately seven years and Saunders for approximately 20 years; (4) he has used Saunders' expertise in the past regarding the initial-eligibility process to help construct plans for academically at-risk prospects to follow to complete their initial-eligibility requirements; (5) he recruited [REDACTED] to the institution out of high school; (6) Saunders had no involvement in [REDACTED] recruitment until the issue of [REDACTED] ACT score being cancelled arose; (7) [REDACTED] ACT score was cancelled in the late spring or early summer of [REDACTED]; (8) the cancellation of [REDACTED] ACT score required him to retake the exam to meet initial-eligibility requirements; (9) upon learning of the cancellation in the late spring or early summer of [REDACTED], he went to Saunders for guidance on where [REDACTED] could take the [REDACTED] ACT via standby; (10) Saunders informed him of an ACT testing site in rural Mississippi where [REDACTED] could do so; (11) he put

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Saunders in contact with [REDACTED] at that time for them to work out the details of [REDACTED] taking the ACT in Mississippi; (12) this issue arose a couple days before [REDACTED] took the [REDACTED] ACT in Mississippi; and (13) he has no knowledge of anything improper occurring with respect to [REDACTED] ACT.

(TRebowe_TR_022415_LaLafayette_00187)

FI20: February 25, 2015 – Interview transcript of Reed Stringer (Stringer), assistant football coach and recruiting coordinator. This includes, but is not limited to, Stringer's statements that (1) Rebowe recruited [REDACTED] to the institution out of high school; (2) in the early part of the [REDACTED] spring semester, he learned that [REDACTED] ACT score had been cancelled, which he immediately communicated to Rebowe and the football staff; (3) the entire football staff knew that the cancellation of [REDACTED] ACT required him to [REDACTED] to meet NCAA initial-eligibility requirements; (4) [REDACTED] (5) [REDACTED] failed to register for the [REDACTED] ACT during the registration window, which he attributed to a failure by Rebowe; (6) as a result, he and Rebowe went to Saunders in [REDACTED] for guidance, and Saunders informed them that [REDACTED] could take the [REDACTED] ACT via standby; (7) he does not know what Rebowe and Saunders did in arranging for [REDACTED] to take the [REDACTED] ACT via standby, but Rebowe told him approximately two weeks before the exam date that [REDACTED] was registered; (8) at the time, he assumed [REDACTED] took the exam near his hometown of [REDACTED]; and (9) he has no knowledge of and/or involvement in anything improper occurring with respect to [REDACTED] ACT.

(RStringer_TR_022514_LaLafayette_00187)

FI21: Answer keys for the June 2012 (Form 70C) and June 2013 (Form 71C) ACT exams.

(ACTAnswerKeyJune2012Form70C_LaLafayette_00187;
ACTAnswerKeyJune2013Form71C_LaLafayette_00187)

FI22: April, 16, 2015 – Letter regarding the ACT history of the involved student-athletes.

(ACT_CO_ACTInformation_041615_LaLafayette_00187)

FI23: [REDACTED] high school transcript.

[REDACTED]_HSTranscript_LaLafayette_00187)

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- FI24: [REDACTED] NCAA Eligibility Center Academic Record report.
[REDACTED] ECAcademicRecordReport_LaLafayette_00187)
- FI25: [REDACTED] ACT answer sheet, test booklet and seating assignment.
[REDACTED] ACTAnswerSheet_LaLafayette_00187;
[REDACTED] ACTSeatingChart_LaLafayette_00187;
[REDACTED] ACTTestBooklet_LaLafayette_00187)
- FI26: Information regarding [REDACTED] and [REDACTED] ACT.
[REDACTED] ACTRoomInformation_LaLafayette_00187)
- FI27: June 18, 2014 – Letter regarding [REDACTED] CT history.
(ACT_CO [REDACTED] CTInformation_061814_LaLafayette_00187)
- FI28: September 3, 2014 – Letter regarding [REDACTED] ACT history.
(ACT_C [REDACTED] CTInformation_090314_LaLafayette_00187)
- FI29: September 16, 2014 – Letter regarding [REDACTED] ACT history.
(ACT_CO [REDACTED] CTInformation_091614_LaLafayette_00187)
- FI30: October 9, 2014 – Letter regarding [REDACTED] ACT history.
(ACT_CO [REDACTED] CTInformation_100914_LaLafayette_00187)
- FI31: November 3, 2014 – Letter regarding [REDACTED] ACT history.
(ACT_CO [REDACTED] CTInformation_110314_LaLafayette_00187)
- FI32: November 18, 2014 – Email regarding [REDACTED] ACT history.
(EC_CO [REDACTED] ACTInformation_111814_LaLafayette_00187)
- FI33: January 21, 2015 – Email regarding [REDACTED] ACT history.
([REDACTED] ACTInformation_012115_LaLafayette_00187)
- FI34: [REDACTED] high school transcript.
([REDACTED] _HSTranscript_LaLafayette_00187)
- FI35: [REDACTED] NCAA Eligibility Center Academic Record report.
([REDACTED] _ECAcademicRecordReport_LaLafayette_00187)

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- FI36: [REDACTED] ACT answer sheet.
[REDACTED] CTAnswerSheet_LaLafayette_00187)
- FI37: June 18, 2014 – Letter regarding [REDACTED] ACT history.
(ACT_CO [REDACTED] ACTInformation_061814_LaLafayette_00187)
- FI38: September 3, 2014 – Letter regarding [REDACTED] ACT history.
(ACT_CO [REDACTED] ACTInformation_090314_LaLafayette_00187)
- FI39: [REDACTED] high school transcript.
[REDACTED] _HSTranscript_LaLafayette_00187)
- FI40: [REDACTED] NCAA Eligibility Center Academic Record report.
[REDACTED] _ECAcademicRecordReport_LaLafayette_00187)
- FI41: Information regarding [REDACTED] ACT history.
[REDACTED] _ACTInformation_LaLafayette_00187)
- FI42: Information regarding [REDACTED] ACT history.
[REDACTED] _NotesReACT_071212_LaLafayette_00187)
- FI43: [REDACTED] ACT answer sheet.
[REDACTED] ACTAnswerSheet_LaLafayette_00187)
- FI44: Information regarding [REDACTED] and [REDACTED] CT history.
[REDACTED] ACTRoomInformation_LaLafayette_00187;
[REDACTED] ACTRoomInformation2_LaLafayette_00187)
- FI45: Information regarding [REDACTED] ACT history.
[REDACTED] ACTRoomInformation_LaLafayette_00187)
- FI46: June 11, 2012 – Memo regarding information Saunders reported to the institution in the summer of 2012 regarding [REDACTED] ACT history.
[REDACTED] _MemoReACT_061112_LaLafayette_00187)
- FI47: June 18, 2014 – Letter regarding [REDACTED] ACT history.
(ACT_CO [REDACTED] CTInformation_061814_LaLafayette_00187)
- FI48: August 26, 2014 – Letter regarding [REDACTED] ACT history.
(ACT_C [REDACTED] CTInformation_082614_LaLafayette_00187)

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- FI49: August 27, 2014 – Email regarding [REDACTED] ACT history.
(KSkillman_C [REDACTED] CTInformation_082714_LaLafayette_00187)
- FI50: August 28, 2014 – Email regarding [REDACTED] ACT history.
(KSkillman_CO [REDACTED] CTInformation_082814_LaLafayette_00187)
- FI51: September 2, 2014 – Email regarding [REDACTED] ACT history.
(KSkillman_CO [REDACTED] CTInformation_090214_LaLafayette_00187)
- FI52: September 22, 2014 – Letter regarding [REDACTED] CT history.
(ACT_CO [REDACTED] CTInformation_092214_LaLafayette_00187)
- FI53: [REDACTED] practice, competition and athletically related financial aid history at the institution.
([REDACTED] PracticeCompetitionAidHistory_LaLafayette_00187;
[REDACTED]_CompetitionAidHistory_LaLafayette_00187)
- FI54: [REDACTED] ACT answer sheet.
[REDACTED] CTAnswerSheet_LaLafayette_00187)
- FI55: Information regarding [REDACTED] ACT.
([REDACTED] ACTRoomInformation_LaLafayette_00187)
- FI56: September 16, 2014 – Letter regarding [REDACTED] ACT history.
(KSkillman_CO [REDACTED] ACTInformation_112114_LaLafayette_00187;
ACT_CO [REDACTED] ACTInformation_091614_LaLafayette_00187)
- FI57: October 9, 2014 – Letter regarding [REDACTED] ACT history.
(ACT_CO [REDACTED] ACTInformation_100914_LaLafayette_00187)
- FI58: October 23, 2014 – Letter regarding [REDACTED] ACT history.
(ACT_CO [REDACTED] ACTInformation_102314_LaLafayette_00187)
- FI59: November 24, 2014 – Letter regarding [REDACTED] ACT history.
(ACT_CO [REDACTED] ACTInformation_112414_LaLafayette_00187)
- FI60: [REDACTED] high school transcript.
[REDACTED] HSTranscript_LaLafayette_00187)
- FI61: [REDACTED] NCAA Eligibility Center Academic Record report.
[REDACTED] ECAcademicRecordReport_LaLafayette_00187)

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- FI62: [REDACTED] ACT answer sheet, test booklet and seating assignment.
[REDACTED] CTAnswerSheet_LaLafayette_00187;
[REDACTED] ACTTestBooklet_LaLafayette_00187;
[REDACTED] ACTSeatingChart_LaLafayette_00187)
- FI63: Information regarding [REDACTED] ACT.
[REDACTED] ACTOptionSheet_120314_LaLafayette_00187)
- FI64: June 18, 2014 – Letter regarding [REDACTED] CT history.
(ACT_CO [REDACTED] ACTInformation_061814_LaLafayette_00187)
- FI65: September 3, 2014 – Letter regarding [REDACTED] ACT history.
(ACT_CO [REDACTED] ACTInformation_090314_LaLafayette_00187)
- FI66: September 16, 2014 – Letter regarding [REDACTED] ACT history.
(KSkillman_CO [REDACTED] ACTInformation_012315_LaLafayette_00187;
ACT_CO [REDACTED] ACTInformation_091614_LaLafayette_00187)
- FI67: October 9, 2014 – Letter regarding [REDACTED] ACT history.
(ACT_CO [REDACTED] ACTInformation_100914_LaLafayette_00187)
- FI68: October 23, 2014 – Letter regarding [REDACTED] ACT history.
(ACT_CO [REDACTED] ACTInformation_102314_LaLafayette_00187)
- FI69: November 20, 2014 – Letter regarding [REDACTED] ACT history.
(ACT_C [REDACTED] ACTInformation_112014_LaLafayette_00187)
- FI70: November 26, 2014 – Letter regarding [REDACTED] ACT history.
(ACT_CO [REDACTED] ACTInformation_112614_LaLafayette_00187)
- FI71: December 17, 2014 – Letter regarding [REDACTED] ACT history.
(ACT_CO [REDACTED] ACTInformation_121714_LaLafayette_00187)
- FI72: February 9, 2015 – Letter regarding [REDACTED] ACT history.
(ACT_C [REDACTED] ACTInformation_020915_LaLafayette_00187)
- FI73: February 27, 2015 – Letter regarding [REDACTED] ACT history.
(ACT_CO [REDACTED] ACTInformation_022715_LaLafayette_00187)
- FI74: [REDACTED] practice, competition and athletically related financial aid history at the institution.

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- ([REDACTED] PracticeCompetitionAidHistory_LaLafayette_00187;
[REDACTED] CompetitionAidHistory_LaLafayette_00187)
- FI75: [REDACTED] high school transcript.
([REDACTED] HSTranscript_LaLafayette_00187)
- FI76: [REDACTED] NCAA Eligibility Center Academic Record report.
([REDACTED] ECAcademicRecordReport_LaLafayette_00187)
- FI77: Information regarding [REDACTED] ACT.
([REDACTED] ACTOptionSheet_031213_LaLafayette_00187)
- FI78: [REDACTED] ACT answer sheet, test booklet and seating assignment.
([REDACTED] CTAnswerSheet_LaLafayette_00187;
[REDACTED] ACTTestBooklet_LaLafayette_00187;
[REDACTED] ACTSeatingChart_LaLafayette_00187)
- FI79: January 25, 2013 – Letter regarding [REDACTED] CT history.
(ACT_CO [REDACTED] ACTInformation_012513_LaLafayette_00187)
- FI80: February 19, 2013 – Letter regarding [REDACTED] ACT history.
(ACT_CO [REDACTED] ACTInformation_021913_LaLafayette_00187)
- FI81: March 5, 2013 – Letter regarding [REDACTED] ACT history.
(ACT_CO [REDACTED] ACTInformation_030513_LaLafayette_00187)
- FI82: March 28, 2013 – Letter regarding [REDACTED] CT history.
(ACT_CO [REDACTED] ACTInformation_032813_LaLafayette_00187)
- FI83: April 11, 2013 – Letter regarding [REDACTED] CT history.
(ACT_CO [REDACTED] ACTInformation_041113_LaLafayette_00187)
- FI84: May 2, 2013 – Letter regarding [REDACTED] ACT history.
(ACT_CO [REDACTED] ACTInformation_050213_LaLafayette_00187)
- FI85: September 16, 2014 – Letter regarding [REDACTED] ACT history.
(ACT_CO [REDACTED] ACTInformation_091614_LaLafayette_00187)
- FI86: October 9, 2014 – Letter regarding [REDACTED] ACT history.
(ACT_CO [REDACTED] ACTInformation_100914_LaLafayette_00187)

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- FI87: October 23, 2014 – Letter regarding [REDACTED] ACT history.
(ACT_CO [REDACTED] ACTInformation_102314_LaLafayette_00187)
- FI88: December 18, 2014 – Letter regarding [REDACTED] ACT history.
(ACT_CO [REDACTED] ACTInformation_121814_LaLafayette_00187)
- FI89: December 19, 2014 – Letter regarding [REDACTED] ACT history.
(ACT_CO [REDACTED] ACTInformation_121914_LaLafayette_00187)
- FI90: January 6, 2015 – Email regarding [REDACTED] ACT history.
(KSkillman_CO [REDACTED] ACTInformation_010615_LaLafayette_00187)
- FI91: January 16, 2015 – Email regarding [REDACTED] CT history.
(KSkillman_CO [REDACTED] ACTInformation_011615_LaLafayette_00187)
- FI92: February 12, 2015 – Email containing a photograph exhibit used during [REDACTED] February 12, 2015, interview.
(KSkillman_CO [REDACTED] Exhibit_021215_LaLafayette_00187)
- FI93: July 17, 2014 – Email regarding the ACT and athletics grant-in-aid history for [REDACTED] and [REDACTED].
(KSkillman_CO_ACTGIAGPAInfo_071714_LaLafayette_00187)
- FI94: August 4, 2014 – Email regarding the dates the involved student-athletes took the ACT.
(ACT_CO_ConfirmingExamDates_080414_LaLafayette_00187)
- FI95: August 12, 2014 – Email regarding summer athletics aid received by [REDACTED] and [REDACTED].
(KSkillman_CO_SummerAidInformation_081214_LaLafayette_00187)
- FI96: Report prepared by the NCAA titled Identifying Unusual Changes in ACT and SAT Scores.
(ACTSATScoreResearch_August2014_LaLafayette_00187)
- FI97: Saunders' phone call and text message records from March 12 through July 8, 2013.
(DSaunders_PhoneAndTextRecords_6015025359_031213-070813_022714_LaLafayette_00187)

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FI98: Chart of Saunders' phone call and text messages from March 12 through July 8, 2013.

(DSaunders_CallTextChartSummer2013_LaLafayette_00187)

FI99: Saunders' phone call and text message records from August 1, 2013, through January 31, 2014.

(DSaunders_PhoneRecords_6015025359_080113-

013114_021714_LaLafayette_00187;

(DSaunders_TextRecords_6015025359_080113-

013114_021714_LaLafayette_00187)

The enforcement staff incorporates the factual information referenced throughout this document and all other documents posted on the secure website.

Specific to Allegation No. 1:

- a. Please indicate whether the information contained within this allegation is substantially correct and whether the institution and the involved parties identified in this allegation believe that violations of NCAA legislation occurred. Submit materials to support your response.
 - b. If the institution and the involved parties believe that NCAA violations occurred, please indicate whether there is substantial agreement on the level of the violation. Submit materials to support your response.
 - c. Please indicate whether the factual information is substantially correct and whether the institution has additional pertinent information and/or facts. Submit facts in support of your response.
2. [NCAA Division I Manual Bylaws 10.01.1, 10.1 and 10.1-(c) (2011-12 and 2012-13); 13.2.1, 13.2.1.1-(e) and 13.15.1 (2011-12); 14.11.1, 16.01.1, 16.11.2.1 and 16.11.2.3 (2012-13)]

It is alleged that between the spring and summer of 2012, David Saunders (Saunders), then assistant football coach, violated the NCAA principles of ethical conduct when he failed to deport himself in accordance with the generally recognized high standards of honesty and sportsmanship normally associated with the conduct and administration of intercollegiate athletics when he knowingly provided then football prospective student-athlete [REDACTED] with improper recruiting inducements in the form of cash payments to fund [REDACTED] living and educational expenses while he was enrolled at a two-year institution.

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Additionally, during the fall of [REDACTED] Saunders knowingly provided [REDACTED] then football student-athlete at the institution, with improper financial aid and extra benefits in the form of a cash payment to fund [REDACTED] living expenses while he was enrolled as a [REDACTED] student-athlete at the institution. Specifically:

- a. During the spring and summer of 2012, Saunders gave [REDACTED] multiple cash payments totaling approximately \$5,000 to pay [REDACTED] living and educational expenses while he was enrolled at [REDACTED] [NCAA Bylaws 10.01.1, 10.1, 10.1-(c), 13.2.1 and 13.2.1.1-(e) (2011-12)]
- b. During the fall of [REDACTED] Saunders gave [REDACTED] a cash payment of approximately \$1,500 to pay an installment of [REDACTED] housing expenses at the institution. [NCAA Bylaws 10.01.1, 10.1, 10.1-(c), 16.01.1, 16.11.2.1 and 16.11.2.3 (2012-13)]

Subsequently, [REDACTED] competed while ineligible during the [REDACTED] academic year. [NCAA Bylaw 14.11.1 (2012-13)]

Level of Allegation No. 2:

The NCAA enforcement staff believes the NCAA Division I Committee on Infractions could determine that Allegation No. 2 is a severe breach of conduct (Level I) because the circumstances surrounding this allegation: (1) seriously undermine the integrity of the NCAA Collegiate Model; (2) were intended to, and did, provide a substantial recruiting and competitive advantage, as well as a substantial impermissible benefit; and involve (3) individual unethical or dishonest conduct; (4) cash payments provided by a coach intended to secure, and which resulted in, the enrollment of a prospect; and (5) intentional violations or showing reckless indifference to the NCAA constitution and bylaws. [NCAA Bylaws 19.1.1, 19.1.1-(d), 19.1.1-(f) and 19.1.1-(h) (2014-15)]

Factual Information (FI) on which the enforcement staff relies for Allegation No. 2:

FI100: January 23, 2014 – Interview transcript of [REDACTED] This includes but is not limited to [REDACTED] statements that: (1) during the spring and summer of [REDACTED], Saunders gave him multiple cash payments totaling approximately \$5,000 to pay his tuition and living expenses while he was enrolled at [REDACTED]; and (2) during the fall of [REDACTED], Saunders gave him a single cash payment of approximately \$1,500 to pay an installment of his housing bill at the institution.

[REDACTED] TR_012314_LaLafayette_00187)

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FI101: February 25, 2014 – Interview transcript of Saunders. This includes but is not limited to, Saunders' statements that: (1) he recruited [REDACTED] to the institution; (2) [REDACTED] enrolled in courses at [REDACTED] beginning in the spring semester [REDACTED]; and (3) [REDACTED]

Additionally, Saunders stated: (1) he does not know how [REDACTED] paid his living and educational expenses while enrolled at [REDACTED] and (2) he never gave [REDACTED] cash for any reason whatsoever.

(DSaunders_TR_022514_LaLafayette_00187)

FI102: [REDACTED] student account records from January through September [REDACTED] showing multiple cash payments toward his living and educational expenses while enrolled at [REDACTED] and the institution.
([REDACTED] StudentAccountReceipts_020614_LaLafayette_00187;
Item1_ [REDACTED] StudentAccountInfo_020614_LaLafayette_00187)

The enforcement staff incorporates the factual information referenced throughout this document and all other documents posted on the secure website.

Specific to Allegation No. 2:

- a. Please indicate whether the information contained within this allegation is substantially correct and whether the institution and the involved parties identified in this allegation believe that violations of NCAA legislation occurred. Submit materials to support your response.
 - b. If the institution and the involved parties believe that NCAA violations occurred, please indicate whether there is substantial agreement on the level of the violation. Submit materials to support your response.
 - c. Please indicate whether the factual information is substantially correct and whether the institution has additional pertinent information and/or facts. Submit facts in support of your response.
3. [NCAA Division I Manual Bylaws 10.01.1, 10.1 and 10.1-(d) (2013-14)]

It is alleged that on February 25, 2014, David Saunders (Saunders), then assistant football coach, acted contrary to the NCAA principles of ethical conduct when he failed to deport himself in accordance with the generally recognized high

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standards of honesty and sportsmanship normally associated with the conduct and administration of intercollegiate athletics when he knowingly provided false or misleading information to the institution and NCAA enforcement staff regarding his knowledge of and/or involvement in violations of NCAA legislation. Specifically:

- a. Saunders denied arranging for the six then football prospective student-athletes referenced in Allegation No. 1 to take the ACT exam at Wayne County High School (Wayne County) in Waynesboro, Mississippi. However, the factual support for Allegation No. 1 shows Saunders arranged for the six then prospects to take the ACT at Wayne County in order to engage in fraudulence or misconduct in connection with their exams. [NCAA Bylaws 10.01.1, 10.1 and 10.1-(d) (2013-14)]
- b. Saunders denied engaging in fraudulence or misconduct in connection with the ACTs for the six then football prospects referenced in Allegation No. 1. However, the factual support for Allegation No. 1 shows Saunders arranged for the then ACT supervisor at Wayne County to complete and/or alter the prospects' answer sheets in such a manner that they would receive fraudulent scores. [NCAA Bylaws 10.01.1, 10.1 and 10.1-(d) (2013-14)]
- c. Saunders denied providing a then football prospect who subsequently enrolled at the institution with cash payments at any point between the spring and fall █████ semesters, as detailed in Allegation No. 2. However, the factual support for Allegation No. 2 shows Saunders knowingly provided the student-athlete with multiple cash payments to assist him with paying his living and educational expenses. [NCAA Bylaws 10.01.1, 10.1 and 10.1-(d) (2013-14)]

Level of Allegation No. 3:

The enforcement staff believes the NCAA Division I Committee on Infractions could determine that Allegation No. 3 is a severe breach of conduct (Level I) because the circumstances surrounding this allegation: (1) seriously undermine the integrity of the NCAA Collegiate Model; and (2) involve individual unethical or dishonest conduct. [NCAA Bylaws 19.1.1 and 19.1.1-(d) (2014-15)]

Factual Information (FI) on which the enforcement staff relies for Allegation No. 3:

The enforcement staff incorporates the factual information referenced throughout this document and all other documents posted on the secure website.

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Specific to Allegation No. 3:

- a. Please indicate whether the information contained within this allegation is substantially correct and whether the institution and the involved parties identified in this allegation believe that violations of NCAA legislation occurred. Submit materials to support your response.
 - b. If the institution and the involved parties believe that NCAA violations occurred, please indicate whether there is substantial agreement on the level of the violation. Submit materials to support your response.
 - c. Please indicate whether the factual information is substantially correct and whether the institution has additional pertinent information and/or facts. Submit facts in support of your response.
4. [NCAA Division I Manual Bylaws 10.01.1, 10.1, 10.1-(a), 19.2.3 and 19.2.3.2 (2014-15)]

It is alleged that in February 2015, David Saunders (Saunders), former assistant football coach, violated the NCAA principles of ethical conduct when he failed to deport himself in accordance with the generally recognized high standards of honesty and sportsmanship normally associated with the conduct and administration of intercollegiate athletics when he refused to furnish information that was relevant to an investigation of possible violations of NCAA legislation when requested to do so by the NCAA enforcement staff. Saunders participated in two interviews with the enforcement staff and institution on December 16, 2013, and February 25, 2014, as well as provided requested documents. However, Saunders declined the enforcement staff's request for a third interview to discuss his knowledge of and/or involvement in violations of NCAA legislation, including violations that were not discussed during his first and second interviews, as well as declined a records request. Saunders' refusal to furnish this information also constituted a violation of the NCAA cooperative principle. Specifically:

- a. On January 30, 2015, the enforcement staff requested an interview with Saunders as well as his cellular telephone records from August 1, 2014, through January 30, 2015. On February 4, 2015, Saunders, through his personal legal counsel, declined the request. [NCAA Bylaws 10.01.1, 10.1, 10.1-(a), 19.2.3 and 19.2.3.2 (2014-15)]

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- b. On February 5, 2015, the enforcement staff renewed its request for an interview with Saunders, noting the subject matter for the interview would include his knowledge of and/or involvement in violations of NCAA legislation that were not discussed during his first and second interviews, as well as his cellular telephone records from August 1, 2014, through January 30, 2015. On February 13, 2015, Saunders, through his personal legal counsel, declined the request. [NCAA Bylaws 10.01.1, 10.1, 10.1-(a), 19.2.3 and 19.2.3.2 (2014-15)]

Level of Allegation No. 4:

The enforcement staff believes the NCAA Division I Committee on Infractions could determine that Allegation No. 4 is a severe breach of conduct (Level I) because the circumstances surrounding this allegation: (1) seriously undermine the integrity of the NCAA Collegiate Model; and involve (2) a failure to cooperate in an NCAA enforcement investigation; and (3) individual unethical conduct. [NCAA Bylaws 19.1.1, 19.1.1-(c) and 19.1.1-(d) (2014-15)]

Factual Information (FI) on which the enforcement staff relies for Allegation No. 4:

- FI103: January 30, 2015 – Email from the enforcement staff to Saunders' personal legal counsel requesting: (1) an interview with Saunders; and (2) Saunders' cellular telephone records from August 1, 2014, through January 30, 2015.
(MSheridan_CO_DSaundersInterviewRequest_013015_LaLafayette_00187)
- FI104: February 4, 2015 – Email from the enforcement staff to Saunders' personal legal counsel regarding its January 30 request.
(MSheridan_CO_DSaundersInterviewRequestDeadlinePassed_020415_LaLafayette_00187)
- FI105: February 4, 2015 – Letter from Saunders' personal legal counsel in which he states Saunders declined the enforcement staff's January 30 request.
(RPhillips_CO_ResponseToSaundersInterviewRequest(EmailDelivery)_020415_LaLafayette_00187;
RPhillips_CO_ResponseToSaundersInterviewRequest(USMailDelivery)_020415_LaLafayette_00187)
- FI106: February 5, 2015 – Email from the enforcement staff to Saunders' personal legal counsel renewing its requests for: (1) an interview with Saunders;

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and (2) Saunders' cellular telephone records from August 1, 2014, through January 30, 2015.

(MSheridan_CO_DSaundersInterviewRequestRenewed_020515_LaLafayette_00187)

FI107: February 5, 2015 – Email from Saunders' personal legal counsel in which he states Saunders will reply to the enforcement staff's February 5 request by February 13, 2015.

(RPhillips_CO_ResponseToRenewedSaundersInterviewRequest_020515_LaLafayette_00187)

FI108: February 13, 2015 – Letter from Saunders' personal legal counsel in which he states Saunders declined the enforcement staff's February 5 request.

(RPhillips_CO_ResponseToSaundersInterviewRequest(EmailDelivery)_021315_LaLafayette_00187;

RPhillips_CO_ResponseToSaundersInterviewRequest(USMailDelivery)_021315_LaLafayette_00187)

The enforcement staff incorporates the factual information referenced throughout this document and all other documents posted on the secure website.

Specific to Allegation No. 4:

- a. Please indicate whether the information contained within this allegation is substantially correct and whether the institution and the involved individuals identified in this allegation believe that violations of NCAA legislation occurred. Submit materials to support your response.
- b. If the institution and the involved individuals believe that NCAA violations occurred, please indicate whether there is substantial agreement on the level of the violation. Submit materials to support your response.
- c. Please indicate whether the factual information is substantially correct and whether the institution has additional pertinent information and/or facts. Submit facts in support of your response.

C. Potential Aggravating and Mitigating Factors.

Pursuant to NCAA Bylaw 19.7.1, the NCAA enforcement staff has identified the following potential aggravating and mitigating factors that the hearing panel of the NCAA Division I Committee on Infractions may consider.

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1. Institution:

a. Aggravating factors. [NCAA Bylaw 19.9.3 (2014-15)]

- (1) Multiple Level I violations by the institution or involved individuals. [NCAA Bylaw 19.9.3-(a) (2014-15)]

The violations detailed in Allegation Nos. 1 and 2 have been identified by the enforcement staff to be Level I violations in which David Saunders (Saunders), then assistant football coach, had direct knowledge and involvement. While Saunders committed these violations independently, he did so while acting in his capacity as an institutional staff member. Therefore, the enforcement staff has identified this as a potential aggravating factor that may be attributed to the institution.

- (2) One or more violations caused significant ineligibility or other substantial harm to a student-athlete or prospective student-athlete. [NCAA Bylaw 19.9.3-(i) (2014-15)]

The violations detailed in Allegation No. 1 resulted in six then football prospects, who subsequently enrolled at the institution, receiving fraudulent ACT scores. These fraudulent scores impacted the initial-eligibility certification of four of the six prospects (changing them from qualifiers to nonqualifiers), which impacted their eligibility to practice, compete and receive athletically related financial aid. While Saunders committed these violations independently, he did so while acting in his capacity as an institutional staff member. Therefore, the enforcement staff has identified this as a potential aggravating factor that may be attributed to the institution.

b. Mitigating factors. [NCAA Bylaw 19.9.4 (2014-15)]

- (1) Prompt acknowledgement of the violation, acceptance of responsibility and imposition of meaningful corrective measures and/or penalties. [NCAA Bylaw 19.9.4-(b) (2014-15)]

The institution promptly acknowledged the violations detailed in Allegation No. 1 and accepted responsibility for them. The institution submits the following as its self-imposed penalties/corrective actions through May 1, 2015:

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- Suspended assistant football coach Saunders from all off-campus recruiting activities (imposed May 2014);
- Terminated Saunders' employment (November 2, 2014);
- Prohibited football staff from recruiting [REDACTED] during the 2014 fall semester;
- Reduced the number of evaluation days from 42 to 30 for the fall of 2014;
- Reduced the number of official visits by six for the fall of 2014; and
- Withheld football student-athletes [REDACTED]

Therefore, the enforcement staff has identified this as a potential mitigating factor.

- (2) Affirmative steps to expedite final resolution of the matter. [NCAA Bylaw 19.9.4-(c) (2014-15)]

The institution was actively engaged throughout the investigation in this case and provided the enforcement staff with valuable assistance to expedite its final resolution, including arranging interviews, and requesting and providing documentation. Therefore, the enforcement staff has identified this as a potential mitigating factor.

- (3) An established history of self-reporting Level III or secondary violations. [NCAA Bylaw 19.9.4-(d) (2014-15)]

From the 2011-12 through 2014-15 academic years, the institution self-reported 24 secondary/Level III violations. Therefore, the enforcement staff has identified this as a potential mitigating factor.

2. Involved Party [Saunders]:

- a. Aggravating factors. [NCAA Bylaw 19.9.3 (2014-15)]

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- (1) Multiple Level I violations by the institution or involved individuals. [NCAA Bylaw 19.9.3-(a) (2013-14)]

The violations referenced in Allegation Nos. 1 through 4 have been identified by the enforcement staff to be Level I violations in which Saunders had direct knowledge and/or involvement. Therefore, the enforcement staff has identified this as a potential aggravating factor.

- (2) Unethical conduct, failing to cooperate during an investigation and refusing to provide all relevant or requested information. [NCAA Bylaw 19.9.3-(e) (2014-15)]

As detailed in Allegation Nos. 1 through 4 Saunders violated the NCAA principles of ethical conduct when he (1) engaged in fraudulence or misconduct in connection with the ACT exams of six then football prospects; (2) knowingly provided multiple impermissible cash payments to a then prospect, as well as provided a cash payment to the prospect after he enrolled at the institution; (3) knowingly provided the institution and enforcement staff with false or misleading information regarding his knowledge of and/or involvement in ACT exam fraud and providing impermissible cash payments; and (4) refused to furnish information that was relevant to an investigation of possible violations of NCAA legislation. Additionally, Saunders' refusal to furnish information that was relevant to an investigation of possible violations of NCAA legislation constituted a violation of the NCAA cooperative principle. Therefore, the enforcement staff has identified this as a potential aggravating factor.

- (3) Violations were premeditated, deliberate or committed after substantial planning. [NCAA Bylaw 19.9.3-(f) (2014-15)]

The violations detailed in Allegation No. 1 show that Saunders executed a complex plan for six then football prospects to take the ACT exam at a testing site located a considerable distance from their hometown, as well as arranged for the ACT supervisor at the site to complete and/or alter the prospects' answer sheets in such a manner that they would receive fraudulent scores. Saunders' actions show premeditation, deliberation and/or substantial planning. Therefore, the enforcement staff has identified this as a potential aggravating factor.

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- (4) One or more violations caused significant ineligibility or other substantial harm to a student-athlete or prospective student-athlete. [NCAA Bylaw 19.9.3-(i) (2014-15)]

The violations detailed in Allegation No. 1 resulted in six then football prospects who subsequently enrolled at the institution receiving fraudulent ACT scores. The fraudulent scores impacted the initial-eligibility certification of four of the six then prospects (changing them from qualifiers to nonqualifiers), which impacted their eligibility to practice, compete and receive athletically related financial aid. Therefore, the enforcement staff has identified this as a potential aggravating factor.

- (5) Intentional, willful or blatant disregard for the NCAA constitution and bylaws. [NCAA Bylaw 19.9.3-(m) (2014-15)]

The violations detailed in Allegation Nos. 1 and 2 strike at the core of the NCAA collegiate model and Saunders' actions constitutes an intentional, willful or blatant disregard for the NCAA constitution and bylaws. Therefore, the enforcement staff has identified this as a potential aggravating factor.

- b. Mitigating factor(s). [NCAA Bylaw 19.9.4 (2014-15)]

The enforcement staff has not identified any mitigating factors applicable to Saunders.

D. Request for Supplemental Information:

1. Provide mailing and email addresses for all necessary parties to receive communications from the hearing panel of the NCAA Division I Committee on Infractions related to this matter.
2. Indicate how the violations were discovered.
3. Provide a detailed description of any corrective or punitive actions implemented by the institution as a result of the violations acknowledged in this inquiry. In that regard, explain the reasons the institution believes these actions to be appropriate and identify the violations on which the actions were based. Additionally, indicate the date that any corrective or punitive actions were implemented.

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4. Provide a detailed description of all disciplinary actions taken against any current or former athletics department staff members as a result of violations acknowledged in this inquiry. In that regard, explain the reasons the institution believes these actions to be appropriate and identify the violations on which the actions were based. Additionally, indicate the date that any disciplinary actions were taken and submit copies of all correspondence from the institution to each individual describing these disciplinary actions.
5. Provide a short summary of every past Level I, Level II or major infractions case involving the institution or individuals named in this notice. In this summary, provide the date of the infractions report(s), a description of the violations found by the Committee on Infractions/hearing panel, the individuals involved, and the penalties and corrective actions. Additionally, provide a copy of any major infractions reports involving the institution or individuals named in this notice that were issued by the Committee on Infractions/hearing panel within the last 10 years.
6. Provide a chart depicting the institution's reporting history of Level III and secondary violations for the past five years. In this chart, please indicate for each academic year the number of total Level III and secondary violations reported involving the institution or individuals named in this notice. Also include the applicable bylaws for each violation, and then indicate the number of Level III and secondary violations involving just the sports team(s) named in this notice for the same five-year time period.
7. Provide the institution's overall conference affiliation, as well as the total enrollment on campus and the number of men's and women's sports sponsored.
8. Provide a statement describing the general organization and structure of the institution's intercollegiate athletics department, including the identities of those individuals in the athletics department who were responsible for the supervision of all sport programs during the previous four years.
9. State when the institution has conducted systematic reviews of NCAA and institutional regulations for its athletics department employees. Also, identify the agencies, individuals or committees responsible for these reviews and describe their responsibilities and functions.
10. Provide the following information concerning the sports program(s) identified in this inquiry:

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- The average number of initial and total grants-in-aid awarded during the past four academic years.
- The number of initial and total grants-in-aid in effect for the current academic year (or upcoming academic year if the regular academic year is not in session) and the number anticipated for the following academic year.
- The average number of official paid visits provided by the institution to prospective student-athletes during the past four years.
- Copies of the institution's squad lists for the past four academic years.
- Copies of the institution's media guides, either in hard copy or through electronic links, for the past four academic years.
- A statement indicating whether the provisions of NCAA Bylaws 31.2.2.3 and 31.2.2.4 apply to the institution as a result of the involvement of student-athletes in violations noted in this inquiry.
- A statement indicating whether the provisions of Bylaw 19.9.7-(g) apply to the institution as a result of the involvement of student-athletes in violations noted in this inquiry.

Any additional information or comments regarding this case are welcome.